

**Supplement 18-1 to the  
Arizona Administrative Code**

The official compilation of Arizona Rules

**Arizona Secretary of State's Office**

Administrative Rules Division

1700 W. Washington Street, FI 7.

Phoenix, AZ 85007

For rules filed in the first quarter between

January 1 - March 31, 2018

-

Dear Subscriber:

Enclosed is Arizona Administrative Code supplement 18-1. Supplement updates are printed by full chapter. Rules updated in this supplement were filed in the first quarter between January 1 - March 31, 2018.

This supplement contains all rules made, amended, repealed, renumbered, and recodified; or rules that have expired or were terminated due to an agency being eliminated under sunset law.

These rules were either certified by the Governor's Regulatory Review Council or the Attorney General's Office; or exempt from the rulemaking process, and filed with the Office of the Secretary of State.

Refer to the checklists at the beginning of the Titles to replace the Chapters. All superseded material should be retained in a separate binder for reference.

As you are aware we are behind in the printing of our Administrative Code supplements and again ask for your patience as we process orders. The Code is current online at [www.azsos.gov](http://www.azsos.gov).

This supplement contains the following chapters:

Arizona Criminal Justice Commission, 10 A.A.C. 04  
Arizona Health Care Cost Containment System - Administration, 09 A.A.C. 22  
Arizona Health Care Cost Containment System - Arizona Long-term Care System, 09 A.A.C. 28  
Arizona Medical Board, 04 A.A.C. 16  
Arizona Racing Commission, 19 A.A.C. 02  
Arizona State Parks Board, 12 A.A.C. 08  
Department of Administration, 02 A.A.C. 01  
Department of Health Services - Children's Rehabilitative Services (Changing to Radiation Control), 09 A.A.C. 07  
Department of Health Services - Communicable Diseases and Infestations, 09 A.A.C. 06  
Department of Health Services - Emergency Medical Services, 09 A.A.C. 25  
Department of Health Services - Food, Recreational and Institutional Sanitation, 09 A.A.C. 08  
Department of Health Services - Food, Recreational, and Institutional Sanitation, 09 A.A.C. 08  
Department of Health Services - Health Care Institutions: Licensing, 09 A.A.C. 10  
Department of Health Services - Noncommunicable Diseases, 09 A.A.C. 04  
Department of Revenue - Luxury Tax Section, 15 A.A.C. 03  
Department of Revenue - Transaction Privilege and Use Tax Section, 15 A.A.C. 05  
Department of Transportation - Administration, 17 A.A.C. 01  
Department of Transportation - Commercial Programs, 17 A.A.C. 05  
Department of Weights and Measures, 20 A.A.C. 02  
Game and Fish Commission, 12 A.A.C. 04  
Office of the Secretary of State, 02 A.A.C. 12  
Radiation Regulatory Agency, 12 A.A.C. 01  
State Board of Education, 07 A.A.C. 02  
State Boxing and Mixed Martial Arts Commission, 04 A.A.C. 03  
State Land Department, 12 A.A.C. 05  
Water Infrastructure Finance Authority of Arizona, 18 A.A.C. 15

This page intentionally left blank.

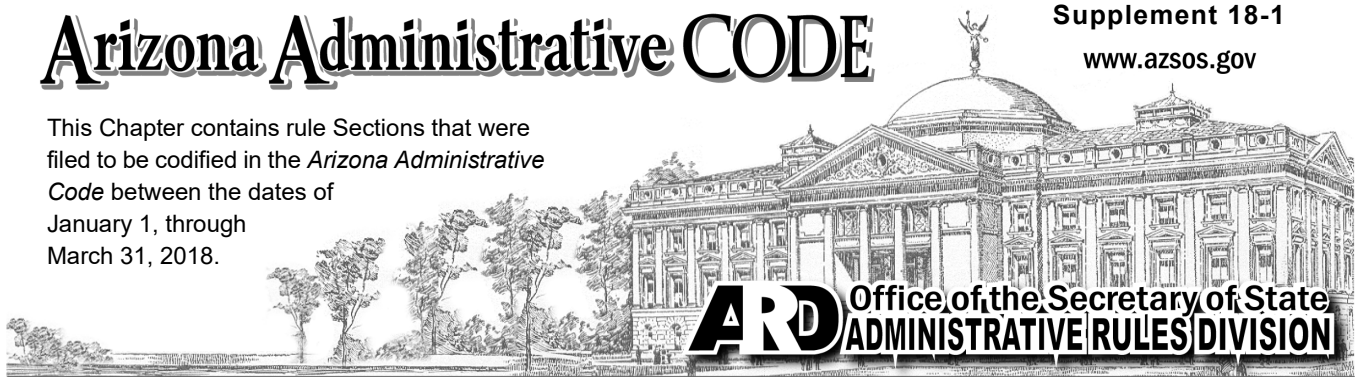


# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 2. ADMINISTRATION

### CHAPTER 1. DEPARTMENT OF ADMINISTRATION

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

<a href="#">R2-1-601.</a>	<a href="#">Repealed .....</a>	<a href="#">8</a>	<a href="#">R2-1-804.</a>	<a href="#">Commuter Transportation Reimbursement Subsidy</a>	<a href="#">10</a>
<a href="#">R2-1-602.</a>	<a href="#">Renumbered .....</a>	<a href="#">8</a>	<a href="#">R2-1-805.</a>	<a href="#">Procedure .....</a>	<a href="#">10</a>
<a href="#">R2-1-603.</a>	<a href="#">Repealed .....</a>	<a href="#">8</a>	<a href="#">R2-1-901.</a>	<a href="#">Adjusted Work Hours .....</a>	<a href="#">10</a>
<a href="#">R2-1-801.</a>	<a href="#">Definitions .....</a>	<a href="#">9</a>	<a href="#">R2-1-902.</a>	<a href="#">Repealed .....</a>	<a href="#">11</a>
<a href="#">R2-1-802.</a>	<a href="#">Eligibility for Commuter Transportation</a>	<a href="#">10</a>	<a href="#">R2-1-903.</a>	<a href="#">Repealed .....</a>	<a href="#">11</a>
	<a href="#">Reimbursement Subsidy .....</a>	<a href="#">10</a>	<a href="#">R2-1-904.</a>	<a href="#">Repealed .....</a>	<a href="#">11</a>
<a href="#">R2-1-803.</a>	<a href="#">Commuter Transportation Reimbursement Subsidy</a>	<a href="#">10</a>	<a href="#">R2-1-905.</a>	<a href="#">Repealed .....</a>	<a href="#">11</a>
	<a href="#">Amount .....</a>	<a href="#">10</a>			

#### Questions about these rules? Contact:

Department: Department of Administration  
Name: Karen Ziegler, Project Manager, AZPSBN  
Address: 100 N. 15th Ave., Suite 305  
Phoenix, AZ 85007  
Telephone: (602) 542-6032  
E-mail: [Karen.ziegler@azdoa.gov](mailto:Karen.ziegler@azdoa.gov)  
Website: [www.doa.az.gov](http://www.doa.az.gov)

#### The release of this Chapter in supplement 18-1 replaces supplement 14-2, 1-10 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

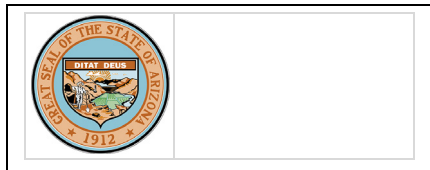
### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 2. ADMINISTRATION****CHAPTER 1. DEPARTMENT OF ADMINISTRATION**

(Authority: A.R.S. § 38-613 et seq. and A.R.S. § 41-703(3))

**ARTICLE 1. EXPIRED**

Section	
R2-1-101.	Expired ..... 4
R2-1-102.	Expired ..... 4
R2-1-103.	Expired ..... 4
R2-1-104.	Expired ..... 4

**ARTICLE 2. TRANSFERRED**

*Laws 1983, Ch. 98, 177 transferred authority for operation of the state Motor Vehicle Pool to the Director of Administration effective July 27, 1983.*

*Article 2 consisting of Sections R2-1-201 through R2-1-209 adopted effective July 27, 1983.*

*Former Sections R2-6-401 through R2-6-403, R2-6-405 through R2-6-410 transferred and renumbered.*

*Former Article 2, consisting of Sections R2-1-201 through R2-1-209, transferred to Title 2, Chapter 15, Article 2, Sections R2-15-201 through R2-15-209, Department of Administration, General Services Division (Supp. 91-3).*

Section	
R2-1-201.	Transferred ..... 4
R2-1-202.	Transferred ..... 4
R2-1-203.	Transferred ..... 4
R2-1-204.	Transferred ..... 4
R2-1-205.	Transferred ..... 4
R2-1-206.	Transferred ..... 4
R2-1-207.	Transferred ..... 4
R2-1-208.	Transferred ..... 4
R2-1-209.	Transferred ..... 4

**ARTICLE 3. EMERGENCY EXPIRED**

*Article 3 consisting of Sections R2-1-301 and R2-1-302 adopted as an emergency effective October 10, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days. Emergency expired.*

Section	
R2-1-301.	Emergency expired ..... 4
R2-1-302.	Emergency expired ..... 4

**ARTICLE 4. EMERGENCY TELECOMMUNICATION SERVICES REVOLVING FUND**

*Article 4 consisting of Sections R2-1-401 through R2-1-409 adopted effective June 22, 1985.*

Section	
R2-1-401.	Definitions ..... 4
R2-1-402.	Establishment of 9-1-1 Planning Committee ..... 5
R2-1-403.	Submission of Service Plan ..... 5
R2-1-404.	Certificate of Service Plan Approval ..... 6
R2-1-405.	Resubmitting of a Service Plan ..... 6
R2-1-406.	Modification of an Approved Service Plan ..... 6
R2-1-407.	9-1-1 System Design Standards ..... 6
R2-1-408.	9-1-1 Operational Requirements ..... 6
R2-1-409.	Funding Eligibility ..... 7
R2-1-410.	Method of Reimbursement ..... 7
R2-1-411.	Allocation of Funds ..... 7

**ARTICLE 5. EXPIRED**

*Article 5, consisting of Sections R2-1-501 through R2-5-505, expired under A.R.S. § 41-1056(E) at 7 A.A.R. 3475, effective July 16, 2001 (Supp. 01-3).*

*Article 5 consisting of Sections R2-1-501 through R2-1-505 adopted effective October 9, 1985.*

Section	
R2-1-501.	Expired ..... 8
R2-1-502.	Expired ..... 8
R2-1-503.	Expired ..... 8
R2-1-504.	Expired ..... 8
R2-1-505.	Expired ..... 8

**ARTICLE 6. REPEALED**

*Sections R2-1-601 through R2-1-603 repealed by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).*

*Sections R2-1-604 and R2-1-605 repealed by final rulemaking at 17 A.A.R. 422, effective April 30, 2011 (Supp. 11-1).*

*Article 6 consisting of Sections R2-1-601 through R2-1-605 adopted effective May 3, 1989.*

*Article 6 consisting of Section R2-1-601 readopted as an emergency effective February 2, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.*

*Article 6 consisting of Section R2-1-601 adopted as an emergency effective October 2, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.*

Section	
R2-1-601.	Repealed ..... 8
R2-1-602.	Renumbered ..... 8
R2-1-603.	Repealed ..... 8
R2-1-604.	Repealed ..... 8
R2-1-605.	Repealed ..... 8

**ARTICLE 7. REPEALED**

*Editor's Note: New rules for the Water Quality Appeals Board were adopted under a new Chapter (2 A.A.C. 17) in Supp. 98-1.*

*Article 7, consisting of Sections R2-1-701 through R2-1-732, repealed effective January 8, 1998 (Supp. 98-1).*

Section	
R2-1-701.	Repealed ..... 8
R2-1-702.	Repealed ..... 8
R2-1-703.	Repealed ..... 8
R2-1-704.	Repealed ..... 8
R2-1-705.	Repealed ..... 8
R2-1-706.	Repealed ..... 8
R2-1-707.	Repealed ..... 8
R2-1-708.	Repealed ..... 8
R2-1-709.	Repealed ..... 9
R2-1-710.	Repealed ..... 9
R2-1-711.	Repealed ..... 9
R2-1-712.	Repealed ..... 9
R2-1-713.	Repealed ..... 9

## Department of Administration

R2-1-714.	Repealed	9
R2-1-715.	Repealed	9
R2-1-716.	Repealed	9
R2-1-717.	Repealed	9
R2-1-718.	Repealed	9
R2-1-719.	Repealed	9
R2-1-720.	Repealed	9
R2-1-721.	Repealed	9
R2-1-722.	Repealed	9
R2-1-723.	Repealed	9
R2-1-724.	Repealed	9
R2-1-725.	Repealed	9
R2-1-726.	Repealed	9
R2-1-727.	Repealed	9
R2-1-728.	Repealed	9
R2-1-729.	Repealed	9
R2-1-730.	Repealed	9
R2-1-731.	Repealed	9
R2-1-732.	Repealed	9

**ARTICLE 8. TRAVEL REDUCTION PROGRAMS**

*Article 8, consisting of Sections R2-1-801 through R2-1-805 adopted effective December 30, 1994 (Supp. 94-4).*

*Article 8, consisting of Sections R2-1-801 through R2-1-804 repealed effective December 30, 1994 (Supp. 94-4).*

Section	
R2-1-801.	Definitions .....9
R2-1-802.	Eligibility for Commuter Transportation Reimbursement Subsidy .....10
R2-1-803.	Commuter Transportation Reimbursement Subsidy Amount .....10
R2-1-804.	Commuter Transportation Reimbursement Subsidy Procedure .....10
R2-1-805.	Adjusted Work Hours .....10

**ARTICLE 9. REPEALED**

*Article 9, consisting of Sections R2-1-901 through R2-1-905 adopted effective December 30, 1994 (Supp. 94-4).*

Section	
R2-1-901.	Repealed .....11
R2-1-902.	Repealed .....11
R2-1-903.	Repealed .....11
R2-1-904.	Repealed .....11
R2-1-905.	Repealed .....11

**ARTICLE 1. EXPIRED****R2-1-101. Expired****Historical Note**

Adopted effective April 7, 1982 (Supp. 82-2). Section R2-1-101 repealed, new Section adopted effective April 15, 1991 (Supp. 91-2). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5991, effective November 30, 2001 (Supp. 01-4).

**R2-1-102. Expired****Historical Note**

Adopted effective April 7, 1982 (Supp. 82-2). Section R2-1-102 repealed, new Section adopted effective April 15, 1991 (Supp. 91-2). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5991, effective November 30, 2001 (Supp. 01-4).

**R2-1-103. Expired****Historical Note**

Adopted effective April 7, 1982 (Supp. 82-2). Section R2-1-103 repealed, new Section adopted effective April 15, 1991 (Supp. 91-2). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5991, effective November 30, 2001 (Supp. 01-4).

**R2-1-104. Expired****Historical Note**

Adopted effective April 7, 1982 (Supp. 82-2). Amended effective February 7, 1990 (Supp. 90-1). Section R2-1-104 repealed, new Section adopted effective April 15, 1991 (Supp. 91-2). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5991, effective November 30, 2001 (Supp. 01-4).

**ARTICLE 2. TRANSFERRED**

*Former Article 2, consisting of Sections R2-1-201 through R2-1-209, transferred to Title 2, Chapter 15, Article 2, Sections R2-15-201 through R2-15-209, Department of Administration, General Services Division (Supp. 91-3).*

**R2-1-201. Transferred****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred to R2-15-201 (Supp. 91-3).

**R2-1-202. Transferred****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Repealed effective February 7, 1990 (Supp. 90-1). Transferred to R2-15-202 (Supp. 91-3).

**R2-1-203. Transferred****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred to R2-15-203 (Supp. 91-3).

**R2-1-204. Transferred****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990

(Supp. 90-1). Transferred to R2-15-204 (Supp. 91-3).

**R2-1-205. Transferred****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred to R2-15-205 (Supp. 91-3).

**R2-1-206. Transferred****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Editorial correction, subsection (B), paragraph (3) (Supp. 84-2). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred to R2-15-206 (Supp. 91-3).

**R2-1-207. Transferred****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred to R2-15-207 (Supp. 91-3).

**R2-1-208. Transferred****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Repealed effective February 7, 1990 (Supp. 90-1). Transferred to R2-15-208 (Supp. 91-3).

**R2-1-209. Transferred****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Transferred to R2-15-209 (Supp. 91-3).

**ARTICLE 3. EMERGENCY EXPIRED****R2-1-301. Emergency expired****Historical Note**

Adopted as an emergency effective October 10, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days. Emergency expired.

**R2-1-302. Emergency expired****Historical Note**

Correction, Historical Note not shown in Supp. 84-5, added in Supp. 85-4. Adopted as an emergency effective October 10, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired.

**ARTICLE 4. EMERGENCY TELECOMMUNICATION SERVICES REVOLVING FUND****R2-1-401. Definitions**

The following definitions shall apply for purposes of this Article:

1. "Assistant Director" means Assistant Director of the Information Services Division of the Arizona Department of Administration.
2. "Automatic location identification" or "ALI" means the process of electronically identifying and displaying the name of the subscriber and the address of the calling telephone number to a person answering a 9-1-1 call.
3. "Automatic number identification" or "ANI" means the telephone number of a caller that is automatically identified at the PSAP receiving a 9-1-1 call.
4. "Basic 9-1-1" means a service that routes a 9-1-1 call to a PSAP for dispatch services. There are no ALI or ANI data provided with the call.

## Department of Administration

5. "Busy hour" means the hour period during a 24-hour day when the number of 9-1-1 calls to the PSAP is generally at a maximum.
6. "Busy month" means the one-month period during a 12-month calendar year when, as a general matter, the number of 9-1-1 calls to the PSAP is at a maximum.
7. "Central office" means the physical site of the switching equipment for a specific telephone exchange area.
8. "Customer premise equipment" or CPE means the PSAP's communication equipment necessary for handling 9-1-1 calls.
9. "Dedicated 9-1-1 trunk" means a telephone circuit that is used exclusively to transport 9-1-1 calls.
10. "Enhanced 9-1-1" means a service that routes a 9-1-1 call to a PSAP for dispatch services and delivers the telephone number, name, and address to the PSAP.
11. "Fund" means the emergency telecommunication services revolving fund established in A.R.S. § 41-704(B).
12. "Network access mileage computations" means a computation based on distance measured from the Central Office located outside of the local exchange area to the Central Office that serves the PSAP based on the type of circuits between the Central Offices.
13. "Network exchange services" means telephone circuits or private lines dedicated to and used exclusively for the purpose of receiving, extending, or transferring 9-1-1 calls.
14. "Nine-One-One service" or "9-1-1 service" means a telephone service which allows a user of the public telephone system to reach a PSAP by dialing the digits 9-1-1.
15. "Person" has the same meaning as at A.R.S. § 1-215.
16. "Public or Private safety agency" means any unit of local, state, or federal government, special purpose district, or private person located in whole or in part within this state, that provides or has the authority to provide fire-fighting, law enforcement, ambulance, or other emergency or medical services.
17. "Public safety answering point" or "PSAP" means a communications facility operated on a 24-hour basis that is assigned the responsibility to receive 9-1-1 calls and, as appropriate, notifies or dispatches public or private safety services or extends, transfers, or relays 9-1-1 calls to an appropriate public or private safety agency.
18. "Public safety answering point manager" means a person responsible for the daily operation of a public safety answering point.
19. "PSAP service area" means the area in which an emergency-call-taking service is provided by a PSAP.
20. "Selective routing" means a process through which a 9-1-1 call is automatically routed to a predetermined PSAP based on the telephone number of the calling party.
21. "Service plan" means a written plan which identifies the method of providing and maintaining 9-1-1 Service in a specific geographic area.
22. "Telephone exchange area" means a specific geographic area designated by the Arizona Corporation Commission to receive service from 1 or more central offices.
23. "Wireless service" means mobile or cellular telephone service, whether digital or analog.

**Historical Note**

Adopted effective July 22, 1985 (Supp. 85-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking a 6 A.A.R. 1971, effective May 12, 2000 (Supp. 00-2).

**R2-1-402. Establishment of 9-1-1 Planning Committee**

- A. To qualify for funding under A.R.S. § 41-704(B), all the public or private safety agencies in a specific geographic area to be served shall establish a 9-1-1 planning committee to develop a service plan.
- B. A 9-1-1 planning committee shall include representation from all public and private safety agencies located within the specific geographic area that have the authority to provide fire-fighting, law enforcement, ambulance, or other medical or emergency services.
- C. To receive funding, a 9-1-1 planning committee shall submit a service plan as required in R2-1-403.

**Historical Note**

Adopted effective July 22, 1985 (Supp. 85-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking a 6 A.A.R. 1971, effective May 12, 2000 (Supp. 00-2).

**R2-1-403. Submission of Service Plan**

Each 9-1-1 planning committee shall submit a final service plan to the Assistant Director. The following information shall be included:

1. The name and mailing address of the planning committee chairperson;
2. The names of all members of the 9-1-1 planning committee;
3. The date the service plan is submitted to the Assistant Director;
4. The date the 9-1-1 service is scheduled to begin;
5. The signature of the chairperson;
6. A map showing the geographic boundaries of the telephone exchange areas included in the proposed 9-1-1 service system, each PSAP location, and any other jurisdictional boundaries;
7. The name and mailing address of the public or private safety agency operating each PSAP;
8. The name and telephone number of each PSAP manager;
9. A description of the procedures and agreements to be followed when responding to 9-1-1 calls that are routed to a PSAP other than the one serving the area from which the call originates;
10. A description of the 9-1-1 system routing and switching configurations;
11. A description of the network exchange services, the central office equipment to be used, and any network access mileage computations;
12. An itemized list of both estimated installation cost and ongoing costs as discussed in R2-1-409 for proposed telephone service and equipment. These estimates shall be obtained by the 9-1-1 planning committee from the telephone company serving the telephone exchange area and signed by an authorized employee of the telephone company or equipment vendor. Equipment that is on term contract from the State of Arizona Purchasing Office is exempt from bidding requirements;
13. A copy of the equipment specifications used for bidding the system customer premise equipment. A minimum of 2 bids is required;
14. A copy of the low-bid response with itemized equipment costs and associated installation charges and a list of vendors;
15. A certification from the 9-1-1 planning committee that the service plan meets the requirements of the public or private safety agencies whose services will be available in response to a 9-1-1 call;
16. A list of all public and private safety agencies whose services will be available in response to 9-1-1 calls with the following information about each:

## Department of Administration

- a. Agency name,
  - b. Agency mailing address,
  - c. Name and telephone number of the agency head,
  - d. A brief description of the services to be provided, and
  - e. A description of proposed procedures for dispatching emergency service providers;
17. A description of an alternate method of providing service if there is a failure of all or a portion of the 9-1-1 service system or a failure of the PSAP primary electrical power;
  18. A certification from the 9-1-1 planning committee for the ALI feature, that at least 90% of the 9-1-1 service area is addressed with street numbers. Before implementation of the ALI feature, certification of a less than 10% error rate in the data base shall be obtained from the telephone company responsible for the data base; and
  19. A plan for a program of public information regarding 9-1-1 service, which the 9-1-1 planning committee chairperson or designee will implement at least 30 days before 9-1-1 service begins.

**Historical Note**

Adopted effective July 22, 1985 (Supp. 85-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking a 6 A.A.R. 1971, effective May 12, 2000 (Supp. 00-2).

**R2-1-404. Certificate of Service Plan Approval**

- A. The Assistant Director shall approve or disapprove a service plan within 60 days of its submission.
- B. If approved, the Assistant Director shall notify the 9-1-1 planning committee chairperson in writing of the approval of the service plan and shall include an itemization of the costs that are eligible for payment from the fund. This approval shall be in the form of a "Certificate of 9-1-1 Service Plan Approval".
- C. If a service plan or any part of a service plan is disapproved, the Assistant Director shall notify the 9-1-1 planning committee chairperson in writing within 60 days of the reasons for the disapproval and the opportunity to submit a revised service plan.
- D. By the 15th of December of each year, a 9-1-1 planning committee with an approved service plan shall submit a budget of projected 9-1-1 costs to the Assistant Director for the next fiscal year.

**Historical Note**

Adopted effective July 22, 1985 (Supp. 85-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking a 6 A.A.R. 1971, effective May 12, 2000 (Supp. 00-2).

**R2-1-405. Resubmitting of a Service Plan**

If a service plan or any part of a service plan is disapproved by the Assistant Director, a revised service plan may be resubmitted by the 9-1-1 planning committee chairperson within 45 days of receipt of the notice of disapproval. The Assistant Director shall approve or disapprove the revised service plan within 30 days following receipt.

**Historical Note**

Adopted effective July 22, 1985 (Supp. 85-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking a 6 A.A.R. 1971, effective May 12, 2000 (Supp. 00-2).

**R2-1-406. Modification of an Approved Service Plan**

- A. The Assistant Director shall be notified in writing by the 9-1-1 planning committee chairperson at least 60 days in advance of

any proposed modification to a 9-1-1 system that would result in a material change to the service plan as approved.

- B. Within 30 days of receipt of any proposed modification, the Assistant Director shall approve or disapprove the proposed modification. If the proposed modification is disapproved, the proposed modification is ineligible for payment from the fund.
- C. The PSAP manager shall review PSAP and network services annually and submit any proposed modification in annual budget request by December 15th of the year preceding the fiscal year in which the modification is proposed to be made.

**Historical Note**

Adopted effective July 22, 1985 (Supp. 85-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking a 6 A.A.R. 1971, effective May 12, 2000 (Supp. 00-2).

**R2-1-407. 9-1-1 System Design Standards**

In order to obtain approval of a service plan, the 9-1-1 planning committee shall include the following in the service plan:

1. A 9-1-1 service system shall be designed and operated to provide service that enables no more than 1 call out of 100 incoming calls to receive a busy signal on the first dialing attempt during the busy hour of an average week during the busy month;
2. Each telephone position with the capability of answering or handling 9-1-1 calls shall be equipped with the necessary interface to communicate with TDD/TTY devices for communications with hearing-impaired individuals in accordance with the Americans with Disabilities Act;
3. A 9-1-1 service system shall include the following services:
  - a. Law enforcement services including services of the County Sheriff and the Department of Public Safety;
  - b. Firefighting services; and
  - c. Ambulance or emergency medical services;
4. Other services may be included in a 9-1-1 service system at the discretion of the public or private safety agency operating the PSAP, but the fund shall not pay for these other services;
5. PSAP answering equipment shall permit answering personnel to place a 9-1-1 call on hold;
6. Each PSAP and each participating public or private safety agency shall have at least 1 published telephone number to call for non-emergency services. One non-emergency number may be shared by 2 or more participating public or private safety agencies if there is a cooperative agreement for call-answering responsibility; and
7. An automatic alarm system or other related device shall not be connected in a manner that activates a call to a 9-1-1 service system.

**Historical Note**

Adopted effective July 22, 1985 (Supp. 85-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking a 6 A.A.R. 1971, effective May 12, 2000 (Supp. 00-2).

**R2-1-408. 9-1-1 Operational Requirements**

In order to obtain approval from the Assistant Director for payment from the fund for costs eligible for payment under R2-1-409, the PSAP shall:

1. Monitor the 9-1-1 service system level of service to ensure that the standards in R2-1-407 are met. Once each fiscal year the PSAP manager shall obtain a report regarding the 9-1-1 level of service from the telephone company servicing the telephone exchange area. If the report provided by the telephone company indicates that



## Department of Administration

the required service level is not being met, the PSAP manager shall:

- a. Request the telephone company to prepare plans, specifications, and cost estimates to raise the level of service to that required in R2-1-407.
- b. Notify the Assistant Director under R2-1-406 if, based on information provided by the telephone company, modifications to the system are necessary.
2. Provide service to all callers within its service area 24 hours each day, 7 days a week. To qualify as a primary or secondary PSAP, the PSAP must receive a minimum of 300 9-1-1 emergency calls per month.
3. Refer all calls entering the 9-1-1 service system that do not require a public or private safety response unit be dispatched to a non-9-1-1 telephone number.
4. Designate a telephone number other than 9-1-1 as a backup number in case the 9-1-1 service system fails. The designated alternate telephone number shall be published in the public telephone directory, by the local public safety agency.
5. Develop and maintain a system for recording 9-1-1 calls received by the PSAP. The records shall be retained for at least 31 days from the date of the call and shall include the following information:
  - a. Date and time the call is received,
  - b. Nature of the problem, and
  - c. Action taken by the dispatcher.
6. To qualify as a remote print site, the PSAP must receive a minimum of 100 emergency calls per month.

#### Historical Note

Adopted effective July 22, 1985 (Supp. 85-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking a 6 A.A.R. 1971, effective May 12, 2000 (Supp. 00-2).

#### R2-1-409. Funding Eligibility

- A. The following costs of providing 9-1-1 service shall be reimbursed by the ADOA 9-1-1 Office from the fund, subject to available monies and the following requirements, to a 9-1-1 planning committee that has a Certificate of 9-1-1 Service Plan Approval:
  1. Costs of the network exchange services necessary to provide the minimum grade of service.
  2. Costs for necessary and appropriate equipment required by the PSAP to receive and process 9-1-1 calls and messages. This may include computer telephone integrated systems or other automated call management and distribution systems.
  3. Ongoing maintenance costs following the warranty period, if any, for the customer premise equipment used in the receiving and processing of 9-1-1 calls and messages.
  4. Necessary and appropriate consulting services or administrative costs, not to exceed 3% of the amounts deposited annually in the revolving fund.
- B. The Assistant Director shall consider special projects that further statewide 9-1-1 availability, including addressing or database projects, public education, and training programs on a case-by-case basis. Special project funding is based on community needs and the availability of funds.

#### Historical Note

Adopted effective July 22, 1985 (Supp. 85-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking a 6 A.A.R. 1971, effective May 12, 2000

(Supp. 00-2).

#### R2-1-410. Method of Reimbursement

- A. Network Exchange Services
  1. The 9-1-1 planning committee chairperson shall submit the operating telephone company's billing statement for the network exchange services to the Assistant Director.
  2. The Assistant Director shall review invoices for compliance with the original Certificate of 9-1-1 Service Plan Approval, and approve and make payment directly to the operating telephone company.
- B. Station terminal equipment
  1. Payment of costs for the 9-1-1 customer premise equipment shall be made after submission by the designated public safety office, of a copy of the vendor's contract, with an itemized listing of equipment and associated costs and installation charges, to the Assistant Director for review and approval.
  2. The Assistant Director shall make payment directly to the vendor upon verification that the invoice is in compliance with the original Certificate of 9-1-1 Service Plan Approval.
- C. Maintenance costs
  1. Payment of costs for ongoing maintenance shall be made by the ADOA 9-1-1 Office of customer premise equipment following expiration of a warranty period for the equipment. Payment shall be made by the designated public safety office submitting a copy of the maintenance contract with an itemized list of hourly labor rates and equipment costs.
  2. The Assistant Director shall make payment directly to the vendor upon verification that the charges are for the 9-1-1 equipment and services originally contracted for and that the vendor's hourly labor rate does not exceed the prevailing labor rate for similar communication equipment and services.
- D. The Assistant Director shall pay the costs for consulting directly to the consultant, after the Assistant Director verifies that:
  1. The need and proposed cost of consulting services is identified in either the original 9-1-1 service plan under R2-1-403 or in the annual budget under R2-1-404(D); and
  2. A copy of the consultant's contract is submitted to the Assistant Director.

#### Historical Note

Adopted effective July 22, 1985 (Supp. 85-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking a 6 A.A.R. 1971, effective May 12, 2000 (Supp. 00-2).

#### R2-1-411. Allocation of Funds

The following change access and wireless service line verification shall be conducted by the ADOA 9-1-1 Office each year:

1. The Assistant Director shall request from the operating telephone companies providing 9-1-1 service, by February 15 of each year, the number and type of exchange access lines in each telephone exchange area in this state and the amount of 9-1-1 excise tax generated in each telephone exchange area in each county.
2. The Assistant Director shall request, by February 15 of each year, from each wireless service provider the number of activated wireless service lines within the state and the amount of 9-1-1 tax generated.
3. Each 9-1-1 planning committee that has a Certificate of 9-1-1 Service Plan Approval shall be apportioned a per-



## Department of Administration

centage of monies on deposit in the fund. Payment shall be made directly to the vendors identified in the 9-1-1 service plan.

4. If the combined statewide 9-1-1 service costs exceed the available monies in the fund, monies shall be allocated by the Assistant Director on a percentage basis determined by the ratio of revenue to expenses for the state as a whole.

**Historical Note**

Adopted effective July 22, 1985 (Supp. 85-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking at 6 A.A.R. 1971, effective May 12, 2000 (Supp. 00-2).

**ARTICLE 5. EXPIRED****R2-1-501. Expired****Historical Note**

Adopted effective October 9, 1985 (Supp. 85-5). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 3475, effective July 16, 2001 (Supp. 01-3).

**R2-1-502. Expired****Historical Note**

Adopted effective October 9, 1985 (Supp. 85-5). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 3475, effective July 16, 2001 (Supp. 01-3).

**R2-1-503. Expired****Historical Note**

Adopted effective October 9, 1985 (Supp. 85-5). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 3475, effective July 16, 2001 (Supp. 01-3).

**R2-1-504. Expired****Historical Note**

Adopted effective October 9, 1985 (Supp. 85-5). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 3475, effective July 16, 2001 (Supp. 01-3).

**R2-1-505. Expired****Historical Note**

Adopted effective October 9, 1985 (Supp. 85-5). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 3475, effective July 16, 2001 (Supp. 01-3).

**ARTICLE 6. REPEALED****R2-1-601. Repealed****Historical Note**

Adopted as an emergency effective October 2, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-4). Emergency expired. Readopted as an emergency effective February 2, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. New Section R2-1-601 adopted as a permanent rule effective May 3, 1989 (Supp. 89-2). Amended by final rulemaking at 17 A.A.R. 422, effective April 30, 2011 (Supp. 11-1). Section repealed by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

**R2-1-602. Renumbered****Historical Note**

Adopted effective May 3, 1989 (Supp. 89-2). Amended by final rulemaking at 17 A.A.R. 422, effective April 30,

2011 (Supp. 11-1). Section R2-1-602 renumbered to R2-1-805 by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

**R2-1-603. Repealed****Historical Note**

Adopted effective May 3, 1989 (Supp. 89-2). Section repealed; new Section made by final rulemaking at 17 A.A.R. 422, effective April 30, 2011 (Supp. 11-1). Section repealed by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

**R2-1-604. Repealed****Historical Note**

Adopted effective May 3, 1989 (Supp. 89-2). Section repealed by final rulemaking at 17 A.A.R. 422, effective April 30, 2011 (Supp. 11-1).

**R2-1-605. Repealed****Historical Note**

Adopted effective May 3, 1989 (Supp. 89-2). Section repealed by final rulemaking at 17 A.A.R. 422, effective April 30, 2011 (Supp. 11-1).

**ARTICLE 7. REPEALED****R2-1-701. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-702. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-703. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-704. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-705. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-706. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-707. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-708. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed

## Department of Administration

effective January 8, 1998 (Supp. 98-1).

**R2-1-709. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-710. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-711. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-712. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-713. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-714. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-715. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-716. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-717. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-718. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-719. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-720. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-721. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-722. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-723. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-724. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-725. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-726. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-727. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-728. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-729. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-730. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-731. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**R2-1-732. Repealed****Historical Note**

Adopted effective May 7, 1990 (Supp. 90-2). Repealed effective January 8, 1998 (Supp. 98-1).

**ARTICLE 8. TRAVEL REDUCTION PROGRAMS****R2-1-801. Definitions**

In this Article, unless otherwise specified:

1. "Agency head" means the head of each department, agency, board, and commission of this state.

## Department of Administration

2. "Area A and Area B" have the same meaning in A.R.S. § 49-541.
3. "Commuter transportation" means a mode of transportation used by an eligible employee to travel to or from the eligible employee's place of employment and made available to the eligible employee by a transportation provider under contract with the state of Arizona.
4. "Director" means the Director of the Department of Administration or the director's designee.
5. "Eligible employee" means an employee, in pay status, and lives or works in Area A or Area B, except a university employee.
6. "Employee" means an individual elected or appointed to a state position, or employed on a part-time or full-time basis by a department, agency, board, or commission of this state.
7. "Pay status" has the meaning in R2-5A-101.
8. "Period" means October 1 through the following April 1.
9. "Reduced cost" means the portion of the total cost of commuter transportation that is paid by an eligible employee.
10. "Reimbursement subsidy" means the portion of the total cost of commuter transportation that is paid on behalf of an eligible employee to a transportation provider through a contract with the state of Arizona.
11. "Telework" has the same meaning as at 5 U.S.C. 6501.
12. "Transportation provider" means:
  - a. An incorporated city or town,
  - b. A regional public transportation authority established under A.R.S. § 48-5102,
  - c. A regional transportation authority established under A.R.S. § 48-5302,
  - d. A commercial enterprise, or
  - e. An Arizona state agency.
- b. To use the transportation card only for commuter transportation unless the eligible employee incurs the transportation provider's maximum monthly charge;
- c. To maintain payroll deduction authorization;
- d. To notify the Department of Administration if the transportation card is lost or stolen;
- e. To pay \$5 on a payroll deduction to replace a lost, damaged, or stolen transportation card;
- f. To surrender the transportation card upon termination of employment with the state; and
- g. That use of the transportation card after receiving notice of a change to the terms of using the transportation card constitutes agreement to the change.

**Historical Note**

Adopted effective May 31, 1991 (Supp. 91-2). Section repealed, new Section adopted effective December 30, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 746, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

**R2-1-803. Commuter Transportation Reimbursement Subsidy Amount**

- A. The Director shall determine the amount of reimbursement subsidy, up to 100% of the actual cost of commuter transportation, based upon:
  1. The number of eligible employees authorized under R2-1-802 to pay reduced cost for commuter transportation;
  2. The cost of the commuter transportation; and
  3. The amount of state funds appropriated by the Legislature for reimbursement subsidy purposes.
- B. The Director shall notify an eligible employee of:
  1. The initial percentage of reimbursement subsidy before the employee applies under R2-1-802(A)(1); and
  2. Any change in the amount of reimbursement subsidy at least 30 days before the effective date of the change.

**Historical Note**

Adopted effective May 31, 1991 (Supp. 91-2). Section repealed, new Section adopted effective December 30, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 746, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

**R2-1-804. Commuter Transportation Reimbursement Subsidy Procedure**

- A. A transportation provider shall submit a monthly invoice to the Director that itemizes the total commuter transportation costs incurred by each eligible employee.
- B. The Director shall pay the transportation provider the reimbursement subsidy amount for each eligible employee.
- C. The eligible employee shall pay the reduced cost to the transportation provider either directly or, if required under R2-1-802(B), through payroll deduction.

**Historical Note**

Adopted effective May 31, 1991 (Supp. 91-2). Section repealed, new Section adopted effective December 30, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 746, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

**R2-1-805. Adjusted Work Hours**

- A. During the period, each agency head shall provide work schedule options so a minimum of 85 percent of employees

**Historical Note**  
Adopted effective May 31, 1991 (Supp. 91-2). Section repealed, new Section adopted effective December 30, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 746, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 13 A.A.R. 4579, effective February 5, 2008 (Supp. 07-4). Corrected rule reference to R2-5A-101 in subsection (5) due to Personnel Reform rules made in 2012; statutory citations updated in subsections (7), (9) and (11) according to Laws 2012, Ch. 321, correction letter M15-192 filed by agency (Supp. 14-2). Amended by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

**R2-1-802. Eligibility for Commuter Transportation Reimbursement Subsidy**

- A. The Director shall pay a reimbursement subsidy on behalf of an eligible employee who:
  1. Completes an application, using a form available from the Department of Administration, for authorization to pay the reduced cost for commuter transportation; and
  2. Uses commuter transportation to travel to or from the eligible employee's place of employment.
- B. An eligible employee who uses public or private bus or light rail as a means of commuter transportation shall:
  1. Authorize payroll deduction under A.R.S. § 38-612(B)(9) of the reduced cost; and
  2. As a condition of being authorized to pay the reduced cost for commuter transportation and being issued a transportation card, agree:
    - a. Not to allow anyone else to use the transportation card;

## Department of Administration

whose offices are located in Area A or Area B are on adjusted work hours. Adjusted work hours are schedules that:

1. Begin the workday on or before 7:30 a.m., or on or after 8:30 a.m., and conclude the workday on or before 4:30 p.m., or on or after 5:30 p.m.;
2. Adjust work hours into a four-day, 40-hour work week. Employees shall avoid a workday that begins between 7:30 a.m. and 8:30 a.m. or concludes between 4:30 p.m. and 5:30 p.m., whenever possible; or
3. Allow the employee to telework.

- B.** Notwithstanding the requirements of subsection (A), each agency shall comply with A.R.S. § 38-401 requiring state offices to be open from 8:00 a.m. until 5:00 p.m.

**Historical Note**

Adopted effective December 30, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 746, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 13 A.A.R. 4579, effective February 5, 2008 (Supp. 07-4). Section R2-1-805 repealed; new Section R2-1-805 renumbered from R2-1-602 and amended by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

**ARTICLE 9. REPEALED****R2-1-901. Repealed****Historical Note**

Adopted effective December 30, 1994 (Supp. 94-4). Amended effective September 11, 1997 (Supp. 97-3). Amended by final rulemaking at 14 A.A.R. 10, effective February 5, 2008 (Supp. 07-4). Corrected rule reference to R2-5A-101 in subsection (4) due to Personnel Reform rules made in 2012, correction letter M15-192 filed by agency (Supp. 14-2). Section repealed by final rulemak-

ing at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

**R2-1-902. Repealed****Historical Note**

Adopted effective December 30, 1994 (Supp. 94-4). Amended effective September 11, 1997 (Supp. 97-3). Amended by final rulemaking at 14 A.A.R. 10, effective February 5, 2008 (Supp. 07-4). Section repealed by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

**R2-1-903. Repealed****Historical Note**

Adopted effective December 30, 1994 (Supp. 94-4). Amended effective September 11, 1997 (Supp. 97-3). Section repealed by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

**R2-1-904. Repealed****Historical Note**

Adopted effective December 30, 1994 (Supp. 94-4). Amended effective September 11, 1997 (Supp. 97-3). Section repealed by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

**R2-1-905. Repealed****Historical Note**

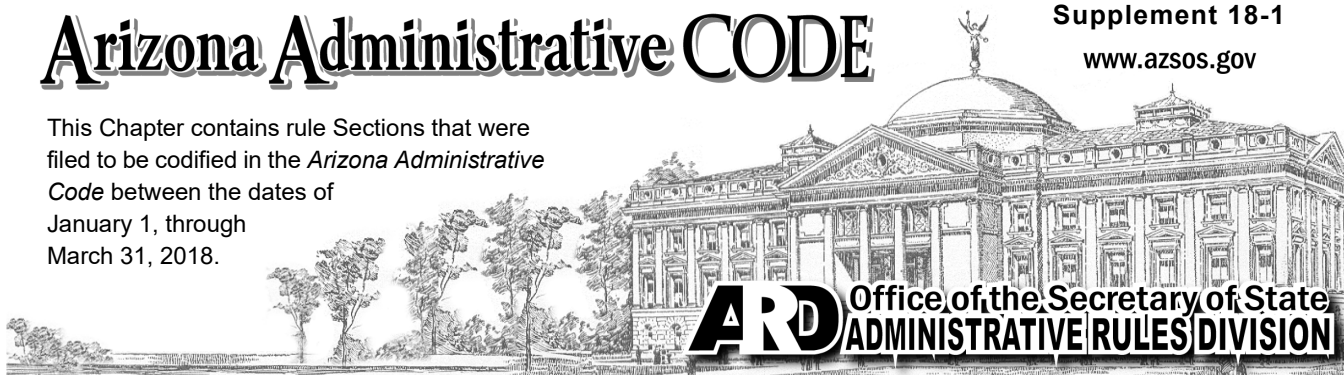
Adopted effective December 30, 1994 (Supp. 94-4). Amended effective September 11, 1997 (Supp. 97-3). Amended by final rulemaking at 14 A.A.R. 10, effective February 5, 2008 (Supp. 07-4). Section repealed by final rulemaking at 24 A.A.R. 625, effective May 5, 2018 (Supp. 18-1).

# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 2. ADMINISTRATION

### CHAPTER 12. OFFICE OF THE SECRETARY OF STATE

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

[R2-12-1102.](#)   [Notary Public Fees .....](#) [10](#)   [Exhibit 1.](#)   [Notary Public Services .....](#) [10](#)

#### Questions about these rules? Contact:

Name: Patricia A. Viverto, Director  
Address: Secretary of State, Business Services  
1700 W. Washington St., 7th Floor  
Phoenix, AZ 85007  
Telephone: (602) 542-6187  
Fax: (602) 542-4366  
[E-mail: pviverto@azsos.gov](mailto:pviverto@azsos.gov)

#### The release of this Chapter in supplement 18-1 replaces supplement 11-3, 1-10 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

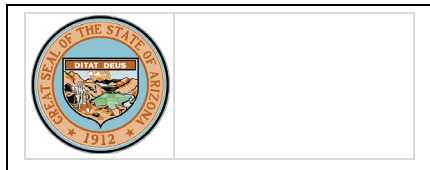
### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

## TITLE 2. ADMINISTRATION

## CHAPTER 12. OFFICE OF THE SECRETARY OF STATE

*Editor's Note: The Office of the Secretary of State publishes all Chapters on white paper (Supp. 01-2).*

*Editor's Note: This Chapter contains rules that were adopted under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-132. Exemption from A.R.S. Title 41, Chapter 6 means that these rules were not published as proposed rules, the general public was not allowed a comment period, and the rules were not approved by the Attorney General. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

## ARTICLE 1. REPEALED

*Article 1, consisting of Sections R2-12-101 through R2-12-110, repealed effective November 4, 1998 (Supp. 98-4).*

Section		
R2-12-101.	Repealed .....	4
R2-12-102.	Repealed .....	4
R2-12-103.	Repealed .....	4
R2-12-104.	Repealed .....	4
R2-12-105.	Repealed .....	4
R2-12-106.	Repealed .....	4
R2-12-107.	Repealed .....	4
R2-12-108.	Repealed .....	4
R2-12-109.	Repealed .....	4
R2-12-110.	Repealed .....	4

## ARTICLE 2. REPEALED

*Article 2, consisting of Sections R2-12-201 through R2-12-205, repealed effective November 4, 1998 (Supp. 98-4).*

Section		
R2-12-201.	Repealed .....	4
R2-12-202.	Repealed .....	4
R2-12-203.	Repealed .....	4
R2-12-204.	Repealed .....	4
R2-12-205.	Repealed .....	4

## ARTICLE 3. REGISTRATION OF TELEMARKETING SELLERS

*Section R2-12-302 and the heading of Article 3 reinstated after having been inadvertently removed (Supp. 99-3).*

*Article 3, consisting of Sections R2-12-301 through R2-12-303, repealed effective November 4, 1998 (Supp. 98-4).*

Section		
R2-12-301.	Repealed .....	4
R2-12-302.	Fees .....	5
R2-12-303.	Repealed .....	5

## ARTICLE 4. NO TRESPASS PUBLIC NOTICE LIST

*Article 4, consisting of Section R2-12-402, made by exempt rulemaking at 17 A.A.R. 1637, effective August 15, 2011 (Supp. 11-3).*

*Article 4, consisting of Section R2-12-401, repealed effective November 4, 1998 (Supp. 98-4).*

Section		
R2-12-401.	Repealed .....	5
R2-12-402.	Recording Private Property Rights – Fees .....	5

## ARTICLE 5. ELECTRONIC SIGNATURES 5

*Article 5, consisting of Section R2-12-501 through R2-12-504, adopted by exempt rulemaking at 5 A.A.R. 742, effective February 19, 1999 (Supp. 99-1).*

Section		
R2-12-501.	Definitions .....	5
R2-12-502.	Identification of Acceptable Technologies for Electronic Signatures .....	6
R2-12-503.	Policy Authority 6 .....	
R2-12-504.	Certification Authority Approval Application, Suspension, Revocation .....	6

## ARTICLE 6. ELECTRONIC VOTER REGISTRATION

*Article 6, consisting of Sections R2-12-601 through R2-12-605, made by final rulemaking at 8 A.A.R. 1905, effective March 29, 2002 (Supp. 02-1).*

Section		
R2-12-601.	Definitions .....	6
R2-12-602.	Retention of Electronic Voter Registration Forms ..	7
R2-12-603.	Electronic Signatures for Electronic Voter Registration Forms .....	7
R2-12-604.	Acceptable Transmitters of Electronic Voter Registration Forms .....	7
R2-12-605.	Transfer of Electronic Voter Registration Information .....	7

## ARTICLE 7. BALLOT MEASURE PUBLICITY PAMPHLET ARGUMENT FEES

*Article 7, consisting of Section R2-12-701, adopted by final rulemaking at 6 A.A.R. 1076, effective March 3, 2000 (Supp. 00-1).*

Section		
R2-12-701.	Ballot Measure Publicity Pamphlet Argument .....	8

## ARTICLE 8. PROFESSIONAL EMPLOYER ORGANIZATIONS

*Article 8, consisting of Sections R2-12-801 through R2-12-811, made by final rulemaking at 13 A.A.R. 4501, effective January 29, 2008 (Supp. 07-4).*

Section		
R2-12-801.	Definitions .....	8
R2-12-802.	Registration .....	8
R2-12-803.	Limited Registration .....	8
R2-12-804.	Late Registration .....	8
R2-12-805.	Registration Fees .....	8
R2-12-806.	Complaints .....	9
R2-12-807.	Investigations .....	9
R2-12-808.	Administrative Hearings .....	9
R2-12-809.	Restriction, Revocation or Probation of Registration .....	9
R2-12-810.	Requirements for Reinstatement of a Restricted, Revoked or Probationary Registration After the Specified Term of Discipline .....	9
R2-12-811.	Duties and Responsibilities .....	10

## Office of the Secretary of State

**ARTICLE 9. RESERVED****ARTICLE 10. CAMPAIGN CONTRIBUTIONS AND  
EXPENSES; STANDING POLITICAL COMMITTEES  
SECTION**

*Article 10, consisting of Section R2-12-1001, adopted by final rulemaking at 6 A.A.R. 3567, effective August 23, 2000 (Supp. 00-3).*

## Section

R2-12-1001. Filing Fees ..... 10

**ARTICLE 11. NOTARY PUBLIC BONDS AND FEES**

*Article 11, consisting of Sections R2-12-1101 through R2-12-1103, adopted by emergency rulemaking pursuant to A.R.S. § 41-1026 and Laws 2000, Ch. 210, §§ 2 and 3 at 6 A.A.R. 2956, effective July 18, 2000 (Supp. 00-3). Emergency rulemaking renewed at 7 A.A.R. 672, effective January 13, 2001 (Supp. 01-1). Final rules adopted at 7 A.A.R. 2141, effective May 1, 2001 (Supp. 01-2).*

## Section

R2-12-1101. Definitions ..... 10  
R2-12-1102. Notary Public Fees ..... 10

Exhibit 1. Notary Public Services .....10  
R2-12-1103. Notary Public Bonds .....11

**ARTICLE 12. ELECTRONIC NOTARY 11**

*Article 12, consisting of Sections R2-12-1201 through R2-12-1209, made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).*

## Section

R2-12-1201. Application and Renewal ..... 11  
R2-12-1202. Applicant Filing Fee, Bond, and Bond Filing Fee ..... 11  
R2-12-1203. Notarial Journal ..... 12  
R2-12-1204. Standards for Electronic Notary Token and Notary Service Electronic Certificate ..... 12  
R2-12-1205. Use of Electronic Notary Tokens and Notary Service Electronic Certificate ..... 12  
R2-12-1206. Approval of Time Stamp Token Provider ..... 12  
R2-12-1207. Fees ..... 12  
R2-12-1208. Penalty Fee for Lack of Notice ..... 12  
R2-12-1209. Civil Penalties ..... 13



**ARTICLE 1. REPEALED****R2-12-101. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-102. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-103. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-104. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-105. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-106. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-107. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-108. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-109. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-110. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Amended effective June 17, 1985 (Supp. 85-3). Repealed effective November 4, 1998 (Supp. 98-4).

**ARTICLE 2. REPEALED****R2-12-201. Repealed****Historical Note**

Adopted as an emergency effective March 2, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Adopted as a permanent rule without change effective June 2, 1983 (Supp. 83-3). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-202. Repealed****Historical Note**

Adopted as an emergency effective March 2, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Adopted as a permanent rule without change effective June 2, 1983 (Supp. 83-3). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-203. Repealed****Historical Note**

Adopted as an emergency effective March 2, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days. Amended as an emergency effective March 22, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Correction to Supp. 83-2, amended as an emergency effective March 22, 1983, should have read "in the county where the examiner registers the voter". Section R2-12-202 adopted as a permanent rule without change as amended effective June 2, 1983 (Supp. 83-3). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-204. Repealed****Historical Note**

Adopted as an emergency effective March 2, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Adopted as a permanent rule without change effective June 2, 1983 (Supp. 83-3). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-205. Repealed****Historical Note**

Adopted as an emergency effective March 2, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Adopted as a permanent rule without change effective June 2, 1983 (Supp. 83-3). Repealed effective November 4, 1998 (Supp. 98-4).

**ARTICLE 3. REGISTRATION OF TELEMARKETING SELLERS****R2-12-301. Repealed****Historical Note**

Adopted as an emergency effective September 12, 1989, pursuant to A.R.S. § 41-1026 valid for only 90 days (Supp. 89-3). Adopted without change as a permanent rule effective January 9, 1990 (Supp. 90-1). Repealed effective November 4, 1998 (Supp. 98-4).

*Editor's Note: The following Section was inadvertently removed from the Arizona Administrative Code (Supp. 98-4). The*

## Office of the Secretary of State

*Section should not have been removed and is therefore reinstated, with no lapse in effectiveness (Supp. 99-3).*

**R2-12-302. Fees**

- A. The annual registration fee for full-year registration shall be \$500.00. The annual registration fee for an initial registration statement filed between August 1 and June 30 of a registration year shall be according to a sliding scale with a minimum fee of \$250.00 as follows:
- \$500 - July (full-year registration)
  - \$475 - August
  - \$450 - September
  - \$425 - October
  - \$400 - November
  - \$375 - December
  - \$350 - January
  - \$325 - February
  - \$300 - March
  - \$275 - April
  - \$250 - May and June
- B. The fee for filing A.R.S. § 44-1272 Supplemental Statements, including Quarterly Statements of changes in solicitors, shall be \$25.00 per filing.

**Historical Note**

Adopted as an emergency effective September 12, 1989, pursuant to A.R.S. § 41-1026 valid for only 90 days (Supp. 89-3). Adopted without change as a permanent rule effective January 9, 1990 (Supp. 90-1). Repealed effective November 4, 1998 (Supp. 98-4). Section reinstated after having been inadvertently removed (Supp. 99-3).

**R2-12-303. Repealed****Historical Note**

Adopted as an emergency effective September 12, 1989, pursuant to A.R.S. § 41-1026 valid for only 90 days (Supp. 89-3). Adopted without change as a permanent rule effective January 9, 1990 (Supp. 90-1). Repealed effective November 4, 1998 (Supp. 98-4).

**ARTICLE 4. NO TRESPASS PUBLIC NOTICE LIST****R2-12-401. Repealed****Historical Note**

Adopted as an emergency effective September 5, 1989, pursuant to A.R.S. § 41-1026 valid for only 90 days (Supp. 89-3). Adopted without change as a permanent rule effective January 9, 1990 (Supp. 90-1). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-402. Recording Private Property Rights – Fees**

- A. The following recording fees are established under A.R.S. § 23-1326.
1. Employer's Private Property Rights: annual recording fee, \$20.
  2. Employer's Private Property Rights per address and legal description of the property to which the employer has control: annual fee, per location, \$4.
- B. An employer who records property rights under A.R.S. § 23-1326 with the Secretary of State shall do so on a form prescribed by the Office.
- C. If more than one property is listed, a supplemental form shall be used to list the additional properties.
- D. The form and fees, and if applicable, supplemental form shall be accompanied by the Employer's Private Property Rights documents and filed with the Secretary of State 8:00 a.m. to

5:00 p.m., Monday through Friday except state holidays or state furlough days.

- E. Checks or money orders shall be made payable to: Secretary of State.
- F. The form and fees and supporting documents may be mailed or hand-delivered.
1. Mailing address: Secretary of State, Business Services, 1700 W. Washington St., Fl. 7, Phoenix, AZ 85007-2808.
  2. In person:
    - a. Phoenix – State Capitol Executive Tower, 1700 W. Washington St., First Floor, Room 103; or
    - b. Tucson – Arizona State Complex Building, 400 W. Congress, Second Floor, Room 252.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1637, effective August 15, 2011 (Supp. 11-3).

*Editor's Note: The following Article was adopted under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-132. Exemption from A.R.S. Title 41, Chapter 6 means that these rules were not published as proposed rules, the general public was not allowed a comment period, and the rules were not approved by the Attorney General.*

**ARTICLE 5. ELECTRONIC SIGNATURES****R2-12-501. Definitions**

- A. "Acceptable Certification Authorities" means authorities that meet the requirements of R2-12-504.
- B. "Approved List of Certification Authorities" means the list of Certification Authorities approved by the Secretary of State to issue certificates for electronically signed transactions involving public entities in Arizona.
- C. "Asymmetric crypto-system" means an electronically processed algorithm, or series of algorithms, which uses two different keys with the following characteristics:
1. One key encrypts a given message;
  2. One key decrypts a given message; and
  3. The keys have the property that it is infeasible to discover one key from merely knowing the other key.
- D. "CARAT Guidelines" means the *CARAT Guidelines - Guidelines for Constructing Policies Governing the Use of Identity-Based Public Key Certificates* drafted by the Certification Authority Rating and Trust (CARAT) Task Force of the National Automated Clearing House Association (NACHA), Version 1 Draft, September 21, 1998, excluding later amendments or additions, incorporated by reference and on file with the Secretary of State.
- E. "Certificate" means an electronic document attached to a public key by a trusted certification authority, which provides proof that the public key belongs to a legitimate subscriber and has not been compromised.
- F. "Certification Authority" means a person or entity that issues a certificate.
- G. "Electronically signed communication" means an electronic message that has been processed in such a manner that the message is tied to the individual who signed the message.
- H. "GITA" means the Government Information Technology Agency, as established by A.R.S. § 41-3501.
- I. "Key pair" means a private key and its corresponding public key in an asymmetric crypto-system. The key pair is unique in that the public key can verify a digital signature that the private key creates.
- J. "Message" means an electronic representation of information intended to serve as a written communication with a public entity.

## Office of the Secretary of State

- K. "Person" means a human being or any organization capable of signing a document, either legally or as a matter of fact.
- L. "Policy Authority" means, as defined by CARAT Guidelines, some authoritative party that formulates the guidelines defining the process of electronic signature use.
- M. "Private key" means the key of a key pair used to create a digital signature.
- N. "Public key" means the key of a key pair used to verify a digital signature.
- O. "Public entity" means any budget unit, as defined in A.R.S. § 41-3501.
- P. "S.A.S. 70" means the standards set in the American Institute of Certified Public Accounts (AICPA) Statement on Auditing Standards No. 70. Should current S.A.S. 70 standards (or any succeeding version) be superseded, the Secretary of State, in consultation with GITA and the State Treasurer, shall establish a deadline for all affected parties to comply with the replacing standard. This deadline shall be no later than two years from the date of issuance of the new S.A.S. standards. GITA will also provide a "roadmap" of how the revised standard fits the current Type 1 and Type 2 S.A.S. 70 designations used elsewhere in these rules.
- Q. "Subscriber" means a person who:
  1. Is the subject listed in a certificate,
  2. Accepts the certificate, and
  3. Holds a private key which corresponds to a public key listed in that certificate.

**Historical Note**

Adopted by exempt rulemaking at 5 A.A.R. 742, effective February 19, 1999 (Supp. 99-1).

**R2-12-502. Identification of Acceptable Technologies for Electronic Signatures**

- A. The Secretary of State shall accept, and approve for use, technologies for electronic signature, in consultation with the Policy Authority and GITA, provided the technologies meet the standards set forth in the GITA standards for Electronic Signatures, as specified in A.R.S. § 41-3504.
- B. Provisions for Adding New Technologies
  1. Any individual or company can petition the Secretary of State to review the technology, by providing a written request for review including a full explanation of a proposed technology that meets the requirements established under subsection (A) and meets the requirements of the Policy Authority as identified in R2-12-503.
  2. The Secretary of State has 180 days from the date of the request to review the petition and either accept or reject it.
    - a. If the petitioner's proposed technology meets the requirements established under subsection (A) and meets the requirements of the Policy Authority, then GITA shall work with the Policy Authority to incorporate the new technology into electronic signature use by public agencies in Arizona.
    - b. If the proposed technology is rejected, the petitioner can appeal the decision through the Administrative Procedure Act, A.R.S. § 41-1092.08(H).

**Historical Note**

Adopted by exempt rulemaking at 5 A.A.R. 742, effective February 19, 1999 (Supp. 99-1).

**R2-12-503. Policy Authority**

- A. The office of the Secretary of State shall serve as the Policy Authority as defined within the CARAT Guidelines. These guidelines provide a prudent operational model that may be applied to new technologies as they are approved.

- B. Decisions made by the Policy Authority under R2-12-501, R2-12-502, and R2-12-504 may be appealed pursuant to the Administrative Procedure Act, A.R.S. § 41-1092.08(H).

**Historical Note**

Adopted by exempt rulemaking at 5 A.A.R. 742, effective February 19, 1999 (Supp. 99-1).

**R2-12-504. Certification Authority Approval Application, Suspension, Revocation****A. Acceptable Certification Authorities**

1. The Secretary of State shall maintain an "Approved List of Certification Authorities" authorized to issue certificates for electronically signed communication with public entities in Arizona.
2. Public entities shall only accept certificates from Certification Authorities that appear on the "Approved List of Certification Authorities" and are authorized to issue certificates by the Secretary of State.

**B. Registration of Certification Authorities**

1. The Secretary of State shall place Certification Authorities on the "Approved List of Certification Authorities" after the Certification Authority provides the Secretary of State with a copy of an unqualified performance audit performed in accordance with standards set in S.A.S. 70 to ensure that the Certification Authorities practices and policies are consistent with the requirements in this Article and any requirements of the Policy Authority.
  - a. Certification Authorities that have been in operation for one year or less shall undergo a S.A.S. 70 type 1 audit - A report of Policies and Procedures placed in operation, receiving an unqualified opinion.
  - b. Certification Authorities that have been in operation for longer than one year shall undergo a S.A.S. 70 type 2 audit - A Report of Policies and Procedures placed in operation and test of operating effectiveness, receiving an unqualified opinion.
  - c. To remain on the "Approved List of Certification Authorities", a Certification Authority must provide proof of compliance every two years after initially being placed on the list and meet any requirements of the Policy Authority in effect at that time.
2. In lieu of completing the auditing requirement in subsection (B)(1), Certification Authorities may be placed on the "Approved List of Certification Authorities" upon providing the Secretary of State with proof acceptable to the Secretary of State that the Certification Authority meets the Policy Authority's criteria for acceptance of a Foreign License (non-Arizona license).
  - a. Certification Authorities shall be removed from the "Approved List of Acceptable Certification Authorities" unless they provide current proof of accreditation to the Secretary of State at least once per year no later than December 31 of each year.
  - b. If the Secretary of State is informed a Certification Authority has had its accreditation revoked, the Certification Authority shall be removed from the "Approved List of Certification Authorities" immediately.

**Historical Note**

Adopted by exempt rulemaking at 5 A.A.R. 742, effective February 19, 1999 (Supp. 99-1).

**ARTICLE 6. ELECTRONIC VOTER REGISTRATION****R2-12-601. Definitions**

## Office of the Secretary of State

In addition to the definitions provided in A.R.S. §§ 16-101, 16-111, 16-140, and 16-153, unless the context provides otherwise, the following definitions apply to this Article:

1. "Destination county recorder" means the county recorder to which the registrant's voter registration application is delivered.
2. "Electronic signature" is defined in A.R.S. § 41-132.
3. "Electronic voter registration form" means the capture and acknowledgment of statements on behalf of the registrant during the electronic voter registration process. Its contents are substantively the information prescribed by A.R.S. § 16-152.
4. "Electronic voter registration process" means the sequence of events between a registrant and a transmitter beginning with identification of the registrant up to and including submitting the registration information.
5. "Electronic voter registration, statement, or other document" means all data entered into a registration, statement, or other document that is electronically prepared and transmitted to a county recorder.
6. "Identification register" means the index of information containing registrant information maintained by a transmitter.
7. "Registrant" means a person attempting to register to vote.
8. "Transmitter" means an agency who is part of the chain of transmission of an electronic voter registration, statement, or other document from a registrant to a destination county recorder even though the agency did not receive the transmitted registration, statement, or other document directly from the registrant.
9. "Wet signature" means a physically generated signature of a person that can be compared to other physically generated signatures of the person for verification of authenticity.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1905, effective March 29, 2002 (Supp. 02-1).

**R2-12-602. Retention of Electronic Voter Registration Forms**

- A. For each electronic voter registration transmitted to the Secretary of State, the Secretary of State shall keep the documents listed in A.R.S. § 16-152(B) until the next General Election or the date a county recorder confirms the registration is received, whichever is later.
- B. For each electronic voter registration transmitted to a county recorder, the county recorder shall keep the documents listed in A.R.S. § 16-152(A) as specified by A.R.S. § 16-162.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1905, effective March 29, 2002 (Supp. 02-1).

**R2-12-603. Electronic Signatures for Electronic Voter Registration Forms**

- A. To accept the terms of the electronic voter registration process, a registrant shall electronically sign the electronic voter registration form. If a registrant uses an electronic signature, the registrant shall:
  1. Declare, under penalty of perjury, that the electronic voter registration form is true, correct, and complete to the best of the registrant's knowledge; and
  2. Signify to the transmitter during the electronic voter registration process to release the electronic voter registration form to the destination county recorder.
- B. An electronic signature for use on an electronic voter registration form shall be a separate acknowledgement statement

authorizing the transmitter to transmit the information to the destination county recorder.

- C. A registrant may use an electronic signature on an electronic voter registration form if the following conditions are true:
  1. The registrant is active in the transmitter's identification register.
  2. The registrant is uniquely identified by name, physical address, and date of birth in the transmitter's identification register.
  3. A digitized image of the registrant's wet signature exists with the transmitter for the purpose of transmitting with the electronic voter registration form to the destination county recorder.
- D. If a registrant does not electronically sign the registrant's electronic voter registration form, the registrant may complete the voter registration process on paper.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1905, effective March 29, 2002 (Supp. 02-1).

**R2-12-604. Acceptable Transmitters of Electronic Voter Registration Forms**

- A. Only the following government agencies may be transmitters:
  1. The Department of Transportation,
  2. The county recorders, and
  3. The Secretary of State.
- B. Each transmitter shall enter into an agreement with the Secretary of State to transmit electronic voter registration information before transmitting electronic voter registration information.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1905, effective March 29, 2002 (Supp. 02-1).

**R2-12-605. Transfer of Electronic Voter Registration Information**

- A. The Secretary of State, or its duly authorized third party, shall receive an electronic voter registration information from an accepted transmitter and deliver it to a destination county recorder.
- B. A county recorder may:
  1. Receive electronic voter registration information updates through the Secretary of State;
  2. Receive paper renditions of the electronic voter registration information on a registration form prescribed by the Secretary of State;
  3. Receive digitized images of the electronic voter registration information in a registration form prescribed by the Secretary of State.
- C. Information collected to update a registrant's voter registration information may be transmitted electronically if the following conditions are true:
  1. A registrant provides information to a transmitter for updating the registrant's name or address in the identification register pursuant to A.R.S. § 16-112(B)(4).
  2. The information specified in subsection (C)(1) is received from a transmitter specified in R2-12-604(A).
  3. The information specified in subsection (C)(1) is transmitted in an electronic voter registration format via an electronic manner accepted by the Secretary of State.
  4. The information specified in subsection (C)(1) uniquely identifies an elector of a county recorder's voter registration roll by name and date of birth.
- D. Information collected for the intent of initial registration to the voter registration rolls may be transmitted electronically if:
  1. The information meets the criteria of subsection (C);

## Office of the Secretary of State

2. The information contains a digitized image of a registrant's wet signature; and
  3. The information has been electronically signed by a registrant to authorize the transmitter to release the electronic voter registration form.
- E. Voter registration information shall be kept confidential pursuant to A.R.S. § 16-153.
- F. Driver's license information shall be kept confidential pursuant to A.R.S. § 16-112.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1905, effective March 29, 2002 (Supp. 02-1).

**ARTICLE 7. BALLOT MEASURE PUBLICITY PAMPHLET ARGUMENT FEES****R2-12-701. Ballot Measure Publicity Pamphlet Argument**

The following fees have been established by the Office of the Secretary of State, for the purpose of offsetting the cost of printing "pro" and "con" arguments in the ballot measure publicity pamphlet as required by A.R.S. § 19-124(D):

1. Argument filed on paper only - \$100.00.
2. Argument filed on paper and electronic format (computer disk) - \$75.00.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 1076, effective March 3, 2000 (Supp. 00-1).

**ARTICLE 8. PROFESSIONAL EMPLOYER ORGANIZATIONS****R2-12-801. Definitions**

Unless the context otherwise requires, the definitions of terms contained in A.R.S. § 23-561 are applicable in this Article. Additionally, the following definitions apply in this Article, unless otherwise specified in these rules:

1. "Application" means such forms, materials, fees, and information required to enable the Secretary of State to ascertain if an applicant meets the requirements of registration.
2. "Common Control" means having charge of those activities that are inherent in operating a PEO or PEO group.
3. "Controlling Person" means any organization or person that possesses, directly or indirectly, through financial ownership or otherwise, the power to direct, or cause the direction of, the management or policies of the PEO.
4. "PEO" means professional employer organization.
5. "Parent PEO" means an organization or person that holds common control over two or more PEOs and is the designated entity under which a group registration is filed.
6. "Professional Employer Group" means two or more professional employer organizations that are under common control of a parent PEO and that operate under a group registration issued under A.R.S. § 23-566.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4501, effective January 29, 2008 (Supp. 07-4).

**R2-12-802. Registration**

- A. Each applicant shall apply to the Secretary of State in writing upon forms available from the Secretary of State. Each completed application shall contain the required documentation identified in each type of registration pursuant to A.R.S. §§ 23-563, 23-564, 23-565, 23-566 and 23-567 and each application shall be verified by oath or affidavit by the applicant, and shall be accompanied by the fees required by these rules.

- B. A certificate shall be issued to an applicant who submits a complete application if the Secretary of State determines that the applicant meets the requirements of registration.
- C. A written notice of denial of registration shall be provided to an applicant who submits a complete application if the Secretary of State determines that the applicant does not meet the requirements of registration.
- D. A written notice shall be provided to an applicant who submits an incomplete application. This notice shall advise the applicant that the application is incomplete and that the application is denied, unless the applicant corrects the deficiencies within 30 days or such greater time as specifically provided in the notice of deficiency and otherwise meets all requirements for registration as determined by the Secretary of State.
- E. An applicant shall respond within 30 days to all requests of the Secretary of State for further information regarding an application. Failure to provide the requested information within 30 days or such greater time as specifically provided in the Secretary of State's request shall be grounds for the denial of an application.
- F. An applicant who is required to deposit a bond, an irrevocable letter of credit or securities in a depository, to fulfill the requirements of A.R.S. § 23-569(A)(2) shall submit the bond, an irrevocable letter of credit or securities with the Secretary of State's office.
- G. Upon receiving a bond, an irrevocable letter of credit or securities the Secretary of State's office shall deposit the asset with the State of Arizona Treasurer's Office who shall confirm the transaction by issuing documentation identifying the date and type of deposit.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4501, effective January 29, 2008 (Supp. 07-4).

**R2-12-803. Limited Registration**

An applicant for limited registration must provide with its application:

1. A copy of the statutory and regulatory PEO requirements of another state in which the PEO applicant is registered and which govern that PEO's out-of-state registration. The governing statutory and regulatory requirements from the other state must be substantially similar to the PEO requirements of Arizona as determined by the Arizona Secretary of State.
2. A certificate or documentation issued by that state's licensing agency showing that the applicant's registration is current and valid and discloses whether the applicant has been subject to any disciplinary actions in that state.
3. A statement signed by a controlling person of the PEO declaring that the PEO meets the requirements of limited registration as provided in A.R.S. § 23-567(A)(1) through (4).

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4501, effective January 29, 2008 (Supp. 07-4).

**R2-12-804. Late Registration**

If renewal registration is not received by the Secretary of State within 120 days after the applicant's completed fiscal year, the applicant shall pay the established registration renewal fee.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4501, effective January 29, 2008 (Supp. 07-4).

**R2-12-805. Registration Fees**

## Office of the Secretary of State

- A. A PEO registering with the Secretary of State shall pay the following fees:
1. If applying for initial registration:
    - a. The initial registration fee shall be \$1,000; and
    - b. The renewal registration fee shall be \$1,000.
  2. If applying for group registration:
    - a. The initial group registration fee shall be \$1,000 for the parent employer organization and \$500 for each member of the group; and
    - b. The group registration renewal fee shall be \$1,000 for the parent organization and \$500 for each member of the group.
  3. If applying for limited registration:
    - a. The initial limited registration fee shall be \$1,000; and
    - b. The limited registration renewal fee shall be \$1,000.
- B. All fees are nonrefundable.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4501, effective January 29, 2008 (Supp. 07-4).

**R2-12-806. Complaints**

- A. Any person may file a complaint with the Office of the Secretary of State regarding a PEO. The Secretary of State shall receive any complaints and shall investigate and determine whether action is necessary involving allegations of any misconduct as provided in A.R.S. § 23-575 and these rules.
1. A complaint must be in writing;
  2. The complainant shall be clearly identified. If an entity files a complaint an individual shall be identified in the complaint that will serve as a contact person while the investigation of the complaint is conducted;
  3. The name of the PEO who has allegedly committed the misconduct must be clearly identified;
  4. The nature of the misconduct and the circumstances surrounding the alleged misconduct shall be clearly identified; and
  5. Documentation, if any, supporting the allegations shall accompany the complaint.
- B. Upon receipt of the complaint the Secretary of State shall mail a copy of the complaint to the PEO in question and request a written response.
- C. If a PEO fails to respond within 30 days to a request for information during an investigation the Secretary of State may take action pursuant to A.R.S. § 23-575(E).

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4501, effective January 29, 2008 (Supp. 07-4).

**R2-12-807. Investigations**

- A. The Secretary of State or its representative may request information, perform an investigation, audit, or review documents necessary to determine whether a PEO has violated any provision of A.R.S. §§ 23-563 through 23-569 or 23-575 or these rules.
- B. Information gathered pursuant to an investigation is confidential and not open to public inspection pursuant to A.R.S. § 23-563(C).
- C. The disciplinary record of a PEO is a matter of public record as allowed by law.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4501, effective January 29, 2008 (Supp. 07-4).

**R2-12-808. Administrative Hearings**

If the Secretary of State denies an application for registration, or restricts, revokes or refuses to renew a registration, or if the Secretary of State places a registrant on probation, upon notification, the registrant may appeal the decision of the Secretary of State pursuant to the procedure provided in A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4501, effective January 29, 2008 (Supp. 07-4).

**R2-12-809. Restriction, Revocation or Probation of Registration**

- A. If a PEO fails to comply with any of the requirements of registration the Secretary of State may restrict, revoke or place the PEO on probation until such time as the PEO comes into compliance with the registration requirements.
- B. If the PEO fails to cure any deficiency within 150 days of the registration renewal date, the Secretary of State may revoke the registration of an applicant.
- C. If a PEO fails to comply with any of the duties and responsibilities identified in R2-12-811 the Secretary of State may take action pursuant to A.R.S. § 23-575(E) and (F) until such time as the PEO comes into compliance.
- D. Upon restriction of a registration, the holder of the restricted registration shall:
1. Immediately cease soliciting clients for PEO services.
  2. Notify each client of the PEO of the PEO's restriction within five days after the effective date of the restriction.
- E. Upon revocation of a registration, the holder of the revoked registration shall:
1. Cease all PEO operations immediately.
  2. Notify each client of the PEO of the PEO's revocation within two days after the effective date of revocation.
- F. Upon the completion of a period of registration restriction or the reinstatement of a registration that was revoked the PEO shall be placed on probation for one year.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4501, effective January 29, 2008 (Supp. 07-4).

**R2-12-810. Requirements for Reinstatement of a Restricted, Revoked or Probationary Registration After the Specified Term of Discipline**

- A. Unless otherwise specified in a disciplinary order imposing revocation, the disciplined registrant may, after two years from the date of the disciplinary order, petition for the reinstatement of its registration.
- B. Unless otherwise specified in a disciplinary order a PEO whose registration has been restricted or put on probation the disciplined registrant shall, at the end of the restriction, or probation, petition for the release from the conditions of restriction or probation.
- C. Unless otherwise provided by a disciplinary order, an applicant who applies for reinstatement of a registration after the specified term of restriction or revocation of the registration shall:
1. Submit an application for registration complete with all supporting documents as is required when making an initial application for registration demonstrating the applicant meets all current qualifications for registration and compliance with requirements and conditions of registration reinstatement;
  2. Submit a Petition for Release from the imposed disciplinary order that documents that all conditions of reinstatement and requirements for re-registration have been fulfilled;
  3. Pay the established registration renewal fee;

## Office of the Secretary of State

4. Provide documentation to the Secretary of State to clearly demonstrate the applicant is statutorily qualified to be reinstated to engage in offering PEO services; and
5. Pay all monies due.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4501, effective January 29, 2008 (Supp. 07-4).

**R2-12-811. Duties and Responsibilities**

- A. An applicant or registered PEO shall notify the Secretary of State in writing within 30 days of any conviction, judgment, guilty plea or no contest plea of the applicant or any of the applicant's controlling persons for any violation listed in A.R.S. § 23-575.
- B. An applicant or registered PEO shall notify the Secretary of State in writing within 30 days of any final action by a state or federal regulatory agency for violations related to the operation of a PEO.
- C. An applicant or registered PEO shall notify the Secretary of State in writing within 30 days of any determination by any court of competent jurisdiction, including federal courts, located in any state, that the applicant or any of the applicant's controlling persons were found, or pled guilty to fraud related to the operation of a PEO.
- D. An applicant or registered PEO shall respond to any requests for information and comply with any investigations that are initiated by the Secretary of State.
- E. An applicant or registered PEO shall notify the Secretary of State in writing within 10 days of the PEO's failure to stay current with obligations that relate to payroll, payroll-related taxes, workers' compensation insurance premiums for covered employees and employee benefits.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4501, effective January 29, 2008 (Supp. 07-4).

**ARTICLE 9. RESERVED****ARTICLE 10. CAMPAIGN CONTRIBUTIONS AND EXPENSES; STANDING POLITICAL COMMITTEES SECTION****R2-12-1001. Filing Fees**

- A. A fee of \$250.00 shall accompany the filing of a Statement of Organization that declares the status of a Standing Political Committee. Regardless of the date of filing of a Statement of Organization, the annual registration of all Standing Political Committees shall expire midnight on December 31.
- B. A fee of \$250.00 shall be submitted to the Secretary of State for the annual renewal of a Standing Political Committee's status. Annual renewal fees are due and payable on or before January 1.
- C. All fees shall be made payable to the Office of the Secretary of State. Fees paid to the Secretary of State for Standing Political Committee status are non-returnable and non-transferable.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3567, effective August 23, 2000 (Supp. 00-3).

**Exhibit 1. Notary Public Services****NOTARY PUBLIC SERVICES  
(Business, Office, or Notary Name)**

Fees Schedule Posted pursuant to R2-12-1102		
acknowledgment or jurat	[Example Fee] No Charge	per notary public signature
copy certification	[Example Fee] No Charge	per page certified

**ARTICLE 11. NOTARY PUBLIC BONDS AND FEES****R2-12-1101. Definitions**

The following definitions shall apply in this Article unless the context otherwise requires:

"Acknowledgment" means the same as defined in A.R.S. § 41-311(1).

"Bond" means a surety bond to the state, with sureties approved by the clerk of the superior court in the county in which the individual is being commissioned as a notary public.

"Copy certification" means the same as defined in A.R.S. § 41-311(3).

"Credible person" means a person used to identify a signer when the signer does not have other satisfactory evidence of identity as specified in A.R.S. § 41-311(11).

"Jurat" means the same as defined in A.R.S. § 41-311(6).

"Oath" or "affirmation" means the same as defined in A.R.S. § 41-311(10).

"Satisfactory evidence of identity" means the same as defined in A.R.S. § 41-311(11).

**Historical Note**

New Section adopted by emergency rulemaking at 6 A.A.R. 2956, effective July 18, 2000 (Supp. 00-3). Emergency rulemaking renewed at 7 A.A.R. 672, effective January 13, 2001 (Supp. 01-1). Section made by final rulemaking at 7 A.A.R. 2141, effective May 1, 2001 (Supp. 01-2).

**R2-12-1102. Notary Public Fees**

- A. Pursuant to A.R.S. § 38-412, a notary public shall keep posted at all times in a conspicuous location, the fee schedule listed under subsection (E)(1) through (3).
- B. Upon reviewing the fees schedule under subsection (E)(1) through (3), a notary shall select a standard fee, from "no charge" up to the maximum \$10 fee for a notarial act. A notary public shall be consistent when charging fees and post the fee schedule in a conspicuous location.
- C. When posting fees under subsection (A) and (B), notaries shall use the template in Exhibit 1. Notary Public Services.
- D. Before performing any notarial act, the notary public shall inform the requestor of the service fee if one will be charged.
- E. A Notary public may charge the following fee:
  1. For an acknowledgment or jurat, "no charge" up to \$10 per notary public signature;
  2. For a copy certification, "no charge" up to \$10 per page certified;
  3. For an oath or affirmation, "no charge" up to \$10 per notarial act.

**Historical Note**

New Section adopted by emergency rulemaking at 6 A.A.R. 2956, effective July 18, 2000 (Supp. 00-3). Emergency rulemaking renewed at 7 A.A.R. 672, effective January 13, 2001 (Supp. 01-1). Section made by final rulemaking at 7 A.A.R. 2141, effective May 1, 2001 (Supp. 01-2). Section amended by final rulemaking at 24 A.A.R. 137, effective March 5, 2018 (Supp. 18-1).

## Office of the Secretary of State

oath or affirmation	[Example Fee] No Charge	per notarial act
Attention Customer: Fees charged by an Arizona Notary Public may vary from “no charge” up to \$10.		
<b>An Arizona Notary Public May Charge the Following Fees:</b>		
Posted pursuant to A.R.S. § 38-412		
acknowledgment or jurat	up to \$10	per notary public signature
copy certification	up to \$10	per page certified
oath or affirmation	up to \$10	per notarial act

**Historical Note**

Exhibit 1 made by final rulemaking at 24 A.A.R. 137, effective March 5, 2018 (Supp. 18-1).

**R2-12-1103. Notary Public Bonds**

- A.** Notaries public shall purchase a bond in the amount of \$5,000 before being commissioned as a notary public. The original bond shall be filed with the clerk of the superior court in the applicant's county of residence. A copy of the bond shall be filed with the applicant's application form submitted to the Secretary of State's Office.
- B.** The bond shall contain, on its face, the oath of office for the notary public as specified in A.R.S. § 38-233(B). This oath shall be as specified in A.R.S. § 38-231. The notary shall endorse the oath on the face of the bond, immediately below the oath, by signing the notary's name under which the person has applied to be commissioned as a notary and exactly as the name appears on the notary application form filed with the Secretary of State's Office.

**Historical Note**

New Section adopted by emergency rulemaking at 6 A.A.R. 2956, effective July 18, 2000 (Supp. 00-3). Emergency rulemaking renewed at 7 A.A.R. 672, effective January 13, 2001 (Supp. 01-1). Section made by final rulemaking at 7 A.A.R. 2141, effective May 1, 2001 (Supp. 01-2).

**ARTICLE 12. ELECTRONIC NOTARY**

*Article 12, consisting of Sections R2-12-1201 through R2-12-1209, made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).*

**R2-12-1201. Application and Renewal**

Each applicant for an electronic notary commission or a renewal of an electronic notary commission shall:

1. Submit to the Secretary of State a verified application on a form furnished by the Secretary of State that provides the following information about the applicant:
  - a. Full name and any former names used by the applicant;
  - b. Physical address and telephone number;
  - c. Mailing address and telephone number;
  - d. Business address, telephone number, fax number and email address, if applicable;
  - e. County of residence;
  - f. Gender;
  - g. Date of birth;
  - h. The previous commission number of the applicant if previously an electronic notary or notary public appointed under A.R.S. § 41-312 in Arizona, if applicable;
  - i. Responses to questions regarding the applicant's background on the following subjects:
    - ii. Whether the applicant has been convicted of a felony or an undesignated offense in this or any other jurisdiction and whether the applicant has been restored to civil rights.

- ii. Whether the applicant has been convicted of a lesser offense involving moral turpitude or of a nature that is incompatible with the duties of a notary public in this or any other jurisdiction such as a finding that the applicant engaged in conduct that would violate A.R.S. § 41-313 if adjudicated in Arizona, or that the applicant engaged in conduct that constituted misconduct in public office or demonstrated dishonesty or a lack of veracity.
- iii. Whether the applicant has ever had a professional license revoked, suspended, restricted, or denied for misconduct, dishonesty, or any cause that relates to the duties or responsibilities of a notary public such as a finding that the applicant engaged in conduct that would violate A.R.S. § 41-313 if adjudicated in Arizona, or that the applicant engaged in conduct that demonstrated dishonesty or a lack of veracity.
- iv. Whether the applicant has had a notary commission revoked, suspended, restricted, or denied in this state or any other jurisdiction.
- v. Statement that applicant is 18 years of age or older.
- vi. Statement of being an Arizona resident.
- vii. Whether the applicant holds or has held a notary commission in another state or jurisdiction and the commission number and jurisdiction, if applicable.

2. The Secretary of State may require that the applicant provide a detailed explanation and supporting documentation for each response on the application regarding the applicant's background.
3. Each applicant shall register with the Secretary of State the applicant's possession of an approved electronic notary token within 90 days of submitting the application.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1202. Applicant Filing Fee, Bond, and Bond Filing Fee**

- A.** The application and renewal fee is \$25.
- B.** The bond filing fee is \$25.
- C.** The applicant shall purchase a surety bond in the amount of \$25,000. The original bond shall be filed with the Secretary of State's office accompanying the application or renewal.
- D.** The bond shall contain, on its face, the oath of office for the electronic notary public as specified in A.R.S. § 38-231(G). The electronic notary shall endorse the oath on the face of the bond, immediately below the oath, by signing the electronic notary's name under which the person has applied to be commissioned as an electronic notary and exactly as the name appears on the electronic notary application form filed with the Secretary of State's Office.



## Office of the Secretary of State

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1203. Notarial Journal**

- A. An electronic notary public shall keep a journal of all electronic notarial acts in bound paper form with the same form as required in A.R.S. § 41-319 herein referenced as a "journal." If an electronic notary act is conducted upon an electronic signature that is not recognized under A.R.S. § 41-132, the electronic notary shall have the signer sign the paper journal in a manner consistent with A.R.S. § 41-319.
- B. The journal shall be under the control of the electronic notary.
- C. If an electronic notary also holds commission as a notary public appointed under A.R.S. § 41-312, and the commission dates are identical between the two commissions, then the electronic notary may use the notary public journal as the electronic notary paper journal. If the dates are not identical, then the electronic notary shall maintain two separate journals.
- D. If a notary service electronic certificate is used in a manner to create an electronic signature in a notarial act, the document name, title, brief description of contents, and the time stamp shall be entered into the issuing electronic notary's journal as a notary service electronic certificate entry.
- E. Journals are not deemed received until the Secretary of State accepts the journals as complete. The electronic notary shall not be subject to a penalty for delay outside the control of the electronic notary in delivering the journal to the Secretary of State.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1204. Standards for Electronic Notary Token and Notary Service Electronic Certificate**

- A. An electronic notary token, and subsequently a notary service electronic certificate, shall be approved under A.R.S. § 41-132.
- B. A provider of an electronic notary token may not provide an official electronic notary token to a person unless the person first presents evidence of the electronic notary commission for that person to the provider.
- C. A provider of a notary service electronic certificate may not provide an official notary service electronic certificate to a person unless the person presents himself or herself before and receives authorization from an electronic notary for reception of the notary service electronic certificate.
- D. An electronic notary token shall contain:
  - 1. The commission number of the electronic notary;
  - 2. The full name of the electronic notary, as commissioned as an electronic notary;
  - 3. The expiration date of the notary's commission;
  - 4. A link to the commission record of the electronic notary on the Secretary of State's official web site; and
  - 5. Any applicable information relative to A.R.S. § 41-132.
- E. A notary service electronic certificate shall contain:
  - 1. The commission number of the electronic notary authorizing the notary service electronic certificate;
  - 2. The identification of the authorizing electronic notary's electronic notary token;
  - 3. The full name of the individual, as presented to the electronic notary;
  - 4. A link to the authorizing commission record of the electronic notary on the Secretary of State's official web site; and
  - 5. Any applicable information relative to A.R.S. § 41-132.

- F. An electronic notary may possess only one electronic notary token.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1205. Use of Electronic Notary Tokens and Notary Service Electronic Certificate**

- A. An electronic notary may only use an electronic notary token for the duties set forth in A.R.S. §§ 41-351 through 41-369 and interactions with the provider of the electronic notary token.
- B. A person may only use a notary service electronic certificate for the purposes of creating electronic notarized documents and interactions with the provider of the notary service electronic certificate.
- C. Use of an electronic notary token is not complete without:
  - 1. Incorporating the electronic notary token elements into the document;
  - 2. Either directly incorporating the time and date of notarization or incorporating the time and date of notarization using a process of an approved time stamp provider;
  - 3. Affixing the notary's electronic signature.
- D. Use of a notary service electronic certificate is not complete without:
  - 1. Presence of a date and time stamp from an approved time stamp token provider;
  - 2. Affixing the notary's electronic signature.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1206. Approval of Time Stamp Token Provider**

Any person or entity that can provide a service that synchronizes time as defined in A.R.S. § 1-242 into a process using an electronic notary token or a notary service electronic certificate, where applicable, may be added to the list of approved time stamp token providers. All time stamp tokens that interact with electronic notary tokens and notary service electronic certificates need to meet the applicable technology standards required by A.R.S. § 41-132.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1207. Fees**

Electronic notaries may charge the following fees:

- 1. Fee for an acknowledgment shall be not more than \$25.
- 2. Fee for an oath or affirmation shall be not more than \$25.
- 3. Fee for a jurat shall be not more than \$25.
- 4. Fee for authorizing a notary service electronic certificate to a person shall be not more than \$50. This does not include any vendor fees or charges to the person for reception of the notary service electronic certificate.
- 5. Fee for any other notarial act shall be not more than \$25.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1208. Penalty Fee for Lack of Notice**

The penalty to be imposed upon an electronic notary for failure to provide signed notice as defined in the statute to the Secretary of State of each loss, theft, or compromise of the electronic notary's journal shall be \$10 per use of electronic notary token up to a maximum of \$500. When audit trail is not recoverable, the maximum of \$500 shall be imposed upon the electronic notary for each failure to provide proper notice of a loss, theft, or compromise of the electronic notary's journal.

## Office of the Secretary of State

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1209. Civil Penalties**

- A.** The penalty to be imposed upon an electronic notary for failure to provide signed notice as defined in the statute to the Secretary of State of each loss, theft, or compromise of a notary service electronic certificate or of loss, theft or compromise of any materials or processes used in creating an electronic notary token or authorizing a notary service electronic certificate shall be \$10 per day, up to a maximum of \$500 for each failure to provide proper notice of a loss, theft, or compromise of a notary service electronic certificate or compromise of any materials or processes used in creating an electronic notary token.

- B.** The penalty to be imposed upon an electronic notary for each failure to provide signed notice as defined in the statute to the Secretary of State of a change of address shall be \$10 per day, up to a maximum of \$250 for each failure to provide proper notice of a change of address.
- C.** The penalty to be imposed upon an electronic notary for failure to deposit the notary's electronic notary journal and records as defined in the statute with the Secretary of State shall be \$50 for the first day and then \$10 per day up to a maximum of \$500.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

# Arizona Administrative CODE

Supplement 18-1

www.azsos.gov

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 4. PROFESSIONS AND OCCUPATIONS

### CHAPTER 3. REPEALED

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

<a href="#">R4-3-101.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-410.</a>	<a href="#">Repealed</a>	<a href="#">4</a>
<a href="#">R4-3-102.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-411.</a>	<a href="#">Repealed</a>	<a href="#">4</a>
<a href="#">R4-3-103.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-412.</a>	<a href="#">Repealed</a>	<a href="#">4</a>
<a href="#">R4-3-104.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-412.01.</a>	<a href="#">Repealed</a>	<a href="#">4</a>
<a href="#">R4-3-105.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-413.</a>	<a href="#">Repealed</a>	<a href="#">4</a>
<a href="#">R4-3-201.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-414.</a>	<a href="#">Repealed</a>	<a href="#">4</a>
<a href="#">R4-3-202.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-415.</a>	<a href="#">Recodified</a>	<a href="#">4</a>
<a href="#">R4-3-203.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-416.</a>	<a href="#">Recodified</a>	<a href="#">4</a>
<a href="#">R4-3-301.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-417.</a>	<a href="#">Recodified</a>	<a href="#">4</a>
<a href="#">R4-3-302.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-418.</a>	<a href="#">Recodified</a>	<a href="#">5</a>
<a href="#">R4-3-303.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-419.</a>	<a href="#">Recodified</a>	<a href="#">5</a>
<a href="#">R4-3-304.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-420.</a>	<a href="#">Recodified</a>	<a href="#">5</a>
<a href="#">R4-3-305.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-421.</a>	<a href="#">Recodified</a>	<a href="#">5</a>
<a href="#">R4-3-306.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-422.</a>	<a href="#">Recodified</a>	<a href="#">5</a>
<a href="#">R4-3-307.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-423.</a>	<a href="#">Recodified</a>	<a href="#">5</a>
<a href="#">R4-3-308.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-424.</a>	<a href="#">Recodified</a>	<a href="#">5</a>
<a href="#">R4-3-309.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">Table 1.</a>	<a href="#">Repealed</a>	<a href="#">5</a>
<a href="#">R4-3-310.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-501.</a>	<a href="#">Expired</a>	<a href="#">5</a>
<a href="#">R4-3-401.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-502.</a>	<a href="#">Expired</a>	<a href="#">5</a>
<a href="#">R4-3-402.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-503.</a>	<a href="#">Expired</a>	<a href="#">5</a>
<a href="#">R4-3-403.</a>	<a href="#">Repealed</a>	<a href="#">3</a>	<a href="#">R4-3-504.</a>	<a href="#">Expired</a>	<a href="#">6</a>
<a href="#">R4-3-404.</a>	<a href="#">Repealed</a>	<a href="#">4</a>	<a href="#">R4-3-505.</a>	<a href="#">Expired</a>	<a href="#">6</a>
<a href="#">R4-3-405.</a>	<a href="#">Repealed</a>	<a href="#">4</a>	<a href="#">R4-3-506.</a>	<a href="#">Expired</a>	<a href="#">6</a>
<a href="#">R4-3-406.</a>	<a href="#">Repealed</a>	<a href="#">4</a>	<a href="#">R4-3-507.</a>	<a href="#">Expired</a>	<a href="#">6</a>
<a href="#">R4-3-407.</a>	<a href="#">Repealed</a>	<a href="#">4</a>	<a href="#">R4-3-508.</a>	<a href="#">Expired</a>	<a href="#">6</a>
<a href="#">R4-3-408.</a>	<a href="#">Repealed</a>	<a href="#">4</a>	<a href="#">R4-3-509.</a>	<a href="#">Expired</a>	<a href="#">6</a>
<a href="#">R4-3-409.</a>	<a href="#">Repealed</a>	<a href="#">4</a>			

#### Questions about these rules? Contact:

Department: Arizona Department of Gaming  
Name: Aiden Fleming  
Address: 1110 W. Washington, Suite 450  
Phoenix, AZ 85007  
Telephone: (602) 255-3879  
Fax: (602) 255-3883  
E-mail: [afleming@azgaming.gov](mailto:afleming@azgaming.gov)

**The release of this Chapter in supplement 18-1 replaces supplement 13-4, 1-9 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 4. PROFESSIONS AND OCCUPATIONS****CHAPTER 3. REPEALED**

*The State Boxing and Mixed Martial Arts Commission has been under the jurisdiction of the Racing Department since 2002. Laws 2015, Ch. 19 moved the Racing Department under the jurisdiction of the Arizona Department of Gaming. Therefore, the Commission repealed the rules in this Chapter at 24 A.A.R. 435; and promulgated rules at 24 A.A.R. 445 which were codified at 19 A.A.C. 2, Article 6 in Supp. 18-1.*

*Chapter heading revised by Laws 2010, Ch. 269, § 4 (Supp. 11-3).*

*This Chapter contains rules which were adopted pursuant to an exemption from A.R.S. Title 41, Chapter 6 as specified in Laws 1992, Ch. 337, § 12. The specific rules are Sections R4-3-415 through R4-3-424. Exemption from Title 41, Chapter 6 means that the agency did not submit these rules for publication of notice of proposed rulemaking; the Governor's Regulatory Review Council did not review these rules; the agency was not required to hold public hearings on these rules; and the Attorney General has not certified these rules. Because of the exempt rules contained within this Chapter, the Chapter is printed on blue paper.*

*Articles 1 through 4 adopted effective January 21, 1981. Former Article 2 renumbered as Article 5 effective January 21, 1981.*

**ARTICLE 1. REPEALED**

*Article 1, consisting of Sections R4-3-101 through R4-3-105, repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).*

*Former Article 1 consisting of Sections R4-3-01 through R4-3-43 repealed effective January 21, 1981.*

Section	
R4-3-101.	Repealed ..... 3
R4-3-102.	Repealed ..... 3
R4-3-103.	Repealed ..... 3
R4-3-104.	Repealed ..... 3
R4-3-105.	Repealed ..... 3

**ARTICLE 2. REPEALED**

*Article 2, consisting of Sections R4-3-201 through R4-3-203, repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).*

Section	
R4-3-201.	Repealed ..... 3
R4-3-202.	Repealed ..... 3
R4-3-203.	Repealed ..... 3

**ARTICLE 3. REPEALED**

*Article 3, consisting of Sections R4-3-301 through R4-3-310, repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).*

Section	
R4-3-301.	Repealed ..... 3
R4-3-302.	Repealed ..... 3
R4-3-303.	Repealed ..... 3
R4-3-304.	Repealed ..... 3
R4-3-305.	Repealed ..... 3
R4-3-306.	Repealed ..... 3
R4-3-307.	Repealed ..... 3
R4-3-308.	Repealed ..... 3
R4-3-309.	Repealed ..... 3
R4-3-310.	Repealed ..... 3

**ARTICLE 4. REPEALED**

*Sections R4-3-401 through R4-3-414, and Table 1 were repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).*

*Sections R4-3-415 through R4-3-424 recodified to R19-2-601 through R19-2-610 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2).*

Section	
R4-3-401.	Repealed ..... 3
R4-3-402.	Repealed ..... 3
R4-3-403.	Repealed ..... 3
R4-3-404.	Repealed ..... 4
R4-3-405.	Repealed ..... 4
R4-3-406.	Repealed ..... 4
R4-3-407.	Repealed ..... 4
R4-3-408.	Repealed ..... 4
R4-3-409.	Repealed ..... 4
R4-3-410.	Repealed ..... 4
R4-3-411.	Repealed ..... 4
R4-3-412.	Repealed ..... 4
R4-3-412.01.	Repealed ..... 4
R4-3-413.	Repealed ..... 4
R4-3-414.	Repealed ..... 4
R4-3-415.	Recodified ..... 4
R4-3-416.	Recodified ..... 4
R4-3-417.	Recodified ..... 4
R4-3-418.	Recodified ..... 5
R4-3-419.	Recodified ..... 5
R4-3-420.	Recodified ..... 5
R4-3-421.	Recodified ..... 5
R4-3-422.	Recodified ..... 5
R4-3-423.	Recodified ..... 5
R4-3-424.	Recodified ..... 5
Table 1.	Repealed ..... 5

**ARTICLE 5. EXPIRED**

*Article 5, consisting of Sections R4-3-501 through R4-3-509, expired under A.R.S. § 41-1056(E) at 11 A.A.R. 3181, effective April 30, 2002 (Supp. 05-3).*

Section	
R4-3-501.	Expired ..... 5
R4-3-502.	Expired ..... 5
R4-3-503.	Expired ..... 5
R4-3-504.	Expired ..... 6
R4-3-505.	Expired ..... 6
R4-3-506.	Expired ..... 6
R4-3-507.	Expired ..... 6
R4-3-508.	Expired ..... 6
R4-3-509.	Expired ..... 6



## Repealed

**Historical Note**

Adopted effective January 21, 1981 (Supp. 81-1). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**R4-3-404. Repealed****Historical Note**

Adopted effective January 21, 1981 (Supp. 81-1). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**R4-3-405. Repealed****Historical Note**

Adopted effective January 21, 1981 (Supp. 81-1). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**R4-3-406. Repealed****Historical Note**

Adopted effective January 21, 1981 (Supp. 81-1). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**R4-3-407. Repealed****Historical Note**

Adopted effective January 21, 1981 (Supp. 81-1). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**R4-3-408. Repealed****Historical Note**

Adopted effective January 21, 1981 (Supp. 81-1). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**R4-3-409. Repealed****Historical Note**

Adopted effective January 21, 1981 (Supp. 81-1). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**R4-3-410. Repealed****Historical Note**

Adopted effective January 21, 1981 (Supp. 81-1). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**R4-3-411. Repealed****Historical Note**

Adopted effective January 21, 1981 (Supp. 81-1). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**R4-3-412. Repealed****Historical Note**

Adopted effective January 21, 1981 (Supp. 81-1). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**R4-3-412.01. Repealed****Historical Note**

Adopted effective October 8, 1998 (Supp. 98-4). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**R4-3-413. Repealed****Historical Note**

Former Section R4-3-43 adopted effective January 16, 1981 now renumbered as Section R4-3-413 effective January 21, 1981 (Supp. 81-1). Amended by exempt rulemaking at 17 A.A.R. 1483, effective July 20, 2011 (Supp. 11-3). Amended by exempt rulemaking at 19 A.A.R. 3578, effective September 12, 2013 (Supp. 13-4). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**R4-3-414. Repealed****Historical Note**

Adopted effective July 27, 1981 (Supp. 81-4). Section repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

*Editor's Note: The following Section was adopted pursuant to an exemption from A.R.S. Title 41, Chapter 6 as specified in Laws 1992, Ch. 337, § 12. Exemption from Title 41, Chapter 6 means that the agency did not submit these rules for publication of notice of proposed rulemaking; the Governor's Regulatory Review Council did not review these rules; the agency was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R4-3-415. Recodified****Historical Note**

Adopted pursuant to an exemption from A.R.S. § 41-1001 et seq. effective February 24, 1993 (Supp. 93-1). Section R4-3-415 recodified to R19-2-601 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2).

*Editor's Note: The following Section was adopted pursuant to an exemption from A.R.S. Title 41, Chapter 6 as specified in Laws 1992, Ch. 337, § 12. Exemption from Title 41, Chapter 6 means that the agency did not submit these rules for publication of notice of proposed rulemaking; the Governor's Regulatory Review Council did not review these rules; the agency was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R4-3-416. Recodified****Historical Note**

Adopted pursuant to an exemption from A.R.S. § 41-1001 et seq. effective February 24, 1993 (Supp. 93-1). Section R4-3-416 recodified to R19-2-602 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2).

*Editor's Note: The following Section was adopted pursuant to an exemption from A.R.S. Title 41, Chapter 6 as specified in Laws 1992, Ch. 337, § 12. Exemption from Title 41, Chapter 6 means that the agency did not submit these rules for publication of notice of proposed rulemaking; the Governor's Regulatory Review Council did not review these rules; the agency was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R4-3-417. Recodified****Historical Note**

Adopted pursuant to an exemption from A.R.S. § 41-1001 et seq. effective February 24, 1993 (Supp. 93-1). Section R4-3-417 recodified to R19-2-603 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2).

*Editor's Note: The following Section was adopted pursuant to an exemption from A.R.S. Title 41, Chapter 6 as specified in Laws 1992, Ch. 337, § 12. Exemption from Title 41, Chapter 6 means that the agency did not submit these rules for publication*



## Repealed

*of notice of proposed rulemaking; the Governor's Regulatory Review Council did not review these rules; the agency was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R4-3-418. Recodified****Historical Note**

Adopted pursuant to an exemption from A.R.S. § 41-1001 et seq. effective February 24, 1993 (Supp. 93-1).  
Section R4-3-418 recodified to R19-2-604 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2).

*Editor's Note: The following Section was adopted pursuant to an exemption from A.R.S. Title 41, Chapter 6 as specified in Laws 1992, Ch. 337, § 12. Exemption from Title 41, Chapter 6 means that the agency did not submit these rules for publication of notice of proposed rulemaking; the Governor's Regulatory Review Council did not review these rules; the agency was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R4-3-419. Recodified****Historical Note**

Adopted pursuant to an exemption from A.R.S. § 41-1001 et seq. effective February 24, 1993 (Supp. 93-1).  
Section R4-3-419 recodified to R19-2-605 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2).

*Editor's Note: The following Section was adopted pursuant to an exemption from A.R.S. Title 41, Chapter 6 as specified in Laws 1992, Ch. 337, § 12. Exemption from Title 41, Chapter 6 means that the agency did not submit these rules for publication of notice of proposed rulemaking; the Governor's Regulatory Review Council did not review these rules; the agency was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R4-3-420. Recodified****Historical Note**

Adopted pursuant to an exemption from A.R.S. § 41-1001 et seq. effective February 24, 1993 (Supp. 93-1).  
Section R4-3-420 recodified to R19-2-606 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2).

*Editor's Note: The following Section was adopted pursuant to an exemption from A.R.S. Title 41, Chapter 6 as specified in Laws 1992, Ch. 337, § 12. Exemption from Title 41, Chapter 6 means that the agency did not submit these rules for publication of notice of proposed rulemaking; the Governor's Regulatory Review Council did not review these rules; the agency was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R4-3-421. Recodified****Historical Note**

Adopted pursuant to an exemption from A.R.S. § 41-1001 et seq. effective February 24, 1993 (Supp. 93-1).  
Section R4-3-421 recodified to R19-2-607 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2).

*Editor's Note: The following Section was adopted pursuant to an exemption from A.R.S. Title 41, Chapter 6 as specified in Laws 1992, Ch. 337, § 12. Exemption from Title 41, Chapter 6 means that the agency did not submit these rules for publication of notice of proposed rulemaking; the Governor's Regulatory Review Council did not review these rules; the agency was not required to hold public hearings on these rules; and the Attorney*

*General has not certified these rules.*

**R4-3-422. Recodified****Historical Note**

Adopted pursuant to an exemption from A.R.S. § 41-1001 et seq. effective February 24, 1993 (Supp. 93-1).  
Section R4-3-422 recodified to R19-2-608 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2).

*Editor's Note: The following Section was adopted pursuant to an exemption from A.R.S. Title 41, Chapter 6 as specified in Laws 1992, Ch. 337, § 12. Exemption from Title 41, Chapter 6 means that the agency did not submit these rules for publication of notice of proposed rulemaking; the Governor's Regulatory Review Council did not review these rules; the agency was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R4-3-423. Recodified****Historical Note**

Adopted pursuant to an exemption from A.R.S. § 41-1001 et seq. effective February 24, 1993 (Supp. 93-1).  
Section R4-3-423 recodified to R19-2-609 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2).

*Editor's Note: The following Section was adopted pursuant to an exemption from A.R.S. Title 41, Chapter 6 as specified in Laws 1992, Ch. 337, § 12. Exemption from Title 41, Chapter 6 means that the agency did not submit these rules for publication of notice of proposed rulemaking; the Governor's Regulatory Review Council did not review these rules; the agency was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.*

**R4-3-424. Recodified****Historical Note**

Adopted pursuant to an exemption from A.R.S. § 41-1001 et seq. effective February 24, 1993 (Supp. 93-1).  
Section R4-3-424 recodified to R19-2-610 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2).

**Table 1. Repealed****Historical Note**

Adopted effective October 8, 1998 (Supp. 98-4). Table 1, Time-Frames (Calendar days) repealed by final rulemaking at 24 A.A.R. 435, effective February 7, 2018 (Supp. 18-1).

**ARTICLE 5. EXPIRED****R4-3-501. Expired****Historical Note**

Former Rules 10 and 11; Former Section R4-3-50 renumbered as Section R4-3-501 effective January 21, 1981 (Supp. 81-1). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 3181, effective April 30, 2002 (Supp. 05-3).

**R4-3-502. Expired****Historical Note**

Former Rule 12; Former Section R4-3-51 renumbered as Section R4-3-502 effective January 21, 1981 (Supp. 81-1). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 3181, effective April 30, 2002 (Supp. 05-3).

**R4-3-503. Expired**



## Repealed

**Historical Note**

Former Rule 13; Former Section R4-3-52 renumbered as Section R4-3-503 effective January 21, 1981 (Supp. 81-1). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 3181, effective April 30, 2002 (Supp. 05-3).

**R4-3-504. Expired****Historical Note**

Former Rule 14; Former Section R4-3-53 renumbered as Section R4-3-504 effective January 21, 1981 (Supp. 81-1). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 3181, effective April 30, 2002 (Supp. 05-3).

**R4-3-505. Expired****Historical Note**

Former Rule 15; Former Section R4-3-54 renumbered as Section R4-3-505 effective January 21, 1981 (Supp. 81-1). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 3181, effective April 30, 2002 (Supp. 05-3).

**R4-3-506. Expired****Historical Note**

Former Rule 16; Former Section R4-3-55 renumbered as Section R4-3-506 effective January 21, 1981 (Supp. 81-

1). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 3181, effective April 30, 2002 (Supp. 05-3).

**R4-3-507. Expired****Historical Note**

Former Rule 17; Former Section R4-3-56 renumbered as Section R4-3-507 effective January 21, 1981 (Supp. 81-1). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 3181, effective April 30, 2002 (Supp. 05-3).

**R4-3-508. Expired****Historical Note**

Former Rule 18; Former Section R4-3-57 renumbered as Section R4-3-508 effective January 21, 1981 (Supp. 81-1). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 3181, effective April 30, 2002 (Supp. 05-3).

**R4-3-509. Expired****Historical Note**

Former Rule 19; Former Section R4-3-58 renumbered as Section R4-3-509 effective January 21, 1981 (Supp. 81-1). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 3181, effective April 30, 2002 (Supp. 05-3).

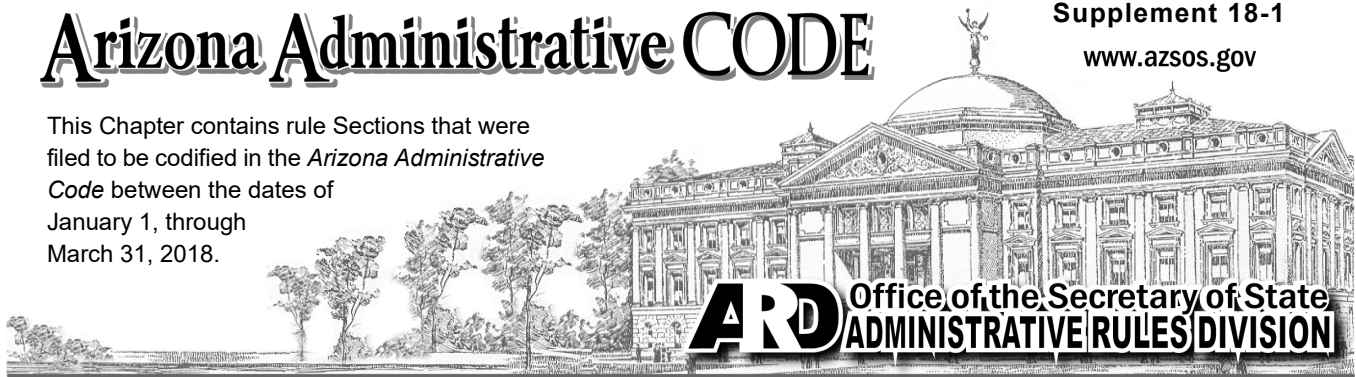
This page intentionally left blank.

# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 4. PROFESSIONS AND OCCUPATIONS

### CHAPTER 16. ARIZONA MEDICAL BOARD

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

<a href="#">R4-16-102.</a>	<a href="#">Continuing Medical Education .....</a>	<a href="#">3</a>	<a href="#">R4-16-205.</a>	<a href="#">Fees and Charges .....</a>	<a href="#">9</a>
<a href="#">R4-16-201.1.</a>	<a href="#">Application for Renewal of License .....</a>	<a href="#">7</a>			

#### Questions about these rules? Contact:

Board: Arizona Medical Board  
Name: Patricia McSorley, Executive Director  
Address: 9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258  
Telephone: (480) 551-2700  
Fax: (480) 551-2704  
E-mail: [patricia.mcsorley@azmd.gov](mailto:patricia.mcsorley@azmd.gov)

**The release of this Chapter in supplement 18-1 replaces supplement 17-3, 1-17 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

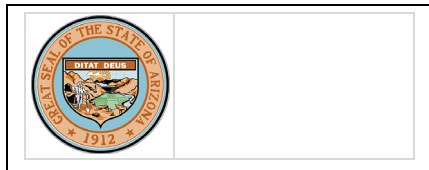
### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 4. PROFESSIONS AND OCCUPATIONS****CHAPTER 16. ARIZONA MEDICAL BOARD**

(Authority: A.R.S. § 32-1401 et seq.)

*Editor's Note: Supp. 16-1 has rules amended as final exempt rules. The proposed exempt rules were published on the Board's website for 30 days and the end which no additional public comments were received (Supp. 16-1).*

*Editor's Note: Supp. 15-4 has rules that were submitted as final exempt rules. Pursuant to Laws 2015, Chapter 251, Section 3, the Board was required to provide public notice and an opportunity for the public to comment on its proposed exempt rules. Three public meetings were conducted. Even though the proposed exempt rules were not published in the Register, the Office of the Secretary of State makes a distinction between exempt rulemakings and final exempt rulemakings. Exempt rulemakings are those that are submitted to the Office of the Secretary of State without receiving public comment (Supp. 15-4).*

*Editor's Note: The name of the Allopathic Board of Medical Examiners was changed to the Arizona Medical Board by Laws 2002, Ch. 254, § 9, effective August 22, 2002 (Supp. 03-2).*

**ARTICLE 1. GENERAL PROVISIONS**

*Article 1, consisting of Sections R4-16-101 through R4-16-106, adopted effective June 1, 1984.*

*Former Article 1, consisting of Sections R4-16-01 through R4-16-16, repealed effective June 1, 1984 (Supp. 84-3).*

Section	
R4-16-101.	Definitions ..... 3
R4-16-102.	Continuing Medical Education ..... 3
R4-16-103.	Rehearing or Review of Board Decision ..... 4
R4-16-104.	Recodified ..... 5
R4-16-105.	Recodified ..... 5
R4-16-106.	Recodified ..... 5
R4-16-107.	Recodified ..... 5
R4-16-108.	Recodified ..... 5
Table 1.	Recodified ..... 5
R4-16-109.	Recodified ..... 5

**ARTICLE 2. LICENSURE**

*Article 2 heading, recodified to Article 3 heading, at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).*

*Article 2, consisting of Sections R4-16-201 through R4-16-205, adopted effective September 22, 1995 (Supp. 95-3).*

Section	
R4-16-201.	Application for Licensure by Examination or Endorsement ..... 5
R4-16-201.1.	Application for Renewal of License ..... 7
R4-16-202.	Application and Reapplication for Pro Bono Registration ..... 8
R4-16-203.	Application for Locum Tenens Registration 9
R4-16-204.	Repealed ..... 9
R4-16-205.	Fees and Charges ..... 9
R4-16-205.1.	Mandatory Reporting Requirement ..... 9
R4-16-206.	Time Frames for Licenses, Permits, and Registrations ..... 9
R4-16-207.	Repealed ..... 10
Table 1.	Time Frames ..... 10

**ARTICLE 3. DISPENSING OF DRUGS**

*Article 3 heading, recodified from Article 2 heading, at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).*

*Article 3, consisting of Sections R4-16-301 through R4-16-303, adopted effective February 2, 2000 (Supp. 00-1).*

Section	
R4-16-301.	Registration and Renewal ..... 11
R4-16-302.	Packaging and Inventory; Exception ..... 11

R4-16-303.	Prescribing and Dispensing Requirements .....12
R4-16-304.	Recordkeeping and Reporting Shortages .....12
R4-16-305.	Inspections; Denial and Revocation .....12

**ARTICLE 4. MEDICAL ASSISTANTS**

Section	
R4-16-401.	Medical Assistant Training Requirements .....12
R4-16-402.	Authorized Procedures for Medical Assistants ..13
R4-16-403.	Renumbered .....13
R4-16-404.	Recodified .....13
R4-16-405.	Recodified .....13
R4-16-406.	Recodified .....13
R4-16-407.	Recodified .....13
R4-16-408.	Recodified .....13
R4-16-409.	Recodified .....13
R4-16-410.	Recodified .....13

**ARTICLE 5. EXECUTIVE DIRECTOR DUTIES**

*Article 5, consisting of Sections R4-16-501 through R4-16-505, renumbered by exempt rulemaking at 11 A.A.R. 1056, effective February 18, 2005 (Supp. 05-1).*

*Article 5, consisting of Sections R4-16-501 through R4-16-505, made by exempt rulemaking at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2).*

Section	
R4-16-501.	Interim Evaluation and Investigational Interview .....13
R4-16-502.	Direct Referral to Formal Interview .....14
R4-16-503.	Request for Inactive Status and License Cancellation .....14
R4-16-504.	Interim Consent Agreement .....14
R4-16-505.	Mediated Case .....14
R4-16-506.	Referral to Formal Hearing .....14
R4-16-507.	Dismissal of Complaint .....14
R4-16-508.	Denial of License .....14
R4-16-509.	Non-disciplinary Consent Agreement .....14
R4-16-510.	Appealing Executive Director Actions .....15

**ARTICLE 6. DISCIPLINARY ACTIONS 15**

Section	
R4-16-601.	Expired .....15
R4-16-602.	Expired .....15
R4-16-603.	Expired .....15
R4-16-604.	Aggravating Factors Considered in Disciplinary Actions .....15
R4-16-605.	Mitigating Factors Considered in Disciplinary Actions .....15

## Arizona Medical Board

**ARTICLE 7. OFFICE-BASED SURGERY USING  
SEDATION**

*Article 7, consisting of Sections R4-16-701 through R4-16-707, made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).*

## Section

R4-16-701. Health Care Institution License ..... 15

R4-16-702.	Administrative Provisions .....	15
R4-16-703.	Procedure and Patient Selection .....	16
R4-16-704.	Sedation Monitoring Standards .....	16
R4-16-705.	Perioperative Period; Patient Discharge .....	16
R4-16-706.	Emergency Drugs; Equipment and Space Used for Office-Based Surgery Using Sedation .....	17
R4-16-707.	Emergency and Transfer Provisions .....	17

## Arizona Medical Board

**ARTICLE 1. GENERAL PROVISIONS****R4-16-101. Definitions**

Unless the context otherwise requires, definitions prescribed under A.R.S. § 32-1401 and the following apply to this Chapter:

1. "ACLS" means advanced cardiac life support performed according to certification standards of the American Heart Association.
2. "Agent" means an item or element that causes an effect.
3. "Approved medical assistant training program" means a program accredited by any of the following:
  - a. The Commission on Accreditation of Allied Health Education Programs;
  - b. The Accrediting Bureau of Health Education Schools;
  - c. A medical assisting program accredited by any accrediting agency recognized by the United States Department of Education; or
  - d. A training program:
    - i. Designed and offered by a licensed allopathic physician;
    - ii. That meets or exceeds any of the prescribed accrediting programs in subsection (a), (b), or (c); and
    - iii. That verifies the entry-level competencies of a medical assistant prescribed under R4-16-402(A).
4. "Auscultation" means the act of listening to sounds within the human body either directly or through use of a stethoscope or other means.
5. "BLS" means basic life support performed according to certification standards of the American Heart Association.
6. "Capnography" means monitoring the concentration of exhaled carbon dioxide of a sedated patient to determine the adequacy of the patient's ventilatory function.
7. "Deep sedation" means a drug-induced depression of consciousness during which a patient:
  - a. Cannot be easily aroused, but
  - b. Responds purposefully following repeated or painful stimulation, and
  - c. May partially lose the ability to maintain ventilatory function.
8. "Discharge" means a written or electronic documented termination of office-based surgery to a patient.
9. "Drug" means the same as in A.R.S. § 32-1901.
10. "Emergency" means an immediate threat to the life or health of a patient.
11. "Emergency drug" means a drug that is administered to a patient in an emergency.
12. "General Anesthesia" means a drug-induced loss of consciousness during which a patient:
  - a. Is unarousable even with painful stimulus; and
  - b. May partially or completely lose the ability to maintain ventilatory, neuromuscular, or cardiovascular function or airway.
13. "Health care professional" means a registered nurse defined in A.R.S. § 32-1601, registered nurse practitioner defined in A.R.S. § 32-1601, physician assistant defined in A.R.S. § 32-2501, and any individual authorized to perform surgery according to A.R.S. Title 32 who participates in office-based surgery using sedation at a physician's office.
14. "Informed consent" means advising a patient of the:
  - a. Purpose for and alternatives to the office-based surgery using sedation,
  - b. Associated risks of office-based surgery using sedation, and
  - c. Possible benefits and complications from the office-based surgery using sedation.
15. "Inpatient" has the same meaning as in A.A.C. R9-10-201.
16. "Malignant hyperthermia" means a life-threatening condition in an individual who has a genetic sensitivity to inhalant anesthetics and depolarizing neuromuscular blocking drugs that occurs during or after the administration of an inhalant anesthetic or depolarizing neuromuscular blocking drug.
17. "Minimal Sedation" means a drug-induced state during which:
  - a. A patient responds to verbal commands,
  - b. Cognitive function and coordination may be impaired, and
  - c. A patient's ventilatory and cardiovascular functions are unaffected.
18. "Moderate Sedation" means a drug-induced depression of consciousness during which:
  - a. A patient responds to verbal commands or light tactile stimulation, and
  - b. No interventions are required to maintain ventilatory or cardiovascular function.
19. "Monitor" means to assess the condition of a patient.
20. "Office-based surgery" means a medical procedure conducted in a physician's office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center. (A.R.S. § 32-1401(20)).
21. "PALS" means pediatric life support performed according to certification standards of the American Academy of Pediatrics or the American Heart Association.
22. "Patient" means an individual receiving office-based surgery using sedation.
23. "Physician" has the same meaning as doctor of medicine as defined in A.R.S. § 32-1401.
24. "Rescue" means to correct adverse physiologic consequences of deeper than intended level of sedation and return the patient to the intended level of sedation.
25. "Sedation" means minimum sedation, moderate sedation, or deep sedation.
26. "Staff member" means an individual who:
  - a. Is not a health care professional, and
  - b. Assists with office-based surgery using sedation under the supervision of the physician performing the office-based surgery using sedation.
27. "Transfer" means a physical relocation of a patient from a physician's office to a licensed health care institution.

**Historical Note**

Former Rule 12. Former Section R4-16-01 repealed, new Section R4-16-101 adopted effective June 1, 1984 (Supp. 84-3). Section repealed, new Section renumbered from R4-16-103 effective September 22, 1995 (Supp. 95-3). Amended by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4270, effective November 18, 2002 (Supp. 02-3). Former Section R4-16-101 recodified to R4-16-102 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). New Section made by final rulemaking at 12 A.A.R. 823, effective February 23, 2006 (Supp. 06-1). Amended by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

**R4-16-102. Continuing Medical Education**

## Arizona Medical Board

- A.** A physician holding an active license to practice medicine in this state shall complete 40 credit hours of the continuing medical education required by A.R.S. § 32-1434 during the two calendar years preceding biennial registration.
1. The physician shall ensure at least one of the credit hours of continuing medical education is certified as Category 1, as described in subsection (B)(4), and addresses the effective and safe prescribing of opioids;
  2. One hour of credit is allowed for each clock hour of participation in continuing medical education activities, unless otherwise designated in subsection (B); and
  3. The physician may not carry excess hours of continuing medical education over to another two-year cycle.
- B.** A physician may claim continuing medical education for the following:
1. Participating in an internship, residency, or fellowship at a teaching institution approved by the American Medical Association, the Association of American Medical Colleges, or the American Osteopathic Association. A physician may claim one credit hour of continuing medical education for each one day of training in a full-time approved program, or for a less than full-time training on a pro rata basis. In this subsection teaching institutions define “full-time.”
  2. Participating in an education program for an advanced degree in a medical or medically-related field in a teaching institution approved by the American Medical Association, the Association of American Medical Colleges, or the American Osteopathic Association. A physician may claim one credit hour of continuing medical education for each one day of full-time study or less than a full-time study on a pro rata basis. In this subsection teaching institutions define “full-time”.
  3. Participating in full-time research in a teaching institution approved by the American Medical Association, the Association of American Medical Colleges, or the American Osteopathic Association. A physician may claim one credit hour of continuing medical education for each one day of full-time research, or less than full-time research on a pro rata basis. In this subsection teaching institutions define “full-time”.
  4. Participating in an education program certified as Category 1 by an organization accredited by the Accreditation Council for Continuing Medical Education, 515 North State Street, Suite 2150, Chicago, Illinois 60610.
  5. Participating in a medical education program designed to provide understanding of current developments, skills, procedures, or treatments related to the practice of medicine, that is provided by an organization or institution accredited by the Accreditation Council for Continuing Medical Education.
  6. Serving as an instructor of medical students, house staff, other physicians, or allied health professionals from a hospital or other health care institution with a formal training program, if the instructional activities provide the instructor with understanding of current developments, skills, procedures, or treatments related to the practice of allopathic medicine.
  7. Publishing or presenting a paper, report, or book that deals with current developments, skills, procedures, or treatments related to the practice of allopathic medicine. The physician may claim one credit hour for each hour preparing, writing, and presenting materials:
    - a. Actually published or presented; and
    - b. After the date of publication or presentation.
  8. A credit hour may be earned for any of the following activities that provide an understanding of current developments, skills, procedures, or treatments related to the practice of allopathic medicine:
    - a. Completing a medical education program based on self-instruction that uses videotapes, audiotapes, films, filmstrips, slides, radio broadcasts, or computers;
    - b. Reading scientific journals and books;
    - c. Preparing for specialty board certification or recertification examinations;
    - d. Participating on a staff or quality of care committee, or utilization review committee in a hospital, health care institution, or government agency.
- C.** If a physician holding an active license to practice medicine in this state fails to meet the continuing medical education requirements under subsection (A) because of illness, military service, medical or religious missionary activity, or residence in a foreign country, upon written application, shall grant an extension of time to complete the continuing medical education.
- D.** The Board shall mail to each physician a license renewal form that includes a section regarding continuing medical education compliance. The physician shall sign and return the form certified under penalty of perjury that the continuing medical education requirements under subsection (A) are satisfied for the two-calendar-year period preceding biennial renewal. Failure to receive the license renewal form under subsection (A) shall not relieve the physician of the requirements of subsection (A). The Board may randomly audit a physician to verify compliance with the continuing medical education requirements under subsection (A).

**Historical Note**

Former Rule 16. Former Section R4-16-02 repealed, new Section R4-16-102 adopted effective June 1, 1984 (Supp. 84-3). Section repealed, new Section renumbered from R4-16-106 effective September 22, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 1881, effective May 3, 2000 (Supp. 00-2). Former Section R4-16-102 recodified to R4-16-103; New Section R4-16-102 recodified from R4-16-101 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 24 A.A.R. 182, effective March 10, 2018 (Supp. 18-1).

**R4-16-103. Rehearing or Review of Board Decision**

- A.** A motion for rehearing or review shall be filed as follows:
1. Except as provided in subsection (B), any party in a contested case may file a written motion for rehearing or review of the Board's decision, specifying generally the grounds upon which the motion is based.
  2. A motion for rehearing or review shall be filed with the Board and served no later than 30 days after the decision of the Board.
  3. For purposes of this Section, “service” has the same meaning as in A.R.S. § 41-1092.09.
  4. For purposes of this Section, a document is deemed filed when the Board receives the document.
  5. For purposes of the Section, the terms “contested case” and “party” shall have the same meaning as in A.R.S. § 41-1001.
- B.** If the Board makes a specific finding that it is necessary for a particular decision to take immediate effect to protect the public health and safety, or that a rehearing or review of the Board's decision is impracticable or contrary to the public interest, the decision shall be issued as a final decision without



## Arizona Medical Board

opportunity for rehearing or review and shall be a final administrative decision for purposes of judicial review.

- C. A written response to a motion for rehearing or review may be filed and served within 15 days after service of the motion for rehearing or review. The Board may require the filing of written briefs upon any issues raised in the motion and may provide for oral argument.
- D. A rehearing or review of a decision may be granted for any of the following reasons materially affecting a party's rights:
  1. Irregularity in the administrative proceedings by the Board, its hearing officer, or the prevailing party, or any ruling or abuse of discretion, that deprives the moving party of a fair hearing;
  2. Misconduct of the Board, its hearing officer, or the prevailing party;
  3. Accident or surprise that could have not been prevented by ordinary prudence;
  4. Material evidence, newly discovered, which with reasonable diligence could not have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or rejection of evidence, or other errors of law that occurred at the hearing;
  7. The decision is the result of a passion or prejudice; or
  8. The decision of findings of fact or decision is not justified by the evidence or is contrary to law.
- E. A rehearing or review may be granted to all or any of the parties and on all or part of the issues for any of the reasons in subsection (D). The Board may take additional testimony, amend findings of fact and conclusions of law, or make new findings and conclusions, and affirm, modify, or reverse the original decision.
- F. A rehearing or review, if granted, shall be a rehearing or review only of the question upon which the decision is found erroneous. An order granting a rehearing or review shall specify with particularity the grounds for the order.
- G. Not later than 15 days after a decision is issued, the Board of its own initiative may order a rehearing or review for any reason that it might have granted a rehearing or review on motion of a party. After giving the parties notice and an opportunity to be heard on the matter, the Board may grant a timely-served motion for a rehearing or review, for a reason not stated in the motion. In either case, the Board shall specify in the order the grounds for the rehearing or review.
- H. If a motion for rehearing or review is based upon affidavits, they shall be served with the motion. The opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for a maximum of 20 days either by the Board for good cause, or by the parties by written stipulation. The Board may permit reply affidavits.

**Historical Note**

Former Rule 17; Amended effective August 19, 1977 (Supp. 77-4). Former Section R4-16-03 repealed, new Section R4-16-103 adopted effective June 1, 1984 (Supp. 84-3). Section R4-16-103 renumbered to R4-16-101 effective September 22, 1995 (Supp. 95-3). New Section adopted effective May 20, 1997 (Supp. 97-2). Amended by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4270, effective November 18, 2002 (Supp. 02-3). Former Section R4-16-103 recodified to R4-16-204; new Section R4-16-103 recodified from R4-16-102 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-104. Recodified****Historical Note**

Former Rule 18. Former Section R4-16-04 repealed, new Section R4-16-104 adopted effective June 1, 1984 (Supp. 84-3). Section repealed effective September 22, 1995 (Supp. 95-3). New Section adopted effective January 20, 1998 (Supp. 98-1). Section recodified to R4-16-206 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-105. Recodified****Historical Note**

Former Rule 19. Former Section R4-16-05 repealed, new Section R4-16-105 adopted effective June 1, 1984 (Supp. 84-3). Section repealed effective September 22, 1995 (Supp. 95-3). New Section adopted effective January 20, 1998 (Supp. 98-1). Section recodified to R4-16-207 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-106. Recodified****Historical Note**

Former Rule 21. Former Section R4-16-06 repealed, new Section R4-16-106 adopted effective June 1, 1984 (Supp. 84-3). Section R4-16-106 renumbered to R4-16-102 effective September 22, 1995 (Supp. 95-3). New Section adopted by final rulemaking at 6 A.A.R. 1881, effective May 3, 2000 (Supp. 00-2). Section recodified to R4-16-201 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-107. Recodified****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 1881, effective May 3, 2000 (Supp. 00-2). Section recodified to R4-16-202 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-108. Recodified****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 1881, effective May 3, 2000 (Supp. 00-2). Section recodified to R4-16-203 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**Table 1. Recodified****Historical Note**

Table 1 adopted effective January 20, 1998 (Supp. 98-1). Table 1 recodified to the end of Article 2 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-109. Recodified****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4270, effective November 18, 2002 (Supp. 02-3). Section recodified to R4-16-205 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**ARTICLE 2. LICENSURE****R4-16-201. Application for Licensure by Examination or Endorsement**

- A. For purposes of this Article, unless otherwise specified:
  1. "ABMS" means American Board of Medical Specialties.
  2. "ECFMG" means Educational Commission for Foreign Medical Graduates.
  3. "FCVS" means Federation Credentials Verification Service.
  4. "FLEX" means Federation Licensing Examination.

## Arizona Medical Board

5. "LMCC" means Licentiate of the Medical Council of Canada.
  6. "NBME" means National Board of Medical Examiners.
  7. "Primary source" means the original source or an approved agent of the original source of a specific credential that can verify the accuracy of a qualification reported by an applicant.
  8. "SPEX" means Special Purposes Examination.
  9. "USMLE" means United States Medical Licensing Examination.
- B.** An applicant for licensure to practice medicine by Step 3 of the USMLE or endorsement shall submit the following information on an application form available on request from the Board and on the Board's web site:
1. Applicant's full name, Social Security number, business and home addresses, primary e-mail address, business and home telephone numbers, and date and place of birth;
  2. Name of the school of medicine from which the applicant graduated and date of graduation;
  3. A complete list of the applicant's internship, residency, and fellowship training;
  4. List of all licensing examinations taken;
  5. Names of the states, U.S. territories, or provinces in which the applicant has applied for or been granted a license or registration to practice medicine, including license number, date issued, and current status of the license;
  6. A statement of whether the applicant:
    - a. Has had an application for medical licensure denied or rejected by another state or province licensing board, and if so, an explanation;
    - b. Has ever had any disciplinary or rehabilitative action taken against the applicant by another licensing board, including other health professions, and if so, an explanation;
    - c. Has had any disciplinary actions, restrictions, or limitations taken against the applicant while participating in any type of training program or by any health care provider, and if so, an explanation;
    - d. Has been found in violation of a statute, rule, or regulation of any domestic or foreign governmental agency, and if so, an explanation;
    - e. Is currently under investigation by any medical board or peer review body, and if so, an explanation;
    - f. Has been subject to discipline resulting in a medical license being revoked, suspended, limited, cancelled during investigation, restricted, or voluntarily surrendered, or resulting in probation or entry into a consent agreement or stipulation and if so, an explanation;
    - g. Has had hospital privileges revoked, denied, suspended, or restricted, and if so, an explanation;
    - h. Has been named as a defendant in a malpractice matter currently pending or that resulted in a settlement or judgment against the applicant, and if so, an explanation;
    - i. Has been subjected to any regulatory disciplinary action, including censure, practice restriction, suspension, sanction, or removal from practice, imposed by any agency of the federal or state government, and if so, an explanation;
    - j. Has had the authority to prescribe, dispense, or administer medications limited, restricted, modified, denied, surrendered, or revoked by a federal or state agency as a result of disciplinary or other adverse action, and if so, an explanation;
    - k. Has been found guilty or entered into a plea of no contest to a felony, a misdemeanor involving moral turpitude in any state, and if so, an explanation;
  7. Whether the applicant is currently certified by any of the American Board of Medical Specialties;
  8. The applicant's intended specialty;
  9. Consistent with the Board's authority at A.R.S. § 32-1422(B), other information the Board may deem necessary to evaluate the applicant fully;
  10. Whether the applicant completed a training unit prescribed by the Board regarding the requirements of A.R.S. Title 32, Chapter 13 and this Chapter;
  11. In addition to the answers provided under subsections (B)(1) through (B)(10), the applicant shall answer the following confidential question:
    - a. Whether the applicant has received treatment within the last five years for use of alcohol or a controlled substance, prescription-only drug, or dangerous drug or narcotic or a physical, mental, emotional, or nervous disorder or condition that currently affects the applicant's ability to exercise the judgment and skills of a medical professional;
    - b. If the answer to subsection (B)(11)(a) is yes:
      - i. A detailed description of the use, disorder, or condition; and
      - ii. An explanation of whether the use, disorder, or condition is reduced or ameliorated because the applicant receives ongoing treatment and if so, the name and contact information for all current treatment providers and for all monitoring or support programs in which the applicant is currently participating; and
    - c. A copy of any public or confidential agreement or order relating to the use, disorder, or condition, issued by a licensing agency or health care institution within the last five years, if applicable; and
  12. A notarized statement, signed by the applicant, verifying the truthfulness of the information provided, and that the applicant has not engaged in any acts prohibited by Arizona law or Board rules, and authorizing release of any required records or documents to complete application review.
- C.** In addition to the application form required under subsection (B), an applicant for licensure to practice medicine by Step 3 of the USMLE or endorsement shall submit the following:
1. A notarized copy of the applicant's birth certificate or passport;
  2. Evidence of legal name change if the applicant's legal name is different from that shown on the document submitted under subsection (C)(1);
  3. Documentation listed under A.R.S. § 41-1080(A) showing that the applicant's presence in the U.S. is authorized under federal law;
  4. Complete list of all hospital affiliations and medical employment for the five years before the date of application;
  5. Verification of any medical malpractice matter currently pending or resulting in a settlement or judgment against the applicant, including a copy of the complaint and either the agreed terms of settlement or the judgment and a narrative statement specifying the nature of the occurrence resulting in the medical malpractice action. An applicant who is unable to obtain a document required under this subsection may apply under subsection (E) a waiver of the requirement;

## Arizona Medical Board

6. A full set of fingerprints and the processing charge specified in R4-16-205;
  7. A paper or digital headshot photograph of the applicant taken no more than 60 days before the date of application; and
  8. The fee authorized under A.R.S. § 32-1436 and specified in R4-16-205.
- D.** In addition to the requirements of subsections (B) and (C), an applicant for licensure to practice medicine by Step 3 of the USMLE or endorsement shall have the following submitted to the Board, electronically or in hard copy, by the primary source, ECFMG, Veridoc, or FCVS:
1. Official transcript or other authentication of graduation from a school of medicine;
  2. Verification of completion of postgraduate training;
  3. Verification of ECFMG certification if the applicant graduated from an unapproved school of medicine;
  4. Examination and Board history report scores for USMLE, FLEX, NBME, and SPEX;
  5. Verification of LMCC exam score or state written exam score;
  6. Verification of licensure from every state in which the applicant has ever held a medical license;
  7. Verification of all hospital affiliations during the five years before the date of application. Under A.R.S. § 32-1422(A)(11)(b), this verification is required to be on the hospital's official letterhead or the electronic equivalent; and
  8. Verification of all medical employment during the five years before the date of application. Under A.R.S. § 32-1422(A)(11)(b), this verification may be submitted by the employer.
- E.** As provided under A.R.S. § 32-1422(F), the Board may waive a documentation requirement specified under subsections (C)(5) and (D).
1. To obtain a waiver under this subsection, an applicant shall submit a written request that includes the following information:
    - a. Applicant's name;
    - b. Date of request;
    - c. Document required under subsection (C)(5) or (D) for which waiver is requested;
    - d. Detailed description of efforts made by the applicant to provide the document as required under subsection (C)(5) or (D);
    - e. Reason the applicant's inability to provide the document as required under subsection (C)(5) or (D) is due to no fault of the applicant; and
    - f. If applicable, documents that support the request for waiver.
  2. The Board shall consider the request for waiver at its next regularly scheduled meeting.
  3. In determining whether to grant the request for waiver, the Board shall consider whether the applicant:
    - a. Made appropriate and sufficient effort to satisfy the requirement under subsection (C)(5) or (D); and
    - b. Demonstrated that compliance with the requirement under subsection (C)(5) or (D) is not possible because:
      - i. The entity responsible for issuing the required document no longer exists;
      - ii. The original of the required document was destroyed by accident or natural disaster;
      - iii. The entity responsible for issuing the required document is unable to provide verification because of armed conflict or political strife; or
  - iv. Another valid reason beyond the applicant's control prevents compliance with the requirement under subsection (C)(5) or (D).
4. In determining whether to grant the request for waiver, the Board shall:
- a. Consider whether it is possible for the Board to obtain the required document from other source; and
  - b. Request the applicant to obtain and provide additional information the Board believes will facilitate the Board's decision.
5. If the Board determines the applicant is unable to comply with a requirement under subsection (C)(5) or (D) in spite of the applicant's best effort and for a reason beyond the applicant's control, the Board may grant the request for waiver and include the decision in the Board's official record for the applicant.
6. The Board shall provide the applicant with written notice of its decision regarding the request for waiver. The Board's decision is not subject to review or appeal.
- F.** As provided under A.R.S. § 32-1426(B), the Board may require an applicant for licensure by endorsement who passed an examination specified in A.R.S. § 32-1426(A) more than ten years before the date of application to provide evidence the applicant is able to engage safely in the practice of medicine. The Board may consider one or more of the following to determine whether the applicant is able to engage safely in the practice of medicine:
1. If an applicant is board certified by one of the specialties recognized by the ABMS, this criteria is considered met.
  2. If an applicant obtains a passing score on a SPEX examination, this criteria is considered met.
  3. The Board may also consider any combination of the following:
    - a. The applicant's records,
    - b. The applicant's practice history,
    - c. A physical or psychological assessment of the applicant.

**Historical Note**

Adopted effective September 22, 1995 (Supp. 95-3). Amended by final rulemaking at 8 A.A.R. 2319, effective May 9, 2002 (Supp. 02-2). Former Section R4-16-201 recodified to R4-16-301; New Section R4-16-201 recodified from R4-16-106 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by exempt rulemaking at 20 A.A.R. 1995, effective July 11, 2014 (Supp. 14-3). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4). Amended by final exempt rulemaking at 22 A.A.R. 778, effective January 14, 2016 (Supp. 16-1).

**R4-16-201.1. Application for Renewal of License**

- A.** Under A.R.S. § 32-1430(A), an individual licensed under A.R.S. Title 32, Chapter 13, shall renew the license every other year on or before the licensee's birthday.
- B.** To renew a license, a licensee shall submit the following information on an application form available on request from the Board and on the Board's web site:
1. The licensee's full name, license number, business and home addresses, primary e-mail address, and business and home telephone numbers;
  2. Identification of changes to medical specialties and fields of practice;
  3. A statement of whether, since the time of last license issuance, the licensee:

## Arizona Medical Board

- a. Has had an application for medical licensure denied or rejected by another state or province licensing board and if so, an explanation;
  - b. Has had any disciplinary or rehabilitative action taken against the licensee by another licensing board, including other health professions and if so, an explanation;
  - c. Has had any disciplinary action, restriction, or limitation taken against the licensee by any program or health care provider and if so, an explanation;
  - d. Has been subject to discipline resulting in a medical license being revoked, suspended, limited, cancelled during an investigation, restricted, or voluntarily surrendered, or resulting in probation or entry into a consent agreement or stipulation and if so, an explanation;
  - e. Has had hospital privileges revoked, denied, suspended, or restricted and if so, an explanation (do not report if the licensee's hospital privileges were suspended due to failure to complete hospital records and reinstated after no more than 90 days);
  - f. Has been subjected to disciplinary action including censure, practice restriction, suspension, sanction, or removal from practice by an agency of the state or federal government and if so, an explanation;
  - g. Has had the authority to prescribe, dispense, or administer medications limited, restricted, modified, denied, surrendered, or revoked by a federal or state agency as a result of disciplinary or other adverse action and if so, an explanation;
  - h. Has been found guilty or entered into a plea of no contest to a felony, a misdemeanor involving moral turpitude, or an alcohol or drug-related offense in any state and if so, an explanation; and
  - i. Has failed the SPEX;
4. A statement of whether the licensee understands and complies with the medical records and recordkeeping requirements in A.R.S. §§ 32-3211 and 12-2297;
  5. A statement of whether the licensee has completed at least 40 hours of CME as required under A.R.S. § 32-1434 and R4-16-102, including the hour of CME required under R4-16-102(A)(1);
  6. A statement of whether the licensee requests that the license be inactivated or cancelled; and
  7. A statement of whether the licensee completed a training unit prescribed by the Board regarding the requirements of A.R.S. Title 32, Chapter 13 and this Chapter.
- C. Additionally, the licensee shall answer the following confidential question:
1. Whether the applicant has received treatment since the last renewal for use of alcohol or a controlled substance, prescription-only drug, or dangerous drug or narcotic or a physical, mental, emotional, or nervous disorder or condition that currently affects the applicant's ability to exercise the judgment and skills of a medical professional;
  2. If the answer to subsection (C)(1) is yes:
    - a. A detailed description of the use, disorder, or condition; and
    - b. An explanation of whether the use, disorder, or condition is reduced or ameliorated because the applicant receives ongoing treatment and if so, the name and contact information for all current treatment providers and for all monitoring or support programs in which the applicant is currently participating; and
  3. A copy of any public or confidential agreement or order relating to the use, disorder, or condition, issued by a licensing agency or health care institution since the last renewal, if applicable.
- D. To renew a license, a licensee shall submit the following with the required application form:
1. If the document submitted under R4-16-201(C)(3) was a limited form of work authorization issued by the federal government, evidence that the licensee's presence in the U.S. continues to be authorized under federal law;
  2. The renewal fee specified under R4-16-205 and, if applicable, the penalty fee for late renewal; and
  3. An attestation that all information submitted is correct.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4). Amended by final rulemaking at 24 A.A.R. 182, effective March 10, 2018 (Supp. 18-1).

**R4-16-202. Application and Reapplication for Pro Bono Registration**

- A. An applicant for a pro bono registration to practice medicine for a maximum of 60 days in a calendar year in Arizona shall submit the following information on an application form available on request from the Board and on the Board's web site:
1. Applicant's full name, Social Security number, business and home addresses, primary e-mail address, and business and home telephone numbers;
  2. List of all states, U.S. territories, and provinces in which the applicant is or has been licensed to practice medicine;
  3. A statement verifying that the applicant:
    - a. Agrees to render all medical services without accepting a fee or salary; or
    - b. Agrees to perform only initial or follow-up examinations at no cost to the patient or the patient's family through a charitable organization,
- B. In addition to the application form required under subsection (A), an applicant for a pro bono registration to practice medicine shall submit documentation listed under A.R.S. § 41-1080(A) showing that the applicant's presence in the U.S. is authorized under federal law.
- C. An applicant may make application for a pro bono registration annually. A previously registered applicant may apply for a pro bono registration by submitting the following information on an application form available on request from the Board and on the Board's web site:
1. Applicant's full name, home address and telephone number, and primary e-mail address;
  2. Number of previous pro bono registration;
  3. Name of each state, U.S. territory, and province in which the applicant holds an active medical license;
  4. A statement whether since issuance of the last pro bono registration:
    - a. Any disciplinary action has been taken against the applicant, and
    - b. Any unresolved complaints are currently pending against the applicant with any state board; and
  5. If the document submitted under R4-16-202(B) was a limited form of work authorization issued by the federal government, evidence that the applicant's presence in the U.S. continues to be authorized under federal law.

**Historical Note**

Adopted effective September 22, 1995 (Supp. 95-3). Amended by final rulemaking at 8 A.A.R. 2319, effective May 9, 2002 (Supp. 02-2). Former Section R4-16-202 recodified to R4-16-302; New Section R4-16-202 recodified from R4-16-107 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final exempt

## Arizona Medical Board

rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).

**R4-16-203. Application for Locum Tenens Registration**

- A. An applicant for a locum tenens registration to practice medicine for a maximum of 180 consecutive days in Arizona shall submit an application form available on request from the Board and on the Board's web site that provides the information required under R4-16-201(B).
- B. In addition to the application form required under subsection (A), an applicant for a locum tenens registration to practice medicine shall have the following submitted directly to the Board, electronically or in hard copy, by the primary source, ECFMG, Veridoc, or FCVS:
  1. Official transcript or other authentication of graduation from a school of medicine;
  2. Verification of completion of postgraduate training;
  3. A statement completed by the sponsoring Arizona-licensed physician giving the reason for the request for issuance of the registration;
  4. Verification of ECFMG certification if the applicant graduated from an unapproved school of medicine; and
  5. Verification of licensure from every state in which the applicant has ever held a medical license.
- C. In addition to the application form required under subsection (A), an applicant for a locum tenens registration to practice medicine shall submit the following:
  1. Documentation listed under A.R.S. § 41-1080(A) showing that the applicant's presence in the U.S. is authorized under federal law;
  2. A full set of fingerprints and the charge specified in R4-16-205;
  3. A copy of a government-issued photo identification; and
  4. The fee specified under R4-16-205.

**Historical Note**

Adopted effective September 22, 1995 (Supp. 95-3). Amended by final rulemaking at 8 A.A.R. 2319, effective May 9, 2002 (Supp. 02-2). Former Section R4-16-203 recodified to R4-16-303; New Section R4-16-203 recodified from R4-16-108 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).

**R4-16-204. Repealed****Historical Note**

Adopted effective September 22, 1995 (Supp. 95-3). Amended by final rulemaking at 8 A.A.R. 2319, effective May 9, 2002 (Supp. 02-2). Former Section R4-16-204 recodified to R4-16-304; New Section R4-16-204 recodified from R4-16-103 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Repealed by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).

**R4-16-205. Fees and Charges**

- A. As specifically authorized under A.R.S. § 32-1436(A), the Board establishes and shall collect the following fees, which are nonrefundable unless A.R.S. § 41-1077 applies:
  1. Application for a license through endorsement, USMLE Step 3, or Endorsement with SPX Examination, \$500;
  2. Issuance of an initial license, \$500, prorated from date of issuance to date of license renewal;
  3. Renewal of license for two years, \$500;
  4. Application to reactivate an inactive license, \$500;
  5. Locum tenens registration, \$350;

6. Annual registration of an approved internship, residency, clinical fellowship program, or short-term residency program, \$50;
  7. Annual teaching license at an approved school of medicine or at an approved hospital internship, residency, or clinical fellowship program, \$250;
  8. Five-day teaching permit at an approved school of medicine or at an approved hospital internship, residency, or clinical fellowship program, \$100;
  9. Initial registration to dispense drugs and devices, \$200;
  10. Annual renewal to dispense drugs and devices, \$150;
  11. Penalty fee for late renewal of an active license, \$350; and
  12. Application for temporary license, \$250.
- B. As specifically authorized under A.R.S. § 32-1436(B), the Board establishes the following charges for the services listed:
    1. Processing fingerprints to conduct a criminal background check, \$50;
    2. Providing a duplicate license, \$50;
    3. Verifying a license, \$10 per request;
    4. Providing a copy of records, documents, letters, minutes, applications, and files, \$1 for the first three pages and 25¢ for each additional page;
    5. Providing a copy of annual allopathic medical directory, \$30; and
    6. Providing an electronic medium containing public information about licensed physicians, \$100.

**Historical Note**

Adopted effective September 22, 1995 (Supp. 95-3). Amended by final rulemaking at 8 A.A.R. 2319, effective May 9, 2002 (Supp. 02-2). Former Section R4-16-205 recodified to R4-16-305; New Section R4-16-205 recodified from R4-16-109 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking 19 A.A.R. 1300, effective July 6, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 2569, effective September 2, 2014 (Supp. 14-3). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4). Amended by final exempt rulemaking at 22 A.A.R. 778, effective January 14, 2016 (Supp. 16-1). Amended by final exempt rulemaking at 23 A.A.R. 2056, effective August 9, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 182, effective March 10, 2018 (Supp. 18-1).

**R4-16-205.1. Mandatory Reporting Requirement**

- A. As required under A.R.S. § 32-3208, an applicant, licensee, permit holder, or registrant who is charged with a misdemeanor involving conduct that may affect patient safety or a felony shall provide written notice of the charge to the Board within 10 working days after the charge is filed.
- B. An applicant, licensee, permit holder, or registrant may obtain a list of reportable misdemeanors on request from the Board and on the Board's web site.
- C. Failure to comply with A.R.S. § 32-3208 and this Section is unprofessional conduct.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).

**R4-16-206. Time Frames for Licenses, Permits, and Registrations**

- A. For each type of license, permit, or registration issued by the Board, the overall time frame under A.R.S. § 41-1072(2) is shown on Table 1.

## Arizona Medical Board

- B.** For each type of license, permit, or registration issued by the Board, the administrative completeness review time frame under A.R.S. § 41-1072(1) is shown on Table 1 and begins on the date the Board receives an application and all required documentation and information.
1. If the required application is not administratively complete, the Board shall send a written deficiency notice to the applicant.
    - a. In the deficiency notice, the Board shall state each deficiency and the information required to complete the application or supporting documentation required to complete the application. In the deficiency notice, the Board shall include a written notice that the application is withdrawn if the applicant does not submit the additional required information or documentation within the time provided for response.
    - b. Within the time provided in Table 1 for response to a deficiency notice, the applicant shall submit to the Board the documentation or information specified in the notice. The time frame for the Board to finish the administrative completeness review is suspended from the date of the notice until the date the Board receives the documentation or information from the applicant.
  2. Within 30 days after receipt of a deficiency notice, an applicant who disagrees with the deficiency notice may submit to the Board a written request for a hearing regarding the deficiency notice.
  3. The Board shall schedule and conduct the applicant's deficiency hearing according to provisions prescribed under A.R.S. § 32-1427(E).
  4. In addition to hearing provisions prescribed under subsection (B)(3), the Board shall send the following to the applicant in writing:
    - a. A notice of the scheduled hearing at least 21 days before the hearing date; and
    - b. The Board's decision within 30 days after the hearing and notice of any applicable right of appeal.
- C.** For each type of license, permit, or registration issued by the Board, the substantive review time frame under A.R.S. § 41-1072(3) is shown on Table 1.
1. The Board may request make a comprehensive written request for additional information from an applicant according to provisions prescribed under A.R.S. § 41-1075 during the substantive review time frame. In any request for additional information, the Board shall include a written notice that the application is withdrawn if the applicant does not submit the additional information within the time provided for response.
  2. In response to a single comprehensive written request from the Board under A.R.S. § 41-1075(A), the applicant shall submit the information identified to the Board within the time to respond specified in Table 1. The time frame for the Board to finish the substantive review is suspended from the date the Board sends the comprehensive written request for additional information until the date the Board receives the additional information from the applicant.
  3. If the Board determines the applicant does not meet all substantive criteria for a license, permit, or registration as required under A.R.S. Title 32, Chapter 13 or this Chapter, the Board shall send written notice of denial to the applicant. The Board shall include notice of any applicable right of appeal in the denial notice.
  4. If the applicant meets all substantive criteria for a license, permit, or registration required under A.R.S. Title 32, Chapter 13 and this Chapter, the Board shall issue the applicable license, permit, or registration to the applicant.
- D.** An applicant may receive a 30-day extension of the time provided under subsection (B)(1) or (C)(2) by providing written notice to the Board's Executive Director before the time expires.
- E.** If a licensee does not apply for license renewal according to the biennial renewal requirement, the licensee's license expires according to provisions prescribed under A.R.S. § 32-1430(A) unless the licensee is under investigation according to provisions under A.R.S. § 32-3202. If a licensee makes timely application according to the biennial renewal requirement but fails to respond timely to a deficiency notice under subsection (B)(1) or a request for additional information under subsection (C)(2) and fails to request from the Executive Director an extension of time to respond, the licensee's license expires according to provisions prescribed under A.R.S. § 32-1430(A).

**Historical Note**

New Section recodified from R4-16-104 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 2944, effective September 10, 2005 (Supp. 05-3). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).

**R4-16-207. Repealed****Historical Note**

New Section recodified from R4-16-105 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 2944, effective September 10, 2005 (Supp. 05-3). Repealed by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).

**Table 1. Time Frames****Time Frames (in calendar days)**

Type of License	Overall Time Frame	Administrative Review Time Frame	Time to Respond to Deficiency Notice	Substantive Review Time Frame	Time to Respond to Request for Additional Information
Initial License by Examination or Endorsement	240	120	365	120	90
Biennial License Renewal	90	45	60	45	60
Locum Tenens or Pro Bono Registration	120	60	90	60	30
Teaching License	40	20	30	20	30
Educational Teaching Permit	20	10	30	10	10

## Arizona Medical Board

Training Permit	40	20	30	20	30
Short-term Training Permit	40	20	30	20	30
One-year Training Permit	40	20	30	20	30
Annual Registration to Dispense Drugs and Devices	150	45	30	105	30

**Historical Note**

Table 1 recodified from Article 1 to end of Article 2 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 2944, effective September 10, 2005 (Supp. 05-3). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).

**ARTICLE 3. DISPENSING OF DRUGS****R4-16-301. Registration and Renewal**

A. A physician who wishes to dispense a controlled substance as defined in A.R.S. § 32-1901(12), a prescription-only drug as defined in A.R.S. § 32-1901(65), or a prescription-only device as defined in A.R.S. § 32-1901(64) shall be currently licensed to practice medicine in Arizona and shall provide to the Board the following:

1. A completed registration form that includes the following information:
  - a. The physician's name, license number, and field of practice;
  - b. A list of the types of drugs and devices the physician will dispense; and
  - c. The location or locations where the physician will dispense a controlled substance, a prescription-only drug, or a prescription-only device.
2. A copy of the physician's current Drug Enforcement Administration Certificate of Registration for each dispensing location from which the physician will dispense a controlled substance.
3. The fees required in A.R.S. § 32-1436.

B. A physician shall renew a registration to dispense a controlled substance, a prescription-only drug, or a prescription-only device by complying with the requirements in subsection (A) on or before June 30 of each year. If a physician has made timely and complete application for the renewal of a registration, the physician may continue to dispense until the Board approves or denies the renewal application.

C. If the completed annual renewal form, all required documentation, and the fee are not received in the Board's office on or before June 30, the physician shall not dispense any controlled substances, prescription-only drugs, or prescription-only devices until re-registered. The physician shall re-register by filing for initial registration under subsection (A) and shall not dispense a controlled substance, a prescription-only drug, or a prescription-only device until receipt of the re-registration.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 751, effective February 2, 2000 (Supp. 00-1). Former Section R4-16-301 recodified to R4-16-401; New Section R4-16-301 recodified from R4-16-201 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-302. Packaging and Inventory; Exception**

A. A physician shall dispense all controlled substances and prescription-only drugs in prepackaged containers or in light-resistant containers with consumer safety caps, that comply with standards specified in the official compendium as defined in A.R.S. § 32-1901(49) and state and federal law, unless a patient or a patient's representative requests a non-safety cap.

B. All controlled substances and prescription-only drugs dispensed shall be labeled with the following information:

1. The physician's name, address, and telephone number;
2. The date the controlled substance and prescription-only drug is dispensed;
3. The patient's name;
4. The controlled substance and prescription-only drug name, strength, and dosage, form, name of manufacturer, the quantity dispensed, directions for use, and any cautionary statement necessary for the safe and effective use of the controlled substance and prescription-only drug; and
5. A beyond-use-date not to exceed one year from the date of dispensing or the manufacturer's expiration date if less than one year.

C. A physician shall secure all controlled substances in a locked cabinet or room and shall control access to the cabinet or room by a written procedure that includes, at a minimum, designation of the persons who have access to the cabinet or room and procedures for recording requests for access to the cabinet or room. This written procedure shall be made available on demand to the Board or its authorized representatives for inspection or copying. Prescription-only drugs shall be stored so as not to be accessible to patients.

D. Controlled substances and prescription-only drugs not requiring refrigeration shall be maintained in an area where the temperature does not exceed 85° F.

E. A physician shall maintain an ongoing dispensing log for all controlled substances and the prescription-only drug nalbuphine hydrochloride (Nubain) dispensed by the physician. The dispensing log shall include the following:

1. A separate inventory sheet for each controlled substance and prescription-only drug;
2. The date the drug is dispensed;
3. The patient's name;
4. The dosage, controlled substance and prescription-only drug name, strength, dosage, form, and name of the manufacturer;
5. The number of dosage units dispensed;
6. A running total of each controlled substance and prescription-only drug dispensed; and
7. The signature of the physician written next to each entry.

F. A physician may use a computer to maintain the dispensing log required in subsection (E) if the log is quickly accessible through either on-screen viewing or printing of a copy.

G. This Section does not apply to a prepackaged manufacturer sample of a controlled substance and prescription-only drug, unless otherwise provided by federal law.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 751, effective February 2, 2000 (Supp. 00-1). Former Section R4-16-302 recodified to R4-16-402; New Section

## Arizona Medical Board

R4-16-302 recodified from R4-16-202 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-303. Prescribing and Dispensing Requirements**

- A. A physician shall record on the patient's medical record the name, strength, dosage, and form, of the controlled substance, prescription-only drug, or prescription-only device dispensed, the quantity or volume dispensed, the date the controlled substance, prescription-only drug, or prescription-only device is dispensed, the medical reasons for dispensing the controlled substance, prescription-only drug, or prescription-only device, and the number of refills authorized.
- B. Before dispensing a controlled substance, prescription-only drug, or prescription-only device to a patient, a physician shall review the prepared controlled substance, prescription-only drug, or prescription-only device to ensure that:
  - 1. The container label and contents comply with the prescription, and
  - 2. The patient is informed of the name of the controlled substance, prescription-only drug, or prescription-only device, directions for use, precautions, and storage requirements.
- C. A physician shall purchase all dispensed controlled substances, prescription-only drugs, or prescription-only devices from a manufacturer or distributor approved by the United States Food and Drug Administration, or a pharmacy holding a current permit from the Arizona Board of Pharmacy.
- D. The person who prepares a controlled substance, prescription-only drug, or prescription-only device for dispensing shall countersign and date the original prescription form for the controlled substance, prescription-only drug, or prescription-only device.
- E. For purposes of this Article, "dispensing" means the delivery of a controlled substance, a prescription-only drug, or a prescription-only device to a patient for use outside the physician's office.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 751, effective February 2, 2000 (Supp. 00-1). Amended by final rulemaking at 6 A.A.R. 4585, effective November 14, 2000 (Supp. 00-4). Former Section R4-16-303 recodified to R4-16-403; New Section R4-16-303 recodified from R4-16-203 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-304. Recordkeeping and Reporting Shortages**

- A. A physician who dispenses a controlled substance or prescription-only drug shall ensure that an original prescription dispensed from the physician's office is dated, consecutively numbered in the order in which it is originally dispensed, and filed separately from patient medical records. A physician shall ensure that an original prescription be maintained in three separate files, as follows:
  - 1. Schedule II controlled substances;
  - 2. Schedule III, IV, and V controlled substances; and
  - 3. Prescription-only drugs.
- B. A physician shall ensure that purchase orders and invoices are maintained for all controlled substances and prescription-only drugs dispensed for profit and not for profit for three years from the date of the purchase order or invoice. Purchase orders and invoices shall be maintained in three separate files as follows:
  - 1. Schedule II controlled substances only;
  - 2. Schedule III, IV, and V controlled substances and nalbuphine; and
  - 3. All other prescription-only drugs.

- C. A physician who discovers a theft or loss of a controlled substance or a dangerous drug, as defined in A.R.S. § 13-3401, from the physician's office shall:
  - 1. Immediately notify the local law enforcement agency,
  - 2. Provide that agency with a written report, and
  - 3. Send a copy to the Drug Enforcement Administration and the Board within seven days of the discovery.
- D. For purposes of this Section, controlled substances are identified, defined, or listed in A.R.S. Title 36, Chapter 27.

**Historical Note**

New Section recodified from R4-16-204 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-305. Inspections; Denial and Revocation**

- A. A physician shall cooperate with and allow access to the physician's office and records for periodic inspection of dispensing practices by the Board or its authorized representative. Failure to cooperate or allow access shall be grounds for revocation of a physician's registration to dispense a controlled substance, prescription-only drug, or prescription-only device or denial of renewal of the physician's dispensing registration.
- B. Failure to comply with A.R.S. § 32-1491 or this Article constitutes grounds for denial or revocation of dispensing registration.
- C. The Board shall revoke a physician's registration to dispense a controlled substance, prescription-only drug, or prescription-only device upon occurrence of the following:
  - 1. Suspending, revoking, surrendering, or canceling the physician's license;
  - 2. Placing the physician's license on inactive status;
  - 3. Failing to timely renew the physician's license; or
  - 4. Restricting the physician's ability to prescribe or administer medication, including loss or expiration of the physician's Drug Enforcement Administration Certificate of Registration.
- D. If the Board denies a physician's dispensing registration, the physician may appeal the decision by filing a request, in writing, with the Board, no later than 30 days after receipt of the notice denying the registration.

**Historical Note**

New Section recodified from R4-16-205 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**ARTICLE 4. MEDICAL ASSISTANTS****R4-16-401. Medical Assistant Training Requirements**

- A. A supervising physician or physician assistant shall ensure that a medical assistant satisfies one of the following training requirements before employing the medical assistant:
  - 1. Completion of an approved medical assistant training program; or
  - 2. Completion of an unapproved medical assistant training program and passage of the medical assistant examination administered by either the American Association of Medical Assistants or the American Medical Technologists.
- B. This Section does not apply to any person who:
  - 1. Before February 2, 2000:
    - a. Completed an unapproved medical assistant training program and was employed as a medical assistant after program completion; or
    - b. Was directly supervised by the same physician, physician group, or physician assistant for a minimum of 2000 hours; or
  - 2. Completes a United States Armed Forces medical services training program.



## Arizona Medical Board

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Former Section R4-16-401 recodified to R4-16-501; New Section R4-16-401 recodified from R4-16-301 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Former Section R4-16-401 repealed; New Section R4-16-401 renumbered from R4-16-402 and amended by final rulemaking at 12 A.A.R. 823, effective February 23, 2006 (Supp. 06-1).

**R4-16-402. Authorized Procedures for Medical Assistants**

- A.** A medical assistant may perform, under the direct supervision of a physician or a physician assistant, the medical procedures listed in the 2003 revised edition, Commission on Accreditation of Allied Health Education Program's, "Standards and Guidelines for an Accredited Educational Program for the Medical Assistant, Section (III)(C)(3)(a) through (III)(C)(3)(c)." This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and may be obtained from the publisher at 35 East Wacker Drive, Suite 1970, Chicago, Illinois 60601, www.caahep.org, or the Arizona Medical Board at 9545 E. Doubletree Ranch Road, Scottsdale, AZ 85258, www.azmd.gov.
- B.** In addition to the medical procedures in subsection (A), a medical assistant may administer the following under the direct supervision of a physician or physician assistant:
1. Whirlpool treatments,
  2. Diathermy treatments,
  3. Electronic galvaton stimulation treatments,
  4. Ultrasound therapy,
  5. Massage therapy,
  6. Traction treatments,
  7. Transcutaneous Nerve Stimulation unit treatments,
  8. Hot and cold pack treatments, and
  9. Small volume nebulizer treatments.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4270, effective November 18, 2002 (Supp. 02-3). Former Section R4-16-402 recodified to R4-16-502; New Section R4-16-402 recodified from R4-16-302 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Former Section R4-16-402 renumbered to R4-16-401; New Section R4-16-402 renumbered from R4-16-403 and amended by final rulemaking at 12 A.A.R. 823, effective February 23, 2006 (Supp. 06-1).

**R4-16-403. Renumbered****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4270, effective November 18, 2002 (Supp. 02-3). Former Section R4-16-403 recodified to R4-16-503; New Section R4-16-403 recodified from R4-16-303 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Former Section R4-16-403 renumbered to R4-16-402 by final rulemaking at 12 A.A.R. 823, effective February 23, 2006 (Supp. 06-1).

**R4-16-404. Recodified****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Section recodified to R4-

16-504 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-405. Recodified****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Section recodified to R4-16-505 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-406. Recodified****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Section recodified to R4-16-506 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-407. Recodified****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Section recodified to R4-16-507 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-408. Recodified****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Section recodified to R4-16-508 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-409. Recodified****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4270, effective November 18, 2002 (Supp. 02-3). Section recodified to R4-16-509 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-410. Recodified****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4270, effective November 18, 2002 (Supp. 02-3). Section recodified to R4-16-510 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**ARTICLE 5. EXECUTIVE DIRECTOR DUTIES****R4-16-501. Interim Evaluation and Investigational Interview**

- A.** The executive director may require a physician, who is under investigation by the Board, to submit to a mental, physical, oral, or written medical competency examination after the following:
1. Reviewing the allegations and investigator's summary of findings; and
  2. Consulting with and receiving the agreement of the Board's supervising medical consultant or designee that an examination is necessary.
- B.** The executive director may request a physician to attend an investigational interview to answer questions regarding a complaint against the physician. Before issuing a request for an investigational interview, the executive director shall review the allegations and facts to determine whether an interview is necessary to provide information the Board needs to adjudicate the case. The executive director shall consult with and receive the agreement of either the investigation supervisor or

## Arizona Medical Board

supervising medical consultant that an investigational interview is necessary before requesting one.

- C. The executive director shall report to the Board at each regularly scheduled Board meeting, a summary of the number and type of evaluations ordered and completed since the preceding Board meeting.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-501 recodified to R4-16-601; New Section R4-16-501 recodified from R4-16-401 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-502. Direct Referral to Formal Interview**

The executive director shall refer a case to a formal interview on a future Board meeting agenda, if the medical consultant in cases involving quality of care, the investigative staff, and the lead Board member concur after review of the case that a formal interview is appropriate.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-502 recodified to R4-16-602; New Section R4-16-502 recodified from R4-16-402 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

*Editor's Note: At the time of publication, A.R.S. § 32-1401(26) (referenced in R4-16-503) was A.R.S. § 32-1401(24). Laws 2003, Ch. 59, § 1, effective 90 days after the close of the First Regular Session of the Forty-sixth Legislature, will change the subparagraph citation to A.R.S. § 32-1401(26) (Supp. 03-2). This Section was subsequently recodified to a different Section in this Chapter. Refer to the historical notes for more information (05-1).*

**R4-16-503. Request for Inactive Status and License Cancellation**

- A. If a physician requests inactive status or license cancellation and meets the requirements of A.R.S. §§ 32-1431 and 32-1433, and is not participating in the program defined under A.R.S. § 32-1452, the executive director shall grant the request.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the individuals granted inactive or cancelled license status since the preceding Board meeting.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-503 recodified to R4-16-603; New Section R4-16-503 recodified from R4-16-403 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-504. Interim Consent Agreement**

The executive director may enter into an interim consent agreement with a physician if there is evidence that a restriction is needed to mitigate imminent danger to the public health and safety and the investigative staff, the medical consultant, and the lead Board member concur after review of the case that a consent agreement is appropriate.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-504 recodified to R4-16-605; New Section

R4-16-504 recodified from R4-16-404 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-505. Mediated Case**

- A. The executive director shall close a case resolved through mediation.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physicians whose cases are resolved through mediation since the preceding Board meeting.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-505 recodified to R4-16-606; New Section R4-16-505 recodified from R4-16-405 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-506. Referral to Formal Hearing**

- A. The executive director may directly refer a case to a formal hearing if the investigative staff, the medical consultant, and the lead Board member concur after review of the physician's case that a formal hearing is appropriate.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physicians whose cases were referred to formal hearing since the preceding Board meeting and whether the referral is for revocation, suspension or is a result of an out-of-state disciplinary action, or is due to complexity of the case.

**Historical Note**

New Section R4-16-506 recodified from R4-16-406 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-507. Dismissal of Complaint**

- A. The executive director, with the concurrence of the investigative staff, shall dismiss a complaint if the review shows the complaint is without merit and dismissal is appropriate.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physicians about whom complaints were dismissed since the preceding Board meeting.

**Historical Note**

New Section R4-16-507 recodified from R4-16-407 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-508. Denial of License**

- A. The executive director shall deny a license to an applicant who does not meet statutory requirements for licensure if the executive director, in consultation with the investigative staff and the medical consultant concur after reviewing the application, that the applicant does not meet the statutory requirements.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physicians whose applications were denied since the preceding Board meeting.

**Historical Note**

New Section R4-16-508 recodified from R4-16-408 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-509. Non-disciplinary Consent Agreement**

The executive director may enter into a consent agreement under A.R.S. § 32-1451(F) with a physician to limit the physician's practice or rehabilitate the physician if there is evidence that a licensee is mentally or physically unable to safely engage in the practice of medicine and the investigative staff, the medical consultant, and the lead Board member concur after review of the case that a consent agreement is appropriate.

## Arizona Medical Board

**Historical Note**

New Section R4-16-509 recodified from R4-16-409 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-510. Appealing Executive Director Actions**

- A. Any person aggrieved by an action taken by the executive director may appeal that action to the Board. The aggrieved person shall file a written request to the Board:
1. Thirty days after notification of the action, if personally served; or
  2. Thirty-five days after the date on the notification, if mailed.
- B. The aggrieved person shall provide, in the written request, evidence showing:
1. An irregularity in the investigative process or the executive director's review deprived the party of a fair decision; or
  2. Misconduct by Board staff, a Board consultant, or the executive director that deprived the party of a fair decision; or
  3. Material evidence newly discovered that could have a bearing on the decision and that, with reasonable diligence, could not have been discovered and produced earlier.
- C. The fact that the aggrieved party does not agree with the final decision is not grounds for a review by the Board.
- D. If an aggrieved person fails to submit a written request within the time specified in subsection (A), the Board is relieved of the requirement to review actions taken by the executive director. The executive director may, however, evaluate newly provided information that is material or substantial in content to determine whether the Board should review the case.
- E. If a written request is submitted that meets the requirements of subsection (B):
1. The Board shall consider the written request at its next regularly scheduled meeting.
  2. If the written request provides new material or substantial evidence that requires additional investigation, the investigation shall be conducted as expeditiously as possible and the case shall be forwarded to the Board at the first possible regularly scheduled meeting.

**Historical Note**

New Section R4-16-510 recodified from R4-16-410 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**ARTICLE 6. DISCIPLINARY ACTIONS****R4-16-601. Expired****Historical Note**

New Section R4-16-601 recodified from R4-16-501 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).  
Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 14, 2010 (Supp. 10-3).

**R4-16-602. Expired****Historical Note**

New Section R4-16-602 recodified from R4-16-502 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).  
Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 14, 2010 (Supp. 10-3).

*Editor's Note: To conform with the renumbering in A.R.S., the Arizona Medical Board requested (under A.R.S. § 41-1011 et seq.) a subsection reference update in R4-16-603 [R05-85]. Please refer to the historical notes for more details (Supp. 05-1).*

**R4-16-603. Expired****Historical Note**

New Section R4-16-603 recodified from R4-16-503 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).  
A.R.S. § 32-1401(26) subsection corrected to A.R.S. § 32-1401(27) under a formal written request from the Board, March 22, 2005 (Supp. 05-1). Amended by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 14, 2010 (Supp. 10-3).

**R4-16-604. Aggravating Factors Considered in Disciplinary Actions**

When determining the degree of discipline, the Board may consider certain factors including, but not limited to, the following:

1. Prior disciplinary offenses;
2. Dishonest or selfish motive;
3. Pattern of misconduct; multiple offenses;
4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Board;
5. Submission of false evidence, false statements, or other deceptive practices during the investigative or disciplinary process;
6. Refusal to acknowledge wrongful nature of conduct; and
7. Vulnerability of the victim.

**Historical Note**

New Section R4-16-604 recodified from R4-16-504 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**R4-16-605. Mitigating Factors Considered in Disciplinary Actions**

When determining the degree of discipline, the Board may consider certain factors including, but not limited to, the following:

1. Absence of prior disciplinary record;
2. Absence of dishonest or selfish motive;
3. Timely good faith effort to rectify consequences of misconduct;
4. Interim rehabilitation;
5. Remoteness of prior offenses; and
6. How much control the physician has of processes in the specific practice setting.

**Historical Note**

New Section R4-16-605 recodified from R4-16-504 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

**ARTICLE 7. OFFICE-BASED SURGERY USING SEDATION****R4-16-701. Health Care Institution License**

A physician who uses general anesthesia in the physician's office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center when performing office-based surgery using sedation shall obtain a health care institution license as required by the Arizona Department of Health Services under A.R.S. Title 36, Chapter 4 and 9 A.A.C. 10.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

**R4-16-702. Administrative Provisions**

- A. A physician who performs office-based surgery using sedation in the physician's office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center shall:
1. Establish, document, and implement written policies and procedures that cover:

## Arizona Medical Board

- a. Patient's rights,
  - b. Informed consent,
  - c. Care of patients in an emergency, and
  - d. The transfer of patients;
2. Ensure that a staff member who assists with or a health-care professional who participates in office-based surgery using sedation:
  - a. Has sufficient education, training, and experience to perform duties assigned;
  - b. If applicable, has a current license or certification to perform duties assigned; and
  - c. Performs only those acts that are within the scope of practice established in the staff member's or health care professional's governing statutes;
3. Ensure that the office where the office-based surgery using sedation is performed has all equipment necessary:
  - a. For the physician to safely perform the office-based surgery using sedation,
  - b. For the physician or health care professional to safely administer the sedation,
  - c. For the physician or health care professional to monitor the use of sedation, and
  - d. For the physician and health care professional administering the sedation to rescue a patient after the sedation is administered to the patient and the patient enters into a deeper state of sedation than what was intended by the physician.
4. Ensure that a copy of the patient's rights policy is provided to each patient before performing office-based surgery using sedation;
5. Obtain informed consent from the patient before performing an office-based surgery using sedation that:
  - a. Authorizes the office-based surgery, and
  - b. Authorizes the office-based surgery to be performed in the physician's office; and
6. Review all policies and procedures every 12 months and update as needed.

- B.** A physician who performs office-based surgery using sedation shall comply with:
1. The local jurisdiction's fire code;
  2. The local jurisdiction's building codes for construction and occupancy;
  3. The biohazardous waste and hazardous waste standards in 18 A.A.C. 13, Article 14; and
  4. The controlled drug administration, supply, and storage standards in 4 A.A.C. 23.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

**R4-16-703. Procedure and Patient Selection**

- A.** A physician shall ensure that each office-based surgery using sedation performed:
1. Can be safely performed with the equipment, staff members, and health care professionals at the physician's office;
  2. Is of duration and degree of complexity that allows a patient to be discharged from the physician's office within 24 hours;
  3. Is within the education, training, experience skills, and licensure of the physician; and
  4. Is within the education, training, experience, skills, and licensure of the staff members and health care professionals at the physician's office.
- B.** A physician shall not perform office-based surgery using sedation if the patient:

1. Has a medical condition or other condition that indicates the procedure should not be performed in the physician's office, or
2. Will require inpatient services at a hospital.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

**R4-16-704. Sedation Monitoring Standards**

A physician who performs office-based surgery using sedation shall ensure from the time sedation is administered until post-sedation monitoring begins:

1. A quantitative method of assessing a patient's oxygenation, such as pulse oximetry, is used when minimal sedation is administered to the patient, and
2. When moderate or deep sedation is administered to a patient:
  - a. A quantitative method of assessing the patient's oxygenation, such as pulse oximetry, is used;
  - b. The patient's ventilatory function is monitored by any of the following:
    - i. Direct observation,
    - ii. Auscultation, or
    - iii. Capnography;
  - c. The patient's circulatory function is monitored during the surgery by:
    - i. Having a continuously displayed electrocardiogram,
    - ii. Documenting arterial blood pressure and heart rate at least every five minutes, and
    - iii. Evaluating the patient's cardiovascular function by pulse plethysmography,
  - d. The patient's temperature is monitored if the physician expects the patient's temperature to fluctuate; and
  - e. That a licensed and qualified healthcare professional, other than the physician performing the office-based surgery, whose sole responsibility is attending to the patient, is present throughout the office-based surgery.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

**R4-16-705. Perioperative Period; Patient Discharge**

A physician performing office-based surgery using sedation shall ensure all of the following:

1. During office-based surgery using sedation, the physician is physically present in the room where office-based surgery is performed;
2. After the office-based surgery using sedation is performed, a physician is at the physician's office and sufficiently free of other duties to respond to an emergency until the patient's post-sedation monitoring is discontinued;
3. If using minimal sedation, the physician or a health care professional certified in ACLS, PALS, or BLS is at the physician's office and sufficiently free of other duties to respond to an emergency until the patient is discharged;
4. If using deep or moderate sedation, the physician or a health care professional certified in ACLS or PALS is at the physician's office and sufficiently free of other duties to respond to an emergency until the patient is discharged;
5. A discharge is documented in the patient's medical record including:

## Arizona Medical Board

- a. The time and date of the patient's discharge, and
  - b. A description of the patient's medical condition at the time of discharge; and
6. A patient receives discharge instructions and documents in the patient's medical record that the patient received the discharge instructions.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

**R4-16-706. Emergency Drugs; Equipment and Space Used for Office-Based Surgery Using Sedation**

- A. In addition to the requirements in R4-16-702(A)(3) and R4-16-703(A)(1), a physician who performs office-based surgery using sedation shall ensure that the physician's office has at a minimum:
1. The following:
    - a. A reliable oxygen source with a SaO<sub>2</sub> monitor;
    - b. Suction;
    - c. Resuscitation equipment, including a defibrillator;
    - d. Emergency drugs; and
    - e. A cardiac monitor;
  2. The equipment for patient monitoring according to the standards in R4-16-704;
  3. Space large enough to:
    - a. Allow for access to the patient during office-based surgery using sedation, recovery, and any emergency;
    - b. Accommodate all equipment necessary to perform the office-based surgery using sedation; and
    - c. Accommodate all equipment necessary for sedation monitoring;
  4. A source of auxiliary electrical power available in the event of a power failure; and

5. Equipment, emergency drugs, and resuscitative capabilities required under this Section for patients less than 18 years of age, if office-based surgery using sedation is performed on these patients; and
  6. Procedures to minimize the spread of infection.
- B. A physician who performs office-based surgery using sedation shall:
1. Ensure that all equipment used for office-based surgery using sedation is maintained, tested, and inspected according to manufacturer specifications, and
  2. Maintain documentation of manufacturer-recommended maintenance of all equipment used in office-based surgery using sedation.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

**R4-16-707. Emergency and Transfer Provisions**

- A. A physician who performs office-based surgery using sedation shall ensure that before a health care professional participates in or staff member assists with office-based surgery using sedation, the health care professional and staff member receive instruction in the following:
1. Policy and procedure in cases of emergency,
  2. Policy and procedure for office evacuation, and
  3. Safe and timely patient transfer.
- B. When performing office-based surgery using sedation, a physician shall not use any drug or agent that trigger malignant hyperthermia.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

This page intentionally left blank.

# Arizona Administrative CODE

Supplement 18-1

www.azsos.gov

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 7. EDUCATION

### CHAPTER 2. STATE BOARD OF EDUCATION

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

<a href="#">R7-2-301.</a>	<a href="#">Minimum Course of Study and Competency Goals for Students in the Common Schools .....</a>	<a href="#">11</a>	<a href="#">R7-2-609.</a>	<a href="#">Elementary Teaching Certificates .....</a>	<a href="#">55</a>
<a href="#">R7-2-302.</a>	<a href="#">Minimum Course of Study and Competency Requirements for Graduation from High School 12</a>		<a href="#">R7-2-610.</a>	<a href="#">Secondary Teaching Certificates .....</a>	<a href="#">56</a>
<a href="#">R7-2-401.</a>	<a href="#">Special Education Standards for Public Agencies Providing Educational Services .....</a>	<a href="#">27</a>	<a href="#">R7-2-611.</a>	<a href="#">Special Education Teaching Certificates .....</a>	<a href="#">58</a>
<a href="#">R7-2-604.03.</a>	<a href="#">Alternative Educator Preparation Program Approval Process .....</a>	<a href="#">49</a>	<a href="#">R7-2-612.</a>	<a href="#">Career and Technical Education Teaching Certificates .....</a>	<a href="#">64</a>
<a href="#">R7-2-604.04.</a>	<a href="#">Revocation of Approval of Qualified Provider: Notification of Intent; Requirements of Exit Plan .....</a>	<a href="#">50</a>	<a href="#">R7-2-612.01.</a>	<a href="#">Standard Specialized Career and Technical Education (CTE) Certificates – grades K-12 .....</a>	<a href="#">65</a>
<a href="#">R7-2-604.05.</a>	<a href="#">Classroom-Based Alternative Preparation Program Approval Process .....</a>	<a href="#">50</a>	<a href="#">R7-2-613.</a>	<a href="#">PreK-12 Teaching Certificates .....</a>	<a href="#">66</a>
<a href="#">R7-2-607.</a>	<a href="#">General Certification Provisions .....</a>	<a href="#">52</a>	<a href="#">R7-2-614.</a>	<a href="#">Other Teaching Certificates .....</a>	<a href="#">68</a>
<a href="#">R7-2-607.01.</a>	<a href="#">Subject Areas – Waiver .....</a>	<a href="#">53</a>	<a href="#">R7-2-616.</a>	<a href="#">Standard Professional Administrative Certificates .....</a>	<a href="#">77</a>
<a href="#">R7-2-608.</a>	<a href="#">Early Childhood Teaching Certificates .....</a>	<a href="#">53</a>	<a href="#">R7-2-617.</a>	<a href="#">Other Professional Certificates .....</a>	<a href="#">79</a>
			<a href="#">R7-2-619.</a>	<a href="#">Renewal Requirements .....</a>	<a href="#">80</a>
			<a href="#">R7-2-621.</a>	<a href="#">Reciprocity .....</a>	<a href="#">82</a>
			<a href="#">R7-2-810.</a>	<a href="#">Emergency Administration of Inhalers .....</a>	<a href="#">92</a>

#### Questions about these rules? Contact:

Board: State Board of Education  
Director: Alicia Williams  
Address: 1700 W. Washington, Suite 300  
Phoenix, AZ 85007  
Telephone: (602) 542-5057  
Fax: (602) 542-3046  
E-mail: [inbox@azsbe.az.gov](mailto:inbox@azsbe.az.gov)

**The release of this Chapter in supplement 18-1 replaces supplement 17-2, 1-144 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*





## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

## TITLE 7. EDUCATION

## CHAPTER 2. STATE BOARD OF EDUCATION

Authority: A.R.S. § 15-201 et seq.

*Editor's Note: This Chapter contains rules that were filed out of sequence by adoption date. The Office has made every effort to codify the previous filings with the current Chapter and update the historical references where necessary. Refer to the historical notes for more information (Supp. 16-2).*

*Editor's Note: Supp. 16-1 contains rules that were submitted as final exempt rules and approved by the Board February 25, 2008. Although approved by the Board in 2008, the rulemaking was not filed in the Secretary of State's Office for publication in this Chapter until 2016. The final exempt rulemaking was filed by the Board on January 6, 2016 (Supp. 16-1).*

*Editor's Note: Supp. 15-3 contains rules that were submitted as final exempt rules. Pursuant to the Board's rulemaking procedures a public hearing was held on the rules after they were proposed at a Board meeting. Even though the proposed rules were not published in the Register, the Office of the Secretary of State makes a distinction between exempt rulemakings and final exempt rulemakings. Final exempt rulemakings are those filed with conditional exemptions to the Arizona Administrative Procedures Act such as requirements to conduct a public hearing or accept public comments on a proposed exempt rulemaking. Although approved by the Board, these final exempt rulemakings were not filed with the Secretary of State's Office at the time of approval. Therefore these rules were in effect prior to the release of Supp. 15-3. Refer to the historical notes for effective dates.*

*Editor's Note: This Chapter contains rules made, amended, repealed, renumbered and approved by the State Board of Education that were exempt from the rulemaking process. Although approved by the Board, certain rulemakings were not filed with the Secretary of State's Office at the time of approval. These rulemakings were filed in 2009 and 2010 and printed as Exempt Rulemakings in the Arizona Administrative Register. The Office has expedited the publishing of these Sections in the Arizona Administrative Code because these rules were in effect prior to Supp. 09-1, Supp. 09-2, Supp. 09-3, Supp. 09-4, Supp. 10-1, Supp. 10-2, Supp. 10-3, Supp. 10-4, Supp. 11-1, and Supp. 12-2 releases. Refer to the historical notes for more information.*

**ARTICLE 1. STATE BOARD OF EDUCATION MEETINGS**

Section	
R7-2-101.	Governance ..... 6
R7-2-102.	Repealed ..... 6
R7-2-103.	Repealed ..... 6

**ARTICLE 2. STATE BOARD OF EDUCATION COMMITTEES**

Section	
R7-2-201.	Advisory Committees ..... 6
R7-2-202.	Repealed ..... 7
R7-2-203.	Repealed ..... 7
R7-2-204.	Repealed ..... 7
R7-2-205.	Certification Review, Suspension, and Revocation ..... 7
R7-2-206.	Certification Denial Appeals Process for Applications for Certification that Do Not Involve Allegations of Immoral or Unprofessional Conduct ..... 8
R7-2-207.	Repealed ..... 10

**ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS**

Section	
R7-2-300.	Adoption of Assessments ..... 10
R7-2-301.	Minimum Course of Study and Competency Goals for Students in the Common Schools ..... 10
R7-2-301.01.	Repealed ..... 11
R7-2-301.02.	Repealed ..... 11
R7-2-302.	Minimum Course of Study and Competency Requirements for Graduation from High School ..... 11
R7-2-302.01.	Repealed ..... 12
R7-2-302.02.	Repealed ..... 12
R7-2-302.03.	Personal Curriculum ..... 13
R7-2-302.04.	Repealed ..... 13

R7-2-302.05.	Arizona Education and Career Action Plan for Students in Grades 9-12 ..... 13
R7-2-302.06.	Repealed ..... 14
R7-2-302.07.	Repealed ..... 14
R7-2-302.08.	Repealed ..... 14
R7-2-302.09.	Repealed ..... 14
R7-2-302.10.	Repealed ..... 14
R7-2-303.	Sex education ..... 14
R7-2-304.	Extended school year ..... 15
R7-2-305.	Declaration of Independence ..... 15
R7-2-306.	English Language Learner Programs ..... 15
R7-2-307.	High School Equivalency Diplomas ..... 18
R7-2-308.	Adult Education ..... 18
R7-2-309.	Completion of grade 10 ..... 19
R7-2-310.	Pupil achievement testing ..... 20
R7-2-311.	Pupil testing variable information ..... 21
R7-2-312.	Honorary High School Diploma ..... 21
R7-2-313.	Academic contests fund ..... 21
R7-2-314.	Definitions ..... 21
R7-2-315.	Board Examination Systems; Offerings; Procedures ..... 22
R7-2-315.01.	Grand Canyon Diploma ..... 23
Appendix A.	Repealed ..... 23
R7-2-316.	Charter Schools Stimulus Fund ..... 23
R7-2-317.	State Seal of Bilitery Program ..... 24
R7-2-318.	K-3 Reading Program ..... 25

**ARTICLE 4. SPECIAL EDUCATION**

Section	
R7-2-401.	Special Education Standards for Public Agencies Providing Educational Services ..... 26
R7-2-402.	Standards for Approval of Special Education Programs in Private Schools ..... 30
R7-2-403.	Repealed ..... 31
R7-2-404.	Special Education Voucher Program Policies and Procedures ..... 31

## State Board of Education

R7-2-405.	Special Education Dispute Resolution; Due Process .....	32
R7-2-405.01.	Special Education Dispute Resolution; State Administrative Complaints .....	34
R7-2-405.02.	Special Education Dispute Resolution; Mediation .....	34
R7-2-406.	Gifted Education Programs and Services .....	35
R7-2-407.	Special Education Standards and Assistance for Providing Educational Services and Materials for Visually Impaired Students .....	35
R7-2-408.	Extended School Year Programs for Children with Disabilities .....	37

**ARTICLE 5. CAREER AND VOCATIONAL EDUCATION**

Section		
R7-2-501.	Repealed .....	37
R7-2-502.	Vocational education provisions and standards ..	37
R7-2-503.	Repealed .....	37
R7-2-504.	Repealed .....	37
R7-2-505.	Repealed .....	37
R7-2-506.	Repealed .....	37
R7-2-507.	Repealed .....	37
R7-2-508.	Repealed .....	37
R7-2-509.	Repealed .....	37
R7-2-510.	Repealed .....	37
R7-2-511.	Repealed .....	37
R7-2-512.	Repealed .....	37
R7-2-513.	Repealed .....	37
R7-2-514.	Repealed .....	37
R7-2-515.	Repealed .....	37
R7-2-516.	Repealed .....	37
R7-2-517.	Repealed .....	37
R7-2-518.	Repealed .....	37
R7-2-519.	Repealed .....	38
R7-2-520.	Repealed .....	38

**ARTICLE 6. CERTIFICATION**

*Article 6, consisting of Sections R7-2-601 through R7-2-617, adopted effective December 4, 1998 (Supp. 98-4).*

*Article 6, consisting of Sections R7-2-601 through R7-2-608, repealed effective December 4, 1998 (Supp. 98-4).*

Section		
R7-2-601.	Definitions .....	38
R7-2-602.	Professional Teaching Standards .....	38
R7-2-603.	Professional Administrative Standards .....	43
R7-2-604.	Definitions .....	45
R7-2-604.01.	Educator Preparation Programs .....	46
R7-2-604.02.	Educator Preparation Program Approval Procedures .....	47
R7-2-604.03.	Alternative Educator Preparation Program Approval Process .....	48
R7-2-604.04.	Revocation of Approval of Qualified Provider: Notification of Intent; Requirements of Exit Plan .....	49
R7-2-604.05.	Classroom-Based Alternative Preparation Program Approval Process .....	50
R7-2-605.	Certification Responsibility .....	50
R7-2-606.	Proficiency Assessments .....	50
R7-2-607.	General Certification Provisions .....	51
R7-2-607.01	Subject Areas – Waiver .....	52
R7-2-608.	Early Childhood Teaching Certificates .....	52
R7-2-609.	Elementary Teaching Certificates .....	54
R7-2-609.01.	Middle Grades Teaching Certificate .....	55
R7-2-610.	Secondary Teaching Certificates .....	55
R7-2-610.01.	Specialized Secondary Teaching Certificates ....	56

R7-2-610.02.	Subject Matter Expert Standard Teaching Certificate .....	56
R7-2-611.	Special Education Teaching Certificates .....	57
R7-2-612.	Career and Technical Education Teaching Certificates .....	63
R7-2-612.01.	Standard Specialized Career and Technical Education (CTE) Certificates – grades K-12 .....	64
R7-2-613.	PreK-12 Teaching Certificates .....	65
R7-2-614.	Other Teaching Certificates .....	67
R7-2-615.	Endorsements .....	71
R7-2-616.	Standard Professional Administrative Certificates .....	76
R7-2-617.	Other Professional Certificates .....	78
R7-2-618.	Fees .....	79
R7-2-619.	Renewal Requirements .....	79
R7-2-620.	Certification Time-frames .....	81
R7-2-621.	Reciprocity .....	81
R7-2-622.	Qualification Requirements of Professional, Non-Teaching School Personnel .....	82

**ARTICLE 7. ADJUDICATIONS**

Section		
R7-2-701.	Definitions .....	82
R7-2-702.	Filing; computation of time; extension of time ..	83
R7-2-703.	Contested cases; notice; hearing records .....	83
R7-2-704.	Service; proof of service .....	83
R7-2-705.	Hearings and Evidence .....	84
R7-2-706.	Request for hearing .....	84
R7-2-707.	Denial of request for hearing .....	84
R7-2-708.	Repealed .....	84
R7-2-709.	Rehearing and review of decisions .....	84
R7-2-710.	Intervention .....	85
R7-2-711.	Consolidation and severance .....	85
R7-2-712.	Subpoenas .....	85
R7-2-713.	Conduct of hearing .....	85
R7-2-714.	Testimony of pupils .....	85
R7-2-715.	Evidence .....	86
R7-2-716.	Stipulations .....	86
R7-2-717.	Recommended Decisions .....	86
R7-2-718.	Decisions and Orders .....	86

**ARTICLE 8. COMPLIANCE**

Section		
R7-2-801.	Compliance .....	86
R7-2-802.	School and School District Compliance with the Uniform System of Financial Records and the Uniform System of Financial Records for Charter Schools .....	88
R7-2-803.	Implementation of the Uniform System of Financial Records .....	89
R7-2-804.	Compliance with federal statutes or regulations ..	89
R7-2-805.	Education division general administrative regulations .....	89
R7-2-806.	Repealed .....	90
R7-2-807.	Repealed .....	90
R7-2-808.	Pupil Participation in Extracurricular Activities ..	90
R7-2-809.	Emergency Administration of Auto-Injectable Epinephrine .....	90
R7-2-810.	Emergency Administration of Inhalers .....	92

**ARTICLE 9. SCHOOL DISTRICT BUDGET AND ACCOUNTING**

Section		
R7-2-901.	Teacher Experience Index Provisions .....	93
R7-2-902.	Independent Accounting Responsibilities .....	93

## State Board of Education

**ARTICLE 10. SCHOOL DISTRICT PROCUREMENT**

*Article 10, consisting of Sections R7-2-1001 through R7-2-1009, R7-2-1021 through R7-2-1032, R7-2-1035 through R7-2-1037, R7-2-1041 through R7-2-1050, R7-2-1053, R7-2-1056, R7-2-1057, R7-2-1061 through R7-2-1068, R7-2-1072 through R7-2-1086, R7-2-1091 through R7-2-1093, R7-2-1101 through R7-2-1105, R7-2-1111 through R7-2-1115, R7-2-1117 through R7-2-1123, R7-2-1125, R7-2-1131 through R7-2-1133, R7-2-1141 through R7-2-1153, R7-2-1155 through R7-2-1159, R7-2-1161 through R7-2-1171, R7-2-1181, R7-2-1182, R7-2-1184, and R7-2-1191 through R7-2-1195, adopted effective December 17, 1987.*

**IN GENERAL 94**

Section	
R7-2-1001.	Definitions ..... 94
R7-2-1002.	Applicability ..... 98
R7-2-1003.	General Provisions ..... 99
R7-2-1004.	Written Determinations ..... 99
R7-2-1005.	Change orders and contract modifications ..... 99
R7-2-1006.	Confidential Information ..... 99
R7-2-1007.	Delegation of Procurement Authority ..... 100
R7-2-1008.	Procurement Consultants and Procurement Advisory Groups ..... 100
R7-2-1009.	Repealed ..... 101

**SPECIFICATIONS 101**

Section	
R7-2-1010.	Preparation of Specifications ..... 101
R7-2-1011.	Types of Specifications ..... 101
R7-2-1012.	Proprietary Specifications ..... 101
R7-2-1013.	Recycled Products Use ..... 101
R7-2-1014.	Maximum Practicable Competition ..... 101
R7-2-1015.	Conflict of Interest ..... 102
R7-2-1016.	Confidentiality ..... 102
R7-2-1017.	Reserved ..... 102

**REVERSE AUCTIONS 102**

Section	
R7-2-1018.	Reverse Auctions ..... 102
R7-2-1019.	Reserved ..... 104
R7-2-1020.	Reserved ..... 104

**COMPETITIVE SEALED BIDDING 104**

Section	
R7-2-1021.	Method of Source Selection ..... 104
R7-2-1022.	Notice of Competitive Sealed Bidding ..... 104
R7-2-1023.	Prospective Bidders Lists ..... 104
R7-2-1024.	Invitation for Bids ..... 104
R7-2-1025.	Pre-bid Conferences ..... 105
R7-2-1026.	Amendments to Invitation for Bids ..... 105
R7-2-1027.	Pre-opening Modification or Withdrawal of Bids ..... 106
R7-2-1028.	Late Bids, Late Withdrawals and Late Modifications ..... 106
R7-2-1029.	Receipt, Opening and Recording of Bids ..... 106
R7-2-1030.	Mistakes in Bids ..... 106
R7-2-1031.	Bid Evaluation and Award ..... 107
R7-2-1032.	Only One Bid Received ..... 108
R7-2-1033.	Simplified School Construction Procurement Program ..... 108
R7-2-1034.	Reserved ..... 108

**MULTISTEP SEALED BIDDING 108**

Section	
R7-2-1035.	Multistep Sealed Bidding ..... 108
R7-2-1036.	Phase 1 of Multistep Sealed Bidding ..... 109

R7-2-1037.	Phase 2 of Multistep Sealed Bidding ..... 109
R7-2-1038.	Reserved ..... 110
R7-2-1039.	Reserved ..... 110
R7-2-1040.	Reserved ..... 110

**COMPETITIVE SEALED PROPOSALS 110**

Section	
R7-2-1041.	Competitive Sealed Proposals ..... 110
R7-2-1042.	Request for Proposals ..... 110
R7-2-1043.	Pre-proposal Conferences ..... 111
R7-2-1044.	Late Proposals, Modifications or Withdrawals ..... 111
R7-2-1045.	Receipt, Opening and Recording of Proposals ..... 111
R7-2-1046.	Evaluation of Proposals ..... 112
R7-2-1047.	Discussions with Individual Offerors ..... 112
R7-2-1048.	Best and Final Offers ..... 112
R7-2-1049.	Mistakes in Proposals ..... 112
R7-2-1050.	Contract Award ..... 113
R7-2-1051.	Reserved ..... 113
R7-2-1052.	Reserved ..... 113

**SOLE SOURCE PROCUREMENTS 113**

Section	
R7-2-1053.	Sole Source Procurements ..... 113
R7-2-1054.	Reserved ..... 113

**EMERGENCY PROCUREMENTS 113**

Section	
R7-2-1055.	Emergency Procurement Procedure ..... 113
R7-2-1056.	Emergency Procurement Reporting ..... 114
R7-2-1057.	Repealed ..... 114

**REQUEST FOR INFORMATION 114**

Section	
R7-2-1058.	Request for Information ..... 114
R7-2-1059.	Reserved ..... 114
R7-2-1060.	Reserved ..... 114

**SERVICES OF CLERGY, CERTIFIED PUBLIC ACCOUNTANTS, PHYSICIANS, DENTISTS AND LEGAL COUNSEL 114**

Section	
R7-2-1061.	Competitive Selection Procedures for Clergy, Certified Public Accountants, Physicians, Dentists and Legal Counsel ..... 114
R7-2-1062.	Statement of Qualifications ..... 114
R7-2-1063.	Request for Proposals ..... 114
R7-2-1064.	Receipt of Proposals ..... 115
R7-2-1065.	Evaluation of Proposals ..... 115
R7-2-1066.	Discussions with Individual Offerors ..... 115
R7-2-1067.	Mistakes in Proposals ..... 115
R7-2-1068.	Contract Award ..... 115

**GUARANTEED ENERGY CONTRACTS 115**

Section	
R7-2-1069.	Guaranteed Energy Cost Savings Contracts ..... 115
R7-2-1070.	Guaranteed Energy Production Contracts ..... 117

**GENERAL CONTRACT REQUIREMENTS 117**

Section	
R7-2-1071.	Reserved ..... 117
R7-2-1072.	Cancellation of Solicitations; Rejection of Bids and Proposals ..... 117
R7-2-1073.	Cancellation of Solicitation Before the Due Date and Time ..... 117
R7-2-1074.	Cancellation of Solicitation After Bid or Proposal Opening and Before Award ..... 118

## State Board of Education

R7-2-1075.	Rejection of Individual Bids and Proposals	118
R7-2-1076.	Responsibility of Bidders and Offerors	118
R7-2-1077.	Prequalification of Contractors for Materials, Services and Construction	118
R7-2-1078.	Bid and Contract Security	118
R7-2-1079.	Cost or Pricing Data	118
R7-2-1080.	Refusal to Submit Cost or Pricing Data	119
R7-2-1081.	Defective Cost or Pricing Data	119
R7-2-1082.	Right to Inspect Plant	119
R7-2-1083.	Right to Audit Records	119
R7-2-1084.	Anticompetitive Practices	119
R7-2-1085.	Retention of Procurement Records	119
R7-2-1086.	Record of Procurement Actions	120
R7-2-1087.	Contract Clauses	120
R7-2-1088.	Reserved	121
R7-2-1089.	Reserved	121
R7-2-1090.	Reserved	121

**CONTRACT TYPES 121**

Section		
R7-2-1091.	Repealed	121
R7-2-1092.	Authority to Use Contract Types	121
R7-2-1093.	Multiterm Contracts	121
R7-2-1094.	Reserved	121
R7-2-1095.	Reserved	121
R7-2-1096.	Reserved	121
R7-2-1097.	Reserved	121
R7-2-1098.	Reserved	121
R7-2-1099.	Reserved	121

**ARTICLE 11. SCHOOL DISTRICT PROCUREMENT  
(CONTINUED)****PROCUREMENT OF CONSTRUCTION 121**

Section		
R7-2-1100.	Construction Project Delivery Methods	121
R7-2-1101.	Qualified Select Bidders List	121
R7-2-1102.	Bid Security	124
R7-2-1103.	Contract Performance and Payment Bonds	124
R7-2-1104.	Contract Payment Retention and Substitute Security	125
R7-2-1105.	Progress Payments	126
R7-2-1106.	Procurement of Construction Using Alternative Project Delivery Methods	126
R7-2-1107.	Selection Committee	127
R7-2-1108.	Request for Qualifications	127
R7-2-1109.	Receipt and Opening of Statements of Qualifications, Technical Proposals and Price Proposals for Design-build and Job-order- contracting	129
R7-2-1110.	Committee Evaluation and Contract Award	129
R7-2-1111.	Alternative Procedure for Design-build or Job- order-contracting Construction Services	130
R7-2-1112.	Contractor Licenses, Contract and Performance Requirements	131
R7-2-1113.	Prohibitions	132
R7-2-1114.	Bid Security, Contract Performance and Payment Bonds, and Payment and Retention	132
R7-2-1115.	Procurement File Contents and Review	132
R7-2-1116.	Repealed	133

**PROCUREMENT OF SPECIFIED PROFESSIONAL  
SERVICES 133**

Section		
R7-2-1117.	Procurement of Specified Professional Services	133

R7-2-1118.	Public Notice of Specified Professional Services	135
R7-2-1119.	Cancellation or Rejection of the Solicitation	135
R7-2-1120.	Specified Professional Services Selection Committee	135
R7-2-1121.	Committee Evaluation and Selection	135
R7-2-1122.	Specified Professional Services Contracts Not Exceeding Certain Amounts	136
R7-2-1123.	Procurement File Contents and Review for Procurements Conducted under R7-2-1117 through R7-2-1121	137
R7-2-1124.	Reserved	138

**COST PRINCIPLES 138**

Section		
R7-2-1125.	Cost Principles	138
R7-2-1126.	Reserved	138
R7-2-1127.	Reserved	138
R7-2-1128.	Reserved	138
R7-2-1129.	Reserved	138
R7-2-1130.	Reserved	138

**MATERIALS MANAGEMENT 138**

Section		
R7-2-1131.	Material Management and Disposition	138
R7-2-1132.	State and Federal Surplus Materials Program	139
R7-2-1133.	Authority for Transfer of Material	139
R7-2-1134.	Reserved	139
R7-2-1135.	Reserved	139
R7-2-1136.	Reserved	139
R7-2-1137.	Reserved	139
R7-2-1138.	Reserved	139
R7-2-1139.	Reserved	139
R7-2-1140.	Reserved	139

**BID PROTESTS 139**

Section		
R7-2-1141.	Resolution of Bid Protests	139
R7-2-1142.	Filing of a Protest	139
R7-2-1143.	Time for Filing Protests	139
R7-2-1144.	Stay of Procurements During the Protest	140
R7-2-1145.	Decision by the District Representative	140
R7-2-1146.	Remedies	140
R7-2-1147.	Appeals to a Hearing Officer	140
R7-2-1148.	Notice of Appeal	141
R7-2-1149.	Stay of Procurement During Appeal	141
R7-2-1150.	District Representative's Response	141
R7-2-1151.	Dismissal Before Hearing	141
R7-2-1152.	Hearing	141
R7-2-1153.	Remedies	141
R7-2-1154.	Reserved	141

**CONTRACT CLAIMS AND CONTROVERSIES 141**

Section		
R7-2-1155.	Resolution of Contract Claims and Controversies	141
R7-2-1156.	District Representative's Decision	141
R7-2-1157.	Issuance of a Timely Decision	142
R7-2-1158.	Appeals to a Hearing Officer	142
R7-2-1159.	Hearing	142
R7-2-1160.	Reserved	142

**DEBARMENT AND SUSPENSION 142**

Section		
R7-2-1161.	Authority to Debar or Suspend	142
R7-2-1162.	Initiation of Debarment	143

## State Board of Education

R7-2-1163.	Period of Debarment .....	143
R7-2-1164.	Notice .....	143
R7-2-1165.	Notice to Affiliates .....	143
R7-2-1166.	Imputed Knowledge .....	143
R7-2-1167.	Reinstatement .....	143
R7-2-1168.	Suspension .....	143
R7-2-1169.	Period and Scope of Suspension .....	144
R7-2-1170.	Notice and Hearing .....	144
R7-2-1171.	List of Debarments, Suspensions and Voluntary Exclusions .....	144
R7-2-1172.	Reserved .....	144
R7-2-1173.	Reserved .....	144
R7-2-1174.	Reserved .....	144
R7-2-1175.	Reserved .....	144
R7-2-1176.	Reserved .....	144
R7-2-1177.	Reserved .....	144
R7-2-1178.	Reserved .....	144
R7-2-1179.	Reserved .....	144
R7-2-1180.	Reserved .....	144

## HEARING PROCEDURES 144

Section		
R7-2-1181.	Hearing Procedures .....	144
R7-2-1182.	Rehearing of Decisions .....	144
R7-2-1183.	Judicial Review .....	145
R7-2-1184.	Exclusive Remedy .....	145
R7-2-1185.	Qualifications for Hearing Officers .....	145
R7-2-1186.	Reserved .....	146
R7-2-1187.	Reserved .....	146
R7-2-1188.	Reserved .....	146
R7-2-1189.	Reserved .....	146
R7-2-1190.	Reserved .....	146

## INTERGOVERNMENTAL PROCUREMENTS 146

Section		
R7-2-1191.	Cooperative Purchasing Authorized .....	146
R7-2-1192.	Contract Provisions in a Cooperative Purchasing Agreement .....	146
R7-2-1193.	Use of Payments Received by a Supplying Public Procurement Unit .....	146
R7-2-1194.	Public Procurement Units in Compliance with Article Requirements .....	146
R7-2-1195.	Contract Controversies .....	147

R7-2-1196.	General Services Administration Contracts .....	147
R7-2-1197.	Reserved .....	147
R7-2-1198.	Reserved .....	147
R7-2-1199.	Reserved .....	147
R7-2-1200.	Reserved .....	147

## ARTICLE 12. REPEALED 147

*Article 12, consisting of Section R7-2-1201, repealed effective February 20, 1997 (Supp. 97-1).*

Section		
R7-2-1201.	Repealed .....	147

## ARTICLE 13. CONDUCT 147

*Article 13, consisting of Sections R7-2-1301 through R7-2-1307, adopted effective December 3, 1998 (Supp. 98-4).*

Section		
R7-2-1301.	Definitions .....	147
R7-2-1302.	Statement of Allegations .....	147
R7-2-1303.	Complaint .....	147
R7-2-1304.	Notification; Investigation .....	148
R7-2-1305.	Conviction of Criminal Offenses; Investigation .....	148
R7-2-1306.	Reviewable Offenses .....	148
R7-2-1307.	Criminal Offenses; Nonreviewable .....	148
R7-2-1308.	Unprofessional and Immoral Conduct .....	148
R7-2-1309.	Reserved .....	149
R7-2-1400.	Reserved .....	149

## ARTICLE 14. CHARTER SCHOOLS 149

*Article 14, consisting of Sections R7-2-1401 through R7-2-1408, adopted by final rulemaking at 5 A.A.R. 321I, effective August 24, 1999 (Supp. 99-4).*

Section		
R7-2-1401.	Definitions .....	149
R7-2-1402.	Charter School Committee .....	149
R7-2-1403.	Application .....	149
R7-2-1404.	Contract .....	150
R7-2-1405.	Execution of a Contract .....	150
R7-2-1406.	Amendments to a Contract .....	150
R7-2-1407.	Revocation of a Contract .....	150
R7-2-1408.	Renewal of Contract .....	150

## State Board of Education

**ARTICLE 1. STATE BOARD OF EDUCATION MEETINGS****R7-2-101. Governance****A. Officers**

1. The elective officers of the State Board of Education ("Board") shall be a President and a Vice President.
2. The State Superintendent of Public Instruction shall serve as the Secretary and as the Executive Officer of the Board.
3. The President shall preside over all meetings of the Board, call meetings as herein provided and perform such other special duties as may be vested in him or her by the Board.
4. In the absence of the President, the Vice President shall preside over all meetings and shall perform such other special duties as may be vested in him or her by the Board.
5. The President shall appoint a nominating committee that will prepare a slate of candidates for presentation to the Board at the first regular meeting following January 1 of each year. Other candidates may be nominated from the floor. The two elected officers shall be elected by written ballot and shall serve for one year, or until their successors are elected.
6. If a vacancy occurs in the office of President, the Vice President shall immediately become the President. As soon as practicable, the Board shall elect a new Vice President.

**B. Regular and special meetings**

1. Unless otherwise agreed upon by a majority of the Board, meetings shall be held on the fourth Monday of each month.
2. The place of the meeting shall be designated by the President. In the absence of the President, the place of meeting shall be designated by the Vice President.

**C. Public input to the Board**

1. Requests for matters to be placed on the agenda.
  - a. When any person wishes to have a matter placed on the agenda, that person shall submit a written request to the President of the Board not less than 21 days prior to the Board meeting.
  - b. The President of the Board may choose not to place an item submitted by a person other than a Board member on the agenda.
2. Public comment on agenda items.
  - a. Any member of the public who wishes to address the Board regarding a matter on the agenda for Board action may submit a written request to be heard on forms provided by the Board.
  - b. The President of the Board or a majority of the Board may allot a reasonable time for members of the public to address the Board with respect to agenda items.

**Historical Note**

Former Section R7-2-101 repealed, new Section R7-2-101 adopted effective December 4, 1978 (Supp. 78-6). Amended effective February 27, 1980 (Supp. 80-1). Former Section R7-2-101 repealed, new Section R7-2-101 adopted effective June 17, 1985 (Supp. 85-3).

**R7-2-102. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-103. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**ARTICLE 2. STATE BOARD OF EDUCATION COMMITTEES****R7-2-201. Advisory Committees**

- A. The State Board of Education ("Board") may create an advisory committee for the purpose of providing advice and recommendations as assigned by the Board. In this rule, unless the context otherwise requires, the following definitions shall apply:
  1. "Ad Hoc Advisory Committee" means a committee, established by the Board, for a limited time and scope, for the purpose of providing advice and recommendations to the Board.
  2. "Executive Committee" means a committee, whose members consist of the President and Vice-President of the Board, established for the purpose of appointing ad hoc advisory committee members.
  3. "Standing Advisory Committee" means the Certification Advisory Committee, the Certification Appeals Advisory Committee, and the Professional Practices Advisory Committee, or any other designated permanent committee, established by the Board, for the specific purpose of providing ongoing advice and recommendations as assigned by the Board.
- B. Any advisory committee or similar body that has been created by either the Board or statute shall be appointed and conduct its business in accordance with this rule except as otherwise required by law.
- C. The Board shall determine the structure, membership, and tasks of any standing advisory committee the Board has created.
- D. The Board's Appointments Subcommittee, whose members are appointed by the President of the Board, shall review nominations submitted by the Board members for appointment to a standing advisory committee and shall provide a recommendation to the Board for consideration. A vacancy on a standing advisory committee shall be filled in the manner described in this Section.
- E. The Board shall determine the structure and task of an ad hoc advisory committee it has created and may make suggestions as to members. The Executive Committee shall appoint the members of an ad hoc advisory committee. An ad hoc advisory committee shall exist for the time necessary to accomplish its assigned task or for one year from the date it is created, whichever is less. An ad hoc advisory committee may continue to function beyond a one-year period only with the express approval of the Executive Committee. A vacancy on an ad hoc advisory committee shall be filled in the manner prescribed by the Executive Committee.
- F. The Board may in its discretion remove any member from and dissolve any standing advisory committee that the Board has created. The Executive Committee may in its discretion remove any member from and dissolve any ad hoc advisory committee that the Executive Committee has created.
- G. An advisory committee shall not conduct a meeting of its members without prior acknowledgment from the Executive Director of the Board that the notice and agenda for the meeting have been approved by the President of the Board and posted and that there are sufficient funds to meet all expenses that would be incurred in connection with such meeting. An advisory committee member shall not obligate the payment of Board funds.

## State Board of Education

- H. The meetings of a committee shall be held at the offices of the Board or any other facility for which no charges would be incurred for use of the facility.
- I. Activities of an advisory committee are limited to preparation of advice and recommendations to be presented to the Board for issues which relate directly to the task assigned by the Board.
- J. Advisory committees are not authorized the use of Board letterhead stationery without the express approval of the President of the Board and are not authorized the use of Department of Education letterhead stationery without the express approval of the Superintendent of Public Instruction.
- K. An advisory committee shall:
  1. Annually select from its members a chair and vice chair;
  2. Request information, assistance, or opinions from the Department of Education necessary to accomplish its task. An advisory committee shall convey any such request through the Department liaison designated pursuant to this rule.
- L. A quorum of an advisory committee shall be a majority of the voting members of the advisory committee. Voting members shall be only those members specifically appointed by the Board or Executive Committee. A quorum of an advisory committee is necessary to conduct its business. An affirmative vote of the majority of voting members present is necessary for an advisory committee to take action.
- M. The Superintendent shall designate an employee of the Department of Education to serve as a liaison to each advisory committee. The President of the Board may appoint a member of the Board to serve as an additional liaison to each advisory committee as the President deems appropriate.

**Historical Note**

Amended effective July 1, 1977 (Supp. 77-4). Former Section R7-2-201 repealed, new Section R7-2-201 adopted effective December 4, 1978 (Supp. 78-6). Amended effective February 25, 1987 (Supp. 87-1). Section repealed, new Section adopted effective March 18, 1994 (Supp. 94-1). Amended by final exempt rulemaking at 22 A.A.R. 2239, effective August 1, 2016 (Supp. 16-3).

**R7-2-202. Repealed****Historical Note**

Former Section R7-2-202 repealed, new Section R7-2-202 adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-202 repealed, new Section R7-2-202 adopted effective June 21, 1979 (Supp. 79-3). Amended effective June 12, 1989 (Supp. 89-2). Amended effective December 12, 1990 (90-4). Amended effective August 28, 1992 (Supp. 92-3). Repealed effective March 18, 1994 (Supp. 94-1).

**R7-2-203. Repealed****Historical Note**

Former Section R7-2-203 repealed, new Section R7-2-203 adopted effective April 9, 1984 (Supp. 84-2). Amended subsections (A) and (B) effective December 30, 1988 (Supp. 88-4). Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-204. Repealed****Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-204 repealed, new Section R7-2-204 adopted effective December 31, 1984 (Supp. 84-6). Amended effective August 28, 1992 (Supp. 92-3).

Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-205. Certification Review, Suspension, and Revocation**

- A. Professional Practices Advisory Committees ("Committees") shall act in an advisory capacity to the State Board of Education ("Board") in regard to certification or recertification matters related to immoral conduct, unprofessional conduct, unfitness to teach, and revocation, suspension, or surrender of certificates.
- B. Committees shall each consist of seven members comprised of the following:
  1. One elementary classroom teacher,
  2. One secondary classroom teacher,
  3. One principal,
  4. One superintendent or assistant/associate superintendent,
  5. Two lay members, one lay member who shall be a parent of a student currently attending public school in Arizona, and
  6. One local Governing Board member.
- C. Members appointed pursuant to subsections B(1), (2), (3) and (4) of this rule shall meet at least the following requirements:
  1. Certified to teach in Arizona.
  2. Currently employed in or retired from the education profession in the specific category of their appointment.
  3. If currently employed, shall have been employed in this category for the three years immediately preceding their appointment.
- D. Terms of the members
  1. All regular terms shall be for four years except as set forth in subsection (E) below.
  2. A member may be reappointed with Board approval.
- E. The Board may remove any member from the Committee. All vacancies shall be filled as prescribed in subsections (C) above, and those persons appointed to fill vacancies shall serve to complete the term of the person replaced.
- F. The Committee shall:
  1. Select from its members a Chairman and Vice-Chairman,
  2. A quorum shall be a majority of members of the Committee. A quorum is necessary to conduct business. An affirmative vote of the majority of the members present is needed to take action.
  3. Hold meetings as needed to conduct hearings or other Committee business by call of the Chairman of the Committee. If the Chairman neglects or declines to call a meeting, then a majority of the Committee may call a meeting. The Board may call a meeting as required to conduct necessary business. Notice of any meeting shall be given to Committee members seven days prior to the meeting.
  4. Recommend the removal of any member who is absent from three consecutive meetings.
  5. Refer to R7-2-1308 to assist in determining whether the acts complained of constitute unprofessional conduct.
  6. Conduct its business pursuant to R7-2-1301 et seq. and hearings pursuant to R7-2-701 et seq.

**Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-205 repealed, new Section R7-2-205 adopted effective February 24, 1982 (Supp. 82-1). Former Section R7-2-205 repealed, new Section R7-2-205 adopted effective August 30, 1984 (Supp. 84-4). Amended effective February 21, 1986 (Supp. 86-1). Amended subsections (H), (I), and (J) effective February 3, 1987 (Supp. 87-1). Amended effective December 15, 1989 (Supp. 89-4). Amended effective May 31, 1991

## State Board of Education

(Supp. 91-2). Amended effective April 9, 1993 (Supp. 93-2). Amended effective December 3, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 21 A.A.R. 1775, effective May 20, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1).

**R7-2-206. Certification Denial Appeals Process for Applications for Certification that Do Not Involve Allegations of Immoral or Unprofessional Conduct**

- A. The Certification Appeals Advisory Committee ("Committee" or "CAAC") shall act in an advisory capacity to the State Board of Education ("Board") and shall serve as the hearing body for the Board in regard to appeals of certification denials pursuant to A.R.S. § 15-534.01 that do not involve allegations of immoral or unprofessional conduct. Applications for certification that involve allegations of immoral or unprofessional conduct shall be reviewed by the Professional Practices Advisory Committee as established by R7-2-205.
- B. The Committee shall be appointed by the Board and shall consist of five members comprised of the following:
  1. One certificated elementary classroom teacher,
  2. One certificated secondary classroom teacher,
  3. One certificated administrator,
  4. One lay member, and
  5. One local Governing Board member.
- C. Terms of the members
  1. All regular terms shall be for two years except as set forth in subsection (D).
  2. A member may be reappointed with Board approval.
- D. The Board may remove any member from the Committee. All vacancies shall be filled in a timely fashion and those persons appointed to fill vacancies shall serve to complete the term of the person replaced.
- E. The Committee shall:
  1. Select from its members a Chairman and Vice-Chairman.
  2. A quorum shall be a majority of members of the Committee. A quorum is necessary to conduct business. An affirmative vote of the majority of the members present is needed to take action.
  3. Hold meetings once a month or as often as necessary to conduct hearings or other Committee business.
  4. Recommend the removal of any member who is absent from three consecutive meetings.
  5. Conduct appeals pursuant to A.R.S. Title 41, Chapter 6, Article 6 and this Section.
- F. Request for hearing. A person who has had an application for certification denied by the Board or the Department of Education pursuant to A.R.S. § 15-534.01(B) may file a written request for a hearing with the Board within 15 days after receiving the notice of denial. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation of the 15 days. If the final day of the 15 day deadline falls on a Saturday, Sunday or legal holiday, the next business day is the final day of the deadline.
- G. Notice of hearing
  1. If an applicant requests a hearing to appeal the denial of an application for certification, a notice of hearing shall be given at least 20 days prior to the date set for the hearing.
  2. The notice shall include:
    - a. A statement of the time, place and nature of the hearing.
    - b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
  - c. A reference to the particular sections of the statutes and rules involved.
  - d. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
3. Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.
4. The Board may dispose of any certification appeal by decision or approved stipulation, agreed settlement, consent agreement or by default.
5. A hearing before the hearing body or any part thereof shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.
6. The hearing body may reschedule the hearing, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.
7. The record in an appeal of a certification denial shall include:
  - a. All pleadings, motions and interlocutory rulings.
  - b. Evidence received or considered.
  - c. A statement of matters officially noticed.
  - d. Objections and offers of proof and rulings thereon.
  - e. Proposed findings of fact and conclusions of law and exceptions thereto.
  - f. Any decision, opinion, recommendation or report of the hearing body.
  - g. All staff memoranda, other than privileged communications, or data submitted to the hearing body in connection with its consideration of the case.
8. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
- H. Service of documents; change of address notice requirement
  1. Every notice or decision issued by the Board pertaining to the denial of an application for initial certification or renewal of a certificate shall be served by personal delivery or certified mail, return receipt requested, to the applicant or certificated person's last address of record with the Department of Education or by any other method that is reasonably calculated to give actual notice to the applicant or the certificated person.
  2. Each applicant or certificated person shall inform the Department of Education of any change of address within 30 days of the change of address.
- I. Hearing process
  1. Parties may participate in the hearing in person or through an attorney.
  2. Upon request of either party, the presiding officer may schedule a prehearing conference. The purpose of a prehearing conference shall be to narrow issues, attempt settlement, address evidentiary issues or for any other purpose deemed necessary by the presiding officer.
  3. A hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings shall be grounds for reversing any administrative decision or order providing the evidence supporting such decision or order is substantial, reliable, and probative. Irrelevant, immaterial or



## State Board of Education

unduly repetitious evidence shall be excluded. Every person who is a party to such proceedings shall have the right to be represented by counsel, to submit evidence in open hearing and shall have the right of cross-examination. Unless otherwise provided by law, hearings may be held at any place determined by the Committee. At such hearing such applicant shall be the moving party and have the burden of proof.

4. Copies of documentary evidence may be received in the discretion of the presiding officer. Upon request, the parties shall be given an opportunity to compare the copy with the original.
5. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the hearing body. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The hearing body's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

**J. Subpoenas**

1. The Department of Education may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence on its own volition or at the request of a party.
2. A request for a hearing subpoena shall be in writing and served on each party at least seven days prior to the date set for hearing and shall state:
  - a. The name of the contested case, the case number, and the time and place where the witness is expected to appear and testify;
  - b. The name and address of the witness subpoenaed; and
  - c. The documents, if any, sought to be provided.
3. On application of a party or the agency and for use as evidence, the hearing body may permit a deposition to be taken, in the manner and upon the terms designated by the hearing body, of a witness who cannot be subpoenaed or is unable to attend the hearing.
4. The individual to whom a subpoena is directed shall comply with its provisions unless, prior to the date set for appearance, the hearing body grants a written request to quash or modify the subpoena. The request shall state the reasons why it should be granted. The hearing body shall grant or deny such request by order.
5. The party requesting the subpoena shall prepare it and cause it to be served upon the individual to whom it is directed in the same manner as provided for service of subpoenas in civil matters before the superior court. The return of service shall be filed with the hearing body.

**K. Conduct of hearing**

1. The presiding officer may conduct all or part of the hearing by telephone, television, or other electronic means, as long as each party has an opportunity to participate in the entire proceeding as it takes place.
2. Except for those hearings which may involve presentation of evidence protected by law as confidential, or which are otherwise closed pursuant to an express provision of law, all hearings are open to public observation.
3. Conduct at any hearing that is disruptive or shows contempt for the proceedings shall be grounds for exclusion from further participation or observation.

**L. Evidence**

1. All witnesses shall testify under oath or affirmation.
2. The hearing body shall have the power to administer oaths and affirmations.
3. All parties shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and fair disclosure of the facts.
4. The hearing body shall receive evidence, rule upon offers of proof, and exclude evidence the hearing body has determined to be irrelevant, immaterial, or unduly repetitious.
5. Unless otherwise ordered by the hearing body, documentary evidence shall be limited in size when folded to 8 1/2 by 11 inches. The submitting party shall identify documentary exhibits by number or letter and party and furnish a copy of each exhibit to each party present. One additional copy shall be furnished to the hearing body unless the hearing body otherwise directs. When evidence offered by any party appears in a larger work, containing other information, the party shall plainly designate the portion offered. If the evidence offered is so voluminous as would unnecessarily encumber the record, the book, paper, or document shall not be received in evidence but may be marked for identification and, if properly authenticated, the designated portion may be read into or photocopied for the record. All documentary evidence offered shall be subject to appropriate and timely objection.

- M. Stipulations.** Parties to an appeal of a certification denial may stipulate, in writing, agreement upon any matter involved in the proceeding. If approved by the presiding officer, agreement on matters of procedure shall be binding upon the parties to the stipulation. The hearing body may require presentation of evidence for proof of stipulated facts for the hearing body's consideration. No substantive matter agreed to by the parties shall be binding upon the Board unless incorporated into the decision of the Board.

**N. Recommendations**

1. A recommended decision shall be prepared for the Board by the CAAC.
2. A recommended decision shall be delivered to the Board within 30 days after the close of the hearing unless the Board extends the period for good cause.

**O. Decisions and orders**

1. Any final decision or order adverse to a party shall be in writing or stated in the record.
2. When the Board is the hearing body, the decision shall be rendered within 60 days following the final day of the hearing.
3. Within 30 days after receipt of any recommended decision from the CAAC, the Board shall render a decision to affirm, reverse, adopt, modify, supplement, amend or reject the recommendation and may remand the matter to the hearing body with instructions, or may convene itself as the hearing body.

**P. Rehearing and review of decisions**

1. After a hearing is held, a party in an appeal of a certification denial who is aggrieved by a decision rendered by the Board may file with the Board, not later than 30 days after such decision has been made, a written motion for rehearing specifying the particular grounds therefor. A motion for rehearing under this Section may be amended at any time before it is ruled upon by the Board. A response may be filed within 15 days after service of such motion by any other party. The Board may require the fil-

## State Board of Education

ing of written briefs on the issues raised in the motion or response and may provide for oral argument.

2. A rehearing of a decision by the Board may be granted for any of the following causes materially affecting the moving party's rights:
  - a. Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  - b. Misconduct of the hearing body or the prevailing party.
  - c. Accident or surprise which could not have been prevented by ordinary prudence.
  - d. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the hearing.
  - e. Excessive or insufficient penalties.
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
  - g. That the decision is not justified by the evidence or is contrary to the law.
3. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties, on all or part of the issues, for any of the reasons set forth in subsection (B) herein. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
4. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.
5. Not later than 20 days after a decision is rendered, the Board may, on its own initiative, order a rehearing of its decision for any reasons for which it might have granted a rehearing on motion of a party. The order granting such a rehearing shall specify the grounds therefor.
6. When a motion for rehearing is based upon affidavits they shall be served with the motion. An opposing party may, within 10 days after service of such motion, serve opposing affidavits and this period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. After a hearing has been held and a final administrative decision has been entered, a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.
8. Any party in an appeal of a certification denial who is aggrieved by a decision rendered by the Board may file with the Board, not later than 20 days after such decision has been made, a written request for review of the decision. If a review of the decision is granted, the Board may affirm or modify the previous decision.

**Historical Note**

Former Section R7-2-206 adopted effective December 4, 1978 (Supp. 78-6). Repealed effective February 24, 1982. See R7-2-205 adopted effective February 24, 1982 (Supp. 82-1). New Section R7-2-206 adopted effective August 9, 1989 (Supp. 89-3). Repealed effective March 18, 1994 (Supp. 94-1). New Section made by exempt rulemaking at 16 A.A.R. 156, effective December 7, 2009 (Supp. 09-4).

**R7-2-207. Repealed****Historical Note**

Adopted effective August 9, 1989 (Supp. 89-3). Repealed effective March 18, 1994 (Supp. 94-1).

**ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS****R7-2-300. Adoption of Assessments**

As required in A.R.S. §15-741, the Board shall adopt assessments as Arizona instruments to measure standards in order to measure pupil achievement of the state board adopted academic standards in at least grades 3 through 10.

**Historical Note**

New Section made by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-301. Minimum Course of Study and Competency Goals for Students in the Common Schools**

- A. Students shall demonstrate competency as defined by the State Board-adopted academic standards, at the grade levels specified, in the following required subject areas. District and charter school instructional programs shall include an ongoing assessment of student progress toward meeting the competency requirements. These shall include the successful completion of the academic standards in at least reading, writing, mathematics, science and social studies, as determined by district and/or statewide assessments.
  1. English language arts;
  2. Mathematics;
  3. Science;
  4. Social Studies; including civics;
  5. The Arts, which may consist of two or more of the following: visual arts, dance, theatre, music or media arts;
  6. Health/Physical Education.
- B. The local governing board or charter school may prescribe course of study and competency requirements for promotion that are in addition to or higher than the course of study and competency requirements the State Board of Education prescribes. Additional subjects may be offered by the local governing board or charter school as options and may include, but are not limited to:
  1. Career and Technical Education,
  2. Computer Science,
  3. Educational Technology,
  4. World and Native Languages.
- C. Prior to the issuance of a standard certificate of promotion from the 8th grade, each student shall demonstrate competency, as defined by the local governing board, of the State Board of Education adopted academic standards for grade 8 in the subject areas listed in subsection (A).
- D. Special education and promotion from the 8th grade.
  1. The charter school or local governing board of each school district shall be responsible for developing a course of study and graduation requirements for all students placed in special education programs in accordance with R7-2-401 et seq.
  2. Students placed in special education classes in grades K-8 are eligible to receive the standard certificate of promotion without meeting State Board of Education competency requirements.
- E. Online and distance education courses may be offered by the local governing board or charter school if the course is provided through an Arizona Online Instruction Program established pursuant to A.R.S. § 15-808.
- F. Alternative Demonstration of Competency. Upon request of the student, the local school district governing board or charter

## State Board of Education

school shall provide the opportunity for a student in grades seven and eight to demonstrate competency in the subject areas listed in subsection (A) in lieu of classroom time.

**Historical Note**

Former Section R7-2-301 repealed, new Section R7-2-301 adopted effective December 4, 1978 (Supp. 78-6). Amended subsections (A) and (B) effective May 4, 1982 (Supp. 82-3). Amended subsection (B) by adding subsection (10) effective July 26, 1982 (Supp. 82-4). Section repealed, new Section adopted effective April 12, 1993 (Supp. 93-2). Amended effective May 3, 1993 (Supp. 93-2). Amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013 (the making of subsection (F)); filed in the Office January 15, 2016, with historical note added for clarification as the Board adopted the same amendment June 23, 2014 (Supp. 16-2). Amended by final exempt rulemaking at 21 A.A.R. 1778, effective June 23, 2014; filed in the Office August 4, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 691, effective February 26, 2018 (Supp. 18-1).

**R7-2-301.01. Repealed****Historical Note**

R7-2-301(A), (B), and (C) repeated and numbered as R7-2-301.01(A), (B), and (C); R7-2-301(D) and (E) repeated and numbered as R7-2-301.01(D) and (E) and amended; the text of R7-2-301.01 as amended is effective January 1, 1989 (Supp. 86-2). Complete text printed and historical note added (Supp. 89-3). Repealed effective April 12, 1993 (Supp. 93-2).

**R7-2-301.02. Repealed****Historical Note**

Adopted effective March 26, 1990 (Supp. 90-1). Amended effective December 18, 1991; amended effective December 20, 1991 (Supp. 91-4). Repealed effective March 18, 1994 (Supp. 94-1).

**R7-2-302. Minimum Course of Study and Competency Requirements for Graduation from High School**

The Board prescribes the minimum course of study and competency requirements as outlined in subsections (1) through (5) and, beginning with the graduating class of 2017, receipt of a passing score of sixty correct answers out of one hundred questions on a civics test identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services as prescribed in A.R.S. § 15-701.01(A)(2).

1. Subject area course requirements. The Board establishes 22 credits as the minimum number of credits necessary for high school graduation. Students shall obtain credits for required subject areas as specified in subsections (1)(a) through (e) based on completion of subject area course requirements or competency requirements. At the discretion of the local school district governing board or charter school, credits may be awarded for completion of elective subjects specified in subsection (1)(f) based on completion of subject area course requirements or competency requirements. The awarding of a credit toward the completion of high school graduation requirements shall be based on successful completion of the subject area requirements prescribed by the State Board and local school district governing board or charter school as follows:

- a. Four credits of English or English as a Second Language, which shall include but not be limited to the following: reading American and other world literature, reading informational text, writing, research methods, speaking and listening skills, grammar, and vocabulary.
  - b. Three credits in social studies to minimally include the following:
    - i. One credit of American history, including Arizona history;
    - ii. One credit of world history/geography;
    - iii. One-half credit of American government, including civics and Arizona government; and
    - iv. One-half credit in economics.
  - c. Four credits of mathematics to minimally include:
    - i. Three credits containing course content in preparation for proficiency at the high school level on the statewide assessment and aligned to the Arizona Mathematics Standards for Algebra I, Geometry, and Algebra II. These three credits shall be taken beginning with the ninth grade unless a student meets these requirements prior to the ninth grade pursuant to subsection (1)(c)(iii). The requirement for the third credit covering Algebra II, may be met by, but is not limited to the following: a math course comparable to Algebra II course content; computer science, career and technical education and vocational education, economics, science and arts courses as determined by the local school district governing board or charter school.
    - ii. A fourth credit that includes significant mathematics content as determined by the local school district governing board or charter school.
    - iii. Courses successfully completed prior to the ninth grade that meet the high school mathematics credit requirements may be applied toward satisfying those requirements.
    - iv. The mathematics requirements may be modified for students using a Personal Curriculum pursuant to R7-2-302.03.
  - d. Three credits of science in preparation for proficiency at the high school level on the statewide assessment.
  - e. One credit of the Arts or career and technical education and vocational education.
  - f. Seven credits of additional courses prescribed by the local school district governing board or charter school.
  - g. A credit or partial credit may apply toward more than one subject area but shall count only as one credit or partial credit toward satisfying the 22 required credits.
2. Credits earned through correspondence courses to meet graduation requirements shall be taken from an accredited institution as defined in R7-2-601. Credits earned thereby shall be limited to four, and only one credit may be earned in each of the following subject areas:
    - a. English as described in subsection (1)(a) of this Section,
    - b. Social Studies,
    - c. Mathematics, and
    - d. Science.

## State Board of Education

3. Online and distance education courses may be offered by the local governing board or charter school if the course is provided through an Arizona Online Instruction Program established pursuant to A.R.S. § 15-808.
4. Local school district governing boards or charter schools may grant to career and technical education and vocational education program completers a maximum of 5 ½ credits to be used toward the Board English, mathematics, science, and economics credit requirements for graduation, subject to the following restrictions:
  - a. The Board has approved the career and technical education and vocational education program for equivalent credit to be used toward the Board English, mathematics, science, and economics credit requirements for graduation.
  - b. A credit or partial credit may apply toward more than one subject area but shall count only as one credit or partial credit toward satisfying the 22 required credits.
  - c. A student who satisfies any part of the Board English, mathematics, science, and economics requirements through the completion of a career and technical education and vocational education program shall still be required to earn 22 total credits to meet the graduation requirements prescribed in this Section.
5. Competency requirements.
  - a. The awarding of a credit toward the completion of high school graduation requirements shall be based on the requirements outlined in A.R.S. § 15-701.01 and the successful completion of State Board-adopted academic standards for subject areas listed in subsections (1)(a) through (1)(e) and the successful completion of the competency requirements for the elective subjects specified in subsection (1)(f). Competency requirements for elective subjects as specified in subsection (1)(f) shall be the academic standards adopted by the State Board. If there are no adopted academic standards for an elective subject, the local school district governing board or charter school shall be responsible for developing and adopting competency requirements for the successful completion of the elective subject. The school district governing board or charter school shall be responsible for developing and adopting the method and manner in which to administer a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services, and a pupil who does not obtain a passing score on the test may retake the test until the pupil obtains a passing score.
  - b. The determination and verification of student accomplishment and performance shall be the responsibility of the subject area teacher.
  - c. Upon request of the student, the local school district governing board or charter school shall provide the opportunity for the student to demonstrate competency in the subject areas listed in subsections (1)(a) through (1)(f) of this Section above in lieu of classroom time. In appropriate courses, a school district governing board or charter school shall include as a mechanism to demonstrate competency a score determined by the State Board as college and career ready on the appropriate assessment adopted by the State Board pursuant to A.R.S. §§ 15-741 or 15-741.01.
6. The local school district governing board or charter school shall be responsible for developing a course of study and graduation requirements for all students placed in special education programs in accordance with A.R.S. Title 15, Chapter 7, Article 4 and A.A.C. R7-2-401 et seq. Students placed in special education classes, grades 9-12, are eligible to receive a high school diploma upon completion of graduation requirements.

**Historical Note**

Former Section R7-2-302 repealed, new Section R7-2-302 adopted effective December 4, 1978 (Supp. 78-6). Amended effective July 8, 1983 (Supp. 83-4). Amended subsections (1) and (5) effective January 1, 1987 (Supp. 84-3). See R7-2-302.01 and R7-2-302.02 for minimum credits for graduating classes of 1987 forward (Supp. 86-5). Repealed effective August 28, 1992; Inadvertently omitted from Supp. 92-3; corrected Supp. 93-4. Amended effective November 17, 1994 (Supp. 94-4). Repealed effective February 20, 1997 (Supp. 97-1). New Section adopted by final rulemaking at 7 A.A.R. 1255, effective February 20, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 3893, effective August 21, 2002 (Supp. 02-3). Amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; since the Board did not file the amendments until January 15, 2016, subsection (3)(a) through (b) was already repealed at the time of publishing the Section in Supp. 15-3; therefore, there is no record of the amendments in the Administrative Code; these amendments can be viewed at 21 A.A.R. 1778 (Supp. 16-2). Amended by final exempt rulemaking at 21 A.A.R. 1778, effective June 23, 2014; filed in the Office August 4, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 197, effective October 26, 2015; filed in the Office January 15, 2016 (Supp. 16-3). Amended by final rulemaking at 24 A.A.R. 691, effective February 26, 2018 (Supp. 18-1).

**R7-2-302.01. Repealed****Historical Note**

Section R7-2-302 repealed and amended effective January 1, 1987, filed September 24, 1986 (Supp. 86-5). Amended as an emergency by adding a new subsection (B) effective May 3, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Filing date for January 1, 1987, amendments corrected to September 24, 1986 (Supp. 89-3). Emergency expired. Adopted as a permanent rule effective February 7, 1990 (Supp. 90-1). Repealed effective August 28, 1992; Inadvertently omitted from Supp. 92-3; corrected Supp. 93-4. New Section made by exempt rulemaking at 14 A.A.R. 195, effective December 10, 2007 (Supp. 08-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.02. Repealed****Historical Note**

Adopted effective January 1, 1991, filed September 24, 1986 (Supp. 86-5). Amended effective May 9, 1988 (Supp. 88-2). Amended effective June 12, 1989 (Supp. 89-2). Amended effective March 26, 1990 (Supp. 90-1). Repealed effective March 18, 1994 (Supp. 94-1). New Section made by exempt rulemaking at 14 A.A.R. 195, effective December 10, 2007 (Supp. 08-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January

## State Board of Education

15, 2016 (Supp. 16-2).

**R7-2-302.03. Personal Curriculum****A. Definitions.**

1. "Personal Curriculum" means a documented process that may be used to modify the high school graduation requirements for mathematics delineated in R7-2-302.02(1)(c). A student may use a personal curriculum to modify the Algebra II requirement delineated in R7-2-302.02(1)(c)(ii) and reduce the credit requirements for mathematics from four to three credits. A student who successfully completes the student's personal curriculum meets the requirements for high school graduation.
2. "Development Team" means a team that develops a personal curriculum for a student and consists of the student, the parent or legal guardian of the student, and a school counselor or principal or their designee. A school principal may add additional members to the development team as the principal deems appropriate.

**B. A student is eligible for a personal curriculum if the student meets the following criteria:**

1. The student has successfully completed the mathematics requirements delineated in R7-2-302.02(1)(c)(i); and
2. Despite the student's successful completion of the mathematics requirements delineated in R7-2-302.02(1)(c)(i), the development team determines that the student demonstrates a need to modify the requirement delineated in R7-2-302.02(1)(c)(ii) for Algebra II or its equivalent course content.

**C. The requirements for a personal curriculum are as follows:**

1. An eligible student may only modify the mathematics requirement delineated in R7-2-302.02(1)(c)(ii) for Algebra II or its equivalent course content;
2. In lieu of successfully completing Algebra II or its equivalent course content, an eligible student shall successfully complete at least one credit in mathematics that shall include significant mathematics content as determined by the local school district governing board or charter school; and
3. An eligible student shall successfully complete a course in mathematics in the student's senior year.

**D. The procedures for developing and implementing a personal curriculum are as follows:**

1. The parent or legal guardian of a student, an emancipated student, or a student with permission from the student's parent or legal guardian may request a personal curriculum in a manner prescribed by the local school district governing board or charter school.
2. Upon receipt of a request for a personal curriculum made pursuant to subsection (D)(1), the local school district or charter school shall verify that the student successfully completed the mathematics requirements delineated in R7-2-302.02(1)(c)(i) and, upon verification, shall convene a development team.
3. The development team shall:
  - a. Verify that the student demonstrates a need to modify the requirement delineated in R7-2-302.02(1)(c)(ii) for Algebra II or its equivalent course content,
  - b. Identify an appropriate alternative mathematics course or courses to modify the requirement for Algebra II or its equivalent course content,
  - c. Develop a written personal curriculum plan that includes the alternative mathematics course or courses identified in subsection (D)(3)(b) and a plan for monitoring student progress toward successfully completing the alternative mathematics course or

courses. In developing the personal curriculum plan the development team shall consider how the proposed modifications maintain the integrity of the high school diploma and enable the student to achieve the student's post-secondary education and career goals.

4. The development team may modify the personal curriculum plan based upon the development team's evaluation of the student's progress.

**E. The Superintendent of Public Instruction shall monitor a school district or charter school if there is reason to believe that the school district or charter school is allowing modifications inconsistent with the requirements delineated in this Section.****Historical Note**

Adopted effective November 1, 1989 (Supp. 89-4).

Amended effective December 12, 1990 (Supp. 90-4).

Repealed effective February 20, 1997 (Supp. 97-1). New

Section made by exempt rulemaking at 14 A.A.R. 195, effective December 10, 2007 (Supp. 08-1).

**R7-2-302.04. Repealed****Historical Note**

Adopted effective July 10, 1992 (Supp. 92-3). Amended

effective May 3, 1993 (Supp. 93-2). Amended effective

December 17, 1998 (Supp. 98-4). Section repealed by

final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.05. Arizona Education and Career Action Plan for Students in Grades 9-12****A. Effective for the graduation class of 2013, schools shall complete for every student in grades 9-12 an Arizona Education and Career Action Plan ("ECAP") prior to graduation. Schools shall develop an Education and Career Action Plan in consultation with the student, the student's parent or guardian and the appropriate school personnel as designated by the school principal or chief administrative officer. Schools shall monitor, review and update each Education and Career Action Plan at least annually. Completion of an Education and Career Action Plan shall be verified by appropriate school personnel.****B. An Arizona Education and Career Action Plan shall at a minimum allow students to enter, track and update the following information:**

1. Academic Goals that include identifying and planning the coursework necessary to achieve the high school graduation requirements and pursue postsecondary education and career options; analyzing assessment results to determine progress and identify needs for intervention and advisement; and documenting academic achievement;
2. Career Goals that include identifying career plans, options, interests and skills; exploring entry level opportunities; and evaluating educational requirements;
3. Postsecondary Education Goals that include identifying progress toward meeting admission requirements, completing application forms and creating financial assistance plans; and
4. Extracurricular Activity Goals that include documenting participation in clubs, organizations, athletics, fine arts, community service, recreational activities, volunteer activities, work-related activities, leadership opportunities, and other activities.

**Historical Note**

New Section made by exempt rulemaking at 12 A.A.R.

876, effective August 22, 2005 (Supp. 06-1). Section R7-

## State Board of Education

2-302.05 renumbered to R7-2-302.06; new Section R7-2-302.05 made by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1).

**R7-2-302.06. Repealed****Historical Note**

New Section made by exempt rulemaking at 12 A.A.R. 876, effective August 22, 2005 (Supp. 06-1). Amended by exempt rulemaking at 15 A.A.R. 1570, effective September 25, 2006 (Supp. 09-1). Amended by exempt rulemaking at 16 A.A.R. 2031, effective August 25, 2008 (Supp. 09-2). Amended by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). Section R7-2-302.06 renumbered to R7-2-302.07; new Section R7-2-302.06 renumbered from Section R7-2-302.05 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.07. Repealed****Historical Note**

New Section made by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). Section R7-2-302.07 renumbered to R7-2-302.08; new Section R7-2-302.07 renumbered from Section R7-2-302.06 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.08 Repealed****Historical Note**

New Section made by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). Section R7-2-302.08 renumbered to R7-2-302.09; new Section R7-2-302.08 renumbered from Section R7-2-302.07 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.09 Repealed****Historical Note**

New Section made by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). R7-2-302.09 renumbered to R7-2-302.10; new Section R7-2-302.09 renumbered from Section R7-2-302.08 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.10. Repealed****Historical Note**

New Section R7-2-302.10 renumbered from Section R7-2-302.09 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

Repealed by final exempt rulemaking at 22 A.A.R. 197, effective October 26, 2015; filed in the Office January 15, 2016 (Supp. 16-3).

**R7-2-303. Sex education**

A. Instruction in sex education in the public schools of Arizona shall be offered only in conformity with the following requirements.

1. Common schools: Nature of instruction; approval; format.
  - a. Supplemental/elective nature of instruction. The common schools of Arizona may provide a specific elective lesson or lessons concerning sex education as a supplement to the health course of study.
    - i. This supplement may only be taken by the student at the written request of the student's parent or guardian.
    - ii. Alternative elective lessons from the state-adopted optional subjects shall be provided for students who do not enroll in elective sex education.
    - iii. Elective sex education lessons shall not exceed the equivalent of one class period per day for 1/8 of the school year for grades K-4.
    - iv. Elective sex education lessons shall not exceed the equivalent of one class period per day for 1/4 of the school year for grades 5-8.
  - b. Local governing board approval. All elective sex education lessons to be offered shall first be approved by the local governing board.
    - i. Each local governing board contemplating the offering of elective sex education shall establish an advisory committee with membership representative of district size and the racial and ethnic composition of the community to assist in the development of lessons and advise the local governing board on an ongoing basis.
    - ii. The local governing board shall review the total instructional materials for lessons presented for approval.
    - iii. The local governing board shall publicize and hold at least two public hearings for the purpose of receiving public input at least one week prior to the local governing board meeting at which the elective sex education lessons will be considered for approval.
    - iv. The local governing board shall maintain for viewing by the public the total instructional materials to be used in approved elective sex education lessons within the district.
  - c. Format of instruction.
    - i. Lessons shall be taught to boys and girls separately.
    - ii. Lessons shall be ungraded, require no homework, and any evaluation administered for the purpose of self-analysis shall not be retained or recorded by the school or the teacher in any form.
    - iii. Lessons shall not include tests, psychological inventories, surveys, or examinations containing any questions about the student's or his parents' personal beliefs or practices in sex, family life, morality, values or religion.
2. High schools: Course offering; approval; format.
  - a. A course in sex education may be provided in the high schools of Arizona.

## State Board of Education

- b. The local governing board shall review the total instructional materials and approve all lessons in the course of study to be offered in sex education.
  - c. Lessons shall not include tests, psychological inventories, surveys, or examinations containing any questions about the student's or his parents' personal beliefs or practices in sex, family life, morality, values or religion.
  - d. Local governing boards shall maintain for viewing by the public the total instructional materials to be used in all sex education courses to be offered in high schools within the district.
3. Content of instruction: Common schools and high schools.
- a. All sex education materials and instruction shall be age appropriate, recognize the needs of exceptional students, meet the needs of the district, recognize local community standards and sensitivities, shall not include the teaching of abnormal, deviate, or unusual sexual acts and practices, and shall include the following:
    - i. Emphasis upon the power of individuals to control their own personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control and ethical considerations such as respect for self and others; and
    - ii. Instruction on how to say "no" to unwanted sexual advances and to resist negative peer pressure. Pupils shall be taught that it is wrong to take advantage of, or to exploit, another person.
  - b. All sex education materials and instruction which discuss sexual intercourse shall:
    - i. Stress that pupils should abstain from sexual intercourse until they are mature adults;
    - ii. Emphasize that abstinence from sexual intercourse is the only method for avoiding pregnancy that is 100% effective;
    - iii. Stress that sexually transmitted diseases have severe consequences and constitute a serious and widespread public health problem;
    - iv. Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse and the consequences of preadolescent and adolescent pregnancy;
    - v. Promote honor and respect for monogamous heterosexual marriage; and
    - vi. Advise pupils of Arizona law pertaining to the financial responsibilities of parenting, and legal liabilities related to sexual intercourse with a minor.
- B.** Certification of compliance. All districts offering a local governing board-approved sex education course or lesson shall certify, under the notarized signature of both the president of the local governing board and the chief administrator of the school district, compliance with this rule except as specified in subsection (C). Acknowledgment of receipt of the compliance certification from the State Board of Education is required as a prerequisite to the initiation of instruction. Certification of compliance shall be in a format and with such particulars as shall be specified by the Department of Education.
- C.** All districts offering State Board approved sex education lessons or courses prior to the effective date of this rule shall comply with this rule on or before June 30, 1990.

**Historical Note**

Former Section R7-2-303 repealed, new Section R7-2-303 adopted effective December 4, 1978 (Supp. 78-6).  
Former Section R7-2-303 repealed, new Section R7-2-303 adopted effective June 12, 1989 (Supp. 89-2).

**R7-2-304. Extended school year**

The governing board of a common high school considering the adoption of an extended school year shall:

1. Prepare a comparative cost analysis of the extended school year program versus the cost of new facilities and sites.
2. Hold at least one public hearing, publicized a week in advance, to present the alternatives, including the results of the comparative cost analysis.
3. Determine faculty, community, and parental support prior to making a final determination.

**Historical Note**

Former Section R7-2-304 repealed, new Section R7-2-304 adopted effective December 4, 1978 (Supp. 78-6).

**R7-2-305. Declaration of Independence**

The governing board of each common school district shall adopt policies that:

1. Require pupils to recite the following passage from the Declaration of Independence for pupils in grades 4 through 6 at the commencement of the first class of the day in the schools: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."; and
2. Enable the pupil or the parent or legal guardian of the pupil to object to reciting the passage of the Declaration of Independence, and that specify that a pupil shall not be required to participate if the pupil or the pupil's parent or guardian objects.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).  
Adopted effective February 15, 1979 (Supp. 79-1).  
Repealed effective February 20, 1997 (Supp. 97-1). New Section made by final rulemaking at 7 A.A.R. 5363, effective November 7, 2001 (Supp. 01-4).

**R7-2-306. English Language Learner Programs**

- A.** Definitions. All terms defined in A.R.S. § 15-751 are applicable, with the following additions:
1. "AIMS test" means the Arizona Instrument to Measure Standards test prescribed by A.R.S. § 15-741.
  2. "Arizona Academic Standards" means the standards adopted by the State Board of Education pursuant to A.R.S. §§ 15-203, 15-701, and 15-701.01.
  3. "Board" means the State Board of Education.
  4. "Compensatory instruction" means instruction given in addition to regular classroom instruction, such as individual or small group instruction, extended day classes, summer school or intersession school.
  5. "Department" means the Department of Education.
  6. "ELL" means English language learner.
  7. "FEP" means fluent English language proficient, a student who has met the requirements for exit from an English language learner program.
  8. "Federal ELL grant monies" means federal grants or funds awarded to an LEA to educate ELLs or to improve

## State Board of Education

- the LEA's capacity to educate ELLs, including but not limited to grants awarded under Title III of the No Child Left Behind Act of 2001, 20 U.S.C. 6301, et seq.
9. "IEP" means individualized education program, a written statement specifying special education services to be provided to a child with a disability.
  10. "LEA" means local education agency, the school district or charter school that provides educational services.
  11. "PHLOTE" means primary or home language other than English.
  12. "Reassessment for reclassification" means the process of determining whether an English language learner may be reclassified as fluent English proficient (FEP).
  13. "Superintendent" means the State Superintendent of Public Instruction.
  14. "WICP" means written individualized compensatory plan that documents the scope and type of services provided to an ELL to overcome the identified language and academic deficiencies.
- B. Identification of students to be assessed.**
1. The primary or home language of all students shall be identified by the students' parent or legal guardian on the enrollment form and on the home language survey. These documents shall inform parents that the responses to these questions will determine whether their student will be assessed for English language proficiency.
  2. A student shall be considered as a PHLOTE student if the home language survey or enrollment form indicates that one or more of the following are true:
    - a. The primary language used in the home is a language other than English, regardless of the language spoken by the student.
    - b. The language most often spoken by the student is a language other than English.
    - c. The student's first acquired language is a language other than English.
  3. The English language proficiency of all PHLOTE students shall be assessed as provided in subsection (C).
- C. English language proficiency assessment.**
1. PHLOTE students in kindergarten and first grade shall be administered an oral English language proficiency test approved by the Board. Students who score below the publisher's designated score for fluent English language proficiency, or other such score based on the publisher's designated score that is adopted by the Board, shall be classified as ELLs.
  2. PHLOTE students in grades 2-12 shall be administered the oral, reading and writing English language proficiency tests approved by the Board. Students who score below the publisher's designated score for fluent English proficiency, or such other score based on the publisher's designated score, that is adopted by the Board, shall be classified as ELLs. PHLOTE students in grades 2-12 who have scored at or above the 40th percentile on the English reading comprehension subtest of the nationally standardized norm-referenced achievement test adopted pursuant to A.R.S. § 15-741 or who have met or exceeded the standards on the reading and writing portions of the AIMS test are exempt from taking the oral, reading, and writing English language proficiency tests and shall not be classified as ELLs.
  3. English language proficiency assessments shall be conducted by individuals who are proficient in English and trained in language proficiency testing to administer and score the tests.
4. The LEA shall assess the English language proficiency of all new PHLOTE students as prescribed above within 60 days of the beginning of the school year or within 30 school days of a student's enrollment in school, whichever is later, unless the LEA receives funds under Title III of the No Child Left Behind Act of 2001, 20 U.S.C. 6301 et seq. or another federal grant that requires earlier assessment and parental notification.
- D. Assessment of students in special education or in the special education referral process.** If a multidisciplinary evaluation or IEP team finds the procedures prescribed in subsections (B) and (C) inappropriate for a particular special education student, the LEA shall employ alternate procedures for identifying such students or assessing their English language proficiency. Persons conducting the English language assessment shall participate with the special education multidisciplinary evaluation or IEP team in the determination of the student's English language proficiency designation.
- E. Screening and assessment of students in gifted education.** ELLs who meet the qualifications for placement in a gifted educational program shall receive programmatic services designed to develop their specific areas of potential and academic ability and may be concurrently enrolled in gifted programs and English language learner programs.
- F. English language learner programs.**
1. All ELLs shall be provided daily instruction in English language development appropriate to their level of English language proficiency and consistent with A.R.S. §§ 15-751, 15-752, and, as applicable, 15-753. The English language instruction shall include listening and speaking skills, reading and writing skills, and cognitive and academic development in English.
  2. ELLs shall be provided daily instruction in subject areas required under the minimum course of study adopted by the Board pursuant to R7-2-301 and R7-2-302 that is understandable and appropriate to the level of academic achievement of the ELL and is in conformity with accepted strategies for teaching ELLs. This subsection does not require an LEA to provide daily instruction in every subject area required pursuant to R7-2-301 and R7-2-302 if those subject areas are not provided daily to English proficient students.
  3. The curriculum of all English language learner programs shall incorporate the Academic Standards adopted by the Board and shall be comparable in amount, scope and quality to that provided to English language proficient students.
  4. ELLs who are not progressing toward achieving proficiency of the Arizona Academic Standards adopted by the Board, as evidenced by the failure to improve scores on the AIMS test or the nationally standardized norm-referenced achievement test adopted pursuant to A.R.S. § 15-741, shall be provided compensatory instruction to assist them in achieving those Arizona Academic Standards. A WICP describing the compensatory instruction provided shall be kept in the student's academic file.
  5. On request of a parent or legal guardian of an ELL the principal of the ELL's school shall require a meeting with the principal or principal's designee, the parent or legal guardian and the classroom teacher to review the student's progress in achieving proficiency in the English language or in making progress toward the Arizona Academic Standards adopted by the Board, to identify any problems, to determine appropriate solutions and to identify the person or persons responsible for implementing the changes and determining their effectiveness.



## State Board of Education

**G. Reassessment for reclassification.**

1. The purpose of reassessment is to determine if an ELL has developed the English language skills necessary to succeed in the English language curricula.
2. An ELL may be reassessed for reclassification at any time, but shall be reassessed for reclassification at least once per year.
3. ELLs in kindergarten or first grade shall be reassessed with an alternate version of the oral test of English language proficiency used for initial assessment, unless the same test is no longer published or available when a student is to be reassessed. In such case, the school shall select a test from the Board approved tests for reassessment. Students who score at or above the test publisher's designated score for English language proficiency, or such other score adopted by the Board based on the publisher's designated score, may be reclassified as FEP. LEAs may also consider other indications of a student's overall progress, including teacher evaluation, and subject matter assessments that are aligned with grade level state content and performance standards in deciding whether to reclassify a student who has passed the oral proficiency test.
4. ELLs in grades 2-12 shall be reassessed with an alternate version of the oral, reading and writing English language proficiency tests used for initial assessment, unless the same test is no longer published or available when a student is to be reassessed. In such case the school shall select a test from the Board approved tests for reassessment. Students who score at or above the test publisher's designated score for English language proficiency, or such other score adopted by the Board, in all of the tests shall be reclassified as FEP.
5. LEAs shall notify the parents or legal guardians in writing that their child has been reclassified as FEP when the student meets the criteria for such reclassification.

**H. Reassessment of special education students for English language reclassification.** If a multidisciplinary evaluation or IEP team finds the procedures prescribed in subsection (G) inappropriate for a particular special education student, the LEA shall employ alternate procedures for reassessing the student for purposes of English language reclassification. Persons conducting the English language reassessment shall participate with the special education multidisciplinary evaluation or IEP team in the determination of the student's English language proficiency designation.**I. Evaluation of FEP students after exit from ELL programs.**

1. The LEA shall monitor exited students based on the criteria provided in this Section during each of the two years after being reclassified as FEP to determine whether these students are performing satisfactorily in achieving the Arizona Academic Standards adopted by the Board. Such students will be monitored in reading, writing and mathematics skills and mastery of academic content areas, including science and social studies. The criteria shall be grade-appropriate and uniform throughout the LEA, and upon request, is subject to Board review. Students who are not making satisfactory progress shall, with parent consent, be provided compensatory instruction or shall be re-enrolled in an ELL program. A WICP describing the compensatory instruction provided shall be maintained in the students' ELL files.
2. The LEA shall use AIMS test scores to determine progress toward achieving the Arizona Academic Standards in monitoring FEP students after exit from an ELL program unless no score is available. Performing satisfactorily will

be measured by whether a student meets or exceeds the state standards in reading, writing, and mathematics as measured by AIMS.

3. If an AIMS test score is not available because the test is not administered in the students' grade or to assess progress in academic subjects not assessed by AIMS, the LEA shall use one or more of the following criteria in its evaluation to determine progress toward achieving the Arizona Academic Standards in monitoring FEP students after exit from an ELL program:
  - a. LEA-developed criterion-referenced tests of academic achievement that demonstrate alignment to the Arizona Academic Standards; or
  - b. Standardized tests measuring academic achievement that demonstrate alignment to the Arizona Academic Standards; or
  - c. Nationally norm-referenced test scores; or
  - d. Teacher recommendations based on classroom assessments that demonstrate alignment to the Arizona Academic Standards.

**J. Monitoring of ELL programs.**

1. Each year the Department shall monitor at least 32 LEAs, as follows:
  - a. At least 12 of the 50 LEAs with the highest ELL enrollment;
  - b. At least 10 LEAs with ELLs that are not included in the 50 described above;
  - c. At least 10 LEAs that have reported that they have 25 or fewer ELL students in their schools; and
  - d. Other LEAs upon receipt of a documented written complaint from any Arizona resident, the U.S. Department of Education, or the U.S. Office for Civil Rights, alleging that the LEA is not complying with state or federal law regarding ELLs.
2. All of the 50 LEAs in subsection (J)(1)(a) shall be monitored by the Department at least once every four years.
3. The monitoring shall be on-site monitoring and shall include classroom observations, curriculum reviews, faculty interviews, student records reviews, and review of ELL programs. The Department may use personnel from other schools to assist in the monitoring.
4. The Department shall issue a report on the results of its monitoring within 45 days after completing the monitoring. If the Department determines that an LEA is not complying with state or federal laws applicable to ELL students, the LEA shall prepare and submit to the Department, within 60 days of the Department's determination, a corrective action plan that sets forth steps that the LEA will take to correct the deficiencies noted in the report.
5. The Department shall review and return such corrective action plan to the LEA within 30 days, noting any required changes. No later than 30 days after receiving its corrective action plan back from the Department, the LEA shall begin implementing the measures set forth in the plan, including any revisions required by the Department.
6. The Department shall conduct a follow-up evaluation of the LEA within one year after returning the corrective action plan to the LEA.
7. If the Department finds continued non-compliance during the follow-up evaluation, the LEA shall be referred to the Board for a determination of non-compliance. If the Board determines the LEA to be out of compliance with state or federal laws applicable to ELL students, it may take one or more of the following actions:

## State Board of Education

- a. Temporarily withhold cash payments of federal ELL grant monies;
  - b. Disallow (that is deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance;
  - c. Wholly or partly suspend or terminate the current award of federal ELL grant monies;
  - d. Withhold further awards of federal ELL grant monies for the program.
8. The Department shall monitor all LEAs that the Board has determined to be non-compliant and which have had federal ELL grant monies withheld or terminated to ensure that such LEAs do not reduce the amount of funds spent on their ELL programs as the result of its loss of funds.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6). New Section R7-2-306 adopted effective July 10, 1979 (Supp. 79-4). Amended effective August 20, 1981 (Supp. 81-4). Former Section R7-2-306 repealed, new Section R7-2-306 adopted effective November 14, 1984 (Supp. 84-6). Amended by final rulemaking at 10 A.A.R. 353, effective March 8, 2004 (Supp. 04-1).

**R7-2-307. High School Equivalency Diplomas**

- A.** For the purposes of this rule, the following definitions shall apply:
1. "DANTES" means the Defense Activity for Non-Traditional Education Support.
  2. "Department" means the Adult Education Services Division of the Arizona Department of Education.
  3. "Equivalency Test" means a High School Equivalency Test approved by the State Board of Education.
  4. "High School Equivalency Testing Center" means a testing center established by the Department for the purpose of administering High School Equivalency tests and providing High School Equivalency testing services pursuant to the requirements established by a State Board approved testing provider and state jurisdictional rules.
  5. "USAFI" means the United States Armed Forces Institute.
- B.** Eligibility requirements. Any individual who is 16 years of age or older and who has officially been withdrawn from school may take a High School Equivalency Test.
1. Individuals shall be required to provide the High School Equivalency Testing Center with positive identification and proof of age, and
  2. Individuals who are at least 16 years of age and under 18 years of age shall also be required to provide:
    - a. A signed and notarized statement of consent from a parent or legal guardian, and
    - b. A letter from the last school attended verifying that the individual has officially withdrawn from the school.
- C.** Issuance of a diploma. The Department shall issue a high school equivalency diploma to any individual who has not received a high school diploma or high school equivalency certificate or diploma if the individual:
1. Meets the eligibility requirements specified in subsection (B) and has received passing scores on a High School Equivalency Test; or
  2. Is a member of the U.S. Armed Forces and has received passing scores on a High School Equivalency Test through USAFI or DANTES provided that the individual's last high school enrollment was in an Arizona high school. Individuals who have taken a High School Equiv-

alency Test through USAFI or DANTES shall send their military permanent record and application card to DANTES with a request that the official High School Equivalency Test scores and application card be forwarded to the Department; or

3. Has received passing scores on a High School Equivalency Test taken at an approved testing provider's site, provided that the Department receives an official transcript directly from the approved testing provider.
- D.** The Department shall keep a record of test scores for each individual who has taken a High School Equivalency Test.
- E.** The Arizona Department of Education may collect fees for the issuance of High School Equivalency Diplomas and Transcripts. Fees established pursuant to this Section shall not exceed \$20.
1. The State Board of Education will deposit, pursuant to A.R.S. §§ 35-146 and 35-147, fees collected under this Section in the High School Equivalency Testing Revenue Account within the Arizona Department of Education budget, to be used to offset costs of providing these services.
  2. If the state fee for General High School Equivalency Diplomas and/or Transcripts presents a financial hardship for the examinee, the examinee may request a fee waiver.
  3. A fee waiver shall be granted if all of the following apply:
    - a. Applicant presents documented proof of Arizona residency.
    - b. Applicant submits a completed Fee Waiver Request Form, available from the State High School Equivalency Testing Office or from any official High School Equivalency Testing Center.
    - c. Applicant demonstrates sufficient need for a fee waiver. This may include, but is not limited to the following:
      - i. Proof of eligibility for public assistance and/or federally subsidized housing,
      - ii. Residence in a foster home,
      - iii. Enrollment in a program for the economically disadvantaged such as Upward Bound, or
      - iv. Participation in a free or reduced lunch program.

**Historical Note**

Adopted effective August 20, 1981 (Supp. 81-4). Amended subsections (A), (C), and (G) effective October 2, 1984 (Supp. 84-5). Amended effective December 22, 1997 (Supp. 97-4). Amended effective December 31, 1998 (Supp. 98-4). Amended by exempt rulemaking at 18 A.A.R. 1023, effective October 24, 2011 (Supp. 12-2). Amended by final exempt rulemaking at 21 A.A.R. 1781, effective September 23, 2013 (Supp. 15-3).

**R7-2-308. Adult Education**

- A.** For the purposes of this rule the following definitions apply:
1. "Adult Basic Education" (ABE) means instruction in reading, writing and math equivalent to grades one through eight, speaking and citizenship skills.
  2. "Adult Secondary Education" (ASE) means instruction in reading, writing, math, science and social studies equivalent to the completion of high school.
  3. "Eligible applicants" may include local educational agencies, community based organizations, volunteer literacy organizations, institutions of higher education, public or private nonprofit organizations, institutions of higher education, public or private nonprofit agencies, libraries, public housing authorities, and consortiums of any of the aforementioned entities.

## State Board of Education

4. "English Language Acquisition for Adults" (ELAA) means a program of instruction designed to help individuals of limited English proficiency achieve competency in the English language, including reading, writing, listening and speaking.
  5. "Literacy" means an individual's ability to read, write and speak in English, compute and solve problems at levels of proficiency necessary to function on the job, in the family and in society.
  6. "Project" means the approved and funded application which is administered by the eligible applicant.
- B. Application for funding**
1. Only eligible applicants may apply for funding.
  2. Contracts shall be awarded through a competitive funding process.
  3. Applications shall include budgets and be submitted according to the standard procurement and grants management policies of the Department of Education for the awarding of competitive grants.
- C. Board priorities and criteria for application approval**
1. Priority shall be given to projects funded during the previous fiscal year which:
    - a. Adhered to all applicable state and federal rules and regulations.
    - b. Operated in an efficient and effective manner demonstrating high levels of student educational gains as measured by standardized assessments and student retention as compared with the state average for these projects.
    - c. Completed and submitted all required state and federal reports.
    - d. Utilized volunteers where possible.
  2. Equal opportunity for project application approval will be given to eligible applicants who demonstrate previous comparable experience and performance in another adult literacy program.
  3. Criteria for approval shall include a determination by the project review committee that the application meets state and federal rules and regulations and the policies and procedures contained in the Arizona State Plan for Adult Education.
- D. Use of funds and student reporting**
1. Federal and state funds shall not be co-mingled.
  2. Projects shall not assess students a tuition charge for instruction or fees for books, instructional supplies, or materials used in the program.
  3. Student attendance hours reported to the Adult Education Division shall not be used in securing financing from any other source. Classes taught by volunteers are not to be reported unless they are administered and supervised by the local project.
- E. An adult education certificate issued by the Board shall be required to teach in the Adult Education Program.**
- F. Students enrolled in adult education classes must be at least 16 years of age and officially withdrawn from school.**
- G. Course of study**
1. Adult Basic Education (A.B.E.) students shall be functioning academically below the eighth grade level. The sequential course of study shall:
    - a. Develop and improve communication and computational skills of students.
    - b. Raise the general educational level of students.
    - c. Improve the student's ability to benefit from occupational training.
    - d. Increase opportunities for more productive and profitable employment.
  - e. Assist students to be better able to meet their adult responsibilities as parents, citizens and as co-workers.
- 2. Adult Secondary Education (A.S.E.) students shall be functioning below the 12th grade level. The course of study shall:**
- a. Give the students a foundation in the areas of English, social studies, literature, science and math.
  - b. Enable students, through the development of critical thinking, to utilize new learning experiences in recognizing, evaluating and solving problems of daily life.
  - c. Attempt to motivate students to continue their education through more advanced study and to become more proficient in observing and adopting new skills in a changing society.
  - d. Equip students with the knowledge prerequisite for satisfactory achievement on a High School Equivalency Test approved by the State Board of Education.
- 3. English Language Acquisition for Adults (ELAA) and citizenship students shall be resident aliens. The course of study shall:**
- a. Develop an increasing ability to speak, understand, read, and write English.
  - b. Encourage the student to become a participating citizen and give insight into the values of such participation.
  - c. Help the student prepare for the Naturalization Test for U.S. Citizenship by developing a background in American history and government.
  - d. Create a desire for continued learning and self-realization.
- H. Reports**
1. Each project shall maintain bookkeeping records and must be able to substantiate expenditures.
  2. A financial report shall be filed quarterly for each project with the Adult Education Division within 30 days after the close of the quarter.
  3. Projects shall be completed by June 30. A fiscal completion report which has been reconciled with the County School Superintendent's Office, or if another agency, that agency's comparable administrative office, shall be filed with the Adult Education Division within 60 days after the project ending date.
  4. Participation in the project reporting system designed to collect student and staff attendance, demographic information and student performance data is required. These reports shall be filed with the Adult Education Division monthly.
  5. An annual written report on the year's activities, including internal written monitoring reports, shall be submitted to the Adult Education Division, no later than August 15.
- I. If changes in the approved program or budget are desired, an amendment shall be submitted to the Adult Education Division for review and approval prior to expending any funds for the proposed changes.**

**Historical Note**

Adopted effective December 14, 1984 (Supp. 84-6).  
 Amended by exempt rulemaking at 15 A.A.R. 1292, effective June 26, 2006 (Supp. 09-1). Amended by final exempt rulemaking at 21 A.A.R. 1781, effective September 23, 2013 (Supp. 15-3).

**R7-2-309. Completion of grade 10**

## State Board of Education

Completion of grade 10 is accomplished when a student has earned 10 credits which shall include:

1. Two credits of English.
2. One credit of mathematics.
3. One credit of science.
4. Six credits of additional courses prescribed by the local Governing Board.

**Historical Note**

Adopted effective March 13, 1986 (Supp. 86-2).

**R7-2-310. Pupil achievement testing**

- A. The nationally standardized norm-referenced achievement tests adopted by the State Board shall be given annually during a week in September or October. By June 1 of each year the Board shall designate the week during the fall for testing for the next school year and all school districts shall administer the test during the week designated.
- B. The superintendent or head of district shall be responsible for:
  1. Providing school district enrollment data to the Department of Education annually for purposes of test material distribution.
  2. Verifying the count of test materials received and distributing the test materials to each public school in the district.
  3. Securing the test materials prior to distribution to pupils or persons administering the tests at the time of testing, as well as after the time of testing. Test materials shall be kept in locked storage.
  4. Advising all district employees that the test materials are not to be reproduced in any manner.
  5. Familiarizing each person who will administer the test with the test publishers' directions for administering the tests, the timing of the tests and the testing schedule. This is to be accomplished through meetings which shall not be held prior to one week before the first day of testing. At the conclusion of each such meeting, all test materials are to be collected and returned to locked storage.
  6. Distributing actual test materials to persons administering the tests on the day of testing.
  7. Training persons administering the tests on how to properly complete the identification information on the test booklet/answer sheet and how to code the information required on the variables being collected pursuant to A.R.S. § 15-741, et seq.
  8. Properly packaging all tests/answer sheets which are to be scored by the scoring contractor. Packaging shall comply with instructions furnished by the scoring contractor or Department of Education.
  9. Forwarding all tests/answer sheets to be scored to the scoring contractor per instructions. Tests/answer sheets for the entire district should be forwarded in one shipment.
  10. Retaining all unused and reusable test materials, reporting them in the school's inventory and storing them in a safe and secure manner.
  11. Immediately reporting to the Department of Education any losses of test materials or other irregularities.
  12. The superintendent or head of district may designate a testing coordinator to act on his behalf.
- C. Persons designated by the superintendent or head of district to administer the test shall:
  1. Keep all test materials in locked storage.
  2. Not reproduce any test materials in any manner.
  3. Not disclose any actual test items to pupils prior to testing.
  4. Not provide answers of any test items to any pupils.
5. Administer only practice tests which are provided by the test publishers. Previous editions of the test series being used in the statewide testing program may not be used as practice tests.
6. Strictly observe all timed subtests. The test publishers' suggested time limits for untimed subtests shall be followed as closely as possible in order to maintain uniformity in test administration.
7. Follow directions for administering the test explicitly. No test item may be repeated unless otherwise indicated in the directions.
8. Not change a pupil's answer.
9. Return all test materials to the superintendent or head of district immediately upon completion of testing.
- D. All violations of this rule shall be referred by the superintendent or head of district to the State Superintendent of Public Instruction, for appropriate action.
- E. For purposes of determining if a student may be exempt from the norm-referenced achievement testing requirement pursuant to A.R.S. § 15-744(B), the local governing board shall:
  1. Verify that all students to be exempted have been assessed for language proficiency as required by R7-2-306 in the areas of listening, speaking, reading and writing in English and the primary language and have been determined to be limited English proficient.
  2. Verify that all limited-English-proficient students considered for exemption are enrolled in one of the following programs as required by A.R.S. § 15-754:
    - a. K-6 Transitional Bilingual Program;
    - b. 7-12 Structured Bilingual Program;
    - c. K-12 Bilingual Bicultural Program;
    - d. English as a Second Language Program; or
    - e. Individualized Education Program (this program is only acceptable if there are fewer than 10 limited-English-proficient students in a kindergarten program or a grade in a school).
  3. Submit to the Arizona Department of Education, no later than September 30 of each year, a governing board resolution for the exemption of eligible students. This resolution shall contain the number, grade level, year of exemption status and primary language of all students to be exempted and an assurance signed by the governing board president and notarized that the requirements of subsections (E)(1) and (E)(2) have been met.
  4. Submit to the Arizona Department of Education, no later than December 1 of each year, a final report describing the total number of actual students to be exempted.
- F. Limited English students exempted from the norm-referenced achievement testing program shall be assessed annually with an alternative to the norm-referenced achievement test. If the exempted student is in grades 3, 8, or 12, the student shall be administered the assessments prescribed in subsection (F)(2)(c). Alternatives shall be as follows:
  1. In the first year a limited-English-proficient student is enrolled within the district, the district may:
    - a. Administer the language proficiency testing conducted pursuant to R7-2-306; or
    - b. Administer the assessments prescribed in subsection (F)(2)(a) or (b) as the alternative assessment in the areas of reading and writing. In the area of mathematics, districts shall administer the district measurement that has been adopted to assess the essential skills in English or in the primary language to such students.
  2. In the years following the first year of enrollment in the district, the alternative assessment shall be:

## State Board of Education

- a. The tests that have been adopted by the district in accordance with A.R.S. § 15-741 to assess the essential skills in reading, writing and mathematics in English; or
- b. The tests that have been adopted by the district in accordance with A.R.S. § 15-741 to assess the essential skills in the student's primary language in reading, writing and mathematics. In determining which primary language assessment to administer, the governing board shall consider the extent to which the exempted student has received recent schooling in the primary language;
- c. Beginning in the 1991-92 school year, the Arizona Student Assessment Program Essential Skills Tests in English or Spanish shall be administered to exempted students who are enrolled in grades 3, 8, or 12.

3. Alternative assessment instruments specified in subsection (F)(2)(a) or (b) shall be used at the instructional levels for which they were designed.
4. Alternative assessment administered as specified in subsection (F)(2)(a) or (b) shall be conducted at any time prior to April 30 of the school year.
5. The results of alternative assessments administered pursuant to subsections (F)(2)(a) and (b) of this subsection shall be submitted to the Department of Education prior to May 30 of the school year.

**G.** The school district shall maintain cumulative files regarding exemptions.

**H.** Beginning in the 1991-1992 school year, the District Assessment Plan filed pursuant to A.R.S. § 15-741(C)(3) shall include plans for the alternative assessment of limited-English-proficient students.

**Historical Note**

Adopted effective March 13, 1986 (Supp. 86-2).  
Amended subsections (A) and (B) effective February 25, 1987 (Supp. 87-1). Amended effective October 22, 1991; amended effective December 20, 1991 (Supp. 91-4).

**R7-2-311. Pupil testing variable information**

Persons designated by the superintendent or head of district to administer the State Board approved nationally standardized norm-referenced achievement tests shall assure that the following information is properly completed on the answer document for each pupil participating in the testing program:

1. Sex
2. Primary language
3. Racial/ethnic background.
4. Limited English proficient pupils participating in required programs by type pursuant to A.R.S. § 15-754, where applicable.

**Historical Note**

Adopted effective June 25, 1986 (Supp. 86-3).

**R7-2-312. Honorary High School Diploma**

- A.** An honorary high school diploma shall be provided to an individual who has never obtained a high school diploma and who meets each of the following requirements:
1. Is at least 65 years of age;
  2. Currently resides in Arizona;
  3. Provides documented evidence from the Arizona Department of Veterans' Services that the individual enlisted in the armed forces of the United States before completing high school in a public or private school; and
  4. Was honorably discharged from service with the armed forces of the United States.

- B.** All high schools shall provide for the presentation of an honorary high school diploma to an individual eligible pursuant to subsection (A). The individual shall not be required to reside within the school boundaries.

**Historical Note**

Adopted effective December 15, 1989 (Supp. 89-4).  
Repealed effective February 20, 1997 (Supp. 97-1). New Section made by final rulemaking at 9 A.A.R. 1125, effective May 10, 2003 (Supp. 03-1).

**R7-2-313. Academic contests fund**

The State Board of Education establishes an academic contests fund consisting of monies appropriated by the legislature or received as gifts or grants for deposit in the academic contests fund pursuant to A.R.S. § 15-1241.

1. The Superintendent of Public Instruction shall, at least annually, compile a list of national contests to be presented to the State Board of Education for approval. Contest requirements are:
  - a. Shall be sponsored by a recognized national organization.
  - b. Shall be academic in nature, motivate pupils to be creative and demonstrate excellence.
  - c. Shall be open to all pupils, regardless of race, creed, sex or national origin. Contests may separate pupils by age or grade level.
2. School districts shall submit an application for academic contest funds to the Superintendent of Public Instruction for student and chaperone expenses. Requirements are:
  - a. No other sponsoring agency is assuming the total costs.
  - b. The participation of the students shall be the result of successfully competing at the local or state level, or both, of that contest.
  - c. The governing board of the school district in which the students attend shall approve the participation and travel of the students.
  - d. The fiscal agent applying for academic contest funds shall be an authorized district representative and responsible for the disbursement of travel funds.
  - e. A school district receiving academic contest funds shall submit a completion report and return any unused portion within 90 days after completion of travel to the Department of Education.
3. Application review and approval; funding limitations.
  - a. The State Board of Education shall annually set expenditure limitations for expenses of students and chaperones. These limitations shall be based on the number of applicants, monies available and current state travel regulations.
  - b. The Superintendent of Public Instruction shall review applications for academic contest funds and shall approve applications based upon the criteria set forth in this rule and the availability of funds.

**Historical Note**

Adopted effective December 15, 1989 (Supp. 89-4).

**R7-2-314. Definitions**

The following definitions apply to Sections R7-2-315 and R7-2-315.01:

1. "Board examination system" means a complete instructional system that includes all of the following components:
  - a. A coherent group of courses that collectively constitutes a core curriculum at the high school level,
  - b. A comprehensive syllabus for each course,

## State Board of Education

- c. Appropriate instructional and teaching materials for each course,
  - d. High quality examinations that are closely aligned with the course syllabus,
  - e. Professional scoring of examinations, and
  - f. Teacher education that is designed to train teachers to properly teach those courses.
2. "Grand Canyon Diploma" means a high school diploma that is offered to any student who demonstrates readiness for college level mathematics and English according to standards prescribed by an interstate compact on board examination systems, who has passing grades on an additional set of required approved board examinations in core academic courses as determined by the State Board of Education.
  3. "Readiness for college level mathematics and English" means that a student has the mathematics and English skills and knowledge needed to succeed in college level courses that count toward a degree or certificate without taking remedial or developmental coursework.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-4).  
 Repealed effective February 20, 1997 (Supp. 97-1). New  
 Section made by exempt rulemaking at 18 A.A.R. 1025,  
 effective January 24, 2011 (Supp. 12-2).

**R7-2-315. Board Examination Systems; Offerings; Procedures**

- A. The State Board of Education shall select board examination systems that may be used by traditional public schools and charter schools in accordance with the requirements of this Section. Board examination systems selected by the State Board of Education shall:
  1. Be approved by an interstate compact on board examination systems,
  2. Be periodically modified to reflect core standards selected by an interstate compact on board examination systems,
  3. Be aligned to State Board of Education approved academic standards,
  4. Have common passing scores that are prescribed by an interstate compact on board examination systems that are set to the level of literacy required to succeed in college-level courses offered by community colleges in this state that count toward a degree or certificate without taking remedial or developmental coursework.
- B. The State Board of Education shall contract with a private organization to act as primary administrator of approved board examination systems. The private organization shall:
  1. Identify, select and contract with a national organization that is devoted to issues concerning education and the economy and that is selected by the State Board of Education to provide technical services to develop and maintain an interstate system of approved board examination systems.
  2. Provide data and other information to a national organization that is devoted to issues concerning education and the economy and that is selected by the State Board of Education to provide technical services the national organization deems necessary to set appropriate performance standards for students in this state. The Department of Education shall provide data and other information to the private organization, as necessary.
  3. Conduct technical studies required by the State Board of Education to compare the scores on approved board examinations by the students in this state to scores on the Arizona Instrument to Measure Standards Test and other measures deemed necessary to ensure the efficacy of the approved board examinations. The private organization may contract with other entities that are selected by the State Board of Education for the purpose of conducting technical studies.
- C. The Department of Education shall develop a system, subject to State Board of Education approval, to track the academic progress of pupils who participate in board examination systems.
- D. School districts or charter schools wishing to implement an approved board examination in one or more schools shall:
  1. Send written notice to the private organization described in this Section indicating that school district's or charter school's interest in implementing an approved board examination system,
  2. Submit an implementation plan to the private organization described in this Section that includes at least the following elements:
    - a. The specific approved board examination system the school district wishes to implement;
    - b. A proposed timeline for the implementation of an approved board examination system;
    - c. A description of the funding model that will be employed to ensure the sustainability of the approved board examination system offering;
    - d. A communication plan for students and parents that provides an overview of the selected approved board examination system, potential course offerings, a description of student support systems, and contact information for students and parents to obtain more detailed information regarding board examination systems and the Grand Canyon Diploma option, as defined in R7-2-315.01.
- E. Upon receipt of an implementation plan described in this Section the private organization shall work cooperatively with the applicable school district or charter school to ensure that the plan is feasible and to modify any elements of the plan deemed necessary for successful implementation of the approved board examination system.

**Historical Note**

Adopted effective November 17, 1994 (Supp. 94-4).  
 Repealed effective February 20, 1997 (Supp. 97-1). New

## State Board of Education

Section made by exempt rulemaking at 18 A.A.R. 1025,  
effective January 24, 2011 (Supp. 12-2).

**R7-2-315.01. Grand Canyon Diploma**

- A.** School districts and charter schools in this state may choose to offer a Grand Canyon Diploma beginning in the 2012 – 2013 school year. A high school student who is enrolled in a school district or charter school that offers a Grand Canyon Diploma may choose to pursue a Grand Canyon Diploma.
- B.** A student may be awarded a Grand Canyon Diploma at the end of grade 10 or during or at the end of grade 11 or 12 provided that the student has passed both the mathematics and English assessments for the applicable approved board examination system, and the student has successfully completed the following subject area requirements within board examination system curriculum:
  - 1. Two credits of English;
  - 2. Two credits of mathematics;
  - 3. Two credits of science, including lab-based science, engineering or information technologies;
  - 4. One credit of American History;
  - 5. One credit of World History;
  - 6. One credit of fine arts or career and technical education and vocational education; and
  - 7. One-half credit of economics.
- C.** A student that satisfies all the criteria for issuance of a Grand Canyon Diploma is exempt from the minimum course of study requirements delineated in R7-2-302.02.
- D.** Students who earn a Grand Canyon Diploma shall have multiple pathways available to them and may:
  - 1. Enroll the following semester in a community college under the jurisdiction of a community college in this state. Students who take community college courses on high school campuses pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
  - 2. Remain in high school and enroll in additional advanced preparation board examination programs that are designed to prepare students for admission to high quality postsecondary institutions that offer baccalaureate degree programs. These board examination programs shall be selected from a list provided by an interstate compact for board examination systems and approved by the State Board of Education. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
  - 3. Enroll in a full-time career and technical education program offered on a community college campus, a high school campus or a joint technical education district campus, or any combination of these campuses. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
  - 4. Return to a traditional academic program without completing the next level of board examination systems curriculum through the end of grade 12. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
- E.** Students who pursue but do not earn a Grand Canyon Diploma at the end of grade 10 or 11 shall receive a customized program of assistance during the next school year that addresses the areas in which the student demonstrated deficiencies in the approved board examinations. These students may retake the

board examinations at the next available examination administration. Students may choose to return to a traditional academic program without completing the board examination system curriculum.

- F.** A student who remains in a board examination system curriculum through grade 12 and does not pass the board examination may graduate with a standard diploma provided that the student meets the following requirements:
  - 1. The student has passed the Arizona Instrument to Measure Standards assessments in mathematics and English or received a sufficient score as determined by the State Board of Education on the ACT, SAT, or an approved board examination in mathematics and English.
  - 2. The student has earned at least 22 credits and has passed a State Board of Education approved sequence of courses within the board examination system curriculum. For the purpose of this requirement the private organization and the Department of Education shall recommend for State Board of Education approval a sequence of courses for each approved board examination system. The sequence of courses for each board examination system shall ensure that students receive instruction in all State Board of Education approved academic standards encompassed in R7-2-302.02(1)(a) through (e).
- G.** A student who is enrolled in a school district or charter school that does not offer a board examination system curriculum may earn a Grand Canyon Diploma by:
  - 1. Obtaining a passing score on the assessments of an approved board examination system in each of the subject areas delineated in R7-2-315.01(B)(1) through (6), and
  - 2. Completing a high school course in economics.

**Historical Note**

New Section made by exempt rulemaking at 18 A.A.R. 1025, effective January 24, 2011 (Supp. 12-2).

**Appendix A. Repealed****Historical Note**

Adopted effective November 17, 1994 (Supp. 94-4).  
Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-316. Charter Schools Stimulus Fund**

- A.** “Start-up costs” mean those costs associated with developing or implementing the following essential components of a charter school:
  - 1. The hiring of teachers and other essential staff members;
  - 2. The hiring of a chief administrative officer and other costs associated with instituting the administrative structure of the school;
  - 3. Curriculum development and implementation;
  - 4. The leasing of physical facilities or equipment and costs associated with establishment of utility services and accounts;
  - 5. Operational expenses incurred prior to the date on which the charter school begins operations;
  - 6. The development and implementation of an accounting system which complies with the uniform system of financial records requirements;
  - 7. Obtaining insurance, including prepayment of premiums which will effectuate insurance coverage during the first year of operation;
  - 8. Costs associated with licensing and compliance with other health, safety and civil rights requirements.
- B.** “Costs associated with renovating or remodeling existing buildings and structures” means those costs associated with the following essential components:

## State Board of Education

1. Modifications affecting the structural integrity of the building, including those changes needed to meet building code and zoning standards.
  2. Modifications needed to meet non-structural building code requirements, such as those related to plumbing, electrical wiring and fire safety.
  3. Modifications needed to meet state health standards, such as those related to rest rooms and food preparation and service.
  4. Adjusting the size of rooms to accommodate the number of students to be served.
  5. Construction-related finish work, such as exterior and interior replastering and painting, carpeting, flooring, baseboards and door hanging.
  6. Roofing and air conditioning/heating installation or repair required prior to operation of the school.
  7. Access requirements for persons with disabilities.
- C.** The State Board of Education shall, subject to legislative appropriation, provide an initial grant or an additional grant from the charter schools stimulus fund to applicants who have a charter or application that has been approved by a sponsor pursuant to A.R.S. § 15-183 and who meet the requirements of A.R.S. § 15-188 and this Section. The grant may be in any amount up to \$100,000 per charter school applicant or charter school.
- D.** The application for an initial grant shall include:
1. A copy of the applicant's charter;
  2. The identity of the sponsor which approved the charter;
  3. The total amount of funding requested;
  4. An itemization of the specific start-up costs and costs associated with renovating or remodeling existing building and structures for which the funds will be used. Itemization shall include the amount of funds requested for each essential component and a detailed explanation of the basis for calculating the amount requested;
  5. The number of students to be served at the school;
  6. The dimensions of the facility in which the school is to be operated;
  7. A description of the extent to which the facility must be remodeled or renovated in order to meet applicable health and safety standards, unless this information is included in the applicant's charter.
- E.** The application for an additional grant shall be in a format approved by the State Board of Education and shall include:
1. The date and amount of the initial grant award.
  2. A copy of any amendments or other modifications to the charter or application which formed the basis for the initial grant.
  3. The identity of the current sponsor of the charter school.
  4. An itemized accounting of the expenditures made with the initial grant monies.
  5. The total amount of additional funding requested.
  6. An itemization of the specific start-up costs associated with renovating or remodeling existing buildings and structures for which the additional funds will be used. Itemization shall include the amount of funds requested for each essential component and a detailed explanation of the basis for calculating the amount requested.
- F.** In its review of an application for a stimulus fund grant, the State Board of Education may receive information concerning the application from the Department of Education, an advisory committee, and any other source. The State Board may award a grant in an amount different from that requested by the applicant. No grant shall be awarded pursuant to this Section unless the State Board determines that:
1. Every amount requested in the applicant's itemization of costs is for the essential component with which the amount is associated; and
  2. Based on all of the information before the State Board concerning the application, there is a rational basis for the award of funds.
- G.** No applicant or charter school shall be eligible for more than one initial grant and one additional grant, regardless of the amount awarded.
- H.** An applicant who receives an initial grant and fails to begin operating a charter school within the 18 months following the date of the award shall reimburse the Department of Education for the amount of the initial grant plus interest calculated at a rate of 10% per year. Such reimbursement is immediately due and payable at the end of the initial 18-month period.
- I.** An applicant who receives an additional grant and fails to begin operating a charter school within the 18 months following the date of the award shall reimburse the Department of Education for the amount of the initial grant plus interest calculated at a rate of 10% per year. Such reimbursement is immediately due and payable at the end of the applicable 18-month period and is in addition to any amounts required by subsection (H).
- J.** An applicant for a grant pursuant to this rule shall be notified of the date at which the State Board of Education shall consider the application no less than 10 days in advance thereof. Written notification of the Board's decision concerning an application for a grant shall be mailed to the applicant within 10 days following such decision.

**Historical Note**

Adopted effective April 20, 1995 (Supp. 95-2).

**R7-2-317. State Seal of Biliteracy Program**

- A.** Definitions. For purposes of this rule, "foreign language" means any language other than English.
- B.** School districts and charter schools in this state may choose to participate in the State Seal of Biliteracy Program (Program) which recognizes students who have attained a high level of proficiency in one or more foreign languages, in addition to English. School districts and charter schools participating in the Program may award the State Seal of Biliteracy to any high school student who graduates from a school operated by the school district or charter school and who meets the requirements of subsection (1) or (2), and subsection (3).
1. **Assessment Method.** To demonstrate language proficiency through the assessment method, the student must attain the required score on a language assessment as adopted by the State Board of Education, upon recommendation by the Arizona Department of Education, for purposes of demonstrating language proficiency for the Program in the four domains of speaking, writing, listening, and reading.
  2. **Alternative evidence model.** A school district or charter school may choose to award the State Seal of Biliteracy through an alternative evidence method.
    - a. An alternative evidence method may be used in any of the following circumstances:
      - i. No standardized assessment exists for the targeted foreign language;
      - ii. Evaluating the language proficiency of a student with disabilities for whom the standardized assessment is inappropriate as determined by the student's Individualized Education Program team or a student on a 504 plan as determined by the student's 504 plan committee; or



## State Board of Education

- iii. The standardized assessment for the targeted foreign language does not assess one or more of the four domains of speaking, writing, listening and reading.
  - b. Any alternative evidence method used shall consist of a student portfolio that contains evidence of experience in the targeted foreign language, as well as work samples, test results and other accomplishments that demonstrate proficiency, as established in the guidelines developed by the Arizona Department of Education, in the targeted foreign language in the four domains of speaking, writing, listening and reading. Student portfolios shall comply with guidelines adopted by the Department.
  - c. A school district or charter school that uses an alternative evidence model must notify the Arizona Department of Education.
- 3. To be eligible to be awarded the State Seal of Bilingualism, each student shall also demonstrate proficiency in English by meeting the following requirements:
  - a. The student must successfully complete all English Language Arts requirements for graduation, pursuant to A.A.C. R2-7-302, with an overall grade point average in those classes of 2.0 or higher on a 4.0 scale, or the equivalent; and
  - b. The student receives a passing score in English Language Arts on the state assessment.
  - c. If the student has a primary home language other than English, the student shall obtain a score of proficient based on the English language proficiency standards pursuant to A.R.S. § 15-756.
- C. By October 1 of each year, the Arizona Department of Education shall make an electronic facsimile of the State Seal of Bilingualism available to each school district or charter school participating in the Program. Each participating school district or charter school shall identify each student who has met the requirements of the Program, affix the State Seal of Bilingualism to the student's diploma upon graduation, and shall note the receipt of the State Seal of Bilingualism on the transcript of the student.
- D. The Arizona Department of Education shall post on its website by July 1 of each year, the list of acceptable language assessments and the score to be achieved on each, as approved by the Board, which qualifies the student as proficient in a foreign language. The Arizona Department of Education shall ensure that all approved assessments are aligned to the Arizona world and native languages standards adopted by the Board.
- E. Each school district and charter school that chooses to participate in the Program shall meet the following requirements:
  - 1. Notify the Arizona Department of Education of its intent to participate in the Program at least 30 days prior to issuing the seal by filling out the form provided on the Arizona Department of Education's website.
  - 2. Designate at least one individual to serve as coordinator of the Program and provide that individual's name and contact information to the Arizona Department of Education.
  - 3. Using a format prescribed by the Arizona Department of Education, submit a report no later than 90 days after the end of the school year with the total number of students awarded the State Seal of Bilingualism, the number of seals for each targeted foreign language and the method used to determine proficiency in the foreign language.
  - 4. Make available to parents and students information regarding the Program and the name and contact information for the coordinator of the Program.
- F. The Arizona Department of Education shall establish guidelines and procedures to assist school districts and charter schools in the administration of the Program.

**Historical Note**

New Section made by final exempt rulemaking at 22 A.A.R. 3367, effective October 24, 2016 (Supp. 16-4).

**R7-2-318. K-3 Reading Program**

- A. In this section, unless the context otherwise requires:
  - 1. "Intensive reading instruction" is a proactive instructional approach used to reduce the likelihood of future reading problems by addressing severe and persistent difficulties with learning to read through the use of evidence-based instruction in smaller-group settings, increased instructional time, and increased intensity that is aligned to individual student needs or deficiencies and is driven by ongoing student performance data from a valid assessment tool.
  - 2. "Interventions" are instructional supports provided to students with the purpose of preventing and remediating reading difficulties. These supports are organized in tiers which provide increasing instructional intensity and support with each level.
  - 3. "Motivational assessments" are measures of motivation or attitudes toward reading and produce information to monitor student progress.
  - 4. "Prevention" is instructional support provided to students before students have experienced failure in learning to read.
  - 5. "Remediation" is instructional support provided to students after a student has experienced significant and persistent difficulties in learning to read.
  - 6. "Universal screeners" are very brief measures based on established standardized benchmarks or performance targets developed through extensive research designed to improve accuracy of identifying students who will likely need additional support for meeting grade level reading standards.
- B. Prior to the release of monies generated by the K-3 reading support level weight, a school district or charter school assigned a letter grade of C, D or F, or that has more than ten percent of its pupils in grade three who do not demonstrate sufficient reading skills as established by the Board, shall submit to the Department on or before October 1, a comprehensive local education agency K-3 reading program plan, using the format prescribed by the Department. Each school district or charter school assigned a letter grade of A or B shall submit its plan to the Department on or before October 1 in odd numbered years only beginning in 2016-2017.
- C. Pursuant to A.R.S. §§ 15-211, 15-701 and 15-704, the K-3 reading program plan submission shall contain the following components for pupils in half-day and full-day kindergarten programs and grades one through three:
  - 1. School literacy contacts, literacy team members and master reading schedules;
  - 2. A list of the staff who reviewed and approved the individual school K-3 reading program plans;
  - 3. Program expenditures for the prior school year and a budget for the current school year regarding the monies used only on instructional purposes intended to improve reading proficiency from the K-3 support level weight and the K-3 reading support level weight;
  - 4. An analysis of the effectiveness of the local education agency's K-3 reading program for the previous school year and plans for improvement for the current school year;

## State Board of Education

5. Core reading programs which teach the essential components of reading instruction including explicit and systematic phonics pursuant to A.R.S. § 15-704(H)(1), with a description of the frequency and duration of the instruction;
  6. Date of last K-3 reading curriculum review for standards alignment;
  7. Tier II and Tier III intensive reading intervention programs, including frequency and duration;
  8. A sample template of a parental notification letter;
  9. Evidence-based intervention and remedial services provided to students; and
  10. Evidence of ongoing teacher training based on evidence-based reading research.
- D.** The local education agency shall submit universal screening data on October 1, winter benchmark data on February 1 and end of year assessment data on June 1 for pupils in kindergarten programs and grades one through three.
- E.** Each school district or charter school governing body shall submit data for the prior school year on the total number of pupils that were subject to retention, the total number that were promoted, the total number actually retained and the interventions administered pursuant to A.R.S. § 15-701 to the Department no later than October 1 and prior to the release of monies generated by the K-3 reading support level weight.

**Historical Note**

New Section made by final exempt rulemaking at 23 A.A.R. 1637, effective May 22, 2017 (Supp. 17-2).

**ARTICLE 4. SPECIAL EDUCATION**

**Authority:** Laws 2017, Ch. 337

**R7-2-401. Special Education Standards for Public Agencies Providing Educational Services**

- A.** For the purposes of this Article, the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. 1400 et seq. and its implementing regulations, 34 CFR 300.1 et seq., are incorporated herein by reference. Copies of the incorporated material can be obtained from the U.S. Government Printing Office, <https://bookstore.gpo.gov/catalog/law-regulations> or the Arizona Department of Education, Exceptional Student Services, 1535 West Jefferson Street, Phoenix, Arizona 85007.
- B.** Definitions. All terms defined in the IDEA, its implementing regulations and A.R.S. § 15-761 are applicable, with the following additions:
1. “Accommodations” means the provisions made to allow a student to access the general education curriculum and demonstrate learning. Accommodations do not substantially change the instructional level, content or performance criteria, but are made in order to provide a student equal access to learning and equal opportunity to demonstrate what is known. Accommodations shall not alter the content of the curriculum or a test, or provide inappropriate assistance to the student within the context of the test.
  2. “Administrator” means the chief administrative official or designee authorized to act on behalf of a public education agency.
  3. “Boundaries of responsibility” means for:
    - a. A school district, the geographical area within its legally designated boundaries.
    - b. A charter school, the population of students enrolled in the charter school.
    - c. A public education agency other than a school district or charter school, the population of students receiving educational services from a public education agency.
  4. “Child with a disability,” has the same meaning prescribed in A.R.S. § 15-761.
  5. “Department” means the Arizona Department of Education.
  6. “Exceptional Student Services” means the Exceptional Student Services Division of the Arizona Department of Education.
  7. “Evaluator” means a person trained and knowledgeable in a field relevant to the child’s disability who administers specific and individualized assessment for the purpose of special education evaluation and placement.
  8. “Full and individual evaluation” means procedures used in accordance with the IDEA to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. This evaluation includes:
    - a. A review of existing information about the child;
    - b. A decision regarding the need for additional information;
    - c. If necessary, the collection of additional information; and
    - d. A review of all information about the child and a determination of eligibility for special education services and needs of the child.
  9. “Independent educational evaluation” means an evaluation conducted by an evaluator who is not employed by the public education agency responsible for the education of the child in question.
  10. “Informed written consent” means a person has been fully informed of all information relevant to the activity for which consent is sought, in the person’s native language or through another mode of communication; the person understands and agrees in writing to the carrying out of the activity for which consent is sought; and the person understands that the granting of consent is voluntary and may be revoked at any time.
  11. “Interpreter” means a person trained to translate orally or in sign language in matters pertaining to special education identification, evaluation, placement, the provision of free appropriate public education (FAPE), or assurance of procedural safeguards for parents and students who converse in a language other than spoken English. Each student’s IEP team determines the level of interpreter skill necessary for the provision of FAPE.
  12. “Multidisciplinary Evaluation Team” has the same meaning prescribed in A.R.S. § 15-761.
  13. “Modifications” means substantial changes in what a student is expected to learn and to demonstrate. Changes may be made in the instructional level, the content or the performance criteria. Such changes are made to provide a student with meaningful and productive learning experiences, environments, and assessments based on individual needs and abilities.
  14. “Private school” means any nonpublic educational institution where academic instruction is provided, including nonsectarian and parochial schools, that are not under the jurisdiction of the state or a public education agency.
  15. “Private special education school” means a nonpublic educational institution where instruction is provided primarily to students with disabilities. The school may also serve students without disabilities.
  16. “Public education agency” or “PEA” means a school district, charter school, accommodation school, state supported institution, or other political subdivision of the

## State Board of Education

state that is responsible for providing education to children with disabilities.

17. "Qualified professionals" means individuals who have met state approved or recognized degree, certification, licensure, registration or other requirements that apply in the areas in which the individuals are providing services such as screening, identification, evaluation, general education, special education or related services, including supplemental aids and services.
18. "Specially designed instruction" has the same meaning prescribed in A.R.S. § 15-761.
19. "Special education teacher" means a teacher holding a special education certificate from the Arizona Department of Education.
20. "Suspension" has the same meaning prescribed in A.R.S. § 15-840.

**C. Public Awareness.**

1. Each public education agency shall inform the general public and all parents, within the public education agency's boundaries of responsibility, of the availability of special education services for students aged 3 through 21 years and how to access those services. This includes information regarding early intervention services for children aged birth through 2 years.
2. School districts are responsible for public awareness in private schools located within their boundaries of responsibility.

**D. Child Identification and Referral.**

1. Each public education agency shall establish, implement, and make available, either in writing or electronically, to its school-based personnel and all parents, within the public education agency boundaries of responsibility, written procedures for the identification and referral of all children with disabilities, aged birth through 21, including children with disabilities attending private schools and home schools, regardless of the severity of their disability.
2. Each public education agency shall require appropriate school-based personnel to review the written procedures related to child identification and referral on an annual basis. The public education agency shall maintain documentation of school-based personnel review.
3. Procedures for child identification and referral shall meet the requirements of the IDEA and regulations, A.R.S. Title 15, Chapter 7, Article 4 and these rules.
4. The public education agency responsible for child identification activities is the school district in which the parents reside unless:
  - a. The student is enrolled in a charter school or public education agency that is not a school district. In that event, the charter school or public education agency is responsible for child identification activities;
  - b. The student is enrolled in a non-profit private school. In that event, the school district within whose boundaries the private school is located is responsible for child identification activities.
5. Identification (screening for possible disabilities) shall be completed within 45 calendar days after:
  - a. Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school; or
  - b. Notification to the public education agency by parents of concerns regarding developmental or educational progress by their child aged 3 years through 21 years.

6. Screening procedures shall include vision and hearing status and consideration of the following areas: cognitive or academic, communication, motor, social or behavioral, and adaptive development. Screening does not include detailed individualized comprehensive evaluation procedures.

7. For a student transferring into a school; the public education agency shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education, or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services.

8. If a concern about a student is identified through screening procedures or through review of records, the public education agency shall notify the parents of the student of the concern within 10 school days and inform them of the public education agency procedures to follow-up on the student's needs.

9. Each public education agency shall maintain documentation of the identification procedures utilized, the dates of entry into school or notification by parents made pursuant to subsection (D)(5), and the dates of screening. The results shall be maintained in the student's permanent records in a location designated by the administrator. In the case of a student not enrolled, the results shall be maintained in a location designated by the administrator.

10. If the identification process indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. A parent or a student may request an evaluation of the student. For parentally-placed private school students the school district within whose boundaries the non-profit private school is located is responsible for such evaluation.

11. If, after consultation with the parent, the responsible public education agency determines that a full and individual evaluation is not warranted, the public education agency shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.

**E. Evaluation/re-evaluation.**

1. Each public education agency shall establish, implement, and make available to school-based personnel and parents within its boundaries of responsibility written procedures for the initial full and individual evaluation of students suspected of having a disability, and for the re-evaluation of students previously identified as being eligible for special education.
2. Procedures for the initial full and individual evaluation of children suspected of having a disability and for the re-evaluation of students with disabilities shall meet the requirements of IDEA and its regulations, state statutes and State Board of Education rules.
3. The initial evaluation of a child being considered for special education, or the re-evaluation per a parental request of a student already receiving special education services, shall be conducted within 60 calendar days from the public education agency's receipt of the parent's informed written consent and shall conclude with the date of the Multidisciplinary Evaluation Team (MET) determination of eligibility.
4. If the parent requests the evaluation the PEA must, within a reasonable amount of time not to exceed 15 school days from the date it receives a parent's written request for an evaluation, either begin the evaluation by reviewing

## State Board of Education

- existing data, or provide prior written notice refusing to conduct the requested evaluation. The 60-day evaluation period shall commence upon the PEA's receipt of the parent's informed written consent.
5. The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best interest of the child, and the parent and PEA agree in writing to such an extension. Neither the 60-day evaluation period nor any extension shall cause a re-evaluation to exceed the timelines for a re-evaluation within three years of the previous evaluation.
  6. The public education agency may accept current information about the student from another state, public agency, public education agency, or through an independent educational evaluation. In such instances, the Multidisciplinary Evaluation Team shall be responsible for reviewing and approving or supplementing an evaluation to meet the requirements identified in subsections (E)(1) through (7).
  7. For the following disabilities, the full and individual initial evaluation shall include:
    - a. Emotional disability: verification of a disorder by a qualified professional.
    - b. Hearing impairment:
      - i. An audiological evaluation by a qualified professional, and
      - ii. An evaluation of communication/language proficiency.
    - c. Other health impairment: verification of a health impairment by a qualified professional.
    - d. Specific learning disability: a determination of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that meets the public education agency criteria through one of the following methods:
      - i. A discrepancy between achievement and ability;
      - ii. The child's response to scientific, research-based interventions; or
      - iii. Other alternative research-based procedures.
    - e. Orthopedic impairment: verification of the physical disability by a qualified professional.
    - f. Speech/language impairment: an evaluation by a qualified professional.
    - g. For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to:
      - i. An audiometric screening within the past calendar year,
      - ii. A review of academic history and classroom functioning,
      - iii. An assessment of the speech problem by a speech therapist, or
      - iv. An assessment of the student's functional communication skills.
    - h. Traumatic brain injury: verification of the injury by a qualified professional.
    - i. Visual impairment: verification of a visual impairment by a qualified professional.
  8. The Department shall develop a list, subject to review and approval of the State Board of Education, of qualified professionals eligible to conduct the appropriate evaluations prescribed in subsection (E)(7).
  9. The Multidisciplinary Evaluation Team shall determine, in accordance with the IDEA and regulations, whether the requirements of subsections (E)(7)(a) through (i) are required for a student's re-evaluation.
- F. Parental Consent.**
1. A public education agency shall obtain informed written consent from the parent of the child with a disability before the initial provision of special education and related services to the child.
  2. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the public education agency may not use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.
  3. If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public education agency:
    - a. Will not be considered to be in violation of the requirement to make available FAPE to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent, and
    - b. Is not required to convene an IEP Team meeting or develop an IEP in accordance with these rules.
  4. If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public education agency:
    - a. May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;
    - b. May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;
    - c. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
    - d. Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services.
  5. If a parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.
- G. Individualized Education Program (IEP).**
1. Each public education agency shall establish, implement, and make available to its school-based personnel and parents written procedures for the development, implementation, review, and revision of IEPs.
  2. Procedures for IEPs shall meet the requirements of the IDEA and its regulations, state statutes and State Board of Education rules.
  3. Procedures shall include the incorporation of Arizona academic standards as adopted by the State Board of Education into the development of each IEP and address grade-level expectations and grade-level content instruction.

## State Board of Education

4. Each IEP of a student with a disability shall be developed in accordance with IDEA and its regulations, state statutes and State Board of Education rules. If appropriate to meet the needs of a student and to ensure access to the general curriculum, an IEP team may include specially designed instruction in the IEP that may be delivered in a variety of educational settings by a general education teacher or other certificated personnel provided that certificated special education personnel are involved in the planning, progress monitoring and when appropriate, the delivery of the specially designed instruction.
  5. Each student with a disability who has an IEP shall participate in the state assessment system. Students with disabilities can test with or without accommodations or modifications as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on the established eligibility criteria will be assessed with the state's alternate assessment as determined by the IEP team.
  6. A meeting of the IEP team shall be conducted to review and revise each student's IEP at least annually, or more frequently if the student's progress substantially deviates from what was anticipated. The public education agency shall provide written notice of the meeting to the parents of the student to ensure that parents have the opportunity to participate in the meeting. After the annual review, the public education agency and parent may agree not to convene an IEP team meeting for the purposes of making changes, and instead may develop a written document to amend or modify the student's current IEP.
  7. A parent or public education agency may request in writing a review of the IEP, and shall identify the basis for requesting review. Such review shall take place within 45 school days of the receipt of the request at a mutually agreed upon date and time.
- H. Least Restrictive Environment.**
1. Each public education agency shall establish, implement, and make available to its school-based personnel and parents, written procedures to ensure the delivery of special education services in the least restrictive environment as identified by IDEA and its regulations, state statutes and State Board of Education rules.
  2. A continuum of services and supports for students with disabilities shall be available through each public education agency.
- I. Procedural Safeguards.**
1. Each public education agency shall establish, implement, and make available to school-based personnel and parents of students with disabilities written procedures to ensure children with disabilities and their parents are afforded the procedural safeguards required by federal statute and regulation and state statute. These procedures shall include dissemination to parents information about the public education agency's and state's dispute resolution options.
  2. In accordance with the requirements of IDEA, prior written notice shall be provided to the parents of a child within a reasonable time after the PEA proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, educational placement or the provision of FAPE to the child, but before the decision is implemented.
- J. Confidentiality.**
1. Each public education agency shall establish, implement, and make available to its personnel and parents written policies and procedures to ensure the confidentiality of records and information in accordance with the IDEA and its regulations, the Family Educational Rights and Privacy Act (FERPA) and its regulations, and state statutes.
2. Parents shall be fully informed about the requirements of the IDEA and regulations, including an annual notice of the policies and procedures that the PEA shall follow regarding storage, disclosure to a third party, retention, and destruction of personally identifiable information.
  3. The rights of parents regarding education records are transferred to the student at age 18, unless the student has been adjudicated incapacitated, or the student has executed a delegation of rights to make educational decisions pursuant to A.R.S. § 15-773.
  4. Upon receiving a written request, each public education agency shall forward special education records to any other public education agency in which a student has enrolled or is seeking to enroll. Records shall be forwarded within the time-frame specified in A.R.S. § 15-828(F). The public education agency shall also forward records to any other person or agency for which the parents have given signed consent.
- K. Preschool Programs.** Each public education agency responsible for serving preschool children with disabilities shall establish, implement, and make available to its personnel and parents, written procedures for:
1. The operation of the preschool program, in accordance with federal statute and regulation, and state statute, that provides a continuum of placements to students;
  2. The smooth and effective transition from the Arizona Early Intervention Program to a public school preschool program in accordance with the agreement between the Department of Economic Security and the Department; and
  3. The provision of a minimum of 360 minutes per week of instruction in a program that meets at least 216 hours over the minimum number of days.
- L. Children in Private Schools.** Each education agency shall establish, implement, and make available to its personnel and parents written procedures regarding the access to special education services to students enrolled in private schools by their parents as identified by the IDEA and its regulations, state statutes and State Board of Education rules.
- M. Department Responsible for General Supervision and Obligations Related to and Methods of Ensuring Services.**
1. The Department is responsible for the general supervision of services to children with disabilities aged 3 through 21 served through a public education agency.
  2. The Department shall ensure through fund allocation, monitoring, dispute resolution, and technical assistance that all eligible students receive FAPE in conformance with the IDEA and its regulations, A.R.S. Title 15, Chapter 7, Article 4, and these rules.
  3. In exercising its general supervision responsibilities, the Department shall ensure that when it identifies noncompliance with the requirements of the IDEA Part B, the noncompliance is corrected as soon as possible, and in no case later than one year after the Department's written notification to the PEA of its identification of the noncompliance.
- N. Procedural Requirements Relating to Public Education Agency Eligibility.**
1. Each public education agency shall establish eligibility for funding with the Department in accordance with the IDEA and its regulations, state statutes and with schedules and methods prescribed by the Department.

## State Board of Education

2. In the event the Department determines that a public education agency does not meet eligibility for funding requirements, the public education agency has a right to a hearing before such funding is withheld.
  3. The Department may suspend payments during any time period when a public education agency has not corrected deficiencies in eligibility for federal funds as a result of fiscal requirements of monitoring, auditing, complaint and due process findings.
  4. Each public education agency shall, on an annual basis, determine the number of children within each disability category who have been identified, located, evaluated, and/or receiving special education services. This includes children residing within the boundaries of responsibility of the public education agency who have been placed by their parents in private schools or who are home schooled.
- O. Public Participation.**
1. Each public education agency shall establish, implement, and make available to personnel and parents written procedures to ensure that, prior to the adoption of any policies and procedures needed to comply with federal and state statutes and regulations, there are:
    - a. Public hearings;
    - b. Notice of the hearings; and
    - c. An opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.
  2. This requirement does not pertain to day-to-day operating procedures.
- P. Suspension and Expulsion.**
1. Each public education agency shall establish, implement, and make available to personnel and parents written procedures for the suspension and expulsion of students with disabilities.
  2. Each public education agency shall require all school-based staff involved in the disciplinary process to review the policies and procedures related to suspension and expulsion on an annual basis. The public education agency shall maintain documentation of staff review.
  3. Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and its regulations, and state statutes.

**Historical Note**

Amended effective December 11, 1974. Amended effective July 14, 1975 (Supp. 75-1). Amended effective July 1, 1977 (Supp. 77-4). Amended effective April 26, 1978 (Supp. 78-2). Former Section R7-2-401 repealed, new Section R7-2-401 adopted effective December 4, 1978 (Supp. 78-6). Amended by adding subsection (H) as an emergency effective July 20, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Amended (D)(11), (E)(5)(b) and added (H) effective December 14, 1984 (Supp. 84-6). Amended as an emergency effective June 18, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-3). Emergency expired. Amended subsection (D) by adding subsection (12) effective March 13, 1986 (Supp. 86-2). Amended subsection (G) effective July 8, 1986 (Supp. 86-4). Amended subsections (D) and (H) and added subsection (I) effective June 22, 1987 (Supp. 87-2). Amended effective August 2, 1988 (Supp. 88-3). Amended effective December 6, 1995 (Supp. 95-4). Amended by final rulemaking at 7 A.A.R. 1541, effective March 19, 2001 (Supp. 01-1). Amended to correct a manifest typographical error in subsection (D)(1) (Supp. 01-

3). Subsections (D)(9), (E)(4), and (E)(6) amended under A.R.S. § 41-1011 to correct subsection cross-references (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

Amended by exempt rulemaking at 15 A.A.R. 1838, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1849, effective May 19, 2008 (Supp. 09-2). Amended by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1). Amended by final exempt rulemaking at 24 A.A.R. 140, effective October 23, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-402. Standards for Approval of Special Education Programs in Private Schools**

- A. Definitions.** All terms defined in the regulations for the Individuals with Disabilities Education Improvement Act (IDEA) Amendments, A.R.S. § 15-761, and State Board of Education rule R7-2-401 are applicable.
- B.** No student may be placed by a public education agency in a private school special education school program unless the facility has been approved as meeting the standards as outlined in this rule, and the public education agency is unable to provide satisfactory education and services through its own facilities and personnel.
- C.** In order for a private special education school to be approved by the Department for the purpose of contracting with a public education agency, the private facility shall:
1. Provide special education instructional programs for students with disabilities that are at least comparable to those provided by the public schools of Arizona and meet the requirements of IDEA.
  2. Provide the following documentation:
    - a. Policies and procedures based on IDEA and state statutes;
    - b. Curriculum that is aligned with the Arizona Academic Standards;
    - c. A completed application;
    - d. Copies of all teacher and related service personnel certifications and licenses; and
    - e. If applicable, a copy of North Central Accreditation.
  3. Provide certificated special education teachers in each classroom to implement the IEPs of those students assigned to that classroom.
  4. Provide related services to meet the needs of the students as indicated on their IEPs.
  5. Provide administration personnel such as head teacher, principal, or other administrator certificated in an administrative area or experienced and certificated in the appropriate area of special education.
  6. Provide an education that meets the standards that apply to education provided by the public education agency.
  7. Maintain student records in accordance with the statutory requirements.
  8. Accept all responsibilities concerning instructional programs to the disabled student and parent or guardian that are required of the public schools of Arizona. Ultimate responsibility for any student under contract in a private special education school rests with the public education agency contracting for the students' education.
  9. Administer all required statewide assessments to those students placed in the private facility by a PEA or through the educational voucher system.
  10. Maintain adequate liability insurance.
  11. Maintain an accounting system and budget which includes the costs of operation, maintenance, transporta-

## State Board of Education

- tion, and capital outlay, and which is open to review upon request.
12. Maintain an attendance reporting system that provides public education agencies and the Department with required information.
  13. Provide notification to contracting public education agencies and the Department of any changes in staff or deletion of programs within 10 school days of the change or deletion.
  14. Provide notification to the contracting PEA of any intent to discontinue, suspend, or terminate services to a student for longer than 10 days. Services to the student must be continued by the private school until an IEP meeting with the PEA is convened to determine an appropriate alternative placement. The PEA must be given up to 10 school days to arrange for the transition of the student after the IEP determination.
  15. Permit onsite evaluation of the program by the Department or its designees, and the representatives of the public education agencies.
  16. Request approval to contract with public education agencies from the Department in accordance with the prescribed procedures.

**Historical Note**

Former Section R7-2-402 repealed, new Section R7-2-402 adopted effective December 4, 1978 (Supp. 78-6). Amended by final rulemaking at 7 A.A.R. 1541, effective March 19, 2001 (Supp. 01-1). Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4). Amended by exempt rulemaking at 15 A.A.R. 1849, effective May 19, 2008 (Supp. 09-2).

**R7-2-403. Repealed****Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6). Amended as an emergency effective September 26, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-5). Former emergency adoption now adopted effective December 4, 1979 (Supp. 79-6). Section repealed by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

**R7-2-404. Special Education Voucher Program Policies and Procedures**

- A.** Institutional vouchers. Students residing and attending special education programs at the Arizona Schools for the Deaf and the Blind (ASDB) or the Arizona State Hospital (ASH) or students attending special education day programs provided by ASDB may be eligible for special education institutional voucher funding.
1. Eligibility criteria.
    - a. Student shall be between the ages of 3 and 22 years.
    - b. Student shall have a recognized disability as documented by a current educational evaluation. Evaluations shall be completed by the institution or the student's home school district (HSD), as determined by a multidisciplinary evaluation team (MET).
    - c. Student shall have a current individualized education program (IEP) identifying the placement as the most appropriate and least restrictive educational environment.
  2. Institutional voucher application/approval.
    - a. Applications for special education institutional vouchers shall be completed by the institution and submitted to the Exceptional Student Services Division of the Department of Education. The institution

shall provide all student information requested on the institutional voucher application.

- b. Institutions shall sign a Statement of Assurance guaranteeing their maintenance of and ability to produce all supporting documentation for each application.
  - c. Institutional voucher applications shall be reviewed and approved or disapproved by the voucher unit manager. Applications that are disapproved may be corrected and resubmitted. Institutional voucher payments will not be made for student attendance prior to voucher approval date.
  - d. Voucher identification numbers shall be assigned for each new student approval, and shall be used by the institution to complete claims for payment and the special education census form.
  - e. Institutional vouchers are approved for the current year only; therefore the application process shall be repeated each school year for each student.
  - f. Institutions shall report any changes in student status, including withdrawals, transfers, current evaluation dates and changes in disability categories to the Exceptional Student Services Division of the Department of Education. Changes shall be submitted within ten days of the occurrence.
3. Institutional voucher claim for payment.
- a. The special education institutional voucher claim for payment form shall be completed by the institution at the end of each calendar month. The claim shall be submitted in accordance with procedures established by the School Finance Division of the Department of Education.
  - b. Claims for payment shall be submitted to the School Finance Division of the Department of Education.
4. Special education census.
- All institutional voucher students shall be reported on the special education census in accordance with procedures established by the School Finance Division of the Department of Education.
5. Review of placement.
- a. It is the responsibility of the HSD to review student progress at least once a semester.
  - b. The IEP may be completed by the institution but is ultimately the responsibility of the student's HSD to ensure that it is reviewed and revised annually.
  - c. It is the responsibility of the HSD to ensure that re-evaluations are conducted on a tri-annual basis or more frequently as needed.
- B.** Residential vouchers: Students placed in private residential treatment facilities (PRF) may be eligible for residential voucher funding for the educational portion of the placement.
1. Eligibility Criteria.
    - a. Students shall be enrolled in and eligible for educational services from a Public Education Agency (PEA).
    - b. Placement shall be made by one of the State Placing Agencies. They are the Department of Economic Security (DES), the Department of Health Services (DHS), the Administrative Office of the Courts (AOC), or the Department of Juvenile Corrections (ADJC).
    - c. Residential facilities shall be licensed by the Department of Health Services or Department of Economic Security and approved by the Department of Education for the specific educational needs of each student placed there.

## State Board of Education

- d. The following conditions invalidate eligibility.
    - i. Placement by any agency other than those noted in subsection (B)(1)(b).
    - ii. Placement in facilities not appropriately licensed by DHS or DES or approved by the Department of Education.
    - iii. Student attendance at a PEA while residing in a residential facility.
  - e. Eligible students are divided into three categories.
    - i. Non-special education (NSE): Students not eligible for special education services who are placed by a State Placing Agency for their care, safety, or treatment.
    - ii. Care special education (CSE): Students eligible for special education services who are placed by a State Placing Agency for their care, safety, or treatment.
    - iii. Residential special education (RSE): Students requiring residential placement to benefit from educational programming who are placed by an IEP team.
2. Voucher application/approval process. The process differs depending on category.
- a. NSE and CSE options:
    - i. When a placement decision is reached, the State Placing Agency (SPA) shall complete a SPA Application for Voucher Funding, and forward a copy to the student's Home School District (HSD) for appropriate signatures within five days of placement.
    - ii. Upon placement, copies of the completed voucher shall be provided to the PRF and the Exceptional Student Services of the Department of Education (ESS).
    - iii. Upon receipt and review of the application and verification of facility approval, the SPA application will be approved for the initial 60 days of placement. An approval memo is sent to the PRF and the HSD. The Exceptional Student Services shall assign a student identification number to each approved voucher student. This number shall be used by the private facility when completing the special education census form and the claim for payment form.
    - iv. The HSD shall submit the HSD Application for Education Voucher Funding packet and submit it to the Exceptional Student Services of the Department of Education. Appropriate documentation of eligibility for special education and provision of services, if applicable, shall be included.
    - v. The HSD voucher application packet shall be reviewed and approved or disapproved by the voucher unit manager. Applications that are disapproved may be corrected and resubmitted. Approvals are granted from the date of receipt through the end of the school year. An approval memo is sent to the PRF and the HSD.
    - vi. If the HSD cannot complete the requirements for the HSD application packet within the initial 60-day approval period, they shall submit an Application For Extension Of Education Voucher Funding.
  - b. RSE option.
 

The HSD shall follow statutory requirements and procedures agreed upon by the ADE, DHS, and DES when considering placement in a PRF for educational reasons. If a need for such a placement is determined, the HSD shall complete and submit the HSD Application for Education Voucher Funding packet to the ESS. Documentation of the necessity for PRF placement, measurable exit criteria, and a reintegration plan shall be required.
3. Changes in placement/Discharge.
    - a. If a student is discharged or is absent without leave for more than ten days from the PRF, the facility shall notify the State Placing Agency, Home School District and the Exceptional Student Services Division of the Department of Education in writing within five days.
    - b. Students returning to a facility after a discharge or students transferred from one facility to another require a new SPA voucher application.
    - c. Students placed under the RSE option shall not be discharged without the consent of the IEP team.
  4. Voucher claim for payment.
    - a. A special education voucher claim for payment shall be submitted in accordance with procedures established by the School Finance Division of the Department of Education.
    - b. Claim for payment shall be submitted to the School Finance Division of the Department of Education.
  5. Special education census.
 

A special education census form shall be completed for all voucher students in accordance with procedures established by the School Finance Division of the Department of Education.
  6. Review and continuation of placement.
    - a. The Home School District (HSD) shall regularly monitor the progress of students, ensure the annual review and revision of IEPs, and complete three-year re-evaluations as applicable.
    - b. Voucher approval is for one school year only. Students remaining in an PRF from the end of one school year to the beginning of the next year require new voucher applications. Prior to the beginning of the new school year, the PRF shall submit an Application for Continuing Voucher funding, signed by both the SPA and the HSD. For a student who is eligible for special education services, a current IEP shall accompany the continuing application if the IEP has been reviewed or revised after the original voucher was approved.

**Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6).  
 Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

*Editor's Note: The following Section was erroneously published in Supp. 04-2 with amendments that were not approved by the Attorney General's Office. It is republished with the text in effect before Supp. 04-2. The correct notice was published at 10 A.A.R. 3274 (Supp. 04-3).*

**R7-2-405. Special Education Dispute Resolution; Due Process**

**A.** Definitions. The following definitions are applicable to this rule:

1. "Due process hearing" means a fair and impartial administrative hearing conducted by the State Education Agency by an impartial hearing officer through the Arizona Office of Administrative Hearings in accordance with the Individuals with Disabilities Education Act (20



## State Board of Education

- U.S.C. 1400 et seq.) and its implementing regulations (34 CFR 300).
2. "Impartial hearing officer" or "hearing officer" means an Administrative Law Judge ("ALJ") of the Arizona Office of Administrative Hearings ("OAH") and who is knowledgeable in the laws governing special education and administrative hearings.
  3. "Public agency" ("PEA") has the same definition as provided in R7-2-401.
  4. "State Education Agency" ("SEA") means the Department of Education, Exceptional Student Services Section.
- B.** The due process procedures specified in this rule apply to all public agencies dealing with the identification, evaluation, special education placement of, and the provision of a free appropriate public education ("FAPE") for children with disabilities.
- C.** The SEA shall establish procedures concerning:
1. Impartial due process hearings, and
  2. Confidentiality and access to student records.
- D.** An impartial hearing officer shall be:
1. Unbiased – not prejudiced for or against any party in the hearing;
  2. Disinterested – not having any personal or professional interest that would conflict with objectivity in the hearing;
  3. Independent – may not be an officer, employee, or agent of a public agency involved in the education or care of the child or the SEA. A person who otherwise qualifies to conduct a hearing is not an employee of the public agency or the SEA solely because the person is paid by the public agency to serve as a hearing officer;
  4. Trained by the SEA as to the state and federal laws pertaining to the identification, evaluation, placement of, and the provision of FAPE for children with disabilities.
- E.** Hearing officer qualifications and training.
1. All hearing officers shall participate in all required training conducted by the SEA as to the state and federal laws pertaining to the identification, evaluation, educational placement, and the provision of FAPE for children with disabilities.
  2. A hearing officer shall meet the requirements set forth by OAH regarding ALJs. A hearing officer shall not have represented a parent in a special education matter during the preceding 12 months, and shall not have represented a school district in any matter during the preceding 12 months.
- F.** Selection of hearing officers.
1. The SEA shall prepare and maintain a list of individuals who meet the qualifications specified in subsection (E) to serve as hearing officers. This list shall also include the qualifications of each hearing officer.
  2. A hearing officer shall be assigned in accordance with the procedures of the Office of Administrative Hearings.
- G.** Request for due process hearing.
1. The due process complaint must allege a violation that occurred not more than two years before the date the parent or public education agency knew or should have known about the alleged action that forms the basis of the due process complaint.
  2. A parent shall submit a written request for a due process hearing to the public education agency and the SEA. The SEA shall provide a model form that a parent may use in requesting a due process hearing. Upon receipt of a written request, there shall be no change in the educational placement of the child except under the applicable provisions of IDEA, unless the PEA and parents agree. If a parent requests a due process hearing, the public education agency shall advise the parents of any free or low-cost legal services available, and provide a copy of the procedural safeguards notice. All correspondence to the parent shall be provided in English and the primary language of the home. If the written request involves an application for initial admission, the child, with the consent of the parent, shall be placed in the public school until the completion of all proceedings.
3. If the public education agency requests a due process hearing, such request may be made on a model form, as noted in subsection (G)(2), and a copy shall be provided to the parent and the SEA. Upon receipt of a written request, there shall be no change in the educational placement of the child except under the applicable provisions of IDEA, unless the PEA and the parents agree. In conjunction with its request for due process hearing, the public education agency shall advise the parents of any free or low-cost legal services available and provide a copy of the procedural safeguards notice. All correspondence to the parent, including the due process request, shall be provided in English and the primary language of the home. If the written request involves an application for initial admission, the child, with the consent of the parent, shall be placed in the public school until the completion of all proceedings.
- H.** An impartial due process hearing shall be conducted in accordance with the following procedures:
1. The hearing officer shall hold a pre-hearing conference, either telephonically or at a location that is reasonably convenient to the parents and the child involved, to determine if the complaint is a legitimate due process complaint, to ensure that all matters are clearly defined, to establish the proceedings that will be used for the hearing, to determine who will represent and/or advise each party, and to set the time and dates for the hearing.
  2. The hearing officer shall conduct the hearing at a location that is reasonably convenient to the parents and the child involved.
  3. The hearing officer shall preside at the hearing and shall conduct the proceedings in a fair and impartial manner, and shall ensure that all parties involved have an opportunity to:
    - a. Present their evidence and confront, cross-examine, and compel the attendance of witnesses;
    - b. Object to the introduction of any evidence at the hearing that has not been disclosed to all parties at least five business days before the hearing;
    - c. Produce outside expert witnesses;
    - d. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities.
  4. The parent involved in the hearing shall be given the right to:
    - a. Have the child who is the subject of the hearing present,
    - b. Have the hearing conducted in public,
    - c. Have an interpreter provided by the public agency.
  5. The hearing officer shall review all relevant facts concerning the identification, evaluation, the educational placement, and the provision of FAPE. This shall include any Independent Education Evaluation secured by the parent.
    - a. The hearing officer shall determine whether the public agency has met all requirements of federal and state law, rules, and regulations.

## State Board of Education

- b. The hearing officer shall render findings of fact and a decision, which shall be binding on all parties unless appealed pursuant to this rule.
6. The hearing officer's findings of fact and decision shall be in writing and shall be provided to the parent, the public education agency, the SEA, and their respective representatives. The parent may choose to receive an electronic verbatim record of the hearing and electronic findings of fact and decision relative to the hearing in addition to the written findings of fact and decision. The hearing officer's findings of fact and decision shall be delivered by certified mail or by hand within 45 calendar days after notification to the hearing officer that the parties have been unable to resolve the matter in accordance with 20 U.S.C. 1415(f)(1)(B). A hearing officer may grant specific extensions of time beyond the 45 calendar days for good cause shown at the request of either party.
7. The findings of fact and decision of the hearing officer shall be final at the administrative level. The notification of the findings of fact and decision shall contain notice to the parties that they have a right to judicial review.
8. Any party to the proceeding has the right to appeal a final administrative decision to a court of competent jurisdiction within 35 calendar days after receipt of the decision.
9. The SEA, after deleting any personally identifiable information, shall make such written findings of fact and decision available to the public.
- I. Expedited hearing.
  1. An expedited hearing regarding disciplinary matters may be requested in accordance with federal law as set forth in 20 U.S.C. 1415(k).
  2. Hearing officers for an expedited hearing shall be assigned by the Office of Administrative Hearings.
  3. The expedited hearing shall be conducted within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.
- A. Notwithstanding any other provision of law, a state administrative complaint filed with the Department regarding any alleged violations of Part B of the federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.) or its implementing regulations (34 CFR 300) shall be investigated in accordance with the Code of Federal Regulations Title 34.
  1. The party filing the complaint shall forward a copy of the state administrative complaint to the public education agency serving the child at the same time the party files the complaint with the Department.
  2. A written decision shall be issued to the complainant and the public education agency that is the subject of the state administrative complaint in accordance with the 60-day time limit specified in the Code of Federal Regulations Title 34.
- B. The Department shall accept and investigate state administrative complaints that allege a violation that occurred not more than one year prior to the date that the complaint is received by the Department.
- C. The state administrative complaint shall include all of the following:
  1. A statement that a public education agency has violated a requirement of Part B of the IDEA or its implementing regulations.
  2. The facts on which the statement is based.
  3. The signature and contact information for the complainant.
  4. If alleging violations with respect to a specific child, all of the following:
    - a. The name and address of the child.
    - b. The name of the school the child is attending.
    - c. In the case of a homeless child or youth (within the meaning of Section 725(2) of the McKinney-Vento Homeless Assistance Act (20 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the child is attending.
    - d. A description of the nature of the problem of the child, including facts relating to the problem.
    - e. A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
  5. The Department shall develop a model form to assist parents and public agencies in filing a state administrative complaint under this Section.

**Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6). Amended subsection (V) effective May 1, 1987 (Supp. 87-2). Amended effective July 20, 1990 (Supp. 90-3). Emergency amendment adopted effective November 21, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency amendment readopted effective March 21, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Amended effective May 2, 1991 (Supp. 91-2). Amended effective November 17, 1994 (Supp. 94-4). Amended effective December 6, 1995 (Supp. 95-4). Amended by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). Supp. 04-2 Historical Note entry is in error. R7-2-405 was erroneously included in Supp. 04-2 with amendments that were not approved by the Attorney General's Office. It is republished with the text in effect before Supp. 04-2. The correct notice was published at 10 A.A.R. 3274 (Supp. 04-3). Amended by exempt rulemaking at 15 A.A.R. 1732, effective January 26, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1849, effective May 19, 2008 (Supp. 09-2). Amended by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1).

**R7-2-405.01. Special Education Dispute Resolution; State Administrative Complaints****Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1).

**R7-2-405.02. Special Education Dispute Resolution; Mediation**

In accordance with the Individuals with Disabilities Education Act, the Department shall provide parents of students with disabilities and public education agencies the opportunity to resolve disputes involving any matter under IDEA, including matters arising prior to the filing of a request for due process, through a mediation process.

1. The mediation process shall:
  - a. Be voluntary on the part of both parties,
  - b. Not be used to deny or delay a parent's right to a due process hearing or any other rights afforded under Part B of the IDEA,
  - c. Be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.
2. The Department shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

## State Board of Education

3. The Department shall select mediators on a random or rotational basis.
  4. The Department shall bear the cost of the mediation process.
  5. Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to both the parent and the public education agency.
  6. If the parties resolve a dispute through the mediation process, the parties shall execute a legally binding agreement that:
    - a. States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings,
    - b. Is signed by both the parent and a representative of the public education agency who has the authority to bind the agency, and
    - c. Is enforceable in any state court of competent jurisdiction or in a district court of the United States.
  7. Whether or not the dispute is resolved through mediation, discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings of any federal court or state court.
  8. Impartiality of the Mediator. An individual who serves as a mediator:
    - a. May not be an employee of the Department or of the public education agency that is involved in the education or care of the student.
    - b. Shall not have a personal or professional interest that conflicts with the person's objectivity.
    - c. Is not an employee of the Department or of a public education agency solely because the mediator is paid by the Department of Education to serve as a mediator.
- critical thinking, creative thinking, and problem solving skills.
  - c. Supplemental services, which may be offered to meet the individual needs of each gifted student, may include, for example, guidance and counseling, mentorships, independent study, correspondence courses, and concurrent enrollment.
  3. Parent involvement.
    - a. Each LEA shall provide the following information to all parents or legal guardians:
      - i. Definition of a gifted child;
      - ii. Services mandated for gifted students by the state of Arizona;
      - iii. Services available from the LEA;
      - iv. Written criteria of the LEA for referral, screening, selection and placement.
    - b. Each LEA shall develop policies and procedures which ensure that parents or legal guardians are:
      - i. Given the opportunity to have their children tested;
      - ii. Given advance notice of the week that their children are to be tested;
      - iii. Given the opportunity to withhold permission for testing;
    - c. Each LEA shall:
      - i. Make testing available for students K-12 on a periodic basis but not less than three times per year;
      - ii. Inform parents or legal guardians of the results of the district-administered test within 30 school days of determining the test results;
      - iii. Upon request, explain test results to parents or legal guardians.
  4. The scope and sequence shall be a written program description which demonstrates articulation across all grades and schools to ensure opportunities for continuous progress and shall include:
    - a. Statement of purpose;
    - b. General population description;
    - c. Identification process and placement criteria including provisions for special populations;
    - d. Goals and objectives;
    - e. Curriculum, differentiated instruction, and supplemental services;
    - f. Program models;
    - g. Time allocations for services;
    - h. Procedures and criteria for evaluation of student and program outcomes.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1).

**R7-2-406. Gifted Education Programs and Services**

- A.** Governing boards shall adopt policies for the education of gifted students which shall include:
1. Procedures for identification and placement of students to be placed in gifted programs.
    - a. Students shall be served who score at or above the 97th percentile on national norms in any one of three areas - verbal, nonverbal, or quantitative reasoning - on any test from the State Board-approved list. Students who score below the 97th percentile also may be served.
    - b. Local educational agencies (LEAs) shall accept, as valid for placement, scores at or above the 97th percentile on any State Board-approved test submitted by other LEAs or by qualified professionals.
    - c. LEAs shall place transfer students as soon as they have verified eligibility.
  2. Curriculum, differentiated instruction, and supplemental services for gifted students.
    - a. Expanded academic course offerings may include, for example, one or more of the following: acceleration, enrichment, flexible pacing, interdisciplinary curriculum, and seminars.
    - b. Differentiated instruction, which emphasizes the development of higher order thinking, may include

- B.** The Arizona Department of Education shall develop and make available model policies for the development, implementation, and evaluation of services for gifted students.

**Historical Note**

Adopted effective December 12, 1990 (Supp. 90-4)

**R7-2-407. Special Education Standards and Assistance for Providing Educational Services and Materials for Visually Impaired Students**

- A.** All requirements in this Section are in addition to the general special education standards in R7-2-401 for public education agencies providing special education.
- B.** For the purposes of this rule, the following definitions apply:
1. "Accessible Electronic File" means, until the effective date of a nationally adopted file format, a digital file in a mutually agreed upon electronic file format that has been prepared using a markup language that maintains the structural integrity of the information and can be pro-

## State Board of Education

- cessed by Braille conversion software. Upon the effective date of a nationally adopted file format, such as the Instructional Materials Accessibility Standard (IMAS), "Accessible Electronic File" shall mean an electronic file conforming to the specifications of the nationally adopted file format, including future technical revisions and versions of this nationally adopted file format.
2. "Individualized Braille literacy assessment" means the Learning Media Assessment or other standardized or individualized assessments that pertain to the child's reading medium.
  3. "Non-printed instructional materials" means non-printed textbooks and related core materials, including those that require the availability of electronic equipment in order to be used as a learning resource, that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or a local educational agency for use by pupils in the classroom. These materials shall be available to the extent technologically available, and may include software programs, CD-ROMs and internet-based materials.
  4. "Printed instructional materials" means textbooks and related printed core materials, that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or a local educational agency for use by pupils in the classroom. This may include workbooks, practice tests, and tests.
  5. "Publisher" means an individual, firm, partnership or corporation that publishes or manufactures printed instructional materials for students attending public schools in Arizona, including an on-line service, a software developer, or a distributor of an electronic textbook.
  6. "Specialized format" means Braille, audio or digital text which is exclusively for use by blind or other persons with disabilities.
  7. "Structural integrity" means the structure of all parts of the printed instructional material will be kept intact to the extent feasible and as mutually agreed upon by the publisher and the local educational agency. This may include appropriate representation of graphic illustrations.
- C. Upon determination of a student having a visual impairment as assessed by a full and initial evaluation defined in R7-2-401(E)(6)(i), a visually impaired student who is determined to be blind as defined by A.R.S. § 15-214(B) shall receive an individualized Braille literacy assessment.
- D. Individualized Education Programs (IEP) for blind students. In addition to the requirements for establishing and implementing an IEP consistent with R7-2-401(F) for a student determined to have a disability, each IEP for a student determined to be "blind" as assessed by R7-2-401(E)(6)(i) and defined by A.R.S. § 15-214(B), shall presume that proficiency in Braille is essential in achieving academic success unless otherwise determined by the IEP team established consistent with the regulations for the most recent reauthorization of the Individuals with Disabilities Education Act (IDEA) and in the manner provided by the most recent reauthorization of the IDEA Act for developing an IEP. An IEP developed under this Section for a student determined to be blind shall include all required provisions of A.R.S. § 15-214(A)(3), including the following:
1. The results of the individualized Braille literacy assessment.
  2. The date on which Braille instruction will begin, the methods to be used and the frequency and duration of the Braille instruction.
  3. The level of competency expected to be achieved within specified time-frames and the objective measures to be used for evaluation.
  4. The Braille materials and equipment necessary to achieve the stated expected competency gains, including ordering instructional materials to achieve the IEP-stated goals.
  5. The rationale for not providing Braille instruction if Braille is not determined to be an appropriate medium by the IEP team and is not included in the IEP.
- E. The Arizona Department of Education shall designate a central repository for publishers to, upon request, provide accessible electronic files for instructional materials used by public schools in Arizona as defined in subsection (B)(1). The central repository shall be responsible for maintaining a complete list of available accessible electronic files for instructional materials and instructional materials in specialized formats, processing requests from PEAs for instructional materials in specialized formats and providing access to these materials in specialized formats to schools throughout Arizona that are providing services to blind or other students with disabilities.
1. Upon receipt of a written request certifying to the requirements set forth in subsections (E)(1)(a) through (c) publishers shall deliver to the repository, at no additional cost and consistent with the time-frame for providing materials for students without disabilities, accessible electronic files for printed instructional materials and non-printed instructional materials. Certification shall include all of the following:
    - a. The PEA purchased a copy of the printed instructional material or non-printed instructional material for use by a student who is blind or has a visual impairment in a course that the student is attending or registered to attend;
    - b. The student who will utilize the instructional materials in a specialized format has an IEP stating that such materials and/or equipment are necessary for the student to achieve stated expected competency gains; and
    - c. The instructional materials are for use by the student in connection with a course in which he or she is enrolled, as verified by the person overseeing the education of students who are blind or visually impaired.
  2. A PEA may access the materials maintained by the central repository, upon written request, for instructional use with a student with a visual impairment, as identified by R7-2-401(E)(6)(i), who requires the use of instructional materials in a specialized format pursuant to the student's IEP.
  3. Nothing in this Section shall be construed to prohibit the central repository from assisting a student with a disability by using the electronic format version of instructional material provided pursuant to this Section solely to transcribe or arrange for the transcription of the printed instructional material into Braille or large print. In the event a Braille transcription is made, the central repository has the right to share the Braille copy of the printed instructional material with other eligible students with disabilities. The PEA will be required to return the specialized format version of the instructional material to the central repository when the student no longer needs the instructional material. The central repository may share the copies of the specialized format of the instructional material with other PEAs who have met the requirements of subsections (B) and (D) of this Section to provide ser-

## State Board of Education

vices to students who require such services pursuant to R7-2-401(F)(5).

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2).

**R7-2-408. Extended School Year Programs for Children with Disabilities**

- A. "Extended school year" (ESY) shall be as defined in A.R.S. § 15-881.
- B. Eligibility. Eligibility shall be determined by the Individualized Education Program (IEP) Team. Criteria for determining eligibility in an extended school year program shall be as defined in A.R.S. § 15-881.
- C. For a student with a disability currently enrolled in special education, eligibility for ESY services shall be determined no later than 45 calendar days prior to the last day of the school year.
- D. The availability of an extended school year program is required for all students for whom the IEP team has determined that it is necessary in order to ensure a free appropriate public education. Student participation in an ESY program is not compulsory. ESY services are not required for all students with a disability.
- E. Factors that are inappropriate for consideration. Eligibility for participation shall not be based on need or desire for any of the following:
  1. A day care or respite care service for students with a disability;
  2. A program to maximize the academic potential of a student with a disability; and
  3. A summer recreation program for students with a disability.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

**ARTICLE 5. CAREER AND VOCATIONAL EDUCATION****R7-2-501. Repealed****Historical Note**

Not in original publication, correction, Section R7-2-501. Adopted effective July 2, 1974. Amended effective November 8, 1974. Amended effective August 11, 1975 (Supp. 75-1). Former Section R7-2-501 repealed, new Section R7-2-501 adopted effective December 4, 1978 (Supp. 78-6). Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-502. Vocational education provisions and standards**

All eligible recipients receiving federal or state monies or services in support of vocational and technical education programs, courses, or classes shall comply with the applicable provisions and standards of the following plans, which are filed with the Secretary of State, which plans are incorporated herein by reference.

1. 1986-1988 Arizona State Plan for Vocational Education for Federal Funding as required by A.R.S. § 15-784; and
2. Arizona State Plan for Vocational Education for State Funding approved April 22, 1985, as required by A.R.S. § 15-787(C).

**Historical Note**

Adopted (FY 76) effective July 14, 1975 (Supp. 75-1). Adopted (FY 77) effective June 25, 1976 (Supp. 76-3). Former Section R7-2-502 repealed, new Section R7-2-

502 adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-502 repealed, new Section R7-2-502 adopted effective March 13, 1986 (Supp. 86-2).

**R7-2-503. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-504. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-505. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-506. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-507. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-508. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-509. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-510. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-511. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-512. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-513. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-514. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-515. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-516. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-517. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-518. Repealed**

## State Board of Education

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-519. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-520. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**ARTICLE 6. CERTIFICATION****R7-2-601. Definitions**

In this Article, the following definitions apply unless the context otherwise requires:

1. "Accredited institution" means one which is listed as accredited in the current Higher Education Directory. An institution based outside the United States shall be considered accredited if an approved foreign document evaluation firm approved by the Department declares it to be comparable to an accredited American institution.
2. "Board" means the State Board of Education.
3. "CTE" means Career and Technical Education.
4. "Department" means the Arizona Department of Education.
5. "Practicum" means a period of structured observation and practice of the skills being learned, supervised by an individual trained in that area. The commonly used terms "student teaching," "internship," "residency," or "observation course" are included in this definition.
6. "Professional development" means training to increase skills related to the occupation of education.
7. "Teaching experience" means full-time employment which included full responsibility for the planning and delivery of instruction and evaluation of student learning. Substitute teaching is not considered full-time teaching experience.

**Historical Note**

Former Section R7-2-601 repealed, new Section R7-2-601 adopted effective December 4, 1978 (Supp. 78-6). Amended subsection (C) effective May 31, 1983 (Supp. 83-3). Amended subsection (I) effective September 12, 1989 (Supp. 89-3). Amended effective August 14, 1991 (Supp. 91-3). Amended effective July 30, 1992 (Supp. 92-3). Section repealed, new Section adopted effective March 10, 1994 (Supp. 94-1). Amended effective July 25, 1994 (Supp. 94-3). Amended effective September 20, 1996 (Supp. 96-3). Amended effective March 6, 1997 (Supp. 97-1). Typographical error corrected in subsection (A) (Supp. 97-3). Section repealed; new Section adopted effective December 3, 1998 (Supp. 98-4). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4).

**R7-2-602. Professional Teaching Standards**

- A. The standards presented in this Section shall be the basis for approved teacher preparation programs, described in R7-2-604, and the Arizona Teacher Proficiency Assessment, described in R7-2-606.
- B. Standard 1. Learner Development: The teacher understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences. The teacher:
  1. Regularly assesses individual and group performance in order to design and modify instruction to meet learners' needs in each area of development (cognitive, linguistic, social, emotional, and physical) and scaffolds the next level of development.
  2. Creates developmentally appropriate instruction that takes into account individual learners' strengths, interests, and needs and that enables each learner to advance and accelerate his/her learning.
  3. Collaborates with families, communities, colleagues, and other professionals to promote learner growth and development.
  4. Understands how learning occurs – how learners construct knowledge, acquire skills, and develop disciplined thinking processes – and knows how to use instructional strategies that promote student learning.
  5. Understands that each learner's cognitive, linguistic, social, emotional, and physical development influences learning and knows how to make instructional decisions that build on learners' strengths and needs.
  6. Identifies readiness for learning, and understands how development in any one area may affect performance in others.
  7. Understands the role of language and culture in learning and, consistent with Arizona law, knows how to modify instruction to make language comprehensible and instruction relevant, accessible, and challenging.
  8. Respects learners' differing strengths and needs and is committed to using this information to further each learner's development.
  9. Is committed to using learners' strengths as a basis for growth, and their misconceptions as opportunities for learning.
  10. Takes responsibility for promoting learners' growth and development.

- C. Standard 2. Learning Differences: The teacher uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards. The teacher:
  1. Designs, adapts, and delivers instruction to address each student's diverse learning strengths and needs and creates opportunities for students to demonstrate their learning in different ways.
  2. Makes appropriate and timely provisions (e.g., pacing for individual rates of growth, task demands, communication, assessment, and response modes) for individual students with particular learning differences or needs.
  3. Designs instruction to build on learners' prior knowledge and experiences, allowing learners to accelerate as they demonstrate their understandings.
  4. Brings multiple perspectives to the discussion of content, including attention to learners' personal, family, and community experiences and cultural norms.
  5. Incorporates tools of language development into planning and instruction, including strategies for making content accessible to English language learners and for evaluating and supporting their development of English proficiency.
  6. Accesses resources, supports, and specialized assistance and services to meet particular learning differences or needs.
  7. Understands and identifies differences in approaches to learning and performance and knows how to design instruction that uses each learner's strengths to promote growth.
  8. Understands students with exceptional needs, including those associated with disabilities and giftedness, and

## State Board of Education

- knows how to use strategies and resources to address these needs.
9. Knows about second language acquisition processes and knows how to incorporate instructional strategies and resources to support language acquisition.
  10. Understands that learners bring assets for learning based on their individual experiences, abilities, talents, prior learning, and peer and social group interactions, as well as language, culture, family, and community values.
  11. Knows how to access information about the values of diverse cultures and communities and how to incorporate learners' experiences, cultures, and community resources into instruction.
  12. Believes that all learners can achieve at high levels and persists in helping each learner reach his/her full potential.
  13. Respects learners as individuals with differing personal and family backgrounds and various skills, abilities, perspectives, talents, and interests.
  14. Makes learners feel valued and helps them learn to value each other.
  15. Values diverse languages and dialects and seeks to integrate them into his/her instructional practice to engage students in learning.
- D. Standard 3. Learning Environments:** The teacher works with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self motivation. The teacher:
1. Collaborates with learners, families, and colleagues to build a safe, positive learning climate of openness, mutual respect, support, and inquiry.
  2. Develops learning experiences that engage learners in collaborative and self-directed learning and that extend learner interaction with ideas and people locally and globally.
  3. Collaborates with learners and colleagues to develop shared values and expectations for respectful interactions, rigorous academic discussions, and individual and group responsibility for quality work.
  4. Manages the learning environment to actively and equitably engage learners by organizing, allocating, and coordinating the resources of time, space, and learners' attention.
  5. Uses a variety of methods to engage learners in evaluating the learning environment and collaborates with learners to make appropriate adjustments.
  6. Communicates verbally and nonverbally in ways that demonstrate respect for and responsiveness to the cultural backgrounds and differing perspectives learners bring to the learning environment.
  7. Promotes responsible learner use of interactive technologies to extend the possibilities for learning locally and globally.
  8. Intentionally builds learner capacity to collaborate in face-to-face and virtual environments through applying effective interpersonal communication skills.
  9. Understands the relationship between motivation and engagement and knows how to design learning experiences using strategies that build learner self-direction and ownership of learning.
  10. Knows how to help learners work productively and cooperatively with each other to achieve learning goals.
  11. Knows how to collaborate with learners to establish and monitor elements of a safe and productive learning environment including norms, expectations, routines, and organizational structures.
12. Understands how learner diversity can affect communication and knows how to communicate effectively in differing environments.
  13. Knows how to use technologies and how to guide learners to apply them in appropriate, safe, and effective ways.
  14. Is committed to working with learners, colleagues, families, and communities to establish positive and supportive learning environments.
  15. Values the role of learners in promoting each other's learning and recognizes the importance of peer relationships in establishing a climate of learning.
  16. Is committed to supporting learners as they participate in decision making, engage in exploration and invention, work collaboratively and independently, and engage in purposeful learning.
  17. Seeks to foster respectful communication among all members of the learning community.
  18. Is a thoughtful and responsive listener and observer.
- E. Standard 4. Content Knowledge:** The teacher understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make these aspects of the discipline accessible and meaningful for learners to assure mastery of the content. The teacher:
1. Effectively uses multiple representations and explanations that capture key ideas in the discipline, guide learners through learning progressions, and promote each learner's achievement of content standards.
  2. Engages students in learning experiences in the discipline(s) that encourage learners to understand, question, and analyze ideas from diverse perspectives so that they master the content.
  3. Engages learners in applying methods of inquiry and standards of evidence used in the discipline.
  4. Stimulates learner reflection on prior content knowledge, links new concepts to familiar concepts, and makes connections to learners' experiences.
  5. Recognizes learner misconceptions in a discipline that interfere with learning, and creates experiences to build accurate conceptual understanding.
  6. Evaluates and modifies instructional resources and curriculum materials for their comprehensiveness, accuracy for representing particular concepts in the discipline, and appropriateness for his or her learners.
  7. Uses supplementary resources and technologies effectively to ensure accessibility and relevance for all learners.
  8. Creates opportunities for students to learn, practice, and master academic language in their content.
  9. Accesses school and/or district-based resources to evaluate the learner's content knowledge in his or her primary language.
  10. Understands major concepts, assumptions, debates, processes of inquiry, and ways of knowing that are central to the discipline(s) he or she teaches.
  11. Understands common misconceptions in learning the discipline and how to guide learners to accurate conceptual understanding.
  12. Knows and uses the academic language of the discipline and knows how to make it accessible to learners.
  13. Knows how to integrate culturally relevant content to build on learners' background knowledge.
  14. Has a deep knowledge of student content standards and learning progressions in the discipline(s) he or she teaches.

## State Board of Education

15. Realizes that content knowledge is not a fixed body of facts but is complex, culturally situated, and ever evolving. The teacher keeps abreast of new ideas and understandings in the field, and ensures instruction is consistent with Arizona's adopted academic standards.
  16. Appreciates multiple perspectives within the discipline and facilitates learners' critical analysis of these perspectives.
  17. Recognizes the potential of bias in his or her representation of the discipline and seeks to appropriately address problems of bias.
  18. Commits to work toward each learner's mastery of disciplinary content and skills.
- F. Standard 5. Application of Content:** The teacher understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues. The teacher:
1. Develops and implements projects that guide learners in analyzing the complexities of an issue or question using perspectives from varied disciplines and cross-disciplinary skills (e.g., a water quality study that draws upon biology and chemistry to look at factual information and social studies to examine policy implications).
  2. Engages learners in applying content knowledge to real world problems through the lens of interdisciplinary themes (e.g., financial literacy, environmental literacy).
  3. Facilitates learners' use of current tools and resources to maximize content learning in varied contexts.
  4. Engages learners in questioning and challenging assumptions and approaches in order to foster innovation and problem solving in local and global contexts.
  5. Develops learners' communication skills in disciplinary and interdisciplinary contexts by creating meaningful opportunities to employ a variety of forms of communication that address varied audiences and purposes.
  6. Engages learners in generating and evaluating new ideas and novel approaches, seeking inventive solutions to problems, and developing original work.
  7. Facilitates learners' ability to develop diverse social and cultural perspectives that expand their understanding of local and global issues and create novel approaches to solving problems.
  8. Develops and implements supports for learner literacy development across content areas.
  9. Understands the ways of knowing in his/her discipline, how it relates to other disciplinary approaches to inquiry, and the strengths and limitations of each approach in addressing problems, issues, and concerns.
  10. Understands how current interdisciplinary themes (e.g., civic literacy, health literacy, global awareness) connect to the core subjects and knows how to weave those themes into meaningful learning experiences.
  11. Understands the demands of accessing and managing information as well as how to evaluate issues of ethics and quality related to information and its use.
  12. Understands how to use digital and interactive technologies for efficiently and effectively achieving specific learning goals.
  13. Understands critical thinking processes and knows how to help learners develop high level questioning skills to promote their independent learning.
  14. Understands communication modes and skills as vehicles for learning (e.g., information gathering and processing) across disciplines as well as vehicles for expressing learning.
- G. Standard 6. Assessment:** The teacher understands and uses multiple methods of assessment to engage learners in their own growth, to monitor learner progress, and to guide the teacher's and learner's decision making. The teacher:
1. Balances the use of formative and summative assessment as appropriate to support, verify, and document learning.
  2. Designs assessments that match learning objectives with assessment methods and minimizes sources of bias that can distort assessment results.
  3. Works independently and collaboratively to examine test and other performance data to understand each learner's progress and to guide planning.
  4. Engages learners in understanding and identifying quality work and provides them with effective descriptive feedback to guide their progress toward that work.
  5. Engages learners in multiple ways of demonstrating knowledge and skill as part of the assessment process.
  6. Models and structures processes that guide learners in examining their own thinking and learning as well as the performance of others.
  7. Effectively uses multiple and appropriate types of assessment data to identify each student's learning needs and to develop differentiated learning experiences.
  8. Prepares all learners for the demands of particular assessment formats and makes appropriate accommodations in assessments or testing conditions, especially for learners with disabilities and language learning needs.
  9. Continually seeks appropriate ways to employ technology to support assessment practice both to engage learners more fully and to assess and address learner needs.
  10. Understands the differences between formative and summative applications of assessment and knows how and when to use each.
  11. Understands the range of types and multiple purposes of assessment and how to design, adapt, or select appropriate assessments to address specific learning goals and individual differences, and to minimize sources of bias.
  12. Knows how to analyze assessment data to understand patterns and gaps in learning, to guide planning and instruction, and to provide meaningful feedback to all learners.
  13. Knows when and how to engage learners in analyzing their own assessment results and in helping to set goals for their own learning.
  14. Understands the positive impact of effective descriptive feedback for learners and knows a variety of strategies for communicating this feedback.
  15. Knows when and how to evaluate and report learner progress against standards.
  16. Understands how to prepare learners for assessments and how to make accommodations in assessments and testing conditions, especially for learners with disabilities and language learning needs.
  17. Is committed to engaging learners actively in assessment processes and to developing each learner's capacity to



## State Board of Education

- review and communicate about their own progress and learning.
18. Takes responsibility for aligning instruction and assessment with learning goals.
  19. Is committed to providing timely and effective descriptive feedback to learners on their progress.
  20. Is committed to using multiple types of assessment processes to support, verify, and document learning.
  21. Is committed to making accommodations in assessments and testing conditions, especially for learners with disabilities and language learning needs.
  22. Is committed to the ethical use of various assessments and assessment data to identify learner strengths and needs to promote learner growth.
- H. Standard 7. Planning for Instruction:** The teacher plans instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the community context. The teacher:
1. Individually and collaboratively selects and creates learning experiences that are appropriate for curriculum goals and content standards, and are relevant to learners.
  2. Plans how to achieve each student's learning goals, choosing appropriate strategies and accommodations, resources, and materials to differentiate instruction for individuals and groups of learners.
  3. Develops appropriate sequencing of learning experiences and provides multiple ways to demonstrate knowledge and skill.
  4. Plans for instruction based on formative and summative assessment data, prior learner knowledge, and learner interest.
  5. Plans collaboratively with professionals who have specialized expertise (e.g., special educators, related service providers, language learning specialists, librarians, media specialists) to design and jointly deliver as appropriate learning experiences to meet unique learning needs.
  6. Evaluates plans in relation to short- and long-range goals and systematically adjusts plans to meet each student's learning needs and enhance learning.
  7. Understands content and content standards and how these are organized in the curriculum.
  8. Understands how integrating cross-disciplinary skills in instruction engages learners purposefully in applying content knowledge.
  9. Understands learning theory, human development, cultural diversity, and individual differences and how these impact ongoing planning.
  10. Understands the strengths and needs of individual learners and how to plan instruction that is responsive to these strengths and needs.
  11. Knows a range of evidence-based instructional strategies, resources, and technological tools and how to use them effectively to plan instruction that meets diverse learning needs.
  12. Knows when and how to adjust plans based on assessment information and learner responses.
  13. Knows when and how to access resources and collaborate with others to support student learning (e.g., special educators, related service providers, language learner specialists, librarians, media specialists, community organizations).
  14. Respects learners' diverse strengths and needs and is committed to using this information to plan effective instruction.
15. Values planning as a collegial activity that takes into consideration the input of learners, colleagues, families, and the larger community.
  16. Takes professional responsibility to use short- and long-term planning as a means of assuring student learning.
  17. Believes that plans must always be open to adjustment and revision based on learner needs and changing circumstances.
- I. Standard 8. Instructional Strategies:** The teacher understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways. The teacher:
1. Uses appropriate strategies and resources to adapt instruction to the needs of individuals and groups of learners.
  2. Continuously monitors student learning, engages learners in assessing their progress, and adjusts instruction in response to student learning needs.
  3. Collaborates with learners to design and implement relevant learning experiences, identify their strengths, and access family and community resources to develop their areas of interest.
  4. Varies his/her role in the instructional process (e.g., instructor, facilitator, coach, audience) in relation to the content and purposes of instruction and the needs of learners.
  5. Provides multiple models and representations of concepts and skills with opportunities for learners to demonstrate their knowledge through a variety of products and performances.
  6. Engages all learners in developing higher order questioning skills and metacognitive processes.
  7. Engages learners in using a range of learning skills and technology tools to access, interpret, evaluate, and apply information.
  8. Uses a variety of instructional strategies to support and expand learners' communication through speaking, listening, reading, writing, and other modes.
  9. Asks questions to stimulate discussion that serves different purposes (e.g., probing for learner understanding, helping learners articulate their ideas and thinking processes, stimulating curiosity, and helping learners to question).
  10. Understands the cognitive processes associated with various kinds of learning (e.g., critical and creative thinking, problem framing and problem solving, invention, memorization and recall) and how these processes can be stimulated.
  11. Knows how to apply a range of developmentally, culturally, and linguistically appropriate instructional strategies to achieve learning goals.
  12. Knows when and how to use appropriate strategies to differentiate instruction and engage all learners in complex thinking and meaningful tasks.
  13. Understands how multiple forms of communication (oral, written, nonverbal, digital, visual) convey ideas, foster self expression, and build relationships.
  14. Knows how to use a wide variety of resources, including human and technological, to engage students in learning.
  15. Understands how content and skill development can be supported by media and technology and knows how to evaluate these resources for quality, accuracy, and effectiveness.

## State Board of Education

16. Is committed to deepening awareness and understanding the strengths and needs of diverse learners when planning and adjusting instruction.
  17. Values the variety of ways people communicate and encourages learners to develop and use multiple forms of communication.
  18. Is committed to exploring how the use of new and emerging technologies can support and promote student learning.
  19. Values flexibility and reciprocity in the teaching process as necessary for adapting instruction to learner responses, ideas, and needs.
- J. Standard 9. Professional Learning and Ethical Practice:** The teacher engages in ongoing professional learning and uses evidence to continually evaluate his/her practice, particularly the effects of his/her choices and actions on others (learners, families, other professionals, and the community), and adapts practice to meet the needs of each learner. The teacher:
1. Engages in ongoing learning opportunities to develop knowledge and skills in order to provide all learners with engaging curriculum and learning experiences based on local and state standards.
  2. Engages in meaningful and appropriate professional learning experiences aligned with his/her own needs and the needs of the learners, school, and system.
  3. Independently and in collaboration with colleagues, uses a variety of data (e.g., systematic observation, information about learners, research) to evaluate the outcomes of teaching and learning and to adapt planning and practice.
  4. Actively seeks professional, community, and technological resources, within and outside the school, as supports for analysis, reflection, and problem-solving.
  5. Reflects on his/her personal biases and accesses resources to deepen his/her own understanding of cultural, ethnic, gender, and learning differences to build stronger relationships and create more relevant learning experiences.
  6. Advocates, models, and teaches safe, legal, and ethical use of information and technology including appropriate documentation of sources and respect for others in the use of social media.
  7. Understands and knows how to use a variety of self-assessment and problem-solving strategies to analyze and reflect on his/her practice and to plan for adaptations/adjustments.
  8. Knows how to use learner data to analyze practice and differentiate instruction accordingly.
  9. Understands how personal identity, worldview, and prior experience affect perceptions and expectations, and recognizes how they may bias behaviors and interactions with others.
  10. Understands and adheres to laws related to learners' rights and teacher responsibilities (e.g., for educational equity, appropriate education for learners with disabilities, confidentiality, privacy, appropriate treatment of learners, reporting in situations related to possible child abuse).
  11. Knows how to build and implement a plan for professional growth directly aligned with his/her needs as a growing professional using feedback from teacher evaluations and observations, data on learner performance, and school- and system-wide priorities.
  12. Takes responsibility for student learning and uses ongoing analysis and reflection to improve planning and practice.
  13. Is committed to deepening understanding of his/her own frames of reference (e.g., culture, gender, language, abilities, ways of knowing), the potential biases in these frames, and their impact on expectations for and relationships with learners and their families.
- K. Standard 10. Leadership and Collaboration:** The teacher seeks appropriate leadership roles and opportunities to take responsibility for student learning, to collaborate with learners, families, colleagues, other school professionals, and community members to ensure learner growth, and to advance the profession. The teacher:
1. Takes an active role on the instructional team, giving and receiving feedback on practice, examining learner work, analyzing data from multiple sources, and sharing responsibility for decision making and accountability for each student's learning.
  2. Works with other school professionals to plan and jointly facilitate learning on how to meet diverse needs of learners.
  3. Engages collaboratively in the schoolwide effort to build a shared vision and supportive culture, identify common goals, and monitor and evaluate progress toward those goals.
  4. Works collaboratively with learners and their families to establish mutual expectations and ongoing communication to support learner development and achievement.
  5. Working with school colleagues, builds ongoing connections with community resources to enhance student learning and well being.
  6. Engages in professional learning, contributes to the knowledge and skill of others, and works collaboratively to advance professional practice.
  7. Uses technological tools and a variety of communication strategies to build local and global learning communities that engage learners, families, and colleagues.
  8. Uses and generates meaningful research on education issues and policies.
  9. Seeks appropriate opportunities to model effective practice for colleagues, to lead professional learning activities, and to serve in other leadership roles.
  10. Strives to meet the needs of learners and to strengthen the learning environment.
  11. Takes on leadership roles at the school, district, state, and/or national levels.
  12. Understands schools as organizations within a historical, cultural, political, and social context and knows how to work with others across the system to support learners.
  13. Understands that alignment of family, school, and community spheres of influence enhances student learning and that discontinuity in these spheres of influence interferes with learning.
  14. Knows how to work with other adults and has developed skills in collaborative interaction appropriate for both face-to-face and virtual contexts.
  15. Knows how to contribute to a common culture that supports high expectations for student learning.
  16. Actively shares responsibility for shaping and supporting the mission of his/her school as one of advocacy for learners and accountability for their success.

## State Board of Education

17. Respects families' beliefs, norms, and expectations and seeks to work collaboratively with learners and families in setting and meeting challenging goals.
18. Takes initiative to grow and develop with colleagues through interactions that enhance practice and support student learning.
19. Takes responsibility for contributing to and advancing the profession.
20. Embraces the challenge of continuous improvement and change.

**Historical Note**

Former Section R7-2-602 repealed, new Section R7-2-602 adopted effective December 4, 1978 (Supp. 78-6).

Amended by adding a new subsection (B) effective August 29, 1988 (Supp. 88-3). Amended effective December 15, 1989 (Supp. 89-4). Amended effective July 10, 1992 (Supp. 92-3). Amended effective March 6, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 3, 1998 (Supp. 98-4). Amended by exempt rulemaking at 18 A.A.R. 1029, effective December 5, 2011 (Supp. 12-2).

**R7-2-603. Professional Administrative Standards**

- A. The standards presented in this Section shall be the basis for approved administrative preparation programs, described in R7-2-604. The Arizona Administrator Proficiency Assessment shall assess proficiency in the standards as a requirement for certification of supervisors, principals, and superintendents, as set forth in R7-2-616.
- B. Standard 1: Effective educational leaders develop, advocate, and enact a shared mission, vision, and core values of high-quality education and academic success and well-being of each student. Effective leaders:
  1. Develop an educational mission for the school to promote the academic success and well-being of each student.
  2. In collaboration with members of the school and the community and using relevant data, develop and promote a vision for the school on the successful learning and development of each child and on instructional and organizational practices that promote such success.
  3. Articulate, advocate, and cultivate core values that define the school's culture and stress the imperative of child-centered education; high expectations and student support; equity, inclusiveness, and social justice; openness, caring, and trust; and continuous improvement.
  4. Strategically develop, implement, and evaluate actions to achieve the vision for the school.
  5. Review the school's mission and vision and adjust them to changing expectations and opportunities for the school, and changing needs and situations of students.
  6. Develop shared understanding of and commitment to mission, vision, and core values within the school and the community.
  7. Model and pursue the school's mission, vision, and core values in all aspects of leadership.
- C. Standard 2: Effective educational leaders act ethically and according to professional norms to promote each student's academic success and well-being. Effective leaders:
  1. Act ethically and professionally in personal conduct, relationships with others, decision-making, stewardship of the school's resources, and all aspects of school leadership.
  2. Act according to and promote the professional norms of integrity, fairness, transparency, trust, collaboration, perseverance, learning, and continuous improvement.

3. Place children at the center of education and accept responsibility for each student's academic success and well-being.
  4. Safeguard and promote the values of democracy, individual freedom and responsibility, equity, social justice, community, and diversity.
  5. Lead with interpersonal and communication skill, social-emotional insight, and understanding of all students' and staff members' backgrounds and cultures.
  6. Provide moral direction for the school and promote ethical and professional behavior among faculty and staff.
- D. Standard 3: Effective educational leaders strive for equity of educational opportunity and culturally responsive practices to promote each student's academic success and well-being. Effective leaders:
    1. Ensure that each student is treated fairly, respectfully, and with an understanding of each student's culture and context.
    2. Recognize, respect, and employ each student's strengths, diversity, and culture as assets for teaching and learning.
    3. Ensure that each student has equitable access to effective teachers, learning opportunities, academic and social support, and other resources necessary for success.
    4. Develop student policies and address student misconduct in a positive, fair, and unbiased manner.
    5. Confront and alter institutional biases of student marginalization, deficit-based schooling, and low expectations associated with race, class, culture and language, gender and sexual orientation, and disability or special status.
    6. Promote the preparation of students to live productively in and contribute to the diverse cultural contexts of a global society.
    7. Act with cultural competence and responsiveness in their interactions, decision making, and practice.
    8. Address matters of equity and cultural responsiveness in all aspects of leadership.
  - E. Standard 4: Effective educational leaders develop and support intellectually rigorous and coherent systems of curriculum, instruction, and assessment to promote each student's academic success and well-being. Effective leaders:
    1. Implement coherent systems of curriculum, instruction, and assessment that promote the mission, vision, and core values of the school, embody high expectations for student learning, align with academic standards, and are culturally responsive.
    2. Align and focus systems of curriculum, instruction, and assessment within and across grade levels to promote student academic success, love of learning, the identities and habits of learners, and healthy sense of self.
    3. Promote instructional practice that is consistent with knowledge of child learning and development, effective pedagogy, and the needs of each student.
    4. Ensure instructional practice that is intellectually challenging, authentic to student experiences, recognizes student strengths, and is differentiated and personalized.
    5. Promote the effective use of technology in the service of teaching and learning.
    6. Employ valid assessments that are consistent with knowledge of child learning and development and technical standards of measurement.
    7. Use assessment data appropriately and within technical limitations to monitor student progress and improve instruction.
  - F. Standard 5: Effective educational leaders cultivate an inclusive, caring, and supportive school community that promotes

## State Board of Education

the academic success and well-being of each student. Effective leaders:

1. Build and maintain a safe, caring, and healthy school environment that meets that the academic, social, emotional, and physical needs of each student.
  2. Create and sustain a school environment in which each student is known, accepted and valued, trusted and respected, cared for, and encouraged to be an active and responsible member of the school community.
  3. Provide coherent systems of academic and social supports, services, extracurricular activities, and accommodations to meet the range of learning needs of each student.
  4. Promote adult-student, student-peer, and school-community relationships that value and support academic learning and positive social and emotional development.
  5. Cultivate and reinforce student engagement in school and positive student conduct.
  6. Infuse the school's learning environment with the cultures and languages of the school's community.
- G. Standard 6:** Effective educational leaders develop the professional capacity and practice of school personnel to promote each student's academic success and well-being. Effective leaders:
1. Recruit, hire, support, develop, and retain effective and caring teachers and other professional staff and form them into an educationally effective faculty.
  2. Plan for and manage staff turnover and succession, providing opportunities for effective induction and mentoring of new personnel.
  3. Develop teachers' and staff members' professional knowledge, skills, and practice through differentiated opportunities for learning and growth, guided by understanding of professional and adult learning and development.
  4. Foster continuous improvement of individual and collective instructional capacity to achieve outcomes envisioned for each student.
  5. Deliver actionable feedback about instruction and other professional practice through valid, research-anchored systems of supervision and evaluation to support the development of teachers' and staff members' knowledge, skills, and practice.
  6. Empower and motivate teachers and staff to the highest levels of professional practice and to continuous learning and improvement.
  7. Develop the capacity, opportunities, and support for teacher leadership and leadership from other members of the school community.
  8. Promote the personal and professional health, well-being, and work-life balance of faculty and staff.
  9. Tend to their own learning and effectiveness through reflection, study, and improvement, maintaining a healthy work-life balance.
- H. Standard 7:** Effective educational leaders foster a professional community of teachers and other professional staff to promote each student's academic success and well-being. Effective leaders:
1. Develop workplace conditions for teachers and other professional staff that promote effective professional development, practice, and student learning.
  2. Empower and entrust teachers and staff with collective responsibility for meeting the academic, social, emotional, and physical needs of each student, pursuant to the mission, vision, and core values of the school.
3. Establish and sustain a professional culture of engagement and commitment to shared vision, goals, and objectives pertaining to the education of the whole child; high expectations for professional work; ethical and equitable practice; trust and open communication; collaboration, collective efficacy, and continuous individual and organizational learning and improvement.
  4. Promote mutual accountability among teachers and other professional staff for each student's success and the effectiveness of the school as a whole.
  5. Develop and support open, productive, caring, and trusting working relationships among leaders, faculty, and staff to promote professional capacity and the improvement of practice.
  6. Design and implement job-embedded and other opportunities for professional learning collaboratively with faculty and staff.
  7. Provide opportunities for collaborative examination of practice, collegial feedback, and collective learning.
  8. Encourage faculty-initiated improvement of programs and practices.
- I. Standard 8:** Effective educational leaders engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being. Effective leaders:
1. Are approachable, accessible, and welcoming to families and members of the community.
  2. Create and sustain positive, collaborative, and productive relationships with families and the community for the benefit of students.
  3. Engage in regular and open two-way communication with families and the community about the school, students, needs, problems, and accomplishments.
  4. Maintain a presence in the community to understand its strengths and needs, develop productive relationships, and engage its resources for the school.
  5. Create means for the school community to partner with families to support student learning in and out of school.
  6. Understand, value, and employ the community's cultural, social, intellectual, and political resources to promote student learning and school improvement.
  7. Develop and provide the school as a resource for families and the community.
  8. Advocate for the school and district, and for the importance of education and student needs and priorities to families and the community.
  9. Advocate publicly for the needs and priorities of students, families, and the community.
  10. Build and sustain productive partnerships with public and private sectors to promote school improvement and student learning.
- J. Standard 9:** Effective educational leaders manage school operations and resources to promote each student's academic success and well-being. Effective leaders:
1. Institute, manage, and monitor operations and administrative systems that promote the mission and vision of the school.
  2. Strategically manage staff resources, assigning and scheduling teachers and staff to roles and responsibilities that optimize their professional capacity to address each student's learning needs.
  3. Seek, acquire, and manage fiscal, physical, and other resources to support curriculum, instruction, and assessment; student learning community; professional capacity and community; and family and community engagement.

## State Board of Education

4. Are responsible, ethical, and accountable stewards of the school's monetary and non-monetary resources, engaging in effective budgeting and accounting practices.
  5. Protect teachers' and other staff members' work and learning from disruption.
  6. Employ technology to improve the quality and efficiency of operations and management.
  7. Develop and maintain data and communication systems to deliver actionable information for classroom and school improvement.
  8. Know, comply with, and help the school community understand local, state, and federal laws, rights, policies, and regulations so as to promote student success.
  9. Develop and manage relationships with feeder and connecting schools for enrollment management and curricular and instructional articulation.
  10. Develop and manage productive relationships with the central office and school board.
  11. Develop and administer systems for fair and equitable management of conflict among students, faculty and staff, leaders, families, and community.
  12. Manage governance processes and internal and external politics toward achieving the school's mission and vision.
- K. Standard 10: Effective educational leaders act as agents of continuous improvement to promote each student's academic success and well-being. Effective leaders:**
1. Seek to make school more effective for each student, teachers and staff, families, and the community.
  2. Use methods of continuous improvement to achieve the vision, fulfill the mission, and promote the core values of the school.
  3. Prepare the school and the community for improvement, promoting readiness, an imperative for improvement, instilling mutual commitment and accountability, and developing the knowledge, skills, and motivation to succeed in improvement.
  4. Engage others in an ongoing process of evidence-based inquiry, learning, strategic goal setting, planning, implementation, and evaluation for continuous school and classroom improvement.
  5. Employ situationally-appropriate strategies for improvement, including transformational and incremental, adaptive approaches and attention to different phases of implementation.
  6. Assess and develop the capacity of staff to assess the value and applicability of emerging educational trends and the findings of research for the school and its improvement.
  7. Develop technically appropriate systems of data collection, management, analysis, and use, connecting as needed to the district office and external partners for support in planning, implementation, monitoring, feedback, and evaluation.
  8. Adopt a systems perspective and promote coherence among improvement efforts and all aspects of school organization, programs, and services.
  9. Manage uncertainty, risk, competing initiatives, and politics of change with courage and perseverance, providing support and encouragement, and openly communicating the need for, process for, and outcomes of improvement efforts.
  10. Develop and promote leadership among teachers and staff for inquiry, experimentation and innovation, and initiating and implementing improvement.

**Historical Note**

Former Section R7-2-603 repealed, new Section R7-2-

603 adopted effective December 4, 1978 (Supp. 78-6). Amended effective July 21, 1980 (Supp. 80-4). Amended subsection (J) effective August 20, 1981 (Supp. 81-4). Amended subsections (D) and (E) effective April 10, 1984 (Supp. 84-2). Amended subsection (J)(8) and (9) effective October 10, 1984 (Supp. 84-5). Amended subsection (G) effective December 13, 1985. Amended subsection (J)(6), (7), (8) and (9) effective December 18, 1985 (Supp. 85-6). Editorial correction, amendment to subsections (D) and (E) shown effective April 10, 1984 should read Amended subsections (D) and (E) effective October 1, 1985. Amended by adding subsection (G)(9) and (10) effective January 31, 1986 (Supp. 86-1). Amended by adding subsection (R) effective April 24, 1986 (Supp. 86-2). Amended subsection (G), filed May 5, 1986, effective July 1, 1987 (Supp. 86-3). Amended by adding subsection (J)(10) and (11) effective July 2, 1986; amended by adding subsection (J)(12), (13) and (14), filed August 7, 1986, effective July 1, 1987 (Supp. 86-4). Amended subsection (H) effective September 16, 1987 (Supp. 87-3). Correction: subsection (G)(3), "Provisional" is corrected to read: "Principal" as certified effective December 3, 1985; amended subsection (B) effective July 13, 1988; amended subsection (J)(2) effective August 10, 1988; amended subsection (R)(2)(b) effective August 15, 1988 (Supp. 88-3). Amended effective August 9, 1989, and amended effective September 12, 1989 (Supp. 89-3). Amended effective December 15, 1989 (Supp. 89-4). Amended effective November 6, 1990; Amended effective December 12, 1990 (Supp. 90-4). Amended effective March 21, 1991 (Supp. 91-1). Amended effective May 2, 1991 (Supp. 91-2). Amended effective October 22, 1991 (Supp. 91-4). Section repealed, new Section adopted effective March 10, 1994 (Supp. 94-1). Amended effective December 19, 1996 (Supp. 96-4). Amended effective March 6, 1997 (Supp. 97-1). Typographical error corrected in subsection (J) (Supp. 97-4). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by exempt rulemaking at 18 A.A.R. 1029, effective December 5, 2011 (Supp. 12-2). Amended by final exempt rulemaking at 22 A.A.R. 3369, effective October 24, 2016 (Supp. 16-4).

**R7-2-604. Definitions**

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

1. "Accreditation" means a professional preparation institution's recognition by a national or regional agency or organization acknowledged for meeting identified standards or criteria.
2. "Biennial report" means a report submitted every two years to the Department by all Arizona State Board approved professional preparation institutions for each approved educator preparation program.
3. "Biennial status letter" means correspondence issued by the Department to the professional preparation institution within 30 days upon completion of the review of the biennial report, indicating the status of the educator preparation program(s).
4. "Board approved program" means a course of study that is approved by the Board and meets all relevant standards for teachers, administrators, school guidance counselors, or school psychologists.
5. "Capstone experience" means a culminating professional experience in a PreK-12 setting. This experience may

## State Board of Education

- include student teaching or internships in administration, counseling, or school psychology, or alternative path PreK-12 teaching.
6. "Educator preparation program" means a traditional or alternative educator preparation program. Either type of program shall include courses, seminars, or modules of study; field experiences; and capstone experiences for preparing PreK-12 teachers, administrators, school guidance counselors, and school psychologists for an institutional recommendation for an Arizona certificate.
  7. "Field experience" means scheduled, directed, structured, supervised, frequent experiences in a PreK-12 setting that occurs prior to the capstone experience. Field experiences must assist educator candidates in developing the knowledge, skills, and dispositions necessary to ensure all students learn, and provide evidence in meeting standards described in the Board approved professional teaching standards or professional administrative standards, and relevant Board approved academic standards.
  8. "Institutional recommendation" means a form developed by the Department and issued by a professional preparation institution, that indicates an individual has completed a Board approved educator preparation program.
  9. "Internship" means significant opportunities for candidates to practice and develop the skills identified in relevant state and national standards as measured by substantial and sustained work in real settings, appropriate for the certificate the candidate is seeking, performed under the direction of a supervising practitioner and a program supervisor.
  10. "National standards" means written expectations for meeting a specified level of performance that are established by, but not limited to, the following organizations: Council for Accreditation of Counseling and Related Education Program (CACREP), Council for the Accreditation of Educator Preparation (CAEP), Council for Exceptional Children (CEC), Educational Leadership Constituent Council (ELCC), Interstate New Teacher Assessment and Support Consortium (InTASC), Interstate School Leaders Licensure Consortium (ISLLC), National Educational Technology Standards (ISTE-NETS), National Association for the Education of Young Children (NAEYC), National Association of School Psychologists (NASP), National Council for Accreditation of Teacher Education (NCATE) or Teacher Education Accreditation Council (TEAC).
  11. "Probationary educator preparation program" means a program with at least one deficiency identified in the biennial status letter issued by the Department, as a result of a Department review of the biennial report. Programs with the same deficiency(s) in two consecutive biennial status letters are subject to revocation of Board approval. A deficiency may include, but is not limited to, stakeholder surveys, completer data and student achievement data.
  12. "Professional preparation institutions" means organizations that include, but are not limited to, universities and colleges, school districts, not for profit organizations, professional organizations, private businesses, charter schools, and regional training centers that oversee one or more educator preparation programs.
  13. "Program completer" means a student who has met all the professional program institution's requirements of a Board approved educator preparation program necessary to obtain an institutional recommendation.
  14. "Program supervisor" means an educator from the professional preparation institution under whose supervision the candidate for licensure practices during a capstone experience. The program supervisor's professional work experiences must be relevant to the license the candidate is seeking. Program supervisors must also have adequate training from the professional preparation institution.
  15. "Review Team" means a committee that reviews educator preparation programs seeking Board approval that consists of representatives from the Department and at least three of the following entities: institutions under the jurisdiction of the Arizona Board of Regents, Arizona private institutions of higher education, Arizona community colleges, other organizations with a Board approved educator preparation program, professional educator associations, PreK-12 administrators from local education agencies, and National Board Certified Teachers.
  16. "Student teaching" means a minimum of twelve weeks of rigorous field-based experiences, appropriate for the certificate the candidate is seeking, performed under the direction of a supervising practitioner and a program supervisor. The student teaching placement must be appropriate for the certification that the applicant is seeking.
  17. "Supervising practitioner" means a standard certified educator, currently employed by a local education agency, private agency or other PreK-12 setting who supervises the candidate during a capstone experience. Supervising practitioners must have:
    - a. A minimum of three full years of experience relevant to the license the candidate is seeking.
    - b. A current classification of highly effective or effective pursuant to § 15-203(A)(38) when applicable.
    - c. Adequate training from the professional preparation institution.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6). Adopted as an emergency effective October 1, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption amended as an emergency effective November 5, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days. Former emergency adoption effective November 5, 1980 amended and adopted effective December 30, 1980 (Supp. 80-6). Amended effective June 30, 1981 (Supp. 81-3). Amended subsection (G) effective November 16, 1982 (Supp. 82-6). Amended subsection (B) as an emergency effective August 2, 1984 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former emergency amendment effective August 2, 1984 now adopted as a permanent amendment without change effective November 5, 1984 (Supp. 84-6). Amended effective August 9, 1989 (Supp. 89-3). Amended effective May 31, 1991 (Supp. 91-2). Amended effective July 10, 1992 (Supp. 92-3). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 16 A.A.R. 318, effective August 29, 2006 (Supp. 09-1). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3).

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

- A. Professional preparation institutions shall include evidence that the educator preparation program is aligned to standards described in the Board approved professional teaching standards or professional administrative standards and relevant

## State Board of Education

national standards, and provides field experiences, and a capstone experience.

- B. Educator preparation programs of professional preparation institutions requesting Board approval shall be reviewed by the Department, and the Department shall recommend Board action. Upon the recommendation of the Department, the Board shall evaluate and may approve an educator preparation program. The Board may grant program approval for a period not to exceed six years.
- C. All educator preparation programs that lead to an Arizona certification must be approved by the Board pursuant to these rules. Board approval of educator preparation programs may be granted following the successful evaluation of the program. Board rules in effect at the time of the submission of a program for evaluation shall be the rules upon which the educator preparation program is evaluated.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 318, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3).

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

- A. Professional preparation institutions with no Board approved educator preparation programs, seeking initial approval for an educator preparation program shall submit to the Department the information necessary to conduct a readiness review of the professional preparation institution. The Department shall prescribe forms to assist professional preparation institutions with providing all information required as part of the readiness review process. The required information, includes the following:
  - 1. An institutional profile demonstrating program and financial stability, a description of the educator preparation program seeking approval, a listing of national or regional accreditations the institution's governance and administrative structures and student demographic data.
  - 2. A description of the professional preparation institution's vision, mission, philosophy and goals, and a description of how this information is shared with students, relevant staff and other relevant stakeholders.
  - 3. Data regarding the professional preparation institution's relevant staff, including the following:
    - a. Demographic data relating to the relevant staff for each educator preparation program seeking approval, including, at a minimum, educational degrees, staff to student ratio, experience teaching in a PreK-12 setting, and, if available, ethnicity and gender data.
    - b. Definitions of titles and clarification of roles of individuals responsible for courses, seminars, or modules of study; field experiences; capstone experiences; and administration.
    - c. A description of the professional preparation institution's employment policies, including procedures for determining staff assignments, evaluation procedures and professional development opportunities and requirements.
- B. The Department shall provide professional preparation institutions written notification, within 60 days of receiving readiness review materials, either indicating readiness to submit educator preparation programs for review or specifying any deficiencies. The institution has 30 days from receipt of the

notice to supply the Department with all required information regarding identified deficiencies.

- C. The Department shall initiate a review of the specific educator preparation programs being considered for Board approval. The Department shall prescribe forms to assist institutions with providing all information required as part of the educator preparation programs review. Professional Preparation Institutions with accreditation may submit accreditation documentation to be considered as part of the review process. To facilitate this review, institutions shall provide the Department with the following:
  - 1. A description of the educator preparation programs being considered for Board approval. This shall include, at a minimum, the criteria for student entry into the program; a summary of the program courses, seminars, or modules of study; field experiences; and capstone experiences. The professional preparation institution must verify that it requires courses, seminars, or modules of study necessary to obtain a full Structured English Immersion endorsement if required for the certificate the candidate is seeking.
  - 2. A description of the field experience and capstone experience policies for the educator preparation programs being considered for Board approval. The review team shall verify that the field experience and capstone experience includes evidence of engagement in the application of relevant standards as articulated in the Board approved professional teaching standards or professional administrative standards and relevant national standards. Educator preparation programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with applicable national standards.
  - 3. Evidence that candidates are provided instruction and practice in how to gather, evaluate, and synthesize multiple data sources and how to effectively use data in educational and classroom instructional decisions.
  - 4. Provide the Department with evidence that candidates are provided instruction and practice in how to appropriately integrate technology when working with students.
  - 5. A description of the assessment plan for measuring each candidate's competencies as they progress through courses, seminars, or modules of study and field experiences to ensure readiness for a capstone experience. The plan shall require, at a minimum, that candidates demonstrate competencies as articulated in the Board approved professional teaching standards or professional administrative standards, relevant Board approved academic standards, and relevant national standards. The plan shall also describe processes for utilizing performance-based assessments and for providing candidates with necessary remediation. Programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with relevant national standards.
  - 6. A description of the procedures used to monitor and evaluate the operation, scope and quality of the educator preparation program being considered for approval. This shall include the use of internal and external evaluations, and may include stakeholder surveys, program completion employment information, and PreK-12 student achievement data.
  - 7. An educator preparation program matrices demonstrating that program course, seminar, or module assessments, field experiences and capstone experiences measure candidates' success in meeting the Board approved profes-

## State Board of Education

sional teaching standards or professional administrative standards, and relevant national standards. Educator preparation programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with relevant national standards.

- D. The Department may schedule and conduct an onsite visit upon completion of the educator preparation programs review for professional preparation institutions seeking initial approval. The onsite visit may include, a tour of the professional preparation institution; a review of documentation and related evidence; and interviews of relevant staff, educator candidates, and local education agency, private agency or other PreK-12 administrators who employ program completers.
- E. Upon completion of the review, and onsite review if applicable, the Department shall, within 90 days, provide the professional preparation institution with a program report of the Department's findings. This report shall cite any evidence showing deviation from each relevant standard Board approved professional teaching standard, professional administrative standard, and relevant national standard that applies to the educator preparation program. The professional preparation institution shall have 30 days from receipt of the Department's program report to submit a response addressing any identified deficiencies.
- F. Based upon the Department's program report, the Department shall recommend to the Board that the educator preparation program be approved or denied.
- G. The Board may grant educator preparation program approval for a period not to exceed six years or deny program approval.
- H. Within 60 days of the Board's action, a professional preparation institution may request reconsideration of the Board's decision to deny an educator preparation program.
- I. Professional preparation institutions with Board approval shall make available to the public a statement indicating the valid period for which the educator preparation program has been approved.
- J. Professional preparation institutions with Board approved educator preparation programs shall comply with the reporting requirements established by Title II of the Higher Education Act (P.L. 110-315).
- K. Each approved professional preparation institution shall submit a biennial report with the Department documenting educator preparation program activities for the previous two years. The biennial report shall include the following:
  - 1. A description of any substantive changes in courses, seminars, modules, assessments, field experiences or capstone experiences in Board approved educator preparation programs;
  - 2. Electronic access to relevant educator preparation program information;
  - 3. The name, title and original signature of the certification officer for the professional preparation institution;
  - 4. Relevant data on the educator preparation program, relevant staff, and candidates, which may include, but is not limited to, stakeholder surveys, completer data, and student achievement data required as a condition of initial or continuing program approval.
- L. The Department shall provide annual updates to the Board and make publically available information summarizing the biennial reports to include, but not limited to, program status, deficiencies, and commendations.
- M. Board approved educator preparation programs shall provide their program completers with an institutional recommenda-

tion for issuance of the appropriate Arizona certification within 45 days.

- N. To maintain Board educator preparation program approval, the professional preparation institution shall be in continuous operation and training candidates in accordance with its mission and program objectives, fulfill all reporting requirements, and maintain compliance with all applicable local, state, tribal and federal requirements.
- O. The Department shall provide a timeline for professional preparation institutions to submit educator preparation programs for approval.
- P. Professional preparation Institutions seeking renewal of educator preparation program approval shall submit the required preliminary documents for review at least six month prior to the program expiration date.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 318, effective August 29, 2006 (Supp. 09-1). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3).

**R7-2-604.03. Alternative Educator Preparation Program Approval Process**

- A. An organization that includes, but is not limited to, universities under the jurisdiction of the Arizona Board of Regents, community colleges in this state, private postsecondary institutions licensed by this state, school districts, charter schools, professional organizations, nonprofit organizations, private entities and regional training centers that oversee one or more educator preparation programs which wishes to offer a program for an alternative route for the certification of teachers and administrators in this State must apply to the State Board of Education on a form prescribed by the Department of Education for approval to become an approved provider of such a program. The application must include:
  - 1. The name and location of the applicant;
  - 2. The name of the program;
  - 3. If the applicant is accredited, the name of the regional accrediting body and the accreditation status of the applicant;
  - 4. If the applicant is a private postsecondary educational institution, evidence that the applicant is licensed to operate by the State Board of Private Postsecondary Education pursuant to A.R.S. § 32-3021;
  - 5. A description of the budget of the program;
  - 6. The areas of certification for which the applicant will offer the program;
  - 7. A description of the program, which must include:
    - a. The way in which the elements of the program will comply with the requirements of this section and R7-2-602, R7-2-603 as applicable and A.R.S. § 15-203(A)(14)(a)(i) through (vi);
    - b. The application and review process for persons to enroll in the program, including a copy of all forms that will be used in the process; and
    - c. The supervised, school-based experiences the applicant will provide, including:
      - i. The name of each school and school district that will participate in the supervised, school-based experience;
      - ii. The length of time for which a candidate will be required to participate in the supervised, school-based experience, including any orientation that the candidate must complete;
      - iii. The manner by which candidates will be mentored by an effective or highly effective teacher



## State Board of Education

- and evaluated during the supervised, school-based experience;
- iv. How the supervised, school-based experience will promote the effectiveness of teachers and administrators, as appropriate; and
  - v. A copy of all forms that will be used for the supervised, school-based experience process;
8. A list of all staff members for the program, the roles and responsibilities of each person and his or her credentials;
  9. A statement of the estimated time it will take a candidate enrolled in the program to complete the program, which must allow for completion of the program within one year but not more than three years;
  10. A description of the manner by which the applicant will evaluate the success or failure of each candidate enrolled in the program and track the progress of each such candidate, including a copy of all forms that will be used for the evaluation and tracking;
  11. A description of how the applicant will evaluate the success of the program, which must include the information required for the evaluation pursuant to R7-2-604.02(K)(4).
- B.** Upon receipt of an application for approval as an approved provider pursuant to subsection (A), the State Board of Education will appoint a review team to review the application consisting of a currently certified professional educator that is a graduate of an alternative certification program, a currently certified professional administrator, a member of the business community, two members of the Certification Advisory Committee and a representative from the Department of Education. The review team shall:
1. Examine the application;
  2. Determine whether to recommend that the State Board of Education grant its approval of the application based upon the requirements of this section without any additional requirements; and
  3. Submit its recommendation to the State Board of Education within 60 days of receipt of the application.
- C.** The State Board of Education will review the recommendation of the review team submitted pursuant to subsection B and provide to the applicant written notice of its approval or denial. The State Board of Education may grant provisional approval to an applicant pursuant to subsection (D). If the State Board of Education denies an application, the applicant may correct any deficiencies identified in the notice of denial and resubmit the application for review by the State Board of Education within 60 days of the denial.
- D.** If the State Board of Education grants an applicant provisional approval, the applicant may offer the program for an alternative route to certification described in the application for the period prescribed by the State Board of Education. The applicant must remove all the provisions under which the approval was issued before the expiration of the provisional approval. If the applicant removes the provisions within the prescribed time, the State Board of Education will grant nonprovisional approval to the applicant as an approved provider. Provisional approval is valid for two years after the date on which the State Board of Education granted provisional approval. If an applicant does not remove all the provisions within the prescribed time, the provisional approval is automatically revoked.
- E.** Except as otherwise provided in subsection (D), if an applicant is approved as an approved provider pursuant to this section, the approval is valid for six years after the date of approval. To continue the approval, the qualified provider must submit an application for renewal before the expiration of the approval to the State Board of Education on a form prescribed by the Department of Education. If the application for renewal is approved by the State Board of Education, the renewal is valid for six years after the date of the approval.
- F.** If an approved provider intends to offer a program for an alternative route to certification for an area of certification that is different from the area of certification for which the qualified provider has been approved, the qualified provider must submit a new application pursuant to subsection (A) to offer a program for an alternative route to certification for that area of certification.
- G.** An approved provider shall provide its program completers with an institutional recommendation for issuance of the appropriate Arizona alternative path certification within 45 days. An approved provider seeking renewal of its program approval shall submit the required renewal application for review at least 90 days prior to the program expiration date.
- H.** Each qualified provider must submit a report once every two years which includes:
1. A description of any substantive changes in courses, seminars, modules or assessments in the Board approved educator preparation programs;
  2. The name, title and original signature of the certification officer for the professional preparation institution; and
  3. Relevant data on the educator preparation program, relevant staff, and candidates, which may include, but is not limited to, stakeholder surveys, completer data, and student achievement data required as a condition of continuing program approval.
- I.** The Department shall:
1. Present the results of the report to the State Board of Education; and
  2. After the results have been presented to the State Board of Education, post the report on the Department's website.
- J.** Each qualified provider shall cooperate with the State Board of Education and the Department in the evaluation of the effectiveness of this section.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 728, effective March 22, 2010 (Supp. 10-3). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-604.04. Revocation of Approval of Qualified Provider: Notification of Intent; Requirements of Exit Plan**

- A.** The State Board of Education may revoke its approval of an approved provider if the Board determines that the program for an alternative route to certification offered by the qualified provider does not meet the applicable requirements of R7-2-604.03.
- B.** Before the Board revokes its approval of an approved provider, the Board will notify the qualified provider of its intent to revoke approval. The notice must include the specific reasons upon which the Board is basing its decision. Not later than 30 days after the date on which the qualified provider receives the notice, the qualified provider may submit a written response to the Board which sets forth the reasons why approval should not be revoked. The Board will review the notice and any response submitted by the qualified provider and will determine whether to:
1. Revoke the approval of the qualified provider;
  2. Allow the qualified provider to continue providing the program for an alternative route to certification if certain enumerated conditions are met; or

## State Board of Education

3. Allow the continued approval of the qualified provider without conditions.
- C. If the Board revokes its approval of an approved provider, the qualified provider must provide an exit plan which includes a description of how the qualified provider will assist candidates enrolled in the program for an alternative route to certification in completing another program with a different qualified provider at no cost to the candidate.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 728, effective March 22, 2010 (Supp. 10-3). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-604.05. Classroom-Based Alternative Preparation Program Approval Process**

- A. A school district or charter school may apply to the Board for approval as a classroom-based alternative preparation program provider. The application, on a form prescribed by the Department, shall include the following:
  1. Verification that individuals to be enrolled in the program will have a bachelor's degree from an accredited institution;
  2. Verification that individuals to be enrolled in the program will have a valid fingerprint card issued by the Arizona Department of Public Safety;
  3. Prior to August 1, 2020, individuals enrolled in the program possess:
    - a. An emergency teaching certificate; or
    - b. A teaching intern certificate
    - c. Individuals enrolled at a charter school classroom-based alternative preparation program are not required to possess a certificate.
  4. Data supporting the efficacy of its teacher preparation program, which may include stakeholder surveys, completion data and student achievement data. The school district or charter school may contract with a third party provider to provide the classroom-based alternative preparation program and may use that program's efficacy data to meet this requirement.
- B. Upon successful completion of a classroom-based alternative preparation program, an individual may apply for an Arizona Classroom-Based Standard Teaching certificate.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-605. Certification Responsibility**

The Superintendent of Public Instruction or the Superintendent's designee shall be responsible for the issuance and evaluation of the appropriate certificates based on the applicant's compliance with the statutes and rules.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6). New Section R7-2-605 adopted effective April 10, 1984 (Supp. 84-2). Editorial correction, new Section R7-2-605 shown adopted effective April 10, 1984 should read new Section R7-2-605 adopted effective October 1, 1985. Amended by adding a new subsection (B) effective December 18, 1985 (Supp. 85-6). Amended by adding subsection (C), filed May 5, 1986, effective July 1, 1987; amended by adding subsection (D) effective June 30, 1986 (Supp. 86-3). Correction to Historical Note dated

June 30, 1986, second part should have read: "...amended by adding subsections (D), (E), (F), (G) and (H) effective June 30, 1986"; amended subsection (A) effective August 10, 1988 (Supp. 88-3). Amended effective September 12, 1989 (Supp. 89-3). Amended effective November 6, 1990; Amended effective December 12, 1990 (Supp. 90-4). Amended effective March 10, 1994 (Supp. 94-1). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4).

**R7-2-606. Proficiency Assessments**

- A. The Arizona Teacher Proficiency Assessment is adopted as the proficiency assessment for applicants for teaching certificates. The Arizona Administrator Proficiency Assessment is adopted as the proficiency assessment for applicants for administrative certificates.
- B. The subject knowledge portion of the Arizona Teacher Proficiency Assessment shall assess proficiency as described in R7-2-602(H) as a requirement for certification of elementary and secondary teachers and in R7-2-602(H) and (J) as a requirement for certification of special education teachers.
- C. The professional knowledge portion of the Arizona Teacher Proficiency Assessment shall assess proficiency as described in R7-2-602(I) as a requirement for certification of elementary, secondary, special education, and CTE teachers.
- D. The performance assessment portion of the Arizona Teacher Proficiency Assessment shall assess proficiency as described in R7-2-602(B), (C), (D), (E), (F), and (G) as a requirement for certification of elementary, secondary, and special education teachers. In lieu of a passing score on the performance portion of the Arizona Teacher Proficiency Assessment, a teacher who holds a provisional teaching certificate may convert such certificate within two months prior to its expiration to a standard elementary, secondary, or special education teaching certificate pursuant to subsection (H) until the Board adopts the performance assessment portion of the Arizona Teacher Proficiency Assessment. The Board shall adopt the performance assessment portion of the Arizona Teacher Proficiency Assessment, or make a decision that a performance assessment will no longer be required as part of the Arizona Teacher Proficiency Assessment.
- E. The Arizona Administrator Proficiency Assessment shall assess professional knowledge as described in R7-2-603 as a requirement for certification of administrators, supervisors, principals, and superintendents.
- F. The passing score for each assessment shall be determined by the Board using the results of validity and reliability studies. The passing score for each assessment shall be reviewed by the Board at least every three years.
- G. The proficiency assessments for professional knowledge and subject knowledge shall be administered at least six times each calendar year, at times and places determined by the Department.
- H. The provisional elementary, secondary, or special education certificate allows the beginning teacher up to four semesters or two school years of teaching experience before completing the performance assessment portion of the Arizona Teacher Proficiency Assessment.
  1. If the Board has adopted the performance assessment portion of the Arizona Teacher Proficiency Assessment but the teacher does not have full-time teaching experience for four semesters or two school years, the certificate shall, upon the written request of the holder, be extended once for the equivalent of the time the teacher was not employed during the provisional certification period.

## State Board of Education

2. If the Board has adopted the performance assessment portion of the Arizona Teacher Proficiency Assessment and the teacher has been employed for four semesters or two school years and has taken but not passed the performance assessment, the certificate shall be extended once, for one year, upon the written request of the holder.
  3. If the teacher has been employed full-time for four semesters or two school years in a private school, public school, charter school, or parochial school or any Department of Defense dependent school or in a closely related education field and the Board has not yet adopted the performance portion of the Arizona Teacher Proficiency Assessment, the provisional certificate shall be converted within two months prior to its expiration to a standard teaching certificate upon verification by the teacher to the Department that the teacher has had four semesters or two school years of teaching experience or experience in a closely related education field. "Closely related education field" means employment involving the presentation of instruction to K through 12 students whether self-employed or employed by a private, parochial, public, or charter school.
  4. If the teacher has not been employed full-time for four semesters or two school years in a private school, public school, charter school, or parochial school or any Department of Defense dependent school or in a closely related education field, and the Board has not yet adopted the performance assessment portion of the Arizona Teacher Proficiency Assessment, the provisional certificate shall be extended once for three years, upon written request of the holder to the Department. "Closely related education field" means employment involving the presentation of instruction to K through 12 students whether self-employed or employed by a private, parochial, public, or charter school.
  5. If the performance assessment portion of the Arizona Teacher Proficiency Assessment is adopted by the Board prior to the expiration of a teacher's provisional certificate, the provisional certificate shall be extended once for two years, upon written request of the holder to the Department, to allow the teacher additional time in which to take the performance portion of the assessment.
- I.** If the provisionally certified teacher has taken but not passed the performance assessment by the expiration date on the extended certificate pursuant to subsection (H)(1) or (2) of this Section, the individual may reapply for a provisional certificate after one year, upon verification of the following:
1. Efforts to remediate deficiencies identified in the performance assessment,
  2. Passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment, and
  3. Completion of the requirements for the provisional certificate which are in effect at the time of reapplication.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6). New Section adopted effective March 10, 1994 (Supp. 94-1). Amended effective March 6, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Section R7-2-606 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). Emergency Section R7-2-606 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3739, effective August 5, 2002 for a period of 180 days (Supp. 02-3). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective

November 19, 2002 for a period of 180 days (Supp. 02-4). August 5, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 9 A.A.R. 522, effective January 31, 2003 for a period of 180 days (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4).

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

- A.** The evaluation to determine qualification for certification shall not begin until an institutional recommendation or application for certification and official transcripts, and the appropriate fees have been received by the Department. Course descriptions, verification of employment, and other documents may also be required for the evaluation.
- B.** Unless otherwise specified, a standard certificate shall be issued for 12 years and may be issued with deficiencies. Applicants may receive a standard certificate with the following deficiencies of requirements to be completed within three years: research-based phonics; reading instruction including for students with dyslexia; professionalism and ethics; and U.S. and Arizona Constitutions. If an applicant fails to meet these requirements within the prescribed time period, the Department of Education or the Board shall temporarily suspend the standard certificate, but the suspension is not considered a disciplinary action and the individual shall be allowed to correct the deficiency within the remaining time of the standard certification.
- C.** The effective date of a new certificate shall be the date the evaluation is completed by the Department. The effective date of a renewed certificate shall be the date the evaluation for renewal is completed by the Department.
- D.** Unless otherwise specified, all certificates and provisional endorsements issued for three years or less shall expire on the date of issuance in the year of expiration. All certificates issued for more than three years shall expire on the holder's birth date in the year of expiration.
- E.** Only those degrees awarded by an accredited institution shall be considered to satisfy the requirements for certification.
- F.** Professional preparation programs, courses, practica, and examinations required for certification shall be taken at an accredited institution or a Board-approved teacher preparation program.
- G.** Only those courses in which the applicant received a passing grade or credit shall be considered to satisfy the requirements for certification.
- H.** All certificates issued by the Board before the effective date of this Article are considered to have been issued in conformance with these rules.
- I.** The Board shall issue a comparable Arizona certificate, if one has been established by R7-2-608, R7-2-609, R7-2-610, R7-2-611, R7-2-612, or R7-2-613, and shall waive the requirements for passing the comparable professional knowledge, subject knowledge, and performance portions of the Arizona Teacher Proficiency Assessment, to an applicant who holds current comparable certification from the National Board for Professional Teaching Standards.
- J.** An applicant is not required to take any portion of the Arizona Teacher Proficiency Assessment if the applicant has at least three years of full-time teaching experience in any state, including this state, in the comparable area of certification or endorsement in which the person is applying for certification, regardless of whether the applicant was certified or uncertified. An applicant is not required to take any portion of the Arizona Administrator Proficiency Assessment if the person has been an administrator in any state, including this state,

## State Board of Education

regardless of whether the applicant was certified or uncertified.

- K. An applicant is exempt from the testing requirements for Arizona certificates if the applicant passed corresponding portions of a professional or subject knowledge examinations, or administrator examination adopted by a state agency in another state that are substantially similar to the Arizona Teacher Proficiency Assessments or the Arizona Administrator Proficiency Assessment.
- L. An applicant is exempt from the subject knowledge portion of the Arizona Teacher Proficiency Assessment if:
  1. The applicant provides verification of teaching courses relevant to a content area or subject matter for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions; or
  2. The applicant obtained a bachelor's, master's or doctoral degree from an accredited institution in a relevant subject area; or
  3. The applicant provides verification of a minimum of five years of work experience that is relevant to a subject area of certification.
- M. Teachers in grades six through 12 whose primary assignment is in an academic subject required pursuant to R7-2-301 and R7-2-302, shall hold a certificate, endorsement, or approved area in the assigned subject or demonstrate proficiency by passing the appropriate subject area portion of the Arizona Teacher Proficiency Assessment or as provided in subsections (J), (K) and (L). The subject areas of demonstrated proficiency shall be specified on the certificate. If a proficiency assessment is not offered in a subject area, an approved area shall consist of a minimum of 24 semester hours of courses in the subject.
- N. If a language assessment is not offered through the Arizona Teacher Proficiency Assessment, a passing score on a nationally accredited test of a foreign language approved by the Board may demonstrate proficiency of that foreign language in lieu of the 24 semester hours of courses in that subject.
- O. A teacher's language proficiency in a Native American language shall be verified by a person, persons, or entity designated by the appropriate tribe in lieu of the 24 semester hours of courses in that subject.
- P. Teachers of homebound students shall hold the same certificate that is required of a classroom teacher.
- Q. Fingerprint clearance cards shall be issued by the Arizona Department of Public Safety.
- R. A person who surrenders their teaching certificate for any reason shall not submit an application for certification with the Board for a period of five years. A person re-applying after the five-year ban must apply under the current rules at the time of re-application.
- S. A teacher with National Board Certification in the subject area(s) the applicant is seeking certification(s) is exempt from the professional knowledge and the subject knowledge portions of the Arizona Teacher Proficiency Assessments.
- T. Notwithstanding any other provision, an individual with a deficiency in the Arizona and U.S. Constitutions who teaches an academic course that focuses primarily on history, government, social studies, citizenship, law or civics shall be issued a standard certificate subject to suspension in one year if that deficiency is not removed. The suspension is not considered a disciplinary action and the individual shall be allowed to correct that deficiency within the remaining time of the standard certification.
- U. As used in this Article, unless otherwise provided, "work experience" means work experience identified in the submission of a resume verified by a hiring superintendent of person-

nel director at the public school or the Department of Education which demonstrates knowledge or skill relevant to a subject area.

**Historical Note**

Adopted effective December 5, 1977 (Supp. 77-6).  
 Repealed effective December 4, 1978 (Supp. 78-6). New Section adopted effective May 3, 1993 (Supp. 93-2).  
 Amended effective March 6, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).  
 Amended by exempt rulemaking at 16 A.A.R. 102, effective May 1, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 160, effective October 26, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 324, effective January 25, 2010 (Supp. 10-3).  
 Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2054, effective December 8, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 648, effective January 25, 2016 (Supp. 16-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-607.01 Subject Areas – Waiver**

Notwithstanding any other provision in this Article, any individual with a valid Elementary or Secondary certificate, or a Special Education certificate that includes grades six through 12, issued prior to August 1, 2016 may add one or more approved areas to the certificate prior to August 1, 2017 without any additional requirements provided the individual received an evaluation in the top two levels of performance on the most recent teacher evaluation related to one or more of the subject areas and meets one of the following requirements:

1. The individual was teaching in one or more subject areas based on a verified Arizona High, Objective, Uniform, State Standard of Evaluation (HOUSSE) rubric as highly qualified to teach the subject area(s) as defined under the No Child Left Behind Act; or
2. The individual has completed of a minimum of 24 semester hours of courses in the subject area(s).

**Historical Note**

New Section made by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1).

**R7-2-608. Early Childhood Teaching Certificates**

- A. A standard early childhood education certificate shall be required for individuals teaching in public school early childhood education programs, except as provided in R7-2-611 or in R7-2-615(N). For individuals teaching in grades kindergarten through three, this certificate is optional. An Early Childhood Special Education certificate as described in R7-2-611 is not required for individuals who hold the Early Childhood Teaching Certificate as described in this Section in combination with an Arizona cross-categorical mild-moderate disabilities, specialized special education, or moderate to severe disabilities teaching certificate as described in R7-2-611.
- B. For the purposes of this Section, public school early childhood education programs means education programs provided by local education agencies, including their sub-grantees and contracted providers, for children birth through age 8 for the purpose of providing academically and developmentally appropriate learning opportunities that are standards-based with defined curriculum and comprehensive in content to include all appropriate developmental and academic areas as

## State Board of Education

defined by the Arizona Early Childhood Education Standards or the Arizona K-12 Academic Standards approved by the Board. C.Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.

**D. Standard Professional Early Childhood Education Certificate – birth through age 8 or through grade three. The requirements are:**

1. A bachelor's degree, and
2. One of the following:
  - a. Completion of a teacher preparation program in early childhood education from an accredited institution or a teacher preparation program approved by the Board, or
  - b. Early childhood education coursework and practicum experience which teaches the knowledge and skills described in R7-2-602 and includes both of the following:
    - i. Thirty-seven semester hours of early childhood education courses to include all of the following areas of study:
      - (1) Foundations of early childhood education;
      - (2) Child guidance and classroom management;
      - (3) Characteristics and quality practices for typical and atypical behaviors of young children;
      - (4) Child growth and development, including health, safety and nutrition;
      - (5) Child, family, cultural and community relationships;
      - (6) Developmentally appropriate instructional methodologies for teaching language, math, science, social studies and the arts;
      - (7) Early language and literacy development;
      - (8) Assessing, monitoring and reporting progress of young children; and
    - ii. A minimum of eight semester hours of practicum, including:
      - (1) A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children birth through preschool. One year of full-time verified teaching experience with children in birth through preschool may substitute for this student teaching experience. This verification may come from a school-based education program or center-based program licensed by the Department of Health Services or regulated by tribal or military authorities; and
      - (2) A minimum of four semester hours in a supervised student teaching setting serving children in kindergarten through grade three. One year of full-time verified teaching experience with children in kindergarten through grade three in an accredited school may substitute for this student teaching experience; or
  - c. A valid early childhood education certificate from another state.
3. A valid Fingerprint Clearance Card issued by the Arizona Department of Public Safety, and

4. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment once that portion of the AEPA is adopted by the Board, and
5. A passing score on the early childhood subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge examination.

**E. Standard Professional Early Childhood Education Certificate – birth through age 8 or through grade three for applications received on and after August 1, 2018.**

1. The requirements include all of the following:
  - a. A bachelor's degree;
  - b. Completion of a teacher preparation program in early childhood education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
    - i. Research-based systematic phonics, including early language and literacy development;
    - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
    - iii. Foundations of early childhood education;
    - iv. Teaching students with exceptionalities;
    - v. Child guidance and classroom management, including characteristics and quality practices for typical and atypical behaviors of young children;
    - vi. Child growth and development, including health, safety and nutrition;
    - vii. Child, family, cultural and community relationships;
    - viii. Developmentally appropriate instructional methodologies for teaching language, math, science, social studies and the arts;
    - ix. Assessing, monitoring and reporting progress of young children;
    - x. Instructional design and lesson planning, including modifications and accommodations;
    - xi. Practicum as described in R7-2-604 serving children birth through preschool;
    - xii. Professional responsibility and ethical conduct; and
    - xiii. Twelve-week capstone experience as described in R7-2-604 children in kindergarten through grade three, which may be completed during the valid period of a teaching intern or student teaching intern certificate. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
  - c. A valid Fingerprint Clearance Card issued by the Arizona Department of Public Safety;
  - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
  - e. A passing score on the early childhood subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant

## State Board of Education

- content area or otherwise qualifies for a waiver of the subject knowledge examination.
2. Applicants may meet the requirements in subsection (E)(1)(b) with the submission of an application for the Standard Professional Early Childhood Education certificate that includes evidence of two years of verified full-time teaching experience serving children birth through grade three, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (E)(1)(b)(i) through (xii). One year of verified full-time teaching experience serving children in kindergarten through grade three may be substituted for the capstone experience.

**Historical Note**

Adopted effective May 20, 1994 (Supp. 94-2). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-608 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Former Section R7-2-608 recodified to R7-2-609 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). New Section R7-2-608 made by exempt rulemaking at 16 A.A.R. 52, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 119, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-609. Elementary Teaching Certificates**

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional Elementary Certificate – grades K through eight. The requirements are:
  1. A bachelor's degree;
  2. One of the following:
    - a. Completion of a teacher preparation program in elementary education from an accredited institution or a Board-approved teacher preparation program, described in R7-2-604; or
    - b. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least eight semester hours of practicum in grades K through eight. Two years of verified teaching experience in grades Prekindergarten through eight may be substituted for the eight semester hours of practicum; or
    - c. A valid elementary certificate from another state.
  3. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  4. A passing score on the elementary education subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment;
  5. A valid fingerprint card issued by the Arizona Department of Public Safety; and
  6. Forty-five hours or three semester hours of instruction in research-based systematic phonics. An accredited institution or other provider may provide this instruction.
- C. Standard Professional Elementary Certificate – grades kindergarten through eight for applications received on and after August 1, 2018.
  1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in elementary education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Research-based systematic phonics, including language and literacy development;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Developmentally appropriate instructional delivery, facilitation and methodologies for teaching language, math, science, social studies and the arts;
      - iv. Instructional design and lesson planning, including modifications, and accommodations;
      - v. The learning environment, including classroom management;
      - vi. Assessing, monitoring and reporting progress;
      - vii. Teaching students with exceptionalities;
      - viii. Professional responsibility and ethical conduct; and
      - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades kindergarten through eight, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades kindergarten through eight may be substituted for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
    - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
    - d. A passing score on the elementary education subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment; and
    - e. A valid fingerprint card issued by the Arizona Department of Public Safety.
  2. Applicants may meet the requirements in subsection (C)(1)(b) with the submission of an application for the Standard Professional Elementary certificate that includes evidence of two years of verified full-time teaching experience in grades kindergarten through eight, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (C)(1)(b)(i) through (viii). One year of verified full-time teaching experience in grades

## State Board of Education

kindergarten through eight may be substituted for the capstone experience.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-609 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Former R7-2-609 recodified to R7-2-610; new R7-2-609 recodified from R7-2-608 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). R7-2-609 "Pre-kindergarten" corrected to "PreK" at request of the Board, Office File No. M09-444, filed November 24, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-609.01. Middle Grades Teaching Certificate**

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional Middle Grades Certificate – grades five through nine
  1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in middle grades education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Early adolescent psychology;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Instructional design and lesson planning, including modifications and accommodations;
      - iv. The learning environment, including classroom management;
      - v. Developmentally appropriate instructional delivery, facilitation and methodologies;
      - vi. Assessing, monitoring and reporting progress;
      - vii. Teaching students with exceptionalities;
      - viii. Professional responsibility and ethical conduct; and
      - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades five through nine, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades five through nine may be substituted for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.

- c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A passing score on at least one subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in the relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment; and
  - e. A valid fingerprint card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (B)(1)(b) with the submission of an application for the Standard Professional Middle Grades certificate that includes evidence of two years of verified full-time teaching experience in grades five through nine, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (B)(1)(b)(i) through (viii).

**Historical Note**

New Section by final exempt rulemaking at 24 A.A.R. 791, effective March 26, 2018 (Supp. 18-1).

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

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional Secondary Certificate – grades six through 12. The requirements are:
  1. A bachelor's degree;
  2. One of the following:
    - a. Completion of a teacher preparation program in secondary education from an accredited institution or a Board-approved teacher preparation program, described in R7-2-604; or
    - b. Thirty semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least eight semester hours of practicum in grades six through 12. Two years of verified teaching experience in grades six through postsecondary may substitute for the eight semester hours of practicum; or
    - c. A valid secondary certificate from another state.
  3. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant subject area or otherwise qualifies for a waiver of the subject knowledge exam;
  4. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
  5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- C. Standard Professional Secondary Certificate – grades six through 12 for applications received on and after August 1, 2018.
  1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in secondary education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to

## State Board of Education

- support readers of varying ages and ability levels, including students with dyslexia;
- ii. Instructional design and lesson planning, including modifications and accommodations;
- iii. The learning environment, including classroom management;
- iv. Developmentally appropriate instructional delivery, facilitation and methodologies;
- v. Assessing, monitoring and reporting progress;
- vi. Teaching students with exceptionalities;
- vii. Professional responsibility and ethical conduct;
- viii. Twelve weeks of capstone experience as described in R7-2-604 in grades six through postsecondary, which may be completed during the valid period of a teaching intern or student teaching intern certificate; one year of verified full-time teaching experience in grades six through postsecondary may substitute for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.

- c. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in a relevant subject area or otherwise qualifies for a waiver of the subject knowledge exam;
- d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
- e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

- 2. Applicants may meet the requirements in subsection (C)(1)(b) with the submission of an application for the Standard Professional Secondary certificate that includes evidence of two years of verified full-time teaching experience in grades six through postsecondary, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (C)(1)(b)(i) through (vii). One year of verified full-time teaching experience in grades six through postsecondary may be substituted for the capstone experience.

- D. Notwithstanding any other provision, individuals seeking a secondary certificate with an approved area in science, technology, engineering or mathematics are exempted from the requirements of a passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment based on:

- 1. Verified work experience of five or more years in science, technology, engineering or mathematics; and
- 2. Demonstrated adequate knowledge of science, technology, engineering or mathematics by:
  - a. A master's or a doctoral degree in an academic subject that is specific to science, technology, engineering or mathematics; or
  - b. Twenty-four semester hours of relevant coursework in an academic subject that is specific to science, technology, engineering or mathematics.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4).  
Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-610 amended by emergency rulemaking under A.R.S. § 41-1026 at 8

A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). Amended by exempt rulemaking at 15 A.A.R. 1838, effective August 29, 2006 (Supp. 09-1). Former R7-2-610 recodified to R7-2-611; new R7-2-610 recodified from R7-2-609 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2054, effective December 8, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-610.01. Specialized Secondary Teaching Certificates**

Specialized Secondary Certificate – Science, Technology, Engineering or Mathematics – grades six through 12

**A. The requirements are:**

- 1. One of the following:
  - a. Demonstrate expertise in the subject matter knowledge through:
    - i. A bachelor's, master's or a doctoral degree and 24 semester hours of relevant coursework in an academic subject that is specific to science, technology, engineering or mathematics; or
    - ii. Verified teaching experience for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions in science, technology, engineering or mathematics
- 2. Verified work experience of five or more years in science, technology, engineering or mathematics
- 3. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

- B. An individual who meets the requirements of this section is exempt from the competency requirements of the United States and Arizona Constitutions, and the professional knowledge and the subject knowledge portions of the Arizona Teacher Proficiency Assessments.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-610.02. Subject Matter Expert Standard Teaching Certificate**

Subject Matter Expert Standard Teaching Certificate – grades six through 12

**A. The requirements are:**

- 1. One of the following:
  - a. Verified teaching experience for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions in the relevant subject area of certification. An individual seeking certification pursuant to this subdivision is exempt from passing the professional knowledge portion of the Arizona Teacher Proficiency Assessment; or
  - b. A bachelor's, master's or doctoral degree from an accredited postsecondary institution in the specific subject area of certification that is directly relevant



## State Board of Education

- to a content area or subject matter taught in public schools; or
- c. Verification of expertise through work experience of a minimum of five years in the relevant area of certification

2. A passing score on the professional knowledge Arizona Teacher Proficiency Assessment within two years except as provided by subsection (A)(1)(a). If an applicant fails to meet this requirement within two years, the Department of Education or the Board shall temporarily suspend the standard certificate, but the suspension is not considered a disciplinary action and the individual shall be allowed to correct the deficiency within the remaining time of the standard certification.

3. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

- B.** An individual who meets the requirements of this section is exempt from the competency requirements of the United States and Arizona Constitutions and the subject knowledge portion of the Arizona Teacher Proficiency Assessment.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

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

- A.** Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619. An Early Childhood Special Education certificate as described in this Section is not required for individuals who hold the Early Childhood endorsement as described in R7-2-615 in combination with an Arizona cross-categorical, specialized special education, or moderate to severe disabilities teaching certificate as described in this Section. An Early Childhood Special Education certificate as described in this Section is not required for individuals who hold the Early Childhood Teaching Certificate as described in R7-2-608 in combination with an Arizona cross-categorical, specialized special education, or moderate to severe disabilities teaching certificate as described in this Section.

- B.** Terms used in this Section are defined in A.R.S. § 15-761.

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

1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
2. The holder is qualified to teach students with mild to moderate autism, intellectual disabilities, traumatic brain injury, emotional disability, specific learning disability, orthopedic impairments and/or other health impairments.
3. The requirements are:
  - a. A bachelor's degree,
  - b. One of the following:
    - i. Completion of a teacher preparation program in special education from an accredited institution, which included courses in the instruction and behavior management of students with mild-moderate disabilities; or
    - ii. A valid mild-moderate special education certificate from another state; or
    - iii. Semester hours of education courses as follows:

- (1) For applications received through December 31, 2015: Forty-five semester hours of education courses which teach the standards described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum with students representing at least three of the five disability areas. Special education courses shall include survey of exceptional students; teaching methodologies and strategies for students with disabilities; foundations course in mild to moderate mental retardation intellectual disabilities, learning disability, emotional disabilities, and physical/health impairment; and diagnosis and assessment of mild disabilities. Two years of verified teaching experience in special education in grades K through 12 may substitute for the eight semester hours of practicum; or
- (2) For applications received on and after January 1, 2016: Forty-five semester hours of education courses which teach the standards described in R7-2-602, including 37 semester hours of special education courses with shall include:

- (a) Foundations of special education;
- (b) Legal aspects;
- (c) Effective collaboration and communication practices;
- (d) Research-based instruction in math;
- (e) Research-based instruction in English language arts;
- (f) Classroom management and behavior analysis;
- (g) Assessment and eligibility;
- (h) Language development and disorders;
- (i) Electives; and a minimum of eight semester hours of practicum with students with mild-moderate disabilities. Two years of verified teaching experience in mild-moderate special education in grades K through 12 may substitute for the eight semester hours of practicum.

- c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
- d. A passing score on the special education portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in mild to moderate special education or otherwise qualifies for a waiver of the subject knowledge examination, and
- e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

- D.** Standard Professional Mild-Moderate Disabilities Special Education Certificate grades kindergarten through 12 for applications received on or after August 1, 2018.

1. The holder is qualified to teach students with mild to moderate autism, intellectual disabilities, traumatic brain injury, emotional disability, specific learning disability, orthopedic impairments and/or other health impairments.
2. The requirements include all of the following:
  - a. A bachelor's degree;

## State Board of Education

- b. Completion of a teacher preparation program in special education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
    - i. Research-based systematic phonics;
    - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
    - iii. Instructional design and lesson planning, including specially designed instruction;
    - iv. The learning environment, including classroom and behavioral management;
    - v. Instructional delivery, facilitation and methodologies;
    - vi. Legal aspects of special education, including individualized education programs and transition planning;
    - vii. Effective collaboration and communication practices, including modifications and accommodations;
    - viii. Research-based instruction in math;
    - ix. Research-based instruction in English language arts;
    - x. Assessment and eligibility, including monitoring and reporting requirements;
    - xi. Language development and disorders;
    - xii. Professional responsibility and ethical conduct;
    - xiii. Twelve weeks of capstone experience as described in R7-2-604 in mild-moderate special education in grades kindergarten through 12, which may be completed during the valid period of a teaching intern certificate. One year of verified teaching experience in mild-moderate special education in grades kindergarten through 12 may substitute for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
  - c. A passing score on the special education professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A passing score on the special education subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in mild to moderate special education or otherwise qualifies for a waiver of the subject knowledge examination; and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
3. Applicants may meet the requirements in subsection (D)(2)(b) with the submission of an application for the Standard Professional Mild-Moderate Disabilities Special Education Certificate grades kindergarten through 12 that includes evidence of two years of verified full-time teaching experience in mild to moderate disabilities special education in grades kindergarten through 12 and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (D)(2)(b)(i) through (xii). One year of verified full-time teaching experience in mild to moderate disabilities special education in grades kindergarten through 12 may be substituted for the capstone experience.
- E. Provisional Specialized Special Education Certificate – grades K through 12.
    1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
    2. No new applications for a Provisional Specialized Education Certificate will be accepted after December 31, 2015.
    3. The holder is qualified to teach students with intellectual disabilities, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
    4. The requirements are:
      - a. A bachelor's degree,
      - b. One of the following:
        - i. Completion of a teacher preparation program in the specified area of special education from an accredited institution; or
        - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum in the designated area of disability. Special education courses shall include survey of exceptional students, teaching methodologies for students with disabilities, foundations of instruction in the designated area of disability, and diagnosis and assessment of disabilities. Two years of verified teaching experience in the area of disability in grades K through 12 may be substituted for the eight semester hours of practicum; or
        - iii. A valid special education certificate in the specified area from another state.
      - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
      - d. A passing score on the specified disability special education portion of the Arizona Teacher Proficiency Assessment, and
      - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - F. Standard Professional Specialized Special Education Certificate – grades K through 12.
    1. The certificate is valid for 12 years.
    2. The holder is qualified to teach students with intellectual disabilities, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
    3. The requirements are:
      - a. A provisional Special Education certificate;
      - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
      - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - G. Standard Professional Severely and Profoundly Disabled Certificate – grades K through 12.
    1. The holder is qualified to teach students with severe and profound disabilities.
    2. The requirements are:
      - a. A bachelor's degree,
      - b. One of the following:

## State Board of Education

- i. Completion of a teacher preparation program in severely and profoundly disabled education from an accredited institution; or
  - ii. A valid severe and profound special education certificate from another state; or
  - iii. Semester hours of education courses as follows:
    - (1) For applications received through December 31, 2015: Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with severe and profound disabilities, foundations of instruction of students with severe and profound disabilities, and diagnostic and assessment procedures for students with severe and profound disabilities. Two years of verified teaching experience with students in grades PreK-12 who are severely and profoundly disabled may be substituted for the eight semester hours of practicum; or
    - (2) For applications received on and after January 1, 2016: Forty-five semester hours of education courses which teach the standards described in R7-2-602, including 37 semester hours of special education courses with shall include:
      - (a) Foundations low incidence disabilities;
      - (b) Legal aspects;
      - (c) Effective collaboration and communication practices;
      - (d) Adaptive communication;
      - (e) Instructional strategies across the curriculum;
      - (f) Classroom management and behavior analysis;
      - (g) Assessment and eligibility;
      - (h) Electives; and a minimum of eight semester hours of practicum with students with severe and profound disabilities. Two years of verified teaching experience in special education in grades K through 12 with students who have severe and profound disabilities may substitute for the eight semester hours of practicum.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
  - d. A passing score on the severely and profoundly disabled special education portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in severe to profound special education or otherwise qualifies for a waiver of the subject knowledge examination, and
  - e. A valid fingerprint card issued by the Arizona Department of Public Safety.
- H. Standard Professional Moderate to Severe Disabilities Certificate – grades kindergarten through 12 for applications received on or after August 1, 2018.**
- 1. The holder is qualified to teach students with moderate to severe disabilities.
  - 2. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in moderate to severe disabilities education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
      - i. Research-based systematic phonics;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Instructional design and lesson planning, including specially designed instruction;
      - iv. The learning environment, including classroom and individual behavioral management;
      - v. Instructional delivery, facilitation and methodologies for teaching research-based instruction in math and English language arts;
      - vi. Legal aspects of special education, including individualized education programs and transition planning;
      - vii. Effective collaboration and communication practices, including modifications and accommodations;
      - viii. Adaptive communication, including language development and disorders;
      - ix. Assessment and eligibility, including monitoring and reporting requirements;
      - x. Professional responsibility and ethical conduct;
      - xi. Twelve weeks of capstone experience as described in R7-2-604 in special education in moderate to severe disabilities grades K through 12, which may be completed during the valid period of a teaching intern certificate. One year of verified full-time teaching experience in special education in moderate to severe disabilities grades kindergarten through 12 may substitute for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
    - c. A passing score on the moderate to severe or severe and profound professional knowledge portion of the Arizona Teacher Proficiency Assessment,
    - d. A passing score on the elementary education subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in moderate to severe special education or otherwise qualifies for a waiver of the subject knowledge examination, and
    - e. A valid fingerprint card issued by the Arizona Department of Public Safety.
  - 3. Applicants may meet the requirements in subsection (H)(2)(b) with the submission of an application for the Standard Professional Moderate to Severe Disabilities Certificate grades kindergarten through 12 that includes evidence of two years of verified full-time teaching experience in moderate to severe disabilities special education in grades kindergarten through 12 and Board-approved or

## State Board of Education

accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (H)(2)(b)(i) through (x). One year of verified full-time teaching experience in moderate to severe disabilities special education in grades kindergarten through 12 may be substituted for the capstone experience.

**I. Standard Professional Hearing Impaired Certificate – birth through grade 12. The requirements are:**

1. A bachelor's degree;
2. One of the following:
  - a. Completion of a teacher preparation program in hearing impaired education from an accredited institution; or
  - b. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the hearing impaired and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with hearing impairment, foundations of instruction of students with hearing impairment, and diagnostic and assessment procedures for the hearing impaired. Two years of verified teaching experience in the area of hearing impaired in grades PreK-12 may be substituted for the eight semester hours of practicum; or
  - c. A valid hearing impaired certificate from another state.
3. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
4. A passing score on the hearing impaired special education portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in hearing impaired special education or otherwise qualifies for a waiver of the subject knowledge examination; and
5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**J. Standard Professional Hearing Impaired Certificate – birth through grade 12 for applications received on or after August 1, 2018.**

1. The requirements include all of the following:
  - a. A bachelor's degree;
  - b. Completion of a teacher preparation program in hearing impaired education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
    - i. Research-based systematic phonics;
    - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
    - iii. Survey of exceptional students;
    - iv. Teaching methodologies for students with hearing impairment;
    - v. Foundations of instruction of students with hearing impairment;
    - vi. Diagnostic and assessment procedures for the hearing impaired;
    - vii. Professional responsibility and ethical conduct;
    - viii. Twelve weeks of capstone experience as described in R7-2-604 in hearing impaired special education birth through grade 12, which

may be completed during the valid period of a teaching intern certificate. One year of verified full-time teaching experience in the area of hearing impaired in birth through grade 12 may be substituted for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.

- c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
- d. A passing score on the hearing impaired special education portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in hearing impaired special education or otherwise qualifies for a waiver of the subject knowledge examination; and
- e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

2. Applicants may meet the requirements in subsection (J)(1)(b) with the submission of an application for the Standard Professional Hearing Impaired Certificate – birth through grade 12 that includes evidence of receipt of two years of verified full-time teaching experience in hearing impaired special education birth through grade 12 and training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (J)(1)(b)(i) through (vii). One year of verified full-time teaching experience in hearing impaired special education in birth through grade 12 may be substituted for the capstone experience.

**K. Standard Professional Visually Impaired Certificate – birth through grade 12.**

1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
2. The requirements are:
  - a. A bachelor's degree;
  - b. One of the following:
    - i. Completion of a teacher preparation program in visual impairment from an accredited institution; or
    - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the visually impaired and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with visual impairment, foundations of instruction of students with visual impairment, and diagnostic and assessment procedures for the visually impaired. Two years of verified teaching experience in the area of visually impaired in grades PreK-12 may be substituted for the eight semester hours of practicum; or
    - iii. A valid visually impaired special education certificate from another state.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A passing score on the visually impaired special education portion of the Arizona Teacher Proficiency Assessment; and

## State Board of Education

- e. Demonstration of competency in Braille through one of the following:
    - i. A passing score on the original version of the National Library of Congress certification exam, or
    - ii. A valid certificate for a literary Braille transcriber issued by the National Library of Congress, or
    - iii. A passing score on a Braille exam administered by another state, or
    - iv. A passing score on the Braille exam developed and administered by the University of Arizona. Individuals who take this test and are not students at the University of Arizona may be assessed a fee.
  - f. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- L. Standard Professional Visually Impaired Certificate – birth through grade 12 for applications received on or after August 1, 2018.**
- 1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in visual impairment from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
      - i. Research-based systematic phonics;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Survey of exceptional students;
      - iv. Teaching methodologies for students with visual impairment;
      - v. Foundations of instruction of students with visual impairment;
      - vi. Diagnostic and assessment procedures for the visually impaired;
      - vii. Professional responsibility and ethical conduct;
      - viii. Twelve weeks of capstone experience as described in R7-2-604 in visually impaired special education birth through grade 12, which may be completed during the valid period of a teaching intern certificate. One year of verified full-time teaching experience in the area of visually impaired in birth through grade 12 may be substituted for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
    - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
    - d. A passing score on the visually impaired special education portion of the Arizona Teacher Proficiency Assessment, and
    - e. Demonstration of competency in Braille through one of the following:
      - i. A passing score on the original version of the National Library of Congress certification exam, or
      - ii. A valid certificate for a literary Braille transcriber issued by the National Library of Congress, or
      - iii. A passing score on a Braille exam administered by another state, or
      - iv. A passing score on the Braille exam developed and administered by the University of Arizona. Individuals who take this test and are not students at the University of Arizona may be assessed a fee.
    - f. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- M. Standard Professional Early Childhood Special Education Certificate – birth through 5 years for applications received through December 31, 2015, and birth through age 8 or grade 3 for applications received on and after January 1, 2016.**
- 1. The requirements are:
    - a. A bachelor's degree,
    - b. One of the following:
      - i. Completion of a teacher preparation program in early childhood special education from an accredited institution; or
      - ii. A valid early childhood special education certificate from another state; or
      - iii. Early childhood education coursework and practicum experience which teaches the knowledge and skills described in R7-2-602 and includes the following:
        - (1) For applications received through December 31, 2015: Forty-five semester hours of education courses which teach the standards described in R7-2-602, including child development and learning, language development, social and emotional development, curriculum development and implementation, and assessment and evaluation, early childhood special education, and eight semester hours of practicum in early childhood special education. Two years of verified teaching experience in the area of early childhood special education may be substituted for the eight semester hours of practicum; or
        - (2) For applications received on and after January 1, 2016:
          - (a) Thirty-seven semester hours of early childhood education courses which teach the standards described in R7-2-602, to include all of the following areas of study:
            - (i) Foundations early childhood education and special education;
            - (ii) Behavioral interventions for children with an without disabilities;

## State Board of Education

- ities;
  - (iii) Characteristics and quality practices for typical and atypical behaviors of young children;
  - (iv) Typical and atypical child growth and development, including health, safety and nutrition with an emphasis on special health care needs for children birth through grade 3;
  - (v) Child, family, cultural and community relationships including community organizations that support and assist children with disabilities and their families;
  - (vi) Developmentally appropriate instructional and inclusive methodologies for teaching social and emotional development, language arts, math, science, social studies, the arts and diagnosis and remediation of learning difficulties;
  - (vii) Early language and literacy development including communication methods in early childhood education/special education;
  - (viii) Assessment and evaluation for early childhood special education to include observing, assessing, monitoring and reporting on the progress of young children; and
  - (b) A minimum of eight semester hours of practicum, including:
    - (i) A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children with identified special needs birth through preschool or one year of full-time teaching experience with children identified with special needs birth through preschool, and
    - (ii) A minimum of four semester hours in a supervised student teaching setting serving children with identified special needs in kindergarten through grade 3 or one year of full time teaching experience with children identified with special needs kindergarten through grade 3.
  - c. A passing score on the early childhood subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in early childhood special education or otherwise qualifies for a waiver of the subject knowledge examination,
  - d. A passing score on the early childhood special education portion of the Arizona Teacher Proficiency Assessment, and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- N. Standard Professional Early Childhood Special Education Certificate – birth through age eight or grade three for applications received on or after August 1, 2018.
1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in early childhood special education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
      - i. Research-based systematic phonics;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Teaching students with exceptionalities;
      - iv. Characteristics and quality practices for typical and atypical behaviors of young children, including behavioral interventions for children with and without disabilities;
      - v. Typical and atypical child growth and development, including health, safety and nutrition with an emphasis on special health care needs for children birth through grade three;
      - vi. Child, family, cultural and community relationships including community organizations that support and assist children with disabilities and their families;
      - vii. Developmentally appropriate instructional and inclusive methodologies for teaching social and emotional development, language arts, math, science, social studies, the arts and diagnosis and remediation of learning difficulties;
      - viii. Early language and literacy development including communication methods in early childhood education/special education;
      - ix. Assessment and evaluation for early childhood special education to include observing, assessing, monitoring and reporting on the progress of young children;
      - x. Substantial experience in practicum as described in R7-2-604 serving children with exceptionalities birth through preschool;
      - xi. Professional responsibility and ethical conduct; and
      - xii. Twelve weeks of capstone experience as described in R7-2-604 serving children with exceptionalities in kindergarten through grade three, which may be completed during the valid period of a teaching intern certificate. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
  - c. A passing score on the early childhood special education portion of the Arizona Teacher Proficiency Assessment,
  - d. A passing score on the early childhood subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in early childhood special education or otherwise qualifies for a waiver of the subject knowledge examination, and

## State Board of Education

- e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (N)(1)(b) with the submission of an application for the Standard Professional Early Childhood Special Education Certificate – birth through age eight or grade three that includes two years of verified full-time teaching experience in early childhood special education serving children birth through prekindergarten and kindergarten through grade three and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (N)(1)(b)(i) through (xi). One year of verified full-time teaching experience in early childhood special education serving children birth through prekindergarten and children kindergarten through grade three may be substituted for the capstone experience.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 5139, effective November 19, 2002 for a period of 180 days (Supp. 02-4). Emergency rulemaking renewed under A.R.S. § 41-1026(D) at 9 A.A.R. 1547, effective April 29, 2003 for a period of 180 days (Supp. 03-2). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent R7-2-611 amended by final rulemaking at 9 A.A.R. 3950, effective October 21, 2003 (Supp. 03-3). Former R7-2-611 recodified to R7-2-612; new R7-2-611 recodified from R7-2-610 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). R7-2-611 “Prekindergarten” corrected to “PreK” at request of the Board, Office File No. M09-444, filed November 24, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 119, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2056, effective December 2, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

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

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607, and the renewal requirements in R7-2-619.
- B. For purposes of this rule, the following definitions apply:
  1. “Career and Technical Education means a field of study in any area relating to a CTE program approved by the Arizona Department of Education as described in the Guidance on CTE Teacher Certification, which is on file with the Arizona Department of Education.
  2. “Occupational Area” means employment in any area relating to a CTE program approved by the Department as described in the Guidance on CTE Teacher Certification, which is on file with the Arizona Department of Education.
  3. “Verified Work Experience” means written documentation from a current or former supervisor for paid or unpaid work, a current school superintendent, or the Department of Education Career and Technical Education Programmatic State Supervisor indicating that an appli-

cant for a career and technical education certificate performed work in a business or industry setting related to an approved CTE program occupational area.

**C. Standard Career and Technical Education (CTE) Certificate – CTE Field of Study – grades K through 12**

1. The requirements include all of the following:
  - a. Within three years, obtain a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment or qualification for a waiver of this assessment.
  - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - c. At least one of the following options:
    - i. Option A – Bachelor’s degree in the specified CTE field of study – requirements include all of the following:
      - (1) A bachelor’s or more advanced degree in the specified CTE field of study from an accredited institution.
      - (2) Thirty semester hours of courses in the specified CTE field of study.
      - (3) Two hundred forty clock hours of verified work experience in the specified CTE occupational area. Hours may have been accumulated before obtaining a certification.
      - (4) Within three years, complete fifteen semester hours of courses in professional knowledge in career and technical education, to include any of the following areas: principles/philosophy of career and technical education, developmentally appropriate instructional delivery, facilitation and methodologies, instructional technology, instructional design and lesson planning, including modifications and accommodations, assessing, monitoring and reporting progress, the learning environment, including classroom management, teaching students with exceptionalities, or professional responsibility and ethical conduct. Hours may be obtained prior to issuance of the standard career and technical education certificate in the specified CTE field of study. Fifteen semester hours may be obtained through Department or Board-CTE approved professional development. Fifteen clock hours equals one semester hour.
    - ii. Option B – Valid non-CTE Arizona Provisional or Standard teaching certificate or an Arizona CTE teaching certificate in another CTE field of study – requirements include all of the following:
      - (1) A valid Arizona provisional or standard teaching certificate for teachers in Birth through grade 12 issued pursuant to this Article.
      - (2) One year of the most recent teacher evaluation(s) approved by a certificated administrator, or the administrator’s designee, in a PreK-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom.
      - (3) Three semester hours of courses in profes-

## State Board of Education

- sional knowledge in career and technical education to include any of the following areas: principles/philosophy of career and technical education, developmentally appropriate instructional delivery, facilitation and methodologies for career and technical education, or instructional technology. Three semester hours may be obtained through Department or Board-CTE approved professional development. Fifteen clock hours equals one semester hour.
- (4) Two hundred forty clock hours of verified work experience in the specified CTE occupational area. Hours may have been accumulated before obtaining a certification.
  - (5) Within three years, complete nine semester hours of subject knowledge courses in the CTE field of study.
- iii. Option C – Business and industry professional - requirements include six thousand clock hours of verified work experience in an occupational area. Within three years, complete fifteen semester hours of courses in professional knowledge in career and technical education to include any of the following areas: principles/philosophy of career and technical education, developmentally appropriate instructional delivery, facilitation and methodologies, instructional design and lesson planning, including modifications and accommodations, assessing, monitoring and reporting progress, instructional technology, the learning environment, including classroom management, teaching students with exceptionalities, or professional responsibility and ethical conduct. Fifteen semester hours may be obtained through Department or Board-CTE approved professional development. Fifteen clock hours equals one semester hour; and
  - iv. Option D – Bachelor's degree in the specified CTE field of study teacher preparation program – requirements include both of the following:
    - (1) A bachelor's or more advanced degree that included completion of a Board approved teacher preparation program in the CTE field of study or from an accredited institution offering substantially similar training, addressing the following topics in career and technical education and any others as required by law: Principles/philosophy of career and technical education, instructional design and lesson planning, including modifications and accommodations; the learning environment, including classroom management; developmentally appropriate instructional delivery, facilitation and methodologies; assessing, monitoring and reporting progress; teaching students with exceptionalities; professional responsibility and ethical conduct; and
    - (2) Two hundred forty clock hours of verified work experience in the specified occupational area. Hours shall have been accu-

mulated before obtaining a certification.

2. If an applicant fails to meet these requirements within the prescribed time period, the Department of Education or the Board shall temporarily suspend the standard certificate, but the suspension is not considered a disciplinary action and the individual shall be allowed to correct the deficiency within the remaining time of the standard certification.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-612 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by final rulemaking at 11 A.A.R. 1885, effective June 26, 2005 (Supp. 05-2). Amended by exempt rulemaking at 15 A.A.R. 1292, effective June 26, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1893, effective September 25, 2006 (Supp. 09-2). Amended by exempt rulemaking at 15 A.A.R. 2086, effective May 19, 2008 (Supp. 09-3). Former R7-2-612 recodified to R7-2-613 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). New Section made by exempt rulemaking at 15 A.A.R. 2143, effective August 25, 2008 (Supp. 09-4). Former R7-2-612 recodified to R7-2-613; new R7-2-612 recodified from R7-2-611 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 102, effective May 1, 2009 (Supp. 10-1). Amended by final exempt rulemaking at 21 A.A.R. 2063, effective August 26, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 23 A.A.R. 694, effective February 26, 2018 (Supp. 18-1).

**R7-2-612.01. Standard Specialized Career and Technical Education (CTE) Certificates – grades K-12**

- A. Standard Specialized CTE certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. The holder is qualified to teach in an area that is specified on the certificate relating to a CTE program approved by the Arizona Department of Education as described in Guidance on CTE Teacher Certification which is on file with the Arizona Department of Education.
- C. The requirements are:
  1. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  2. Demonstration of expertise in the specified CTE area through one of the following:
    - a. A Bachelor's, master's or doctoral degree in the specified CTE area; or
    - b. A Bachelor's or more advanced degree and completion of twenty-four semester hours of coursework in the specified CTE area; or
    - c. An Associate's degree in the specified CTE area; or
    - d. An industry certification, license, or credential in the specified CTE area approved by the appropriate Department of Education Career and Technical Edu-



## State Board of Education

- education Program Specialist or Career and Technical Education Program Services Director; or
- e. Verified teaching experience for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions in a subject that is specific to the CTE course being taught.
  3. Verification of five years of work experience in the specified CTE occupational area.
  4. An individual who meets the requirements of this section is exempt from the competency requirements of the United States and Arizona Constitutions, the professional knowledge and subject knowledge portions of the Arizona Teacher Proficiency Assessments, and structured English immersion endorsement requirements.

**Historical Note**

New Section made by final exempt rulemaking at 22 A.A.R. 2617, effective August 22, 2016 (Supp. 16-4).  
Amended by final exempt rulemaking at 23 A.A.R. 694, effective February 26, 2018 (Supp. 18-1).

**R7-2-613. PreK-12 Teaching Certificates**

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional PreK-12 Arts Education Certificate: art, dance, dramatic arts or music. The requirements are:
  1. A bachelor's degree.
  2. One of the following:
    - a. Completion of a teacher preparation program in PreK-12 arts education in one of the following approved areas: art, dance, dramatic arts or music from a Board-approved teacher preparation program, described in R7-2-604; or
    - b. Completion of a teacher preparation program in PreK-12 arts education in one of the following approved areas: art, dance, dramatic arts or music from an institution accredited by the National Association of Schools of Art and Design, National Association of Schools of Dance, National Association of Schools of Theatre, the National Association of Schools of Music, or National Council for Accreditation of Teacher Education; or
    - c. Thirty semester hours of education or arts education courses which teach the knowledge and skills described in R7-2-602, including at least eight semester hours of elementary and secondary methods in the certificate area and 12 semester hours of practicum in the certificate area grades PreK-12. Two years of verified full-time teaching experience in the certificate area in grades PreK-12 may substitute for the 12 semester hours of practicum; or
    - d. A valid PreK-12 arts education certificate from another state.
  3. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment. If a proficiency assessment is not offered in a subject area, an approved area shall consist of a minimum of 24 semester hours of courses in the subject.
  4. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment.
  5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- C. Standard Professional PreK-12 Arts Education Certificate for applications received on or after August 1, 2018.
  1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in PreK-12 arts education from a Board-approved teacher educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Studio art;
      - ii. Art history and analysis;
      - iii. Advanced work in studio or art application areas;
      - iv. Technical processes;
      - v. Instructional design and lesson planning, including modifications, and accommodations;
      - vi. The learning environment, including classroom management;
      - vii. Assessing, monitoring and reporting progress;
      - viii. Professional responsibility and ethical conduct;
      - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK-12 arts education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in the certificate area in grades PreK-12 arts education may substitute for the capstone experience requirement;
    - c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
    - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  2. Applicants may meet the requirements in subsection (C)(1)(b) with the submission of an application for the Standard Professional PreK-12 Arts Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK-12 arts education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (C)(1)(b)(i) through (vii). One year of verified full-time teaching experience in grades PreK-12 arts education may be substituted for the capstone experience.
- D. Standard Professional PreK-12 Dance Education Certificate
  1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in PreK-12 dance education from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Performance;
      - ii. Choreography;
      - iii. Theoretical and historical studies of dance;
      - iv. Technical processes;
      - v. Instructional design and lesson planning, including modifications, and accommodations;

## State Board of Education

- vi. The learning environment, including classroom management;
- vii. Assessing, monitoring and reporting progress;
- viii. Professional responsibility and ethical conduct; and
- ix. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK-12 dance education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades PreK-12 dance education may substitute for the capstone experience requirement; and
- c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
- d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
- e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- 2. Applicants may meet the requirements in subsection (D)(1)(b) with the submission of an application for the Standard Professional PreK-12 Dance Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK-12 dance education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (D)(1)(b)(i) through (viii). One year of verified full-time teaching experience in grades PreK-12 dance education may be substituted for the capstone experience.
- E. Standard Professional PreK-12 Theatre Education Certificate
  - 1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in PreK-12 theatre education from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Foundations of production;
      - ii. Aesthetics, theatre history, literature, theory and criticism;
      - iii. Advanced work in theatre performance;
      - iv. Instructional design and lesson planning, including modifications, and accommodations;
      - v. The learning environment, including classroom management;
      - vi. Assessing, monitoring and reporting progress;
      - vii. Professional responsibility and ethical conduct and;
      - viii. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK-12 theatre education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades PreK-12 theatre education may substitute for the capstone experience requirement; and
    - c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
    - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - 2. Applicants may meet the requirements in subsection (F)(1)(b) with the submission of an application for the Standard Professional PreK-12 Music Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK-12 music education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (F)(1)(b)(i) through (viii). One year of verified full-time teaching experience in grades PreK-12 music education may substitute for the capstone experience requirement; and
- F. Standard Professional PreK-12 Music Education Certificate
  - 1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in PreK-12 music education from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Performance;
      - ii. Musicianship skills and analysis;
      - iii. Composition and improvisation;
      - iv. Music history and repertory;
      - v. Instructional design and lesson planning, including modifications, and accommodations;
      - vi. The learning environment, including classroom management;
      - vii. Assessing, monitoring and reporting progress;
      - viii. Professional responsibility and ethical conduct; and
      - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK-12 music education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades PreK-12 music education may substitute for the capstone experience requirement; and
    - c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
    - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - 2. Applicants may meet the requirements in subsection (F)(1)(b) with the submission of an application for the Standard Professional PreK-12 Music Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK-12 music education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (F)(1)(b)(i) through (viii). One year of verified full-time teaching experience in grades PreK-12 music education may substitute for the capstone experience requirement; and

## State Board of Education

experience in grades PreK-12 music education may be substituted for the capstone experience.

**G. Standard Professional PreK-12 Physical Education Certificate.**  
The requirements are:

1. A bachelor's degree.
2. One of the following:
  - a. Completion of a teacher preparation program in PreK-12 physical education, including 12 semester practicum hours evenly split between elementary and secondary physical education from an accredited institution or a Board-approved teacher preparation program; or
  - b. Thirty-three semester hours of education or physical education courses, including:
    - i. At least nine semester hours of elementary, secondary and adaptive physical education methods;
    - ii. Foundational coursework in the areas of Growth and Motor Development, Movement Activities, Lifelong Physical Fitness and Comprehensive School Physical Activity Programming; and
    - iii. Twelve semester hours of practicum in physical education in PreK-12 grades, evenly split between elementary and secondary physical education, and supervised by a licensed or certified physical education teacher. Two years of verified full-time teaching experience in the certificate area in grades PreK-12 may substitute for the 12 semester hours of practicum; or
  - c. A valid PreK-12 physical education certificate from another state.
3. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment.
4. A passing score on the Physical Education subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**H. Standard Professional PreK-12 Physical Education Certificate for applications received on or after August 1, 2018.**

1. The requirements include all of the following:
  - a. A bachelor's degree;
  - b. Completion of a teacher preparation program in PreK-12 physical education a Board-approved educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
    - i. Elementary, secondary and adaptive physical education methods;
    - ii. Foundational coursework in the areas of Growth and Motor Development;
    - iii. Movement Activities;
    - iv. Lifelong Physical Fitness;
    - v. Instructional design and lesson planning, including modifications, and accommodations;
    - vi. The learning environment, including classroom management;
    - vii. Assessing, monitoring and reporting progress;
    - viii. Professional responsibility and ethical conduct and;

ix. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK-12 physical education, serving students in elementary and secondary physical education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in the certificate area in grades PreK-12 physical education may substitute for the capstone experience requirement;

- c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A passing score on the Physical Education subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment; and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (H)(1)(b) with the submission of an application for the Standard Professional PreK-12 Physical Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK-12 physical education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (H)(1)(b)(i) through (viii). One year of verified full-time teaching experience in grades PreK-12 physical education may be substituted for the capstone experience.

#### Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 4581, effective December 18, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 1885, effective June 26, 2005 (Supp. 05-2). Amended by exempt rulemaking at 15 A.A.R. 1225, effective December 5, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1259, effective March 26, 2007 (Supp. 09-2). Amended by exempt rulemaking at 15 A.A.R. 1298, effective July 18, 2007 (Supp. 09-3). Former R7-2-613 recodified to R7-2-614; new R7-2-613 recodified from R7-2-612 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-613 recodified to R7-2-614; new R7-2-613 recodified from R7-2-612 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2073, effective June 22, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

#### R7-2-614. Other Teaching Certificates

- A.** Except as noted, all certificates are subject to the general certification provisions in R7-2-607.
- B.** Substitute Certificate – PreK-12
  1. The certificate is valid for six years and renewable by reapplication.
  2. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only a substitute certificate shall not be assigned a contract teaching position.

## State Board of Education

3. An individual who holds a valid teaching or administrator certificate shall not be required to hold a substitute certificate to be employed as a substitute teacher.
  4. A person holding only a substitute certificate shall be limited to teaching 120 days in the same school each school year.
  5. The requirement for issuance is a bachelor's degree and a valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  6. Substitute certificates previously issued as valid for life under this rule shall remain valid for life.
  7. A person holding only a substitute certificate may be exempt from the limit on teaching 120 days in the same school each school year if the school district superintendent has provided verification to the Department of Education that the position is continuously advertised on a statewide basis at a minimum of three sites with at least one being a higher education institution and that a highly qualified and employable candidate was not found. An exemption from teaching 120 days shall not be granted to the same individual more than three times.
- C. Emergency Substitute Certificate – PreK-12**
1. The certificate is valid for one school year or part thereof. The expiration date shall be the following July 1.
  2. The certificate entitles the holder to substitute only in the district that verifies that an emergency employment situation exists.
  3. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only an emergency substitute certificate shall not be assigned a contract teaching position.
  4. The holder of an emergency substitute certificate shall be limited to 120 days of substitute teaching per school year.
  5. The requirements for initial issuance are:
    - a. High school diploma, General Education diploma, or associate's degree;
    - b. Verification from the school district superintendent that an emergency employment situation exists; and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  6. The requirements for each reissuance are:
    - a. Two semester hours of academic courses completed since the last issuance of the Emergency Substitute Certificate. District in-service programs designed for professional development may substitute for academic courses. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director. Individuals who have earned 30 or more semester hours are exempt from this requirement,
    - b. Verification from the school district superintendent that an emergency employment situation exists, and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- D. Emergency Teaching Certificate – birth through grade 12**
1. The emergency teaching certificate is valid one school year or part thereof. The expiration date shall be the following July 1. An emergency teaching certificate shall not be issued more than three times to an individual.
  2. The emergency teaching certificate entitles the holder to enter into a teaching contract.
  3. Emergency teaching certificates shall be issued for early childhood, elementary and secondary certificates required by A.R.S. § 15-502(B), and required endorsements.
4. The emergency teaching certificate entitles the holder to teach only in the district or charter school that verifies that an emergency employment situation exists.
  5. The requirements for initial issuance are:
    - a. A bachelor's degree,
    - b. Verification from the school district superintendent or charter school administrator that an emergency employment situation exists, and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety,
- E. Teaching Intern Certificate – PreK-12**
1. The certificate is valid for two years from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (E)(5) are met.
  2. The teaching intern certificate entitles the holder to enter into a teaching contract while completing the requirements for an Arizona teaching certificate. During the valid period of the intern certificate the holder may teach in a Structured English Immersion classroom, or in any subject area in which the holder has passed the appropriate Arizona Teacher Proficiency Assessment. Teaching Intern certificate holders who teach in a Structured English Immersion classroom shall hold a valid Provisional or full Structured English Immersion Endorsement, an English as a Second Language Endorsement, or a Bilingual Endorsement, if applicable. The candidate shall be enrolled in a Board authorized alternative path to certification program or a Board approved teacher educator preparation program.
  3. An individual is not eligible to hold the teaching intern certificate more than once in a five year period.
  4. The requirements for initial issuance of the teaching intern certificate are:
    - a. A bachelor's degree or higher from an accredited institution;
    - b. Verification of enrollment in a Board approved alternative path to certification program, or a Board approved educator preparation program; and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  5. The requirements for the extension of the intern teaching certificate are:
    - a. The teaching intern certificate outlined in subsection (E)(4),
    - b. Official transcripts documenting the completion of required coursework,
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  6. The holder of the teaching intern certificate may apply for a Standard teaching certificate upon completion of the following:
    - a. Successful completion of a Board authorized alternative path to certification program or a Board approved educator preparation program;
    - b. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment as applicable;
    - c. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment that corresponds to the Board approved alternative path to certification program in which the applicant is enrolled, unless the applicant has a bachelor's, master's or doctoral degree in the corresponding content area;

## State Board of Education

- d. The submission of an application for a Standard teaching certificate to the Department;
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- 7. Placement decisions of teaching intern certificate holders shall only be based on agreements between the educator preparation provider, the provider's partner organizations and the local education agency except as otherwise provided in R7-2-614(E).
- F. Adult Education Certificates**
  - 1. The adult education certificates are issued for individuals teaching in the areas of Adult Basic Education, Adult Secondary Education, English Language Acquisition for Adults, or Citizenship.
  - 2. Standard Adult Education Certificate.
    - a. The requirement for issuance is a valid fingerprint clearance card issued by the Arizona Department of Public Safety and a bachelor's degree or three years of experience as a teacher, tutor, or aide in an adult education program or in grades K through 12. Up to two years of experience may be waived by postsecondary academic credit, with 30 semester hours equivalent to one year of experience.
    - b. The renewal requirements are completion of a professional development program, described in R7-2-619(B).
- G. Junior Reserve Officer Training Corps Teaching Certificate – grades nine through 12**
  - 1. The standard certificate is valid at any local education agency which conducts an approved Junior Reserve Officer Training Corps program of the Air Force, Army, Navy, or Marine Corps.
  - 2. The requirements are:
    - a. Verification by the district of an approved Junior Reserve Officer Training Corps program of instruction in which the applicant will be teaching,
    - b. Verification by the district that the applicant meets the work experience required by the respective military service, and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- H. Athletic coaching certificate – grades seven through 12**
  - 1. The standard certificate entitles the holder to perform coaching duties in interscholastic and extracurricular athletic activities. It is not required for teachers who hold a valid elementary, secondary or special education certificate.
  - 2. The requirements are:
    - a. Valid certification in first aid and Coronary and Pulmonary Resuscitation (CPR);
    - b. Completion of courses, Board-approved or accredited seminars or modules of study which shall include the following:
      - i. Methods of coaching,
      - ii. Anatomy and physiology,
      - iii. Sports psychology,
      - iv. Adolescent psychology,
      - v. The prevention and treatment of athletic injuries; and
      - vi. Signs of physical abuse, emotional abuse, sexual abuse, neglect, bullying, hazing and cyberbullying.
    - c. Two hundred fifty hours of verified coaching experience in the sport to be coached. Coaching experience may include experience as a head coach or assistant coach in a school program or in an organized athletic league; and
- d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- 4. Renewal requirements area. Completion of a professional development program described in R7-2-619(B),
  - b. Valid certification in first aid and CPR.
- I. Standard Foreign Teacher Teaching Certificate**
  - 1. This certificate is required for a teacher or professor from any foreign country, state, territory or possession of the United States contracted through the foreign teacher exchange program as authorized by federal statutes enacted by the Congress of the United States or other foreign teacher recruitment programs approved by the United States Department of State.
  - 2. This certificate is valid for one year and may be extended yearly for up to two additional years upon request by the contracting governing board. The contracting teacher shall submit a letter of intent to hire to the Arizona Department of Education on official letterhead signed by the Superintendent or Director of Human Resources.
  - 3. The requirements are:
    - a. Verification that training and background comply with the comparable Arizona teaching certificate as provided in R7-2-608, R7-2-609, R7-2-610, R7-2-611, R7-2-612 and R7-2-613.
    - b. Holds a valid fingerprint Clearance Card issued by the Arizona Department of Public Safety.
    - c. Demonstrates fluency in English as verified by the Test of English as a Foreign Language (TOEFL) or other English proficiency tests approved by the Board.
    - d. The passing score by the Test of English as a Foreign Language (TOEFL) or other English proficiency tests approved by the Board shall be determined by the Board using the results of validity and reliability studies. The passing score for each assessment shall be reviewed by the Board at least every three years.
  - 4. A prospective teacher seeking to instruct in a language other than English may furnish a letter for submission to the Arizona Department of Education, on official letterhead, signed by the dean or designee of the home university to verify mastery of the purposed language of instruction. The Arizona Department of Education shall review and may approve submissions for the prospective teacher's exemption to the American Council of the Teaching of Foreign Languages Exam.
- J. Native American Language Certificate**
  - 1. The standard certificate is optional and issued to individuals to teach only a Native American language in grades PreK-12.
  - 2. The requirements are:
    - a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
    - b. Language proficiency in a Native American Language. Proficiency shall be verified on official letterhead by a person, persons, or entity designated by the appropriate tribe.
  - 3. The certificate may be renewed upon completion of professional development, as prescribed in R7-2-619(B).
- K. Student Teaching Intern Certificate – PreK-12.** This subsection becomes effective on February 1, 2017 for placements beginning in the 2017-2018 school year.

## State Board of Education

1. The student teaching intern certificate is optional and is not a requirement for participation in a student teaching capstone experience.
  2. The certificate entitles the holder to perform teaching duties under the supervision of a program supervisor as defined in R7-2-604(14) and is only valid in the school district or charter school requesting the certificate.
  3. The certificate is valid for one year from date of initial issuance and may be extended for one year at no cost to the applicant if the provisions in subsection (K)(4) are met.
  4. The requirements are:
    - a. Verification of enrollment in the culminating student teaching capstone experience of a Board approved educator preparation program (EPP) pursuant to R7-2-604.01,
    - b. Verification documenting completed coursework with a minimum GPA of 3.0 on a 4.0 scale or the equivalent,
    - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment that corresponds to the teaching certificate the student teaching intern is pursuing,
    - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment that corresponds to the teaching certificate the student teaching intern is pursuing,
    - e. A request for issuance of the student teaching intern certificate from the district superintendent or charter school superintendent and the EPP.
    - f. Verification from the educator preparation provider that a written supervision plan, approved by the Board, includes the following:
      - i. the educator preparation provider's roles and responsibilities for the Program Supervisor, and
      - ii. the onsite mentorship and induction provided by the Local Education Agency (LEA).
    - g. A valid fingerprint card issued by the Arizona Department of Public Safety.
  5. Placement decisions of student teaching intern certificate holders shall only be based on collaborative agreements between the Board approved educator preparation provider and the LEA. Notwithstanding any other provision, a student teaching intern certificate holder may not teach in a special education classroom unless the certificate holder has a bachelor's degree.
  6. The holder of the student teaching certificate may apply for an Arizona Teaching Certificate upon completion of the following:
    - a. Successful completion of a Board approved EPP.
    - b. The submission of an application, and all required documentation including an institutional recommendation, for the Arizona teaching certificate to the Department.
- L. Classroom-Based Standard Teaching Certificate**
1. The requirements are:
    - a. A bachelor's degree
    - b. Successful completion of a Board-approved Classroom-Based Alternative Preparation Program;
    - c. Verification of satisfactory progress and achievement with students
    - d. Demonstration of subject knowledge proficiency with:
      - i. Verification of teaching courses relevant to a content area or subject matter for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions; or
      - ii. A bachelor's, master's or doctoral degree from an accredited institution in the applicable subject area; or
      - iii. Verification of a minimum of five years of work experience in the applicable subject area of certification; or
      - iv. Three years of verified teaching experience in the same area of certification in which the individual is applying for certification; or
      - v. A passing score on the applicable subject knowledge portion of the Arizona Teacher Proficiency Assessment
  - e. Demonstration of professional knowledge proficiency with:
    - i. Three years of verified teaching experience in the same area of certification in which the individual is applying for certification; or
    - ii. A passing score on the applicable professional knowledge portion of the Arizona Teacher Proficiency Assessment
  - f. An individual seeking certification who was teaching courses or subjects tested by the statewide assessment must also provide:
    - i. Verified evidence of two years of full-time teaching; and
    - ii. Verified evidence that the individual's students performed at grade level; or
    - iii. Verified evidence that the individual's students achieved at least one year of academic growth at a rate equivalent to the state average for the students' associated peer groups
  - g. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4).  
 Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-614 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3739, effective August 5, 2002 for a period of 180 days (Supp. 02-3). Emergency rulemaking renewed under A.R.S. § 41-1026 at 9 A.A.R. 522, effective January 31, 2003 for a period of 180 days (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by exempt rulemaking at 15 A.A.R. 1304, effective June 26, 2006 (Supp. 09-1).  
 Amended by exempt rulemaking at 15 A.A.R. 1898, effective April 28, 2008 (Supp. 09-2). Former R7-2-614 recodified to R7-2-615; new R7-2-614 recodified from R7-2-613 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-614 recodified to R7-2-615; new R7-2-614 recodified from R7-2-613 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 52, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 63, effective June 22, 2009 (Supp. 10-2).  
 Amended by exempt rulemaking at 16 A.A.R. 728, effective March 22, 2010 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). R7-2-614(J) amended by final exempt rulemaking at 21 A.A.R. 2073, effective August 27, 2012; R7-2-614(I) amended by final exempt rulemaking at 21 A.A.R. 2073, effective June 24, 2013; R7-2-614(B)(C)(E) amended by final exempt rulemaking at 21 A.A.R. 2073, effective January 26, 2015 (Supp. 15-3).

## State Board of Education

Amended by final exempt rulemaking at 22 A.A.R. 667, effective January 25, 2016; filed in the Office March 1, 2016 (Supp. 16-3). Amended by final exempt rulemaking at 22 A.A.R. 2617, effective August 22, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-615. Endorsements**

- A.** An endorsement shall be automatically renewed with the certificate on which it is posted.
- B.** Except as noted, all endorsements are subject to the general certification provisions in R7-2-607.
- C.** Endorsements which are optional as specified herein may be required by local governing boards.
- D.** Special subject endorsements – grades Pre-K through 12
  1. Special subject endorsements shall be issued in the area of art, computer science, dance, dramatic arts, music, or physical education.
  2. Special subject endorsements are optional.
  3. The requirements are:
    - a. An Arizona elementary, secondary, or special education certificate;
    - b. One course in the methods of teaching the subject at the elementary level and one course in the methods of teaching the subject at the secondary level; and
    - c. One of the following:
      - i. Thirty semester hours of courses in the subject area which may include the courses listed in subsection (D)(3)(b);
      - ii. A passing score on the subject area portion of the Arizona Teacher Proficiency Assessment, if an assessment has been adopted by the Board; or
      - iii. A passing score on a comparable out-of-state subject area assessment.
- E.** Mathematics Specialist Endorsement – grades K through eight. This subsection is valid until June 30, 2011.
  1. The mathematics specialist endorsement is optional.
  2. The requirements are:
    - a. An Arizona elementary or special education certificate,
    - b. Three semester hours of courses in the methods of teaching elementary school mathematics, and
    - c. Fifteen semester hours of courses in mathematics education for teachers of elementary or middle school mathematics.
- F.** Mathematics Endorsement – grades K through eight. This subsection becomes effective on July 1, 2011.
  1. The mathematics endorsement is optional for all K through eight teachers, but recommended for an individual in the position of mathematics specialist, consultant, interventionist, or coach. Nothing in this Section prevents school districts from requiring certified staff to obtain a mathematics endorsement as a condition of employment. The mathematics endorsement does not waive the requirements set forth in R7-2-607(J).
  2. The requirements are:
    - a. An Arizona elementary or special education certificate;
    - b. Three years of full-time teaching experience in grades K through eight; and
    - c. Eighteen semester hours to include:
      - i. Three semester hours of data analysis, probability, and discrete mathematics;
      - ii. Three semester hours of geometry and measurement;
      - iii. Six semester hours of patterns, algebra, and functions; and
      - iv. Six semester hours of number and operations.
- d.** Six semester hours to include:
  - i. Three semester hours of mathematics classroom assessment;
  - ii. Three semester hours of research-based practices, pedagogy, and instructional leadership in mathematics.
- e.** A passing score on the middle school mathematics knowledge portion of the Arizona Educator Proficiency Assessment may be substituted for the 18 semester hours described in subsection (F)(2)(c).
- f.** Completion of a comparable valid mathematics specialist certificate or endorsement from another state may be substituted for the requirements described in subsection (F)(2)(c) and (d).
- G.** Reading Specialist Endorsement – grades K through 12. This subsection is valid until June 30, 2011.
  1. The reading specialist endorsement shall be required of an individual in the position of reading specialist, reading consultant, remedial reading teacher, special reading teacher, or in a similar position.
  2. The requirements are:
    - a. An Arizona elementary, secondary, or special education certificate; and
    - b. Fifteen semester hours of courses to include decoding, diagnosis and remediation of reading difficulties, and practicum in reading.
- H.** Reading Endorsement. This subsection becomes effective on July 1, 2011.
  1. A reading endorsement shall be required of an individual in the position of reading or literacy specialist, reading or literacy coach, and reading or literacy interventionist.
  2. Reading Endorsement for grades K through eight. The requirements are:
    - a. A valid Arizona elementary special education or early childhood certificate,
    - b. Three years of full-time teaching experience,
    - c. Three semester hours of a supervised field experience or practicum in reading completed for the grades K through eight, and
    - d. One of the following:
      - i. Twenty-one semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
        - (1) Three semester hours in the theoretical and research foundations of language and literacy;
        - (2) Three semester hours in the essential elements of elementary reading and writing instruction (K through eight);
        - (3) Three semester hours in the elements of elementary content area reading and writing (K through eight);
        - (4) Six total semester hours in reading assessment systems;
        - (5) Three semester hours in leadership; and
        - (6) Three semester hours of elective courses in an area of focus that will deepen knowledge in the teaching of reading to elementary students, such as children's literature, or teaching reading to English Language Learners.

## State Board of Education

- ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections (H)(2)(c) and (d)(i).
  - e. A passing score on the reading endorsement subject knowledge portion of the Arizona Educator Proficiency Assessment for grades K through eight may be substituted for 21 semester hours of reading endorsement coursework as described in subsection (H)(2)(d)(i).
  - 3. Reading Endorsement for grades six through 12. The requirements are:
    - a. A valid Arizona elementary, secondary, or special education certificate;
    - b. Three years of full-time teaching experience;
    - c. Three semester hours of supervised field experience or practicum in reading completed for the grades six through 12; and
    - d. One of the following:
      - i. Twenty-one semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
        - (1) Three semester hours in the theoretical and research foundations of language and literacy;
        - (2) Three semester hours in the essential elements of reading and writing instruction for adolescents (grades six through 12);
        - (3) Three semester hours in the elements of content area reading and writing for adolescents (grades six through 12);
        - (4) Six total semester hours in reading assessment systems;
        - (5) Three semester hours in leadership; and
        - (6) Three semester hours of elective courses in an area of focus that will deepen knowledge in the teaching of reading such as adolescent literature, or teaching reading to English Language Learners.
      - ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections (H)(3)(c) and (d)(i).
    - e. A passing score on the reading endorsement subject knowledge portion of the Arizona Educator Proficiency Assessment for grades six through 12 may be substituted for 21 semester hours of reading endorsement coursework as described in subsection (H)(3)(d)(i).
  - 4. Reading Endorsement – grades K through 12. The requirements are:
    - a. A valid Arizona elementary, secondary, special education certificate or early childhood certificate;
    - b. Three years of full-time teaching experience;
    - c. Three semester hours of a supervised field experience or practicum in reading completed for the grades K through five;
    - d. Three semester hours of a supervised field experience or practicum in reading completed for the grades six through 12; and
    - e. One of the following:
      - i. Twenty-four semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
        - (1) Three semester hours in the theoretical and research foundations of language and literacy,
      - (2) Three semester hours in the essential elements of elementary reading and writing instruction (grades K through eight),
      - (3) Three semester hours in the essential elements of reading and writing instruction for adolescents (grades six through 12),
      - (4) Three semester hours in the elements of elementary content area reading and writing (grades K through eight),
      - (5) Three semester hours in the elements of content area reading and writing for adolescents (grades six through 12),
      - (6) Six total semester hours in reading assessment systems, and
      - (7) Three semester hours in leadership,
    - ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections (H)(4)(c), (d) and (e)(i).
  - f. A passing score on the reading endorsement subject knowledge portion of the Arizona Educator Proficiency Assessment for grades K through eight and a passing score on the reading endorsement professional knowledge portion of the Arizona Educator Proficiency Assessment for grades six through 12 may be substituted for 24 semester hours of reading endorsement coursework as described in subsection (H)(4)(e)(i).
- I. Elementary Foreign Language Endorsement – grades K through eight
  - 1. The elementary foreign language endorsement is optional.
  - 2. The requirements are:
    - a. An Arizona elementary, secondary or special education certificate.
    - b. Proficiency in speaking, reading, and writing a language other than English, verified by the appropriate language department of an accredited institution. American Indian language proficiency shall be verified by an official designated by the appropriate tribe.
    - c. Three semester hours of courses in the methods of teaching a foreign language at the elementary level.
- J. Bilingual Endorsements - PreK through 12
  - 1. A provisional bilingual endorsement or a bilingual endorsement is required of an individual who is a bilingual classroom teacher, bilingual resource teacher, bilingual specialist, or otherwise responsible for providing bilingual instruction.
  - 2. The provisional bilingual endorsement is valid for three years and is not renewable. The requirements are:
    - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate; and
    - b. Proficiency in a spoken language other than English, verified by one of the following:
      - i. A passing score on the Arizona Classroom Spanish Proficiency exam;
      - ii. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state;



## State Board of Education

- iii. If an exam in the language is not offered through the Arizona Teacher Proficiency Assessment or the American Council on the Teaching of Foreign Languages, proficiency may be verified by the language department of an accredited institution. A minimum passing score of "Advanced Low" is required on the American Council on the Teaching of Foreign Languages for Speaking and Writing Exams in the foreign language;
      - iv. Proficiency in American Indian languages shall be verified by an official designated by the appropriate tribe; or
    - c. Proficiency in sign language is verified through 24 hours of coursework from an accredited institution.
  - 3. The holder of the bilingual endorsement is also authorized to teach English as a Second Language.
  - 4. The requirements are:
    - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate;
    - b. Completion of a bilingual education program from an accredited institution or the following courses:
      - i. Three semester hours of foundations of instruction for non-English-language-background students;
      - ii. Three semester hours of bilingual methods;
      - iii. Three semester hours of English as a Second Language for bilingual settings;
      - iv. Three semester hours of courses in bilingual materials and curriculum, assessment of limited-English-proficient students, teaching reading and writing in the native language, or English as a Second Language for bilingual settings;
      - v. Three semester hours of linguistics to include psycholinguistics, sociolinguistics, first language acquisition, and second language acquisition for language minority students, or American Indian language linguistics;
      - vi. Three semester hours of courses dealing with school, community, and family culture and parental involvement in programs of instruction for non-English-language-background students; and
      - vii. Three semester hours of courses in methods of teaching and evaluating handicapped children from non-English-language backgrounds. These hours are only required for bilingual endorsements on special education certificates.
    - c. A valid bilingual certificate or endorsement from another state may be substituted for the courses described in subsection (J)(4)(b);
    - d. Practicum in a bilingual program or two years of verified bilingual teaching experience; and
    - e. Proficiency in a spoken language other than English, verified by one of the following:
      - i. A passing score on the Arizona Classroom Spanish Proficiency exam;
      - ii. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state;
      - iii. If an exam in the language is not offered through the Arizona Teacher Proficiency Assessment or the American Council on the Teaching of Foreign Languages, proficiency may be verified by the language department of an accredited institution. A minimum passing score of "Advanced Low" is required on the American Council on the Teaching of Foreign Languages for Speaking and Writing Exams in the foreign language;
      - iv. Proficiency in American Indian languages shall be verified by an official designated by the appropriate tribe; or
      - f. Proficiency in sign language is verified through 24 hours of coursework from an accredited institution.
- K. English as a Second Language (ESL) Endorsements – grades Pre-K through 12**
- 1. An ESL or bilingual endorsement is required of an individual who is an ESL classroom teacher, ESL specialist, ESL resource teacher, or otherwise responsible for providing ESL instruction.
  - 2. The provisional ESL endorsement is valid for three years and is not renewable. The requirements are:
    - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate; and
    - b. Six semester hours of courses specified in subsection (K)(3)(b), including at least one course in methods of teaching ESL students.
  - 3. The requirements for the ESL endorsement are:
    - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate;
    - b. Completion of an ESL education program from an accredited institution or the following courses:
      - i. Three semester hours of courses in foundations of instruction for non-English-language-background students. Three semester hours of courses in the nature and grammar of the English language, taken before January 1, 1999, may be substituted for this requirement;
      - ii. Three semester hours of ESL methods;
      - iii. Three semester hours of teaching of reading and writing to limited-English-proficient students;
      - iv. Three semester hours of assessment of limited-English-proficient students;
      - v. Three semester hours of linguistics; and
      - vi. Three semester hours of courses dealing with school, community, and family culture and parental involvement in programs of instruction for non-English-language-background students.
    - c. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state; or
    - d. Three semester hours of a practicum or two years of verified ESL or bilingual teaching experience, verified by the district superintendent;
    - e. Second language learning experience, which may include sign language. Second language learning experience may be documented by any of the following:
      - i. Six semester hours of courses in a single second language, or the equivalent, verified by the

## State Board of Education

- department of language, education, or English at an accredited institution;
    - ii. Completion of intensive language training by the Peace Corps, the Foreign Service Institute, or the Defense Language Institute;
    - iii. Placement by the language department of an accredited institution in a third-semester level;
    - iv. Placement at level 1-intermediate/low or more advanced score on the Oral Proficiency Interview, verified by the American Council for the Teaching of Foreign Languages;
    - v. Passing score on the Arizona Classroom Spanish Proficiency Examination approved by the Board; or
    - vi. Proficiency in an American Indian language, verified by an official designated by the appropriate tribe.
    - vii. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state; or
  - e. A valid ESL certificate or endorsement from another state may be substituted for the requirements described in subsection (K)(3)(b), (c) and (d).
- L. Structured English Immersion (SEI) Endorsement - Pre-K through 12. A Provisional or full Structured English Immersion (SEI) endorsement, or an English as a Second Language or Bilingual endorsement, shall be required of a teacher who is instructing students in a sheltered English immersion or structured English immersion model.
  - 1. The provisional SEI endorsement is valid for three years and is not renewable. The requirements are:
    - a. An Arizona elementary, secondary, special education, CTE, early childhood, PreK-12 teaching, supervisor, principal or superintendent certificate; and
    - b. One semester hour or 15 clock hours of professional development in Structured English Immersion methods of teaching English Language Learner (ELL) students, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools through a training program that meets the requirements of A.R.S. § 15-756.09(B).
  - 2. The requirements for the SEI endorsement are: an Arizona elementary, secondary, special education, CTE, early childhood, PreK-12 teaching, supervisor, principal, or superintendent certificate; and one of the following:
    - a. Three semester hours of courses related to the teaching of the English Language Learner Proficiency Standards adopted by the Board, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools; or
    - b. Completion of 45 clock hours of professional development in the teaching of the English Language Learner Proficiency Standards adopted by the Board, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools through a training program that meets the requirements of A.R.S. § 15-756.09(B).
- c. A passing score on the Structured English Immersion portion of the Arizona Teacher Proficiency Assessment.
  - 3. Nothing in this Section prevents a school district or charter school from requiring certified staff to obtain an SEI, ESL or bilingual endorsement as a condition of employment.
- M. Gifted Endorsements – grades Pre-K through 12
  - 1. A gifted endorsement is required of individuals whose primary responsibility is teaching gifted students.
  - 2. The provisional gifted endorsement is valid for three years and is not renewable. The requirements are an Arizona elementary, secondary, early childhood or special education certificate and one of the following:
    - a. Two years of verified teaching experience in which most students were gifted,
    - b. Ninety clock hours of verified in-service training in gifted education, or
    - c. Six semester hours of courses in gifted education.
  - 3. Requirements for the gifted endorsement are:
    - a. An Arizona elementary, secondary, early childhood or special education certificate;
    - b. Completion of nine semester hours of upper division or graduate level courses in an academic discipline such as science, mathematics, language arts, foreign language, social studies, psychology, fine arts, or computer science; and
    - c. Two of the following:
      - i. Three years of verified teaching experience in gifted education as a teacher, resource teacher, specialist, or similar position, verified by the district; or
      - ii. A minimum of 135 clock hours of verified in-service training in gifted education; or
      - iii. Completion of 12 semester hours of courses in gifted education. District in-service programs in gifted education may be substituted for up to six semester hours of gifted education courses. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director. Practicum courses shall not be accepted toward this requirement; or
      - iv. Completion of six semester hours of practicum or two years of verified teaching experience in which most students were gifted.
- N. Early Childhood Education Endorsements - birth through age 8
  - 1. When combined with an Arizona elementary education teaching certificate or an Arizona special education teaching certificate, the Early Childhood Endorsement may be used in lieu of an early childhood education certificate as described in R7-2-608. When combined with an Arizona cross-categorical, specialized special education, or severe and profound teaching certificate as described in R7-2-611, the Early Childhood endorsement may be used in lieu of an Early Childhood Special Education certificate.
  - 2. The provisional early childhood endorsement is valid for three years and is not renewable. The requirements are:
    - a. A valid Arizona elementary teaching certificate as provided in R7-2-609 or a valid Arizona special education teaching certificate as provided in R7-2-611, and

## State Board of Education

- b. A passing score on the early childhood subject knowledge portion of the Arizona Teacher Proficiency Assessment.
    - 3. The requirements for the Early Childhood Endorsement are:
      - a. A valid Arizona elementary education teaching certificate as provided in R7-2-609 or a valid Arizona special education teaching certificate as provided in R7-2-611, and
      - b. Early childhood education coursework and practicum experience which includes both of the following:
        - i. Twenty-one semester hours of early childhood education courses to include all of the following areas of study:
          - (1) Foundations of early childhood education;
          - (2) Child guidance and classroom management;
          - (3) Characteristics and quality practices for typical and atypical behaviors of young children;
          - (4) Child growth and development, including health, safety and nutrition;
          - (5) Child, family, cultural and community relationships;
          - (6) Developmentally appropriate instructional methodologies for teaching language, math, science, social studies and the arts;
          - (7) Early language and literacy development;
          - (8) Assessing, monitoring and reporting progress of young children; and
        - ii. A minimum of eight semester hours of practicum including:
          - (1) A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children birth through preschool. One year of full-time verified teaching experience with children in birth through preschool may substitute for this student teaching experience. This verification may come from a school-based education program or center-based program licensed by the Department of Health Services or regulated by tribal or military authorities; and
          - (2) A minimum of four semester hours in a supervised student teaching setting serving children in kindergarten through grade three. One year of full-time verified teaching experience with children in kindergarten through grade three in an accredited school may substitute for this student teaching experience;
      - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
      - d. A passing score on the early childhood professional knowledge portion of the Arizona Educator Proficiency Assessment may be substituted for the 21 semester hours of early childhood education courses as described in subsection (N)(3)(b)(i); and
      - e. A passing score on the early childhood subject knowledge portion of the Arizona Educator Proficiency Assessment.
    - 4. Teachers with a valid Arizona elementary education certificate or Arizona special education certificate meet the requirements of this Section with evidence of the following:
      - a. A minimum of three years infant/toddler, preschool or kindergarten through grade three classroom teaching experience; and
      - b. A passing score on the early childhood subject knowledge portion of the Arizona Educator Proficiency Assessment.
  - O. Library-Media Specialist Endorsement – grades Pre-K through 12
    - 1. The library-media specialist endorsement is optional.
    - 2. Requirements are:
      - a. An Arizona elementary, secondary, early childhood or special education certificate;
      - b. A passing score on the Library Media Specialist portion of the Arizona Teacher Proficiency Assessment. A master's degree in Library Science may be substituted for a passing score on the assessment; and
      - c. One year of teaching experience.
  - P. Middle Grade Endorsement – grades five through nine
    - 1. The middle grade endorsement is optional. The middle grade endorsement may expand the grades a teacher is authorized to teach on an elementary or secondary certificate.
    - 2. The requirements are:
      - a. An Arizona elementary or secondary certificate, and
      - b. Six semester hours of courses in middle grade education to include:
        - i. One course in early adolescent psychology;
        - ii. One course in middle grade curriculum; and
        - iii. A practicum or one year of verified teaching experience, in grades five through nine.
  - Q. Drivers Education Endorsement
    - 1. The drivers education endorsement is optional.
    - 2. The requirements are:
      - a. An Arizona teaching certificate,
      - b. A valid Arizona driver's license,
      - c. One course in each of the following:
        - i. Safety education,
        - ii. Driver and highway safety education, and
        - iii. Driver education laboratory experience, and
      - d. A driving record with less than seven violation points and no revocation or suspension of driver's license within the two years preceding application.
    - 3. For the purposes of this Section, a course is defined as a 3 hour semester course offered by an accredited institution of higher learning or 45 clock hours of educational classes approved by the Department. Each semester hour of courses shall be equivalent to 15 clock hours of training. If semester hours are used, the required documentation for the semester hours shall be an official transcript.
  - R. Cooperative Education Endorsement – grades K through 12
    - 1. The cooperative education endorsement is required for individuals who coordinate or teach CTE.
    - 2. The requirements are:
      - a. A provisional or standard CTE certificate in the areas of agriculture, business, family and consumer sciences, health occupations, marketing, or industrial technology; and
      - b. One course in CTE.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4).  
 Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by exempt rulemaking at 15 A.A.R. 1838, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15

## State Board of Education

A.A.R. 1306, effective September 26, 2006 (Supp. 09-1). Former R7-2-615 recodified to R7-2-616; new R7-2-615 recodified from R7-2-614 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-615 recodified to R7-2-616; new R7-2-615 recodified from R7-2-614 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 52, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 119, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 129, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 734, effective July 1, 2011 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by exempt rulemaking at 16 A.A.R. 1496, effective July 1, 2011 (Supp. 11-1). Amended by final exempt rulemaking at 22 A.A.R. 227, effective June 23, 2014; filed in the Office January 20, 2016 (Supp. 16-2). Amended by final exempt rulemaking at 22 A.A.R. 1912, effective October 1, 2011; filed in the Office July 1, 2016 (Supp. 16-3). Amended by final exempt rulemaking at 22 A.A.R. 219, effective June 5, 2015; filed in the Office January 20, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 22 A.A.R. 233, effective September 28, 2015 and filed in the Office January 20, 2016 (Supp. 17-1). Amended by final exempt rulemaking at 22 A.A.R. 670, effective January 1, 2016, filed in the Office March 2, 2016; amended by final exempt rulemaking at 22 A.A.R. 2241, effective August 6, 2016, filed in the Office August 5, 2016 (Supp. 17-2).

#### **R7-2-616. Standard Professional Administrative Certificates**

- A.** All certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B.** Standard Professional Supervisor Certificate – grades PreK through 12
  1. Except for individuals who hold a valid Arizona principal or superintendent certificate, the supervisor certificate is required for all personnel whose primary responsibility is administering instructional programs, supervising certified personnel, or similar administrative duties.
  2. The requirements are:
    - a. A valid Arizona early childhood, elementary, secondary, special education, CTE certificate or other professional certificate issued by the Department;
    - b. A master's or more advanced degree;
    - c. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
    - d. Completion of a program in educational administration which shall consist of a minimum of 18 graduate semester hours of educational administration courses which teach the knowledge and skills described in R7-2-603 to include three credit hours in school law and three credit hours in school finance;
    - e. A practicum in educational administration or two years of verified educational administrative experience in grades PreK through 12;
    - f. A passing score on the Arizona Administrator Proficiency Assessment;
    - g. An SEI endorsement or an ESL endorsement or a Bilingual Endorsement; and
    - h. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

- C.** Standard Professional Principal Certificate – grades PreK through 12
  1. The principal certificate is required for all personnel who hold the title of principal, assistant principal, or perform the duties of principal or assistant principal as delineated in A.R.S. Title 15.
  2. The requirements are:
    - a. A master's or more advanced degree,
    - b. Three years of verified teaching experience in grades PreK through 12,
    - c. Completion of a program in educational administration for principals including at least 30 graduate semester hours of educational administration courses teaching the knowledge and skills described in R7-2-603 to include three credit hours in school law and three credit hours in school finance,
    - d. A practicum as a principal or two years of verified experience as a principal or assistant principal under the supervision of a certified principal in grades PreK through 12,
    - e. A passing score on either the Principal or Superintendent portion of the Arizona Administrator Proficiency Assessment,
    - f. An SEI endorsement or an ESL endorsement or a Bilingual Endorsement, and
    - g. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- D.** Standard Professional Superintendent Certificate – grades PreK through 12
  1. Individuals who hold the title of superintendent, assistant superintendent or associate superintendent and who perform duties directly relevant to curriculum, instruction, certified employee evaluations, and instructional supervision may obtain a superintendent certificate.
  2. The requirements are:
    - a. A master's or more advanced degree including at least 60 graduate semester hours;
    - b. Completion of a program in educational administration for superintendents, including at least 36 graduate semester hours of educational administrative courses which teach the standards described in R7-2-603 to include three credit hours in school law and three credit hours in school finance;
    - c. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
    - d. A practicum as a superintendent or two years verified experience as a superintendent, assistant superintendent, or associate superintendent in grades PreK through 12;
    - e. A passing score on the Superintendent portion of the Arizona Administrator Proficiency Assessment; and
    - f. An SEI endorsement or an ESL endorsement or a Bilingual endorsement; and
    - g. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- E.** Interim Supervisor Certificate – grades PreK through 12
  1. Except as noted, the administrative interim certificate is subject to the general certification provisions in R7-2-607.
  2. The certificate is valid for one year from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (F)(6) are met.
  3. The administrative interim certificate entitles the holder to perform the duties described in subsection (B)(1). The

## State Board of Education

- candidate shall be enrolled in a Board approved alternative path to certification program, or a Board authorized administrative preparation program.
4. An individual is not eligible to hold the administrative interim certificate more than once in a five year period.
  5. The requirements for initial issuance of the administrative interim certificate are:
    - a. A valid Arizona early childhood, elementary, secondary, special education, CTE certificate, PreK through 12 Arts, or other professional certificate issued by the Department;
    - b. A bachelor's degree or higher in education from an accredited institution;
    - c. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
    - d. Verification of enrollment in a Board approved alternative path to administrator certification program, or a Board approved administrator preparation program;
    - e. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district administrator or the appropriate county school superintendent; and
    - f. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  6. The requirements for the extension of the administrative interim certificate are:
    - a. Qualification for the initial issuance of the administrative interim certificate outlined in subsection (F)(5),
    - b. Official transcripts documenting the completion of required coursework,
    - c. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district administrator, and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  7. The holder of the administrative interim certificate may apply for an Arizona Standard Professional Supervisor Certificate upon completion of the following:
    - a. Successful completion of a Board approved alternative path to administrator certification program or a Board approved administrator preparation program. This shall include satisfactory completion of a field experience or capstone experience of no less than one full academic year. The field experience or capstone experience shall include performance evaluations in a manner that is consistent with policies for the applicable alternative professional preparation program;
    - b. A passing score on the Arizona Administrator Proficiency Assessment;
    - c. The submission of an application for the Standard Professional Supervisor certificate to the Department; and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- F. Interim Principal Certificate – grades PreK through 12**
1. Except as noted, the administrative interim certificate is subject to the general certification provisions in R7-2-607.
  2. The certificate is valid for one year from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (G)(6) are met.
3. The administrative interim certificate entitles the holder to perform the duties described in subsection (C)(1). The candidate shall be enrolled in a Board approved alternative path to certification program, or a Board authorized administrative preparation program.
  4. An individual is not eligible to hold the administrative interim certificate more than once in a five year period.
  5. The requirements for initial issuance of the administrative interim certificate are:
    - a. A bachelor's degree or higher in education from an accredited institution;
    - b. Three years of verified full-time teaching experience in grades PreK through 12;
    - c. Verification of enrollment in a Board approved alternative path to administrator certification program, or a Board approved administrator preparation program;
    - d. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district principal or superintendent or the appropriate county school superintendent; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  6. The requirements for the extension of the administrative interim certificate are:
    - a. Qualification for the initial issuance of the administrative interim certificate outlined in subsection (G)(5),
    - b. Official transcripts documenting the completion of required coursework,
    - c. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district principal or superintendent, and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  7. The holder of the administrative interim certificate may apply for an Arizona Principal Certificate upon completion of the following:
    - a. Successful completion of a Board approved alternative path to administrator certification program or a Board approved administrator preparation program. This shall include satisfactory completion of a field experience or capstone experience of no less than one full academic year. The field experience or capstone experience shall include performance evaluations in a manner that is consistent with policies for the applicable alternative professional preparation program;
    - b. A passing score on either the Principal or Superintendent portion of the Arizona Administrator Proficiency Assessment;
    - c. The submission of an application for the Principal certificate to the Department; and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- G. Interim Superintendent Certificate – grades PreK through 12**
1. Except as noted, the administrative interim certificate is subject to the general certification provisions in R7-2-607.
  2. The certificate is valid for one year from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (H)(6) are met.
  3. The administrative interim certificate entitles the holder to perform the duties described in subsection (D)(1). The candidate shall be enrolled in a Board approved alternative path to certification program, or a Board authorized administrative preparation program.

## State Board of Education

- tive path to certification program, or a Board authorized administrative preparation program.
4. An individual is not eligible to hold the administrative interim certificate more than once in a five year period.
  5. The requirements for initial issuance of the administrative interim certificate are:
    - a. A master's degree or higher from an accredited institution;
    - b. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
    - c. Verification of enrollment in a Board approved alternative path to administrator certification program, or a Board approved administrator preparation program;
    - d. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district superintendent or the appropriate county school superintendent; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  6. The requirements for the extension of the administrative interim certificate are:
    - a. Qualification for the initial issuance of the administrative interim certificate outlined in subsection (H)(5),
    - b. Official transcripts documenting the completion of required coursework,
    - c. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district superintendent or the appropriate county school superintendent, and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  7. The holder of the administrative interim certificate may apply for an Arizona Superintendent Certificate upon completion of the following:
    - a. Successful completion of a Board approved alternative path to administrator certification program or a Board approved administrator preparation program. This shall include satisfactory completion of a field experience or capstone experience of no less than one full academic year. The field experience or capstone experience shall include performance evaluations in a manner that is consistent with policies for the applicable alternative professional preparation program;
    - b. A passing score on the Superintendent portion of the Arizona Administrator Proficiency Assessment;
    - c. The submission of an application for the Superintendent certificate to the Department; and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Former R7-2-616 recodified to R7-2-617; new R7-2-616 recodified from R7-2-615 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-616 recodified to R7-2-617; new R7-2-616 recodified from R7-2-615 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 326, effective January 25, 2010 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by exempt rulemaking at 16 A.A.R. 2034, effective October 1, 2010 (Supp. 11-1). Amended by final exempt rulemaking at 22 A.A.R. 219,

effective June 5, 2015; filed in the Office January 20, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-617. Other Professional Certificates**

- A. All certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Guidance Counselor Certificate – grades PreK through 12. The requirements are:
  1. A master's or more advanced degree,
  2. Completion of a graduate program in guidance and counseling. A valid guidance counselor certificate from another state may substitute for this requirement,
  3. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
  4. One of the following:
    - a. Completion of a supervised counseling practicum in school counseling;
    - b. Two years of verified, full-time experience as a school guidance counselor; or
    - c. Three years of verified teaching experience.
- C. Standard School Psychologist Certificate – grades PreK-12
  1. A standard school psychologist certificate is required for all personnel whose primary responsibility is in the role of a school psychologist providing services that include but are not limited to the duties of student psychoeducational assessment, therapeutic consultation and intervention, and involvement in the process of determination of student disabilities or disorders.
  2. The requirements are:
    - a. A master's or more advanced degree;
    - b. Completion of a graduate program in school psychology consisting of at least 60 graduate semester hours, or completion of a doctoral program in psychology and completion of a re-training program in school psychology from an accredited institution or Board approved program with a letter of institutional endorsement from the head of the school psychology program;
    - c. A supervised internship of at least 1200 clock hours with a minimum of 600 of those hours in a school setting. Three years experience as a certified school psychologist within the last 10 years may be substituted for the internship requirement; and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  3. Any of the following may be substituted for the requirement described in subsection (C)(3)(b):
    - a. Five years experience within the last 10 years working full time in the capacity of a school psychologist in a school setting serving any portion of grades kindergarten through 12; or
    - b. A Nationally Certified School Psychologist Credential; or
    - c. A diploma in school psychology from the American Board of School Psychology.
- D. Standard Speech-Language Pathologist Certificate – grades PreK through 12
  1. The standard speech-language pathologist certificate is required for school-based speech-language pathologists.
  2. The certificate may be renewed consistent with the provisions of R7-2-619 with relevant professional development in the field of speech pathology, or professional development in the areas of articulation, voice, fluency, language, low incidence disabilities, curriculum and

## State Board of Education

instruction, professional issues and ethics, or service delivery models.

3. The requirements are:

- a. A master's or more advanced degree, from an accredited institution, in speech pathology or communication disorders;
- b. A minimum of 250 clinical clock hours supervised by a university or a speech-language pathologist with a certificate of clinical competence;
- c. A certificate of clinical competence, or a passing score on the national exam, or a passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
- d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

E. Standard Speech-Language Technician – grades PreK through 12

1. The standard speech-language technician certificate is required for school-based speech-language professionals.
2. No new applications for a speech-language technician certificate will be accepted after June 30, 2014.
3. The certificate may be renewed consistent with the provisions of R7-2-619 with professional development in the areas of articulation, voice, fluency, language disorders, low incidence disabilities, professional issues and ethics, or service delivery models.
4. The requirements are:
  - a. A bachelor's degree from an accredited program in Speech-Language Pathology, Speech Hearing Sciences, or Communication Disorders;
  - b. A minimum of 50 hours of university supervised observation;
  - c. A minimum of 150 university clinical clock hours, or 150 clock hours supervised by a master's level licensed speech-language pathologist, or two years' experience as a school speech-language therapist or technician;
  - d. A passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

F. Standard School Social Worker Certificate – grades PreK-12

1. The standard School Social Worker certificate is optional but may be required by local governing
2. The requirements are:
  - a. Master's or more advanced degree in Social Work from an accredited institution or completion of a Board approved school social worker program;
  - b. A valid fingerprint clearance issued by the Arizona Department of Public Safety; and
  - c. One of the following:
    - i. Completion of at least 6 semester hours of practicum in Social Work in a school setting completed through an accredited institution; or
    - ii. One year of full time experience as a Social Worker in a setting which primarily serves children in preschool through grade 12.
3. A valid, comparable School Social Worker certificate from another state may be substituted for the requirements of R7-2-617(F)(3) provided that the holder is in good standing with that state.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4).

Amended by emergency rulemaking under A.R.S. § 41-

1026 at 8 A.A.R. 5139, effective November 19, 2002 for a period of 180 days (Supp. 02-4). Emergency rulemaking renewed under A.R.S. § 41-1026(D) at 9 A.A.R. 1547, effective April 29, 2003 for a period of 180 days

(Supp. 03-2). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent R7-2-617 amended by final rulemaking at 9 A.A.R. 3950, effective October 21, 2003 (Supp. 03-3). Amended by exempt rulemaking at 15 A.A.R. 1264, effective May 22, 2006 (Supp. 09-1). Former R7-2-617 recodified to R7-2-618; new R7-2-617 recodified from R7-2-616 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-617 recodified to R7-2-618; new R7-2-617 recodified from R7-2-616 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). R7-2-617 "Prekindergarten" corrected to "PreK" at request of the Board, Office File No. M09-444, filed November 24, 2009 (Supp. 10-1). Office corrected labeling error in subsection (C) under A.R.S. § 41-1011 and A.A.C. R1-1-108 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2077, effective October 28, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 23 A.A.R. 231, effective December 19, 2016 (Supp. 17-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-618. Fees**

- A. The Superintendent of Public Instruction or the Superintendent's designee shall collect proper fees for certification services and shall transmit the fees to the state Treasurer. The following fees are established for certification services:
  1. Evaluation of qualification for a certificate: \$30.
  2. Evaluation of qualification for an endorsement: \$30.
  3. Issuance of a certificate, endorsement, or letter of non-qualification: \$30.
  4. Renewal of a certificate: \$20.
  5. Name change, duplicate copy, or changes of coding to existing files or certificates: \$20.
- B. Fees shall be paid by money order, cashier's check, certified check, business check, or personal check and shall be made payable to the order of the Arizona Department of Education. If a check offered in payment for services is not cleared by the financial institution, the applicant shall be notified to pay the fees by money order or certified check. If a certificate has been issued or renewed and payment is not received within two weeks of notification to the applicant, the Board shall file a statement of complaint pursuant to R7-2-1302. If a certificate or renewal has not been issued, no certificate or renewal shall be issued until the fees are paid by cashier's check or money order.
- C. Fees paid pursuant to this Section are not refundable.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2002, effective May 27, 1999 (Supp. 99-2). Former R7-2-618 recodified to R7-2-619; new R7-2-618 recodified from R7-2-617 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-618 recodified to R7-2-619; new R7-2-618 recodified from R7-2-617 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4).

**R7-2-619. Renewal Requirements**

- A. A certificate may be renewed within six months of its expiration date except that an individual holding multiple valid certificates may renew all certificates at one time in order to align the expiration dates of each certificate. Certificates being

## State Board of Education

aligned shall be renewed at the same time as the certificate that will expire first. Individuals seeking to align certificates shall meet the renewal requirements for each certificate being aligned. Certificates that are renewed or aligned pursuant to this Section shall be valid for 12 years.

- B. A certificate may be renewed within one year after it expires. Individuals whose certificates have been expired for more than one year shall reapply for certification under the requirements in effect at the time of reapplication. Nothing in this Section shall imply that an individual may be employed in a position that requires certification after the expiration of the relevant certificate.
- C. Renewal of certificates requires the completion of continuing education credits after the most recent issuance or renewal of the certificate, except that continuing education credits completed during the valid term of the certificate that expires first meets the requirement of certificates being aligned. Fifteen hours of continuing education credits are required each year of the certificate term to renew a certificate, which may be accumulated in various increments per year prior to renewal. One hour of continuing education credit shall be equivalent to one clock hour of a professional development activity. Continuing education credits must relate to Arizona academic or professional educator standards or apply toward the attainment of an additional Arizona certificate, endorsement, or approved area, and may include training regarding suicide awareness and prevention; child abuse, human trafficking of children and the sexual abuse of children, including warning signs that a child may be a victim of child abuse, human trafficking, or sexual abuses; screening, intervention, accommodation, use of technology and advocacy for students with reading impairments, including dyslexia; or other training programs explicitly permitted by state law. Professional development that may be counted toward the required hours of continuing education credit shall consist of any of the following activities:
  - 1. Courses related to education or a subject area taught in Arizona schools, taken from an accredited institution. Each semester hour of courses shall be equivalent to 15 clock hours of professional development. The required documentation shall be an official transcript.
  - 2. Professional activities such as conferences and workshops related to the profession of teaching or the field of public education. A maximum of 30 clock hours per year may be earned by attendance at professional conferences and workshops. The required documentation shall be a conference agenda and a statement or certificate from the sponsoring organization noting the clock hours earned.
  - 3. District-sponsored or school-sponsored in-services or activities which are specifically designed for professional development. The required documentation shall be written verification from the sponsoring district or school stating the dates of participation and the number of clock hours earned.
  - 4. Internships in business settings. The internship shall be based on an agreement between a business and a district or school with the stated objective of aligning teaching curriculum with workplace skills. A maximum of 80 clock hours may be earned through business internships. The required documentation shall be written verification by the sponsoring business and district or school stating the dates of participation and number of clock hours earned.
  - 5. Educational research. The research shall be sponsored by a research facility or an accredited institution or funded by a grant. The required documentation shall be the published report of the research or verification by the spon-

soring agency; and a statement of the dates of participation and the number of clock hours earned.

- 6. Serving in a leadership role of a professional organization that provides training, activities, or projects related to the profession of teaching or the field of public education. A maximum of 30 clock hours per year may be earned by serving in a leadership role of a professional organization. The required documentation shall be written verification by the governing body of the professional organization of the dates of service and clock hours earned.
- 7. Serving on a visitation team for a school accreditation agency. A maximum of 60 clock hours per year may be earned by serving on a visitation team. The required documentation shall be written verification from the accreditation agency of the dates of service and clock hours earned.
- 8. Completion of the process for certification by the National Board of Professional Teaching Standards. The required documentation shall be written verification from the National Board of Professional Teaching Standards and a statement from the employing district or school verifying the dates and the clock hours earned during the certification process.
- D. An individual holding a Standard teaching certificate, a standard administrative certificate, or other professional certificate may renew the certificate for 12 years upon completion of 15 hours of continuing education credits each year of the certificate term which may be accumulated in various increments per year prior to renewal or with a verified current professional license as a counselor, social worker, psychologist or speech pathologist.
- E. An individual who is employed by a school or school district at the time of renewal shall submit the required documentation of professional development to the district superintendent, director of personnel, or other designated administrator for verification. A certified individual who is not employed by a school or school district at the time of renewal shall submit the required documentation of professional development to a county school superintendent, the dean of a college of education, or the Department for verification. The school or district official, county school superintendent, or the dean of a college of education shall verify on forms provided by the Department the number of hours of professional development completed by the individual during the valid period of the certificate being renewed.
- F. The Department shall issue a Standard teaching certificate of the same type.
- G. Notwithstanding any other provision in this section, an individual with a valid fingerprint clearance card who has had a certificate or certificates expire for at least two years but not more than 10 years may renew the expired certificate or certificates and any endorsements or approved areas if the individual had 10 or more years of verified full-time experience in this state in the area the individual is seeking renewed certification and is in good standing. Standard certificates issued to that individual pursuant to this subsection shall be identical to the expired certificate or certificates.

**Historical Note**

New Section made by exempt rulemaking at 8 A.A.R. 2396, effective May 10, 2002 (Supp. 02-2). Amended by exempt rulemaking at 15 A.A.R. 1225, effective December 5, 2006 (Supp. 09-1). Former R7-2-619 recodified to R7-2-620; new R7-2-619 recodified from R7-2-618 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-619 recodified to R7-2-620; new R7-2-619 recodified from R7-2-618 at 16 A.A.R. 68, effective



## State Board of Education

December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 242, effective December 7, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 22 A.A.R. 648, effective January 25, 2016 (Supp. 16-1). Amended by final exempt rulemaking at 22 A.A.R. 2246, effective August 6, 2016 (Supp. 16-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-620. Certification Time-frames**

- A. For certification by the State Board of Education ("Board"), Certification Division ("Division"), the time-frames required by A.R.S. § 41-1072 et seq are:
1. Overall time-frame: 165 days.
  2. Administrative review time-frame: 45 days.
  3. Substantive review time-frame: 120 days.
- B. Administrative completeness review time-frame. The Division shall issue a written notice of administrative completeness or deficiency to an applicant for certification within 45 days of receipt of the application.
1. If the Division determines that an application for certification is not administratively complete, the Division shall include a comprehensive list of the specific deficiencies in the written notice.
  2. If the Division issues a written notice of deficiency, the administrative completeness review time-frame and the overall time-frame are suspended from the date the notice is issued until the date that the Division receives the missing information from the applicant.
  3. If the Division does not issue a notice of administrative completeness or deficiency within 45 days of receipt of the application, the application is deemed administratively complete.
- C. Substantive review time-frame. Within 120 days after the administrative completeness review time-frame is complete, the Division shall determine whether an applicant for certification meets all substantive criteria required by statute or rule.
1. During the substantive review time-frame, the Division may make one comprehensive written request for additional information. If the Division issues a comprehensive written request for additional information, the substantive review time-frame and the overall time-frame are suspended from the date the request is issued until the date that the Division receives the additional information from the applicant.
  2. The Division and the applicant may mutually agree in writing to allow the Division to submit supplemental requests for additional information. If the Division issues a supplemental request by mutual written agreement for additional information, the substantive review time-frame and the overall time-frame are suspended from the date the request is issued until the date that the Division receives the additional information from the applicant.
- D. Overall time-frame. The Division shall issue a written notice that the Board has granted or denied a certificate no later than 165 days after receipt of an application for certification, or no later than the time-frame extension allowed under subsection (E).
1. Written notice denying an applicant certification shall include justification for the denial with references to the statutes or rules on which the denial is based and an explanation of the applicant's right to appeal the denial.
  2. The explanation of an applicant's right to appeal the denial shall include the number of days the applicant has to file an appeal challenging the denial and the name and

telephone number of the Executive Director of the Board as the contact person who can answer questions regarding the appeals process.

- E. By mutual written agreement, the Division and an applicant for certification may extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 33 days.
- F. If the Division does not issue to an applicant written notice granting or denying a certificate within the overall time-frame or any extension mutually agreed upon in writing, the Division shall refund to the applicant all fees charged, excuse payment of any fees that have not yet been paid, and pay all penalties required by A.R.S. § 41-1077.
- G. The Division shall issue all written notices under this Section to the last known address of the applicant by regular, 1st-class mail. The written notices are deemed "issued" on the postmark date.
- H. By August 1 of each year, the Division shall report to the Executive Director of the Board the Division's compliance with the overall time-frames for the prior fiscal year. The Division shall include the number of certificates issued or denied within the time-frames specified in this Section and the dollar amount of all fees returned or excused. The Division shall also include the amount of all penalties paid to the state general fund due to the Division's failure to comply with the time-frames.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). Former R7-2-620 recodified to R7-2-621; new R7-2-620 recodified from R7-2-619 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-620 recodified to R7-2-621; new R7-2-620 recodified from R7-2-619 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1).

**R7-2-621. Reciprocity**

- A. The Board shall issue a comparable standard Arizona certificate or endorsement as applicable, if one is established pursuant to this Article, to an applicant who holds a valid certificate or endorsement from another state and is in good standing with that other state. These applicants are exempt from all provisions of the Arizona Teacher proficiency examinations.
- B. Standard certificates shall be valid for 12 years and are renewable.
- C. The applicant shall possess a valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- D. The applicant shall have completed the required class or passed a satisfactory examination on the provisions and principles of the Constitutions of the United States and Arizona.
- E. Notwithstanding any other provision, the deficiencies allowed pursuant to Arizona Revised Statutes in Arizona Constitution and United States Constitution shall be satisfied prior to the issuance of the same type of certificate prescribed in this Article, but are subject to suspension as follows:
1. An applicant's standard Arizona teaching certificate shall be suspended three years from the date of issuance if the applicant has not completed the required class or passed a satisfactory examination on the provisions and principles of the Constitutions of the United States and Arizona.
  2. An applicant's standard Arizona teaching certificate shall be suspended one year from the date of issuance if the applicant has not completed the required class or passed a satisfactory examination on the provisions and principles of the Constitutions of the United States and Arizona if the applicant applies for a certificate authorizing the per-

## State Board of Education

son to teach an academic course that focuses predominantly on history, government, social studies, citizenship, law or civics.

3. The suspension for a deficiency in the Constitutions of the United States and Arizona is not considered a disciplinary action and the applicant shall be allowed to correct that deficiency within the remaining time of the standard certification.

**Historical Note**

New Section recodified from R7-2-620 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-621 recodified to R7-2-622; new R7-2-621 recodified from R7-2-620 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 135, effective September 21, 2009 (Supp. 10-1). Amended by final exempt rulemaking at 22 A.A.R. 227, effective June 23, 2014; filed in the Office January 20, 2016 (Supp. 16-2). Amended by final exempt rulemaking at 22 A.A.R. 219, effective June 5, 2015; filed in the Office January 20, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 22 A.A.R. 2248, effective August 6, 2016 (Supp. 17-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-622. Qualification Requirements of Professional, Non-Teaching School Personnel****A. Definitions:**

1. "Educational Interpreter." For the purposes of this Section, "educational interpreter" means a person trained to translate in sign language for students identified to require such services through an Individualized Education Program (IEP) or a 504 accommodation plan in order to access academic instruction. This does not in any way restrict the provisions of R7-2-401(B)(14) which defines "interpreter" and provides that each student's IEP team determines the level of interpreter skill necessary for the provision of FAPE, nor does it restrict a school district's ability to develop a job description for someone in a position of "educational interpreter" that requires additional job responsibilities.
2. "Accommodation plan developed to comply with Section 504 of the Rehabilitation Act of 1973, 29 USC 794, et seq. ("504 accommodation plan")." For the purposes of this Section, "504 accommodation plan" means a plan developed for the purpose of specifying accommodations and/or services that will be implemented by classroom teachers and other school personnel so that students will benefit from their educational program.

**B. Educational Interpreters for the Hearing Impaired.**

1. Persons employed by or contracting with schools and school districts to provide educational interpreting services for hearing impaired students must meet the following qualifications from and after January 1, 2005:
  - a. Have a high school diploma or GED;
  - b. Hold a valid fingerprint clearance card, and
  - c. Show proficiency in interpreting skills through one of the following:
    - i. A minimum passing score of 3.5 or higher on the Educational Interpreter Performance Assessment (EIPA), or
    - ii. Hold a valid Certificate of Interpretation (CI) and/or Certificate of Transliteration (CT) from the Registry of Interpreters for the Deaf (RID), or

- iii. Hold a valid certificate from the National Association of the Deaf (NAD) at level 3 or higher.

2. If a public education agency (PEA) is unable to find an individual meeting the above qualifications, the PEA may hire an individual with lesser qualifications, but the PEA is required to provide a professional development plan for the individual they employ to provide educational interpreting services. This professional development plan must include the following:

- a. Proof of at least 24 hours of training in interpreting each year that a valid certification is not held or EIPA passing score is not attained, and
  - b. Documentation of a plan for the individual to meet the required qualifications within three years of employment. If the qualifications are not attained within three years, but progress toward attainment is demonstrated, the plan shall be modified to include an intensive program for up to one year to meet the provisions of subsection (B)(1).
3. An individual employed under the provisions of subsection (B)(2) must also have the following:
    - a. A valid fingerprint clearance card, and
    - b. A high school diploma or GED.

- C. Compliance with these rules will be reviewed at the same time as a PEA is monitored for compliance with the requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, et seq.

**Historical Note**

New Section recodified from R7-2-621 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1).

**ARTICLE 7. ADJUDICATIONS****R7-2-701. Definitions**

In this Article, unless the context otherwise specifies:

1. "Board" means the State Board of Education.
2. "Chairman" means the chairperson of the Professional Practices Advisory Committee, established pursuant to R7-2-205.
3. "Contested case" means any proceeding in which the legal rights, duties or privileges of a party are required by law to be determined by the State Board of Education after an opportunity for hearing.
4. "Department" means the Department of Education.
5. "Hearing body" means the Board or the Professional Practices Advisory Committee.
6. "Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.
7. "Person" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character, or another agency.
8. "PPAC" means the Professional Practices Advisory Committee, established pursuant to R7-2-205 to conduct hearings related to certification or recertification matters regarding immoral conduct, unprofessional conduct, unfitness to teach and revocation, suspension or surrender of certificates.
9. "Presiding officer" means a hearing officer, with either a minimum of three years of verified experience in the practice of law or a minimum of one year of verified experience in conducting hearings, who shall oversee hearings in regard to certification or recertification matters related to immoral conduct, unprofessional conduct, unfitness to teach, and revocation, suspension, or surrender of certificates.

## State Board of Education

10. "Pupil" means any student enrolled in an Arizona public or private school. "Pupil" also means any student who was enrolled in an Arizona public or private school at the time of the events which are the subject of a proceeding and who is still of minor age.
11. "Victim" means any person who has been previously identified pursuant to state law as a victim in a criminal proceeding which is the basis for a contested case.

**Historical Note**

Adopted effective May 25, 1978 (Supp. 78-3). Former Section R7-2-701 repealed, new Section R7-2-701 adopted effective December 4, 1978 (Supp. 78-6). Amended effective June 27, 1979 (Supp. 79-3). Amended subsection (A) effective October 7, 1980 (Supp. 80-5). Amended by adding subsection (A)(6) effective April 6, 1984 (Supp. 84-2). Amended effective October 19, 1984 (Supp. 84-5). Section R7-2-701 repealed as an emergency, new Section R7-2-701 adopted as an emergency effective January 2, 1985 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-1). Emergency expired. Repealed effective December 17, 1987 (Supp. 87-4). New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 21 A.A.R. 1775, effective May 20, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1).

**R7-2-702. Filing; computation of time; extension of time**

- A. All papers concerning a contested case shall be filed within the time limit, if any, for such filing.
- B. All papers filed in any contested case shall be typewritten or legibly written on paper 8 1/2 by 11 inches in size, shall contain the name and address of the party or other correspondent, shall be properly captioned and designate the title and case number, shall state the name and address of each party served with a copy, and shall be signed by the party or, if represented, by the party's attorney. The signature certifies that the signer has read the paper, that to the best of the signer's knowledge, information, and belief there are good grounds to support its contents, and that it is not interposed for delay.
- C. In computing any period of time prescribed or allowed by this Article, or any notice or order concerning a contested case, the day of the act, event, or default from which the designated period of time begins to run shall not be included. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation. When that period of time is 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday.
- D. Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon the party by another party, and the notice or other paper is served by mail, five days shall be added to the prescribed period. This subsection has no application to notices, orders, or other papers issued by the hearing body.
- E. For good cause shown, the presiding officer may grant continuances and extensions of time for filing notices or other papers.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48,

effective December 15, 2000 (Supp. 00-4).

**R7-2-703. Contested cases; notice; hearing records**

- A. In a contested case, the parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall be given at least 20 days prior to the date set for the hearing.
- B. The notice shall include:
  1. A statement of the time, place and nature of the hearing.
  2. A statement of the legal authority and jurisdiction under which the hearing is to be held.
  3. A reference to the particular sections of the statutes and rules involved.
  4. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
- C. A reasonable effort shall be made to notify a victim of the time, place and nature of the hearing, and that the victim may submit a victim impact statement to be included as part of the record in a contested case.
- D. Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.
- E. The Board may dispose of any contested case by decision or approved stipulation, agreed settlement, consent agreement or by default.
- F. A hearing before a hearing body in a contested case or any part thereof shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.
- G. The hearing body may reschedule the hearing, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.
- H. The record in a contested case shall include:
  1. All pleadings, motions and interlocutory rulings.
  2. Evidence received or considered.
  3. A statement of matters officially noticed.
  4. Objections and offers of proof and rulings thereon.
  5. Proposed findings of fact and conclusions of law and exceptions thereto.
  6. Any decision, opinion, recommendation or report of the hearing body.
  7. All staff memoranda, other than privileged communications, or data submitted to the hearing body in connection with its consideration of the case.
  8. A victim impact statement, if submitted by the victim.
- I. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 21 A.A.R. 1775, effective May 20, 2013 (Supp. 15-3).

**R7-2-704. Service; proof of service**

- A. The Board shall serve notices of hearing, findings of fact, conclusions of law, and recommendations of the hearing body, and decisions and final orders of the Board, either by personal service or by certified mail. All other papers required to be served may be served by regular or certified mail or may be personally served.
- B. After service of a notice of hearing in a contested case, a copy of every paper filed by a party, or individual seeking to inter-

## State Board of Education

vene, shall be served on all parties to the contested case, or their lawyers if represented, at the same time the paper is filed.

**C. The following evidences completed service:**

1. If personally served, an affidavit of personal service, sworn to by the individual serving the paper and stating the name of the individual upon whom it was served, where service was made, and the date of such service; or
2. If served by certified mail, the return receipt signed by the party served or someone authorized to act on behalf of the party served; or
3. If served by regular or certified mail, either a statement subscribed on the paper filed, or an affidavit indicating the date mailed and listing those to whom it was mailed.

**D. When a party is represented by an attorney, service shall be made on the attorney. If a notice of hearing shows service on the Attorney General, all papers served thereafter shall be served on the Assistant Attorney General named on the notice of hearing or who later appears on behalf of the Attorney General, or if no Assistant Attorney General is named, then on the Attorney General, Education and Health Section, Education Unit.**

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-705. Hearings and Evidence**

- A.** Parties may participate in the hearing in person or through an attorney.
- B.** The presiding officer may schedule a prehearing conference. The purpose of a prehearing conference shall be to narrow issues, attempt settlement, address evidentiary issues or for any other purpose deemed necessary by the presiding officer. The presiding officer or hearing body may require that the parties submit proposed findings of fact and conclusions of law prior to the hearing or at the close of evidence.
- C.** A hearing in a contested case shall be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. A party to such proceedings may be represented by counsel and shall have the right to submit evidence in open hearing and conduct cross examination. Hearings may be held in any location determined by the hearing body.
- D.** Copies of documentary evidence may be received in the discretion of the presiding officer. Upon request, the parties shall be given an opportunity to compare the copy with the original.
- E.** Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the hearing body. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The hearing body's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1).

**R7-2-706. Request for hearing**

When a request for a hearing is filed with the Board, the request shall be in writing and shall state the specific grounds which are the

basis of the hearing request and the statute, rule or other legal basis entitling the person to a hearing.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-707. Denial of request for hearing**

If the Board denies the request for a hearing, the denial shall be in writing and shall state the reasons therefor. A denial of a request for hearing is final and not subject to further administrative review.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-708. Repealed**

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Section repealed by final rulemaking at 11 A.A.R. 696, effective March 29, 2005 (Supp. 05-1).

**R7-2-709. Rehearing and review of decisions**

- A.** After a hearing is held, a party in a contested case who is aggrieved by a decision rendered by the Board may file with the Board, not later than 30 days after such decision has been made, a written motion for rehearing specifying the particular grounds therefor. A motion for rehearing under this Section may be amended at any time before it is ruled upon by the Board. A response may be filed within 15 days after service of such motion by any other party. The Board may require the filing of written briefs on the issues raised in the motion or response and may provide for oral argument.
- B.** A rehearing of a decision by the Board may be granted for any of the following causes materially affecting the moving party's rights:
  1. Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  2. Misconduct of the hearing body or the prevailing party.
  3. Accident or surprise which could not have been prevented by ordinary prudence.
  4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the hearing.
  5. Excessive or insufficient penalties.
  6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
  7. That the decision is not justified by the evidence or is contrary to the law.
- C.** The Board may affirm or modify the decision or grant a rehearing to all or any of the parties, on all or part of the issues, for any of the reasons set forth in subsection B herein. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
- D.** After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.
- E.** Not later than 20 days after a decision is rendered, the Board may, on its own initiative, order a rehearing of its decision for any reasons for which it might have granted a rehearing on motion of a party. The order granting such a rehearing shall specify the grounds therefor.
- F.** When a motion for rehearing is based upon affidavits they shall be served with the motion. An opposing party may,

## State Board of Education

within ten days after service of such motion, serve opposing affidavits and this period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.

- G. After a hearing has been held and a final administrative decision has been entered, a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.
- H. Any party in a contested case who is aggrieved by a decision rendered by the Board may file with the Board, not later than 20 days after such decision has been made, a written request for review of the decision. If a review of the decision is granted, the Board may affirm or modify the previous decision.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-710. Intervention**

- A. Any person seeking to intervene in any contested case shall file a written request to intervene. Intervention shall be granted only if the hearing body determines that:
  1. The legal interests of the person requesting to intervene may be substantially affected by the outcome of the contested case;
  2. Intervention will not unduly delay or bias the hearing;
  3. The interest of the person requesting to intervene is not adequately represented by another party to the contested case; and
  4. The proposed intervention is in the interests of justice.
- B. The request shall state the claims or defenses for which intervention is sought, briefly describing the interests that may be affected by the outcome of the case and including such facts as demonstrate those interests.
- C. The request shall be filed and served upon all parties at least 15 days prior to hearing.
- D. Any party may file a response to the request to intervene within five days of service of the request upon the party.
- E. The hearing body shall decide on the request to intervene at least five days prior to the hearing date and shall, prior to the end of the following business day, notify the persons requesting to intervene and all parties of the decision. The hearing body may reschedule a hearing or prehearing conference to provide sufficient time for the parties to respond to a request to intervene or to prepare for the hearing or prehearing conference.
- F. The hearing body may limit the intervener's participation to issues in which the intervener has a particular interest.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-711. Consolidation and severance**

- A. When proceedings involving a common question of law or fact or common parties are pending before the hearing body, it may, upon its own volition or upon request of any party, order a joint hearing on any or all the matters at issue.
- B. In furtherance of convenience, to avoid prejudice, or when separate hearings will be conducive to expedition and economy, the hearing body may, upon its own volition or upon request of any party, order any proceeding severed with respect to some or all issues or parties.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48,

effective December 15, 2000 (Supp. 00-4).

**R7-2-712. Subpoenas**

- A. The Department may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence on its own volition or at the request of a party.
- B. A request for a hearing subpoena shall be in writing and served on each party at least seven days prior to the date set for hearing and shall state:
  1. The name of the contested case, the case number, and the time and place where the witness is expected to appear and testify;
  2. The name and address of the witness subpoenaed; and
  3. The documents, if any, sought to be provided.
- C. On application of a party or the agency and for use as evidence, the hearing body may permit a deposition to be taken, in the manner and upon the terms designated by the hearing body, of a witness who cannot be subpoenaed or is unable to attend the hearing.
- D. The individual to whom a subpoena is directed shall comply with its provisions unless, prior to the date set for appearance, the hearing body grants a written request to quash or modify the subpoena. The request shall state the reasons why it should be granted. The hearing body shall grant or deny such request by order.
- E. The party requesting the subpoena shall prepare it and cause it to be served upon the individual to whom it is directed in the same manner as provided for service of subpoenas in civil matters before the superior court. The return of service shall be filed with the hearing body.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-713. Conduct of hearing**

- A. The presiding officer may conduct all or part of the hearing by telephone, television, or other electronic means, as long as each party has an opportunity to participate in the entire proceeding as it takes place.
- B. Except for those hearings which may involve presentation of evidence protected by A.R.S. § 15-350, or which are otherwise closed pursuant to an express provision of law, all hearings are open to public observation.
- C. Conduct at any hearing that is disruptive or shows contempt for the proceedings shall be grounds for exclusion from further participation or observation.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-714. Testimony of pupils**

- A. All individuals present at a hearing regarding an action against a certificate shall:
  1. Keep confidential the name of any pupil involved in the hearing, unless disclosure is with the consent of the pupil's parent or guardian or by order of the superior court. This action does not prevent disclosure of the pupil's name to any party to the hearing.
  2. Keep confidential the testimony of any pupil, all of which shall be taken in executive session, except that the Board office shall be furnished a confidential copy of the pupil's testimony as part of the complete transcript of the hearing. The individuals present during the executive session shall be determined by the presiding officer in consultation with the Attorney General's office except that the

## State Board of Education

respondent and counsel shall always be permitted to be present. The transcripts of testimony taken during executive session shall be maintained by the Board.

- B.** The Board of Education or its designee shall:
1. Make available a consent form which requires the signature of the pupil's parent or guardian prior to disclosure of the pupil's name;
  2. Assign a fictitious name to all witnesses identified as pupils on the witness lists provided by the complainant and respondent if not in receipt of written parental or guardian consent for disclosure;
  3. Notify hearing participants, prior to and during the hearing, of any fictitious names to be used.
- C.** The presiding officer shall instruct all individuals present at the hearing of the confidentiality requirements of A.R.S. § 15-551 and this Section.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-715. Evidence**

- A.** All witnesses shall testify under oath or affirmation.
- B.** The hearing body shall have the power to administer oaths and affirmations.
- C.** All parties shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and fair disclosure of the facts.
- D.** The hearing body shall receive evidence, rule upon offers of proof, and exclude evidence the hearing body has determined to be irrelevant, immaterial, or unduly repetitious.
- E.** Unless otherwise ordered by the hearing body, documentary evidence shall be limited in size when folded to 8 1/2 by 11 inches. The submitting party shall identify documentary exhibits by number or letter and party and furnish a copy of each exhibit to each party present. One additional copy shall be furnished to the hearing body unless the hearing body otherwise directs. When evidence offered by any party appears in a larger work, containing other information, the party shall plainly designate the portion offered. If the evidence offered is so voluminous as would unnecessarily encumber the record, the book, paper, or document shall not be received in evidence but may be marked for identification and, if properly authenticated, the designated portion may be read into or photocopied for the record. All documentary evidence offered shall be subject to appropriate and timely objection.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-716. Stipulations**

Parties to any contested case may stipulate, in writing, agreement upon any matter involved in the proceeding. If approved by the presiding officer, agreement on matters of procedure shall be binding upon the parties to the stipulation. The hearing body may require presentation of evidence for proof of stipulated facts for the hearing body's consideration. No substantive matter agreed to by the parties shall be binding upon the Board unless incorporated into the decision of the Board.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-717. Recommended Decisions**

- A.** A recommended decision shall be prepared for the Board by the PPAC.

- B.** A recommended decision shall be delivered to the Board within 30 days after the close of the hearing or the date ordered for submission of proposed findings or legal memoranda, whichever comes last, unless the Board extends the period for good cause.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-718. Decisions and Orders**

- A.** Any final decision or order adverse to a party in a contested case shall be in writing or stated in the record. Any final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by mail to their last known address of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to the party's attorney of record.
- B.** When the Board is the hearing body, the decision shall be rendered within 60 days following the final day of the hearing or the date ordered for submission of proposed findings of fact and conclusions of law or legal memoranda, whichever comes last.
- C.** Within 30 days after receipt of any recommended decision from the PPAC, the Board shall render a decision to affirm, reverse, adopt, modify, supplement, amend or reject the findings of fact, conclusions of law and recommendations in whole or in part, may remand the matter to the hearing body with instructions, or may convene itself as the hearing body.
- D.** If no request for rehearing or review has been timely filed by a party, a decision in a contested case is effective and final ten days from the date served on that party.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**ARTICLE 8. COMPLIANCE****R7-2-801. Compliance**

- A.** Procedures governing noncompliance with laws and rules by school districts.
1. Scope. Except as may be otherwise directed by federal or state statute or by rules adopted by the State Board of Education, this rule shall govern the procedure for determining noncompliance by school districts with laws and rules concerning school districts, the enforcement of which is the statutory responsibility of the State Board of Education or the Department of Education.
  2. Preliminary notice of noncompliance and response:
    - a. The Department of Education, upon its own initiative or at the direction of the State Board of Education, shall inform school districts by written notice that the district is in possible noncompliance with laws or rules, the enforcement of which is the statutory responsibility of the Board or the Department.
    - b. A preliminary notice of possible noncompliance shall detail in writing the nature of the possible noncompliance and shall identify:
      - i. The law or rule which the school district may be violating; and
      - ii. The manner in which the school district may be in noncompliance with the identified law or rule.

## State Board of Education

- c. A school district may submit a written response to the Department of Education within 20 days of receipt of a preliminary notice of noncompliance.
- d. Nothing contained in this rule is intended to preclude a reasonable attempt between Department of Education personnel and school district personnel to resolve administratively possible noncompliance prior to sending a written preliminary notice of noncompliance.
- 3. Scheduling a formal hearing
  - a. Recommendation by the Department of Education
    - i. After giving a school district preliminary notice as provided in this rule, the Department of Education shall submit a written recommendation to the State Board of Education. This recommendation shall be submitted within 10 days after receipt of a written response from the school district or if no response is received within 30 days of the issuance of the preliminary notice. The Department shall recommend one of the following courses of action to be taken by the Board.
      - (1) A formal hearing should be scheduled before noncompliance is probable and achieving voluntary compliance within a reasonable period of time under the circumstances is unlikely; or
      - (2) A formal hearing should not be scheduled at this time because, although noncompliance is probable, achieving voluntary compliance within a reasonable period of time is likely; or
      - (3) A formal hearing should not be scheduled because the school district is in compliance with the law or rule in question.
    - ii. Any written response of the school district to the preliminary notice of noncompliance shall accompany the written recommendation of the Department of Education.
  - b. Within 30 days of receipt of the recommendation of the Department of Education, the State Board of Education shall either:
    - i. Schedule formal hearing;
    - ii. Postpone the decision to schedule a hearing for a stated time period not to exceed six months, or
    - iii. Dismiss the matter.
  - c. When the State Board of Education determines that a formal hearing is necessary, it shall be scheduled within 30 days after such determination, unless an extension of time is granted by the Board.
  - d. When a formal hearing is scheduled, the Board or its designee shall give notice of the hearing as provided in A.R.S. § 41-1009(A) and (B).
  - e. When the Board decides to postpone scheduling a formal hearing, the Board shall specify the extent of the postponement and the Department of Education shall report periodically, at least every 30 days, unless otherwise directed, with respect to progress by the school district toward compliance with the law or rule in question. At the end of the postponement period, the Board shall again make a determination whether to schedule a hearing, further postpone the determination, or dismiss the matter.
  - f. The Board may order further investigation by the Department of Education at any time, and admit into evidence any such report at any subsequent formal hearing.
- 4. Hearings held pursuant to this rule shall be conducted as provided in A.R.S. § 41-1010.
- 5. The Board's decision
  - a. A decision by the State Board of Education shall be determined by a majority of the members of the Board and shall be based upon substantial evidence.
  - b. A decision shall be rendered within 30 days after the hearing.
  - c. Within 30 days after a decision is reached, copies of the written decision shall be delivered to the parties personally or by certified mail.
  - d. The parties shall have the opportunity to provide proposed findings of fact and conclusions of law to the Board no later than five days after the decision of the Board is received.
- 6. Rehearing procedure
  - a. Any party aggrieved by a decision rendered by the Board may file with the Board, not later than 15 days after service of the decision, a written motion for rehearing or review of the decision, specifying the particular grounds therefor.
  - b. A motion to alter or amend a decision or order shall be filed not later than 15 days after service of the decision.
  - c. A motion for rehearing under this rule may be amended at any time before it is ruled upon by the Board.
  - d. A response may be filed within 10 days after service of such motion by any other party or by the Attorney General.
  - e. The Board may require the filing of written memoranda upon the issues raised in the motion and may provide for oral argument.
  - f. The Board may consolidate the hearing to consider the motion for rehearing with the requested rehearing.
  - g. A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:
    - i. Irregularity in the administrative proceedings of the agency or its hearing officer or the prevailing party, or any order, or abuse of discretion, whereby the moving party was deprived of a fair hearing;
    - ii. Misconduct of the Board of the prevailing party.
    - iii. Accident or surprise which could not have been prevented by ordinary prudence;
    - iv. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing;
    - v. Excessive or insufficient penalty;
    - vi. Error in the admission or rejection of evidence or other errors of law occurring in the administrative hearing;
    - vii. The decision is not justified by the evidence or is contrary to law.
  - h. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (7). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the

## State Board of Education

rehearing shall cover only those matters so specified.

- i. Not later than 15 days after a decision is rendered, the Board may on its own initiative order a rehearing or a review of its decision for any reason for which it might have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. In either case, the order granting such a rehearing shall specify the grounds on which the order is based.
- j. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 10 days after such service, serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown, or by the parties by written stipulation. The Board may permit a reply affidavit by the moving party.

**B. Waiver from administrative rules.** Upon request of a school district acting either on its own behalf or on behalf of a school within the district's jurisdiction, the State Board of Education may grant a waiver exempting such district or school from specific administrative rules.

**1. Requests**

- a. Requests for exemption from any State Board of Education rule shall include:
  - i. Evidence that the school or school district is currently in compliance with all state laws and State Board of Education rules;
  - ii. A statement identifying goals that will be accomplished and how the waiver will assist in enhancing school improvement;
  - iii. A three-year plan for school improvement;
  - iv. Identification of the specific rules for which the waiver is requested;
  - v. Evidence of a public hearing held by the school or school district which provided for parental and public involvement and input into the proposed three-year plan.
- b. Requests for waiver may be granted by the State Board of Education for a period not to exceed three years. The State Board of Education may at any time rescind approved waivers at its discretion.
- c. Requests for waiver may be submitted by a local governing board and shall be made through the State Superintendent of Public Instruction for consideration by the State Board of Education.
- d. Local governing boards shall adopt policies and procedures which will allow their schools to request waivers from the State Board of Education and shall submit those policies and procedures to the Superintendent of Public Instruction prior to October 1, 1993. Those policies shall be consistent with the criteria specified in subsections (B)(1)(a) and (B)(3). Additionally, those policies shall provide that:
  - i. Requests for such waivers by schools be forwarded within 30 days of receipt by the governing board to the Superintendent of Public Instruction. Requests may include additional information as the governing board deems appropriate.
  - ii. Schools not be required to meet criteria other than those specified in subsection (B)(1)(a).

**2. Reporting**

- a. Schools or school districts with State Board-approved waivers shall document progress obtained as a result of the waiver and report on or before June 30 of each year to the State Superintendent of Public Instruction.
- b. A school district having a school with an approved waiver may report the effects that such waiver has had on the operation of the school district. Reports shall be submitted on or before June 30 of each year to the State Superintendent of Public Instruction.
- c. The State Superintendent of Public Instruction shall report to the State Board of Education, on or before September 30 of each year, the status of those schools and school districts with approved waivers and, as a minimum, include the following:
  - i. The status of meeting the goals as stated in the three-year plan;
  - ii. Recommendations regarding approved continuance of the waiver, conditions for continuance of the waiver, revision of the three-year plan or rescission of the waiver.
- 3. Renewal. Upon request from a school district, on behalf of itself or a school within its jurisdiction, waivers may be approved by the State Board of Education for additional three-year periods. Requests shall be made through the State Superintendent of Public Instruction and requests from schools shall be forwarded by the local governing board to the State Superintendent of Public Instruction within 30 days from receipt.

**Historical Note**

Adopted effective February 27, 1980 (Supp. 80-1).

Amended effective April 9, 1993 (Supp. 93-2).

**R7-2-802. School and School District Compliance with the Uniform System of Financial Records and the Uniform System of Financial Records for Charter Schools**

- A.** Upon receipt of a report from the Auditor General that a school or school district has failed to comply with the Uniform System of Financial Records ("USFR") or the Uniform System of Financial Records for Charter Schools ("USFRCS") within 90 days after having received a notice of noncompliance from the Auditor General, the State Board of Education ("Board") shall review the Auditor General's report to determine whether the school or school district is in noncompliance.
- B.** When the Board determines that a school or school district is in noncompliance with the USFR or USFRCS, it shall give written notice to the school or district of its determination. The written notice shall advise the school or district of the following:
  - 1. The Superintendent of Public Instruction shall withhold distribution of state funds to the school or district until such time as the Auditor General reports compliance with the USFR or USFRCS unless a hearing is requested by the school or district.
  - 2. The school or district has 10 days from the receipt of the written notice of noncompliance by the Board to submit a written request for a hearing.
  - 3. If the school or district makes a timely request for a hearing, the hearing will be held pursuant to the hearing procedures specified in R7-2-701 et seq.
- C.** The Board's decision
  - 1. The Board shall determine whether the school or school district was in compliance with the USFR or USFRCS within 90 days after having been informed of noncompliance by the Auditor General, and whether the district is in



## State Board of Education

compliance with the USFR or USFRCS at the time of the hearing.

2. A decision by the Board shall be determined by a majority of the members of the Board and shall be based upon substantial evidence.

**Historical Note**

Adopted effective February 27, 1980 (Supp. 80-1).  
Amended subsections (A) and (E)(1) and (5) effective December 17, 1981 (Supp. 81-6). Amended effective December 31, 1998 (Supp. 98-4).

**R7-2-803. Implementation of the Uniform System of Financial Records**

All school districts shall implement the current version of the Uniform System of Financial Records, as prescribed by the Auditor General, in conjunction with the Department of Education. The Uniform System of Financial Records shall include standards to ensure that enrollment is determined by all school districts on a uniform basis.

**Historical Note**

Adopted effective November 10, 1980 (Supp. 80-6).  
Amended effective February 20, 1997 (Supp. 97-1).

**R7-2-804. Compliance with federal statutes or regulations**

- A. This rule prescribes procedures to be used in filing and processing written complaints alleging the failure of a public agency or school district to comply with federal statutes or regulations applicable to federal education programs conducted and subject to Title 34, Code of Federal Regulations, § 76.780.
- B. The Arizona Department of Education (Department) shall accept and investigate complaints provided that the complaint:
  1. Is written and signed by the complaining party or his or her designated representative;
  2. Sets forth the facts forming the basis of the complaint; the facts set forth in the complaint, if true, could constitute noncompliance by a public agency or school district;
- C. Upon receipt of a complaint setting forth the criteria contained in (B), the Department shall immediately begin an impartial review which may include onsite investigations. If in the course of the review it is determined that the nature of the complaint is not a matter of noncompliance, the complainant will be so informed and advised of appropriate means of resolving the complaint.
- D. A written decision with specific findings shall be issued by the Department within 60 calendar days of receipt of the written complaint. If corrective action is required, such action shall be designated in the decision and shall include the time line for correction and possible consequences for continued noncompliance. A copy of the written decision shall be sent to the complaining party and the agency involved on or before the expiration of the 60-day period. An extension of this timeline will be permitted only if exceptional circumstances exist with respect to a particular complaint.
- E. If there appears to be a failure or refusal to comply with the applicable law or regulations, and if the noncompliance or refusal to comply cannot be corrected or avoided by informal means, compliance shall be effected by the Superintendent and the State Board of Education by any means authorized by law or by rule and regulation. The Superintendent shall retain jurisdiction over the issue of noncompliance with the law or regulations and shall retain jurisdiction over the implementation of any corrective action required. However, nothing herein shall preclude the availability of an informal resolution between the complainant and the agency or school district involved, nor shall this rule preclude the availability of any

administrative hearing remedies to resolve such disputes or judicial review of such administrative remedies.

- F. If, pursuant to an investigation by the Department, the Superintendent finds a failure to comply with applicable law or regulations, he or she shall so inform the agency or school district and compliance shall be obtained by informal means whenever possible. If corrective action is required, such action shall be designated in this decision and shall include the time lines for correction and the possible consequences for continued non-compliance.
- G. A summary of each complaint received and investigated by the Department and the decision of the Superintendent shall be submitted annually to the State Board of Education for informational purposes only. Any personally identifiable information shall be deleted from the report to the State Board of Education.
- H. The complainant may request the U.S. Department of Education to review the final decision of the Superintendent. The Department shall inform a complainant of the procedures for requesting a review by the U.S. Department of Education.

**Historical Note**

Adopted effective February 11, 1983 (Supp. 83-1).  
Amended subsection (B) effective March 13, 1986 (Supp. 86-2).

**R7-2-805. Education division general administrative regulations**

- A. This rule prescribes procedures to be used for appealing a decision by the Arizona Department of Education (Department) relating to federal programs administered by the Department and subject to the Education Division General Administrative Regulations (EDGAR) Title 34, Code of Federal Regulations § 75 and 76.
- B. A school district or public agency may request a hearing if it alleges that the Department violated a federal statute or regulation by:
  1. Terminating further assistance for an approved project;
  2. Ordering, in accordance with a final state audit resolution determination, the repayment of misspent or misapplied federal funds;
  3. Disapproving or failing to approve the application or project in whole or in part; or
  4. Failing to provide funds in amounts in accordance with the requirements of statutes and regulations.
  5. Not approving the school district or public agency's proposal for funding.
- C. When a school district or public agency requests a hearing, the Superintendent of Public Instruction (Superintendent) shall select a hearings appeals panel from Department staff other than those within the same division as the federal program area under which the appeal rose.
- D. Hearing procedures
  1. An applicant must request a hearing by notifying the Superintendent by certified mail of its decision to appeal a decision as set forth in subsection (B) of this rule. If the applicant is or represents a school district, authorization to seek a hearing must come from the Governing Board of that school district.
  2. The request for hearing must set forth the nature of the complaint and the facts on which the complaint is based.
  3. The applicant shall request a hearing within 30 days of the date notice of the Department action was sent. For purposes of this rule, the date of notice by the Department is the date of sending notice of the Department action.
  4. A hearing shall be scheduled before the appeal panel within 30 days from the receipt of the request.

## State Board of Education

5. The appeals panel chairperson shall give at least 10 days' notice of the hearing date to the complainant.
  6. The parties may submit written materials no later than five days prior to the hearing, such materials to consist of six copies.
  7. At the hearing the parties may present evidence in writing and through witnesses and may be represented by counsel.
  8. The length and order of the presentation may be determined by the appeals panel chairperson.
  9. If the complainant or authorized representative fails to appear at the designated time, place and date of the hearing, the appeal shall be considered closed and the process terminated.
- E.** Decision. No later than five days after the hearing, the appeals panel shall forward to the Superintendent its recommendation relating to the school district or agency's request for review. Within 10 days after the hearing, the Superintendent shall issue his or her written ruling, including findings of fact and reasons for the ruling. If the Superintendent determines that the Department's action was contrary to the statutes and regulations that govern the applicable program, the Superintendent shall rescind the action.
- F.** Appeal. If the Superintendent does not rescind the Department action, the applicant may appeal to the U.S. Department of Education. The applicant shall file a notice of appeal with the U.S. Department of Education within 20 days after the applicant has been notified by the Superintendent of his or her decision by certified mail.
- G.** State Board of Education submission. The Superintendent shall annually submit to the State Board of Education as an informational item summaries of all decisions including the findings of fact of hearing procedures conducted pursuant to this rule for State Board of Education review.
2. Eligibility requirements and ineligibility.
    - a. Eligibility. To be eligible to participate in extracurricular activities, a student shall be required to:
      - i. Earn a passing grade in each course in which the student is enrolled; and
      - ii. Maintain satisfactory progress toward promotion or graduation.
    - b. Ineligibility. When it is determined that a student has failed to meet the requirements specified for eligibility, the student shall be declared ineligible to participate in extracurricular activities and shall remain ineligible until the requirements of eligibility are met.
      - i. The governing board shall establish the criteria for a passing grade and satisfactory progress toward promotion or graduation, taking into account the needs of children placed in special education programs pursuant to R7-2-401 et seq. Passing grades shall be determined on a cumulative basis, from the beginning of instruction to the recording of a final grade for the course.
      - ii. Every nine weeks or less, as determined by the governing board, district personnel shall review the progress of students to determine their eligibility status. If a student is declared ineligible, the student shall remain ineligible until a subsequent check is performed and it is determined that the student meets the eligibility requirements specified in subsection (2)(a).
  3. Each governing board shall adopt a policy and implement a program pursuant to that policy to provide:
    - a. Oral or written preliminary notice to all district students and their parents or guardian of pending ineligibility;
    - b. Written notice to students and their parents or guardians when ineligibility has been determined;
    - c. Educational support services to students declared ineligible because of this rule, as well as those notified of pending ineligibility.

**Historical Note**

Adopted effective June 24, 1983 (Supp. 83-3).

**R7-2-806. Repealed****Historical Note**

Adopted effective February 6, 1984 (Supp. 84-1). Section repealed by final rulemaking at 7 A.A.R. 182, effective December 15, 2000 (Supp. 00-4).

**R7-2-807. Repealed****Historical Note**

Adopted as an emergency effective August 2, 1984 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Permanent rule adopted effective November 27, 1984 (Supp. 84-6). Amended effective May 3, 1993 (Supp. 93-2). Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-808. Pupil Participation in Extracurricular Activities**  
 The following standards are effective for students in grade 6, if part of a middle school, and grades 7 through 12.

1. Definition Extracurricular activities are:
  - a. All interscholastic activities which are of a competitive nature and involve more than one school where a championship, winner, or rating is determined; and all those endeavors of a continuous and ongoing nature for which no credit is earned in meeting graduation or promotional requirements and are organized, planned, and sponsored by the district consistent with district policy.
  - b. Activities which are an integral part of a credit class shall be excepted from the rule.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended subsection (B) and added a new subsection (D) effective February 17, 1988 (Supp. 88-1). Amended subsection (A) effective August 15, 1988 (Supp. 88-3). Amended effective April 28, 1989 (Supp. 89-2). Amended effective December 20, 1991 (Supp. 91-4). Section R7-2-808 repealed, new Section adopted effective July 10, 1992 (Supp. 92-3). Amended effective September 20, 1996 (Supp. 96-3). Amended effective December 22, 1997 (Supp. 97-4).

**R7-2-809. Emergency Administration of Auto-Injectable Epinephrine**

- A.** Applicability. This rule applies to:
1. Any school district or charter school that voluntarily chooses to stock auto-injectable epinephrine pursuant to A.R.S. § 15-157.
  2. All school districts and charter schools when required to stock auto-injectable epinephrine pursuant to A.R.S. § 15-157.
- B.** Definitions. The following definitions are applicable to this rule:
1. "Anaphylactic shock" is a severe systemic allergic reaction, resulting from exposure to an allergen, which may result in death.

## State Board of Education

2. "Auto-injectable epinephrine" means a disposable drug delivery device that is easily transportable and contains a premeasured single dose of epinephrine used to treat anaphylactic shock.
  3. "Standing order" means a prescription protocol or instructions issued by the chief medical officer of the department of health services, the chief medical officer of a county health department, a doctor of medicine licensed pursuant to title 32, chapter 13, or a doctor of osteopathy licensed pursuant to title 32, chapter 17, for non-individual specific epinephrine.
- C. Annual training in the administration of auto-injectable epinephrine.
1. Each school district and charter school shall designate at least two school personnel, in addition to any school nurse or athletic trainer, for each school site who shall be required to receive annual training in the proper administration of auto-injectable epinephrine in cases of anaphylactic shock pursuant to standing order.
  2. Training in the administration of auto-injectable epinephrine shall be conducted in accordance with minimum standards and curriculum developed by the Arizona Department of Health Services in consultation with the Arizona Department of Education.
  3. At a minimum, training shall include procedures to follow when responding to anaphylactic shock, including direction regarding summoning appropriate emergency care, and documenting, tracking and reporting of the event.
  4. Training shall also include standards and procedures for acquiring a supply of at least two juvenile doses and two adult doses of auto-injectable epinephrine, restocking auto-injectable epinephrine upon use or expiration, and storing all auto-injectable epinephrine at room temperature and in secure, easily accessible locations on school sites.
  5. Training shall be conducted by a regulated health care professional, whose competencies include the administration of auto-injectable epinephrine, including but not limited to a licensed school nurse, certified emergency medical technician or licensed athletic trainer.
  6. School districts and charter schools shall maintain and make available upon request a list of those school personnel authorized and trained to administer auto-injectable epinephrine pursuant to a standing order.
- D. Annual training on the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs.
1. Each school district and charter school shall require all school site personnel to receive an annual training on the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs.
  2. Training shall be conducted in accordance with minimum training standards developed by the Arizona Department of Health Services in consultation with the Arizona Department of Education and shall follow the most current guidelines issued by the American Academy of Pediatrics.
  3. Training shall be conducted by a regulated health care professional whose competencies include the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs, including but not limited to a licensed school nurse, certified emergency medical technician or licensed athletic trainer.
- E. Procedures for annually requesting a standing order for auto-injectable epinephrine.
1. Each school district or charter school shall obtain a standing order from its designated district or charter school physician licensed pursuant to Title 32, chapter 13 or 17, and if no such physician is available to provide a standing order, from the chief medical officer of the Department of Health Services or the chief medical officer of a county health department.
  2. Standing orders shall be renewed annually and upon the change of any designated school district or charter school physician.
  3. Standing orders shall identify the appropriate dosage of auto-injectable epinephrine to administer based upon weight and the frequency at which auto-injectable epinephrine may be administered if symptoms persist or return.
- F. Procedures for the administration of auto-injectable epinephrine in emergency situations.
1. All school districts and charters schools shall adopt procedures for the emergency administration of auto-injectable epinephrine by designated trained personnel.
  2. Procedures shall address, at a minimum, the following requirements:
    - a. Determining if symptoms indicate possible anaphylactic shock.
    - b. Selecting the appropriate dosage of auto-injectable epinephrine to administer pursuant to a standing order.
    - c. Injecting epinephrine via auto-injector pursuant to a standing order, noting the time and dose given.
    - d. Calling 911 to advise that anaphylactic shock is suspected and epinephrine was administered.
    - e. Keeping the person stable until emergency responders arrive.
    - f. Advising school medical personnel and administration of the incident.
    - g. Repeating dose pursuant to a standing order when symptoms persist and emergency responders have not arrived.
    - h. Providing emergency responders with used epinephrine auto-injector labeled with name, date and time administered.
    - i. Assuring that parents/guardians have been notified and advised to promptly alert student's primary care physician of the incident.
    - j. Completing written documentation of the incident, detailing who administered the injection, the rationale for administering the injection, the approximate time of the injection(s), and notifications made to school administration, emergency responders, the student's parents/guardians, and the doctor or chief medical officer who issued the standing order.
    - k. Ordering replacement dose(s) of auto-injectable epinephrine.
  1. Reviewing any incident involving emergency administration of epinephrine to determine the adequacy of response.
- G. All school districts and charter schools shall report to the Arizona Department of Health Services all incidents of use of auto-injectable epinephrine pursuant to this rule in the format prescribed by the Arizona Department of Health Services.

**Historical Note**

Adopted effective July 30, 1992 (Supp. 92-3). Amended effective April 9, 1993 (Supp. 93-2). Repealed effective February 20, 1997 (Supp. 97-1). Amended by final exempt rulemaking at 21 A.A.R. 1784, effective February

## State Board of Education

24, 2014 (Supp. 15-3).

**R7-2-810. Emergency Administration of Inhalers****A. Applicability.** This Section applies to:

1. Any school district or charter school that voluntarily chooses to stock inhalers pursuant to A.R.S. § 15-158.
2. All school districts when required to stock inhalers pursuant to A.R.S. § 15-158.

**B. Definitions.** The following definitions are applicable to this Section:

1. "Authorized Entity" refers to any school district or charter school.
2. "Bronchodilator" means Albuterol or another short-acting bronchodilator that is approved by the United States Food and Drug Administration for the treatment of respiratory distress.
3. "Inhaler" means a device that delivers a bronchodilator to alleviate symptoms of respiratory distress that is manufactured in the form of a metered-dose inhaler or dry-powder inhaler that includes a spacer or holding chamber that attaches to the inhaler to improve the delivery of the bronchodilator.
4. "Respiratory distress" includes the perceived or actual presence of coughing, wheezing or shortness of breath.
5. "Standing order" means a prescription protocol or instructions issued by the chief medical officer of a county health department, physicians licensed pursuant to Title 32, Chapter 13 or 17, or nurse practitioners licensed pursuant to Chapter Title 32, Chapter 15.

**C. Annual training on recognition of symptoms of respiratory distress and administration of inhalers:**

1. Each school district and charter school that elects to administer inhalers shall designate at least two employees at each school site who shall be required to be trained in the recognition of respiratory distress symptoms, the procedures to follow when respiratory distress occurs, and the administration of inhalers, as directed on the prescription protocol. Schools may also designate agents to receive training. While each school is required to have two trained personnel in order to implement the stock inhaler policies, schools may train as many personnel or agents as they feel necessary.
2. Training in the administration of inhalers shall be conducted by a nationally recognized organization or professionally certified medical professionals that are experienced in training laypersons in emergency health treatment.
3. Training may be conducted online or in person and at a minimum shall include:
  - a. How to recognize signs and symptoms of respiratory distress in accordance with good clinical practice.
  - b. Standards and procedures for the storage of inhalers.
  - c. Standards and procedures for the administration of an inhaler, as directed on the prescription protocol.
  - d. Emergency follow-up procedures after the administration of an inhaler.
4. The organization that conducts the training shall issue a certificate to each person who successfully completes the training. The school employee or authorized agent shall submit this certificate to the school.
5. Annual training is required for all designated employees or agents of the school.
6. School districts and charter schools shall maintain and make available on request a list of school personnel or authorized agents who are authorized to administer inhalers pursuant to a standing order.

**D. Procedures for annually requesting a standing order and the prescription for the inhaler and holding chamber:**

1. Each participating school district or charter school shall obtain a standing order and prescription for inhalers and spacers or holding chambers pursuant to A.R.S. § 15-158 from the chief medical officer of a county health department, a physician licensed pursuant to Title 32, Chapter 13 or 17, or a nurse practitioner pursuant to Title 32, Chapter 15.
2. Standing orders and prescriptions shall be requested and renewed annually.

**E. Procedures for the administration of inhalers in emergency situations:**

1. School districts and charter schools that elect to administer inhalers shall:
  - a. Prescribe and enforce policies and procedures for the emergency administration of inhalers by designated and trained medical and non-medical personnel.
  - b. Designate at least two employees at each school to be trained to recognize respiratory distress and administer inhalers.
  - c. Require designated personnel or agents to participate in annual training and provide a certificate of successful completion to the school.
  - d. Designate employees who have completed the required training to be responsible for the storage, maintenance, control and general oversight of the inhalers and spacers or holding chambers acquired by the school.
  - e. Acquire and stock a supply of inhalers and spacers or holding chambers pursuant to a standing order prescription.
  - f. Store medication in a secure, temperature appropriate location, unlocked and readily accessible to designated personnel.
2. Pursuant to a standing order, an employee or agent of a school district or charter school who is trained in the administration of inhalers may administer or assist in the administration of an inhaler to a pupil or adult whom the employee believes in good faith to be exhibiting symptoms of respiratory distress while at school or a school-sponsored activity.
3. Procedures adopted by school districts and charter schools shall address at a minimum, the following requirements:
  - a. Determine if symptoms indicate possible respiratory distress or emergency and determine if the use of an inhaler will properly address the respiratory distress or emergency.
  - b. Administer the correct dose of inhaler medication, as directed by the prescription protocol, regardless of whether the individual who is believed to be experiencing respiratory distress has a prescription for an inhaler and spacer or holding chamber or has been previously diagnosed with a condition requiring an inhaler.
  - c. Restrict physical activity, encourage slow breaths and allow the individual to rest.
  - d. Assure that a trained employee stay with the subject who has been administered inhaler medication until it is determined whether the medication alleviates symptoms.
  - e. If applicable, instruct office staff to notify the school nurse if the inhaler is administered by a trained but non-licensed person.

## State Board of Education

- f. Instruct school staff to notify the parent or guardian.
  - g. Call 911 if severe respiratory distress continues. Advise that inhaler medication was administered and stay with the person until emergency medical responders arrive.
  - h. If the individual shows improvement, keep the individual under supervision until breathing returns to normal, with no more chest tightness or shortness of breath, and the individual can walk and talk easily.
  - i. Allow a student to return to class if breathing has returned to normal and all symptoms have resolved.
  - j. Notify a parent or guardian once the inhaler has been administered.
  - k. Document the incident detailing who administered the inhaler, the approximate time of the incident, notifications made to the school administration, emergency responders, and parents/guardians.
  - l. Retain the incident data on file at the school pursuant to the general records retention schedule regarding health records for school districts and charter schools established by the Arizona State Library, Archives and Public Records.
  - m. Order replacement inhalers, spacers and holding chambers as needed.
4. A school district or charter school may accept monetary donations for or apply for grants for the purchase of inhalers and spacers or holding chamber or may accept donations of inhalers and spacers or holding chambers directly from the product manufacturers.
- F. Immunity from Civil Liability.** Chief medical officers of county health departments, physicians licensed pursuant to Title 32, Chapter 13 or 17, nurse practitioners licensed pursuant to Title 32, Chapter 15, school districts, charter schools and employees of school districts and charter schools are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of A.R.S. § 15-158, except in cases of gross negligence, willful misconduct or intentional wrongdoing.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 146, effective August 9, 2018; filed in the Office on January 2, 2018 (Supp. 18-1).

**ARTICLE 9. SCHOOL DISTRICT BUDGET AND ACCOUNTING****R7-2-901. Teacher Experience Index Provisions**

- A.** General purpose. These guidelines are provided for local governing boards to assist in development of policies identifying activities which contribute to the instructional programs at the local school level. The policies will define what constitutes a full-time vs. a part-time teacher position for the purpose of developing a school district's Teacher Experience Index.
- B.** Local governing boards may include the following activities in their policies as those which contribute toward an instructional program. This listing is not intended to be exclusive, and districts may utilize additional activities:
  - 1. Classroom related:
    - a. Classroom instruction,
    - b. Preparation time,
    - c. Supervision,
    - d. Evaluation,
    - e. Curriculum development,
    - f. Housekeeping chores, i.e., daily reports, blackboard preparation, etc.
  - 2. School related:
    - a. Teacher conferences,

- b. Parent conferences,
- c. Professional association activities,
- d. Professional days,
- e. District directed reports,
- f. Participation in activities related to education scheduled by county, state, or federal agencies.

Professional association activities must be, in the opinion of the local governing board, for a public purpose and must not be for the sole benefit of the professional association.

**3. Other district related:**

- a. Special assignments,
- b. School board approved leave,
- c. Home visitation,
- d. Home instruction,
- e. Off-site instruction,
- f. Research,
- g. In-service training.

In-service training activities are those approved by the local governing board and intended to promote the educational advancement of the youth of the district. These activities may be conducted either during the regular school day or at other times.

- C.** A local governing board may exercise its option to contract with certified personnel on a less than full-time basis in order to meet local district needs.

- D.** In those instances where a district may contract with certificated personnel, and the responsibilities specified within the contract include activities not related to instruction, then the district must define in terms of "full-time equivalencies" that portion which is instruction-related.

**Historical Note**

Adopted as an emergency effective May 21, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-3).

Former emergency adoption now adopted without change effective October 7, 1980 (Supp. 80-5).

**R7-2-902. Independent Accounting Responsibilities**

The governing board of a school district applying to operate with full independence from the county school superintendent as provided in Laws 1987, Chapter 132, shall submit a plan for accounting responsibility to the State Board of Education no later than January 1, 1988, which documents the following:

- 1. Administrative and internal accounting controls designed to achieve compliance with the Uniform System of Financial Records and the following objectives:
  - a. Procedures for approving, preparing and signing vouchers and warrants;
  - b. Procedures to ensure verification of administrators' and teachers' certification records with the Department of Education for all classroom and administrative personnel required to hold a certificate by the State Board pursuant to A.R.S. § 15-203, before issuing warrants for their services;
  - c. Procedures to account for all revenues, including allocation of certain revenues to funds as provided in Section III-C of the February 1986 Uniform Accounting Manual for Arizona County School Superintendents, incorporated herein by reference and on file with the Office of the Secretary of State;
  - d. Procedures for reconciling the accounting records monthly to the county treasurer as provided in Section III-G of the February 1986 Uniform Accounting Manual for Arizona County School Superintendents, incorporated herein by reference and on file with the Office of the Secretary of State.

## State Board of Education

2. No amendments or additions to Sections III-C and G of the February 1986 Uniform Accounting Manual for Arizona County School Superintendents made after the effective date of this rule are included in these procedures. Copies of Sections III-C and G are available at the State Board office and from the Arizona Auditor General.
3. A compilation of resources required to implement accounting responsibility, including personnel, training and equipment, and a comprehensive analysis of the budgetary implications of accounting responsibility for the school district and the county treasurer.

**Historical Note**

Adopted effective February 4, 1988 (Supp. 88-1).

## **ARTICLE 10. SCHOOL DISTRICT PROCUREMENT IN GENERAL**

**R7-2-1001. Definitions**

In Articles 10 and 11, unless the context otherwise requires:

1. "Acceptance period" means the period of time specified in the solicitation that a bid or proposal is irrevocable, except as specified in R7-2-1030.
2. "Actual energy production" means the actual amount of energy that flows from the energy production measure on an annual basis as measured by a meter in kilowatt hours alternating current.
3. "Advantageous to the school district" means in the best interest of the school district, but does not necessarily mean lowest bid/cost.
4. "Affiliate" means any person whose governing instruments require it to be bound by the decision of another person or whose governing board includes enough voting representatives of the other person to cause or prevent action, whether or not the power is exercised. It also may include persons doing business under a variety of names, or where there is a parent-subsidiary relationship between persons.
5. "Alternative project delivery methods for construction" means construction-manager-at-risk, design-build, and job-order-contracting construction services.
6. "Architect services," "engineer services," "land surveying services," "assayer services," "geologist services" and "landscape architect services" means those professional services within the scope of the practice of those services as provided in A.R.S. Title 32, Chapter 1, Article 1.
7. "Award" means a determination by the school district that it is entering into a contract with one or more bidders or offerors.
8. "Bid" means a response to an invitation for bids and includes an offer to contract with the school district.
9. "Bidder" means a person submitting a bid in response to an invitation for bids.
10. "Brand name or equal specification" means a written description that uses one or more manufacturers' names or catalog numbers to describe the standard of quality, performance, and other characteristics needed to meet the school district's requirements, and that provides for the submission of equivalent products.
11. "Brand name specification" means a written description limited to one or more items by manufacturers' names or catalog numbers.
12. "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.
13. "Change order" means a written order that is approved by the governing board and that directs the contractor to make changes that the changes clause of the contract authorizes the governing board to order.
14. "Clergy" means a minister of a religion.
15. "Coefficient" means the contractor's price adjustment to the unit price in a job order contract. Several coefficients may apply to the unit price book.
16. Construction:
  - a. Means the process of building, altering, repairing, improving or demolishing any school district structure or building, or other public improvements of any kind to any public real property.
  - b. Construction does not include:
    - i. The routine operation, routine repair or routine maintenance of existing facilities, structures, buildings or real property.
    - ii. The investigation, characterization, restoration or remediation due to an environmental issue of existing facilities, structures, buildings or real property.
17. "Construction-manager-at-risk" means a project delivery method in which:
  - a. There is a separate contract for design services and a separate contract for construction services, except that instead of a single contract for construction services, the school district may elect separate contracts for preconstruction services during the design phase, for construction during the construction phase and for any other construction services.
  - b. The contract for construction services may be entered into at the same time as the contract for design services or at a later time.
  - c. Design and construction of the project may be either:
    - i. Sequential with the entire design complete before construction commences.
    - ii. Concurrent with the design produced in two or more phases and construction of some phases commencing before the entire design is complete.
  - d. Finance services, maintenance services, operations services, preconstruction services and other related services may be included.
18. "Construction services" means either of the following for construction-manager-at-risk, design-build and job-order-contracting project delivery methods:
  - a. Construction, excluding services, through the construction-manager-at-risk or job-order-contracting project delivery methods.
  - b. A combination of construction and, as elected by the school district, one or more related services, such as finance services, maintenance services, operations services, design services and preconstruction services, as those services are authorized in the definitions of construction-manager-at-risk, design-build or job-order-contracting in this Section.
19. "Contract" means all types of agreements, including purchase orders, regardless of what they may be called, for the procurement of materials, services, construction or construction services, or the disposal of materials.
20. "Contract modification" means any written alteration in the terms and conditions of any contract accomplished by mutual action of the parties to the contract.
21. "Contractor" means any person who has a contract with a school district.

## State Board of Education

22. "Cooperative purchasing" means procurement conducted by, or on behalf of, more than one public procurement unit.
23. "Cost" means the aggregate cost of all materials and services, including labor performed by school district employees.
24. "Cost data" means information concerning the actual or estimated cost of labor, material, overhead and other cost elements that have been actually incurred or that are expected to be incurred by the offeror or contractor in performing the contract.
25. "Cost-plus-a-percentage-of-cost contract" means a contract that, prior to completion of the work, the parties agree that the fee will be a predetermined percentage of the cost of the work.
26. "Data" means documented information, regardless of form or characteristic.
27. "Days" means calendar days and shall be computed pursuant to A.R.S. § 1-243.
28. "Defective data" means data that is inaccurate, incomplete or outdated.
29. "Dentist" means a person licensed pursuant to A.R.S. Title 32, Chapter 11.
30. "Descriptive literature" means information available in the ordinary course of business that shows the characteristics, construction or operation of an item offered in a bid or proposal.
31. "Design-bid-build" means a project delivery method in which:
  - a. There is a sequential award of two separate contracts.
  - b. The first contract is for design services.
  - c. The second contract is for construction.
  - d. Design and construction of the project are in sequential phases.
  - e. Finance services, maintenance services and operations services are not included.
32. "Design-build" means a project delivery method in which:
  - a. There is a single contract for design services and construction services, except that instead of a single contract for design services and construction services, the school district may elect separate contracts for preconstruction services and design services during the design phase, for construction and design services during the construction phase and for any other construction services.
  - b. Design and construction of the project may be either:
    - i. Sequential with the entire design complete before construction commences.
    - ii. Concurrent with the design produced in two or more phases and construction of some phases commencing before the entire design is complete.
  - c. Finance services, maintenance services, operations services, preconstruction services and other related services may be included.
33. "Design professional" means an individual or firm that is registered by the state board of technical registration pursuant to A.R.S. Title 32, Chapter 1 to practice architecture, engineering, geology, landscape architecture or land surveying or any combination of those professions and any person employed by the registered individual or firm.
34. "Design requirements" means at a minimum:
  - a. The school district's written description of the project or service to be procured, including:
    - i. The required features, functions, characteristics, qualities and properties.
    - ii. The anticipated schedule, including start, duration and completion.
    - iii. The estimated budgets applicable to the specific procurement for design and construction and, if applicable, for operation and maintenance.
  - b. May include:
    - i. Drawings and other documents illustrating the scale and relationship of the features, functions and characteristics of the project, which shall all be prepared by a design professional who is registered pursuant to A.R.S. § 32-121.
    - ii. Additional design information or documents that the school district elects to include.
35. "Design services" means architect services, engineer services or landscape architect services.
36. "Designee" means the governing board member or school district employee who has been delegated procurement authority by the governing board as specified by board action.
37. "Detailed record" means minutes, that shall include the date, time, place, persons in attendance and a summary of what was said by whom and the decisions made. The minutes may be made either in writing or by a recording.
38. "Discussions" means an exchange or series of exchanges between the school district and a person who has submitted an unpriced technical offer or a proposal, resulting in an opportunity for the person to revise the unpriced technical offer or proposal prior to final evaluation by the school district.
39. "District representative" means a district employee or the governing board acting within the limits of the district representative's authority. There may be more than one appointed for different purposes and different procurements.
40. "Earth-moving, material-handling, road maintenance and construction equipment" means a track-type tractor, motor grader, excavator, landfill compactor, wheel tractor scraper, off-highway truck, wheel loader or track loader, having a published manufacturer's minimum unit list price of \$50,000 or more and a minimum expected life cycle of three years.
41. "Effective utility rate" means the average price per kilowatt hour that a school district paid to its utility provider for electricity service to the facility that is the subject of the guaranteed energy production contract over the previous twelve months.
42. "Eligible procurement unit" means a public procurement unit, a nonprofit corporation, or an external procurement activity.
43. "Employee" means an individual drawing a salary from a school district and any noncompensated individual performing personal services for any school district.
44. "Energy baseline" means a calculation of the amount of energy used in an existing facility before the installation or implementation of the energy cost savings measures.
45. "Energy cost savings measure" means a training program or facility alteration designed to reduce energy consumption, which may include one or more of the measures authorized in A.R.S. § 15-213.01(R)(3), and any related meters or other measuring devices.

## State Board of Education

46. "Energy production measure" means renewable and alternative energy projects or renewable energy power service agreements.
47. "Established catalog price" means the price included in a catalog, price list, schedule or other form that:
  - a. Is regularly maintained by a manufacturer, distributor or contractor.
  - b. Is either published or otherwise available for inspection by customers.
  - c. States prices at which sales are currently or were last made to a significant number of any category of buyers or buyers constituting the general buying public for the materials or services involved.
48. "Excess materials" means any materials which have a remaining useful life but which are no longer required by the using school district in possession of the materials.
49. "External procurement activity" means any buying organization not located in this state that would qualify as a public procurement unit.
50. "Fair market value" means the price at which sales have been consummated for materials of like type, quality, and quantity in a particular market at the time of acquisition.
51. "Filed" means delivery to the district representative, school district or its hearing officer, whichever is applicable. A time/date stamp affixed to a document by the school district shall be determinative of the time or delivery for purposes of filing.
52. "Finance services" means financing for a construction services project.
53. "General Services Administration contract" means contracts awarded by the United States government General Services Administration.
54. "Governing board" has the meaning defined in A.R.S. § 15-101(13).
55. "Governing instruments" means legal documents that establish the existence of an organization and define its powers, including articles of incorporation or association, constitution, charter, by-laws, or similar documents.
56. "Guaranteed energy cost savings contract" means a contract for implementing one or more energy cost savings measures.
57. "Guaranteed energy price" means the agreed on price to be charged to the school district for each kilowatt hour alternating current of actual energy production as such may change on an annual basis as set forth in the guaranteed energy production contract.
58. "Guaranteed energy production" means the amount of energy, measured in kilowatt hours alternating current, that the qualified provider guarantees for each year of the guaranteed energy production contract.
59. "Guaranteed energy production contract" means a contract for implementing one or more energy production measures between one or more qualified providers and a school district.
60. "Guaranteed energy production shortfall" means the amount, if any, that the actual energy production is less than the guaranteed energy production in any given year.
61. "Incremental award" means an award of portions of a definite quantity requirement to more than 1 contractor. Each portion is for a definite quantity and the sum of the portions is the total definite quantity required.
62. "Interested party" means an actual or prospective bidder or offeror whose economic interest may be affected substantially and directly by the issuance of a solicitation, the award of a contract or by the failure to award a contract. Whether an actual or prospective bidder or offeror has an economic interest will depend upon the circumstances of each case.
63. "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web.
64. "Invitation for bids" means all documents, whether attached or incorporated by reference, which are used for soliciting bids in accordance with the procedures prescribed in R7-2-1024.
65. "In writing" has the same meaning as "written" or "writing" in A.R.S. § 47-1201(43), which includes printing, typewriting, electronic transmission, facsimile, or any other intentional reduction to tangible form.
66. "Job-order-contracting" means a project delivery method in which:
  - a. The contract is a requirements contract for indefinite quantities of construction.
  - b. The construction to be performed is specified in job orders issued during the contract.
  - c. Finance services, maintenance services, operations services, preconstruction services, design services and other related services may be included.
67. "Legal counsel" means a person licensed as an attorney by the Arizona Supreme Court.
68. "Life cycle" means the useful life of the earth-moving, material-handling, road maintenance and construction equipment to the original using school district.
69. "Local public procurement unit" means any political subdivision, any agency, board, department or other instrumentality of such political subdivision, and any nonprofit corporation created solely for the purpose of administering a cooperative purchase under Articles 10 and 11.
70. "Maintenance services" means routine maintenance, repair and replacement of existing facilities, structures, buildings or real property.
71. "Materials" means all property, including equipment, supplies, printing, insurance and leases of property, but does not include land, a permanent interest in land or real property or leasing space.
72. "May" denotes the permissive.
73. "Minor" means mistakes, excluding judgmental errors, that have negligible effect on price, quantity, quality, delivery or other contractual terms and the waiver or correction of such mistake does not prejudice other bidders or offerors.
74. "Multiple award" means award of multiple contracts for identical or similar materials or services to more than one bidder or offeror.
75. "Multistep sealed bidding" means a 2-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the school district and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.
76. "Negotiation" means an exchange or series of exchanges between the school district and a person with a goal of establishing the terms, conditions and prices in a contract between the school district and the person, where such negotiation is authorized in Articles 10 and 11.
77. "Nonexpendable materials" means all tangible materials which have an original acquisition cost over an amount set by regulation and a probable useful life of more than one year.



## State Board of Education

78. "Nonprofit corporation" means any nonprofit corporation as designated by the Internal Revenue Service under section 501(c)(3) through 501(c)(6) or under section 115, if created by two or more local public procurement units, and includes certified nonprofit agencies that serve individuals with disabilities as defined in A.R.S. § 41-2636.
79. "Offeror" means a person submitting a proposal in response to a request for proposals.
80. "Operations services" means routine operation of existing facilities, structures, buildings or real property.
81. "Outright purchase" means the initial cost to the school district for the earth-moving, material-handling, road maintenance and construction equipment, including all vendor charges and financing costs.
82. "Owner" means the school district.
83. "Paper" means newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, duplicator paper and related types of cellulosic material containing not more than ten percent by weight or volume of noncellulosic material such as laminates, binders, coatings or saturants.
84. "Paper product" means paper items or commodities, including paper napkins, towels, corrugated paper and related types of cellulosic products containing not more than ten percent by weight or volume of noncellulosic material such as laminates, binders, coatings or saturates.
85. "Person" means any corporation, business, individual, union, committee, club, other organization or group of individuals.
86. "Physician" means a person licensed pursuant to A.R.S. Title 32, Chapters 7, 8, 13, 14, 15.1, 16, or 17.
87. "Post-consumer material" means a discard generated by a business or residence that has fulfilled its useful life. Post-consumer material does not include discards from industrial or manufacturing processes.
88. "Posted prices" means the sale price determined by the school district to be fair market value.
89. "Preconstruction services" means services and other activities during the design phase.
90. "Pricing data" means information concerning prices, including profit, for materials, services or construction substantially similar to those being procured under a contract or subcontract. In this definition, "prices" refers to offered selling prices, historical selling prices or current selling prices of the items being purchased.
91. "Prime contractor" means a general contractor, who contracts with a property owner and, in turn, employs a subcontractor, or subcontractors, to perform some or all of the work.
92. "Procurement" means buying, purchasing, renting, leasing or otherwise acquiring any materials, services, construction or construction services. Procurement also includes all functions that pertain to the obtaining of any material, service, construction, or construction services, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.
93. "Procurement file" means the official procurement records of the school district.
94. "Proposal" means a response to a request for proposals and includes an offer to contract with the school district.
95. "Proprietary specification" means a specification that describes a material made and marketed by a person having the exclusive right to manufacture and sell such material and excludes other material with similar quality, performance or functional characteristics from being responsive to the solicitation.
96. "Public procurement unit" means either a local public procurement unit, the Arizona Department of Administration, any other state or an agency of the United States.
97. "Public service corporation" means all corporations other than municipal engaged in furnishing gas, electricity, or water and subject to regulation as a utility by the Arizona Corporation Commission.
98. "Purchase description" means the words used in a solicitation to describe the materials, services or construction for purchase and includes specifications attached to, or made a part of, the solicitation.
99. "Purchase requisition" means that document, or electronic transmission, whereby a school district requests that a contract be entered into for a specific need, and may include, but is not limited to, the description of the requested item, delivery schedule, transportation data, criteria for evaluation, suggested source of supply and information supplied for the making of any written determination required by Articles 10 and 11.
100. "Qualified products list" means an approved list of materials or construction items described by model or catalog numbers that, prior to competitive solicitation, the governing board has determined will meet the applicable specification requirement.
101. "Qualified select bidders list" means a selection process for establishing a list of best-qualified prime contractors or construction material suppliers for a specific, single project. The selection process is based upon listed evaluation criteria and conducted through a request for qualifications. Once the selection process is complete, the qualified bidders are invited to submit a sealed competitive bid based upon architectural/engineering plans and specifications or material specifications.
102. "Reasonably susceptible of being awarded a contract" means those proposals that the school district determines are subject to award after the initial review of all original proposals.
103. "Recycled paper" means paper products which have been manufactured from materials otherwise destined for the waste stream and which contain at least forty percent recovered wastepaper with ten percent of that being post-consumer material.
104. "Regional award" means an award of portions of the total requirement by geographic region.
105. "Request for information" means all documents issued to vendors for the sole purpose of seeking information about the availability in the commercial marketplace of materials or services.
106. "Request for proposals" means all documents, whether attached or incorporated by reference, which are used for soliciting proposals in accordance with procedures prescribed in R7-2-1042.
107. "Request for qualifications" means all documents, whether attached or incorporated by reference, which are used for soliciting statements of qualifications in accordance with procedures prescribed in R7-2-1101, R7-2-1106, R7-2-1108 or R7-2-1117.
108. "Residual value" means the guaranteed minimum market value of the earth-moving, material-handling, road maintenance and construction equipment at the end of the life cycle of the equipment being procured, as determined by a guaranteed minimum value offered by the vendor or other parties in its bid.

## State Board of Education

109. "Responsible bidder or offeror" means a person who at the time of contract award has the capability to perform the contract requirements and the integrity and reliability which will assure good faith performance.
110. "Responsive bidder or offeror" means a person who submits a bid or proposal which conforms in all material respects to the invitation for bids or request for proposals.
111. "Reverse auction" means a procurement method in which bidders are invited to bid on supplying specified materials over the Internet in a real-time competitive bidding event.
112. "School district" has the meaning defined in A.R.S. § 15-101(21), whose authority is exercised by the governing board or its designee.
113. "Services" means the furnishing of labor, time or effort by a contractor or subcontractor that does not involve the delivery of a specific end product other than required reports and performance. Services does not include employment agreements or collective bargaining agreements.
114. "Shall" denotes the imperative.
115. "Solicitation" means an invitation for bids, an invitation to submit technical offers, a request for proposals, a request for qualification, or any other invitation or request by which the school district invites a person to participate in a procurement.
116. "Specification" means any description of the physical or functional characteristics, or of the nature of a material, service or construction item. Specification may include a description of any requirement for inspecting, testing or preparing a material, service or construction item for delivery.
117. "Specified professional services" means services of an architect, engineer, land surveyor, assayer, geologist and landscape architect and any combination of those services.
118. "Standard commercial material" means material that, in the normal course of business, is customarily maintained in stock or readily available by a manufacturer, distributor or dealer for the marketing of such material.
119. "Statement of qualifications" means a response to a request for qualifications issued pursuant to R7-2-1101, R7-2-1106, R7-2-1108 or R7-2-1117, or unsolicited qualifications submitted pursuant to R7-2-1062 or R7-2-1122, and does not include an offer to contract with the school district.
120. "Subcontractor" means a person who contracts to perform work or render service to a contractor or to another subcontractor as a part of a contract with a school district.
121. "Surplus materials" means any materials that no longer have any use to the school district or materials acquired from the United States government. This includes obsolete materials, scrap materials and nonexpendable materials that have completed their useful life.
122. "Suspension" means an action taken by the governing board under R7-2-1168 temporarily disqualifying a person from participating in school district procurements.
123. "Technical offer" means unpriced written information from a prospective contractor stating the manner in which the prospective contractor intends to perform certain work, its qualifications and its terms and conditions.
124. "Total life cycle cost" means total school district costs and financing costs throughout the life cycle of the earth-moving, material-handling, road maintenance and construction equipment being purchased less residual value.
125. "Total school district costs" means costs to the school district for the earth-moving, material-handling, road maintenance and construction equipment, including repair costs, present value of monies, vendor charges, and all other identifiable school district costs that may be incurred.
126. "Unit price" means the price published in the unit price book for a specific construction or construction related task. Each unit price is comprised of labor, equipment, or material costs to accomplish a specific task, and shall be defined in the contract.
127. "Unit price book" means a comprehensive listing of specific construction related tasks together with a specific unit of measurement and a unit price.
128. "Vendor charges" means the costs of all vendor support, materials, transportation, and all other identifiable costs associated with the vendor's proposal or bid.
129. "Vendor support" means services provided by the vendor for items such as consulting, education and training.
130. "Wastepaper" means recyclable paper and paperboard, including high-grade office paper, computer paper, fine paper, bond paper, offset paper, xerographic paper, duplicator paper and corrugated paper.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective March 21, 1991 (Supp. 91-1).

Amended effective October 22, 1992 (Supp. 92-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1002. Applicability**

- A.** Articles 10 and 11 apply to every expenditure of public monies, including federal assistance monies and grants, by a school district as specified in A.R.S. § 15-213(A) for the procurement of all construction, materials and services when the total procurement cost exceeds the aggregate dollar amount specified in A.R.S. § 41-2535(A). If procurement involves the expenditure of federal assistance or contract monies, the school district shall comply with federal law and authorized regulations which are mandatorily applicable and which are not presently reflected in Articles 10 and 11.
- B.** Articles 10 and 11 apply to the disposal of school district materials regardless of value.
- C.** Nothing in Articles 10 and 11 shall prevent any governing board from complying with the terms and conditions of any grant, gift, bequest or cooperative agreement.
- D.** Articles 10 and 11 do not apply to:
1. Agreements for providing career and technological education and vocational education pursuant to A.R.S. § 15-789;
  2. Contracts between a school district and other governments, including intergovernmental agreements and contracts pursuant to A.R.S. § 11-952, except as provided by R7-2-1191 through R7-2-1196;
  3. Purchases for amounts not exceeding the aggregate dollar amount specified in A.R.S. § 41-2535(A). Such procurements shall comply with the guidelines prescribed by the Auditor General in the Uniform System of Financial Records pursuant to A.R.S. § 15-271(C);
  4. Contracts for professional witnesses if the purpose of such contracts is to provide for professional services or testimony relating to an existing or probable judicial or administrative proceeding in which the school district is or may become a party;
  5. Agreements negotiated by legal counsel representing the school district in settlement of litigation or threatened litigation;

## State Board of Education

6. Expenditures from student activity monies as defined in A.R.S. § 15-1121, if no district funds are involved;
  7. Expenditures for common school textbooks as defined in A.R.S. § 15-721(G);
  8. The placement of a pupil in a private school that provides special education services if such placement is prescribed in the pupil's individualized education program and the private school has been approved by the Department of Education Division of Special Education pursuant to A.R.S. § 15-765(D);
  9. Purchases of any products, materials and services directly from Arizona Industries for the Blind, certified nonprofit agencies that serve individuals with disabilities as defined in A.R.S. § 41-2636(G), and Arizona Correctional Industries if the delivery and quality of the products, materials or services meet the school district's reasonable requirements;
  10. The decision to participate in programs pursuant to A.R.S. § 15-382. A program authorized by A.R.S. § 15-382 is not required to engage in competitive bidding for the services necessary to administer the program or for the purchase of insurance or reinsurance;
  11. The purchase of water, gas or electric utilities from a public service corporation. This exemption expressly does not apply to guaranteed energy cost savings contracts and guaranteed energy production contracts subject to A.R.S. § 15-213.01 and A.R.S. § 15-213.03; and
  12. Purchases of professional certifications, professional memberships and conference registrations.
- E.** Unless displaced by the particular provisions of Articles 10 and 11, the principles of law and equity, including the Uniform Commercial Code of this state, the common law of contracts as applied in this state and law relative to agency, fraud, misrepresentation, duress, coercion, and mistake supplement the provisions of Articles 10 and 11.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended effective March 21, 1991 (Supp. 91-1).  
 Amended effective March 6, 1997 (Supp. 97-1).  
 Amended effective December 4, 1998 (Supp. 98-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1491, effective October 28, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1003. General Provisions**

- A.** The school district shall not award a contract or incur an obligation on behalf of the school district unless it is reasonable to believe sufficient funds will be available for the procurement. If sufficient funds are not available when a solicitation is issued, the solicitation shall include a statement that funds are not currently available and that any contract awarded will be conditioned upon the availability of funds.
- B.** Any bid or proposal that is conditioned upon award to the bidder or offeror of both the particular contract being solicited and another school district contract shall be deemed nonresponsive or unacceptable.
- C.** Except by mutual consent of the parties to the contract, no rule in Articles 10 and 11 may change any commitment, right or obligation of a school district or of a contractor under a contract in existence on the effective date of the rule.
- D.** Rights and duties arising from a school district contract may only be transferred, waived or assigned upon the express written consent of both parties.
- E.** School district employees and public officers shall not purchase construction, materials or services for their own personal or business use from contracts entered into by the school district.

- F.** If a contractor requests to change the name in which it holds a school district contract, the school district may, upon receipt of a document indicating the name change, enter into a contract modification with the contractor to effect the name change. The contract modification shall provide that no other terms and conditions of the contract are changed.
- G.** The school district may allow electronic media transactions, including an electronic record or electronic signature, if consistent with state law and advantageous to the school district.
- H.** A person who serves on an evaluation committee for a procurement is subject to A.R.S. § 41-2616(C).
- I.** No project or purchase may be divided or sequenced into separate projects or purchases in order to avoid the limits prescribed in Articles 10 and 11.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended effective March 21, 1991 (Supp. 91-1).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1004. Written Determinations**

- A.** Written determinations required by Articles 10 and 11 shall specify the reasons for the determination.
- B.** The school district is authorized to prescribe methods and operational procedures to be used in preparing written determinations.
- C.** The school district shall place the written determination into the school district's procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1005. Change orders and contract modifications**

Any change order or contract modification that exceeds \$100,000 or five percent, whichever is greater, may be executed only if the governing board determines in writing that the change order or contract modification is advantageous to the school district and the price is determined to be fair and reasonable.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1006. Confidential Information**

- A.** If a person believes that a bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest contains confidential trade secrets or other proprietary data not to be disclosed as otherwise required by A.R.S. § 39-121, a statement advising the school district of this fact shall accompany the submission and the information shall be so identified wherever it appears. Contract terms and conditions, pricing, and information generally available to the public are not considered confidential information under this Section.
- B.** Until a determination is made under subsection (C), the school district shall not disclose information designated as confidential under subsection (A) except to school district personnel having a legitimate interest in, or persons assisting the school district in evaluation of, the bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest.

## State Board of Education

- C. Upon receipt of a submission designating information as confidential, the school district shall make one of the following written determinations:
1. The designated information is confidential and the school district shall not disclose the information except to school district personnel having a legitimate interest in, or persons assisting the school district in evaluation of, the bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest.
  2. The designated information is not confidential.
- D. The school district may request additional information, if necessary to make the determination required by subsection (C).
- E. If the school district determines that information submitted is not confidential, the person who made the submission shall be notified in writing. The notice shall specify that a request for review of the district representative's determination may be filed within 10 days of the date of the district representative's determination.
- F. A request for review of the district representative's determination shall be filed in writing with the district representative. The request for review shall state the precise legal or factual errors in the district representative's decision. If a request for review is received:
1. The district representative shall consider the alleged legal or factual errors in the request for review of the district representative's determination and issue a final written determination to the person filing the request.
  2. Until the final determination is made under subsection (C)(2), the school district shall not disclose information designated as confidential under subsection (A) except to school district personnel having a legitimate interest in, or persons assisting the school district in evaluation of, the bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest.
- G. The school district may release information determined to not be confidential under subsection (C)(2) if:
1. A request for review is not received by the district representative within the time period specified in the notice; or
  2. The district representative issues a final written determination under subsection (F)(1) that the designated information is not confidential.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended effective March 21, 1991 (Supp. 91-1). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1007. Delegation of Procurement Authority**

- A. The governing board may, in a public meeting held in conformity with A.R.S. Title 38, Chapter 3, Article 3.1, delegate procurement authority to a designee. Any delegation shall be accomplished by adopting a governing board policy for this purpose.
1. Delegated procurement authority may include, but is not limited to the following:
    - a. Authority to make determinations required by Articles 10 and 11;
    - b. Authority to award contracts;
    - c. Authority to make sole source and emergency procurements; and
    - d. Authority to approve change orders and contract modifications.
  2. Delegated activities and functions shall be adequately separated among individuals so that one individual does not have complete authority over an entire procurement.

- B. Any delegation shall specify:
1. The title of the school district employee or employees to whom authority is delegated;
  2. The activity or function authorized;
  3. Any limits or restrictions on the exercise of the delegated authority, including the maximum cost of any procurement;
  4. Whether the authority may be further delegated;
  5. The duration of the delegation; and
  6. The conditions and procedures for revocation and modification of the delegation.
- C. No person delegated such authority may participate in any aspect of a specific procurement if the person would receive any benefit directly or indirectly from a contract for such procurement. Violation of this prohibition may result in termination or other disciplinary action.
- D. Delegation of procurement authority does not abrogate the responsibility of the governing board to ensure compliance with Articles 10 and 11 notwithstanding the fact that school district personnel were authorized to make procurement decisions.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1008. Procurement Consultants and Procurement Advisory Groups**

- A. The school district may contract with a procurement consultant to assist in drafting specifications, in the development of solicitations, or in the management of the procurement process. A procurement consultant may provide guidance or advice to a procurement evaluation committee, but shall not serve as a voting member of such committee. For the purposes of this Section, a school district employee or a contracted business manager or purchasing director for the school district is not a procurement consultant.
- B. The school district may appoint procurement advisory groups or evaluation committees to assist with respect to specifications, solicitation evaluations or procurement in specific areas. Members of such procurement advisory groups or evaluation committees are not procurement consultants as set forth in this Section. Non-school district employees serving on such procurement advisory groups or evaluation committees are not eligible to receive compensation but are eligible for reimbursement of expenses consistent with the school district's travel policy adopted pursuant to A.R.S. § 15-342(5).
- C. A procurement consultant, a member of a procurement advisory group, or a member of an evaluation committee who participates in any aspect of a specific procurement shall be prohibited from receiving any benefit directly or indirectly from a contract for such procurement, and shall sign a statement that the person has no interest in the procurement other than that of a disclosed remote interest, as defined in A.R.S. § 38-502, and will have no contact with any representative of a competing vendor related to the particular procurement except those contacts specifically authorized by these rules.
- D. Specifications prepared by a procurement consultant or a procurement advisory group shall comply with R7-2-1010 through R7-2-1016.
- E. The school district shall not delegate to a procurement consultant, a procurement advisory group, or an evaluation committee the authority for the award or administration of any particular contract, or over any dispute, claim or litigation pertaining thereto, and a procurement consultant or a procurement

## State Board of Education

advisory group shall not be authorized to obligate the school district in any manner.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1009. Repealed****Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**SPECIFICATIONS****R7-2-1010. Preparation of Specifications**

- A. Specifications shall be prepared only by the school district or by contract pursuant to R7-2-1014 and R7-2-1015. Regardless of who prepares the specifications, the governing board retains the authority to disapprove all specifications.
- B. In an emergency under R7-2-1055, any necessary specifications may be utilized by the person designated in R7-2-1055 (C) without regard to the provisions of this Section.
- C. Content of specifications.
  1. A specification may provide alternate descriptions of materials, services, or construction items where two or more design, functional, or performance criteria will satisfactorily meet the school district's requirements.
  2. To the extent practicable, a specification shall not include any solicitation term or condition or any contract term or condition.
  3. If a specification for a common or general use item has been developed in accordance with R7-2-1011(A) or a qualified products list has been developed in accordance with R7-2-1011(D) for a particular material, service, or construction item, it shall be used unless the school district makes a written determination that its use is not advantageous to the school district and that another specification shall be used.
  4. To the extent practicable, specifications shall emphasize functional or performance criteria. To facilitate the use of such criteria, the school district shall use reasonable efforts to include the principle functional or performance requirements as a part of their purchase requisitions.
  5. All procurement solicitations for volatile organic compound containing commodities shall include a request for substitute commodities with lower or no volatile organic content. Substitute products shall not have increased toxicity compared to the original commodity.

**Historical Note**

Adopted effective October 22, 1992 (Supp. 92-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1011. Types of Specifications**

- A. Specification for common or general use items. To the extent practicable, a specification for common or general use item shall be prepared and utilized when:
  1. A material, service or construction item is used repeatedly by the school district, and the characteristics of the material, service, or construction item, as commercially produced or provided, remain relatively stable while the frequency or volume of procurements is significant;
  2. The school district's recurring needs require uniquely designed or specially produced items; or

3. The school district finds it to be advantageous to the school district.

- B. Brand name or equal specification. A brand name or equal specification may be used when the school district determines that use of a brand name or equal specification is advantageous to the school district.
- C. Brand name specification. A brand name specification may be prepared and utilized only if the school district makes a determination that only the identified brand name item will satisfy the school district's needs. If only one source can supply the requirement, the procurement shall be made pursuant to R7-2-1053.
- D. Qualified products list. A qualified products list may be prepared and utilized when:
  1. The school district determines that testing or examination of the materials or construction items prior to issuance of the solicitation is desirable or necessary in order to best satisfy the school district's requirements.
  2. The school district shall solicit as many potential suppliers as practicable to submit products for testing and examination to determine acceptability for inclusion on a qualified products list. Any potential supplier, even though not solicited, may offer its products for consideration in accordance with the schedule or procedure established for this purpose. The qualified products list shall not be modified after the solicitation is issued.
  3. Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with requirements established by the school district.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1012. Proprietary Specifications**

The school district shall not use specifications in any way proprietary to one supplier unless the specification includes a statement of the reasons why no other specification is practicable, a description of the essential characteristics of the specified product and a statement specifically permitting an acceptable alternative product to be supplied.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1013. Recycled Products Use**

- A. If the price of a recycled paper product that conforms to specifications is within five percent of a low bid product that is not recycled and the recycled product bidder is otherwise the lowest responsible and responsive bidder, the award shall be made to the bidder offering the recycled product. The governing board may adopt rules requiring a five percent preference for other products made from recycled materials.
- B. Specifications shall emphasize functional or performance criteria which, to the extent practicable, do not discriminate against the use of recycled materials.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1014. Maximum Practicable Competition**

- A. All specifications, including those prepared by architects, engineers, consultants and others for public contracts, shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the school district's needs and shall not be unduly restrictive.

## State Board of Education

- B. Unless otherwise permitted by R7-2-1010 through R7-2-1016, all specifications shall describe the school district's requirements in a manner that does not unreasonably exclude a material, service, or construction item. Proprietary specifications shall be used only as provided in R7-2-1012.
- C. To the extent practicable, the school district shall use accepted commercial specifications and shall procure standard commercial materials.
- D. Contracts for the preparation of specifications by persons other than the school district shall require the specification writer to adhere to R7-2-1010 through R7-2-1016.

**Historical Note**

New Section made by final exempt rulemaking at 21  
A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1015. Conflict of Interest**

- A. No person preparing specifications pursuant to R7-2-1014 shall receive any direct or indirect benefit from the utilization of such specifications.
- B. The governing board may contract for the preparation of specifications with persons, including, but not limited to, consultants, architects, engineers, designers, and other draftsmen of specifications.
- C. If a person prepares a specification pursuant to subsection (B) of this Section, such person shall comply with the requirements of R7-2-1010 through R7-2-1016.

**Historical Note**

New Section made by final exempt rulemaking at 21  
A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1016. Confidentiality**

- A. Specifications and any written determination or other document generated or used in the development of a specification shall be available for public inspection pursuant to A.R.S. § 39-121, except to the extent that the withholding of such information is permitted or required by law.
- B. If the supplier believes that the specifications contain confidential trade secrets, test data, or similar information, a statement advising the school district of this fact shall accompany the specification in accordance with R7-2-1006.
- C. Qualified products lists test results shall be made available in a manner to protect the identity of the supplier.

**Historical Note**

New Section made by final exempt rulemaking at 21  
A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1017. Reserved****REVERSE AUCTIONS****R7-2-1018. Reverse Auctions**

- A. Using reverse auctions
  - 1. If a governing board determines in writing that use of reverse auctions is more advantageous to the school district than other procurement methods prescribed by Articles 10 and 11, the school district may use reverse auctions for the purchase of materials.
  - 2. The written determination shall include, but is not limited to the following information:
    - a. An estimate of the number of prospective bidders;
    - b. An explanation of how reverse auctions will foster competition;
    - c. An explanation of why reverse auctions is more advantageous to the school district than other prescribed procurement methods; and
    - d. The scope and estimated total dollar value of the proposed procurement.
- B. Reverse auction procedures
  - 1. The school district shall develop and implement procedures prior to conducting procurement via reverse auctions. The procedures shall include:
    - a. The method or methods to ensure the integrity and security of the reverse auctions;
    - b. The method or methods for registering bidders for reverse auctions;
    - c. The method or methods for notifying vendors of reverse auction opportunities;
    - d. The method or methods for receiving reverse auction bids; and
    - e. The school district official or officials authorized to conduct reverse auctions.
  - 2. School districts may require bidders to register before the date and time for opening the reverse auction for submission of bids and, as part of that registration, require bidders to agree to any terms, conditions or other requirements of the invitation for bids.
  - 3. Notice of a reverse auction shall be issued at least 14 days before the date and time for opening the reverse auction for submission of bids, unless a shorter time is determined necessary by the school district. If a shorter time is necessary, the school district shall document the specific reasons in the procurement file. The reverse auction notice shall include:
    - a. The school district's requirements for registering prior to the opening date and time, if any;
    - b. The designated site on the Internet for bidder registration and bid submission;
    - c. A link to the designated site on the Internet;
    - d. The scheduled date and time for opening the reverse auction for bid submission; and
    - e. The scheduled date and time for closing the reverse auction for bid submission.
  - 4. The school district shall issue the notice of reverse auction as follows:
    - a. Mail or otherwise furnish the notice of reverse auctions to all prospective bidders registered with the school district for the specific material being solicited.
    - b. In the event there are four or fewer prospective bidders on the bidders list, publish the notice in the official newspaper of the county as defined in A.R.S. § 11-255 within which the school district is located for two publications which are not less than six nor more than 10 days apart. The second publication shall not be less than two weeks before the date and time for closing the reverse auction for bid submission. The time of publication may be altered if determined necessary by the school district. The school district shall document the basis for the altered time of publication.
    - c. In addition to the notice provided in subsections (a) and (b), the school district may give such additional notice as the school district deems appropriate, including posting on a designated site on the Internet.
  - 5. The school district shall prepare an invitation for bids that includes:
    - a. Notice that all information submitted by bidders will be made available for public inspection following the award of the contract, except for bid prices which will be made available to other bidders and the public when submitted by the bidder;
    - b. Information for submitting bids, including:

## State Board of Education

- i. The date and time for opening the reverse auction for bid submission;
  - ii. The date and time for closing the reverse auction for bid submission;
  - iii. The provisions for extending the period for bid submission, if any;
  - iv. Instructions for submitting bids and other required information, including the designated site on the Internet for submitting bids;
  - v. Notice that bids shall be accepted electronically at the time and in the manner designated in the invitation for bids;
  - vi. Notice that bidders' prices shall be disclosed electronically to other bidders and the public on a real time basis;
  - vii. Notice that bidders may submit multiple prices and may reduce their bid prices until the reverse auction bidding is closed;
  - viii. Notice that the lowest price offered shall become the official bid price;
  - ix. Notice that the bidder is required to certify that submission of the bid did not involve collusion or other anticompetitive practices;
  - x. Notice that the bidder is required to declare whether the bidder has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
  - c. The purchase description, specifications, delivery or performance schedule, and inspection and acceptance requirements, as applicable. If a brand name or equal specification is used, instructions that use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics needed to meet the school district's requirements and is not intended to limit or restrict competition. The invitation for bids shall state that products substantially equivalent to the brands designated qualify for consideration;
  - d. The factors to be used in bid evaluations, including criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Only objectively measurable evaluation criteria shall be included in the invitation for bids. Examples of such criteria include, but are not limited to, transportation cost, energy cost, ownership cost and other identifiable costs. Evaluation factors need not be precise predictors, but to the extent possible the evaluation factors shall be reasonable estimates based upon information the school district has available concerning future use.
  - e. The contract terms and conditions, including:
    - i. Warranty and bonding or other security requirements, as applicable;
    - ii. The length of the contract and whether the contract will include an option for extension; and
    - iii. Any other contract terms and conditions;
  - f. The name of the district representative or district representatives;
  - g. The manner by which the bidder is required to acknowledge amendments;
  - h. The minimum required information in the bid;
  - i. The specific requirements for designating trade secrets and other proprietary data as confidential;
  - j. Any specific responsibility criteria;
  - k. A statement specifying where documents incorporated by reference may be obtained;
  - l. A statement that the school district may cancel the solicitation or reject a bid in whole or in part if deemed advantageous to the school district;
  - m. The date, time and location of bid opening;
  - n. A description of all information that will be recorded and available for public inspection at bid opening; and
  - o. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as price evaluation criteria the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment and, to the extent practicable, outright purchase.
6. Amendments to invitations for bids shall be made in accordance with R7-2-1026.
- C.** The school district shall accept reverse auction bids as follows:
- 1. At the date and time for opening the reverse auction for bid submission, the school district shall begin accepting on-line bids and shall continue accepting bids until the reverse auction is officially closed.
  - 2. Bids shall be accepted electronically in the manner designated in the invitation for bids.
  - 3. All reverse auction on-line bids shall be posted electronically and updated on a real-time basis. Bidders' prices shall be disclosed to other bidders and the public.
  - 4. The identity of competing bidders shall not be disclosed until the reverse auction bidding is closed.
  - 5. Bidders shall have the opportunity to submit multiple prices and to reduce their bid prices.
  - 6. The lowest price offered shall become the official bid price.
- D.** Bids made through a reverse auction are considered to be opened when a computer generated record of the information contained in all bids that were received by the designated site on the Internet not later than the scheduled or final closing date and time are reviewed publicly by the school district in the presence of one or more witnesses at the time and place designated in the invitation for bids. Bid opening shall not be later than 24 hours after the scheduled or final closing date and time.
- E.** The contract shall be awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and evaluation criteria set forth in the invitation for bids. No criteria may be used in bid evaluation that are not set forth in the invitation for bids. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the lowest bidder.
- F.** The school district shall not modify evaluation criteria after the closing date and time.
- G.** In the event that multiple bidders submit identical prices for the same materials, bids will be considered in the order received with the first being considered to be the lowest bid.
- H.** If only one bid is received in response to an invitation for bids, the school district shall proceed according to R7-2-1032.
- I.** The date and time for closing a reverse auction for bid submission may be fixed or remain open depending on the materials being bid.
- J.** After the reverse auction bidding has closed, a bidder may withdraw a bid or correct a mistake in accordance with R7-2-

## State Board of Education

1030. Withdrawal of bids shall also be permitted as provided in R7-2-1028.

- K. The school district shall notify all bidders of an award.
- L. A copy of the invitation for bids shall be made available for public inspection at the school district office.
- M. A record of the bid prices received and the name of each bidder shall be open to public inspection following bid opening.
- N. A record of the reverse auction shall be maintained by the school district that will include all prices offered by all bidders. This record will become part of the procurement file.
- O. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all bids, available for public inspection.
  1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
  2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1019. Reserved****R7-2-1020. Reserved****COMPETITIVE SEALED BIDDING****R7-2-1021. Method of Source Selection**

- A. Unless otherwise authorized by law, all school district contracts shall be awarded by competitive sealed bidding as provided in R7-2-1021 through R7-2-1032, except as provided in R7-2-1018, R7-2-1033 through R7-2-1068, R7-2-1100 through R7-2-1123, and R7-2-1196.
- B. A school district may conduct competitive sealed bidding electronically, provided that the electronic competitive sealed bidding process complies with the requirements of R7-2-1021 through R7-2-1032. A determination that conducting competitive sealed bidding electronically is advantageous to the school district shall be in writing and retained in the procurement file.
- C. When using electronic competitive sealed bidding, the school district shall determine whether electronic submission of bids is required or optional and state the electronic submission requirements in the public notice and the invitation for bids.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended effective October 22, 1992 (Supp. 92-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1022. Notice of Competitive Sealed Bidding**

- A. Adequate public notice of the invitation for bids shall be given as provided in subsection (B) of this Section or in R7-2-1024(C). If notice is given pursuant to R7-2-1024(C), notice also may be given as provided in subsection (B). In the event there are four or fewer prospective bidders on the bidders list, then notice also shall be given as provided in subsection (B). If the invitation for bids is for the procurement of services other than those described in R7-2-1061 through R7-2-1068 and R7-2-1117 through R7-2-1123, notice also shall be given as provided in subsection (B).
- B. In the event there are four or fewer prospective bidders on the bidders list, the notice shall include publication in the official newspaper of the county as defined in A.R.S. § 11-255 within

which the school district is located for two publications which are not less than six nor more than ten days apart. The second publication shall not be less than two weeks before bid opening. The time of publication may be altered if deemed necessary pursuant to R7-2-1024(A).

- C. In addition to the notice provided in subsections (A) and (B), the school district may give such additional notice as the school district deems appropriate, including posting on a designated site on the Internet.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1023. Prospective Bidders Lists**

- A. The school district shall compile and maintain a prospective bidders list. Inclusion of the name of a person shall not indicate whether the person is responsible concerning a particular procurement or otherwise capable of successfully performing a school district contract.
- B. Persons desiring to be included on the prospective bidders list shall notify the school district. Upon notification, the school district shall mail or otherwise provide the person with the school district procedures for inclusion on the bidders list. Within 30 days after receiving the required information, the school district shall add the person to the prospective bidders list unless the school district makes a determination that inclusion is not advantageous to the school district.
- C. Persons who fail to respond to invitations for bids for two consecutive procurements of similar items may be removed from the applicable bidders list after notifying the person in writing. This notice shall not be required if the two invitations for bids which were not responded to both contained the notice that bidders' names may be removed from the bidders list if they fail to respond to invitations for bids for two consecutive procurements of similar items. Persons may be reinstated upon request.
- D. Prospective bidders lists shall be available for public inspection, unless the school district makes a written determination that it is advantageous to the school district that they be kept confidential or private and should not be open for inspection pursuant to A.R.S. § 39-121.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1024. Invitation for Bids**

- A. Invitation for bids shall be issued at least 14 days before the due date and time in the invitation for bids unless a shorter time is deemed necessary for a particular procurement as determined by the school district. If a shorter time is necessary, the school district shall document the specific reasons in the procurement file.
- B. Content.
  1. The invitation for bids shall include the following:
    - a. Notice that all information and bids submitted by bidders will be made available for public inspection following the award of the contract;
    - b. Instructions and information to bidders concerning bid submission requirements, including the means for bid submission such as, hand delivery, U.S. mail, electronic mail, facsimile, or other acceptable means, the bid due date and time, the address of the office at which bids or other documents are to be



## State Board of Education

- received, the bid acceptance period, and any other special information or requirements;
- c. Whether the school district will consider partial bids for award of a contract;
  - d. Notification of whether the school district may award multiple contracts and the school district's basis for determining whether to award multiple contracts. If multiple contracts may be awarded, the invitation for bids shall include the criteria the school district will use for selecting vendors for each contract under the multiple award, including whether contracts will be awarded by individual line items or groups of line items, whether contracts will be awarded incrementally, or whether contracts will be awarded by designated regions or locations;
  - e. The basis for determining the lowest bidder or bidders;
  - f. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as price evaluation criteria the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment and, to the extent practicable, the cost of outright purchase;
  - g. The purchase description, specifications, delivery or performance schedule, and inspection and acceptance requirements, as applicable. If a brand name or equal specification is used, instructions that use of a brand name is for the purpose of describing the standard of quality, performance, and other characteristics needed to meet the school district's requirements and is not intended to limit or restrict competition. The invitation for bids shall state that products substantially equivalent to the brands designated qualify for consideration;
  - h. The factors to be used in bid evaluations, including criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Only objectively measurable evaluation criteria shall be included in the invitation for bids. Examples of such criteria include, but are not limited to, transportation cost, energy cost, ownership cost and other identifiable costs. Evaluation factors need not be precise predictors, but to the extent possible the evaluation factors shall be reasonable estimates based upon information the school district has available concerning future use;
  - i. The contract terms and conditions, including:
    - i. Warranty and bonding or other security requirements, as applicable;
    - ii. The length of the contract and whether the contract will include an option for extension; and
    - iii. Any other contract terms and conditions;
  - j. The name of the district representative or district representatives;
  - k. The manner by which the bidder is required to acknowledge amendments;
  - l. The minimum information required in the bid;
  - m. The specific requirements for designating trade secrets and other proprietary data as confidential;
  - n. Any specific responsibility criteria;
  - o. A statement specifying where documents incorporated by reference may be obtained;
  - p. A statement that the school district may cancel the solicitation or reject a bid in whole or in part if deemed advantageous to the school district;
  - q. Notice that the bidder is required to certify that submission of the bid did not involve collusion or other anticompetitive practices;
  - r. Notice that the bidder is required to declare whether the bidder has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
  - s. Any bid security required;
  - t. A description of all information that will be recorded and available for public inspection at bid opening; and
  - u. The date, time and location of any pre-bid conference.
2. When using electronic competitive sealed bidding, the invitation for bids shall specify whether electronic submission of bids is required or optional, the electronic submission requirements, and the electronic signature requirements.
- C. The school district shall mail or otherwise furnish invitation for bids or notices of the availability of invitation for bids to all prospective bidders registered with the school district for the specific material, service or construction being bid.
  - D. A copy of the invitation for bids shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective October 22, 1992 (Supp. 92-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1025. Pre-bid Conferences**

- A. The school district may conduct a pre-bid conference to explain the procurement requirements.
- B. If a pre-bid conference is conducted, it shall be not less than seven days before the bid due date and time, unless the school district makes a written determination that the specific needs of the procurement justify a shorter time. Statements made during a pre-bid conference are not amendments to the solicitation.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1026. Amendments to Invitation for Bids**

- A. An amendment to an invitation for bids shall be issued if necessary to:
  1. Make changes in the invitation for bids;
  2. Correct defects or ambiguities;
  3. Furnish to other bidders information given to one bidder if the information will assist the other bidders in submitting bids or if the lack of the information will prejudice the other bidders;
  4. Provide additional information or instructions; or
  5. Set a later bid due date and time if the school district determines that an extension is advantageous to the school district.
- B. Amendments to an invitation for bids shall be so identified and the school district shall ensure that the amendments are distributed or made available to all persons to whom the original

## State Board of Education

invitation for bids was distributed or made available. The school district shall make a copy of the amendments to an invitation for bids available for public inspection at the school district office. If the school district posted the invitation for bids or a notice of the availability of an invitation for bids on a designated site on the Internet, then the school district shall post any amendments to the invitation for bids on the same designated site on the Internet. The school district shall also do one or more of the following:

1. Distribute the amendment, by any method reasonably calculated to ensure delivery, to all prospective bidders to whom the invitation for bids was distributed;
  2. Make the amendment available and issue a notice of amendment which contains instructions for obtaining copies of the amendment. The notice of amendment shall be distributed, by any method reasonably calculated to ensure delivery, to all prospective bidders to whom the invitation for bids was distributed. Upon receipt of such notice of amendment, it is the responsibility of the prospective bidder to obtain the amendment.
- C. Amendments to invitation for bids shall be issued within a reasonable time before bid opening to allow prospective bidders to consider them in preparing their bids. If the school district determines that the bid due date and time does not permit sufficient time for bid preparation, the bid due date and time shall be extended in the amendment or, if necessary, by telephone, facsimile, email, or other communications methods, and confirmed in the amendment.
- D. A bidder shall acknowledge receipt of an amendment in the manner specified in the invitation for bids or the amendment on or before the bid due date and time.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1027. Pre-opening Modification or Withdrawal of Bids**

- A. A bidder may modify or withdraw a bid in writing at any time before bid opening if the modification or withdrawal is received before the bid due date and time at the location designated in the invitation for bids for receipt of bids.
- B. All documents concerning a modification or withdrawal of a bid shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1028. Late Bids, Late Withdrawals and Late Modifications**

- A. A bid, modification or withdrawal is late if it is received at the location designated in the invitation for bids for receipt of bids after the bid due date and time.
- B. A late bid, late modification, or late withdrawal shall be rejected, unless the late bid, late modification, or late withdrawal would have been timely received but for the action or inaction of school district personnel and is received before contract award.
- C. Upon receiving a late bid, late modification, or late withdrawal, the school district shall record the time and date of receipt and promptly send written notice of late receipt to the bidder. The school district may discard the document 30 days after the date on the notice unless the bidder requests the document be returned.

- D. All documents concerning acceptance of a late bid, late modification, or late withdrawal shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1029. Receipt, Opening and Recording of Bids**

- A. A school district shall maintain a record of bids and modifications received for each invitation for bids, shall record the time and date when each bid or modification is received, and shall store each unopened bid or modification in a secure place until the bid due date and time.
1. If required to confirm a vendor's inquiry regarding receipt of its bid prior to the due date and time, a school district may open a bid to identify the vendor. If this occurs, the school district shall record the reason for opening the bid, the date and time the bid was opened, and the solicitation number. The school district shall secure the bid and retain it for public opening.
  2. One or more witnesses shall be present for the opening of a bid under subsection (A)(1).
- B. Bids and modifications shall be opened publicly at the date, time and place designated in the invitation for bids in the presence of one or more witnesses. The name of each bidder, the amount of each bid, and other relevant information deemed appropriate by the school district shall be recorded. The person opening the bids and all witnesses shall sign the record.
1. The record created in subsection (B) shall be available for public inspection.
  2. The bids shall not be open for public inspection until after a contract is awarded.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1030. Mistakes in Bids**

- A. If an apparent mistake in a bid, relevant to the award determination, is discovered after opening and before award, a school district shall contact the bidder for written confirmation of the bid. If the bidder fails to act, the bidder is considered nonresponsive and the school district shall place a written determination that the bidder is nonresponsive in the procurement file. The school district shall designate a time-frame within which the bidder shall either:
1. Confirm that no mistake was made and assert that the bid stands as submitted; or
  2. Acknowledge that a mistake was made and include all of the following in a written response:
    - a. An explanation of the mistake and any other relevant information;
    - b. A request for correction including the corrected bid or a request for withdrawal; and
    - c. The reasons why correction or withdrawal is consistent with fair competition and advantageous to the school district.
- B. A bidder who discovers a mistake in its bid after bid opening and before award, may request correction or withdrawal in writing and shall include all of the following in the written request:
1. An explanation of the mistake and any other relevant information;
  2. A request for correction including the corrected bid or a request for withdrawal; and

## State Board of Education

3. The reasons why correction or withdrawal is consistent with fair competition and advantageous to the school district.
  - C. After bid opening and before award, a bid mistake based on an error in judgment may not be corrected or withdrawn. Other bid mistakes may be corrected or withdrawn pursuant to subsections (D) through (F).
  - D. After bid opening and before award, the school district shall either waive minor informalities in a bid or allow the bidder to correct them if correction is advantageous to the school district.
  - E. After bid opening and before award, the bid may not be withdrawn and shall be corrected to the intended bid if a bid mistake and the intended bid are evident on the face of the bid.
  - F. After bid opening and before award, the school district may permit a bidder to withdraw a bid if:
    1. A nonjudgmental mistake is evident on the face of the bid but the intended bid is not evident; or
    2. The bidder establishes by clear and convincing evidence that a nonjudgmental mistake was made.
  - G. If correction or withdrawal of a bid after bid opening is permitted or denied under subsections (D), (F) and (J), the school district shall prepare a written determination showing that the relief was permitted or denied under this Section.
  - H. Notwithstanding other provisions of this Section, after bid opening and before award, no corrections in bid prices or other provisions of bids prejudicial to the interest of the school district or fair competition shall be permitted.
  - I. If a mistake in the bid is discovered after the award, the bidder may request withdrawal or correction in writing and shall include all of the following in the written request:
    1. An explanation of the mistake and any other relevant information;
    2. A request for correction including the corrected bid or a request for withdrawal; and
    3. The reasons why correction or withdrawal is consistent with fair competition and advantageous to the school district.
  - J. Based on the considerations of fair competition and the best interest of the school district, the school district may take one of the following actions regarding a bid mistake discovered after the award:
    1. Allow correction of the mistake, if the corrected bid amount is less than the next lowest bid;
    2. Cancel all or part of the award; or
    3. Deny correction or withdrawal.
  - K. After cancellation of all or part of an award in accordance with subsection (J)(2), if the bid acceptance period has not expired, the school district may award all or part of the contract to the next lowest responsible and responsive bidder, based on the considerations of fair competition and the best interest of the school district.
- Historical Note**
- Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).
- R7-2-1031. Bid Evaluation and Award**
- A. As provided in subsection (C), the contract or contracts shall be awarded to the lowest responsible and responsive bidder or bidders whose bid or bids conform in all material respects to the requirements and evaluation criteria set forth in the invitation for bids. No criteria may be used in bid evaluation that are not set forth in the invitation for bids. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the lowest bidder.
  - B. A product acceptability evaluation shall be conducted solely to determine whether a bidder's product is acceptable as set forth in the invitation for bids and not whether one bidder's product is superior to another bidder's product. Any bidder's offering that does not meet the acceptability requirements shall be rejected as nonresponsive.
  - C. The school district shall award the contract to the single lowest responsible and responsive bidder for all materials or services, except that the school district may make a multiple award if the invitation for bids included notification that multiple contracts may be awarded, the school district's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts.
  - D. Before making a multiple award, the school district shall determine in writing that a multiple award is necessary and is advantageous to the school district and shall establish procedures for the use of the multiple awarded contracts to ensure that purchases are made from the contracts determined by the school district to offer the lowest cost in satisfying the school district's requirements. A multiple award shall be limited to the least number of suppliers the school district determines in writing to be necessary to meet the school district's requirements, and may include the following types of awards:
    1. Awards to the lowest responsible and responsive bidder for individual line items or groups of line items.
    2. Awards to the lowest responsible and responsive bidders for similar or identical line items or groups of line items only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery, and the awards are limited to the least number of bidders necessary to meet the school district's requirements.
    3. An incremental award only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery. The award shall be made to the lowest responsible and responsive bidder, then the next lowest responsible and responsive bidder or bidders until the total definite quantity required is awarded.
    4. A regional award to the lowest responsible and responsive bidder in designated regions or locations only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery over widely scattered locations or a particular requirement is of a local nature.
  - E. The procurement file shall contain the basis on which the award or awards are made.
  - F. The school district shall not modify evaluation criteria after the bid due date and time.
  - G. A school district may appoint an evaluation committee to assist in the evaluation of bids. If bids are evaluated by an evaluation committee, the evaluation committee shall prepare an evaluation report for the school district. The school district may:
    1. Accept the findings of the evaluation committee;
    2. Request additional information from the evaluation committee; or
    3. Reject the findings of the evaluation committee, in which case the school district shall appoint a new evaluation committee to evaluate the existing bids or cancel the solicitation.
  - H. The school district may contact a bidder to confirm the school district's understanding of the bid. Such contact shall be prior to award. The school district shall obtain written confirmation

## State Board of Education

from the bidder and shall retain the confirmation in the procurement file.

- I. The contract or contracts shall be awarded during the bid acceptance period. If the bid acceptance period expires prior to award of the contract or contracts, the procurement shall be canceled, unless the bid acceptance period is extended in accordance with subsection (J).
- J. To extend the bid acceptance period, a school district shall notify all bidders in writing of an extension and request written concurrence from each bidder. To be eligible for a contract award, a bidder shall submit a written concurrence to the extension. The school district shall reject a bid as nonresponsive if written concurrence is not provided as requested.
- K. A contract may not be awarded to a bidder submitting a higher quality item than that designated in the invitation for bids unless the bidder is also the lowest bidder as determined under subsection (A). This Section does not permit negotiations with any bidder, except as provided in subsection (L).
- L. If all bids for a construction project exceed available monies as certified by the school district, and the lowest responsive bid from a responsible bidder does not exceed such monies by more than five percent, the school district may in situations in which time or economic considerations preclude resolicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsive and responsive bidder, to bring the bid within the amount of available monies.
- M. If there are two or more low responsive bids from responsible bidders that are identical in price and that meet all the requirements and criteria set forth in the invitation for bids, award shall be made by drawing lots in the presence of one or more witnesses.
- N. A record showing the basis for determining the successful bidder shall be retained in the procurement file.
- O. The school district shall notify all bidders of an award.
- P. After a contract is awarded, the school district shall return any bid security provided by unsuccessful bidders.
- Q. Upon execution of the contract, if performance and payment bonds were not required, or upon receipt of the specified bonds, if performance and payment bonds were required, the school district shall return any bid security provided by the successful bidder.
- R. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all bids, available for public inspection.
  - 1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
  - 2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended effective October 22, 1992 (Supp. 92-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1032. Only One Bid Received**

If only one responsive bid is received in response to an invitation for bids, an award may be made to the single bidder if the school district determines in writing that the bidder is responsible, that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond, or there is not

adequate time for resolicitation. Otherwise the bid may be rejected in whole or in part as may be specified in the invitation for bids if it is advantageous to the school district. The reasons for cancellation or rejection shall be made part of the procurement file and:

1. New bids may be solicited;
2. The proposed procurement may be canceled; or
3. If the school district determines that the need for the material or service continues and the acceptance of the one bid is not advantageous to the school district, the procurement may then be conducted as follows:
  - a. The school district may follow the sole source procurement procedure if R7-2-1053 applies.
  - b. Notwithstanding any other provision of Articles 10 and 11, the school district may make emergency procurements pursuant to R7-2-1055 and R7-2-1056 if an emergency condition exists pursuant to R7-2-1055.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1033. Simplified School Construction Procurement Program**

- A. The simplified school construction procurement program is applicable to construction projects which do not exceed the maximum amount specified in A.R.S. § 15-213(A)(2).
- B. To participate in the simplified school construction procurement program:
  1. Each county school superintendent shall maintain a prospective bidders list of persons who desire to receive solicitations to bid on school district construction projects within that county. The prospective bidders list shall be maintained in accordance with R7-2-1023;
  2. The prospective bidders list maintained pursuant to subsection (B)(1) shall be available for public inspection;
  3. A performance bond and a payment bond, as required by A.R.S. § 34-222, shall be provided for contracts for construction by contractors;
  4. All bids for construction shall be opened at a public opening and the bids shall remain confidential until the public opening;
  5. All persons desiring to submit bids shall be treated equitably and the information related to each project shall be available to all eligible persons; and
  6. Competition for construction projects under the simplified school construction procurement program shall be encouraged to the maximum extent possible. School districts shall submit information on each project to all persons listed on the prospective bidders list maintained by the county school superintendent pursuant to subsection (B)(1).

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1034. Reserved****MULTISTEP SEALED BIDDING****R7-2-1035. Multistep Sealed Bidding**

- A. The multistep sealed bidding method may be used if:
  1. Available specifications or purchase descriptions are not sufficiently complete to permit full competition without technical evaluations and discussions to ensure mutual

## State Board of Education

- understanding between each bidder and the school district;
- 2. Definite criteria exist for evaluation of technical offers;
- 3. More than one technically qualified source is expected to be available; and
- 4. A fixed-price contract will be used.

- B.** The multistep sealed bidding method may not be used for construction contracts.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1036. Phase 1 of Multistep Sealed Bidding**

- A.** Multistep sealed bidding shall be initiated by the issuance of an invitation to submit technical offers. The invitation to submit technical offers shall be issued according to R7-2-1022 and R7-2-1024(A).
- B.** The invitation to submit technical offers shall include the following information:
1. Notice that the procurement shall be conducted in two phases;
  2. The best description of the material or services desired;
  3. A statement that unpriced technical offers only shall be considered in phase 1;
  4. The requirements for the technical offers, such as drawings and descriptive literature;
  5. The criteria for evaluating technical offers;
  6. The due date and time for receipt of technical offers and the location where technical offers shall be delivered or mailed;
  7. A statement that discussions may be held;
  8. A statement that only bids based on technical offers determined to be acceptable in phase 1 shall be considered for award;
  9. The name of the district representative or district representatives;
  10. Notice that all technical offers submitted will be made available for public inspection following the award of the contract; and
  11. The date, time and location of any pre-technical offer conference.
- C.** A school district may conduct a pre-technical offer conference open to all persons. If a pre-technical offer conference is conducted, it shall be not less than seven days before the technical offer due date and time, unless the school district makes a written determination that the specific needs of the procurement justify a shorter time. Statements made during the pre-technical offer conference shall not be considered modifications to the invitation to submit technical offers.
- D.** The invitation to submit technical offers may be amended before or after the submission of the unpriced technical offers. Amendments to an invitation to submit technical offers shall be so identified and the school district shall ensure that the amendments are distributed or made available to all persons to whom the original invitation to submit technical offers was distributed or made available. The school district shall make a copy of the amendments to an invitation to submit technical offers available for public inspection at the school district office. If the school district posted the invitation to submit technical offers or a notice of the availability of an invitation to submit technical offers on a designated site on the Internet, then the school district shall post any amendments to the invitation to submit technical offers on the same designated site on the Internet. The school district shall also do one or more of the following:

- a. Distribute the amendment, by any method reasonably calculated to ensure delivery, to all persons to whom the invitation to submit technical offers was distributed;
  - b. Make the amendment available and issue a notice of amendment which contains instructions for obtaining copies of the amendment. The notice of amendment shall be distributed, by any method reasonably calculated to ensure delivery, to all persons to whom the invitation to submit technical offers was distributed. Upon receipt of such notice of amendment, it is the responsibility of the person to obtain the amendment.
2. Amendments shall be issued within a reasonable time before technical offer opening to allow persons to consider them in preparing their technical offers. If the school district determines that the technical offer due date and time does not permit sufficient time for technical offer preparation, the technical offer due date and time shall be extended in the amendment or, if necessary, telephone, facsimile, email, or other communications methods, and confirmed in the amendment.
  3. A person shall acknowledge receipt of an amendment in the manner specified in the invitation to submit technical offers or the amendment on or before the technical offer due date and time.
- E.** Unpriced technical offers shall not be opened publicly, but shall be opened in the presence of two or more district officials designated by the school district. The contents of unpriced technical offers shall not be disclosed to unauthorized persons. Late technical offers shall not be considered except under the circumstances set forth in R7-2-1028(B).
- F.** Unpriced technical offers shall be evaluated solely in accordance with the criteria set forth in the invitation to submit technical offers and shall be determined to be either acceptable for further consideration or unacceptable. A determination that an unpriced technical offer is unacceptable shall be in writing, state the basis for the determination and be retained in the procurement file. If the school district determines a person's unpriced technical offer is unacceptable, the school district shall notify that person of the determination and that the person shall not be afforded an opportunity to amend the technical offer.
- G.** The school district may conduct discussions with any person who submits an acceptable or potentially acceptable technical offer. During discussions, the school district shall not disclose any information derived from one unpriced technical offer to any other person. After discussions, the school district shall establish a due date and time for receipt of final technical offers and shall notify, in writing, persons submitting acceptable or potentially acceptable technical offers of the due date and time. The school district shall keep a detailed record of all discussions.
- H.** At any time during phase 1, technical offers may be withdrawn.
- I.** A copy of the invitation to submit technical offers shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1037. Phase 2 of Multistep Sealed Bidding**

- A.** Upon completion of phase 1, the school district shall issue an invitation for bids and conduct phase 2 under R7-2-1024

## State Board of Education

through R7-2-1032 as a competitive sealed bidding procurement, except that the invitation for bids shall be issued only to persons whose technical offers were determined to be acceptable in phase 1.

- B.** Unpriced technical offers of unsuccessful persons shall be open to public inspection after contract award, except to the extent set forth in R7-2-1006.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1038. Reserved**

**R7-2-1039. Reserved**

**R7-2-1040. Reserved**

**COMPETITIVE SEALED PROPOSALS****R7-2-1041. Competitive Sealed Proposals**

- A.** This Section does not apply to procurement of services of clergy, certified public accountants, physicians, dentists, and legal counsel, construction, construction services, or specified professional services. Services of clergy, certified public accountants, physicians, dentists and legal counsel shall be procured pursuant to R7-2-1061 through R7-2-1068. Construction and construction services shall be procured as provided in R7-2-1100. Specified professional services shall be procured pursuant to R7-2-1117 through R7-2-1123.
- B.** As an alternative to competitive sealed bidding, competitive sealed proposals may be used in order to:
1. Use a contract other than a fixed-price type;
  2. Conduct oral or written discussions with offerors concerning technical and price aspects of their proposals;
  3. Afford offerors an opportunity to revise their proposals;
  4. Compare the different price, quality, and contractual factors of the proposals submitted; or
  5. Award a contract in which price is not the determining factor.
- C.** A school district may conduct competitive sealed proposals electronically, provided that the electronic competitive sealed proposals process complies with the requirements of R7-2-1041 through R7-2-1050. A determination that conducting competitive sealed proposals electronically is advantageous to the school district shall be in writing and retained in the procurement file.
- D.** When using electronic competitive sealed proposals, the school district shall determine whether electronic submission of proposals is required or optional and state the electronic submission requirements in the public notice and the request for proposals.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended effective March 21, 1991 (Supp. 91-1).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1042. Request for Proposals**

- A.** Competitive sealed proposals shall be solicited through a request for proposals. A request for proposals shall include the following:
1. Instructions to offerors, including:
    - a. Instructions and information to offerors concerning proposal submission requirements, including the means for proposal submission such as, hand delivery, U.S. mail, electronic mail, facsimile, or other acceptable means, the proposal due date and time,

the address of the office at which proposals or other documents are to be received, the proposal acceptance period, and any other special information or requirements;

- b. The manner by which the offeror is required to acknowledge amendments;
- c. Notification of whether the school district may award multiple contracts and the school district's basis for determining whether to award multiple contracts. If multiple contracts may be awarded, the request for proposals shall include the criteria the school district will use for selecting vendors for each contract under the multiple award, including whether contracts will be awarded by individual line items or groups of line items, whether contracts will be awarded incrementally, or whether contracts will be awarded by designated regions or locations;
- d. The minimum information required in the proposal;
- e. The specific requirements for designating trade secrets and other proprietary data as confidential;
- f. Any specific responsibility criteria;
- g. Whether the offeror is required to submit samples, descriptive literature, and technical data with the proposal;
- h. Evaluation factors and the relative importance of price and other evaluation factors. Specific numerical weighting is not required;
- i. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as evaluation factors the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment and, to the extent practicable, the cost of outright purchase;
- j. A statement specifying where documents incorporated by reference may be obtained;
- k. A statement that the school district may cancel the solicitation or reject a proposal in whole or in part if deemed advantageous to the school district;
- l. Notice that the offeror is required to certify that submission of the proposal did not involve collusion or other anticompetitive practices;
- m. Notice that the offeror is required to declare whether the offeror has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
- n. Any bid security required;
- o. Any cost or pricing data required;
- p. The type of contract to be used;
- q. A statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being awarded a contract;
- r. The date, time and location of any pre-proposal conference;
- s. The name of the district representative or district representatives;
- t. A description of all information that will be recorded and available for public inspection at proposal opening;
- u. Notice that all information and proposals submitted by offerors will be made available for public inspection following the award of the contract; and

## State Board of Education

- v. Whether the school district will consider partial proposals for award of a contract.
- 2. Specifications, including:
  - a. The purchase description, delivery or performance schedule, and inspection and acceptance requirements, as applicable;
  - b. If a brand name or equal specification is used, instructions that the use of a brand name is for the purpose of describing the standard of quality, performance, and other characteristics needed to meet the school district's requirements and is not intended to limit or restrict competition. The solicitation shall state that products substantially equivalent to those brands designated shall qualify for consideration; and
  - c. Any other specification requirements specific to the solicitation.
- 3. Contract terms and conditions, including:
  - a. Warranty and bonding or other security requirements, as applicable;
  - b. The length of the contract and whether the contract will include an option for extension; and
  - c. Any other contract terms and conditions.
- 4. When using electronic competitive sealed proposals, the request for proposals shall specify whether electronic submission of proposals is required or optional, the electronic submission requirements, and the electronic signature requirements.
- B. A request for proposals shall be issued at least 14 days before the due date and time for receipt of proposals unless a shorter time is determined necessary by the school district. If a shorter time is necessary, the school district shall document the specific reasons in the procurement file.
- C. Notice of the request for proposals shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C).
- D. Before submission of initial proposals, amendments to requests for proposals shall be made in accordance with R7-2-1026. After submission of proposals, amendments may be made in accordance with R7-2-1036(D).
- E. A copy of the request for proposals shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended effective October 22, 1992 (Supp. 92-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525,  
 effective July 1, 2015 (Supp. 15-3).

**R7-2-1043. Pre-proposal Conferences**

Pre-proposal conferences may be convened in accordance with R7-2-1025.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1044. Late Proposals, Modifications or Withdrawals**

- A. An offeror may modify or withdraw a proposal in writing at any time before proposal opening if the modification or withdrawal is received before the proposal due date and time at the location designated in the request for proposals for receipt of proposals.
- B. Withdrawal of a proposal after proposal opening is permissible only in accordance with R7-2-1049.
- C. A proposal received after the due date and time for receipt of proposals is late and shall not be considered except under the circumstances set forth in R7-2-1028(B). A best and final offer received after the due date and time for receipt of best and

final offers is late and shall not be considered except under the circumstances set forth in R7-2-1028(B).

- D. A modification of a proposal received after the due date and time for receipt of proposals is late and shall not be considered except under the circumstances set forth in R7-2-1028(B).
- E. A modification of a proposal resulting from an amendment issued after the due date and time for receipt of proposals or a modification of a proposal resulting from discussions shall be considered if received by the due date and time set forth in the amendment or by the due date and time for submission of best and final offers, whichever is applicable. If the modifications described in this subsection are received after the respective date and time described in this subsection, the modifications are late and shall not be considered except under the circumstances set forth in R7-2-1028(B).
- F. Upon receiving a late proposal, late modification, or late withdrawal, the school district shall record the time and date of receipt and promptly send written notice of late receipt to the offeror. The school district may discard the document 30 days after the date on the notice unless the offeror requests the document be returned.
- G. All documents concerning acceptance of a late proposal, late modification, or late withdrawal shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525,  
 effective July 1, 2015 (Supp. 15-3).

**R7-2-1045. Receipt, Opening and Recording of Proposals**

- A. A school district shall maintain a record of proposals and modifications received for each solicitation, shall record the time and date when each proposal or modification is received, and shall store each unopened proposal or modification in a secure place until the proposal due date and time.
  - 1. If required to confirm a vendor's inquiry regarding receipt of its proposal prior to the due date and time, a school district may open a proposal to identify the vendor. If this occurs, the school district shall record the reason for opening the proposal, the date and time the proposal was opened, and the solicitation number. The school district shall secure the proposal and retain it for public opening.
  - 2. One or more witnesses shall be present for the opening of a proposal under subsection (A)(1).
- B. Proposals and modifications shall be opened publicly at the date, time and place designated in the request for proposals in the presence of one or more witnesses. The name of each offeror and other relevant information deemed appropriate by the school district shall be recorded. The person opening the proposals and all witnesses shall sign the record. All other information contained in the proposals shall be confidential so as to avoid disclosure of contents prejudicial to competing offerors during the evaluation of proposals. Proposals and modifications shall be shown only to school district personnel having a legitimate interest in them or persons assisting the school district in evaluation.
  - 1. The record created in subsection (B) shall be available for public inspection.
  - 2. The proposals shall not be open for public inspection until after a contract is awarded.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525,

## State Board of Education

effective July 1, 2015 (Supp. 15-3).

**R7-2-1046. Evaluation of Proposals**

- A.** Evaluation of proposals and best and final offers shall be based on the evaluation factors set forth in the request for proposals. Specific numerical weighting may be used.
1. If only one proposal is received in response to a request for proposals, the school district shall proceed according to R7-2-1032.
  2. The school district shall not modify evaluation factors or the relative importance of price and other evaluation factors after the proposal due date and time.
  3. A school district may appoint an evaluation committee to assist in the evaluation of proposals. If proposals are evaluated by an evaluation committee, the evaluation committee shall prepare an evaluation report for the school district. The school district may:
    - a. Accept the findings of the evaluation committee;
    - b. Request additional information from the evaluation committee; or
    - c. Reject the findings of the evaluation committee, in which case the school district shall appoint a new evaluation committee to evaluate the existing proposals or cancel the solicitation.
- B.** As part of its initial evaluation, the school district may contact an offeror to confirm the school district's understanding of the proposal. Such contact shall be prior to the determination that a proposal is acceptable for further consideration. The school district shall obtain written confirmation from the offeror and shall retain the confirmation in the procurement file.
- C.** The contract or contracts shall be awarded during the proposal acceptance period. If the proposal acceptance period expires prior to award of the contract or contracts, the procurement shall be canceled, unless the proposal acceptance period is extended in accordance with subsection (D).
- D.** To extend the proposal acceptance period, a school district shall notify all offerors in writing of an extension and request written concurrence from each offeror. To be eligible for a contract award, an offeror shall submit a written concurrence to the extension. The school district shall reject a proposal as nonresponsive if written concurrence is not provided as requested.
- E.** For the purpose of conducting discussions, the school district shall determine that proposals are either acceptable for further consideration or unacceptable.
- F.** A proposal is acceptable if it is determined to be reasonably susceptible of being awarded a contract in accordance with the evaluation criteria and a comparison and ranking of original proposals. Proposals to be considered reasonably susceptible of being awarded a contract shall, at a minimum, demonstrate the following:
  1. Affirmative compliance with mandatory requirements designated in the solicitation.
  2. An ability to deliver goods or services on terms advantageous to the school district sufficient to be entitled to continue in the competition.
  3. That the proposal is technically acceptable as submitted.
- G.** A proposal is unacceptable if it is determined to not be reasonably susceptible of being awarded a contract. Those proposals that have no reasonable chance for award when compared on a relative basis with more highly ranked proposals will not be reasonably susceptible of being awarded a contract. The determination shall be in writing, state the basis for the determination and be retained in the procurement file. When there is doubt as to whether a proposal is reasonably susceptible of being awarded a contract, the proposal shall be considered acceptable.

- H.** If the school district determines an offeror's proposal is unacceptable, the school district shall notify that offeror of the determination and that the offeror shall not be afforded an opportunity to amend its proposal.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1047. Discussions with Individual Offerors**

- A.** Discussions may be conducted with responsible offerors who submit proposals determined to be acceptable for further consideration. Discussions may be conducted to assure full understanding of the proposal in order to obtain the most advantageous contract for the school district based upon the requirements and evaluation factors in the request for proposals. Offerors shall be afforded fair treatment with respect to any opportunity for discussion and revision of proposals.
- B.** A school district shall establish procedures and schedules for conducting discussions. The school district shall ensure there is no disclosure of one offeror's price or any information derived from competing proposals to another offeror.
- C.** Discussions may be conducted orally or in writing. If oral discussions are conducted, the offeror shall confirm the discussions in writing.
- D.** If discussions are conducted, they shall be conducted with all offerors who submit proposals determined to be acceptable for further consideration. Proposals may not be revised during discussions.
- E.** The school district shall keep a detailed record of all discussions in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1048. Best and Final Offers**

- A.** Only if discussions are conducted pursuant to R7-2-1047, the school district shall issue a written request for best and final offers to all offerors who submitted proposals determined to be acceptable pursuant to R7-2-1046(E). The request shall set forth the date, time and place for the submission of best and final offers.
- B.** Best and final offers shall be requested only once, unless the school district makes a determination that it is advantageous to the school district to conduct further discussions or change the school district's requirements.
- C.** The request for best and final offers shall inform offerors that, if they do not submit a notice of withdrawal or a best and final offer, their immediate previous offer will be construed as their best and final offer.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1049. Mistakes in Proposals**

- A.** Prior to the due date and time for receipt of best and final offers, any offeror may withdraw a proposal in writing or correct any mistake by modifying the proposal.
- B.** After receipt of best and final offers, an offeror may withdraw a proposal or correct a mistake in accordance with R7-2-1030.
- C.** The offeror shall withdraw or correct its proposal in writing. The school district shall retain the written withdrawal or correction in the procurement file.



## State Board of Education

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1050. Contract Award**

- A.** As provided in subsection (B), the school district shall award a contract or contracts to the responsible offeror or offerors whose proposal or proposals are determined in writing to be most advantageous to the school district based on the factors set forth in the request for proposals. No factors or criteria may be used in proposal evaluation that are not set forth in the request for proposals. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the most advantageous proposal.
- B.** The school district shall award the contract to the offeror whose proposal is deemed most advantageous to the school district for all materials or services, except that the school district may make a multiple award if the request for proposals included notification that multiple contracts may be awarded, the school district's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts.
- C.** Before making a multiple award, the school district shall determine in writing that a multiple award is necessary and is advantageous to the school district and shall establish procedures for the use of the multiple awarded contracts to ensure that purchases are made from the contracts determined by the school district to be most advantageous to the school district in satisfying the school district's requirements. A multiple award shall be limited to the least number of contracts the school district determines in writing to be necessary to meet the school district's requirements, and may include the following types of awards:
  - 1. Awards to the offerors most advantageous to the school district for individual line items or groups of line items.
  - 2. Awards to the offerors most advantageous to the school district for similar or identical line items or groups of line items only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery, and the awards are limited to the least number of offerors necessary to meet the school district's requirements.
  - 3. An incremental award only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery. The award shall be made to the offeror whose proposal is determined to be the most advantageous to the school district, then to the offeror with the next most advantageous proposal, etc., until the total definite quantity required is reached.
  - 4. Regional awards to the offerors most advantageous to the school district in designated regions or locations only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery over widely scattered locations or a particular requirement is of a local nature.
- D.** The school district shall notify all offerors of an award.
- E.** The procurement file shall contain the basis on which the award or awards are made.
- F.** After a contract is awarded, the school district shall return any bid security provided by the unsuccessful offerors.
- G.** Upon execution of the contract, if performance and payment bonds were not required, or upon receipt of the specified bonds, if performance and payment bonds were required, the school district shall return any bid security provided by the successful offeror.

- H.** Within 10 days after a contract is awarded, the school district shall make the procurement file, including all proposals, available for public inspection.

- 1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
- 2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended effective October 22, 1992 (Supp. 92-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1051. Reserved****R7-2-1052. Reserved****SOLE SOURCE PROCUREMENTS****R7-2-1053. Sole Source Procurements**

- A.** A contract may be awarded for a material, service or construction item without competition if the governing board determines in writing that there is only one source for the required material, service or construction item. The school district may require the submission of cost or pricing data in connection with an award under this Section. Sole source procurement shall be avoided, except when no reasonable alternative source exists.
- B.** The governing board's determination shall be made before entering the contract and shall include the following information:
  - 1. A description of the procurement need and the reason why there is only a single source available or why no reasonable alternative exists;
  - 2. The name of the proposed supplier;
  - 3. The duration and estimated total dollar value of the proposed procurement;
  - 4. Documentation that the price submitted is fair and reasonable; and
  - 5. A description of efforts made to seek other sources.
- C.** The school district shall, to the extent practicable, negotiate with the single supplier a contract advantageous to the school district.
- D.** A copy of the written determination of the basis for the sole source procurement and any cost or pricing data shall be retained in the procurement file by the school district. The school district shall keep a record of all sole source procurements pursuant to R7-2-1086.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1054. Reserved****EMERGENCY PROCUREMENTS****R7-2-1055. Emergency Procurement Procedure**

- A.** An emergency condition creates an immediate and serious need for materials, services, or construction that cannot be met through normal procurement methods and seriously threatens the functioning of the school district, the preservation or protection of property or the public health, welfare or safety.

## State Board of Education

Some examples of emergency conditions are floods, epidemics, or other natural disasters, riots, fire or equipment failures.

- B. An emergency procurement shall be limited to the materials, services, or construction necessary to satisfy the emergency need.
- C. The governing board shall designate a board member or members or school district official or officials authorized to make emergency procurements, and may prescribe limiting factors including maximum spending limits with regard to emergency procurements.
- D. The designated board member or district official shall:
  1. Select the contractor to perform the emergency work with as much competition as practicable under the circumstances;
  2. Obtain a price that is fair and reasonable under the circumstances;
  3. Prepare a written statement documenting the basis for the emergency, the basis for the selection of the particular contractor, and why the price paid was fair and reasonable. The statement shall be signed by the designated governing board member or district official authorized to initiate emergency procurements; and
  4. Convene a meeting of the governing board to approve the emergency procurement, unless the nature of the emergency requires that the procurement be made prior to governing board approval.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1056. Emergency Procurement Reporting**

- A. If the nature of the emergency does not permit convening a meeting of the governing board to approve the emergency procurement, the designated board member or district official who makes an emergency procurement shall, at the first scheduled governing board meeting following the procurement, provide to the governing board a report concerning the emergency procurement including the following information:
  1. The written statement documenting the basis for the emergency, the basis for the selection of the particular contractor, and why the price paid was fair and reasonable; and
  2. Why it was impracticable to convene a meeting of the governing board.
- B. The information and documentation required in this Section shall be included in the procurement file.
- C. The school district shall keep a record of all emergency procurements pursuant to R7-2-1086.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1057. Repealed****Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**REQUEST FOR INFORMATION****R7-2-1058. Request for Information**

- A. The school district may issue a request for information to obtain data about services or materials available to meet a specific need. Notice of the request for information shall be issued in accordance with R7-2-1022 and R7-2-1024(C).

- B. Responses to a request for information are not offers and cannot be accepted to form a binding contract.
- C. Information contained in a response to a request for information may be withheld from public inspection until the subsequent procurement is awarded or terminated, two years from the date of the vendor's response, or upon commencement of a new procurement, whichever occurs first.
- D. There is no required format to be used for requests for information.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1059. Reserved****R7-2-1060. Reserved**

**SERVICES OF CLERGY, CERTIFIED PUBLIC ACCOUNTANTS, PHYSICIANS, DENTISTS AND LEGAL COUNSEL**

**R7-2-1061. Competitive Selection Procedures for Clergy, Certified Public Accountants, Physicians, Dentists and Legal Counsel**

- A. The services of clergy, certified public accountants, physicians, dentists, or legal counsel shall be procured in accordance with R7-2-1061 through R7-2-1068, except as authorized pursuant to R7-2-1002, R7-2-1053, or R7-2-1055.
- B. Pursuant to A.R.S. § 15-914, contracts for financial and compliance audits and completed audits shall be approved by the Auditor General as provided in A.R.S. § 41-1279.21.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1062. Statement of Qualifications**

- A. If the services specified in R7-2-1061(A) are needed, persons may submit and the school district may solicit persons engaged in providing the services to submit statements of qualifications on a prescribed form that shall include the following information:
  1. Technical education and training;
  2. General or special experience, certifications, licenses, and memberships in professional associations, societies, or boards;
  3. An expression of interest in providing a particular service; and
  4. Any other pertinent information requested by the school district.
- B. Persons who have submitted statements of qualifications may amend those statements at any time by filing a new statement.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1063. Request for Proposals**

- A. Adequate notice of the need for services specified in R7-2-1061(A) shall be given by the school district through a request for proposals. The request for proposals shall be in accordance with R7-2-1042.
- B. In addition to providing notice of the request for proposals pursuant to R7-2-1022 and R7-2-1024(C), the school district shall provide notice to all persons who submitted statements of qualifications for the particular services solicited.

## State Board of Education

- C. If required to evaluate proposals, the request for proposals shall require all offerors who have not already done so to submit a statement of qualifications pursuant to R7-2-1062.
- D. Pre-proposal conferences may be convened in accordance with R7-2-1025.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1064. Receipt of Proposals**

Proposals shall be received and opened in accordance with R7-2-1045. Late proposals, modifications, or withdrawals shall be considered in accordance with R7-2-1044.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1065. Evaluation of Proposals**

Proposals shall be evaluated in accordance with R7-2-1046.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1066. Discussions with Individual Offerors**

- A. As part of its initial evaluation, the school district may contact an offeror to confirm the school district's understanding of the proposal. Such contact shall be prior to the determination that a proposal is acceptable for further consideration. The school district shall obtain written confirmation from the offeror and shall retain the confirmation in the procurement file.
- B. The school district may conduct discussions with any offeror in accordance with R7-2-1047. If such discussions are conducted, the school shall issue a request for best and final offers pursuant to R7-2-1048.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1067. Mistakes in Proposals**

Mistakes in proposals shall be addressed pursuant to R7-2-1049.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1068. Contract Award**

- A. As provided in subsection (B), the school district shall award a contract or contracts to the responsible offeror or offerors best qualified based on the evaluation factors set forth in the request for proposal and after making a written determination that the price is fair and reasonable. The school district shall not award a contract based solely on price. No factors or criteria may be used in proposal evaluation that are not set forth in the request for proposals.
- B. The school district shall award the contract to the best qualified offeror whose price is determined to be fair and reasonable for all services, except that the school district may make a multiple award if the request for proposals included notification that multiple contracts may be awarded, the school district's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts.
- C. Before making a multiple award, the school district shall determine in writing that a multiple award is necessary and is advantageous to the school district and shall establish procedures

for the use of the multiple awarded contracts to ensure that purchases are made from the contracts determined by the school district to be most advantageous to the school district in satisfying the school district's requirements. A multiple award shall be limited to the least number of contracts the school district determines in writing to be necessary to meet the school district's requirements, and may include the following types of awards:

1. Award to the best qualified offeror whose price is determined to be fair and reasonable for individual line items or groups of line items.
  2. Awards to the best qualified offerors whose prices are determined to be fair and reasonable for similar or identical line items or groups of line items only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery, and the awards are limited to the least number of offerors necessary to meet the school district's requirements.
  3. An incremental award only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery. The award shall be made to the best qualified person whose price is determined to be fair and reasonable, then to the next best qualified person whose price is determined to be fair and reasonable, etc., until the total definite quantity required is reached.
  4. Regional awards to the best qualified offerors whose prices are determined to be fair and reasonable in designated regions or locations only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery over widely scattered locations or a particular requirement is of a local nature.
- D. The school district shall notify all offerors of an award.
  - E. The procurement file shall contain the basis on which the award or awards are made.
  - F. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all proposals, available for public inspection.
    1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
    2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**GUARANTEED ENERGY CONTRACTS****R7-2-1069. Guaranteed Energy Cost Savings Contracts**

- A. A school district may procure a guaranteed energy cost savings contract with a qualified provider through competitive sealed proposals in accordance with R7-2-1041 through R7-2-1050.
  1. The request for proposal evaluation factors required by R7-2-1042(A)(1)(h) shall include objective criteria for selecting the qualified provider, including the cost of the contract, the energy cost savings, the net projected energy savings, the quality of the technical approach, the quality of the project management plan, the financial solvency of

## State Board of Education

- the qualified provider and the experience of the qualified provider with projects of similar size and scope.
2. Notwithstanding R7-2-1042(A)(1)(h), the request for proposals shall set forth the respective numerical weighting for each evaluation criterion.
  3. At the qualified provider's expense, the proposal shall include an independent third-party validation of cost savings calculations associated with each proposed energy cost savings measure by a licensed, registered professional engineer, with credentials from the national association of energy engineers, who has demonstrated experience in energy analysis. The school district shall approve the selection of the independent third party.
  4. A school district may enter into a guaranteed energy cost savings contract with a qualified provider if the school district determines that the energy savings project will pay for itself within the expected life of the energy cost savings measures implemented (according to the manufacturer's equipment standards), the term of the financial agreement or twenty-five years, whichever is shortest, if the recommendations in the proposal are followed. The school district shall retain the cost savings achieved by a guaranteed energy cost saving contract, and these cost savings may be used to pay for the contract and project implementation.
  5. A qualified provider is a person that is experienced in designing, implementing or installing energy cost savings measures, that has a record of established projects or measures of similar size and scope, that has demonstrated technical, operational, financial and managerial capabilities to design and operate cost savings measures and projects and that has the financial ability to satisfy guarantees for energy cost savings.
- B.** In selecting a contractor to perform any construction work related to performing the guaranteed energy cost savings contract, the qualified provider may:
1. Develop and use a prequalification process for contractors.
  2. Require the contractor to demonstrate that the contractor is adequately bonded to perform the work and that the contractor has not failed to perform on a prior job.
- C.** At the selected qualified provider's expense, a study shall be performed by the selected qualified provider in order to establish the exact scope of the guaranteed energy cost savings contract, the fixed cost savings guarantee amount and the methodology for determining actual savings. The selected qualified provider will provide the school district with a final study report which validates that the fixed cost savings guarantee amount will meet or exceed the cost savings calculations contained within the original proposal. The study report shall be reviewed and approved by the school district before the actual installation of any equipment. The qualified provider shall transmit a copy of the approved study report to the school facilities board and the governor's office of energy policy.
- D.** The information to develop the energy baseline shall be derived from historical energy costs or actual energy measurements or shall be calculated from energy measurements at the facility where energy cost savings measures are to be installed or implemented. The baseline shall be established before the installation or implementation of energy cost savings measures.
- E.** One or more school districts may enter into a financing agreement with a qualified provider or a financial institution, trustee or paying agent for the purchase and installation or implementation of energy cost savings measures. Any required financing may be obtained as part of the original competitive sealed proposal process from the qualified provider, or from a third-party financing institution that is procured separately in accordance with Articles 10 and 11.
- F.** The selected qualified provider shall provide a performance bond in accordance with R7-2-1103(A)(1)(c).
- G.** The selected qualified provider shall make public information in the subcontractor's bids.
- H.** The guaranteed energy cost savings contract shall include the following:
1. A requirement that, in determining whether the projected energy savings calculations have been met, the energy savings shall be computed by comparing the energy baseline before installation or implementation of the energy cost savings measures with the energy consumed after installation or implementation of the energy cost savings measures. The qualified provider and the school district may agree to make modifications to the energy baseline only for any of the following:
    - a. Changes in utility rates.
    - b. Changes in the number of days in the utility billing cycle.
    - c. Changes in the square footage of the facility.
    - d. Changes in the operational schedule of the facility.
    - e. Changes in facility temperature.
    - f. Significant changes in the weather.
    - g. Significant changes in the amount of equipment or lighting utilized in the facility.
    - h. Significant changes in the nature or intensity of energy use such as the change of classroom space to laboratory space.
  2. A payment schedule, with payments over a period of not more than the expected life of the energy cost savings measures implemented (according to the manufacturer's equipment standards), the term of the financial agreement or twenty-five years, whichever is shortest.
  3. A requirement that all payments, except obligations on termination of the contract before its expiration, be made pursuant to the terms of the financing agreement.
  4. A written guarantee from the qualified provider that the energy savings will meet or exceed the costs of the energy cost savings measures over the expected life of the energy cost savings measures implemented (according to the manufacturer's equipment standards), the term of the financial agreement or twenty-five years, whichever is shortest. The school district shall ensure that the contractor:
    - a. For the term of the guaranteed energy savings contract, prepares a measurement and verification report on an annual basis in addition to an annual reconciliation of savings.
    - b. Reimburses the school district for any shortfall of guaranteed energy cost savings on an annual basis.
    - c. Uses the international performance and measurement and verification protocol standards or the federal energy management program standards to validate the savings guarantee.
- I.** A school district may utilize a simplified energy performance contract for projects less than \$500,000. Simplified energy performance contracts are not required to include an energy savings guarantee and shall comply with all requirements in this Section except for subsections (D), (H)(1)(a) through (h) and (H)(4)(a) through (c).
- J.** This Section does not apply to the construction of new buildings.

## State Board of Education

- K. For all projects under this Section, the school district shall report to the governor's office of energy policy and the school facilities board:
  1. The name of the project.
  2. The qualified provider.
  3. The total cost of the project.
  4. The expected energy cost savings and relevant escalators.
  5. The agreed on baseline in the measurement and verification agreement in both kilowatt hours and dollars.
- L. For all projects under this Section, the school district shall annually report the actual energy cost savings to the school facilities board no later than October 15.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1070. Guaranteed Energy Production Contracts**

- A. A school district may procure a guaranteed energy production contract with a qualified provider through competitive sealed proposals in accordance with R7-2-1041 through R7-2-1050.
  1. The request for proposals evaluation factors required by R7-2-1042(A)(1)(h) shall include objective criteria for selecting the qualified provider, including the guaranteed energy price, the guaranteed energy production, the quality of the technical approach, the quality of the project management plan, the financial solvency of the qualified provider and the experience of the qualified provider with projects of similar size and scope.
  2. Notwithstanding R7-2-1042(A)(1)(h), the request for proposals shall set forth the respective numerical weighting for each evaluation criterion.
  3. The school district may obtain any required financing as part of the original competitive sealed proposal process from the qualified provider, or from a third-party financing institution procured separately in accordance with Articles 10 and 11.
  4. When submitting a proposal for the installation of equipment, the qualified provider shall include information containing the guaranteed energy production associated with each proposed energy production measure. The school district shall review and approve this guarantee before the actual installation of any equipment. The qualified provider shall transmit a copy of the approved guarantee to the school facilities board and the governor's office of energy policy.
  5. A qualified provider is a person that is experienced in designing, implementing or installing energy cost savings measures, that has demonstrated technical, operational, financial and managerial capabilities to design and operate cost savings measures and projects and that has the financial ability to satisfy guarantees for guaranteed energy production, financial solvency and experience for projects of similar size and scope.
- B. In selecting a contractor to perform any construction work related to performing the guaranteed energy production contract, the qualified provider may:
  1. Develop and use a prequalification process for contractors.
  2. Require the contractor to demonstrate that the contractor is adequately bonded to perform the work and that the contractor has not failed to perform on a prior job.
- C. A guaranteed energy production contract shall include a guaranteed energy price, and a written guaranteed energy production as measured on an annual basis over the expected life of

the energy production measures implemented or within twenty-five years, whichever is shorter. The school district shall ensure that the contractor:

1. Prepares a measurement and verification report on an annual basis in addition to an annual reconciliation of any guaranteed energy production shortfall.
  2. Reimburses the school district for any guaranteed energy production shortfall on an annual basis by multiplying any energy production shortfall by either the difference between the guaranteed energy price and the effective utility rate, or an alternative method as mutually agreed on by the school district and the provider.
- D. The selected qualified provider shall provide a performance bond in accordance with R7-2-1103(A)(1)(c).
  - E. The selected qualified provider shall make public information in the subcontractor's bids.
  - F. For all projects under this Section, the school district shall report to the governor's office of energy policy and the school facilities board:
    1. The name of the project.
    2. The qualified provider.
    3. The total cost of the project.
    4. The expected guaranteed energy production and guaranteed energy price, including relevant escalators, if applicable, over the term of the guaranteed energy production contract.
  - G. For all projects under this Section, the school district shall annually report the actual energy production and guaranteed energy price to the school facilities board no later than October 15.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**GENERAL CONTRACT REQUIREMENTS****R7-2-1071. Reserved****R7-2-1072. Cancellation of Solicitations; Rejection of Bids and Proposals**

Each solicitation issued by the school district shall state that the solicitation may be canceled or bids or proposals rejected if it is advantageous to the school district.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1073. Cancellation of Solicitation Before the Due Date and Time**

- A. Before the due date and time, a solicitation may be canceled in whole or in part if the school district determines that cancellation is advantageous to the school district. The reasons for the cancellation shall be made part of the procurement file.
- B. The school district shall notify in writing all persons to whom the original notice or solicitation was distributed by the school district. Notice shall be in the same manner as the original notice or solicitation, including posting on a designated site on the Internet, as applicable.
- C. The school district shall not open bids or proposals after cancellation. The school district may discard the bid or proposal 30 days after notice is given in accordance with subsection (B), unless the bidder or offeror requests the bid or proposal be returned.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,

## State Board of Education

effective July 1, 2015 (Supp. 15-3).

**R7-2-1074. Cancellation of Solicitation After Bid or Proposal Opening and Before Award**

- A. After opening of bids or proposals but before award, a solicitation may be canceled in whole or in part if the school district determines that cancellation is advantageous to the school district. The reasons for the cancellation shall be made part of the procurement file.
- B. The school district shall notify bidders or offerors of the cancellation in writing.
- C. The school district shall retain bids or proposals received under the canceled solicitation in the procurement file. If the school district intends to issue another solicitation within six months after cancellation of the procurement, the school district shall withhold the bids or proposals from public inspection. After award of a contract under the subsequent solicitation, the school district shall make bids or proposals submitted in response to the canceled solicitation available for public inspection except for information determined to be confidential pursuant to R7-2-1006.
- D. In the event of cancellation, the school district shall promptly return any bid security provided by a bidder or offeror.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1075. Rejection of Individual Bids and Proposals**

- A. A bid or proposal may be rejected in whole or in part if:
  - 1. The person responding to the solicitation is determined to be nonresponsive pursuant to R7-2-1076;
  - 2. It is nonresponsive or unacceptable;
  - 3. The proposed price is unreasonable; or
  - 4. It is otherwise not advantageous to the school district.
- B. Bidders or offerors whose bids or proposals are rejected shall be notified. A record of the rejection shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1076. Responsibility of Bidders and Offerors**

- A. The school district shall make a written determination that a bidder or offeror is responsible before awarding a contract to that bidder or offeror.
- B. If the school district determines a bidder or offeror is nonresponsive, the school district shall promptly send a determination to the bidder or offeror stating the basis for the determination. The school district shall file a copy of the determination in the procurement file.
- C. A finding of nonresponsibility shall not be construed as a violation of the rights of any person.
- D. If the school district included specific responsibility criteria in the solicitation, such criteria shall be considered in determining if a bidder or offeror is responsible.
- E. Factors to be considered in determining if a bidder or offeror is responsible may include:
  - 1. The bidder or offeror's financial, material, personnel or other resources, including subcontracts;
  - 2. The bidder or offeror's record of performance and integrity;
  - 3. Whether the bidder or offeror has been debarred or suspended; and

- 4. Whether the bidder or offeror is qualified legally to contract with the school district.

- F. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility shall be grounds for a determination of nonresponsibility with respect to the bidder or offeror.
- G. As required by A.R.S. § 41-2540(B), information furnished by a bidder or offeror pursuant to this Section shall not be disclosed outside of the school district without prior written consent by the bidder or offeror except to law enforcement agencies.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1077. Prequalification of Contractors for Materials, Services and Construction**

- A. Prospective contractors may be prequalified for particular types of materials, services and construction. Prospective contractors have a continuing duty to provide the school district with information on any material change affecting the basis of prequalification. Solicitation mailing lists of prospective contractors shall include the prequalified contractors.
- B. A prospective contractor need not be prequalified to be awarded a contract. Prequalification does not represent a determination of responsibility.
- C. The existence of a qualified product list pursuant to R7-2-1011(D) does not constitute prequalification of any prospective supplier of that product.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1078. Bid and Contract Security**

- A. Bid and performance bonds or other security may be required for material or service contracts to guarantee faithful bid and contract performance if the governing board determines that such requirement is advantageous to the school district. In determining the amount and type of security required for each contract, the governing board shall consider the nature of the performance and the need for future protection to the school district. The requirement for bonds or other security shall be included in the solicitation.
- B. Bid or performance bonds shall not be used as a substitute for a determination of bidder or offeror responsibility.
- C. If a bid or proposal is withdrawn at any time before bid or proposal opening, any bid security shall be returned to the bidder or offeror.
- D. After the contract is awarded, any bid security shall be returned to the unsuccessful bidders or offerors. Upon execution of the contract, if performance bonds or other security were not required, or upon receipt of the specified bonds, if performance bonds or other security were required, the school district shall return any bid security provided by the successful bidder or offeror.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1079. Cost or Pricing Data**

- A. The submission of current cost or pricing data may be required in connection with an award in situations in which analysis of the proposed price is essential to determine that the price is fair

## State Board of Education

and reasonable. A contractor shall, except as provided in subsection (C), submit current cost or pricing data and shall certify that, to the best of the contractor's knowledge and belief, the cost or pricing data submitted is accurate, complete and current as of a mutually determined specified date before the date of either:

1. The pricing of any contract awarded by competitive sealed proposals or pursuant to the sole source procurement authority, if the total contract price is expected to exceed \$100,000.
  2. The pricing of any change order or contract modification which is expected to increase the total contract price which will then exceed \$100,000.
- B.** Any contract, change order or contract modification for which certified cost or pricing data is required shall contain a provision that the price to the school district shall be adjusted to exclude any significant amounts by which the school district finds that the price was increased because the contractor-furnished cost or pricing data was inaccurate, incomplete or not current as of the date agreed on between the parties. Such adjustment by the school district may include profit or fee. The school district may reduce the contract price pursuant to R7-2-1081.
- C.** The requirements of this Section may be waived if any of the following apply:
1. The contract price is based on adequate price competition.
  2. The contract price is based on established catalog prices or market prices.
  3. Contract prices are set by law or regulation.
  4. It is determined in writing by the school district that the waiver is advantageous to the school district. The determination shall include the reasons why the waiver is advantageous to the school district.
- D.** When applicable, the solicitation shall include a notice that certified cost or pricing data shall be submitted.
- E.** In an emergency, cost or pricing data may be submitted at a reasonable time after the contract is awarded.
- F.** A copy of all determinations by the school district that pertain to the submission of cost or pricing data shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1080. Refusal to Submit Cost or Pricing Data**

- A.** If the offeror fails to submit cost or pricing data in the required form, the school district may reject the proposal.
- B.** If a contractor fails to submit data to support a price adjustment in the form required, the school district may:
1. Reject the price adjustment; or
  2. Set the amount of the price adjustment subject to the contractor's rights under R7-2-1141 through R7-2-1185.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1081. Defective Cost or Pricing Data**

- A.** The school district may reduce the contract price if, upon determination, the cost or pricing data are defective.
- B.** The contract price shall be reduced in the amount of the defect plus related overhead and profit or fee if the school district relied upon the defective data in awarding the contract.

- C.** Any dispute as to the existence of defective cost or pricing data or the amount of an adjustment due to defective cost or pricing data may be appealed as a contract controversy under R7-2-1141 through R7-2-1185. Pending appeal, the adjusted contract price shall remain in effect.
- D.** If certification of either current cost or pricing data is required, the awarded contract shall include notice of the right of the school district to a reduction in price if certified cost or pricing data are subsequently determined to be defective.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1082. Right to Inspect Plant**

The school district may at reasonable times inspect the part of the plant or place of business of a contractor or any subcontractor which is related to the performance of any contract awarded or to be awarded by the school district.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1083. Right to Audit Records**

- A.** The school district may, at reasonable times and places, audit the books and records of any person who submits cost or pricing data as provided in R7-2-1079 to the extent that the books and records relate to the cost or pricing data. Any person who receives a contract, change order or contract modification for which cost or pricing data is required shall maintain the books and records that relate to the cost or pricing data for five years after completion of the contract.
- B.** The school district is entitled to audit the books and records of a contractor or any subcontractor under any contract or subcontract to the extent that the books and records relate to the performance of the contract or subcontract. The books and records shall be maintained by the contractor for a period of five years after completion of the contract and by the subcontractor for a period of five years after completion of the subcontract.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1084. Anticompetitive Practices**

- A.** If for any reason collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice or the relevant facts shall be transmitted to the governing board and the attorney general. This Section does not require a law enforcement agency conducting an investigation into such practices to convey such notice to the school district.
- B.** Upon submitting a bid or proposal, the bidder or offeror shall certify on a form prescribed by the school district that the submission of the bid or proposal did not involve collusion or other anticompetitive practices.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1085. Retention of Procurement Records**

All procurement records shall be retained and disposed of in accordance with records retention guidelines and schedules approved by the Arizona State Library, Archives and Public Records.

## State Board of Education

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1086. Record of Procurement Actions**

- A. The school district shall maintain a record listing all contracts made under R7-2-1053, Sole source procurements, or R7-2-1055, Emergency procurements, for a minimum of five years. The record shall contain:
1. Each contractor's name.
  2. The amount and type of each contract.
  3. A listing of the materials, services or construction procured under each contract.
- B. The record shall be available for public inspection.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2015 (Supp. 15-3).

**R7-2-1087. Contract Clauses**

- A. The school district shall include in solicitations and contracts all contract clauses necessary to ensure the school district's interests are addressed. The school district may modify clauses for inclusion in any particular school district contract, provided that any variations are supported by a written determination that states the circumstances justifying the variation and provided that notice of any material variation is stated in the solicitation.
- B. All contract clauses shall be consistent with the provisions of Articles 10 and 11.
- C. The school district may permit or require the inclusion of clauses providing for appropriate remedies, adjustments in prices, time of performance or other contract provisions.
- D. A contract for the procurement of construction or construction services shall include a provision for the recovery of damages related to expenses incurred by the contractor for a delay for which the school district is responsible, that is unreasonable under the circumstances and that was not within the contemplation of the parties to the contract. This subsection shall not be construed to void any provision in the contract that requires notice of delays, provides for arbitration or any other procedure for settlement or provides for liquidated damages.
- E. A provision, covenant, clause or understanding in, collateral to or affecting a construction contract that makes the contract subject to the laws of another state or that requires any litigation, arbitration or other dispute resolution proceeding arising from the contract to be conducted in another state is against the public policy of this state and is void and unenforceable.
- F. A covenant, clause or understanding in, collateral to or affecting a construction contract or subcontract or a design professional services contract or subcontract that purports to indemnify, to hold harmless or to defend the promisee of, from or against liability for loss or damage resulting from the negligence of the promisee or the promisee's agents, employees or indemnitee is against the public policy of this state and is void.
- G. If a design professional provides work, services, studies, planning, surveys or other preparatory work in connection with a public building or improvement, the school district or property owner may require that the design professional services contract or subcontract require the design professional to indemnify and hold harmless the school district or property owner, and its officers and employees, from liabilities, damages, losses and costs, including reasonable attorney fees and court costs, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of such design professional or other persons employed or used by such design professional in the performance of the contract or subcontract.

- H. A design professional services subcontract entered into in connection with a public building or improvement may also require any design professional to indemnify and hold harmless the school district or property owner and the indemnified design professional who executed the subcontract, and their respective owners, officers and employees, from liabilities, damages, losses and costs, including reasonable attorney fees and court costs, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of such design professional, or persons employed or used by the indemnifying design professional in connection with the subcontract.
- I. Nothing in this Section shall prohibit the requirement of insurance coverage that complies with this Section, including the designation of the school district or property owner as an additional insured on a general liability insurance policy or as a designated insured on an automobile liability policy provided in connection with a construction contract or subcontract or design professional services contract or subcontract.
- J. Notwithstanding subsection (F), a contractor who is responsible for the performance of a construction contract or subcontract may fully indemnify a person, firm, corporation, state or other agency for whose account the construction contract or subcontract is not being performed and that, as an accommodation, enters into an agreement with the contractor that permits the contractor to enter on or adjacent to its property to perform the construction contract or subcontract for others.
- K. Except as provided in subsections (G), (H) and (I), a design professional services contract or subcontract entered into in connection with a public building or improvement shall not require that a design professional defend, indemnify, insure or hold harmless the school district or property owner or its employees, officers, directors, agents, contractors or subcontractors from any liability, damage, loss, claim, action or proceeding, and any contract provision that is not permitted by subsections (G), (H) and (I) is against the public policy of this state and is void.
- L. If any provision or condition contained in this Section conflicts with any provision of a contract between the school district and the federal government, such provision shall not apply to any construction contract or subcontract, or design professional services contract or subcontract to the extent such conflict exists, but all provisions of this Section with which there is no such conflict, shall apply.
- M. In this Section:
1. "Construction contract or subcontract" means a written or oral agreement relating to the construction, alteration, repair, maintenance, relocation, moving, demolition or excavation of a structure, street or roadway, appurtenance, facility, development, or other improvement to land.
  2. "Design professional services" means architect services, engineer services, land surveying services, geologist services or landscape architect services or any combination of those services performed by or under the supervision of a design professional or any person employed by the design professional.
  3. "Design professional services contract or subcontract" means a written or oral agreement relating to the planning, design, construction administration, study, evaluation, consulting, inspection, surveying, mapping, material sampling, testing or other professional, scientific or technical services furnished in connection with any actual or proposed study, planning, survey, environmental remediation



## State Board of Education

ation, construction, improvement, alteration, repair, maintenance, relocation, moving, demolition or excavation of a structure, street or roadway, appurtenance, facility, development or other improvement to land.

4. "Other persons employed or used" means a subcontractor to a contractor or design professional in any tier, or any other person or entity who performs work or design professional services, or provides labor, services, materials or equipment in connection with a construction contract or subcontract or design professional service contract or subcontract subject to this Section.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1088. Reserved**

**R7-2-1089. Reserved**

**R7-2-1090. Reserved**

**CONTRACT TYPES**

**R7-2-1091. Repealed**

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1092. Authority to Use Contract Types**

Subject to the limitations of this Section, any type of contract that would be advantageous to the school district may be used, except that the use of a cost-plus-a-percentage-of-cost contract is prohibited.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1093. Multiterm Contracts**

- A.** Unless otherwise provided by law, multiterm contracts for materials or services and contracts for job-order-contracting construction services may be entered into if the duration of the contract and the conditions of renewal or extension, if any, are included in the invitation for bids or the request for proposals and if monies are available for the first fiscal period at the time the contract is executed. The duration of contracts for materials or services and contracts for job-order-contracting construction services shall be limited to no more than five years unless the governing board determines in writing before the procurement solicitation is issued that a contract of longer duration would be advantageous to the school district. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of monies.
- B.** Before the use of a multiterm contract, it shall be determined in writing by the governing board that:
1. Estimated requirements cover the period of the contract and are reasonable and continuing.
  2. Such a contract will be advantageous to the school district by encouraging effective competition or otherwise promoting economies in school district procurement.
- C.** The school district shall include in all multiterm contracts a clause specifying that the contract shall be canceled if monies are not appropriated or otherwise made available to support the continuation of performance in a subsequent fiscal year.
- D.** If monies are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal

period, the contract shall be canceled and the contractor may only be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the materials or services delivered under the contract or which are otherwise not recoverable. The cost of cancellation may be paid from any appropriations available for such purposes.

- E.** A contract for specified professional services shall have a term not exceeding five years after the date of contract award by the school district of the first contract under the procurement, except that the contract may continue in effect after the five year term for projects on which the rendering of specified professional services commences within the five year term.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1094. Reserved**

**R7-2-1095. Reserved**

**R7-2-1096. Reserved**

**R7-2-1097. Reserved**

**R7-2-1098. Reserved**

**R7-2-1099. Reserved**

**ARTICLE 11. SCHOOL DISTRICT PROCUREMENT (CONTINUED)****PROCUREMENT OF CONSTRUCTION****R7-2-1100. Construction Project Delivery Methods**

- A.** For the design-bid-build project delivery method, the school district shall procure:
1. Design services pursuant to R7-2-1117 through R7-2-1123, except as authorized by R7-2-1053 and R7-2-1055.
  2. Construction by competitive sealed bidding pursuant to R7-2-1021 through R7-2-1032 and R7-2-1102 through R7-2-1105, except as authorized by R7-2-1033, R7-2-1053, R7-2-1055, and R7-2-1101.
- B.** For construction-manager-at-risk, design-build and job-order-contracting project delivery methods, the school district shall procure construction services pursuant to R7-2-1102 through R7-2-1115.
- C.** For construction-manager-at-risk project delivery method, the school district shall purchase design services pursuant to R7-2-1117 through R7-2-1123.
- D.** For job-order-contracting project delivery method, the school district may include design services in the job-order-contracting construction services contract, but if the school district does not include design services in the contract, the school district shall procure any design services relating to construction services projects under the contract pursuant to R7-2-1117 through R7-2-1123.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1101. Qualified Select Bidders List**

- A.** The school district may use the qualified select bidders list method to determine the vendors who receive the notice of competitive sealed bidding for a construction contract. The qualified select bidders list shall be determined in accordance with this Section.
- B.** Sealed prime contractor or construction materials supplier statements of qualifications shall be solicited through requests for qualifications.

## State Board of Education

1. Notice of the request for qualifications shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C).
  2. Requests for qualifications shall be issued at least 21 days before the due date and time for submission.
  3. Use of the qualified select bidders list shall be restricted to the specific projects identified in the request for qualifications.
  4. The qualified select bidders list shall consist of at least three prime contractors when a contractor is solicited or three construction material suppliers when material suppliers are solicited.
  5. The qualified select bidders list for any specific project is valid for one year but may be extended for an additional year, at the option of the school district.
- C.** The request for qualifications shall include the following:
1. Notice that all information and statements of qualifications submitted by persons will be made available for public inspection following the establishment of a qualified select bidders list.
  2. Instructions and information to persons concerning the statement of qualifications submission requirements, including the due date and time for submission, the address of the office at which the statements of qualifications are to be received, and any other special information.
  3. The anticipated evaluation period and selection of a qualified select bidders list.
  4. General information on the project site or sites, scope of work, schedule, evaluation criteria, project design and construction budget, or life cycle budget for a procurement that includes maintenance, operations, and finance services.
  5. The weight prescribed by the school district for each of the criteria to be used in making the evaluation.
  6. The criteria to be used in making the evaluation, which shall include at a minimum:
    - a. Person's capabilities and qualifications for performing the scope of work;
    - b. Person's project team, and key members' education, training and qualifications;
    - c. Method of approach, including subcontractor plan, safety plan;
    - d. Safety record and worker's compensation rate;
    - e. Projected construction schedule;
    - f. Current workload;
    - g. Five most recent representative examples of similar work along with references for each example;
    - h. Current bonding availability and capacity;
    - i. Any judgment or liens against the person within the last three years;
    - j. Any current unresolved bond claims against the person;
    - k. Any deficiency orders issued against the prime contractor by the Arizona Registrar of Contractors within the last three years; and
    - l. Any filing under the United States Bankruptcy Code, assignments for the benefit of creditors, or other measures taken for the protection against creditors during the last three years.
  7. The type of contract to be used.
  8. The name of the district representative or district representatives.
  9. The expiration date of the qualified select bidders list if less than one year.
  10. A statement that the school district reserves the right to conduct interviews as part of the evaluation process.
  11. The date, time and location of any pre-submittal conference.
- D.** The school district may conduct a pre-submittal conference not less than 14 days prior to the statement of qualifications due date and time for the purposes of explaining the requirements of the request for qualifications.
- E.** Amendments to request for qualifications.
1. An amendment to a request for qualifications shall be issued if necessary to do any of the following:
    - a. Make changes in the request for qualifications;
    - b. Correct defects or ambiguities;
    - c. Furnish to persons information given to any other person, if the information will assist the persons in submitting their statements of qualifications or if the lack of the information will prejudice the persons;
    - d. Provide additional information or instructions; or
    - e. Extend the due date and time if the school district determines that an extension is advantageous to the school district.
  2. Amendments to a request for qualifications shall be so identified and the school district shall ensure that the amendments are distributed or made available to all persons to whom the original request for qualifications was distributed or made available. The school district shall make a copy of the amendments to a request for qualifications available for public inspection at the school district office. If the school district posted the request for qualifications or a notice of the availability of a request for qualifications on a designated site on the Internet, then the school district shall post any amendments to the request for qualifications on the same designated site on the Internet. The school district shall also do one or more of the following:
    - a. Distribute the amendment, by any method reasonably calculated to ensure delivery, to all persons to whom the request for qualifications was distributed;
    - b. Make the amendment available and issue a notice of amendment which contains instructions for obtaining copies of the amendment. The notice of amendment shall be distributed, by any method reasonably calculated to ensure delivery, to all persons to whom the request for qualifications was distributed. Upon receipt of such notice of amendment, it is the responsibility of the person to obtain the amendment.
  3. Amendments to request for qualifications shall be issued within a reasonable time before the due date and time to allow persons to consider them in preparing their statements of qualifications. If the school district determines that the due date and time in the request for qualifications does not permit sufficient time for statement of qualifications preparation, the due date and time shall be extended in the amendment or, if necessary, by telephone, facsimile, email, or other communications methods, and confirmed in the amendment.
  4. A person shall acknowledge receipt of an amendment in the manner specified in the request for qualifications or the amendment on or before the due date and time.
- F.** Pre-submittal modification or withdrawal of statements of qualifications
1. A person may modify or withdraw a statement of qualifications in writing at any time before the prescribed due date and time if the modification or withdrawal is received before the due date and time at the location des-

## State Board of Education

- igned in the request for qualifications for receipt of statements of qualifications.
2. All documents concerning a modification or withdrawal of a statement of qualifications shall be retained in the procurement file.
- G. Late statements of qualifications, late withdrawals and late modifications**
1. A statement of qualifications, modification or withdrawal is late if it is received at the location designated in the request for qualifications for receipt of statements of qualifications after the due date and time.
  2. A late statement of qualifications, late modification, or late withdrawal shall be rejected, unless the statement of qualifications, modification or withdrawal would have been timely received but for the action or inaction of school district personnel and is received before the qualified select bidders list is established.
  3. Upon receiving a late statement of qualifications, late modification, or late withdrawal, the school district shall record the time and date of receipt and promptly send notice of late receipt to the person. The school district may discard the document 30 days after the date on the notice unless the person requests the document be returned.
  4. All documents concerning acceptance of a late statement of qualifications, late modification, or late withdrawal shall be retained in the procurement file.
- H. Receipt, opening and recording statements of qualifications**
1. A school district shall maintain a record of statements of qualifications and modifications received for each solicitation, shall record the time and date when each statement of qualifications or modification is received, and shall store each unopened statement of qualifications or modification in a secure place until the due date and time.
    - a. If required to confirm a vendor's inquiry regarding receipt of its statement of qualifications prior to the due date and time, a school district may open a statement of qualifications to identify the vendor. If this occurs, the school district shall record the reason for opening the statement of qualifications, the date and time the statement of qualifications was opened, and the solicitation number. The school district shall secure the statement of qualifications and retain it for public opening.
    - b. One or more witnesses shall be present for the opening of a statement of qualifications under subsection (H)(1)(a).
  2. Statements of qualifications and modifications shall be opened publicly at the date, time and location designated in the request for qualifications in the presence of one or more witnesses. The name of each person and any other relevant information deemed appropriate by the school district shall be recorded. The person opening the statements of qualifications and all witnesses shall sign the record.
    - a. The record created in subsection (H)(2) shall be available for public inspection.
    - b. The statements of qualifications shall not be open for public inspection until after the qualified select bidders list has been established.
- I. Establishing the qualified select bidders list.**
1. The qualified select bidders list shall be established by determining the highest rated persons from the statements of qualifications received. This will be a minimum of three and a maximum of five.
2. For each qualified select bidders list process there will be established by the school district an evaluation committee composed of five members. These members shall include the project designer or construction material specifier, one member from the prime contracting or construction material supplier community that performs commensurate level work and is disinterested in this project, a school district facilities representative and two other members as designated by the school district.
  3. The evaluation committee shall review and score each statement of qualifications received according to the established evaluation criteria. The committee shall rank the statements of qualifications in accordance with the scores.
  4. The committee may conduct interviews before making the final determination of the qualified select bidders list. The committee shall document the interviews in writing.
  5. The committee shall select at least three and not more than five of the highest scoring persons for the qualified select bidders list.
  6. The district representative shall review the committee's qualified select bidders list. The district representative shall:
    - a. Accept the list as submitted;
    - b. Return the list for additional committee review;
    - c. Reject the list and terminate the process.
  7. A one-year eligibility period for the qualified select bidders list shall begin on the date the district representative accepts it. The qualified select bidders list may be extended one year at the option of the school district.
  8. Once the qualified select bidders list is established, a written notice of the selected persons shall be sent to all the persons that submitted statements of qualifications.
  9. After the establishment of the qualified select bidders list, a written record showing the basis for determining the qualified select bidders list shall be prepared by the district representative and retained in the procurement file. Within 10 days after the qualified select bidders list has been established, the school district shall make the procurement file, including all statements of qualifications, available for public inspection.
    - a. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
    - b. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.
  10. The qualified select bidders shall be provided an invitation for bids in accordance with R7-2-1024 to R7-2-1032. For any projects not identified in the request for qualifications, the school district may not solicit bids on those projects under the qualified select bidders list either in the initial one-year period or the one-year extension period.
  11. Projects identified in the request for qualifications shall have invitation for bids issued within the initial one-year period, or in the one-year extension period, to be awarded a contract under that qualified select bidders list.
- J. Terminating the process for insufficient response or selection**
1. In the event that less than three statements of qualifications are received, this procurement process shall cease and the school district may elect to reissue the request for qualifications or pursue other procurement methods.

## State Board of Education

2. In the event that less than three persons are identified by the selection committee as being the most highly qualified, this procurement process shall cease and the school district may elect to reissue the request for qualifications or pursue other procurement methods.
- K. A copy of the request for qualifications shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1102. Bid Security**

- A. Bid security shall be required for all competitive sealed bidding for construction contracts, and for all competitive sealed proposals for design-build construction services or job-order-contracting construction services procured pursuant to R7-2-1111, if the price, excluding the cost of any finance services, maintenance services, operations services, design services, preconstruction services, or other related services included in the contract, is estimated by the school district to exceed the amount established by R7-2-1002(A).
- B. Invitations for bid on school district construction contracts and requests for proposals for design-build construction services or job-order-contracting construction services, shall require submission of bid security as follows:
  1. For design-bid-build construction services, ten percent of the contractor's bid.
  2. For design-build construction services awarded by competitive sealed proposals pursuant to R7-2-1111, ten percent of the school district's construction budget for the project as stated in the request for proposals, excluding finance services, maintenance services, operations services, design services, preconstruction services or any other related services included in the contract.
  3. For job-order-contracting construction services awarded by competitive sealed proposals pursuant to R7-2-1111, the amount prescribed by the school district in the request for proposals, but not more than ten percent of the school district's reasonably estimated budget for construction that the school district believes is likely to actually be done during the first year under the contract, excluding any finance services, maintenance services, operations services, design services, preconstruction services or other related services included in the contract.
- C. Acceptable bid security shall be limited to:
  1. An annual or one-time bid bond executed and furnished as required by A.R.S. Title 34, Chapter 2 or 6, as applicable; or
  2. A certified or cashier's check.
- D. The school district may issue a written determination to accept the bid security if the bid security fails to comply in a nonsubstantial manner when:
  1. Only one bid or proposal is received and there is not sufficient time to rebid or resolicit proposals;
  2. The amount of the bid security submitted, although less than the amount required by the invitation for bids or request for proposals, is equal to or greater than the difference between the apparent low bid or highest scoring proposal and the next higher acceptable bid or next highest scoring proposal; or
  3. The bid security is inadequate as a result of modifying or correcting a bid in accordance with R7-2-1027 or R7-2-1030, if the bidder increases the amount of security to required limits within two days after notification.

- E. After the bids and proposals are opened, they are irrevocable for the period specified in the invitation for bids or request for proposals, except as provided in R7-2-1030. If a bidder or offeror is permitted to withdraw its bid before award, no action may be had against the bidder or offeror or the bid security.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1103. Contract Performance and Payment Bonds**

- A. The following bonds or security is required and is binding on the parties to the contract if the value of a construction or construction services award exceeds the amount established by R7-2-1002(A):
  1. A performance bond that is executed and furnished as required under Arizona Revised Statutes Title 34, Chapter 2, Article 2 or Chapter 6, as applicable, in an amount equal to one hundred percent of the price specified in the contract conditioned on the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract, except that:
    - a. For job-order-contracting construction services, the performance bond shall cover the full amount of construction under the job-order-contracting construction services contract, shall not include any design services, preconstruction services, finance services, maintenance services, operations services or other related services included in the contract, may be a single bond for the full term of the contract, a separate bond for each year of a multiyear contract or a separate bond for each job order, as determined by the school district, and, if a single bond for the full term of the contract or a separate bond for each year of a multiyear contract, shall initially be based on the school district's reasonable estimate of the amount of construction that the school district believes is likely to actually be done during the full term of the contract or during the particular year of a multiyear contract, as applicable.
    - b. For construction-manager-at-risk construction services and design-build construction services, the amount of the performance bond shall be the price of construction and shall not include the cost of any design services, preconstruction services, finance services, maintenance services, operations services and other related services included in the contract. This bond is solely for the protection of the school district. The conditions and provisions of the performance bond regarding the surety's obligations shall follow the form required under A.R.S. § 34-222(G) or A.R.S. § 34-610(G), as applicable.
    - c. For guaranteed energy cost savings contracts and guaranteed energy production contracts, the amount of the performance bond shall be one hundred percent of the project amount to the school district for its faithful performance of the equipment installation.
  2. A payment bond that is executed and furnished as required by Arizona Revised Statutes Title 34, Chapter 2, Article 2 or Chapter 6, as applicable, in an amount equal to one hundred percent of the price specified in the contract for the protection of all persons supplying labor or material to the contractor or its subcontractors for the per-

## State Board of Education

formance of the construction provided for in the contract, except that:

- a. For job-order-contracting construction services, the payment bond shall cover the full amount of construction under the job-order-contracting construction services contract, shall not include any design services, preconstruction services, finance services, maintenance services, operations services or other related services included in the contract, may be a single bond for the full term of the contract, a separate bond for each year of a multiyear contract or a separate bond for each job order, as determined by the school district, and, if a single bond for the full term of the contract or a separate bond for each year of a multiyear contract, shall initially be based on the school district's reasonable estimate of the amount of construction that the school district believes is likely to actually be done during the full term of the contract or during the particular year of a multiyear contract, as applicable.
  - b. For construction-manager-at-risk construction services and design-build construction services, the amount of the payment bond shall be the price of construction and shall not include the cost of any design services, preconstruction services, finance services, maintenance services, operations services or other related services included in the contract. The conditions and provisions of the payment bond regarding the surety's obligations shall follow the form required under A.R.S. § 34-222(F) or A.R.S. § 34-610(F), as applicable.
- B.** For design-bid-build construction, the bonds prescribed in subsection (A) shall be provided on and at the same time as execution of the construction contract. For construction-manager-at-risk, design-build and job-order-contracting construction services, the bonds prescribed in subsection (A) shall be provided only on and at the same time as execution of a contract or contract modification that commits the contractor to provide construction for a fixed price, guaranteed maximum price or other fixed amount within a designated time frame.
- C.** If the prime contract or specifications require any persons supplying labor or materials in the prosecution of the work to furnish payment or performance bonds, these bonds shall be executed solely by a surety company or companies holding a certificate of authority to transact surety business in this state issued by the director of the Department of Insurance pursuant to Arizona Revised Statutes Title 20, Chapter 2, Article 1. Notwithstanding the provisions of any other statute, the bonds shall not be executed by an individual surety or sureties, even if the requirements of A.R.S. § 7-101 are satisfied.
- D.** If a contractor fails to deliver the required performance bond or payment bond, the contractor's bid shall be rejected, its bid security shall be enforced, and award of the contract shall be made pursuant to Articles 10 and 11.
- E.** This Section shall not be construed to limit the authority of the school district to require a performance bond or other security in addition to those bonds or in circumstances other than specified in subsection (A).
- F.** Any person who furnishes labor or material to the contractor or its subcontractors for the work provided in the contract, in respect of which a payment bond is furnished under this Section, and who has not been paid in full within 90 days from the date on which the last of the labor was performed or material was supplied by the person for whom the claim is made has the right to sue on the payment bond for any amount unpaid at the time the suit is instituted and to prosecute the action for the

amount due the person. However, any person who has a contract with a subcontractor of the contractor, but no express or implied contract with the contractor furnishing the payment bond, has a right of action on the payment bond on giving the contractor, only, a written preliminary 20-day notice as provided for in A.R.S. § 33-992.01, subsection (C)(1), (2), (3), and (4) and subsections (D), (E), and (H), and upon giving written notice to the contractor within 90 days from the date on which the last of the labor was performed or material was supplied by the person for whom the claim is made. The person shall state in the notice the amount claimed and the name of the party for whom the labor was performed or to whom the material was supplied. The notice shall be personally served or sent by registered mail, postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office or conducts business.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1104. Contract Payment Retention and Substitute Security**

- A.** Ten percent of all construction contract payments shall be retained by the school district as insurance of proper performance of the contract or, at the option of the contractor, a substitute security may be provided by the contractor pursuant to this Section. The contractor is entitled to all interest from any such substitute security. When the contract is fifty percent completed, one-half of the amount retained or securities substituted pursuant to this Section shall be paid to the contractor upon the contractor's request provided the contractor is making satisfactory progress on the contract and there is no specific cause or claim requiring a greater amount to be retained. After the contract is fifty percent completed, no more than five percent of the amount of any subsequent progress payments made under the contract shall be retained providing the contractor is making satisfactory progress on the project, except if at any time the governing board determines satisfactory progress is not being made, ten percent retention shall be reinstated for all progress payments made under the contract subsequent to the determination.
- B.** Notwithstanding subsection (A), there shall be no retention for job-order-contracting construction services contracts. The school district may elect to have no retention for construction-manager-at-risk and design-build construction services contracts. If the school district elects to have retention, then payment retention for construction-manager-at-risk and design-build contracts shall be in accordance with this Section.
- C.** Retention applies only to amounts payable for construction and does not apply to amounts payable for design services, preconstruction services, finance services, maintenance services, operations services, or any other related services included in the contract.
- D.** The form of substitute security is limited to the following:
1. An assignment of time certificates of deposit by financial institutions licensed by this state;
  2. Share certificate of a financial institution or credit union authorized to transact business in this state; or
  3. Security issued or guaranteed as to principal and interest by:
    - a. The United States;
    - b. The state;
    - c. Counties, municipalities and school districts within this state.

## State Board of Education

- E. Conditions for use of substitute security.
1. A contractor may submit substitute security to replace contract payment retention if:
    - a. The use of substitute security is requested of the school district or designee for work performed under the contract. The contractor shall have the option of submitting the substitute security:
      - i. Prior to each progress payment in an amount of no less than five percent of each progress payment; or
      - ii. Once, prior to the first progress payment in an amount no less than five percent of the total contract amount.
    - b. The interest earned on such security shall accrue to the benefit of the contractor, but shall be retained until the school district has approved completion and acceptance of all work to be performed under the contract;
    - c. The term of such security shall not mature until after the estimated contract completion date; and
    - d. The security shall mature no later than one year after the estimated contract completion date.
  2. The substitute security shall not be released without written approval by the school district.
  3. A contractor may submit a single substitute security for more than one project provided that:
    - a. The amount of such security is sufficient to cover the aggregate retention amount;
    - b. The school district determines that such single substitute security is advantageous to the school district; and
    - c. Such security complies with the requirements of subsection (E)(1).
- F. Any retention shall be paid or substitute security shall be returned to the contractor within 60 days after final completion and acceptance of work under the contract. Retention of payments by a school district longer than 60 days after final completion and acceptance requires a specific written finding by the governing board of the reasons justifying the delay in payment. No school district may retain any monies after 60 days which are in excess of the amount necessary to pay the expenses the governing board reasonably expects to incur in order to pay or discharge the expenses determined in the finding justifying the retention of monies.
- G. The school district shall not accept any substitute security unless accompanied by a signed and acknowledged waiver of any right or power of the obligor to set off any claim against either the school district or the contractor in relationship to the security assigned. In any instance in which the school district accepts substitute security as provided in this Section, any subcontractor undertaking to perform any part of the contract is entitled to provide such security to the contractor.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1105. Progress Payments**

- A. Progress payments may be made by the school district to the contractor on the basis of a duly certified and approved estimate of the work performed during the preceding month if the contractor agrees to adhere to the provisions of A.R.S. § 41-2577(B), (D), and (F). Payment shall be made within 14 days after the estimate of the work is certified and approved, except that a percentage of all estimates shall be retained as provided

in R7-2-1104. The estimate of the work shall be deemed received by the school district on submission of the estimate of the work to the school district or a person designated by the school district for the submission, review or approval of the estimate of the work. An estimate of the work submitted under this Section shall be considered approved and certified after seven days from the date of submission unless before that time the school district or designee prepares and issues a specific written finding detailing those items in the estimate of the work that are not approved and certified under the contract. The school district may withhold an amount from the progress payment sufficient to pay the expenses the school district reasonably expects to incur in correcting the deficiency set forth in the written finding. No contract for construction may materially alter the rights of any contractor, subcontractor or material supplier to receive prompt and timely payment as provided under this Section. On completion and acceptance of separate divisions of the contract on which the price is stated separately in the contract, payment may be made in full including retained percentages, less deductions, unless a substitute security has been provided pursuant to R7-2-1104.

- B. Progress payments pursuant to subsection (A) are authorized for construction services contracts. The requirements of subsection (A) apply only to amounts payable in a construction services contract for construction and do not apply to amounts payable in a construction services contract for design services, preconstruction services, finance services, maintenance services, operations services or any other related services included in the contract.
- C. A subcontractor may notify the school district, in writing, requesting that the subcontractor be notified by the school district in writing within five days from payment of each progress payment made to the contractor. The subcontractor's request remains in effect for the duration of the subcontractor's work on the project.
- D. If any payment to a contractor is delayed after the date due, interest shall be paid at the rate of one percent per month, or a fraction of a month, on such unpaid balance as may be due.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1106. Procurement of Construction Using Alternative Project Delivery Methods**

- A. A school district may use an alternative project delivery method if it determines in writing that such alternative project delivery method is advantageous to the school district. The following factors may be used for such determination:
1. Cost and cost control method;
  2. Value engineering;
  3. Market conditions;
  4. Schedule;
  5. Required specialized expertise;
  6. Technical complexity of the project; or
  7. Project management.
- B. Use of alternative project delivery methods
1. Alternative project delivery methods for construction services shall be procured as provided in R7-2-1100.
  2. For design-build construction services and construction-manager-at-risk construction services, the school district is limited to one contract per procurement.
    - a. Alternatively, for construction-manager-at-risk construction services, a school district may elect separate contracts for preconstruction services during the

## State Board of Education

- design phase, for construction during the construction phase and for any other construction services.
- b. Alternatively, for design-build construction services, a school district may elect separate contracts for preconstruction services and design services during the design phase, for construction and design services during the construction phase and for any other construction services.
  - c. If the school district enters into the first contract for preconstruction services or construction services the procurement ends. After execution of that first contract the school district may not use the procurement or the existing final list in the procurement as the basis for entering into a contract with any other person that participated in the procurement.
3. For job-order-contracting construction services, the school district may award a single contract, or multiple contracts for similar job-order-contracting construction services to be awarded to separate persons. If the school district enters into the number of contracts specified under the request for qualifications, the procurement ends. After that time the school district may not use the procurement or any existing final list in the procurement as the basis for entering into a contract with any other person that participated in the procurement.
  4. All construction-manager-at-risk construction services or design-build construction services included in a procurement shall be limited to construction services to be performed at a single location, a common location or, if the construction services are all for a similar purpose, multiple locations. For construction-manager-at-risk construction services and design-build construction services to be performed at multiple locations:
    - a. At the time the request for qualifications is issued, the school district shall intend to commence all construction at each location within thirty months after execution of the first contract for preconstruction services or other construction services at any of the locations.
    - b. The request for qualifications shall include the information described in R7-2-1108(B)(2).
  5. The school district and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this Section and R7-2-1107, R7-2-1108, R7-2-1110, and R7-2-1111, including the selection of persons to be interviewed, the selection of persons to be on the final list, in determining the order of preference of persons on the final list or for any other purpose in the selection process, except as provided in R7-2-1110(D) and R7-2-1111.
  6. In determining the persons to participate in any interviews, in determining the persons to be on the final list, and in determining the order on the final list, the selection committee shall use and consider only the criteria and weighting of criteria in the request for qualifications. No other factors or criteria may be used in the evaluation, determinations and other actions.
  7. Notwithstanding any other provision specifying the number of persons to be interviewed, the number of persons to be on a final list, or any other numerical specification in R7-2-1106 through R7-2-1115:
    - a. If a smaller number of persons respond to the request for qualifications or if one or more persons drop out of the procurement so there is a smaller number of persons participating in the procurement, the school district, as the school district determines necessary and appropriate, may elect to proceed with the participating persons if there are at least two participating responsive and responsible persons. Alternatively, the school district may elect to terminate the procurement.
    - b. As to a request for qualifications to be negotiated pursuant to R7-2-1110(D), if only one responsive and responsible person responds to the request for qualifications or if one or more persons drop out of the procurement so that only one responsive and responsible person remains in the procurement, the school district may elect to proceed with the procurement with only one person if the governing board determines in writing that the negotiated fee is fair and reasonable and that either other prospective persons had reasonable opportunity to respond or there is not adequate time for a resolicitation.
    - c. If a person on the final list withdraws or is removed from the procurement and the selection committee determines that it is advantageous to the school district, the selection committee may replace that person on the final list with another person that submitted qualifications in the procurement and that is selected as the next most qualified.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1107. Selection Committee**

- A. The school district shall initiate an appropriately qualified selection committee for each request for qualifications. The school district shall ensure that selection committee members are competent to serve on the selection committee.
- B. Each selection committee shall include at least one school district representative appointed by the school district.
- C. The selection committee shall not have more than seven members and shall include at least one person who is a senior management employee of a licensed contractor and one person who is an architect or an engineer who is registered pursuant to A.R.S. § 32-121.
- D. Non-school district employees serving on a selection committee shall not receive compensation from the school district for performing this service, but the school district may elect to reimburse non-school district members for travel, lodging and other expenses incurred in connection with service on a selection committee.
- E. A person who is a member of a selection committee shall not be a contractor or subcontractor under a contract awarded under the procurement or provide any specified professional services, construction, construction services, materials or other services under the contract.
- F. For the procurement of multiple contracts for job-order-contracting, the same selection committee shall be used for all contracts in the procurement.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1108. Request for Qualifications**

- A. Notice of the need for construction services shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C). Such notice shall be issued not less than 14 days in advance of when responses shall be received. The notice shall:
  1. Contain a statement of the construction services required that adequately describes the procurement and specifies

## State Board of Education

- how a request for qualifications containing specific information on the procurement may be obtained;
2. Specify whether the procurement is for a single contract or, for job-order-contracting construction services only, for multiple contracts; and
  3. If the procurement is for multiple job-order-contracting construction services contracts:
    - a. Specify that multiple contracts may or will be awarded;
    - b. Specify the number of contracts that may or will be awarded; and
    - c. Describe the construction services to be performed under each contract.
- B.** The request for qualifications shall include the following:
1. Instructions and information to persons concerning the statement of qualifications submission requirements, including the due date and time for receipt of statements of qualifications, the address of the office at which the statements of qualifications are to be received, and any other special information.
  2. In a procurement of construction-manager-at-risk construction services or design-build construction services to be performed at multiple locations, include:
    - a. A brief description of the construction services to be performed at each location;
    - b. The estimated budget for the construction services to be performed at each location; and
    - c. A schedule for the construction services to be performed at each location that shows the school district's intent to commence all construction at each location within thirty months after execution of the first contract for preconstruction services or other construction services at any of the locations.
  3. General information on the project site, scope of work, schedule, selection criteria, project design and construction budget, or life cycle budget for a procurement that includes maintenance, operations, and finance services.
  4. The criteria and the weight prescribed by the school district for each of the criteria to be used in making the evaluation.
    - a. All selection criteria shall be factors that demonstrate competence and qualifications for the type of construction services included in the procurement.
    - b. One of the criteria shall be the person's subcontractor selection plan or procedures to implement the school district's subcontractor selection plan.
    - c. If interviews will be held, state the selection criteria and relative weights to be used in selecting the persons to be interviewed. The request for qualifications may state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list. The final list selection criteria and relative weights may be different than the selection criteria and relative weights used to determine the persons to be interviewed. The request for qualifications also shall state whether the school district will select the persons on the final list and their order on the final list solely through the results of the interview process or through the combined results of both the interview process and the evaluation of statements of qualifications and performance data submitted in response to the school district's request for qualifications.
    - d. If interviews will not be held, state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list.
  5. Whether one contract or multiple contracts may or will be awarded.
    - a. For design-build construction services, construction-manager-at-risk construction services, and a single contract for job-order-contracting construction services, state that one person may or will be awarded the contract.
    - b. For multiple contracts for similar job-order-contracting construction services, state the number of contracts that may or will be awarded, the job-order-contracting construction services to be performed under each of the contracts, and that each of the multiple contracts will be awarded to a separate person.
  6. In a procurement where the contract is to be negotiated under R7-2-1110(D):
    - a. State that there will be a single final list of at least three and not more than five persons for a design-build, construction-manager-at-risk, or single job-order-contracting construction services award.
    - b. State that there will be a single final list equal to the number of contracts that may or will be awarded and a number determined by the school district not to exceed five for a procurement for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons.
  7. In a procurement in which the contract will be awarded under R7-2-1111:
    - a. State that there will be a single final list and that the number of persons on the final list will be three for a design-build or single job-order-contracting construction services award.
    - b. State that there will be a single final list equal to the number of contracts that may or will be awarded and a number determined by the school district not to exceed five for a procurement for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons.
  8. The type of contract to be used.
  9. The name of the district representative or district representatives and the publicly available location of the school district's protest policy and procedures.
  10. If the school district will hold interviews as part of the selection process:
    - a. State that interviews will be held and that the interviews will be with at least three and not more than five persons for a design-build, construction-manager-at-risk, or single job-order-contracting construction services procurement.
    - b. State that interviews will be held and that the interviews will be with a specified number of persons in a procurement of multiple contracts for similar job-order-contracting construction services to be awarded to separate persons. The specified number shall be the sum of the number of contracts that may or will be awarded and a number that is determined by the school district and that is not more than five.
  11. The manner in which subcontractors shall be selected, either:
    - a. A requirement that each person submit a proposed subcontractor selection plan and a requirement that the proposed subcontractor selection plan shall select subcontractors based on qualifications alone or on a combination of qualifications and price and



## State Board of Education

shall not select subcontractors based on price alone; or

- b. A subcontractor selection plan adopted by the school district that applies to the person that is selected to perform the construction services and that requires subcontractors to be selected based on qualifications alone or on a combination of qualifications and price and not based on price alone and a requirement that each person shall submit a description of the procedures it proposes to use to implement the school district's subcontractor selection plan.
- 12. Notice that all information and statements of qualifications submitted by persons will be made available for public inspection after the school district has entered into a single contract or all of the multiple contracts.
- C. A copy of the request for qualifications shall be made available for public inspection at the school district office.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1109. Receipt and Opening of Statements of Qualifications, Technical Proposals and Price Proposals for Design-build and Job-order-contracting**

- A. Statements of qualifications, technical proposals and price proposals shall be received and opened in accordance with R7-2-1045. Late statements of qualifications, proposals, modifications, or withdrawals shall be considered in accordance with R7-2-1044 and R7-2-1049.
- B. A school district may cancel a request for qualifications or a request for proposals, reject in whole or in part any or all statements of qualifications or proposals or determine not to enter into a contract as specified in the solicitation if it is advantageous to the school district. The school district shall make the reasons for cancellation, rejection or determination not to enter into a contract part of the procurement file.

**Historical Note**

New Section made by exempt rulemaking at 13 A.A.R. 1266, effective February 26, 2007 (Supp. 07-1). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1110. Committee Evaluation and Contract Award**

- A. If interviews are specified in the request for qualifications:
  - 1. The selection committee shall determine the persons to be interviewed by evaluating the statements of qualifications and performance data submitted based solely on the selection criteria and relative weights in the request for qualifications to be used to determine the persons to be interviewed.
  - 2. If the selection criteria and relative weights to be used by the selection committee to select the persons on the final list and to determine their order on the final list are not included in the request for qualifications:
    - a. Before the interviews are held the school district shall distribute to the persons to be interviewed the selection criteria and relative weights to be used to select the persons on the final list and to determine their order on the final list.
    - b. These selection criteria and relative weights may be different than the selection criteria and relative weight used to determine the persons to be interviewed.
  - 3. The selection committee shall conduct interviews with the number of persons specified in the request for qualifications.

- B. Based solely on the selection criteria and relative weights for selection of the persons on the final list and their order on the final list, the selection committee shall select the persons for the final list and, in the case of a final list for a contract that will be negotiated under subsection (D), rank the persons in order of preference.
- C. The school district shall make the following notifications regarding the final lists:
  - 1. If the contract will be negotiated under subsection (D) before or at the same time as the school district notifies the highest ranking person on the final list that it is the highest ranking person, the school district shall send actual notice to each of the following that it is not the highest ranking person or that another person is the highest ranking person:
    - a. If interviews were held, the other persons interviewed.
    - b. If interviews were not held, the other persons that made submittals.
  - 2. If the contract will be awarded under R7-2-1111, before or at the same time as the school district notifies the persons on the final list that they are on the final list, the school district shall send actual notice to each of the following persons that they are not on the final list or that other persons are on the final list:
    - a. If interviews were held, the other persons interviewed.
    - b. If interviews were not held, the other persons that made submittals.
- D. The school district shall conduct negotiations with persons on the final list as follows:
  - 1. The negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable to the school district. In making this decision, the school district shall take into account the estimated value, the scope, the complexity and the nature of the construction services to be rendered.
  - 2. If the procurement is for a single contract, there is one final list and the school district shall enter into negotiations with the highest qualified person on the final list. If the school district is not able to negotiate a satisfactory contract with the highest qualified person on the final list, at compensation and on other contract terms the school district determines to be fair and reasonable, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
  - 3. If the procurement is for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons, there is one final list and the school district shall enter into separate negotiations for contracts with the number of the highest qualified persons on the final list equal to the number of contracts to be awarded. If the school district is not able to negotiate a satisfactory contract with a person with whom the school district has commenced negotiations, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations for a contract with the next most qualified person on the final list with whom the school district is not then negotiating and with whom the school district has not previously negotiated in sequence until an agreement is reached for some or all of the multiple contracts included in the request for qualifications.

## State Board of Education

cations or a determination is made to reject all persons on the final list.

4. If the school district terminates negotiations with a person and commences negotiations with another person on the final list, the school district shall not recommence negotiations or enter into a contract for the construction services covered by the final list with any person with whom the school district terminated negotiations.

**Historical Note**

New Section made by exempt rulemaking at 13 A.A.R. 1266, effective February 26, 2007 (Supp. 07-1). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1111. Alternative Procedure for Design-build or Job-order-contracting Construction Services**

- A. As an alternative to R7-2-1110(D), the school district may award a single contract for design-build construction services or a single or multiple contracts for similar job-order-contracting construction services pursuant to this Section.
- B. The school district shall use the selection committee appointed for the request for qualifications pursuant to R7-2-1107.
- C. The school district shall issue a request for proposals to the persons on the final list developed pursuant to R7-2-1110(A) through (C). The request for proposals shall be issued at least 14 days before the due date and time for receipt of proposals unless a shorter time is determined necessary by the school district.
- D. The request for proposals shall include the following:
  1. A statement that the procurement is for a single contract or, for similar job-order-contracting construction services only, for multiple contracts.
  2. If the procurement is for multiple contracts for similar job-order-contracting construction services, the notice shall specify that multiple contracts will be awarded, shall specify the number of contracts that will be awarded, shall specify the number of offerors to whom contracts will be awarded which shall be the number of contracts in the procurement, and shall describe the job-order-contracting services to be performed under each contract.
  3. Instructions and information to persons concerning the proposal submission requirements, including the due date and time for receipt of proposals, the address of the office at which proposals are to be received, the proposal acceptance period, and any other special information.
  4. The school district's project schedule and project final budget for design and construction or life cycle budget for a procurement that includes maintenance services or operations services.
  5. If a single contract will be awarded, a statement that the contract will be awarded to the person whose proposal receives the highest number of points under a scoring method. If multiple contracts for similar job-order-contracting services will be awarded, a statement that the multiple contracts will be awarded to a specified number of offerors whose proposals receive the highest number of points under a scoring method. The specified number of offerors will be the number of contracts included in the procurement.
  6. A description of the scoring method, including a list of the factors in the scoring method and the number of points allocated to each factor.
  7. For design-build constructions services only, the design requirements, including the required features, functions, characteristics, qualities and properties, the anticipated schedule, including start, duration and completion, and the estimated budgets applicable to the specific procurement for design and construction and, if applicable, for operation and maintenance. Drawings and other documents illustrating the scale and relationship of the features, functions and characteristics of the project, which shall all be prepared by an architect or engineer, as appropriate, and additional design information or documents specified by the school district, may also be included.
- E. The factors in the scoring method described in the request for proposals may include:
  8. A requirement that each offeror submit separately a technical proposal and a price proposal and that the offeror's entire proposal is responsive to the requirements in the request for proposals. For design-build construction services, the price in the price proposal shall be a fixed price or a guaranteed maximum price.
  9. A statement that in applying the scoring method, the selection committee will separately evaluate and score the technical proposal before opening, evaluating, and scoring the price proposal.
  10. If the school district desires to conduct discussions with offerors, a statement that discussions may be held and a requirement that each offeror submit a preliminary technical proposal before the discussions are held.
  11. Type of contract to be used.
  12. That offerors may designate as proprietary portions of the proposal.
  13. Notice that all information and proposals submitted by offerors, except as stated in subsection (D)(12), will be made available for public inspection after the school district has entered into a single contract or all of the multiple contracts.
  14. The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
  15. The name of the district representative or district representatives.
  16. If the request for proposals incorporates documents by reference, the request for proposals shall specify where such documents may be obtained.
- F. If determined by the school district and included in the request for proposals, the selection committee shall conduct discussions, including start, duration and completion, and the estimated budgets applicable to the specific procurement for design and construction and, if applicable, for operation and maintenance. Drawings and other documents illustrating the scale and relationship of the features, functions and characteristics of the project, which shall all be prepared by an architect or engineer, as appropriate, and additional design information or documents specified by the school district, may also be included.

## State Board of Education

sions with all offerors that submit preliminary technical proposals. Discussions shall be for the purpose of clarification to ensure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair treatment with respect to any opportunity for discussion and for clarification by the school district. Revision of preliminary technical proposals shall be permitted after submission of preliminary technical proposals and before award for the purpose of obtaining best and final proposals. In conducting any discussions, information derived from proposals submitted by competing offerors shall not be disclosed to other competing offerors.

- G. After completion of any discussions pursuant to subsection (F) or if no discussions are held, each offeror shall submit separately its final technical proposal and its price proposal.
- H. Before opening any price proposal, the selection committee shall open and evaluate the final technical proposals and score the final technical proposals using the scoring method in the request for proposals. No other factors or criteria may be used in evaluation and scoring.
- I. After completion of the evaluation and scoring of all final technical proposals, the selection committee shall open, evaluate and score the price proposals, and complete scoring of the entire proposals using the scoring method in the request for proposals. No other factors or criteria may be used in evaluation and scoring.
- J. The school district shall award the contract to the responsive and responsible offeror whose proposal receives the highest score under the method of scoring in the request for proposals. No other factors or criteria may be used in evaluation and award.
- K. For procurements of multiple contracts for similar job-order-contracting construction services, the school district may award up to the number of contracts specified in the request for proposals.
- L. Before or at the same time as the school district notifies the selected offeror of contract award, the school district shall notify all other offerors of the award.
- M. For design-build construction services only, the school district shall award a stipulated fee equal to a percentage of the school district's project final budget for design and construction, as prescribed in the request for proposals, but not less than two-tenths of one percent of the project final budget for design and construction to each final list offeror who provides a responsive, but unsuccessful, proposal. If the school district does not award a contract, all responsive final list offerors shall receive the stipulated fee based on the school district's project final budget for design and construction as included in the request for proposals. The school district shall pay the stipulated fee to each offeror within 90 days after the award of the initial contract or the decision not to award a contract. In consideration for paying the stipulated fee, the school district may use any ideas or information contained in the proposals in connection with any contract awarded for the project, or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the offerors. Notwithstanding the other provisions of this subsection, an offeror may elect to waive the stipulated fee. If an offeror elects to waive the stipulated fee, the school district may not use ideas and information contained in the offeror's proposal, except that this restriction does not prevent the school district from using any idea or information if the idea or information is also included in a proposal of an offeror that accepts the stipulated fee.
- N. The procurement file shall contain the basis on which the award is made, including at a minimum the information and documents required under R7-2-1115.

- O. A copy of the request for proposals shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1112. Contractor Licenses, Contract and Performance Requirements**

- A. Notwithstanding any other rule:
  1. The contractor for design-build or job-order-contracting construction services is not required to be registered to perform design services pursuant to A.R.S. Title 32, Chapter 1 if the person actually performing the design services on behalf of the contractor is appropriately registered.
  2. The contractor for construction-manager-at-risk, design-build or job-order-contracting construction services shall be licensed to perform construction pursuant to A.R.S. Title 32, Chapter 10.
- B. In a procurement for construction-manager-at-risk construction services or design-build construction services, except for design-build contracts awarded pursuant to R7-2-1111, the school district shall enter into a written contract with the contractor for preconstruction services under which the school district shall pay the contractor a fee for preconstruction services in an amount agreed by the school district and the contractor, and the school district shall not request or obtain a fixed price or a guaranteed maximum price for the construction from the contractor or enter into a construction contract with the contractor until after the school district has entered into the written contract for preconstruction services and a preconstruction services fee.
- C. Construction shall not commence under a construction services contract until the school district and contractor agree in writing on either a fixed price that the school district will pay or a guaranteed maximum price for the construction to be commenced. The construction to be commenced may be the entire project or may be one or more phased parts of the project.
- D. For negotiated construction-manager-at-risk and design-build contracts, preconstruction services, general conditions, schedules, construction contingency, and construction fees shall be part of the contract. For design-build contracts awarded pursuant to a request for proposals, the fees shall be included in the vendor's proposal and shall become part of the awarded contract.
- E. For job-order-contracting construction services only:
  1. The maximum dollar amount of an individual job order for job-order-contracting construction services shall be one million dollars or a higher or lower amount prescribed by the governing board in a policy adopted in a public meeting held pursuant to A.R.S. Title 38, Chapter 3, Article 3.1. Requirements shall not be artificially divided or fragmented in order to constitute a job order that satisfies the requirements of this subsection.
  2. If the contractor subcontracts or intends to subcontract part or all of the work under a job order and if the job-order-contracting construction services contract includes descriptions of standard individual tasks, standard unit prices for standard individual tasks and pricing of job orders based on the number of units of standard individual tasks in the job order:
    - a. The contractor has a duty to deliver promptly to each subcontractor invited to bid a coefficient to the con-

## State Board of Education

tractor to do all or part of the work under one or more job orders a copy of the descriptions of all standard individual tasks on which the subcontractor is invited to bid and a copy of the standard unit prices for the individual tasks on which the subcontractor is invited to bid.

- b. If not previously delivered to the subcontractor, the contractor has a duty to promptly deliver to each subcontractor invited to or that has agreed to do any of the work included in any job order a copy of the description of each standard individual task that is included in the job order and that the subcontractor is invited to perform, the number of units of each standard individual task that is included in the job order and that the subcontractor is invited to perform, and the standard unit price for each standard individual task that is included in the job order and that the subcontractor is invited to perform.

**F.** For all construction services contracts, the contractor performing the construction services is permitted to self-perform part of the construction work, if and to the extent agreed in writing by the school district and the contractor. The school district may use methods other than competitive bidding to assure itself that the price the school district pays to the contractor for self-performed work is fair and reasonable. Permitted methods to evaluate fairness and reasonableness of the price of self-performed work include evaluation of the contractor's proposed scope of work and price for self-performed work by an estimator who is hired and paid by the school district, who is independent of the contractor and who may be an employee of the school district. Although the school district may elect to so require, nothing in Articles 10 and 11 shall be construed or interpreted to require the school district to require a contractor desiring to self-perform part of the construction work to competitively bid that part of the construction work against other contractors in a bid competition.

**G.** For all construction services contracts, the following requirements apply to the construction work to be performed by subcontractors and do not apply to construction work that the school district and the contractor agree in writing will be self-performed by the contractor:

1. The person selected to perform the construction services shall select subcontractors based on qualifications alone or on a combination of qualifications and price and shall not select subcontractors based on price alone. A qualifications and price selection may be a single-step selection based on a combination of qualifications and price or a two-step selection. In a two-step selection, the first step shall be based on qualifications alone and the second step may be based on a combination of qualifications and price or on price alone.
2. The school district shall include in each contract:
  - a. If the school district included its subcontractor selection plan in the request for qualifications, the school district's subcontractor selection plan and the procedures to implement the school district's subcontractor selection plan proposed by the awarded contractor in submitting its qualifications with those modifications to the procedures as the school district and the contractor agree.
  - b. If the school district did not include its subcontractor selection plan in the request for qualifications, the subcontractor selection plan proposed by the awarded contractor in submitting its qualifications with those modifications as the school district and the contractor agree.

3. In making the selection of subcontractors, the contractor shall use the subcontractor selection plan and any procedures included in its contract.

**H.** The school district shall include in each contract for construction services the full street or physical address of each separate location at which the construction will be performed and a requirement that the contractor and each subcontractor at any level include in each of its subcontracts the same address information. The contractor and each subcontractor at any level shall include in each subcontract the full street or physical address of each separate location at which construction work will be performed.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1113. Prohibitions**

- A.** Notwithstanding any contrary provision of Articles 10 and 11, a school district shall not enter into a contract to provide construction-manager-at-risk construction services, design-build construction services or job-order-contracting construction services.
- B.** The prohibitions prescribed in subsection (A) do not prohibit a school district from providing construction for itself as provided by law.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1114. Bid Security, Contract Performance and Payment Bonds, and Payment and Retention**

- A.** Bid security shall be provided pursuant to R7-2-1102.
- B.** Contract performance and payment bonds shall be provided pursuant to R7-2-1103.
- C.** Contract payment retention and substitute security shall be in accordance with R7-2-1104.
- D.** Progress payments shall be in accordance with R7-2-1105.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended effective March 21, 1991 (Supp. 91-1).  
Amended effective October 22, 1992 (Supp. 92-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1115. Procurement File Contents and Review**

- A.** At a minimum, the school district shall retain the following for each procurement under R7-2-1106 through R7-2-1114:
  1. For each request for qualifications procurement process:
    - a. If interviews were not held:
      - i. The submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract.
      - ii. The final list.
      - iii. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list and to determine their order on the final list.
      - iv. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score.

## State Board of Education

- v. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.
    - b. If interviews were held:
      - i. All submittals of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract.
      - ii. The final list.
      - iii. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list and to determine their order on the final list.
      - iv. A list that contains the name of each person that was interviewed and that shows the person's final overall rank or score.
      - v. Documents that show the final score or rank on each selection criteria of each person that was interviewed and that support the final overall rankings and scores of the persons that were interviewed. The school district shall retain the individual scoring sheets for individual selection committee members.
      - vi. A list of the selection criteria and relative weight of the selection criteria used to select the persons for the short list to be interviewed.
      - vii. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score in the selection of the persons to be on the short list to be interviewed.
      - viii. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.
  - 2. For each request for proposals procurement process under R7-2-1111:
    - a. The entire proposal submitted by the person that received the highest score in the scoring method in the request for proposals and the entire proposal submitted by each person with whom the school district enters into a contract.
    - b. The description of the scoring method, the list of factors in the scoring method and the number of points allocated to each factor, all as included in the request for proposals.
    - c. A list that contains the name of each offeror that submitted a proposal and that shows the offeror's final overall score.
    - d. Documents that show the final score or rank on each factor in the scoring method in the request for proposals of each offeror that submitted a proposal and that support the final overall scores of the offerors that submitted proposals. The school district shall retain the individual scoring sheets for individual selection committee members.
- B.** Information relating to each procurement under R7-2-1106 through R7-2-1114 shall be made available to the public as follows:
- 1. Until the school district awards a single contract or all of the multiple contracts or terminates the procurement, only the name of each person on the final list may be made available to the public. All other information received by the school district in response to the request for qualifications shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing respondents during the selection process.
  - 2. After the school district awards a single contract or all of the multiple contracts or terminates the procurement, the school district shall make the contents of the procurement file, except the proposals and statements of qualifications submitted in response to a solicitation and the documents described in subsections (A)(1)(a)(v), (A)(1)(b)(v), (A)(1)(b)(viii), and (A)(2)(d), available to the public.
  - 3. After the school district has entered into a single contract or all of the multiple contracts or has terminated the procurement, the school district shall make the proposals and statements of qualifications and the documents described in subsections (A)(1)(a)(v), (A)(1)(b)(v), (A)(1)(b)(viii), and (A)(2)(d) available to the public.
  - 4. To the extent that an offeror designates and the school district concurs, trade secrets and other proprietary data contained in a proposal or statement of qualifications shall remain confidential.
  - 5. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.
- C.** The school district shall retain the records of a procurement under R7-2-1106 through R7-2-1114 in accordance with R7-2-1085.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective March 21, 1991 (Supp. 91-1).

Amended effective October 22, 1992 (Supp. 92-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1116. Repealed****Historical Note**

New Section made by exempt rulemaking at 13 A.A.R. 1266, effective February 26, 2007 (Supp. 07-1). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**PROCUREMENT OF SPECIFIED PROFESSIONAL SERVICES****R7-2-1117. Procurement of Specified Professional Services**

- A.** Specified professional services, which is defined in R7-2-1001(117), as services of an architect, engineer, land surveyor, assayer, geologist and landscape architect, shall be procured as provided in R7-2-1117 through R7-2-1123, except as authorized in R7-2-1033, R7-2-1053, R7-2-1055, and R7-2-1122.
- B.** Prior to public notice of the need for specified professional services, the school district shall determine that the services to be acquired are specified professional services.
- C.** In the procurement of specified professional services:
  - 1. The school district shall specify whether the procurement is for a single contract or for multiple contracts. Multiple contracts may be awarded to separate persons or may be

## State Board of Education

- awarded to a single person as specified in the request for qualifications.
2. The school district and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this Section and R7-2-1120 or R7-2-1121, including the selection of persons to be interviewed, the selection of persons to be on the final list, in determining the order of preference of persons on a final list or for any other purpose in the selection process except as provided in R7-2-1121.
  3. In determining the persons to participate in any interviews, in determining the persons to be on the final list, and in determining the order on the final list, the selection committee shall use and consider only the criteria and weighting of criteria in the request for qualifications. No other factors or criteria may be used in the evaluation, determinations and other actions.
  4. If the school district enters into the number of contracts specified in the request for qualifications, the procurement ends. After that time the school district may not use the procurement or any final list in the procurement as the basis for entering into a contract with any other person that participated in the procurement.
  5. Notwithstanding any other provision specifying the number of persons to be interviewed, the number of persons to be on a final list, or any other numerical specification in this Section or R7-2-1121:
    - a. If a smaller number of persons respond to the request for qualifications or if one or more persons drop out of the procurement so that there is a smaller number of persons participating in the procurement, the school district, as the school district determines necessary and appropriate, may elect to proceed with the participating persons if there are at least two participating responsive and responsible persons. Alternatively, the school district may elect to terminate the procurement.
    - b. As to a request for qualifications to be negotiated pursuant to R7-2-1121(D), if only one responsive and responsible person responds to the request for qualifications, or if one or more persons drop out of the procurement so that only one responsive and responsible person remains in the procurement, the school district may elect to proceed with the procurement with only one person if the governing board determines in writing that the negotiated fee is fair and reasonable and that either other prospective persons had reasonable opportunity to respond or there is not adequate time for a resolicitation.
    - c. If a person on the final list withdraws or is removed from the procurement and the selection committee determines that it is advantageous to the school district, the selection committee may replace that person on the final list with another person that submitted qualifications in the procurement and that is selected as the next most qualified.
- D.** The request for qualifications shall:
1. Provide instructions and information to persons concerning the statement of qualifications submission requirements, including the due date and time for receipt of statements of qualifications, the address of the office at which the statements of qualifications are to be received, and any other special information.
  2. State whether one contract or multiple contracts may or will be awarded.
    - a. If one contract will be awarded, state that one contract may or will be awarded, describe the services to be performed under the contract and state that one person may or will be awarded the contract.
    - b. If multiple contracts may or will be awarded, state the number of contracts that may or will be awarded, the services to be performed under each of the multiple contracts, and either that each contract will be awarded to a separate person or that all of the contracts will be awarded to the same person.
  3. State the number of persons to be included on the final list.
    - a. If a single contract will be awarded, state that there will be a single final list of at least three and not more than five persons.
    - b. If multiple contracts will be awarded to a single person, state that there will be a single final list of at least three and not more than five persons.
    - c. If multiple contracts for similar specified professional services will be awarded to separate persons, state that there will be a single final list equal to the number of contracts that may or will be awarded and a number determined by the school district not to exceed five.
    - d. If multiple contracts for different specified professional services will be awarded to separate persons, state that there will be a separate final list for each type of specified professional services and that the number of persons on each final list will be equal to the number of contracts that may or will be awarded for each type of specified professional services and a number determined by the school district not to exceed five.
  4. State the selection criteria and relative weight to be used. All selection criteria shall be factors that demonstrate competence and qualifications for the type of specified professional services included in the procurement.
    - a. If interviews will be held, state the selection criteria and relative weights to be used in selecting the persons to be interviewed. The request for qualifications may state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list. The final list selection criteria and relative weights may be different than the selection criteria and relative weights used to determine the persons to be interviewed. The request for qualifications also shall state whether the school district will select the persons on the final list and their order on the final list solely through the results of the interview process or through the combined results of both the interview process and the evaluation of statements of qualifications and performance data submitted in response to the request for qualifications.
    - b. If interviews will not be held, state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list.
  5. State whether interviews will be held.
    - a. If a single contract will be awarded, state that there will be interviews with at least three and not more than five persons.
    - b. If multiple contracts will be awarded to a single person, state that there will be interviews with at least three and not more than five persons.

## State Board of Education

- c. If multiple contracts for similar specified professional services will be awarded to separate persons, state that there will be interviews with a number of persons equal to the number of contracts that may or will be awarded and a number determined by the school district not to exceed five.
- d. If multiple contracts for different specified professional services will be awarded to separate persons, state that interviews will be held and that the interviews will be with a specified number of persons. The specified number shall be stated in the request for qualifications, shall be determined by the school district, shall be at least three times the number of contracts that may or will be awarded and shall not be more than five times the number of contracts that may or will be awarded.

6. The name of the district representative or district representatives and the publicly available location of the school district's protest policy or procedure.

7. Notice that all information and statements of qualifications submitted by persons will be made available for public inspection after the school district has entered into a single contract or all of the multiple contracts.

E. Statements of qualifications shall be received and opened in accordance with R7-2-1045. Late statements of qualifications, late modifications, or late withdrawals shall be considered in accordance with R7-2-1044 and R7-2-1049.

F. A copy of the request for qualifications shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1118. Public Notice of Specified Professional Services**

A. Notice of the need for specified professional services shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C). Such notice shall be issued not less than 14 days in advance of when responses shall be received.

B. The notice shall:

1. Contain a statement of the services required that adequately describes the procurement and specifies how a request for qualifications containing specific information on the procurement may be obtained.
2. Specify whether the procurement is for a single contract or for multiple contracts; and
3. If the procurement is for multiple contracts:
  - a. Specify that multiple contracts may or will be awarded;
  - b. Specify the number of contracts that may or will be awarded; and
  - c. Describe the specified professional services to be performed under each contract.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1119. Cancellation or Rejection of the Solicitation**

A school district may cancel a request for qualifications, reject in whole or in part any or all statements of qualifications or determine not to enter into a contract as specified in the solicitation if it is advantageous to the school district. The school district shall make the reasons for cancellation, rejection or determination not to enter into a contract part of the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1120. Specified Professional Services Selection Committee**

- A. The school district shall initiate an appropriately qualified selection committee for each request for qualifications. The school district shall ensure that selection committee members are competent to serve on the selection committee.
- B. Each selection committee shall include at least one school district representative appointed by the school district.
- C. The school district shall determine the number and qualifications of the selection committee members. These members may be employees of the school district or non-school district appointees.
- D. Non-school district employees serving on a selection committee shall not receive compensation from the school district for performing this service, but the school district may elect to reimburse non-school district members for travel, lodging and other expenses incurred in connection with service on a selection committee.
- E. A person who is a member of a selection committee shall not be a contractor or subcontractor under a contract awarded under the procurement or provide any specified professional services or other services under the contract.
- F. For the procurement of multiple contracts for specified professional services, the same selection committee shall be used for all contracts in the procurement.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1121. Committee Evaluation and Selection**

- A. If interviews are specified in the request for qualifications:
  1. The selection committee shall determine the persons to be interviewed by evaluating the statements of qualifications and performance data submitted based solely on the selection criteria and relative weights in the request for qualifications to be used to determine the persons to be interviewed.
  2. If the selection criteria and relative weights to be used by the selection committee to select the persons on the final list or final lists and to determine their order on the final list or final lists are not included in the request for qualifications:
    - a. Before the interviews are held the school district shall distribute to the persons to be interviewed the selection criteria and relative weights to be used to select the persons on the final list and to determine their order on the final list.
    - b. These selection criteria and relative weight may be different than the selection criteria and relative weight used to determine the persons to be interviewed.
  3. The selection committee shall conduct interviews with the number of persons specified in the request for qualifications.
- B. Based solely on the selection criteria and relative weights for selection of the persons on the final list or final lists and their order on the final list or final lists, the selection committee shall select the persons for the final list or final lists and rank the persons on the final list or final lists in order of preference.

## State Board of Education

If the procurement is for multiple contracts for different specified professional services to be awarded to separate persons, and if a person submitted qualifications for more than one type of specified professional services, the person may be on more than one final list.

- C. Before or at the same time as the school district notifies the highest ranking person on the final list or final lists that it is the highest ranking person, the school district shall send actual notice to each of the following that it is not the highest ranking person or that another person is the highest ranking person:
  1. If interviews were held, the other persons interviewed.
  2. If interviews were not held, the other persons that made submittals.
- D. The school district shall conduct negotiations with persons on the final list or final lists as follows:
  1. The school district shall negotiate a contract with the highest qualified person for the required specified professional services at compensation determined in writing to be fair and reasonable to the school district. Contract negotiations shall be directed toward:
    - a. Making certain that the person has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;
    - b. Determining that the person will make available the necessary personnel and facilities to perform the services within the required time; and
    - c. Agreeing upon compensation that is fair and reasonable.
  2. The negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable to the school district. In making this decision, the school district shall take into account the estimated value, the scope, the complexity and the nature of the specified professional services to be rendered.
  3. If the procurement is for a single contract, there is one final list and the school district shall enter into negotiations with the highest qualified person on the final list. If the school district is not able to negotiate a satisfactory contract with the highest qualified person on the final list, at compensation and on other contract terms the school district determines to be fair and reasonable, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
  4. If the procurement is for multiple contracts for specified professional services to be awarded to a single person on the final list, there is one final list and the school district shall enter into negotiations with the highest qualified person on the final list. If the school district is not able to negotiate a satisfactory contract with the highest qualified person on the final list, at compensation and on other contract terms the school district determines to be fair and reasonable, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
  5. If the procurement is for multiple contracts for similar specified professional services to be awarded to separate persons, there is one final list and the school district shall enter into separate negotiations for contracts with the

number of the highest qualified persons on the final list equal to the number of contracts to be awarded. If the school district is not able to negotiate a satisfactory contract with a person with whom the school district has commenced negotiations, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations for a contract with the next most qualified person on the final list with whom the school district is not then negotiating and with whom the school district has not previously negotiated in sequence until an agreement is reached for some or all of the multiple contracts included in the request for qualifications or a determination is made to reject all persons on the final list.

6. If the procurement is for multiple contracts for different specified professional services to be awarded to separate persons, there is a separate final list for each type of specified professional services and the school district shall enter into separate negotiations for contracts with the number of the highest qualified persons on each final list equal to the number of contracts to be awarded. If the school district is not able to negotiate a satisfactory contract with a person with whom the school district has commenced negotiations, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations for a contract with the next most qualified person on the applicable final list with whom the school district is not then negotiating and with whom the school district has not previously negotiated in sequence until an agreement is reached for some or all of the multiple contracts included in the request for qualifications or a determination is made to reject all persons on the final list.
7. If the school district terminates negotiations with a person and commences negotiations with another person on the final list, the school district shall not recommence negotiations or enter into a contract for the specified professional services covered by the final list with any person with whom the school district terminated negotiations.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1122. Specified Professional Services Contracts Not Exceeding Certain Amounts**

- A. A school district may procure a single contract or multiple contracts for specified professional services under this Section if the contract is for specified professional services by an architect or architect firm and the contract amount is \$250,000 or less or if the contract is for specified professional services by a person other than an architect and the contract amount is \$500,000 or less. For such procurements, the school district shall encourage persons engaged in the lawful practice of the profession to submit annually a statement of qualifications and experience.
- B. For each procurement of specified professional services under this Section, the school district shall establish a selection committee pursuant to R7-2-1120.
- C. The selection committee shall evaluate current statements of qualifications and experience on file with the school district, together with those that may be submitted by other persons regarding the procurement.
- D. The school district and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this



## State Board of Education

Section, including the selection of the persons to be interviewed, the selection of persons to be on a final list, in determining the order of preference of persons on a final list or for any other purpose in the selection process, except as provided in subsection (F).

- E. If possible and practicable, the selection committee shall conduct interviews regarding the procurement and the relative methods of furnishing the required specified professional services and, if possible, shall select, in order of preference and based on criteria established and published by the selection committee, one or more final lists of the persons deemed to be the most qualified to provide the specified professional services required. The selection committee shall base the selection of each final list and the order of preference on demonstrated competence and qualifications only.
1. If the procurement is for a single contract or if the procurement is for multiple contracts to be awarded to a single person, there shall be one final list of three persons.
  2. If the procurement is for multiple contracts for different specified professional services to be awarded to separate persons, there shall be a separate final list of three persons for each contract.
  3. If the procurement is for multiple contracts for the same specified professional services to be awarded to separate persons, there shall be one final list equal to the number of contracts that may or will be awarded and a number determined by the school district not to exceed five.
- F. The school district shall enter into negotiations with the highest qualified person on each final list or, in the case of a single final list for multiple contracts for the same specified professional services to be awarded to separate persons, the school district shall enter into negotiations with a number of the highest qualified persons on the final list equal to the number of contracts that may or will be awarded.
1. Negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable to the school district. In making this determination, the school district shall take into account the estimated value, the scope, the complexity and the nature of the specified professional services to be rendered.
  2. If the school district is unable to negotiate a satisfactory contract with a person with whom the school district is negotiating at a price and on other contract terms the school district determines to be fair and reasonable to the school district, the school district shall formally terminate negotiations with that person.
  3. The school district may undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
  4. If the school district terminates negotiations with a person on a final list and commences negotiations with another person on the final list, the school district shall not in that procurement recommence negotiations or enter into a contract or contracts with any person with whom the school district has terminated negotiations.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1123. Procurement File Contents and Review for Procurements Conducted under R7-2-1117 through R7-2-1121**

- A. At a minimum, the school district shall retain the following for each procurement under R7-2-1117 through R7-2-1121:
1. If interviews were not held:
    - a. The submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract. If the procurement has multiple final lists, the school district shall retain the submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract, for each final list.
    - b. The final list or final lists.
    - c. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list or final lists and to determine their order on the final list or final lists.
    - d. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score.
    - e. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.
  2. If interviews were held:
    - a. All submittals of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract. If the procurement has multiple final lists, the school district shall retain the submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract, for each final list.
    - b. The final list or final lists.
    - c. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list or final lists and to determine their order on the final list or final lists.
    - d. A list that contains the name of each person that was interviewed and that shows the person's final overall rank or score.
    - e. Documents that show the final score or rank on each selection criteria of each person that was interviewed and that support the final overall rankings and scores of the persons that were interviewed. The school district shall retain the individual scoring sheets for individual selection committee members.
    - f. A list of the selection criteria and relative weight of the selection criteria used to select the persons for the short list or short lists to be interviewed.
    - g. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score in the selection of the persons to be on the short list or short lists to be interviewed.
    - h. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.

## State Board of Education

- B.** Information relating to each procurement under R7-2-1117 through R7-2-1121 shall be made available to the public as follows:

1. Until the school district awards a single contract or all of the multiple contracts or terminates the procurement, only the name of each person on the final list may be made available to the public. All other information received by the school district in response to the request for qualifications shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing respondents during the selection process.
2. After the school district awards a single contract or all of the multiple contracts or terminates the procurement, the school district shall make the contents of the procurement file, except the statements of qualifications and the documents described in subsections (A)(1)(e), (A)(2)(e), and (A)(2)(h), available to the public.
3. After the school district has entered into a single contract or all of the multiple contracts or has terminated the procurement, the school district shall make the statements of qualifications and the documents described in subsections (A)(1)(e), (A)(2)(e), and (A)(2)(h) available to the public.
4. To the extent that a person designates and the school district concurs, trade secrets and other proprietary data contained in a statement of qualifications shall remain confidential.
5. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

- C.** The school district shall retain the records of a procurement under R7-2-1117 through R7-2-1121 in accordance with R7-2-1085.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1124. Reserved****COST PRINCIPLES****R7-2-1125. Cost Principles**

The cost principles adopted by the director of the Department of Administration pursuant to A.R.S. § 41-2591 shall be used to determine the allowability of incurred costs for the purpose of reimbursing costs under contract provisions that provide for the reimbursement of costs.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1126. Reserved****R7-2-1127. Reserved****R7-2-1128. Reserved****R7-2-1129. Reserved****R7-2-1130. Reserved****MATERIALS MANAGEMENT****R7-2-1131. Material Management and Disposition**

- A.** The school district shall ascertain or verify that materials, services, or construction items procured by the school district conform to specifications as set forth in the solicitation.
- B.** The school district shall determine the fair market value of excess and surplus material.
- C.** Disposition of surplus materials.
  1. Except as provided in A.R.S. § 15-342(7) related to sales or leases to the state, a county, a city, another school district, or a tribal government agency, and A.R.S. § 15-342(18) related to the disposition of surplus or outdated learning materials, educational equipment and furnishings, surplus materials, regardless of value, shall be offered through competitive sealed bids, public auction, on-line sales, established markets, trade in, posted prices or state surplus property. If unusual circumstances render the above methods impractical, the school district may employ other disposition methods, including appraisal or barter, provided the school district makes a written determination that such procedure is advantageous to the school district. Only United States Postal Money Orders, certified checks, cashiers' checks or cash shall be accepted for sales of surplus material unless otherwise approved by the school district.
  2. Competitive sealed bidding.
    - a. Notice for sale bids shall be publicly available from the school district at least 10 days before the due date set for bids. Notice of the sale bids shall be provided to prospective bidders, including those bidders on lists maintained by the school district pursuant to R7-2-1023. The notice for sale bids shall list the materials offered for sale, their location, availability for inspection, the terms and conditions of sale and instructions to bidders including the bid due date and time. Bids shall be opened publicly pursuant to the requirements of R7-2-1029.
    - b. The award shall be made in accordance with the provisions of the notice for sale bids to the highest responsive and responsible bidder, provided that the price offered by such bidder is acceptable to the school district. If the school district determines that the bid is not advantageous to the school district, the school district may reject the bids in whole or in part and may resolicit bids or the school district may negotiate the sale, provided that the negotiated sale price is higher than the highest responsive and responsible bidder's price.
  3. Auctions shall be advertised at least two times prior to the auction date in a newspaper of the county as defined in A.R.S. § 11-255. Advertisements shall be at least seven days apart. The second publication shall not be less than seven days before the auction date. All the terms and conditions of any sale shall be available to the public at least 24 hours prior to the auction date. The school district or any agent acting on the school district's behalf may also advertise the auction in any other manner determined advantageous to the school district.
  4. Internet-based on-line sales shall not be subject to the advertisement requirements in subsection (C)(3). For such disposal services, the school district shall post and maintain a notice explaining the use of Internet-based on-line sales on a designated site on the Internet. The notice shall include:
    - a. The name of the on-line sales provider and the designated site on the Internet where potential buyers

## State Board of Education

may obtain information or participate in the on-line auctions;

- b. A link to the Internet-based on-line sales service;
  - c. A link to the terms and conditions of sale;
  - d. Instructions for bidding on the Internet-based on-line sales site; and
  - e. A period of not less than 14 days for each Internet-based on-line sale during which persons may submit offers to purchase the specified materials.
5. Before surplus materials are disposed of by trade-in to a vendor for credit on an acquisition, the school district shall approve such disposal. The school district shall base this determination on whether the trade-in value is expected to exceed the value realized through the sale or other disposition of such materials.
  6. An employee of the school district or a governing board member, or an employee of a school district's agent conducting an auction on behalf of the school district, shall not directly or indirectly purchase or agree with another person to purchase surplus property if said employee or board member is, or has been, directly or indirectly involved in the purchase, disposal, maintenance, or preparation for sale of the surplus material.
  7. State surplus property manager. The school district may enter into an agreement with the State Surplus Property Manager for the disposition of materials pursuant to Article 8 of the Arizona Procurement Code (A.R.S. § 41-2601 et seq.) and the rules adopted thereunder.
  8. Pursuant to A.R.S. § 15-342(35), a school district may offer to sell outdated learning materials, educational equipment or furnishings at a posted price commensurate with the value of the items to pupils who are currently enrolled in that school district before those materials are offered for public sale.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended effective March 21, 1991 (Supp. 91-1).  
Amended effective October 22, 1992 (Supp. 92-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1132. State and Federal Surplus Materials Program**

- A. The governing board may acquire surplus materials from the state and the United States government.
- B. The governing board may enter into an agreement with the State Surplus Property Manager for the purpose of acquiring surplus materials from the United States government pursuant to A.R.S. § 41-2603 and the rules adopted thereunder.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended effective March 21, 1991 (Supp. 91-1).

**R7-2-1133. Authority for Transfer of Material**

Notwithstanding any provision of law to the contrary, the governing board may secure the transfer of surplus materials and obligate its monies to the extent necessary to comply with the laws and conditions of such transfers.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1134. Reserved**

**R7-2-1135. Reserved**

**R7-2-1136. Reserved**

**R7-2-1137. Reserved**

**R7-2-1138. Reserved**

**R7-2-1139. Reserved**

**R7-2-1140. Reserved**

**BID PROTESTS****R7-2-1141. Resolution of Bid Protests**

- A. Informal resolution of bid protests. Nothing in Articles 10 and 11 are intended to eliminate the informal resolution of problems by school district personnel.
- B. Formal resolution of bid protests. The governing board pursuant to R7-2-1007 shall designate a district representative, as defined in R7-2-1001(39), to resolve bid protests. All solicitations issued by the school district shall include the name of the district representative and shall indicate that any bid protest shall be filed with the district representative. Appeal from the decision of the district representative may be made to the hearing officer pursuant to R7-2-1147 and R7-2-1181.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1142. Filing of a Protest**

- A. Any interested party may protest a solicitation issued by the school district, a determination that a proposal is unacceptable, or the proposed award or the award of a school district contract. Protests shall be filed with the district representative.
- B. Content of protest. The protest shall be in writing and shall include the following information:
  1. The name, address and telephone number of the interested party;
  2. The signature of the interested party or the interested party's representative;
  3. Identification of the solicitation or contract number;
  4. A detailed statement of the legal and factual grounds of the protest including copies of relevant documents; and
  5. The form of relief requested.
- C. The interested party shall supply promptly any other information requested by the district representative.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1143. Time for Filing Protests**

- A. Protests based upon alleged improprieties in a solicitation that are apparent before the due date and time for responses to the solicitation, shall be filed before the due date and time for responses to the solicitation.
- B. In cases other than those covered in subsection (A), the interested party shall file the protest within 10 days after the school district makes the procurement file available for public inspection.
- C. The interested party may file a written request with the district representative for an extension of the time limit for protest filing set forth in subsection (B). The written request shall be

## State Board of Education

filed before the expiration of the time limit set forth in subsection (B) and shall set forth good cause as to the specific action or inaction of the school district that resulted in the interested party being unable to file the protest within the 10 days. The district representative shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for submission of the filing.

- D. If the interested party shows good cause and it is advantageous to the school district, the district representative may consider any protest that is not filed timely.
- E. The district representative shall immediately give notice of the protest to the successful contractor if award has been made or, if no award has been made, to all interested parties.
- F. At any time the district representative or hearing officer may refer the protest to the governing board for resolution in accordance with R7-2-1152.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1144. Stay of Procurements During the Protest**

The district representative may stay all or part of the procurement or contract if it is determined that there is a reasonable probability the protest will be upheld or that a stay is advantageous to the school district. The district representative shall notify the successful contractor if award has been made or, if no award has been made, all interested parties of the stay in writing.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1145. Decision by the District Representative**

- A. The district representative shall have the authority granted to the district representative by the governing board to settle and resolve a protest.
- B. The district representative shall issue a written decision within 42 days after a protest has been filed pursuant to R7-2-1142. The decision shall include:
  - 1. A statement of the decision of the district representative with supporting rationale; and
  - 2. A paragraph substantially as follows: "This is the decision of the district representative of the \_\_\_\_\_ School District. The decision may be appealed to a hearing officer. If you appeal, you must file a written notice of appeal with the district representative within 14 days from the date of the decision."
- C. The district representative shall furnish a copy of the decision to the interested party by any method that provides evidence of receipt.
- D. On agreement of all interested parties, the time limit for decisions set forth in subsection (B) may be extended by the district representative for good cause for a reasonable time not to exceed 14 days. The district representative shall notify the interested party in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.
- E. If the district representative fails to issue a decision within the time limits set forth in subsections (B) or (D), the interested party may proceed as if the district representative had issued an adverse decision.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R.

1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1146. Remedies**

- A. If the district representative sustains the protest in whole or part and determines that a solicitation, a determination that a proposal is unacceptable, proposed contract award, or contract award does not comply with Articles 10 and 11, the school district shall implement an appropriate remedy.
- B. In determining an appropriate remedy, the district representative shall consider all the circumstances surrounding the procurement or proposed procurement including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of performance, costs to the school district, the urgency of the procurement, the impact of the relief on the mission of the school district, and other relevant issues.
- C. An appropriate remedy may include one or more of the following:
  - 1. Decline to exercise an option to renew under the contract;
  - 2. Terminate the contract;
  - 3. Amend the solicitation;
  - 4. Issue a new solicitation;
  - 5. Award a contract consistent with procurement statutes and regulations; or
  - 6. Such other relief as is determined necessary to ensure compliance with Articles 10 and 11.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1147. Appeals to a Hearing Officer**

- A. An appeal to a hearing officer from a decision entered or deemed to be entered by the district representative shall be filed with the district representative within 14 days from the date of decision.
- B. Content of appeal. The appeal shall contain:
  - 1. The information set forth in R7-2-1142(B); and
  - 2. The precise factual or legal error in the decision of the district representative from which an appeal is taken.
- C. All costs associated with conducting a hearing, including the costs of the hearing officer, shall be paid by the school district. If the hearing officer decides in favor of the school district, the other party shall reimburse the school district for the costs of the hearing.
- D. The Executive Director of the State Board of Education ("Executive Director") shall prepare and maintain a list of individuals who meet the qualifications specified in R7-2-1185 to serve as hearing officers.
- E. A hearing officer may be selected by mutual agreement of both parties. If the parties are unable to mutually agree on a hearing officer, three hearing officers shall be selected randomly by the Executive Director and shall be screened to determine availability and possible bias. Once the Executive Director has selected three hearing officers who are available and show no evidence of bias, the three names shall be provided to both parties. Both parties have the opportunity to strike one name from the list provided, but shall do so within 14 calendar days from the date on which the Executive Director provided the list to the parties. If after the time period for striking a hearing officer has passed and more than one person remains on the list, the Executive Director shall select one of the remaining individuals on the list as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. If after the time period for striking a hearing officer has passed and there is only one per-

## State Board of Education

son remaining on the list, the remaining individual shall be named as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. Objections for cause shall require specific evidence that the individual does not meet the criteria specified in R7-2-1185. The Executive Director shall review the evidence submitted and determine the qualifications of the individual. If the Executive Director determines that the individual is not qualified to serve as the hearing officer, the Executive Director shall repeat the process and select three additional hearing officers to be provided to the parties.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1148. Notice of Appeal**

The district representative shall within three working days give notice of the filing of the appeal to the governing board and the successful contractor if award has been made.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1149. Stay of Procurement During Appeal**

If an appeal is filed and the procurement or contract was stayed by the district representative pursuant to R7-2-1144, the filing of an appeal shall automatically continue the stay unless the hearing officer makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the school district.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1150. District Representative's Response**

- A. The district representative shall prepare a complete response to the appeal within 14 days from the date the appeal is filed or within five days after the hearing officer has been selected, whichever is later. The district representative's response shall be filed with the hearing officer within five days after the hearing officer is selected. At the same time, the district representative shall furnish a copy of the response to the appellant and to any interested party.
- B. The interested party shall file comments on the district representative's response with the hearing officer within 10 days after receipt of the response. The interested party shall provide copies of the comments to the district representative and other interested parties.
- C. The interested party may submit a written request to the hearing officer for an extension of the period for submission of comments, identifying the reasons for the extension. The hearing officer shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for the submission of filing comments. The hearing officer shall notify the district representative of any extension.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1151. Dismissal Before Hearing**

- A. The hearing officer shall dismiss, upon a written determination, an appeal before scheduling a hearing if:
  1. The appeal does not state a valid basis for protest;
  2. The appeal is untimely pursuant to R7-2-1147(A); or
  3. The appeal attempts to raise issues not raised in the protest.
- B. The hearing officer shall notify the interested party and the district representative in writing of a determination to dismiss an appeal before hearing.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1152. Hearing**

Hearings on appeals of bid protest decisions shall be conducted pursuant to R7-2-1181 and A.R.S. § 41-1092.07 as contested cases.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1153. Remedies**

If the hearing officer sustains the appeal in whole or part and determines that a solicitation, a determination that a proposal is unacceptable, proposed award, or award does not comply with Articles 10 and 11, remedies shall be implemented pursuant to R7-2-1146.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1154. Reserved****CONTRACT CLAIMS AND CONTROVERSIES****R7-2-1155. Resolution of Contract Claims and Controversies**

- A. The district representative shall have the authority granted to the district representative by the governing board to settle and resolve contract claims and controversies including claims relating to assignees of the contractor.
- B. The district representative shall receive prior written approval of the governing board for the settlement or resolution of a claim of \$50,000 or greater.
- C. Appeals from decisions of the district representative may be made to the hearing officer pursuant to R7-2-1158.
- D. A claimant shall file a contract claim with the district representative within 180 days after the claim arises. The claim shall include the following:
  1. The name, address, and telephone number of the claimant;
  2. The signature of the claimant or claimant's representative;
  3. Identification of the solicitation or contract number;
  4. A detailed statement of the legal and factual grounds of the claim including copies of the relevant documents; and
  5. The form and dollar amount of the relief requested.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1156. District Representative's Decision**

- A. If a controversy cannot be resolved by mutual agreement, the district representative shall issue a written decision within no more than 42 days from receipt of the contractor's written request for a decision. Before issuing a written decision, the

## State Board of Education

district representative shall review the facts pertinent to the claim and secure any necessary assistance from legal, fiscal, and other advisors.

- B.** Decision of the district representative. The district representative shall furnish a copy of the decision to the contractor by any method that provides evidence of receipt. The decision shall include:

1. A description of the claim;
2. A reference to the pertinent contract provision;
3. A statement of the factual areas of agreement or disagreement;
4. A statement of the district representative's decision, with supporting rationale; and
5. A paragraph substantially as follows:  
 "This is the decision of the district representative of the \_\_\_\_\_ School District. This decision may be appealed to a hearing officer. If you appeal, you must file a written notice of appeal with the district representative within 14 days from the date of decision."

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1157. Issuance of a Timely Decision**

- A.** On agreement of all interested parties, the time limit for decisions set forth in R7-2-1156(A) may be extended for good cause for a reasonable time not to exceed 14 days. The district representative shall notify the contractor in writing that the time for the issuance of a decision has been extended and the date by which a decision shall be issued.
- B.** If the district representative fails to issue a decision within 42 days after the request is filed or within the time prescribed under subsection (A), the contractor may proceed as if the district representative had issued an adverse decision.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1158. Appeals to a Hearing Officer**

- A.** An appeal from a decision entered or deemed to be entered by the district representative on a contract claim or controversy shall be filed with the district representative within 14 days from the date of decision.
- B.** The appeal shall contain the basis for the precise factual or legal error in the decision of the district representative from which an appeal is taken.
- C.** The district representative shall prepare a complete response to the appeal within 14 days from the date the appeal is filed or within five days after the hearing officer has been selected, whichever is later. The district representative's response shall be filed with the hearing officer within five days after the hearing officer is selected. At the same time, the district representative shall furnish a copy of the response to the appellant and to any interested party.
- D.** All costs associated with conducting a hearing, including the costs of the hearing officer, shall be paid by the school district. If the hearing officer decides in favor of the school district, the other party shall reimburse the school district for the costs of the hearing.

- E.** The Executive Director of the State Board of Education ("Executive Director") shall prepare and maintain a list of individuals who meet the qualifications specified in R7-2-1185 to serve as hearing officers.

- F.** A hearing officer may be selected by mutual agreement of both parties. If the parties are unable to mutually agree on a hearing officer, three hearing officers shall be selected randomly by the Executive Director and shall be screened to determine availability and possible bias. Once the Executive Director has selected three hearing officers who are available and show no evidence of bias, the three names shall be provided to both parties. Both parties have the opportunity to strike one name from the list provided, but shall do so within 14 calendar days from the date on which the Executive Director provided the list to the parties. If after the time period for striking a hearing officer has passed and more than one person remains on the list, the Executive Director shall select one of the remaining individuals on the list as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. If after the time period for striking a hearing officer has passed and there is only one person remaining on the list, the remaining individual shall be named as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. Objections for cause shall require specific evidence that the individual does not meet the criteria specified in R7-2-1185. The Executive Director shall review the evidence submitted and determine the qualifications of the individual. If the Executive Director determines that the individual is not qualified to serve as the hearing officer, the Executive Director shall repeat the process and select three additional hearing officers to be provided to the parties.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1159. Hearing**

Hearings on appeals of contract claim and controversy decisions shall be conducted pursuant to R7-2-1181 and A.R.S. § 41-1092.07 as contested cases.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1160. Reserved****DEBARMENT AND SUSPENSION****R7-2-1161. Authority to Debar or Suspend**

- A.** Except as provided in A.R.S. § 41-1279.21(B), the governing board has the sole authority to debar or suspend a person from participating in school district procurements.
- B.** The causes for debarment or suspension include the following:
1. Conviction of any person or any subsidiary or affiliate of any person for commission of a criminal offense arising out of obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
  2. Conviction of any person or any subsidiary or affiliate of any person under any statute of the federal government, this state or any other state for embezzlement, theft, fraudulent schemes and artifices, fraudulent schemes and practices, bid rigging, perjury, forgery, bribery, falsifica-

## State Board of Education

tion or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a school district contractor.

3. Conviction or civil judgment finding a violation by any person or any subsidiary or affiliate of any person under state or federal antitrust statutes.
4. Violations of contract provisions of a character which are deemed to be so serious as to justify debarment action, such as either of the following:
  - a. Knowingly fails without good cause to perform in accordance with the specification or within the time limit provided in the contract.
  - b. Failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts, except that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.
5. Any other cause deemed to affect responsibility as a school district contractor, including suspension or debarment of such person or any subsidiary or affiliate of such person by another governmental entity for any cause.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1162. Initiation of Debarment**

Upon receipt of information concerning a possible cause for debarment, the school district shall investigate the possible cause. If the school district has a reasonable basis to believe that a cause for debarment exists, the school district may propose debarment under R7-2-1164.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1163. Period of Debarment**

- A. The period of time for a debarment shall not exceed three years from the date of the debarment determination.
- B. If debarment is based solely upon debarment by another governmental agency including another school district, the period of debarment may run concurrently with the period established by that other debarring agency.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1164. Notice**

- A. If the school district proposes debarment, the school district shall notify the person and affected affiliates in writing within seven days of the proposed debarment by any means evidencing receipt, which notice shall indicate that a hearing shall be scheduled, if requested, in accordance with R7-2-1181 as contested cases.
- B. The notice of debarment shall state:
  1. The basis for debarment;
  2. The period, including dates, of the debarment;
  3. That bids or proposals shall not be solicited or accepted from the person and, if received, will not be considered; and
  4. That the person is entitled to a hearing on the suspension if the person files a written request for a hearing with a designated district representative within 10 days after receipt of the notice.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1165. Notice to Affiliates**

- A. If the school district proposes to debar an affiliate, the affiliate shall have a right to appear in any hearing on the proposed debarment to show mitigating circumstances.
- B. The affiliate shall in writing advise the school district within 10 days of receipt of the notice under R7-2-1164 of its intention to appear under subsection (A). Failure to provide written notice of appearance within the 10-day period shall be a waiver of the right to appear in the hearing.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1166. Imputed Knowledge**

- A. Improper conduct may be imputed to an affiliate for purposes of debarment where the impropriety occurred in connection with the affiliate's duties for or on behalf of, or with the knowledge, approval, or acquiescence of, the contractor.
- B. The improper conduct of a person or its affiliate having a contract with a contractor may be imputed to the contractor for purposes of debarment where the impropriety occurred in connection with the person's duties for or on behalf of, or with the actual or constructive knowledge, approval, or acquiescence of, the contractor.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1167. Reinstatement**

- A. The governing board may at any time reinstate a debarred person or rescind the debarment upon a determination that the cause upon which the debarment is based no longer exists or upon a determination that such reinstatement or rescission is advantageous to the school district. The governing board's determination shall include any limitations on the debarred person's ability to contract with the school district.
- B. Any debarred person may request reinstatement by submitting a petition to the school district supported by documentary evidence showing that the cause for debarment no longer exists or has been substantially mitigated.
- C. The school district may require a hearing on the request for reinstatement.
- D. The school district shall make a written decision on reinstatement within 30 days after the request is filed and specify the factors on which it is based.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1168. Suspension**

- A. If adequate grounds for debarment exist, the governing board may suspend a person from participating in any procurement or receiving any award in accordance with the procedures in R7-2-1170.
- B. The governing board shall not suspend a person pending debarment unless compelling reasons require suspension to protect school district interests.

## State Board of Education

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1169. Period and Scope of Suspension**

- A. Unless otherwise agreed to by the parties, the period of suspension shall not exceed 35 days without satisfying the notice requirements of R7-2-1170. If the notice requirements are satisfied the period of suspension shall not exceed six months.
- B. For purpose of suspension, a person's conduct may be imputed to an affiliate or another person in accordance with R7-2-1166.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1170. Notice and Hearing**

- A. The school district shall notify the person suspended by any means evidencing receipt.
- B. The notice of suspension shall state:
  - 1. The basis for suspension;
  - 2. The period, including dates, of the suspension;
  - 3. That bids or proposals shall not be solicited or accepted from the person and, if received, will not be considered; and
  - 4. That the person is entitled to a hearing on the suspension if the person files a written request for a hearing, including the basis for the request, with a designated district representative within 10 days after receipt of the notice.
- C. A hearing requested under this Section shall be conducted pursuant to R7-2-1181.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1171. List of Debarments, Suspensions and Voluntary Exclusions**

The school district shall maintain a list of debarment, suspensions, and voluntary exclusions. It is recommended that the school district provide notice of any debarments, suspensions and voluntary exclusions to the state purchasing office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1172. Reserved**

**R7-2-1173. Reserved**

**R7-2-1174. Reserved**

**R7-2-1175. Reserved**

**R7-2-1176. Reserved**

**R7-2-1177. Reserved**

**R7-2-1178. Reserved**

**R7-2-1179. Reserved**

**R7-2-1180. Reserved**

**HEARING PROCEDURES****R7-2-1181. Hearing Procedures**

- A. If a hearing is required or permitted under Articles 10 and 11, this Section shall apply. Hearing officers shall be selected pursuant to R7-2-1147(D) and (E) or R7-2-1158(E) and (F).

- B. The Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) shall apply where the Act is not inconsistent with Articles 10 and 11.
- C. The hearing officer shall arrange for a prompt hearing and notify the parties in writing of the time and place of the hearing.
- D. The hearing officer may:
  - 1. Hold pre-hearing conferences to settle, simplify, or identify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding;
  - 2. Require parties to state their positions concerning the various issues in the proceeding;
  - 3. Require parties to produce for examination those relevant witnesses and documents under their control;
  - 4. Rule on motions and other procedural items on matters pending before such officer;
  - 5. Regulate the course of the hearing and conduct of participants;
  - 6. Establish time limits for submission of motions or memoranda;
  - 7. Impose appropriate sanctions against any person failing to obey an order under these procedures, which may include:
    - a. Refusing to allow the person to assert or oppose designated claims or defenses, or prohibiting that person from introducing designated matters in evidence;
    - b. Excluding all testimony of an unresponsive or evasive witness; and
    - c. Expelling person from further participation in the hearing;
  - 8. Take official notice of any material fact not appearing in evidence in the record, if the fact is among the traditional matters of judicial notice; and
  - 9. Administer oaths or affirmations.
- E. A transcribed record of the hearing shall be made available at cost to any requesting party.
- F. Decision by the hearing officer. A decision by the hearing officer shall be sent within 30 days after the conclusion of the hearing to all parties by any means evidencing receipt. A decision shall contain:
  - 1. A statement of facts;
  - 2. A statement of the decision with supporting rationale; and
  - 3. A statement that the parties may file a motion for rehearing within 15 days from the date a copy of this decision is served upon the party.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1182. Rehearing of Decisions**

- A. Procedure; grounds. A decision of the hearing officer may be vacated and new hearing granted on motion of the aggrieved party for any of the following causes materially affecting the party's rights:
  - 1. Irregularity in the proceedings of the hearing officer or prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  - 2. Misconduct of the prevailing party.
  - 3. Accident or surprise not preventable by ordinary prudence.



## State Board of Education

4. Material evidence, newly discovered, which despite reasonable diligence was not discovered and produced at the hearing.
  5. Excessive or insufficient damages or penalties.
  6. Error of law occurring at the hearing or during the progress of the proceeding.
  7. That the findings of fact or decision is not justified by the evidence or is contrary to law.
- B.** Scope. A rehearing may be granted to all or any of the parties and on all or part of the issues in the proceeding for any of the reasons for which rehearings are authorized by law or rule of court. On a motion for a rehearing, the hearing officer may open the decision, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new decision.
- C.** Contents of motion; amendment; rulings reviewable.
1. The motion for rehearing shall be in writing, shall specify generally the grounds upon which the motion is based, and may be amended at any time before it is ruled upon by the hearing officer.
  2. Upon the general ground that the hearing officer erred in admitting or rejecting evidence, the hearing officer shall review all rulings during the hearing upon objections to evidence.
  3. Upon the general ground that the findings of fact or decision are not justified by the evidence, the hearing officer shall review the sufficiency of the evidence.
- D.** Time for motion for rehearing. A motion for rehearing shall be filed not later than 15 days after service of the decision upon the party.
- E.** Time for serving affidavits. When a motion for rehearing is based upon affidavits they shall be served with the motion. The opposing party has 10 days after such service within which to serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days either by the hearing officer for good cause shown or by the parties by written stipulation. The hearing officer may permit reply affidavits.
- F.** On initiative of hearing officer. Not later than 15 days after the date of the decision, the hearing officer may order a rehearing for any reason for which it might have granted a rehearing on motion of a party. After giving the parties notice and an opportunity to be heard on the matter, the hearing officer may grant a motion for a rehearing, timely served, for a reason not stated in the motion. In either case, the hearing officer shall specify in the order the grounds therefor.
- G.** Questions to be considered in rehearing. A rehearing, if granted, shall be only a rehearing of the question or questions with respect to which the decision is found erroneous, if separable. If a rehearing is ordered because the damages or penalties are excessive or inadequate and granted solely for that reason, the decision shall be set aside only in respect of the damages or penalties, and shall stand in all other respects.
- H.** Motion on ground of excessive or inadequate damages. When a motion for rehearing is made upon the ground that the damages or penalties awarded are either excessive or insufficient, the hearing officer may grant the rehearing conditionally upon the filing within a fixed period of time, not to exceed 15 days, of a statement by the party adversely affected by reduction or increase of damages or penalties accepting that amount of damages or penalties which the hearing officer shall designate. If such a statement is filed with the prescribed time, the motion for rehearing shall be regarded as denied as of the date of such filing. If no statement is filed, the motion for rehearing shall be regarded as granted as of the date of the expiration of the time period within which a statement may have been filed. No further written order shall be required to make an order granting or denying the rehearing final. If the conditional order of the hearing officer requires a reduction of or increase in damages or penalties, then the rehearing will be granted in respect of the damages or penalties only and the decision shall stand in all other respects.
- I.** Number of motions for rehearing. Not more than two motions for rehearing shall be granted to any party in the same action.
- J.** Specifications of grounds of rehearing in order. An order granting a motion for rehearing shall specify with particularity the ground or grounds on which the rehearing is granted.
- K.** Final decision.
1. If a motion for rehearing is denied, the final decision denying the motion for rehearing shall be sent within five days after the denial to all parties by any means evidencing receipt. A final decision shall contain a paragraph substantially as follows: "This is the final decision of the hearing officer in the matter of \_\_\_\_\_."
  2. If the motion for rehearing was granted, after the rehearing is completed, a final decision shall be made and shall be sent within five days after the conclusion of the rehearing to all parties as required in subsection (K)(1). A final decision shall contain:
    - a. A statement of facts;
    - b. A statement of the decision with supporting rationale; and
    - c. A paragraph substantially as stated in subsection (K)(1).

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1183. Judicial Review**

Any final decision made as a result of a hearing held pursuant to Articles 10 and 11 are subject to judicial review in accordance with A.R.S. Title 12, Chapter 7, Article 6.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1184. Exclusive Remedy**

Articles 10 and 11 (R7-2-1001 et seq.) provide the exclusive procedure for asserting a cause against the school district and its governing board arising in relation to any procurement conducted under Articles 10 and 11.

**Historical Note**

Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1185. Qualifications for Hearing Officers**

- A.** A "hearing officer" means a person assigned to preside at a hearing held pursuant to Articles 10 and 11 and whose duty it is to assure that proper procedures are followed and that the rights of the parties are protected.
- B.** A hearing officer shall be:
1. Unbiased - not prejudiced for or against any party in the hearing;
  2. Disinterested - not having any personal or professional interest which would conflict with his/her objectivity in the hearing; and

## State Board of Education

3. Independent - may not be an officer, employee or agent of the contractor or governing board, or of any other public agency involved in the dispute to be settled. A person who otherwise qualifies to conduct a hearing is not an employee of the contractor or governing board solely because he or she is paid by the parties to serve as a hearing officer.

**C.** A hearing officer shall have:

1. A minimum of three years of verified experience in the practice of law; or
2. A minimum of three years of verified experience in school procurement or school facilities management and a minimum of one year of verified experience in conducting hearings. Completion of a course or program in conducting a hearing or arbitration may substitute for the one year of verified experience in conducting hearings.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1186. Reserved**

**R7-2-1187. Reserved**

**R7-2-1188. Reserved**

**R7-2-1189. Reserved**

**R7-2-1190. Reserved**

**INTERGOVERNMENTAL PROCUREMENTS**

**R7-2-1191. Cooperative Purchasing Authorized**

- A.** A school district may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any materials, services, specified professional services, construction, or construction services with one or more eligible procurement units in accordance with an agreement entered into between the participants. An agreement entered into as provided in R7-2-1191 through R7-2-1195 is exempt from A.R.S. § 11-952(D) and (E). Parties under a cooperative purchasing agreement may:
  1. Sponsor, conduct, or administer a cooperative purchasing agreement for the procurement or disposal of any materials, services or construction.
  2. Cooperatively use materials or services.
  3. Commonly use or share warehousing facilities, capital equipment and other facilities.
  4. Provide personnel, except that the requesting public procurement unit shall pay the public procurement unit providing the personnel the direct and indirect cost of providing the personnel, in accordance with the agreement.
  5. On request, make available to other public procurement units informational, technical or other services or software that may assist in improving the efficiency or economy of procurement. The public procurement unit furnishing the informational, technical, or other services or software has the right to request reimbursement for the reasonable and necessary costs of providing such services or software.
- B.** The activities described in subsections (A)(1) through (A)(5) do not limit what parties may do under a cooperative purchasing agreement.
- C.** A nonprofit corporation shall comply with Articles 10 and 11 in any cooperative purchasing agreement the nonprofit corporation administers in which a school district participates.

- D.** Whether administering or purchasing from the agreement, this Section does not abrogate the responsibility of each school district to perform due diligence in order to ensure compliance with Articles 10 and 11 notwithstanding the fact that the cooperative purchase is administered by another eligible procurement unit.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1192. Contract Provisions in a Cooperative Purchasing Agreement**

Any contract entered pursuant to R7-2-1191 shall provide that:

1. Payment for materials and services and inspection and acceptance of materials or services ordered by an eligible procurement unit under a cooperative purchasing agreement shall be the exclusive obligation of such procurement unit;
2. The exercise of any rights or remedies by a using eligible procurement unit shall be the exclusive obligation of such procurement unit. The administering public procurement unit, as the contract administrator and without subjecting itself to any liability, may join in the resolution of any controversy;
3. Any school district may terminate without notice any cooperative purchasing agreement if another eligible procurement unit fails to comply with the terms of the contract;
4. Failure of an eligible procurement unit to secure performance from the contractor in accordance with the terms and conditions of its purchase order does not necessarily require any other eligible procurement unit to exercise its own rights or remedies; and
5. An eligible procurement unit shall not use a cooperative purchasing contract as a method for obtaining concessions or reduced prices for non-contract purchases of similar materials or services.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1193. Use of Payments Received by a Supplying Public Procurement Unit**

All payments received by a public procurement unit supplying personnel or services shall be available to the supplying public procurement unit to defray the cost of the cooperative program.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1194. Public Procurement Units in Compliance with Article Requirements**

- A.** If the eligible procurement unit administering a cooperative purchase complies with the requirements of Articles 10 and 11, any public procurement unit participating in such a purchase is deemed to have complied with Articles 10 and 11. Public procurement units may not enter into a cooperative purchasing agreement for the purpose of circumventing Articles 10 and 11.
- B.** A participating public procurement unit using a contract awarded by another eligible procurement unit shall only purchase awarded materials, services, specified professional services, construction, or construction services in compliance with the terms, conditions and prices in the contract.

## State Board of Education

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1195. Contract Controversies**

- A. Under a cooperative purchasing agreement in which a school district is a party, controversies arising between an administering public procurement unit and its bidders, offerors or contractors shall be resolved in accordance with Articles 10 and 11.
- B. Any local public procurement unit which is not subject to R7-2-1181 through R7-2-1185 may enter into an agreement with a school district to establish procedures or use such school district's existing procedures to resolve controversies with contractors, whether or not such controversy arose from a cooperative purchasing agreement.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1196. General Services Administration Contracts**

- A. The governing board may authorize purchases under a current General Services Administration contract for materials or services without complying with the requirements of Articles 10 and 11 if the governing board determines in writing before proceeding with a General Services Administration contract procurement that all of the following apply:
  1. The price for materials or services is equal to or less than the contractor's current federal supply contract price with the General Services Administration and is fair and reasonable.
  2. The contractor has indicated in writing that the contractor is willing to extend the current federal supply contract pricing, terms and conditions to the school district.
  3. The purchase order adequately identifies the federal supply contract on which the order is based, including the name of the contractor, contract number and procurement description.
  4. The purchase contract is cost effective based on price, quality and other relevant factors, and is advantageous to the school district.
- B. The school district shall only purchase materials or services awarded under the applicable General Services Administration contract.
- C. The governing board shall comply with all federal requirements applicable to state and local government use of General Services Administration contracts.

**Historical Note**

Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

**R7-2-1197. Reserved****R7-2-1198. Reserved****R7-2-1199. Reserved****R7-2-1200. Reserved****ARTICLE 12. REPEALED****R7-2-1201. Repealed****Historical Note**

Adopted effective April 27, 1989 (Supp. 89-2). Repealed effective February 20, 1997 (Supp. 97-1).

**ARTICLE 13. CONDUCT****R7-2-1301. Definitions**

In this Article, unless the context otherwise specifies:

1. "Alleging party" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or other agency who completes a statement alleging immoral or unprofessional conduct against a certificated individual.
2. "Applicant" means a person who has submitted an application to the Department requesting an evaluation of the requirements set forth in R7-2-601 et seq., requesting issuance of a certificate pursuant to R7-2-601 et seq., or requesting renewal of a previously held certificate issued pursuant to R7-2-601 et seq.
3. "Board" means the State Board of Education.
4. "Certificated individual" means an individual who holds an Arizona certificate issued pursuant to R7-2-601 et seq.
5. "Complaint" means the filing of a charge by the Board against a certificated individual alleging immoral or unprofessional conduct.
6. "Hearing" means an adjudicative proceeding held pursuant to Title 41, Chapter 6 and R7-2-701 et seq.
7. "PPAC" means the Professional Practices Advisory Committee established pursuant to R7-2-205.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

**R7-2-1302. Statement of Allegations**

- A. Any person may file, with the Board, a statement of allegations against a certificated individual on forms provided by the Board.
- B. A statement of allegations shall state the facts under which a party is alleging immoral or unprofessional conduct and shall be signed and notarized.
- C. The facts in a statement of allegations shall clearly state the details of the alleged immoral or unprofessional conduct.
- D. A statement of allegations shall contain the names, addresses and telephone numbers of individuals who can be contacted to provide information regarding the allegations contained in the statement. The list of individuals shall also include a brief summary of the substance and extent of each individual's knowledge regarding the allegations contained in the statement.
- E. The alleging party may attach written or other evidence to a statement of allegations at the time that the statement is filed with the Board.
- F. A statement of allegations filed by a school district shall be accompanied by a certified copy of a school board resolution authorizing the statement of allegations to be filed.
- G. A statement of allegations may be returned to the alleging party if the statement is not complete or not legible.
- H. The Board shall conduct an investigation of all statements of allegations filed pursuant to this Article.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

**R7-2-1303. Complaint**

- A. Upon completion of an investigation resulting from a statement of allegations, the Board may file a complaint against a certificated individual.

## State Board of Education

- B. The Board may, at its own discretion, investigate any matter and file a complaint against a certificated individual upon receiving any information, from any source, indicating immoral or unprofessional conduct has occurred.
- C. A hearing shall be held on a complaint before the PPAC.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Section R7-2-1303 renumbered to R7-2-1304; new Section R7-2-1303 renumbered from R7-2-1304 and amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

**R7-2-1304. Notification; Investigation**

The certificated individual shall have 20 days from service by U.S. mail of the notice of investigation to file a written response with the Board.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Section R7-2-1304 renumbered to R7-2-1303; new Section R7-2-1304 renumbered from R7-2-1303 and amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1).

**R7-2-1305. Conviction of Criminal Offenses; Investigation**

- A. Applicants shall certify on forms that are provided by the Board whether they are awaiting trial on, or have ever been convicted of, or have admitted in open court or pursuant to a plea agreement committing any offense listed in A.R.S. § 15-534. Applicants for certification shall not be required to disclose information regarding misdemeanor offenses other than those listed in A.R.S. § 15-534.
- B. Upon receipt of notification that an applicant or certificated individual has been convicted of or admitted in open court or pursuant to a plea agreement committing any criminal offense specified in A.R.S. § 15-534, the Board shall initiate an investigation.
- C. Applicants and certificated individuals who are alleged to have been convicted of a criminal offense specified in A.R.S. § 15-534 shall provide the Board with copies of court records or reports pertaining to the conviction.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

**R7-2-1306. Reviewable Offenses**

- A. Reviewable offenses are those offenses listed in A.R.S. § 15-534 which are not included in R7-2-1307.
- B. Upon completion of an investigation, the Board may file a complaint against a certificated individual or may issue or deny certification to an applicant.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

**R7-2-1307. Criminal Offenses; Nonreviewable**

- A. The Board shall revoke, not issue, or not renew the certification of a person who has been convicted of or admitted in open court or pursuant to a plea agreement committing any of the following criminal offenses in this state or similar offenses in another jurisdiction:
1. Sexual abuse of a minor;
  2. Incest;

3. First-degree murder;
4. Second-degree murder;
5. Manslaughter;
6. Sexual assault;
7. Sexual exploitation of a minor;
8. Commercial sexual exploitation of a minor;
9. A dangerous crime against children as defined in A.R.S. § 13-604.01;
10. Armed robbery;
11. Aggravated assault;
12. Sexual conduct with a minor;
13. Molestation of a child;
14. Exploitation of minors involving drug offenses.

- B. Upon notification that a certificated individual has been convicted of a nonreviewable offense, the Board shall revoke the certificate.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1).

**R7-2-1308. Unprofessional and Immoral Conduct**

- A. Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall:
1. Make reasonable efforts to protect pupils from conditions harmful to learning, health, or safety;
  2. Account for all funds collected from pupils, parents, or school personnel;
  3. Adhere to provisions of the Uniform System of Financial Records related to use of school property, resources, or equipment; and
  4. Abide by copyright restrictions, security, or administration procedures for a test or assessment.
- B. Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall not:
1. Discriminate against or harass any pupil or school employee on the basis of race, national origin, religion, sex, including sexual orientation, disability, color or age;
  2. Deliberately suppress or distort information or facts relevant to a pupil's academic progress;
  3. Misrepresent or falsify pupil, classroom, school, or district-level data from the administration of a test or assessment;
  4. Engage in a pattern of conduct for the sole purpose or with the sole intent of embarrassing or disparaging a pupil;
  5. Use professional position or relationships with pupils, parents, or colleagues for improper personal gain or advantage;
  6. Falsify or misrepresent documents, records, or facts related to professional qualifications or educational history or character;
  7. Assist in the professional certification or employment of a person the certificate holder knows to be unqualified to hold a position;
  8. Accept gratuities or gifts that influence judgment in the exercise of professional duties;
  9. Possess, consume, or be under the influence of alcohol on school premises or at school-sponsored activities;
  10. Illegally possess, use, or be under the influence of marijuana, dangerous drugs, or narcotic drugs, as each is defined in A.R.S. § 13-3401;
  11. Make any sexual advance towards a pupil or child, either verbal, written, or physical;

## State Board of Education

12. Engage in sexual activity, a romantic relationship, or dating of a pupil or child;
  13. Submit fraudulent requests for reimbursement of expenses or for pay;
  14. Use school equipment to access pornographic, obscene, or illegal materials; or
  15. Engage in conduct which would discredit the teaching profession.
- C.** Individuals found to have engaged in unprofessional or immoral conduct shall be subject to, and may be disciplined by, the Board.
- D.** Procedures for making allegations, complaints, and investigation of unprofessional or immoral conduct shall be as set forth in this Article.
- E.** Application forms and certificates shall include the rules and statutes related to unprofessional and immoral conduct, including resignation from a contracted position without authorization and duties to report as required by law.
- F.** Individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq shall certify:
1. That they have read and understood the rules and statutes related to unprofessional and immoral conduct, including resignation from a contracted position without authorization and duties to report as required by law; and
  2. Whether they have been disciplined or are under investigation in another state for engaging in conduct that is immoral or unprofessional.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1544, effective June 28, 2003 (Supp. 03-2). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1).

**R7-2-1309. Reserved****R7-2-1400. Reserved****ARTICLE 14. CHARTER SCHOOLS****R7-2-1401. Definitions**

For the purpose of this Article the following definitions shall apply:

1. "Applicant" means a person, public body, or private organization that has applied to the State Board of Education to establish a charter school under the provisions of A.R.S. § 15-181 et seq.
2. "Background check" means a report received related to an applicant and the identified governing board members regarding the status of each person's credit and credit history, and any criminal activity identified by the law enforcement agency processing the applicant and governing board member's fingerprints.
3. "Committee" means the Charter School Committee established pursuant to this Article.
4. "Charter School" means a school chartered pursuant to A.R.S. § 15-181 et seq. and sponsored by the Board of Education.
5. "Contract" means a document outlining the terms and conditions of an agreement between the parties.
6. "Governing board" means the governing body responsible for the policy and operational decisions of the charter school formed pursuant to A.R.S. § 15-183 et seq.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1402. Charter School Committee**

- A.** The Board of Education shall establish a Charter School Committee that shall have the responsibility of reviewing applica-

tions and preparing a recommendation for the Board of Education's consideration.

- B.** The Board of Education shall appoint the members of the committee. The committee shall consist of seven members as follows:
1. An individual knowledgeable in building construction or renovation;
  2. An individual knowledgeable in finance and accounting and in generally accepted accounting practices;
  3. An individual representing a city in this state who is knowledgeable about zoning and operating permit requirements;
  4. An individual knowledgeable about elementary and high school curricula and the development and evaluation of curricula;
  5. An individual knowledgeable about assessments and the administration of assessments;
  6. An individual representing the Board of Education;
  7. A current operator of a charter school sponsored by the Board of Education.
- C.** Terms of each member of the committee shall be for three years. Members may be appointed for subsequent terms upon approval by the Board of Education.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1403. Application**

- A.** Interested parties or individuals may submit an application for approval by the Board of Education pursuant to A.R.S. § 15-181 et seq. Applications shall be on forms approved by the Board of Education.
- B.** Applications shall be evaluated by the committee. The committee shall prepare a recommendation for the Board of Education's consideration. The recommendation shall be based upon a review of all aspects of the application, including, for example, completeness of the application, the viability of the school including the financial viability, the projected funding sources, the number and population to be served, including school-aged students who are deemed to be unserved or underserved.
1. The committee may request additional information as needed to assist in evaluating the application and preparing a recommendation for the Board of Education's consideration.
  2. Recommendations of the committee to the Board of Education may include approval of the application, denial of the application, or deferral of the application pending further information or clarification.
  3. Applicants shall be notified in writing at least 10 days prior to the Board of Education meeting of the date, time, and place of the meeting at which the Board of Education shall consider the charter school committee's recommendation related to the application.
  4. Action by the Board of Education may include approval of the application, denial of the application, or deferral of the application pending further information or clarification. The Board of Education shall state the reasons for denial or deferral of the application.
  5. Applicants shall be notified in writing of the decision of the Board of Education. Written notification that the Board of Education has denied an application shall include reasons for denial. Written notification shall be provided to applicants within 15 days following a decision of the Board of Education.

## State Board of Education

- C. An approved application does not constitute an approved contract, and approval of an application shall not be construed to imply that a contract will be issued.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1404. Contract**

- A. A contract shall be on forms approved by the Board of Education.
- B. At least once per year, the Board of Education shall consider issuance of a contract to approved applicants.
- C. Upon review and recommendation from the committee, the Board of Education may approve the issuance of a contract, approve the issuance of a contract pending receipt of specific information or completion of requirements, defer the issuance of a contract, or deny the issuance of a contract. The Board of Education shall state the reasons for denial or deferral of issuance of a contract.
- D. Applicants shall be notified in writing at least 10 days prior to the Board of Education meeting of the date, time, and place of the meeting at which the Board of Education shall consider the charter school committee's recommendation related to issuance of a charter.
- E. Applicants shall be notified in writing of the decision of the Board of Education. Written notification that the Board of Education has denied issuance of a contract shall include reasons for denial. Written notification shall be provided to applicants within 15 days following a decision of the Board of Education.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1405. Execution of a Contract**

- A. Contracts shall be signed by the applicant, or a person with signatory authority for the applicant, within six months from the date of approval of issuance of the contract by the Board of Education, unless an extension of time is granted by the Board of Education. If issuance of a contract was approved by the Board of Education pending receipt of additional information, the contract shall be signed by the applicant or a person with signatory authority for the applicant within six months of receipt of the additional information by the Board of Education.
- B. Contracts which have not been signed pursuant to this rule shall require reapplication and approval during a subsequent application cycle.
- C. The following items shall be submitted to the Board of Education prior to signing of a contract:
1. Background check, including fingerprint clearance for all authorized signatories and all governing board members approved;
  2. Certificate of Occupancy or a written exemption from the local municipality or county that the certificate is not required for operation of a public school. A set of architectural plans approved by the local planning and zoning office may be submitted in lieu of a certificate of occupancy for the purposes of this subsection for construction of new buildings or renovation of existing buildings. A certificate of occupancy will be required to be submitted prior to opening of the school.
  3. A lease agreement or proof of building availability;
  4. Executed statement of assurances;
  5. Written verification that the facility meets the requirements established by the state and local fire marshal;

6. Written verification from an insurance company authorized to do business in the state of Arizona that arrangements have been finalized to provide the required amount of insurance;
7. Proof of local County Health Department approval.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1406. Amendments to a Contract**

- A. Any changes to the contract shall be submitted on forms approved the Board of Education.
- B. All amendments to the contract shall be accompanied by a signed governing board resolution or an official copy of the minutes of a governing board meeting that the amendment was approved by the governing board.
- C. No amendment shall be effective or implemented prior to being approved by the governing board, submitted to and approved by the Board of Education.
- D. Amendments requesting a change in the membership of the governing board shall, in addition to the requirements specified in subsection (B), include a completed fingerprint application and a signed affidavit authorizing a background check.
- E. If an extension of time was granted pursuant to R7-2-1405(A), amendments to update the application shall be submitted at the time the contract is executed.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1407. Revocation of a Contract**

- A. The Board of Education may issue a Notice of Intent to Revoke a Contract and Notice of Hearing to any contract holder who is alleged to be in violation of the contract and the governing board.
- B. Within 10 days of receipt of a Notice of Intent to Revoke a Contract and Notice of Hearing, the governing board shall:
1. Notify the parents or guardians of the students enrolled in the charter school that a Notice of Intent to Revoke a Contract and Notice of Hearing has been received;
  2. Hold a public meeting to inform the public and discuss the specific charges outlined in the Notice of Intent to Revoke a Contract;
  3. Provide the Board of Education with copies of all correspondence and communications used to comply with subsection (B)(1) above and minutes of the meeting as evidence of compliance with subsection (B)(2) above;
  4. Provide the Board of Education with the names and mailing addresses of parents or guardians of all students enrolled in the charter school at the time the Notice of Intent to Revoke a Contract and Notice of Hearing was received.
- C. Hearings held pursuant to a Notice of Intent to Revoke a Contract and Notice of Hearing shall be held in accordance with Sections R7-2-701 through R7-2-709.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1408. Renewal of Contract**

When considering renewal of a contract, the following, as a minimum, shall be provided to the Board of Education:

1. Assessment results, including scores of the norm-referenced achievement test, the scores of the Arizona's Instrument to Measure Standards (AIMS), and scores of any school assessment programs;

## State Board of Education

2. Results of any audits conducted, including independent audits, Uniform System of Financial Records or Uniform System of Financial Records for Charter Schools compliance audits, or any audits conducted by the Auditor General's Office;
3. Enrollment reports that include enrollment figures, funding sources, budget updates, and financial reporting of expenditures;
4. All complaints received;
5. Copies of Board of Education minutes where consideration and action was taken on all issues related to the charter school;
6. Any other reports, information, or materials pertinent to the charter school.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

This page intentionally left blank.

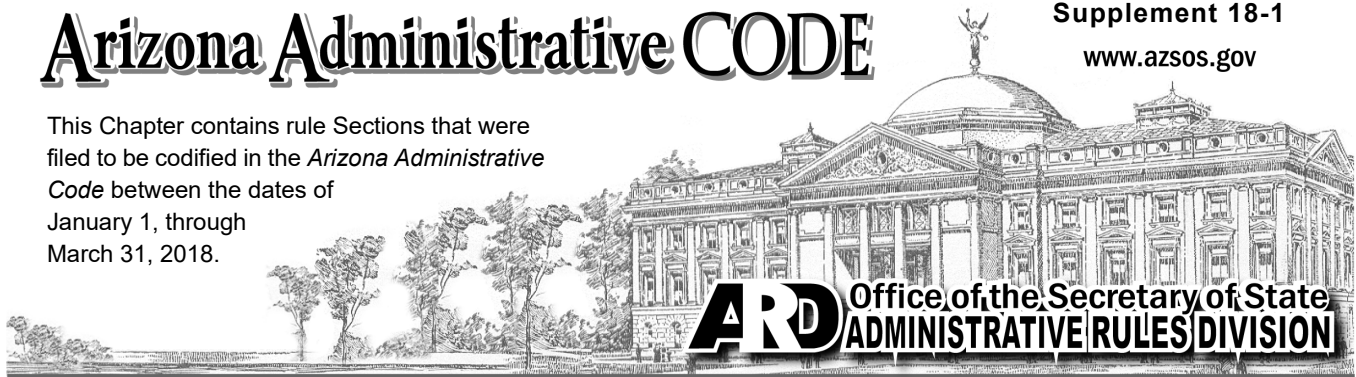


# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 9. HEALTH SERVICES

### CHAPTER 4. DEPARTMENT OF HEALTH SERVICES - NONCOMMUNICABLE DISEASES

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

[R9-4-601.](#)      [Definitions ..... 14](#)      [R9-4-602.](#)      [Opioid Poisoning-Related Reporting Requirements ..... 14](#)

#### Questions about these rules? Contact:

Department: Arizona Department of Health Services  
Name: Colby Bower, Assistant Director  
Address: Public Health Licensing Services  
150 N. 18th Ave., Suite 510  
Phoenix, AZ 85007

Telephone: (602) 542-6383

Fax: (602) 364-4808

E-mail: [Colby.Bower@azdhs.gov](mailto:Colby.Bower@azdhs.gov)

or

Name: Robert Lane, Chief  
Address: Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: [Robert.Lane@azdhs.gov](mailto:Robert.Lane@azdhs.gov)

<https://azdhs.gov/director/administrative-counsel-rules/rules/>

#### The release of this Chapter in supplement 18-1 replaces supplement 17-3, 17 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 9. HEALTH SERVICES****CHAPTER 4. DEPARTMENT OF HEALTH SERVICES - NONCOMMUNICABLE DISEASES****ARTICLE 1. DEFINITIONS**

R9-4-101.	Definitions, General .....	2
R9-4-102.	Repealed .....	2
R9-4-103.	Repealed .....	2
R9-4-104.	Repealed .....	2
R9-4-105.	Repealed .....	2

**ARTICLE 2. PESTICIDE ILLNESS**

R9-4-201.	Definitions .....	2
R9-4-202.	Pesticide Illness Reporting Requirements .....	2

**ARTICLE 3. BLOOD LEAD LEVELS**

R9-4-301.	Definitions .....	3
R9-4-302.	Reporting Significant Blood Lead Levels .....	3

**ARTICLE 4. CANCER REGISTRY**

R9-4-401.	Definitions .....	4
R9-4-401.01.	Repealed .....	6
R9-4-402.	Exceptions .....	6
R9-4-403.	Case Reports .....	6
R9-4-404.	Requirements for Submitting Case Reports and Allowing Review of Hospital Records .....	7

R9-4-405.	Data Quality Assurance .....	8
-----------	------------------------------	---

**ARTICLE 5. BIRTH DEFECTS MONITORING PROGRAM**

R9-4-501.	Definitions .....	8
R9-4-502.	Reporting Sources; Information Submitted to the Department .....	10
R9-4-503.	Review of Records; Information Collected .....	12
R9-4-504.	Data Quality Assurance .....	14

**ARTICLE 6. OPIOID POISONING-RELATED REPORTING**

*Emergency expired; new Article 6, consisting of Sections R9-4-601 and R9-4-602 amended by emergency rulemaking at 24 A.A.R. 630, effective March 20, 2018, for 180 days (Supp. 18-1).*

*New Article 6, consisting of Sections R9-4-601 and R9-4-602 made by emergency rulemaking at 23 A.A.R. 2857, effective September 21, 2017, for 180 days (Supp. 17-3).*

Section	
R9-4-601.	Definitions .....14
R9-4-602.	Opioid Poisoning-Related Reporting Requirements .....14

## Department of Health Services - Noncommunicable Diseases

**ARTICLE 1. DEFINITIONS****R9-4-101. Definitions, General**

In this Chapter, unless otherwise specified:

1. "Dentist" means an individual licensed under A.R.S. Title 32, Chapter 11, Article 2.
2. "Department" means the Arizona Department of Health Services.
3. "Diagnosis" means the identification of a disease or injury, by an individual authorized by law to make the identification, that is the cause of an individual's current medical condition.
4. "Hospital" means the same as in A.A.C. R9-10-201.
5. "ICD-9-CM" means the version of the ICD-9-CM: International Classification of Diseases codes used by a hospital for billing purposes.
6. "Physician" means an individual licensed as a doctor of allopathic medicine under A.R.S. Title 32, Chapter 13, or as a doctor of osteopathic medicine under A.R.S. Title 32, Chapter 17.

**Historical Note**

Adopted effective September 25, 1991 (Supp. 91-3).  
Amended by final rulemaking at 6 A.A.R. 2948, effective July 18, 2000 (Supp. 00-3). Amended by final rulemaking at 12 A.A.R. 179, effective March 11, 2006 (Supp. 06-1).

**R9-4-102. Repealed****Historical Note**

Adopted effective August 15, 1989 (Supp. 89-3).  
Amended effective April 9, 1993 (Supp. 93-2). Section repealed by final rulemaking at 6 A.A.R. 2948, effective July 18, 2000 (Supp. 00-3).

**R9-4-103. Repealed****Historical Note**

Adopted effective August 15, 1989 (Supp. 89-3).  
Amended effective March 4, 1993 (Supp. 93-1). Section repealed by final rulemaking at 7 A.A.R. 55, effective December 12, 2000 (Supp. 00-4).

**R9-4-104. Repealed****Historical Note**

Adopted effective January 1, 1992, filed September 25, 1991 (Supp. 91-3). "Register" corrected to "Registry" in subsection (1) (Supp. 93-1). Repealed by final rulemaking at 12 A.A.R. 179, effective March 11, 2006 (Supp. 06-1).

**R9-4-105. Repealed****Historical Note**

Adopted effective September 25, 1991 (Supp. 91-3).  
Section repealed by final rulemaking at 7 A.A.R. 712, effective January 17, 2001 (Supp. 01-1).

**ARTICLE 2. PESTICIDE ILLNESS****R9-4-201. Definitions**

In this Article, unless otherwise specified:

1. "Cluster illness" means sickness in two or more individuals that is caused by or may be related to one pesticide exposure incident, as determined by the history, signs, or symptoms of the sickness; laboratory findings regarding the individuals; the individuals' responses to treatment for the sickness; or the geographic proximity of the individuals.

2. "Documented" means evidenced by written information such as pesticide applicator reports, statements of individuals with pesticide illness, or medical records.
3. "Health care professional" means a physician, a registered nurse practitioner, a physician assistant, or any other individual who is authorized by law to diagnose human illness.
4. "Medical director" means the individual designated by a poison control center as responsible for providing medical direction for the poison control center or for approving and coordinating the activities of the individuals who provide medical direction for the poison control center.
5. "Pest" has the same meaning as in A.R.S. Title 3, Chapter 2, Article 5 or as used in A.R.S. Title 3, Chapter 2, Article 6 and A.R.S. Title 32, Chapter 22.
6. "Pesticide" means any substance or mixture of substances, including inert ingredients, intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, but does not include an antimicrobial agent, such as a disinfectant, sanitizer, or deodorizer, used for cleaning.
7. "Pesticide illness" means any sickness reasonably believed by a health care professional or medical director to be caused by or related to documented exposure to any pesticide, based upon professional judgment and:
  - a. The history, signs, or symptoms of the sickness;
  - b. Laboratory findings regarding the individual; or
  - c. The individual's response to treatment for the sickness.
8. "Physician assistant" has the same meaning as in A.R.S. § 32-2501.
9. "Poison control center" means an organization that is a member of and may be certified by the American Association of Poison Control Centers.
10. "Registered nurse practitioner" has the same meaning as in A.R.S. § 32-1601.

**Historical Note**

Adopted effective August 15, 1989 (Supp. 89-3).  
Amended effective April 9, 1993 (Supp. 93-2). Former Section R9-4-201 renumbered to R9-4-202; new Section R9-4-201 adopted by final rulemaking at 6 A.A.R. 2948, effective July 18, 2000 (Supp. 00-3).

**R9-4-202. Pesticide Illness Reporting Requirements**

A health care professional or medical director who participates in the diagnosis of or identifies an individual with pesticide illness shall file a report of pesticide illness with the Department as follows:

1. The health care professional or medical director shall report a pesticide illness within five working days from the date of diagnosis or identification, except:
  - a. The health care professional or medical director shall report a pesticide illness where the individual with pesticide illness is hospitalized or dies no later than one working day from the time of hospital admission or death; and
  - b. The health care professional or medical director shall report cluster illnesses no later than one working day from the time the second individual with pesticide illness is diagnosed or identified.
2. The health care professional or medical director shall submit the report to the Department by telephone; in person; in a writing sent by fax, delivery service, or mail; or by an electronic reporting system if an electronic reporting system is developed by the Department. The report shall contain the following information:

## Department of Health Services - Noncommunicable Diseases

- a. The name, address, and telephone number of the individual with pesticide illness;
  - b. The date of birth of the individual with pesticide illness;
  - c. The gender of the individual with pesticide illness;
  - d. The occupation of the individual with pesticide illness, if the documented pesticide exposure is related to the occupation;
  - e. The dates of onset of illness and of diagnosis or identification as pesticide illness;
  - f. The name of the pesticide, if known;
  - g. The name, business address, and telephone number of the health care professional or medical director making the report;
  - h. A statement specifying whether the illness is caused by a documented pesticide exposure or is related to a documented pesticide exposure; and
  - i. The health care professional's or medical director's reason for believing that the illness is caused by or related to documented exposure to a pesticide.
3. The health care professional or medical director may designate a representative to make the report to the Department on behalf of the health care professional or medical director.

**Historical Note**

New Section renumbered from R9-4-201 and amended by final rulemaking at 6 A.A.R. 2948, effective July 18, 2000 (Supp. 00-3).

**ARTICLE 3. BLOOD LEAD LEVELS****R9-4-301. Definitions**

In this Article, unless otherwise specified:

1. "Adult" means an individual 16 years of age or older.
2. "Child" means an individual younger than 16 years of age.
3. "Clinical laboratory" has the same meaning as in A.R.S. § 36-451.
4. "Patient" means the individual whose blood has been tested for lead content.
5. "Public" means funded by and operated under the direction of the federal or state government or a political subdivision of the state.
6. "Public insurance" means a public program, such as the Arizona Health Care Cost Containment System, Kids-Care, Indian Health Services, or TRICARE, that pays for medical services.
7. "Whole blood" means human blood from which plasma, erythrocytes, leukocytes, and thrombocytes have not been separated.

**Historical Note**

Adopted effective August 15, 1989 (Supp. 89-3).  
Amended effective March 4, 1993 (Supp. 93-1). Former Section R9-4-301 renumbered to R9-4-302; new Section R9-4-301 adopted by final rulemaking at 7 A.A.R. 55, effective December 12, 2000 (Supp. 00-4).

**R9-4-302. Reporting Significant Blood Lead Levels**

- A. A physician who receives a laboratory result showing a level of lead equal to or greater than 10 micrograms of lead per deciliter of whole blood for a child or 25 micrograms of lead per deciliter of whole blood for an adult shall report the blood lead level to the Department as follows:
  1. The physician shall report the blood lead level within five working days from the date of receipt of the laboratory result if the blood lead level is less than 45 micrograms of lead per deciliter of whole blood for a child or less than

60 micrograms of lead per deciliter of whole blood for an adult.

2. The physician shall report the blood lead level within one working day from the date of receipt of the laboratory result if the blood lead level is equal to or greater than 45 micrograms of lead per deciliter of whole blood for a child or equal to or greater than 60 micrograms of lead per deciliter of whole blood for an adult.
  3. A physician may designate a representative to make the report to the Department on behalf of the physician.
- B. A clinical laboratory director shall report to the Department the results of all tests for lead in whole blood as follows:
    1. The clinical laboratory director shall report the blood lead test result within five working days from the date of completing the test if the blood lead level is equal to or greater than 10 but less than 45 micrograms of lead per deciliter of whole blood for a child or equal to or greater than 25 but less than 60 micrograms of lead per deciliter of whole blood for an adult.
    2. The clinical laboratory director shall report the blood lead test result within one working day from the date of completing the test if the blood lead level is equal to or greater than 45 micrograms of lead per deciliter of whole blood for a child or equal to or greater than 60 micrograms of lead per deciliter of whole blood for an adult.
    3. The clinical laboratory director shall report blood test results that are less than 10 micrograms of lead per deciliter of whole blood for a child or less than 25 micrograms of lead per deciliter of whole blood for an adult at least once each month.
    4. A clinical laboratory director may designate a representative to make the report to the Department on behalf of the clinical laboratory director.
  - C. A physician or clinical laboratory director shall submit each report to the Department by telephone; in a writing sent by fax, delivery service, or mail; or by an electronic reporting system authorized by the Department.
  - D. A report shall include the following information:
    1. The patient's name, address, and telephone number;
    2. The patient's date of birth;
    3. The patient's gender;
    4. If the patient is an adult, the patient's occupation and the name, address, and telephone number of the patient's employer;
    5. An indication of the patient's funding source and the specific health plan name, if applicable:
      - a. Public insurance,
      - b. Private insurance,
      - c. Self-pay,
      - d. Workplace monitoring program,
      - e. Other, or
      - f. Unknown;
    6. The type of blood draw used (venous or capillary);
    7. The date the blood was drawn;
    8. The blood lead level;
    9. The date the blood lead level was received by the physician or determined by the laboratory;
    10. The name, address, and telephone number of the laboratory that tested the blood; and
    11. The name, practice name, address, and telephone number of the physician who ordered the test.

**Historical Note**

New Section renumbered from R9-4-301 and amended by final rulemaking at 7 A.A.R. 55, effective December 12, 2000 (Supp. 00-4).

## Department of Health Services - Noncommunicable Diseases

**ARTICLE 4. CANCER REGISTRY****R9-4-401. Definitions**

In this Article, unless otherwise specified:

1. "Accession number" means a unique number, separate from a medical record number, assigned by a hospital's cancer registry to a patient for identification purposes.
2. "Admitted" means the same as in A.A.C. R9-10-201.
3. "Analytic patient" means a patient, who is:
  - a. Diagnosed at a facility, or
  - b. Administered any part of a first course of treatment at the facility.
4. "Basal cell" means a cell of the inner-most layer of the skin.
5. "Behavioral health service agency" means the same as "agency" in A.A.C. R9-20-101.
6. "Business day" means any day of the week other than a Saturday, a Sunday, a legal holiday, or a day on which the Department is authorized or obligated by law or executive order to close.
7. "Calendar day" means any day of the week, including a Saturday or a Sunday.
8. "Calendar year" means January 1 through December 31.
9. "Cancer" means a group of diseases characterized by uncontrolled cell growth and the spread of abnormal cells.
10. "Cancer registry" means a unit within a hospital or clinic that collects, stores, summarizes, distributes, and maintains information specified in R9-4-403 about patients who:
  - a. Are admitted to the hospital;
  - b. Receive diagnostic evaluation at, or cancer-directed treatment from, the hospital or clinic; or
  - c. Show evidence of cancer, carcinoma in situ, or a benign tumor of the central nervous system while receiving treatment from the hospital or clinic.
11. "Carcinoma" means a type of cancer that is characterized as a malignant tumor derived from epithelial tissue.
12. "Carcinoma in situ" means a cancer that is confined to epithelial tissue within the site of origin.
13. "Case report" means an electronic or paper document that includes the information in R9-4-403 for a patient.
14. "Chemotherapy" means the treatment of cancer using specific chemical agents or drugs that are selectively destructive to malignant cells and tissues.
15. "Clinic" means a facility that is not physically connected to or affiliated with a hospital, where a physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner provides cancer diagnosis, cancer treatment, or both, and that is:
  - a. An outpatient treatment center, as defined in A.A.C. R9-10-101,
  - b. An outpatient surgical center, as defined in A.A.C. R9-10-101, or
  - c. An outpatient radiation treatment center.
16. "Clinical evaluation" means an examination of the body of an individual for the presence of disease or injury to the body, and review of any laboratory test results for the individual by a physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner.
17. "Clinical or pathological" means an analysis of evidence either acquired solely before a first course of treatment was initiated, or acquired both before a first course of treatment, and supplemented or modified by evidence acquired during and subsequent to surgery.
18. "Code" means a single number or letter, a set of numbers or letters, or a set of both numbers and letters, that represents specific information.
19. "Cytology" means the microscopic examination of cells.
20. "Date of first contact" means the day, month, and year a reporting facility first began to provide cancer-related medical services, nursing services, or health-related services, as defined in A.R.S. § 36-401, to a patient.
21. "Date of last contact" means the day, month, and year that a reporting facility last knew a patient to be alive.
22. "Designee" means a person assigned by the governing authority of a hospital or clinic or by an individual acting on behalf of the governing authority to gather information for or report to the Department, as specified in R9-4-403 or R9-4-404.
23. "Discharge" means the same as in A.A.C. R9-10-201.
24. "Discharge date" means the month, day, and year when a patient is discharged from a hospital.
25. "Disease progression" means the process of a disease becoming more severe or spreading from one area of a human body to another area of the human body.
26. "Distant lymph node" means a lymph node that is not in the same general area of a human body as the primary site of a tumor.
27. "Distant site" means an area of a human body that is not adjacent to or in the same general area of the human body as the primary site of a tumor.
28. "Doctor of naturopathic medicine" means an individual licensed under A.R.S. Title 32, Chapter 14.
29. "Electronic" means the same as in A.R.S. § 44-7002.
30. "First course of treatment" means the initial set of cancer- or non-cancer-directed treatment that is planned when a cancer is diagnosed and administered to the patient before disease progression or recurrence.
31. "Follow-up report" means an electronic document that includes the information stated in R9-4-404(A)(2) for a patient.
32. "Governing authority" means the same as in A.R.S. § 36-401.
33. "Grade" means the degree of resemblance of a tumor to normal tissue, and gives an indication of the severity of the cancer.
34. "Health care institution" means the same as in A.A.C. R9-10-101.
35. "Histology" means the microscopic structure of cells, tissues, and organs in relation to their function.
36. "Inpatient beds" means the same as in A.R.S. § 36-401.
37. "Laterality" means the side of a paired organ or the side of the body in which the primary site of a tumor is located.
38. "Licensed capacity" means the same as in A.R.S. § 36-401.
39. "Lymph" means the clear, watery, sometimes faintly yellowish fluid that circulates throughout the lymphatic system.
40. "Lymph node" means any of the small bodies located along lymphatic vessels, particularly at the neck, armpit, and groin, that filter bacteria and foreign particles from lymph.
41. "Lymphatic system" means the organ system that consists of lymph, lymph nodes, and vessels or channels that contain and convey lymph throughout a human body.
42. "Malignant" means an inherent tendency of a tumor to sequentially spread to areas of a human body beyond the site of origin.

## Department of Health Services - Noncommunicable Diseases

43. "Medical record number" means a unique number assigned by a hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner to an individual for identification purposes.
44. "Melanocyte" means a skin cell that makes melanin, which is a dark pigment.
45. "Melanoma" means a dark-pigmented, malignant tumor arising from a melanocyte and occurring most commonly in the skin.
46. "Metastasis" means the spread of a cancer from a primary site into a regional site or a distant site.
47. "Narrative description" means a written text describing an act, occurrence, or course of events.
48. "Organ" means a somewhat independent part of a human body, such as a heart or a kidney, that performs a specific function.
49. "Organ system" means one or more organs and associated tissues that perform a specific function, such as the circulatory system.
50. "Outpatient radiation treatment center" means a facility in which a person, licensed as specified in 12 A.A.C. 1, Article 7, provides radiation treatment.
51. "Papillary tumor" means a benign tumor of the skin producing finger-like projections from the skin surface.
52. "Pathology laboratory" means a facility in which human cells or tissues are examined for the purpose of diagnosing cancer and that is licensed under 9 A.A.C. 10, Article 1.
53. "Patient" means an individual who has been diagnosed with a cancer, carcinoma in situ, or benign tumor of the central nervous system, including melanoma, but excluding skin cancer that is:
  - a. Confined to the primary site; or
  - b. Present at regional sites or distant sites, but was diagnosed on or after January 1, 2003.
54. "Primary site" means a specific organ or organ system within a human body where the first cancer tumor originated.
55. "Principal diagnosis" means the primary condition for which an individual is admitted to a hospital or treated by the hospital.
56. "Radiation treatment" means the exposure of a human body to a stream of particles or electromagnetic waves for the purpose of selectively destroying certain cells or tissues.
57. "Reconstructive surgery" means a medical procedure that involves cutting into a body tissue or organ with instruments to repair damage or restore function to, or improve the shape and appearance of a body structure that is missing, defective, damaged, or misshapen by cancer or cancer-directed therapies.
58. "Recurrence" means the reappearance of a tumor after previous removal or treatment of the tumor, after a period in which the patient was believed to be free of cancer.
59. "Reference date" means the date on which the hospital's cancer registry began reporting patient information to the Department.
60. "Regional lymph node" means a lymph node that is in the same general area of a human body as the primary site of a tumor.
61. "Regional site" means an area of a human body that is adjacent to or in the same general area of the human body as the primary site of a tumor.
62. "Registered nurse practitioner" means an individual who meets the definition of registered nurse practitioner in A.R.S. § 32-1601, and is licensed under A.R.S. Title 32, Chapter 15.
63. "Rehabilitation services" means the same as in A.A.C. R9-10-201.
64. "Release" means to transfer care of a patient from a hospital to a physician, a doctor of naturopathic medicine, a registered nurse practitioner, an outpatient treatment center, another hospital, the patient, the patient's parent if the patient is under 18 years of age and unmarried, or the patient's legal guardian.
65. "Reporting facility" means a hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner that submits a case report to the Department.
66. "Secondary diagnosis" means all other diagnoses of an individual made after the principal diagnosis.
67. "Sequence number" means a unique number assigned by a cancer registry to a specific cancer within the body of a patient.
68. "Skin cancer" means cancer of any of the following types:
  - a. Papillary tumor;
  - b. Squamous cell;
  - c. Basal cell; or
  - d. Other carcinoma of the skin, where a specific diagnosis has not been determined.
69. "Special hospital" means the same as in A.A.C. R9-10-201.
70. "Squamous cell" means a flat, scale-like skin cell.
71. "Stage group" means a scheme for categorizing a patient, based on the staging classification of the patient's cancer, to enable a physician, doctor of naturopathic medicine, or registered nurse practitioner to provide better treatment and outcome information to the patient.
72. "Staging classification" means the categorizing of a cancer according to the size and spread of a tumor from its primary site, based on an analysis of three basic components:
  - a. The tumor at the primary site,
  - b. Regional lymph nodes, and
  - c. Metastasis.
73. "Subsite" means a specific area within a primary site where a cancer tumor originated.
74. "Substantiate stage" means a narrative describing the stage group of a cancer at the time of diagnosis.
75. "Treatment" means the administration to a patient of medical services, nursing services, or health-related services, as defined in A.R.S. § 36-401, that are intended to relieve illness or injury.
76. "Tumor" means an abnormal growth of tissue resulting from uncontrolled multiplication of cells and serving no physiological function.
77. "Usual industry" means the primary type of activity carried out by the business where a patient was employed for the most number of years of the patient's working life before the diagnosis of cancer.
78. "Usual occupation" means the kind of work performed during the most number of years of a patient's working life before the diagnosis of cancer.
79. "Working life" means that portion of a patient's life during which the patient was employed for a salary or wages.

**Historical Note**

Adopted effective January 1, 1992, filed September 25, 1991 (Supp. 91-3). Section repealed; new Section made by final rulemaking at 12 A.A.R. 179, effective March

## Department of Health Services - Noncommunicable Diseases

11, 2006 (Supp. 06-1). Amended by final rulemaking at 3708, effective November 11, 2006 (Supp. 06-3).

**R9-4-401.01. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1859, effective June 3, 2003 (Supp. 03-2). Section repealed by final rulemaking at 12 A.A.R. 179, effective March 11, 2006 (Supp. 06-1).

**R9-4-402. Exceptions**

This Article does not apply to a hospital that is:

1. Licensed as a special hospital and a behavioral health service agency, or
2. A special hospital that limits admission to individuals requiring rehabilitation services.

**Historical Note**

Adopted effective January 1, 1992, filed September 25, 1991 (Supp. 91-3). Section repealed; new Section made by final rulemaking at 12 A.A.R. 179, effective March 11, 2006 (Supp. 06-1).

**R9-4-403. Case Reports**

A. A physician, doctor of naturopathic medicine, dentist, registered nurse practitioner, or the designee of a clinic shall:

1. Prepare a case report in a format provided by the Department;
2. Include the following information in the case report:
  - a. The name, address, and telephone number, or the identification number assigned by the Department to the reporting facility;
  - b. The patient's name, and if applicable, the patient's maiden name and any other name by which the patient is known;
  - c. The patient's address at the date of last contact, and address at diagnosis of cancer;
  - d. The patient's date of birth, Social Security number, sex, race, and ethnicity;
  - e. The date of first contact with the patient for the cancer being reported;
  - f. The patient's usual industry and usual occupation, if the patient is an adult;
  - g. The patient's medical record number, if assigned;
  - h. The date of diagnosis of the cancer being reported;
  - i. If the diagnosis was not made at the reporting facility, the name and address of the facility at which the diagnosis was made;
  - j. The primary site and subsite of the cancer being reported;
  - k. The tumor size, histology, grade, and laterality at diagnosis;
  - l. A code that describes the presence or absence of malignancy in a tumor;
  - m. Whether the cancer had spread from the primary site at the time of diagnosis and if so, to where;
  - n. The extent to which the cancer has spread from the primary site;
  - o. A narrative description of the extent to which the cancer had spread at diagnosis;
  - p. Whether the diagnosis was made by histology, cytology, clinical evaluation, diagnostic x-ray, or any other method, or whether the method by which the diagnosis was made is unknown;
  - q. For each treatment the patient received, the type of treatment, date of treatment, and the name of the facility where the treatment was performed;

- r. Whether any residual tumor cells were left at the edges of a surgical site, after surgery to remove a tumor at the primary site;
  - s. Whether the patient is alive or dead, including the date of last contact if the patient is alive, and the date, place, and cause of death if the patient is dead;
  - t. Whether or not the patient has evidence of a current cancer, carcinoma in situ, or benign tumor of the central nervous system as of the date of last contact or death, or whether this information is unknown;
  - u. The name of the physician, nurse practitioner, or doctor of naturopathic medicine providing medical services, as defined in A.R.S. § 36-401, to the patient;
  - v. The name of the individual or the code that identifies the individual completing the case report;
  - w. The date the case report was completed; and
  - x. Whether the patient has a history of other cancers, and if so, identification of the primary site and the date the other cancer was diagnosed; and
3. Use codes and a coding format supplied by the Department for data items specified in subsection (A)(2) that require codes on the case report.

B. The cancer registry of a hospital with a licensed capacity of fewer than 50 inpatient beds that reports as specified in R9-4-404(A) and the cancer registry of a hospital with a licensed capacity of 50 or more inpatient beds shall:

1. Prepare a case report in a format provided by the Department;
2. Include the information specified in subsection (A) and the following information on the case report:
  - a. The patient's accession number;
  - b. The sequence number of the cancer being reported;
  - c. The date the patient was admitted to the hospital for diagnostic evaluation, cancer-directed treatment, or evidence of cancer, carcinoma in situ, or a benign tumor of the central nervous system, if applicable;
  - d. The date the patient was discharged from the hospital after the patient received diagnostic evaluation or treatment at the hospital, if applicable;
  - e. The source of payment for diagnosis or treatment of cancer, or both;
  - f. The level of the facility's involvement in the diagnosis or treatment, or both, of the patient for cancer;
  - g. The year in which the hospital first provided diagnosis or treatment to the patient for the cancer being reported;
  - h. The patient's county of residence at diagnosis of cancer;
  - i. The patient's marital status and age at diagnosis of cancer, place of birth, and, if applicable, name of the patient's spouse;
  - j. If the patient is under 18 years of age and unmarried, the name of the patient's parent or legal guardian;
  - k. The patient's religious preference, if applicable;
  - l. Whether the patient's laboratory results show the presence of specific substances known as Tumor Marker 1 and Tumor Marker 2, which are derived from tumor tissue and whose detection in the blood of a human body indicates the presence of a specific type of tumor;
  - m. A narrative description of how the cancer was diagnosed;
  - n. The number of regional lymph nodes examined and the number in which evidence of cancer was detected;



## Department of Health Services - Noncommunicable Diseases

- o. The clinical or pathological staging classification, based on the analysis of tumor, lymph node, and metastasis;
  - p. The patient's clinical or pathological stage group;
  - q. The occupation of the individual who determined the clinical or pathological stage group of the patient;
  - r. A narrative description of the clinical evaluation of x-ray diagnostic films and scans of the patient, and the dates of the films or scans;
  - s. A narrative description of laboratory tests performed for the patient, including the date, type, and results of any of the patient's laboratory tests;
  - t. A narrative description of the results of the patient's clinical evaluation;
  - u. The procedures used by the reporting facility to obtain a diagnosis and staging classification, including the dates on which the procedures were performed, and the name of the facilities where the procedures were performed, if different from the reporting facility;
  - v. A narrative description of any cancer-related surgery on the patient, including the date of surgery, name of the facility where the surgery was performed, if different from the reporting facility, and type of surgery;
  - w. The code associated with the type of surgery performed on the patient and the date of surgery;
  - x. The codes associated with the:
    - i. Surgical approach;
    - ii. Extent of lymph node surgery;
    - iii. Number of lymph nodes removed;
    - iv. Surgery of regional sites, distant sites, or distant lymph nodes; and
    - v. Reason for no surgery or that surgery was performed;
  - y. Whether reconstructive surgery on the patient was performed as a first course of treatment, delayed, or not performed;
  - z. A narrative description of cancer-related radiation treatment administered to the patient, including the date of radiation treatment, name of the facility where the radiation treatment was performed, if different from the reporting facility, and type of radiation;
  - aa. The code associated with the type of radiation treatment administered to the patient and the date of radiation treatment;
  - bb. A narrative description of cancer-related chemotherapy administered to the patient, including the date of cancer-related chemotherapy, name of the facility that administered the chemotherapy, if different from the reporting facility, and type of chemotherapy;
  - cc. The code associated with the type of chemotherapy administered to the patient and the date of chemotherapy;
  - dd. If the patient's treatment included both surgery and radiation treatment, the sequence of the two treatments;
  - ee. If applicable, a narrative description of any other types of cancer or non-cancer-directed first course of treatment, not otherwise coded on the case report for the patient, including:
    - i. Additional surgery, chemotherapy, radiation, or other treatment, administered to the patient;
    - ii. The dates of the treatment;
    - iii. The names of the facilities where the treatment was performed, if different from the reporting facility; and
    - iv. The type of treatment;
  - ff. If additional cancer of the type diagnosed at the primary site is found after cancer-directed treatment, the date and location of the additional cancer, and whether the additional cancer was found at the primary site, a regional site, or a distant site;
  - gg. If the patient has died, whether an autopsy was performed; and
  - hh. The type of records used by the reporting facility to complete the case report; and
3. Use codes and coding format supplied by the Department for data items specified in subsection (B)(2) that require codes in the case report.

**Historical Note**

Adopted effective January 1, 1992, filed September 25, 1991 (Supp. 91-3). Section repealed; new Section made by final rulemaking at 12 A.A.R. 179, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 12 A.A.R. 3708, effective November 11, 2006 (Supp. 06-3).

**R9-4-404. Requirements for Submitting Case Reports and Allowing Review of Hospital Records**

- A.** The cancer registry of a hospital with a licensed capacity of 50 or more inpatient beds shall ensure that:
1. An electronic case report is submitted to the Department within 180 calendar days from the date a patient is first released from the hospital; and
  2. An electronic follow-up report, including a change of patient address, if applicable, a summary of additional first course of treatment, if applicable, and the information in R9-4-403(A)(2)(q), (s), (t), and (u) and R9-4-403(B)(2)(gg), is submitted to the Department at least annually for:
    - a. All living analytic patients in the hospital's cancer registry database, and
    - b. All analytic patients in the hospital's cancer registry database who have died since the last follow-up report.
- B.** The cancer registry or other designee of a hospital with a licensed capacity of fewer than 50 inpatient beds shall either report as specified in subsection (A), or shall at least once every six months:
1. Prepare and submit a written report to the Department:
    - a. For all individuals:
      - i. Released by the hospital since the last report was prepared, and
      - ii. Whose medical records include ICD-9-CM diagnosis codes specified in a list provided to the hospital by the Department,
    - b. Containing ICD-9-CM diagnosis codes that are arranged in numeric order, and
    - c. Including the following information associated with each ICD-9-CM diagnosis code:
      - i. The individual's medical record number assigned by the hospital,
      - ii. The individual's age,
      - iii. The individual's admission and discharge dates, and
      - iv. Whether the diagnosis code reflects the individual's principal or secondary diagnosis, and

## Department of Health Services - Noncommunicable Diseases

2. Allow the Department to review the records listed in R9-4-405(A) to obtain the information specified in R9-4-403 about a patient.
  - C. If the designee of a clinic submitted 100 or more case reports to the Department in the previous calendar year or expects to submit 100 or more case reports in the current calendar year, the designee of the clinic shall:
    1. Submit a case report to the Department for each patient who is not referred by the clinic to a hospital for the first course of treatment; and
    2. Ensure that the case report in subsection (C)(1) is submitted in electronic format within 90 calendar days of:
      - a. Initiation of treatment of the patient at the clinic; or
      - b. Diagnosis of cancer in the patient, if the clinic did not provide treatment.
  - D. If the designee of a clinic submitted fewer than 100 case reports to the Department in the previous calendar year and expects to submit fewer than 100 case reports in the current calendar year, the designee of the clinic shall submit an electronic or paper case report to the Department for each patient, within 30 calendar days from the date of diagnosis of cancer in the patient, if the clinic:
    1. Diagnoses cancer in the patient without a pathology report from a pathology laboratory, and
    2. Does not refer the patient to a hospital for the first course of treatment.
  - E. A physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner shall submit an electronic or paper case report to the Department for each patient, within 30 calendar days from the date of diagnosis of cancer in the patient, if the physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner:
    1. Diagnoses cancer in the patient without a pathology report from a pathology laboratory, and
    2. Does not refer the patient to a hospital or clinic for the first course of treatment.
  - F. A clinic, physician, dentist, registered nurse practitioner, or doctor of naturopathic medicine that receives a letter from the Department, requesting any of the information specified in R9-4-403 about a patient, shall provide to the Department the requested information on the patient within 15 business days from the date of the request.
  - G. A clinic, physician, dentist, registered nurse practitioner, or doctor of naturopathic medicine that receives a letter from a hospital, requesting any of the information specified in R9-4-403 about a patient, shall provide to the hospital the requested information on the patient within 15 business days from the date of the request.
  - H. A pathology laboratory shall:
    1. Allow the Department to review pathology reports at least once every 90 calendar days to obtain the information specified in R9-4-403; and
    2. Provide to the Department copies, in electronic or written format, of pathology reports of patients.
- a hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner required to report under R9-4-404 shall allow the Department to review any of the following records, as are applicable to the facility:
    1. A report meeting the requirements of R9-4-404(B)(1);
    2. Patient medical records;
    3. Medical records of individuals not diagnosed with cancer;
    4. Pathology reports;
    5. Cytology reports;
    6. Logs containing information about surgical procedures, as specified in A.A.C. R9-10-214(A)(6) or A.A.C. R9-10-1709(A); and
    7. Records other than those specified in subsections (A)(1) through (A)(6) that contain information about diagnostic evaluation, cancer-directed treatment, or other treatment provided to an individual by the hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner.
  - B. The Department shall consider a hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner required to report under R9-4-404 as meeting the criteria in R9-4-404 if the hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner submits a case report to the Department for at least 97% of the patients for whom a case report is required under R9-4-404 during a calendar year.
  - C. The Department shall consider a hospital required to report under R9-4-404(A)(2) as meeting the criteria in R9-4-404(A)(2) if the hospital submits a follow-up report specified in R9-4-404(A)(2) to the Department once each calendar year for at least:
    1. Eighty percent of all analytic patients from the hospital's reference date; and
    2. Ninety percent of all analytic patients diagnosed within the last five years or from the hospital's reference date, whichever is shorter.
  - D. The Department shall return a case report not prepared according to R9-4-403 to the hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner that submitted the case report, identifying the revisions that are needed in the case report. The hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner shall submit the revised case report to the Department within 15 business days from the date the Department requests the revision.
  - E. Upon written request by the Department, a hospital shall prepare a case report based on a simulated medical record provided by the Department for the purpose of demonstrating the variability with which data is reported. The hospital shall return the case report to the Department within 15 business days from the date of the request.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 179, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 12 A.A.R. 3708, effective November 11, 2006 (Supp. 06-3).

**ARTICLE 5. BIRTH DEFECTS MONITORING PROGRAM****R9-4-501. Definitions**

In this Article, unless otherwise specified:

1. "Admitted" means the same as in A.A.C. R9-10-201.
2. "Birth defect" means an abnormality:
  - a. Of body structure, function, or chemistry, or of chromosomal structure or composition;
  - b. That is present at or before birth; and

**Historical Note**

Adopted effective January 1, 1992, filed September 25, 1991 (Supp. 91-3). Section repealed by final rulemaking at 9 A.A.R. 1859, effective June 3, 2003 (Supp. 03-2). New Section made by final rulemaking at 12 A.A.R. 179, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 12 A.A.R. 3708, effective November 11, 2006 (Supp. 06-3).

**R9-4-405. Data Quality Assurance**

- A. To ensure completeness and accuracy of cancer reporting, upon notice from the Department of at least five business days,

## Department of Health Services - Noncommunicable Diseases

- c. That may be diagnosed before or at birth, or later in life.
3. "Business day" means any day of the week other than a Saturday, a Sunday, a legal holiday, or a day on which the Department is authorized or obligated by law or executive order to close.
4. "Calendar day" means any day of the week, including a Saturday or a Sunday.
5. "Clinic" means:
  - a. A person under contract or subcontract with CRS to provide the medical services specified in 9 A.A.C. 7, Article 4;
  - b. An outpatient treatment center, as defined in A.A.C. R9-10-101, or
  - c. An outpatient surgical center, as defined in A.A.C. R9-10-101.
6. "Clinical evaluation" means an examination of the body of an individual and review of the individual's laboratory test results to determine the presence or absence of a medical condition.
7. "Clinical laboratory" means a facility that:
  - a. Meets the definition in A.R.S. § 36-451;
  - b. Is operated, licensed, or certified by the U.S. government; and
  - c. Is located within Arizona.
8. "Code" means a single number or letter, a set of numbers or letters, or a set of both numbers and letters, that represents specific information.
9. "Conception" means the formation of an entity by the union of a human sperm and ovum, resulting in a pregnancy.
10. "Co-twin" means a sibling of a patient, who was born to the same mother as the patient and as a result of the same pregnancy as the patient.
11. "CRS" means the Children's Rehabilitative Services program, established within the Department as specified in A.R.S. Title 36, Chapter 2, Article 3.
12. "Date of first contact" means the day, month, and year a physician, clinic, or other person specified in R9-4-503(A) first began to provide medical services, nursing services, or health-related services to a patient or the patient's mother.
13. "Date of last contact" means the day, month, and year:
  - a. Of a patient's death; or
  - b. That a physician, clinic, or other person specified in R9-4-503(A) last clinically evaluated, diagnosed, or provided treatment to a patient or the patient's mother.
14. "Designee" means an individual assigned by the governing power of a hospital, high-risk perinatal practice, genetic testing facility, or prenatal diagnostic facility or by another individual acting on behalf of the governing power to gather information for or report to the Department, as specified in R9-4-502, R9-4-503, or R9-4-504.
15. "Discharge" means the same as in A.A.C. R9-10-201.
16. "Discharge date" means the month, day, and year of an individual's discharge from a hospital.
17. "Electronic" means the same as in A.R.S. § 44-7002.
18. "Enrolled" means approved to receive services specified in 9 A.A.C. Chapter 7 from CRS.
19. "Estimated date of confinement" means an approximation of the date on which a woman will give birth, based on the clinical evaluation of the woman.
20. "Estimated gestational age" means an approximation of the duration of a pregnancy, based on the date of the last menstrual period of the pregnant woman.
21. "Facility" means a building and associated personnel and equipment that perform or are used in connection with performing a particular service or activity.
22. "Family medical history" means an account of past and present illnesses or diseases experienced by individuals who are biologically related to a patient.
23. "Follow-up services" means activities intended to assist the parent or guardian of a patient who has a birth defect to:
  - a. Learn about the birth defect and, if applicable, how the birth defect may be prevented; or
  - b. Obtain applicable medical services, nursing services, health-related services, or support services.
24. "Genetic condition" means a disease or other abnormal state present at birth or before birth, as a result of an alteration of DNA, that impairs normal physiological functioning of a human body.
25. "Genetic testing facility" means an organization, institution, corporation, partnership, business, or entity that conducts tests to detect, analyze, or diagnose a genetic condition in an individual, including an evaluation to determine the structure of an individual's chromosomes.
26. "Governing power" means the individual, agency, group, or corporation appointed, elected, or otherwise designated, in which the ultimate responsibility and authority for the conduct of a hospital, high-risk perinatal practice, genetic testing facility, or prenatal diagnostic facility are vested.
27. "Guardian" means an individual appointed as a legal guardian by a court of competent jurisdiction.
28. "Health-related services" means the same as in A.R.S. § 36-401.
29. "High-risk perinatal practice" means a clinic or physician that routinely provides medical services prenatally to a patient or a patient's mother with perinatal risk factors to prevent, clinically evaluate, diagnose, or treat the patient for a possible birth defect.
30. "Log" means a chronological list of individuals for or on whom medical services, nursing services, or health-related services were provided by a designated unit of a hospital or by another person specified in R9-4-503(A).
31. "Medical condition" means a disease, injury, other abnormal physiological state, or pregnancy.
32. "Medical records" means the same as in A.R.S. § 12-2291.
33. "Medical record number" means a unique number assigned by a hospital, clinic, physician, or registered nurse practitioner to an individual for identification purposes.
34. "Medical services" means the same as in A.R.S. § 36-401.
35. "Midwife" means an individual licensed under A.R.S. Title 36, Chapter 6, Article 7, or certified under A.R.S. Title 32, Chapter 15.
36. "Mother" means the woman:
  - a. Who is pregnant with or gives birth to a patient, or
  - b. From whose fertilized egg a patient develops.
37. "Multiple gestation" means a pregnancy in which a patient is not the only fetus carried in a mother's womb.
38. "Nursing services" means the same as in A.R.S. § 36-401.
39. "Ordered" means instructed by a physician, registered nurse practitioner, or physician assistant to perform a test on an individual.
40. "Parent" means the:
  - a. Biological or adoptive father of an individual; or

## Department of Health Services - Noncommunicable Diseases

- b. Woman who:
  - i. Is the mother of an individual; or
  - ii. Adopts an individual.
- 41. "Pathology laboratory" means a facility in which human cells, body fluids, or tissues are examined for the purpose of diagnosing diseases and that is licensed under 9 A.A.C. 10, Article 1.
- 42. "Patient" means an individual, regardless of current age:
  - a. Who, from conception to one year of age, was clinically evaluated for a possible birth defect or a medical condition that may be related to a birth defect:
    - i. By:
      - (1) A physician,
      - (2) A midwife,
      - (3) A registered nurse practitioner, or
      - (4) A physician assistant; or
    - ii. At a hospital or clinic;
  - b. Whose mother was clinically evaluated during her pregnancy with the individual:
    - i. For a medical condition that may be related to a possible birth defect, and
    - ii. By an individual or facility specified in subsection (42)(a);
  - c. Who, from conception to one year of age, was tested by a genetic testing facility or other clinical laboratory;
  - d. Whose mother was tested during her pregnancy with the individual by a:
    - i. Genetic testing facility or other clinical laboratory, or
    - ii. Prenatal diagnostic facility; or
  - e. Who, from conception to one year of age, was provided treatment or whose mother during her pregnancy with the individual was provided treatment by a hospital, clinic, physician, registered nurse practitioner, or other person specified in R9-4-503(A) for a medical condition that may be related to a possible birth defect.
- 43. "Perinatal risk factor" means a situation or circumstance that may increase the chance of an individual being born with a birth defect, such as:
  - a. A family medical history of birth defects or other medical conditions;
  - b. The exposure of the individual or the individual's mother or biological father to radiation, medicines, chemicals, or diseases before the individual's birth; or
  - c. An abnormal result of a test performed for the individual or the individual's mother by a prenatal diagnostic facility or clinical laboratory, including a genetic testing facility.
- 44. "Physician assistant" means an individual licensed under A.R.S. Title 32, Chapter 25.
- 45. "Prenatal diagnostic facility" means an organization, institution, corporation, partnership, business, or entity that conducts diagnostic ultrasound or other medical procedures that may diagnose a birth defect in a human being.
- 46. "Principal diagnosis" means the primary reason for which an individual is:
  - a. Admitted to a hospital;
  - b. Treated by a hospital, clinic, physician, registered nurse practitioner, or physician assistant; or
  - c. Tested by a genetic testing facility or prenatal diagnostic facility.
- 47. "Procedure" means a set of activities performed on a patient or the mother of a patient that:
  - a. Are invasive;
  - b. Are intended to diagnose or treat a disease, illness, or injury;
  - c. Involve a risk to the patient or patient's mother from the activities themselves or from anesthesia; and
  - d. Require the individual performing the set of activities to be trained in the set of activities.
- 48. "Refer" means to provide direction to an individual or the individual's parent or guardian to obtain medical services or a test for assessment, diagnosis, or treatment of a birth defect or other medical condition.
- 49. "Registered nurse practitioner" means an individual who meets the definition of registered nurse practitioner in A.R.S. § 32-1601, and is licensed under A.R.S. Title 32, Chapter 15.
- 50. "Routinely" means occurring in the regular or customary course of business.
- 51. "Secondary diagnosis" means all other diagnoses for an individual besides the principal diagnosis.
- 52. "Singleton gestation" means a pregnancy in which a patient is the only fetus carried in a mother's womb.
- 53. "Support services" means activities, not related to the diagnosis or treatment of a birth defect, intended to maintain or improve the physical, mental, or psychosocial capabilities of a patient or those individuals biologically or legally related to the patient.
- 54. "Surgical procedure" means making an incision into an individual's body for the:
  - a. Correction of a deformity or defect,
  - b. Repair of an injury,
  - c. Excision of a part of the individual's body, or
  - d. Diagnosis, amelioration, or cure of a disease.
- 55. "Test" means:
  - a. An analysis performed on body fluid, tissue, or excretion by a genetic testing facility or other clinical laboratory to evaluate for the presence or absence of a disease; or
  - b. A procedure performed on the body of a patient or the patient's mother that may be used to evaluate for the presence or absence of a birth defect.
- 56. "Transfer" means for a hospital to discharge a patient or the patient's mother and send the patient or the patient's mother to another hospital for inpatient medical services without the intent that the patient or the patient's mother will return to the sending hospital.
- 57. "Treatment" means the same as in A.A.C. R9-10-101.
- 58. "Unit" means an area of a hospital designated to provide an organized service, as defined in A.A.C. R9-10-201.

**Historical Note**

Adopted effective September 25, 1991 (Supp. 91-3).  
 Former Section R9-4-501 renumbered to R9-4-502; new  
 Section R9-4-501 adopted by final rulemaking at 7  
 A.A.R. 712, effective January 17, 2001 (Supp. 01-1).  
 Amended by final rulemaking at 13 A.A.R. 1702,  
 effective June 30, 2007 (Supp. 07-2).

**R9-4-502. Reporting Sources; Information Submitted to the Department**

- A. The designee of a hospital shall:
  - 1. Prepare a written report each month in a format specified by the Department identifying all individuals:
    - a. Who are patients or the mothers of patients; and
    - b. Whose:

## Department of Health Services - Noncommunicable Diseases

- i. Discharge date is within the month for which the report is being prepared, as specified in subsection (A)(2)(d); and
    - ii. Medical record includes for the principal diagnosis, a secondary diagnosis, or a procedure performed on the individual, an ICD-9-CM diagnosis or procedure code specified in a list provided to the hospital by the Department;
  2. Include the following information in the report specified in subsection (A)(1):
    - a. The name, address, and telephone number of the hospital, or the identification number assigned by the Department to the hospital;
    - b. The name and telephone number of the designee of the hospital;
    - c. The date the report was completed;
    - d. The month for which the report is being prepared; and
    - e. For each patient or the mother of the patient:
      - i. The patient's or mother's medical record number;
      - ii. The name of the patient or patient's mother, if available, and, if applicable, any other name by which the patient or patient's mother is known;
      - iii. The race and ethnicity of the patient or patient's mother;
      - iv. The patient's gender and date of birth, if applicable;
      - v. The admission and discharge dates;
      - vi. The principal and secondary diagnoses or the ICD-9-CM diagnosis codes for the principal and secondary diagnoses for the patient or patient's mother; and
      - vii. The procedure codes for the patient or patient's mother; and
  3. Submit the report specified in subsection (A)(1) to the Department, in a format specified by the Department, within 30 calendar days after the end of the month for which the report is being prepared.
- B. The designee of a high-risk perinatal practice shall:
  1. Prepare a written report each month in a format specified by the Department for all individuals:
    - a. Who are patients or the mothers of patients; and
    - b. Whose:
      - i. Date of last contact is within the month for which the report is being prepared, as specified in subsection (B)(2)(d); and
      - ii. Medical record includes a principal or secondary diagnosis specified in a list provided to the high-risk perinatal practice by the Department;
  2. Include the following information in the report specified in subsection (B)(1):
    - a. The name, address, and telephone number of the high-risk perinatal practice, or the identification number assigned by the Department to the high-risk perinatal practice;
    - b. The name and telephone number of the designee of the high-risk perinatal practice;
    - c. The date the report was completed;
    - d. The month for which the report is being prepared; and
    - e. For each patient or the mother of the patient:
      - i. The patient's or mother's medical record number, if assigned;
      - ii. The mother's name;
      - iii. The mother's date of birth;
      - iv. The mother's estimated date of confinement;
      - v. The patient's gender, if known;
      - vi. Whether the patient is from a singleton or multiple gestation;
      - vii. The location and date of the patient's birth, if known;
      - viii. Whether the patient was born alive or dead, if known;
      - ix. The date of last contact with the mother;
      - x. The principal and secondary diagnoses for the patient or the patient's mother; and
      - xi. If the principal and secondary diagnoses for the patient were made before the patient's birth, whether the principal and secondary diagnoses were confirmed at birth; and
  3. Submit the report specified in subsection (B)(1) to the Department, in a format specified by the Department, within 30 calendar days after the end of the month for which the report is being prepared.
- C. The designee of a genetic testing facility shall:
  1. Prepare a written report each month, in a format specified by the Department, for all individuals:
    - a. Who are patients or the mothers of patients, and
    - b. For whom the genetic testing facility performed a test:
      - i. Completed within the month for which the report is being prepared, as specified in subsection (C)(2)(d); and
      - ii. Specified in a list provided by the Department to the genetic testing facility;
  2. Include the following information in the report specified in subsection (C)(1):
    - a. The name, address, and telephone number of the genetic testing facility, or the identification number assigned by the Department to the genetic testing facility;
    - b. The name and telephone number of the designee of the genetic testing facility;
    - c. The date the report was completed;
    - d. The month for which the report is being prepared; and
    - e. For each patient or mother of a patient:
      - i. If the test was performed on the patient:
        - (1) The patient's name, date of birth, and gender; and
        - (2) The name of the patient's parent or guardian;
      - ii. If the test was performed on the mother of the patient:
        - (1) The mother's name and date of birth;
        - (2) The estimated gestational age of the patient when the test was performed, if available; and
        - (3) The mother's estimated date of confinement when the test was performed, if available;
      - iii. The name of the physician, registered nurse practitioner, or physician assistant who ordered the test for the patient or the patient's mother; and
      - iv. Information about the test, including:
        - (1) The type of test performed on the patient or the patient's mother,
        - (2) The date the test was completed, and
        - (3) The results of the test; and

## Department of Health Services - Noncommunicable Diseases

3. Submit the report specified in subsection (C)(1) to the Department, in a format specified by the Department, within 30 calendar days after the end of the month for which the report is being prepared.
  - D.** The designee of a prenatal diagnostic facility shall:
    1. Submit an electronic or paper report to the Department:
      - a. For each mother:
        - i. On whom the prenatal diagnostic facility conducts a test specified in a list provided by the Department to the prenatal diagnostic facility, and
        - ii. Whose test result indicates a diagnosis specified in a list provided by the Department to the prenatal diagnostic facility; and
      - b. Within 30 calendar days from the date of the test;
    2. Include the following information in the report specified in subsection (D)(1):
      - a. The name, address, and telephone number of the prenatal diagnostic facility, or the identification number assigned by the Department to the prenatal diagnostic facility;
      - b. The name and telephone number of the designee of the prenatal diagnostic facility;
      - c. The date the report was completed;
      - d. The mother's name and date of birth;
      - e. The estimated gestational age of the patient at the time of the test;
      - f. The mother's estimated date of confinement;
      - g. The outcome of the pregnancy, if known;
      - h. The name of the physician, registered nurse practitioner, or physician assistant who ordered the test for the mother; and
      - i. Information about the test, including:
        - i. The type of test performed on the mother,
        - ii. The date the test was completed, and
        - iii. The results of the test.
- c. Reports from:
  - i. Physicians or other individuals who clinically evaluated, diagnosed, or treated a patient or the patient's mother,
  - ii. High-risk perinatal practices,
  - iii. Prenatal diagnostic facilities,
  - iv. Genetic testing facilities,
  - v. Pathology laboratories, or
  - vi. Other facilities or clinical laboratories that performed a test for a patient or the patient's mother;
- d. Logs and registers containing information about surgical procedures, as specified in A.A.C. R9-10-214(A)(6) or A.A.C. R9-10-1709(A);
- e. Other logs that may contain information about a patient or the mother of a patient with a birth defect, such as:
  - i. Labor and delivery unit logs,
  - ii. Nursery unit logs,
  - iii. Pediatric unit logs,
  - iv. Intensive care unit logs,
  - v. Autopsy logs, and
  - vi. Ultrasound logs;
- f. Autopsy reports; and
- g. Records other than those specified in subsections (B)(1)(a) through (f) that contain information about or may lead to information about:
  - i. A patient,
  - ii. The patient's mother, or
  - iii. The patient's biological sibling; and
2. Collect the following information from a person or facility specified in subsection (A), as applicable to a patient or the mother of a patient:
  - a. The name, address, and telephone number of the person or facility, or the identification number assigned by the Department to the person or facility;
  - b. The date of first contact and the date of last contact;
  - c. The date the patient was admitted to a hospital;
  - d. The date the patient was discharged from a hospital;
  - e. The dates the mother of the patient was admitted to and discharged from a hospital for:
    - i. The birth of the patient, or
    - ii. Treatment related to a possible birth defect in the patient;
  - f. The name and address of the hospital or other location in which the patient was born;
  - g. The name and address of a hospital in which the patient or the mother of the patient was admitted for treatment related to a possible birth defect in the patient;
  - h. The specific unit of a hospital that provided medical services to the patient or the patient's mother;
  - i. The medical record number of the patient or the patient's mother;
  - j. The patient's name and any other name by which the patient is known;
  - k. The names, addresses, and dates of birth of the patient's parents;
  - l. The name, address and telephone number of the patient's guardian, if a parent of the patient does not have physical custody of the patient;
  - m. The patient's date of birth and hour of birth;
  - n. The estimated date of confinement for the pregnancy resulting in the patient's birth;
  - o. The estimated gestational age, length, weight, and head circumference of the patient at birth;

**Historical Note**

Adopted effective September 25, 1991 (Supp. 91-3). New Section R9-4-502 renumbered from R9-4-501 and amended by final rulemaking at 7 A.A.R. 712, effective January 17, 2001 (Supp. 01-1). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1702, effective June 30, 2007 (Supp. 07-2).

**R9-4-503. Review of Records; Information Collected**

- A.** Upon notice from the Department of at least five business days, the following persons or facilities shall allow the Department access to the facility and the electronic or written records specified in subsection (B)(1) to collect the information specified in subsection (B)(2):
  1. A hospital,
  2. A clinic,
  3. A physician,
  4. A midwife,
  5. A registered nurse practitioner,
  6. A genetic testing facility,
  7. A prenatal diagnostic facility,
  8. A physician assistant,
  9. A clinical laboratory, or
  10. A medical examiner.
- B.** The Department may:
  1. Review any of the following records in electronic or written format, as are applicable to the person or facility specified in subsection (A):
    - a. Patient medical records;
    - b. Medical records for the mother of a patient;

## Department of Health Services - Noncommunicable Diseases

- p. The patient's gender, race, and ethnicity;
- q. The race and ethnicity of the patient's biological mother and father;
- r. The address of the patient's mother at the time of the patient's birth;
- s. The address and telephone number of the patient at the date of last contact;
- t. The county in which the patient was born;
- u. The name of each physician, registered nurse practitioner, physician assistant, or other person that clinically evaluated, diagnosed, ordered a test for, or treated the patient or the patient's mother;
- v. The names of any facility from which or to which the patient or the patient's mother was transferred or referred;
- w. Whether the patient was referred to or is enrolled in CRS and, if so, the date of referral or enrollment;
- x. Whether the patient is receiving any other follow-up services, medical services, nursing services, or health-related services related to a birth defect, and, if so, the name of the person providing the services and the date the provision of the services began;
- y. The name of the insurance company, if applicable, that:
  - i. Paid for the birth of the patient, and
  - ii. Is currently covering medical expenses for the patient or the patient's mother;
- z. Any perinatal risk factors documented in:
  - i. The patient's medical record,
  - ii. The patient's mother's medical record, or
  - iii. The patient's family medical history;
- aa. Whether any tests were performed on the patient or the patient's mother by a genetic testing facility and, if so:
  - i. The types of tests performed,
  - ii. The test dates,
  - iii. The test results,
  - iv. The age or estimated gestational age of the patient at the time of each test,
  - v. The estimated date of confinement of the patient's mother at the time of each test,
  - vi. The name of the genetic testing facility that performed each test; and
  - vii. The names of the individuals who interpreted the test results;
- bb. Whether any tests were performed on the patient or the patient's mother by a prenatal diagnostic facility and, if so:
  - i. The types of tests performed,
  - ii. The test dates,
  - iii. The test results,
  - iv. The estimated gestational age of the patient at the time of each test,
  - v. The estimated date of confinement of the patient's mother at the time of each test,
  - vi. The name of the prenatal diagnostic facility that performed each test, and
  - vii. The names of the individuals who interpreted the test results;
- cc. Whether any other types of tests were performed on the patient or the patient's mother that may enable the diagnosis of a birth defect and, if so:
  - i. The types of tests performed,
  - ii. The test dates,
  - iii. The test results,
  - iv. The age or estimated gestational age of the patient at the time of each test,
  - v. The estimated date of confinement of the patient's mother at the time of each test,
  - vi. The names of the facilities that performed the tests, and
  - vii. The names of the individuals who interpreted the test results;
- dd. Whether any surgical procedures associated with a birth defect were performed on the patient or the patient's mother and, if so:
  - i. The types of surgical procedures performed,
  - ii. The dates of the surgical procedures,
  - iii. The results of the surgical procedures,
  - iv. The ages or estimated gestational ages of the patient at the time of the surgical procedures,
  - v. The estimated date of confinement of the patient's mother at the times of the surgical procedures, and
  - vi. The names of the facilities at which the surgical procedures were performed, and
  - vii. The names of the individuals who performed the surgical procedures;
- ee. For each diagnosis made for the patient or the patient's mother:
  - i. The diagnosis,
  - ii. Whether the diagnosis is a principal or secondary diagnosis,
  - iii. The facility at which the diagnosis was made,
  - iv. The date on which the diagnosis was made, and
  - v. The name of the individual who made the diagnosis;
- ff. The number of times the patient's mother has been pregnant;
- gg. The number of times a pregnancy of the patient's mother has lasted:
  - i. More than 37 weeks,
  - ii. Between 20 and 37 weeks, and
  - iii. Less than 20 weeks;
- hh. The number of children who were born as a result of the patient's mother's pregnancies, and whether the children were born alive or dead;
- ii. Whether the patient is from a singleton or multiple gestation, and, if from a multiple gestation, whether a co-twin of the patient:
  - i. Is identical or fraternal;
  - ii. Is alive, and, if not alive, the co-twin's date of death; and
  - iii. Has:
    - (1) The same birth defect as the patient,
    - (2) A different birth defect from that of the patient, or
    - (3) No birth defect;
- jj. If the patient is being adopted or living with a guardian rather than a parent;
- kk. If the patient is being adopted, the name, address, and telephone number of the individual who will adopt the patient;
- ll. The date of last contact; and
- mm. If the patient has died:
  - i. The patient's date and county of death,
  - ii. The facility in which the patient's death occurred, and
  - iii. Whether an autopsy was performed on the patient.

## Department of Health Services - Noncommunicable Diseases

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1702, effective June 30, 2007 (Supp. 07-2).

**R9-4-504. Data Quality Assurance**

- A. The Department may request a hospital, high-risk perinatal practice, genetic testing facility, or prenatal diagnostic facility to revise a report:
1. That was submitted to the Department by the designee of the hospital, high-risk perinatal practice, genetic testing facility, or prenatal diagnostic facility under R9-4-502;
  2. That was not prepared according to R9-4-502; and
  3. By identifying the revisions that are needed in the report.
- B. If a person receives a request from the Department for revision of a report under subsection (A), the person shall return a revised report, containing the revisions requested by the Department, to the Department within 15 business days after the date of the Department's request, or by a date agreed to by the person and the Department.
- C. The Department may discuss the information submitted to the Department as specified in R9-4-502 or collected as specified in R9-4-503(B)(2) with any of the entities specified in R9-4-503(A) to obtain additional information about a patient's diagnosis or treatment.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1702, effective June 30, 2007 (Supp. 07-2).

## ARTICLE 6. OPIOID POISONING-RELATED REPORTING EMERGENCY RULEMAKING

**R9-4-601. Definitions**

In this Article, unless otherwise specified:

1. "Administrator" means the individual who is a senior leader in a health care institution or correctional facility.
2. "Ambulance service" has the same meaning as in A.R.S. § 36-2201.
3. "Business day" means the period from 8:00 a.m. to 5:00 p.m. on a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday.
4. "Clinical laboratory" has the same meaning as in A.R.S. § 36-451.
5. "Correctional facility" has the same meaning as in A.A.C. R9-6-101.
6. "Dispense" has the same meaning as in A.R.S. § 32-1901.
7. "Emergency medical services provider" has the same meaning as in A.R.S. § 36-2201.
8. "Health care institution" has the same meaning as in A.R.S. § 36-401.
9. "Health professional" has the same meaning as in A.R.S. § 32-3201.
10. "Law enforcement agency" has the same meaning as in A.A.C. R13-1-101.
11. "Medical examiner" has the same meaning as in A.R.S. § 36-301.
12. "Naloxone" means a specific opioid antagonist that has been used since 1971 to block the effects of an opioid in an individual.
13. "Neonatal abstinence syndrome" means a set of signs of opioid withdrawal occurring in an individual shortly after birth that are indicative of opioid exposure while in the womb.
14. "Opioid" means the same as "opiate" in A.R.S. § 36-2501.
15. "Opioid antagonist" means a prescription medication, as defined in A.R.S. § 32-1901, that:
  - a. Is approved by the U.S. Department of Health and Human Services, Food and Drug Administration; and
  - b. When administered, reverses, in whole or in part, the pharmacological effects of an opioid in the body.
16. "Opioid overdose" means respiratory depression, slowing heart rate, or unconsciousness or mental confusion caused by the administration, including self-administration, of an opioid to an individual.
17. "Pharmacist" has the same meaning as in A.R.S. § 32-1901.

**Historical Note**

New Section made by emergency rulemaking at 23 A.A.R. 2857, effective September 21, 2017, for 180 days (Supp. 17-3). Emergency expired; new Section amended by emergency rulemaking at 24 A.A.R. 630, effective March 20, 2018, for 180 days (Supp. 18-1).

**EMERGENCY RULEMAKING****R9-4-602. Opioid Poisoning-Related Reporting Requirements**

- A. An ambulance service, an emergency medical services provider, or a law enforcement agency shall, either personally or through a representative, submit a report to the Department, in a Department-provided format and within five business days after an encounter with an individual with a suspected opioid overdose, that includes:
1. The following information about the ambulance service, emergency medical services provider, or law enforcement agency:
    - a. Name;
    - b. Street address, city, county, and zip code;
    - c. Whether the entity reporting is:
      - i. An ambulance service,
      - ii. An emergency medical services provider, or
      - iii. A law enforcement agency; and
    - d. If applicable, the certificate number issued by the Department to the ambulance service;
  2. The name, title, telephone number, and email address of a point of contact for the entity required to report;
  3. The following information about the location at which the ambulance service, emergency medical services provider, or law enforcement agency encountered the individual:
    - a. Street address or, if the location at which the ambulance service, emergency medical services provider, or law enforcement agency encountered the individual does not have a street address, another indicator of the location at which the encounter occurred;
    - b. City, if applicable;
    - c. County;
    - d. State; and
    - e. Zip code;
  4. If applicable, the date and time the ambulance service, emergency medical services provider, or law enforcement agency was dispatched to the location specified according to subsection (A)(3);
  5. The following information, as known, about the individual with a suspected opioid overdose or who died of a suspected opioid overdose:
    - a. Name,
    - b. Date of birth,
    - c. Age in years,
    - d. Gender,
    - e. Race and ethnicity, and
    - f. Reason for suspecting that the individual had an opioid overdose;



## Department of Health Services - Noncommunicable Diseases

6. Whether naloxone or another opioid antagonist designated according to A.R.S. § 36-2228 was administered to the individual before the ambulance service, emergency medical services provider, or law enforcement agency encountered the individual and, if so:
    - a. The number of doses of naloxone or other opioid antagonist administered to the individual; and
    - b. As applicable, that the naloxone or other opioid antagonist was administered to the individual by:
      - i. Another individual; or
      - ii. Another entity and, if so the type of entity that administered the naloxone or other opioid antagonist to the individual;
  7. Whether naloxone or another opioid antagonist designated according to A.R.S. § 36-2228 was administered to the individual by the ambulance service, emergency medical services provider, or law enforcement agency and, if so, the number of doses of naloxone or other opioid antagonist administered to the individual;
  8. Whether the disposition of the individual was that the individual:
    - a. Survived the suspected opioid overdose; or
    - b. Was pronounced dead:
      - i. At the location specified according to subsection (A)(3), or
      - ii. After leaving the location specified according to subsection (A)(3);
  9. If the individual was transported:
    - a. The type of entity that transported the individual; and
    - b. Whether the individual was transported to:
      - i. A hospital and, if so, the name of the hospital to which the individual was transported;
      - ii. Another class of health care institution and, if so, the name of the health care institution to which the individual was transported; or
      - iii. A correctional facility and, if so, the name of the correctional facility to which the individual was transported; and
  10. The date of the report.
- B.** The following are not required to submit a report under this Article:
1. An administrator of a health care institution licensed under 9 A.A.C. 10, for an opioid overdose resulting from the administration of the opioid to a patient in the health care institution if the opioid overdose is addressed through the health care institution's quality management program; or
  2. A pharmacist, for naloxone or another opioid antagonist that is dispensed in connection with a surgical procedure, as defined in A.A.C. R9-10-101, or other invasive procedure performed in a health care institution.
- C.** Except as prohibited by Title 42 Code of Federal Regulations, Chapter I, Subchapter A, Part 2 or as specified in subsection (B), a health professional or the administrator of a health care institution licensed under 9 A.A.C. 10 shall, either personally or through a representative, submit a report to the Department, in a Department-provided format and within five business days after an encounter with an individual with a suspected opioid overdose, that includes:
1. The name, street address, city, county, zip code, and telephone number of the health professional or health care institution;
  2. If different from the person in subsection (C)(1), the name, title, telephone number, and email address of the individual reporting on behalf of the person in subsection (C)(1);
3. The following information about the individual with a suspected opioid overdose:
    - a. The individual's name;
    - b. The individual's street address, city, county, state, and zip code;
    - c. The individual's date of birth;
    - d. The individual's gender;
    - e. The individual's race and ethnicity;
    - f. Whether the individual is pregnant and, if so, the expected date of delivery;
    - g. If applicable, the name of the individual's guardian; and
    - h. Whether naloxone or another opioid antagonist designated according to A.R.S. § 36-2228 was administered to the individual before the health professional or health care institution encountered the individual and, if so:
      - i. The type of entity that administered the naloxone or other opioid antagonist to the individual, or
      - ii. That the naloxone or other opioid antagonist was administered to the individual by another individual;
  4. The following information about the diagnosis of opioid overdose:
    - a. The reason for suspecting that the individual had an opioid overdose;
    - b. The date of the suspected opioid overdose;
    - c. The date of diagnosis; and
    - d. If the diagnosis was confirmed through one or more tests performed by a clinical laboratory, for each test:
      - i. The name, address, and telephone number of the clinical laboratory;
      - ii. The date a specimen was collected from the individual;
      - iii. The type of specimen collected;
      - iv. The type of laboratory test performed; and
      - v. The laboratory test result and date of the result;
  5. The following information about the suspected opioid overdose:
    - a. Whether the opioid overdose appeared to be intentional or unintentional;
    - b. The location where the opioid overdose took place;
    - c. Whether the individual was alone at the time of the opioid overdose;
    - d. Whether the individual was transported to the health professional or health care institution by an ambulance service, an emergency medical services provider, or a law enforcement agency and, if so, the type of entity that transported the individual;
    - e. The specific opioid that appeared to be responsible for the opioid overdose; and
    - f. If known, whether:
      - i. The individual was prescribed an opioid within the 90 calendar days before the date of the suspected opioid overdose;
      - ii. The individual had been referred to receive behavioral health services, as defined in A.R.S. § 36-401; or
      - iii. The opioid overdose was the first time the individual had had an opioid overdose and, if not, the number of previous opioid overdoses the individual was known to have had;

## Department of Health Services - Noncommunicable Diseases

6. Whether the individual with the suspected opioid overdose:
    - a. Survived the suspected opioid overdose and:
      - i. Was admitted to the health care institution;
      - ii. Was transferred to another health care institution and, if so, the name of the health care institution;
      - iii. Was discharged to a law enforcement agency or correctional facility and, if so, the name of the law enforcement agency or correctional facility;
      - iv. Was discharged to home; or
      - v. Left the health care institution against medical advice; or
    - b. Died and, if so, the date of death; and
  7. The date of the report.
- D.** Except as prohibited by Title 42 Code of Federal Regulations, Chapter I, Subchapter A, Part 2, a health professional or the administrator of a health care institution licensed under 9 A.A.C. 10 shall, either personally or through a representative, submit a report to the Department, in a Department-provided format and within five business days after an encounter with an individual with suspected neonatal abstinence syndrome, that includes:
1. The name, street address, city, county, zip code, and telephone number of the health professional or health care institution;
  2. If different from the person in subsection (D)(1), the name, title, telephone number, and email address of the individual reporting on behalf of the person in subsection (D)(1);
  3. The following information about the individual with suspected neonatal abstinence syndrome:
    - a. The individual's name;
    - b. The individual's date of birth;
    - c. The individual's gender;
    - d. The individual's race and ethnicity;
    - e. The name of the individual's mother; and
    - f. If not the individual's mother, the name of the individual's guardian;
  4. The following information about a diagnosis of neonatal abstinence syndrome:
    - a. The reason for suspecting that the individual has neonatal abstinence syndrome;
    - b. The date of the onset of signs of neonatal abstinence syndrome;
    - c. The date of diagnosis;
    - d. If the diagnosis was confirmed through one or more tests performed by a clinical laboratory, for each test:
      - i. The name, address, and telephone number of the clinical laboratory;
      - ii. The date a specimen was collected from the individual;
      - iii. The type of specimen collected;
      - iv. The type of laboratory test performed; and
      - v. The laboratory test result and date of the result; and
    - e. Whether any of the following supported a diagnosis of neonatal abstinence syndrome:
      - i. A maternal history of opioid use,
      - ii. A positive laboratory test for opioid use by the individual's mother, or
      - iii. A positive laboratory test for opioids in the individual;
  5. If known, the following information about the suspected neonatal abstinence syndrome:
    - a. The source of the opioid believed to have caused the neonatal abstinence syndrome; and
    - b. If the source of the opioid used by the individual's mother was not through a prescription order, as defined in A.R.S. § 32-1901, the specific opioid used by the individual's mother; and
  6. The date of the report.
- E.** A pharmacist who dispenses naloxone or another opioid antagonist to an individual according to A.R.S. § 32-1979 shall, either personally or through a representative, submit a report as required in A.R.S. § 32-1979 to document the dispensing.
- F.** A medical examiner shall, either personally or through a representative, submit a report to the Department, in a Department-provided format and within five business days after the completion of the death investigation required in A.R.S. § 11-594 on the human remains of a deceased individual with a suspected opioid overdose, that includes:
1. The following information about the medical examiner:
    - a. Name; and
    - b. Street address, city, county, and zip code;
  2. The following information about the deceased individual with a suspected opioid overdose:
    - a. The deceased individual's name;
    - b. The deceased individual's date of birth;
    - c. The deceased individual's gender;
    - d. The deceased individual's race and ethnicity;
    - e. Whether the deceased individual was pregnant and, if so, the expected date of delivery;
    - f. If applicable, the name of the deceased individual's guardian; and
    - g. Whether naloxone or another opioid antagonist was administered to the deceased individual before the deceased individual's death and, if known:
      - i. The type of entity that administered the naloxone or other opioid antagonist to the deceased individual, or
      - ii. That the naloxone or other opioid antagonist was administered to the deceased individual by another individual;
  3. The following information about the diagnosis of opioid overdose:
    - a. The reason for suspecting that the deceased individual had an opioid overdose;
    - b. The date of the opioid overdose;
    - c. The date of diagnosis; and
    - d. If the diagnosis was confirmed by clinical laboratory tests:
      - i. The name, address, and telephone number of the clinical laboratory;
      - ii. The date a specimen was collected from the deceased individual;
      - iii. The type of specimen collected;
      - iv. The type of laboratory test performed; and
      - v. The laboratory test result and date of the result;
  4. If applicable, a copy of the clinical laboratory test results;
  5. If known, the following information about the suspected opioid overdose:
    - a. Whether the opioid overdose appeared to be intentional or unintentional;
    - b. The location where the opioid overdose took place;
    - c. Whether the deceased individual was alone at the time of the opioid overdose;
    - d. The specific opioid that appeared to be responsible for the opioid overdose;

## Department of Health Services - Noncommunicable Diseases

- e. Whether the deceased individual was prescribed an opioid within the 90 calendar days before the date of the opioid overdose; and
  - f. Whether the opioid overdose was the first time the deceased individual was known to have had an opioid overdose and, if not, the number of previous opioid overdoses the deceased individual had had;
6. Whether the deceased individual with the suspected opioid overdose:
- a. Died from the suspected opioid overdose and, if so, the date of death; or
  - b. Died from another cause after experiencing a suspected opioid overdose and, if so, the date of death; and
7. The date of the report.
- G.** Information collected on individuals pursuant to this Article is confidential according to:
- 1. A.R.S. § 36-133(F); and
  - 2. If applicable, A.R.S. §§ 36-2401 through 36-2403.

**Historical Note**

New Section made by emergency rulemaking at 23 A.A.R. 2857, effective September 21, 2017, for 180 days (Supp. 17-3). Emergency expired; new Section amended by emergency rulemaking at 24 A.A.R. 630, effective March 20, 2018, for 180 days (Supp. 18-1).

This page intentionally left blank.

# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be recodified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 9. HEALTH SERVICES

### CHAPTER 7. RADIATION CONTROL

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

This Chapter has [hypertext links](#) in the Table of Contents.

#### Questions about these rules? Contact:

Name: Colby Bower, Assistant Director  
Address: Department of Health Services  
Public Health Licensing Services  
150 N. 18th Ave., Suite 510  
Phoenix, AZ 85007  
Telephone: (602) 542-6383  
Fax: (602) 364-4808  
E-mail: [Colby.Bower@azdhs.gov](mailto:Colby.Bower@azdhs.gov)  
or  
Name: Robert Lane, Chief  
Address: Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007  
Telephone: (602) 542-1020  
Fax: (602) 364-1150  
E-mail: [Robert.Lane@azdhs.gov](mailto:Robert.Lane@azdhs.gov)

**The release of this Chapter in supplement 18-1 replaces 12 A.A.C. 1, in supplement 16-1, 1- 275 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

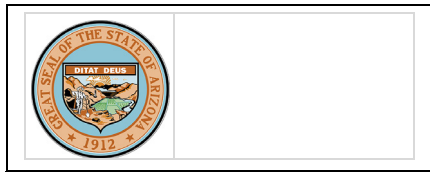
### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 9. HEALTH SERVICES****CHAPTER 7. RADIATION CONTROL**

*Laws 1964, Chapter 30, established the Arizona Atomic Energy Commission. Laws 1980, Chapter 206, abolished the Commission, and created the Arizona Radiation Regulatory Agency (ARRA) and the Radiation Regulatory Hearing Board.*

*Laws 2017, Ch. 313, transferred the Radiation Regulatory Agency to the Arizona Department of Health Services and renamed it the Bureau of Radiation Control. The rules in this Chapter (9 A.A.C. 7) were originally promulgated under 12 A.A.C. 1 and were recodified at 24 A.A.R. 813 with Section and agency references revised under Laws 2017, Ch. 313. The historical notes of the rules as codified in 12 A.A.C. 1 remain in the Chapter; therefore 12 A.A.C. 1 as released in Supp. 18-1 should be archived with this Chapter (Supp. 18-1).*

**ARTICLE 1. GENERAL PROVISIONS**

Section	
R9-7-101.	Scope and Incorporated Materials ..... 8
R9-7-102.	Definitions ..... 8
R9-7-103.	Exemptions ..... 15
R9-7-104.	Prohibited Uses ..... 16
R9-7-105.	Quality Factors for Converting Absorbed Dose to Dose Equivalent ..... 16
R9-7-106.	Units of Activity ..... 17
R9-7-107.	Misconduct ..... 17

**ARTICLE 2. REGISTRATION, INSTALLATION, AND  
SERVICE OF IONIZING RADIATION-PRODUCING  
MACHINES; AND CERTIFICATION OF MAMMOGRAPHY  
FACILITIES**

Section	
R9-7-201.	Exemptions ..... 17
R9-7-202.	Application for Registration of Ionizing Radiation Producing Machines ..... 17
R9-7-203.	Application for Registration of Servicing and Installation ..... 18
R9-7-204.	Issuance of Notice of Registration ..... 18
R9-7-205.	Expiration of Notice of Registration or Certification ..... 18
R9-7-206.	Assembly, Installation, Removal from Service, and Transfer ..... 18
R9-7-207.	Reciprocal Recognition of Out-of-state Radiation Machines ..... 18
R9-7-208.	Certification of Mammography Facilities ..... 18
R9-7-209.	Notifications ..... 19
Appendix A.	Application Information ..... 19

**ARTICLE 3. RADIOACTIVE MATERIAL LICENSING**

Section	
R9-7-301.	Ownership, Control, or Transfer of Radioactive Material ..... 19
R9-7-302.	Source Material; Exemptions ..... 19
R9-7-303.	Radioactive Material Other Than Source Material; Exemptions ..... 20
R9-7-304.	License Types ..... 23
R9-7-305.	General Licenses – Source Material ..... 23
R9-7-306.	General License – Radioactive Material Other Than Source Material ..... 23
R9-7-307.	Reserved ..... 29
R9-7-308.	Filing Application for Specific Licenses ..... 29
R9-7-309.	General Requirements for Issuance of Specific Licenses ..... 29
R9-7-310.	Special Requirements for Issuance of Specific Broad Scope Licenses ..... 30
R9-7-311.	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute

	Commodities, Products, or Devices that Contain Radioactive Material ..... 31
R9-7-312.	Issuance of Specific Licenses ..... 36
R9-7-313.	Specific Terms and Conditions ..... 36
R9-7-314.	Expiration of License ..... 37
R9-7-315.	Renewal of License ..... 37
R9-7-316.	Amendment of Licenses at Request of Licensee
R9-7-317.	Department Action on Applications to Renew or Amend ..... 37
R9-7-318.	Transfer of Radioactive Material ..... 37
R9-7-319.	Modification, Revocation, or Termination of a License ..... 37
R9-7-320.	Reciprocal Recognition of Licenses ..... 38
R9-7-321.	Reserved ..... 38
R9-7-322.	The Need for an Emergency Plan for Response to a Release of Radioactive Material ..... 38
R9-7-323.	Financial Assurance and Recordkeeping for Decommissioning ..... 39
R9-7-324.	Public Notification and Public Participation ..... 42
R9-7-325.	Timeliness in Decommissioning Facilities ..... 42
Exhibit A.	Exempt Concentrations ..... 43
Exhibit B.	Exempt Quantities ..... 45-46
Exhibit C.	Limits for Class B and C Broad Scope Licenses (R9-7-310) ..... 47
Exhibit D.	Radioactive Material Quantities Requiring Consideration for an Emergency Plan (R9-7-322) ..... 48
Exhibit E.	Application Information ..... 49

**ARTICLE 4. STANDARDS FOR PROTECTION AGAINST  
IONIZING RADIATION**

Section	
R9-7-401.	Purpose ..... 49
R9-7-402.	Scope ..... 49
R9-7-403.	Definitions ..... 49
R9-7-404.	Units and Quantities ..... 51
R9-7-405.	Form of Records ..... 51
R9-7-406.	Implementation ..... 52
R9-7-407.	Radiation Protection Programs ..... 52
R9-7-408.	Occupational Dose Limits for Adults ..... 52
R9-7-409.	Summation of External and Internal Doses ..... 53
R9-7-410.	Determination of External Dose from Airborne Radioactive Material ..... 53
R9-7-411.	Determination of Internal Exposure ..... 53
R9-7-412.	Determination of Prior Occupational Dose ..... 54
R9-7-413.	Planned Special Exposures ..... 54
R9-7-414.	Occupational Dose Limits for Minors ..... 55
R9-7-415.	Dose Equivalent to an Embryo or Fetus ..... 55
R9-7-416.	Dose Limits for Individual Members of the Public ..... 55
R9-7-417.	Testing for Leakage or Contamination of Sealed Sources ..... 56

## Department of Health Services - Radiation Control

R9-7-418.	Surveys and Monitoring .....	57	Table I .....	132
R9-7-419.	Conditions Requiring Individual Monitoring of External and Internal Occupational Dose .....	57	Table II .....	132
R9-7-420.	Control of Access to High Radiation Areas .....	58	Appendix E. Quantities for Use with Decommissioning .....	134
R9-7-421.	Control of Access to Very-high Radiation Areas .. .....	59	<b>ARTICLE 5. SEALED SOURCE INDUSTRIAL RADIOGRAPHY</b>	
R9-7-422.	Control of Access to Irradiators (Very-high Radiation Areas) .....	59	Section	
R9-7-423.	Use of Process or Other Engineering Controls ..	60	R9-7-501.	Definitions .....
R9-7-424.	Use of Other Controls .....	60	R9-7-502.	License Requirements .....
R9-7-425.	Use of Individual Respiratory Protection Equipment .....	60	R9-7-503.	Performance Requirements for Equipment .....
R9-7-426.	Security of Stored Sources of Radiation .....	61	R9-7-504.	Radiation Survey Instruments .....
R9-7-427.	Control of Sources of Radiation Not in Storage	61	R9-7-505.	Leak Testing and Replacement of Sealed Sources .....
R9-7-428.	Caution Signs .....	61	R9-7-506.	Quarterly Inventory .....
R9-7-429.	Posting .....	62	R9-7-507.	Utilization Logs .....
R9-7-430.	Exceptions to Posting Requirements .....	62	R9-7-508.	Inspection and Maintenance of Radiographic Exposure Devices, Transport and Storage Containers, Source Changers, Survey Instruments, and Associated Equipment .....
R9-7-431.	Labeling Containers and Radiation Machines ...	62	R9-7-509.	Surveillance .....
R9-7-432.	Labeling Exemptions .....	62	R9-7-510.	Radiographic Operations .....
R9-7-433.	Procedures for Receiving and Opening Packages .....	63	R9-7-511.	Reserved .....
R9-7-434.	General Requirements for Waste Disposal .....	63	R9-7-512.	Radiation Safety Officer (RSO) .....
R9-7-435.	Method for Obtaining Approval of Proposed Disposal Procedures .....	63	R9-7-513.	Form of Records .....
R9-7-436.	Disposal by Release into Sanitary Sewerage System .....	64	R9-7-514.	Limits on External Radiation Levels from Storage Containers and Source Changers .....
R9-7-437.	Treatment or Disposal by Incineration .....	64	R9-7-515.	Locking Radiographic Exposure Devices, Storage Containers, and Source Changers .....
R9-7-438.	Disposal of Specific Wastes .....	64	R9-7-516.	Records of Receipt and Transfer of Sealed Sources .....
R9-7-438.01.	Disposal of Certain Radioactive Material .....	64	R9-7-517.	Posting .....
R9-7-439.	Transfer for Disposal and Manifests .....	64	R9-7-518.	Labeling, Storage, and Transportation .....
R9-7-440.	Compliance with Environmental and Health Protection Regulations .....	64	R9-7-519.	Reserved .....
R9-7-441.	Records of Waste Disposal .....	65	R9-7-520.	Reserved .....
R9-7-442.	Department Inspection of Shipments of Waste .	65	R9-7-521.	Reserved .....
R9-7-443.	Reports of Stolen, Lost, or Missing Licensed or Registered Sources of Radiation .....	65	R9-7-522.	Operating and Emergency Procedures .....
R9-7-444.	Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits .....	65	R9-7-523.	Personnel Monitoring .....
R9-7-445.	Notification of Incidents .....	66	R9-7-524.	Supervision of a Radiographer's Assistant .....
R9-7-446.	Notifications and Reports to Individuals .....	66	R9-7-525.	Notification of Field Work .....
R9-7-447.	Vacating Premises .....	66	R9-7-526.	Reserved .....
R9-7-448.	Additional Reporting .....	66	R9-7-527.	Reserved .....
R9-7-449.	Survey Instruments and Pocket Dosimeters .....	67	R9-7-528.	Reserved .....
R9-7-450.	Sealed Sources .....	67	R9-7-529.	Reserved .....
R9-7-451.	Termination of a Radioactive Material License or a Licensed Activity .....	68	R9-7-530.	Reserved .....
R9-7-452.	Radiological Criteria for License Termination ..	68	R9-7-531.	Security .....
Table 1.	Acceptable Surface Contamination Levels .....	70	R9-7-532.	Posting .....
R9-7-453.	Reports to Individuals of Exceeding Dose Limits .....	70	R9-7-533.	Radiation Surveys .....
R9-7-454.	Nationally Tracked Sources .....	70	R9-7-534.	Reserved .....
R9-7-455.	Security Requirements for Portable Gauges .....	71	R9-7-535.	Notifications .....
Appendix A.	Assigned Protection Factors for Respirators ..	72	R9-7-536.	Reserved .....
Appendix B.	Annual Limits on Intake (ALI) and Derived Air Concentrations (DAC) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sanitary Sewerage .....	73	R9-7-537.	Reserved .....
	Table I "Occupational Values" .....	73	R9-7-538.	Reserved .....
	Table II "Effluent Concentrations" .....	74	R9-7-539.	Permanent Radiographic Installations .....
	Table III "Releases to Sewers" .....	74	R9-7-540.	Location of Documents and Records .....
Appendix C.	Quantities of Licensed or Registered Material Requiring Labeling .....	127 - 131	R9-7-541.	Reserved .....
Appendix D.	Classification and Characteristics of Low-level Radioactive Waste .....	132	R9-7-542.	Reserved .....
			R9-7-543.	Training .....
			Appendix A.	Standards for Organizations that Provide Radiography Certification .....
			<b>ARTICLE 6. USE OF X-RAYS IN THE HEALING ARTS</b>	
			Section	
			R9-7-601.	Reserved 144
			R9-7-602.	Definitions 144
			R9-7-603.	Operational Standards, Shielding, and Darkroom Requirements 147



## Department of Health Services - Radiation Control

R9-7-604.	General Procedures 148	R9-7-718.	Mobile Medical Service .....	173
R9-7-605.	X-ray Machine Standards 149	R9-7-719.	Training for Uptake, Dilution, and Excretion Studies .....	173
Table I	..... 149	R9-7-720.	Permissible Molybdenum-99, Strontium-82, and Strontium-85 Concentrations .....	173
Table II	Filtration Required vs. Operating Voltage .....	R9-7-721.	Training for Imaging and Localization Studies Not Requiring a Written Directive .....	174
R9-7-606.	Fluoroscopic and Fluoroscopic Treatment Simulator Systems .....	R9-7-722.	Safety Instruction and Precautions for Use of Unsealed Radioactive Material Requiring a Written Directive .....	174
R9-7-607.	Additional X-ray Machine Standards, Shielding Requirements, and Procedures, Except Mobile Fluoroscopic, Dental Panoramic, Cephalometric, Dental CT, or Dental Intraoral Radiographic Systems .....	R9-7-723.	Training for Use of Unsealed Radioactive Material Requiring a Written Directive, Including Treatment of Hyperthyroidism, and Treatment of Thyroid Carcinoma .....	175
R9-7-608.	Mobile Diagnostic Radiographic and Mobile Fluoroscopic Systems, Except Dental Panoramic, Cephalometric, Dental CT, or Dental Intraoral Radiographic Systems .....	R9-7-724.	Surveys after Brachytherapy Source Implant and Removal; Accountability .....	176
R9-7-609.	Chest Photofluorographic Systems .....	R9-7-725.	Safety Instructions and Precautions for Brachytherapy Patients that Cannot be Released Under R9-7-717 .....	176
R9-7-610.	Dental Intraoral Radiographic Systems .....	R9-7-726.	Calibration Measurements of Brachytherapy Sources, Decay of Sources Used for Ophthalmic Treatments, and Computerized Treatment Planning Systems .....	176
R9-7-610.01.	Hand-held Intraoral Dental Radiographic Unit Requirements For Use .....	R9-7-727.	Training for Use of Manual Brachytherapy Sources and Training for the Use of Strontium-90 Sources for Treatment of Ophthalmic Disease .....	176
R9-7-611.	Therapeutic X-ray Systems of Less Than 1 MeV .....	R9-7-728.	Training for Use of Sealed Sources for Diagnosis .....	177
R9-7-611.01.	Electronic Brachytherapy to Deliver Interstitial and Intracavity Therapeutic Radiation Dosage .....	R9-7-729.	Surveys of Patients and Human Research Subjects Treated with a Remote Afterloader Unit .....	177
R9-7-611.02.	Other Use of Electronically-Produced Radiation to Deliver Superficial Therapeutic Radiation Dosage .....	R9-7-730.	Installation, Maintenance, Adjustment, and Repair of an Afterloader Unit, Teletherapy Unit, or Gamma Stereotactic Radiosurgery Unit .....	177
R9-7-612.	Computed Tomography Systems .....	R9-7-731.	Safety Procedures and Instructions for Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units .....	178
R9-7-613.	Veterinary Medicine Radiographic Systems ....	R9-7-732.	Safety Precautions for Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units .....	178
R9-7-614.	Mammography Systems .....	R9-7-733.	Dosimetry Equipment .....	179
R9-7-615.	Mammography Personnel .....	R9-7-734.	Full Calibration Measurements on Teletherapy Units .....	179
Appendix A.	Information Submitted to the Department According to R9-7-604(A)(3)(c) .....	R9-7-735.	Full Calibration Measurements on Remote Afterloader Units .....	179
		R9-7-736.	Full Calibration Measurements on Gamma Stereotactic Radiosurgery Units .....	180
		R9-7-737.	Periodic Spot-checks for Teletherapy Units .....	180
		R9-7-738.	Periodic Spot-checks for Remote Afterloader Units .....	181
		R9-7-739.	Periodic Spot-checks for Gamma Stereotactic Radiosurgery Units .....	181
		R9-7-740.	Additional Requirements for Mobile Remote Afterloader Units .....	182
		R9-7-741.	Additional Radiation Surveys of Sealed Sources used in Radiation Therapy .....	182
		R9-7-742.	Five-year Inspection for Teletherapy and Gamma Stereotactic Radiosurgery Units .....	182
		R9-7-743.	Therapy-related Computer Systems .....	182
		R9-7-744.	Training for Use of Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units .....	182
		R9-7-745.	Report and Notification of a Medical Event .....	183
		R9-7-746.	Report and Notification of a Dose to an Embryo, Fetus, or Nursing Child .....	184
		Exhibit A.	Medical Use Groups .....	185

# **ARTICLE 7. MEDICAL USES OF RADIOACTIVE MATERIAL**

## Section

R9-7-701.	License Required .....	165
R9-7-702.	Definitions .....	165
R9-7-703.	License for Medical Use of Radioactive Material .....	166
R9-7-704.	Provisions for the Protection of Human Research Subjects .....	167
R9-7-705.	Authority and Responsibilities for the Radiation Protection Program .....	167
R9-7-706.	Supervision .....	167
R9-7-707.	Written Directives .....	168
R9-7-708.	Procedures for Administrations Requiring a Written Directive .....	168
R9-7-709.	Sealed Sources or Devices for Medical Use ....	168
R9-7-710.	Radiation Safety Officer Training .....	168
R9-7-711.	Authorized Medical Physicist Training .....	169
R9-7-712.	Authorized Nuclear Pharmacist Training .....	170
R9-7-713.	Determination of Prescribed Dosages, and Possession, Use, and Calibration of Instruments .....	171
R9-7-714.	Authorization for Calibration, Transmission, and Reference Sources .....	172
R9-7-715.	Requirements for Possession of Sealed Sources and Brachytherapy Sources .....	172
R9-7-716.	Surveys of Ambient Radiation Exposure Rate, Surveys for Contamination, and PET Radiation Exposure Concerns .....	172
R9-7-717.	Release of Individuals Containing Radioactive Material or Implants Containing Radioactive Material .....	172

## Department of Health Services - Radiation Control

**ARTICLE 8. RADIATION SAFETY REQUIREMENTS FOR ANALYTICAL X-RAY OPERATIONS**

Section		
R9-7-801.	Scope .....	185
R9-7-802.	Definitions .....	186
R9-7-803.	Enclosed-beam X-ray Systems .....	186
R9-7-804.	Open-beam X-ray Systems .....	186
R9-7-805.	Administrative Responsibilities .....	187
R9-7-806.	Operating Requirements .....	187
R9-7-807.	Surveys .....	187
R9-7-808.	Posting .....	188
R9-7-809.	Training .....	188

**ARTICLE 9. PARTICLE ACCELERATORS**

Section		
R9-7-901.	Purpose and Scope .....	188
R9-7-902.	Definitions .....	188
R9-7-903.	General Registration Requirements .....	188
R9-7-904.	Registration of Particle Accelerators Used in the Practice of Medicine .....	188
R9-7-905.	Medical Particle Accelerator Equipment, Facility and Shielding, and Spot Checks .....	190
R9-7-906.	Limitations .....	192
R9-7-907.	Shielding and Safety Design .....	192
R9-7-908.	Particle Accelerator Controls and Interlock Systems .....	193
R9-7-909.	Warning Systems .....	193
R9-7-910.	Operating Procedures .....	193
R9-7-911.	Radiation Surveys .....	193
R9-7-912.	Reserved .....	193
R9-7-913.	Misadministration .....	193
R9-7-914.	Initial Inspections of Particle Accelerators Used in the Practice of Medicine .....	194
Appendix A.	Quality Control Program .....	194

**ARTICLE 10. NOTICES, INSTRUCTIONS, AND REPORTS TO RADIATION WORKERS; INSPECTIONS**

Section		
R9-7-1001.	Purpose and Scope .....	194
R9-7-1002.	Posting of Notices for Workers .....	195
R9-7-1003.	Instructions for Workers .....	195
R9-7-1004.	Notifications and Reports to Individuals .....	195
R9-7-1005.	Licensee, Registrant, and Worker Representation During Department Inspection .....	195
R9-7-1006.	Consultation with Workers During Inspections .....	196
R9-7-1007.	Inspection Requests by Workers .....	196
R9-7-1008.	Inspection not Warranted; Review .....	196
Exhibit A.	Form ARRA-6 (2012) Notice to Employees .....	197

**ARTICLE 11. INDUSTRIAL USES OF X-RAYS, NOT INCLUDING ANALYTICAL X-RAY SYSTEMS**

Section		
R9-7-1101.	Reserved .....	197
R9-7-1102.	Definitions .....	197
R9-7-1103.	Reserved .....	198
R9-7-1104.	Registration Requirements .....	198
R9-7-1105.	Reserved .....	198
R9-7-1106.	Equipment Performance .....	198
R9-7-1107.	Reserved .....	198
R9-7-1108.	Radiation Survey Instruments .....	198
R9-7-1109.	Reserved .....	198
R9-7-1110.	Quarterly Inventory .....	199
R9-7-1111.	Reserved .....	199
R9-7-1112.	Utilization Logs .....	199
R9-7-1113.	Reserved .....	199

R9-7-1114.	Inspection and Maintenance of Radiation Machines, Survey Instruments, and Associated Equipment .....	199
R9-7-1115.	Reserved .....	199
R9-7-1116.	Surveillance .....	199
R9-7-1117.	Reserved .....	199
R9-7-1118.	Industrial Radiographic Operations .....	199
R9-7-1119.	Reserved .....	199
R9-7-1120.	Radiation Safety Officer (RSO) .....	199
R9-7-1121.	Reserved .....	200
R9-7-1122.	Form of Records .....	200
R9-7-1123.	Reserved .....	200
R9-7-1124.	Reserved .....	200
R9-7-1125.	Reserved .....	200
R9-7-1126.	Posting .....	200
R9-7-1127.	Reserved .....	200
R9-7-1128.	Operating and Emergency Procedures .....	200
R9-7-1129.	Reserved .....	200
R9-7-1130.	Personnel Monitoring .....	200
R9-7-1131.	Reserved .....	201
R9-7-1132.	Supervision of a Radiographer's Assistant .....	201
R9-7-1133.	Reserved .....	201
R9-7-1134.	Radiation Surveys .....	201
R9-7-1135.	Reserved .....	201
R9-7-1136.	Permanent Radiographic Installations .....	201
R9-7-1137.	Reserved .....	202
R9-7-1138.	Location of Documents and Records .....	202
R9-7-1139.	Reserved .....	202
R9-7-1140.	Enclosed Radiography .....	202
R9-7-1141.	Reserved .....	203
R9-7-1142.	Baggage and Package Inspection Systems .....	203
R9-7-1143.	Reserved .....	203
R9-7-1144.	Reserved .....	203
R9-7-1145.	Reserved .....	203
R9-7-1146.	Training .....	203
Appendix A.	Standards for Organizations that Provide Radiography Certification .....	204

**ARTICLE 12. ADMINISTRATIVE PROVISIONS**

Section		
R9-7-1201.	Timeliness .....	205
R9-7-1202.	Administrative Hearings .....	205
R9-7-1203.	Procedures for Rulemaking Public Hearings .....	205
R9-7-1204.	Initiation of Administrative Hearings .....	205
R9-7-1205.	Intervention in Administrative Hearings; Director as a Party .....	206
R9-7-1206.	Reserved .....	206
R9-7-1207.	Rehearing or Review .....	206
R9-7-1208.	Reserved .....	206
R9-7-1209.	Notice of Violation .....	206
R9-7-1210.	Response to Notice of Violation .....	206
R9-7-1211.	Initial Orders .....	207
R9-7-1212.	Request for Hearing in Response to an Initial Order .....	207
R9-7-1213.	Severity Levels of Violations .....	207
R9-7-1214.	Mitigating Factors .....	208
R9-7-1215.	License and Registration Divisions .....	208
R9-7-1216.	Civil Penalties .....	209
R9-7-1217.	Augmentation of Civil Penalties .....	209
R9-7-1218.	Payment of Civil Penalties .....	210
R9-7-1219.	Additional Sanctions-Show Cause .....	210
R9-7-1220.	Escalated Enforcement .....	210
R9-7-1221.	Reserved .....	210
R9-7-1222.	Enforcement Conferences .....	210
R9-7-1223.	Registration and Licensing Time-frames .....	210
Table A.	Registration and Licensing Time-frames .....	211

## Department of Health Services - Radiation Control

**ARTICLE 13. LICENSE AND REGISTRATION FEES**

Section	
R9-7-1301.	Definition ..... 212
R9-7-1302.	License and Registration Categories ..... 212
R9-7-1303.	Fee for Initial License and Initial Registration ..... 215
R9-7-1304.	Annual Fees for Licenses and Registrations ..... 215
R9-7-1305.	Method of Payment ..... 215
R9-7-1306.	Table of Fees ..... 215
R9-7-1307.	Special License Fees..... 216
R9-7-1308.	Fee for Requested Inspections ..... 216
R9-7-1309.	Abandonment of License or Registration Application ..... 217
Table 1.	Small Entity Fees..... 217

**ARTICLE 14. REGISTRATION OF NONIONIZING RADIATION SOURCES AND STANDARDS FOR PROTECTION AGAINST NONIONIZING RADIATION**

Section	
R9-7-1401.	Registration of Nonionizing Radiation Sources and Service Providers ..... 217
R9-7-1402.	Definitions ..... 217
R9-7-1403.	General Safety Provisions and Exemptions ..... 220
R9-7-1404.	Radio Frequency Equipment ..... 220
R9-7-1405.	Radio Frequency Radiation: Maximum Permissible Exposure ..... 221
R9-7-1406.	Radio Frequency Hazard Caution Signs, Symbols, Labeling, and Posting ..... 221
R9-7-1407.	Microwave Ovens ..... 221
R9-7-1408.	Reporting of Radio Frequency Radiation Incidents ..... 221
R9-7-1409.	Medical Surveillance for Workers Who May Be Exposed to Radio Frequency Radiation ..... 221
R9-7-1410.	Radio Frequency Compliance Measurements ..... 221
R9-7-1411.	Reserved ..... 222
R9-7-1412.	Tanning Operations ..... 222
R9-7-1413.	Tanning Equipment Standards ..... 222
R9-7-1414.	Tanning Equipment Operators ..... 222
R9-7-1415.	Tanning Facility Warning Signs ..... 223
R9-7-1416.	Reporting of Tanning Injuries ..... 223
R9-7-1417.	Reserved ..... 223
R9-7-1418.	High Intensity Mercury Vapor Discharge (HID) Lamps ..... 224
R9-7-1419.	Reserved ..... 224
R9-7-1420.	Reserved ..... 224
R9-7-1421.	Laser Safety ..... 224
R9-7-1422.	Laser Protective Devices ..... 224
R9-7-1423.	Laser Prohibitions ..... 225
R9-7-1424.	Reserved ..... 225
R9-7-1425.	Laser Product Classification ..... 225
R9-7-1426.	Laser and Collateral Radiation Exposure Limits ..... 225
R9-7-1427.	Laser Caution Signs, Symbols, and Labels ..... 225
R9-7-1428.	Reserved ..... 226
R9-7-1429.	Posting of Laser Facilities ..... 226
R9-7-1430.	Reserved ..... 226
R9-7-1431.	Reserved ..... 226
R9-7-1432.	Reserved ..... 226
R9-7-1433.	Laser Use Areas that are Controlled ..... 226
R9-7-1434.	Laser Safety Officer (LSO) ..... 227
R9-7-1435.	Laser Protective Eyewear ..... 227
R9-7-1436.	Reporting Laser Incidents ..... 227
R9-7-1437.	Special Lasers ..... 227
R9-7-1438.	Hair Reduction and Other Cosmetic Procedures Using Laser and Intense Pulsed Light ..... 227
R9-7-1438.01.	Certification and Revocation of Laser Technician Certificate ..... 229

R9-7-1439.	Laser and IPL Laser Technician and Laser Safety Training Programs ..... 229
R9-7-1440.	Medical Lasers ..... 230
R9-7-1441.	Laser Light Shows and Demonstrations ..... 230
R9-7-1442.	Measurements and Calculations to Determine MPE Limits for Lasers ..... 231
R9-7-1443.	Laser Compliance Measurement Instruments ..... 231
R9-7-1444.	Laser Classification Measurements ..... 231
Appendix A.	Radio Frequency Devices..... 231
Appendix B.	Application Information ..... 231
Appendix C.	Hair Removal and Other Cosmetic Laser or IPL Operator Training Program ..... 232
Appendix D.	Laser Operator and Laser Safety Officer Training ..... 232

**ARTICLE 15. TRANSPORTATION**

Section	
R9-7-1501.	Requirement for License ..... 233
R9-7-1502.	Definitions ..... 233
R9-7-1503.	Transportation of Licensed Material ..... 233
R9-7-1504.	Intrastate Transportation and Storage of Radioactive Materials ..... 233
R9-7-1505.	Storage of Radioactive Material in Transport ..... 233
R9-7-1506.	Preparation of Radioactive Material for Transport ..... 234
R9-7-1507.	Packaging Quality Assurance ..... 234
R9-7-1508.	Advance Notification of Nuclear Waste Transportation ..... 234
R9-7-1509.	General License: Plutonium-Beryllium Special Form Material ..... 234
R9-7-1510.	Packaging ..... 235
R9-7-1511.	Air Transport of Plutonium ..... 237
R9-7-1512.	Advance Notification of Shipment of Irradiated Reactor Fuel and Nuclear Waste ..... 237
R9-7-1513.	Opening Instructions ..... 237
R9-7-1514.	Reserved ..... 237
R9-7-1515.	Exemption for Low-level Radioactive Materials ..... 237

**ARTICLE 16. RESERVED****ARTICLE 17. WIRELINE SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES**

Section	
R9-7-1701.	Definitions ..... 237
R9-7-1702.	Agreement with Well Owner or Operator ..... 238
R9-7-1703.	Limits on Levels of Radiation ..... 238
R9-7-1704.	Reserved ..... 238
R9-7-1705.	Reserved ..... 238
R9-7-1706.	Reserved ..... 238
R9-7-1707.	Reserved ..... 238
R9-7-1708.	Reserved ..... 238
R9-7-1709.	Reserved ..... 238
R9-7-1710.	Reserved ..... 238
R9-7-1711.	Reserved ..... 238
R9-7-1712.	Storage Precautions ..... 238
R9-7-1713.	Transportation Precautions ..... 239
R9-7-1714.	Radiation Survey Instruments ..... 239
R9-7-1715.	Leak Testing of Sealed Sources ..... 239
R9-7-1716.	Inventory ..... 239
R9-7-1717.	Utilization Records ..... 239
R9-7-1718.	Design and Performance Criteria for Sealed Sources ..... 240
R9-7-1719.	Labeling ..... 240
R9-7-1720.	Inspection, Maintenance, and Opening of a Source or Source Holder ..... 240
R9-7-1721.	Training ..... 240

## Department of Health Services - Radiation Control

R9-7-1722.	Operating and Emergency Procedures .....	241	R9-7-1923.	Access Authorization Program Requirements ..	247
R9-7-1723.	Personnel Monitoring .....	241	R9-7-1924.	Reserved .....	249
R9-7-1724.	Radioactive Contamination Control .....	241	R9-7-1925.	Background Investigations .....	249
R9-7-1725.	Uranium Sinkers Bars .....	242	R9-7-1926.	Reserved .....	250
R9-7-1726.	Energy Compensation Source .....	242	R9-7-1927.	Requirements for Criminal History Records	
R9-7-1727.	Neutron Generator Source .....	242		Checks of Individuals Granted Unescorted Access	
R9-7-1728.	Use of a Sealed Source in a Well Without a Surface			to Category 1 or Category 2 Quantities of	
	Casing .....	242		Radioactive Material .....	250
R9-7-1729.	Reserved .....	242	R9-7-1928.	Reserved .....	250
R9-7-1730.	Reserved .....	242	R9-7-1929.	Relief From Fingerprinting, Identification, and	
R9-7-1731.	Security .....	242		Criminal History Records Checks and Other	
R9-7-1732.	Handling Tools .....	242		Elements of Background Investigations for	
R9-7-1733.	Subsurface Tracer Studies .....	242		Designated Categories of Individuals Permitted	
R9-7-1734.	Use of a Sealed Source in a Well Without a Surface			Unescorted Access to Certain Radioactive	
	Casing and Particle Accelerators .....	242		Materials .....	250
R9-7-1735.	Reserved .....	243	R9-7-1930.	Reserved .....	251
R9-7-1736.	Reserved .....	243	R9-7-1931.	Protection of Information .....	251
R9-7-1737.	Reserved .....	243	R9-7-1932.	Reserved .....	251
R9-7-1738.	Reserved .....	243	R9-7-1933.	Access Authorization Program Review .....	252
R9-7-1739.	Reserved .....	243	R9-7-1933.	Reserved .....	252
R9-7-1740.	Reserved .....	243	R9-7-1934.	Reserved .....	252
R9-7-1741.	Radiation Surveys .....	243	R9-7-1935.	Reserved .....	252
R9-7-1742.	Documents and Records Required at Field Stations		R9-7-1936.	Reserved .....	252
	.....	243	R9-7-1937.	Reserved .....	252
R9-7-1743.	Documents and Records Required at Temporary		R9-7-1938.	Reserved .....	252
	Job Sites .....	243	R9-7-1939.	Reserved .....	252
R9-7-1744.	Reserved .....	243	R9-7-1940.	Reserved .....	252
R9-7-1745.	Reserved .....	243	R9-7-1941.	Security Program .....	252
R9-7-1746.	Reserved .....	243	R9-7-1942.	Reserved .....	252
R9-7-1747.	Reserved .....	243	R9-7-1943.	General Security Program Requirements .....	252
R9-7-1748.	Reserved .....	243	R9-7-1944.	Reserved .....	253
R9-7-1749.	Reserved .....	244	R9-7-1945.	Local Law Enforcement Agency (LLEA)	
R9-7-1750.	Reserved .....	244		Coordination .....	253
R9-7-1751.	Notification of Incidents and Lost Sources;		R9-7-1946.	Reserved .....	253
	Abandonment Procedures for Irretrievable Sources		R9-7-1947.	Security Zones .....	254
	.....	244	R9-7-1948.	Reserved .....	254
			R9-7-1949.	Monitoring, Detection, and Assessment .....	254
			R9-7-1950.	Reserved .....	255
			R9-7-1951.	Maintenance and Testing .....	255
			R9-7-1952.	Reserved .....	255
			R9-7-1953.	Requirements for Mobile Devices .....	255
			R9-7-1954.	Reserved .....	255
			R9-7-1955.	Security Program Review .....	255
			R9-7-1956.	Reserved .....	255
			R9-7-1957.	Reporting of Events .....	255
			R9-7-1958.	Reserved .....	256
			R9-7-1959.	Reserved .....	256
			R9-7-1960.	Reserved .....	256
			R9-7-1961.	Reserved .....	256
			R9-7-1962.	Reserved .....	256
			R9-7-1963.	Reserved .....	256
			R9-7-1964.	Reserved .....	256
			R9-7-1965.	Reserved .....	256
			R9-7-1966.	Reserved .....	256
			R9-7-1967.	Reserved .....	256
			R9-7-1968.	Reserved .....	256
			R9-7-1969.	Reserved .....	256
			R9-7-1970.	Reserved .....	256
			R9-7-1971.	Additional Requirements for Transfer of Category	
				1 and Category 2 Quantities of Radioactive	
				Material .....	256
			R9-7-1972.	Reserved .....	256
			R9-7-1973.	Applicability of Physical Protection of Category 1	
				and Category 2 Quantities of Radioactive Material	
				During Transit .....	256
			R9-7-1974.	Reserved .....	257

**ARTICLE 18. RESERVED****ARTICLE 19. PHYSICAL PROTECTION OF CATEGORY 1  
AND CATEGORY 2 QUANTITIES OF RADIOACTIVE  
MATERIAL**

Section		
R9-7-1901.	Purpose .....	244
R9-7-1902.	Reserved .....	244
R9-7-1903.	Scope .....	244
R9-7-1904.	Reserved .....	244
R9-7-1905.	Definitions .....	244
R9-7-1906.	Reserved .....	246
R9-7-1907.	Communications .....	246
R9-7-1908.	Reserved .....	246
R9-7-1909.	Interpretations .....	246
R9-7-1910.	Reserved .....	246
R9-7-1911.	Specific Exemptions .....	246
R9-7-1912.	Reserved .....	247
R9-7-1913.	Reserved .....	247
R9-7-1914.	Reserved .....	247
R9-7-1915.	Reserved .....	247
R9-7-1916.	Reserved .....	247
R9-7-1917.	Reserved .....	247
R9-7-1918.	Reserved .....	247
R9-7-1919.	Reserved .....	247
R9-7-1920.	Reserved .....	247
R9-7-1921.	Personnel Access Authorization Requirements for	
	Category 1 or Category 2 Quantities of Radioactive	
	Material .....	247
R9-7-1922.	Reserved .....	247

## Department of Health Services - Radiation Control

R9-7-1975.	Preplanning and Coordination of Shipment of Category 1 or Category 2 Quantities of Radioactive Material .....	257	R9-7-1991.	Reserved .....	260
R9-7-1976.	Reserved .....	257	R9-7-1992.	Reserved .....	260
R9-7-1977.	Advance Notification of Shipment of Category 1 Quantities of Radioactive Material .....	257	R9-7-1993.	Reserved .....	260
R9-7-1978.	Reserved .....	258	R9-7-1994.	Reserved .....	260
R9-7-1979.	Requirements for Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material During Shipment .....	258	R9-7-1995.	Reserved .....	260
R9-7-1980.	Reserved .....	259	R9-7-1996.	Reserved .....	260
R9-7-1981.	Reporting of Events .....	259	R9-7-1997.	Reserved .....	260
R9-7-1982.	Reserved .....	260	R9-7-1998.	Reserved .....	260
R9-7-1983.	Reserved .....	260	R9-7-1999.	Reserved .....	260
R9-7-1984.	Reserved .....	260	R9-7-19100.	Reserved .....	260
R9-7-1985.	Reserved .....	260	R9-7-19101.	Form of Records .....	260
R9-7-1986.	Reserved .....	260	R9-7-19102.	Reserved .....	260
R9-7-1987.	Reserved .....	260	R9-7-19103.	Record Retention .....	260
R9-7-1988.	Reserved .....	260	R9-7-19104.	Reserved .....	261
R9-7-1989.	Reserved .....	260	R9-7-19105.	Inspections .....	261
R9-7-1990.	Reserved .....	260	R9-7-19106.	Reserved .....	261
			R9-7-19107.	Violations .....	261
			R9-7-19108.	Reserved .....	261
			R9-7-19109.	Criminal Penalties .....	261
			Appendix A.	Table 1 - Category 1 and Category 2 Threshold .....	261

## Department of Health Services - Radiation Control

**ARTICLE 1. GENERAL PROVISIONS****R9-7-101. Scope and Incorporated Materials**

- A. Except as otherwise specifically provided, this Chapter applies to all persons who receive, possess, use, transfer, own, or acquire any source of radiation.
- B. This Chapter does not apply to any person that is subject to regulation by the Nuclear Regulatory Commission.
- C. State control of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of the agreement between the state and the U.S. Nuclear Regulatory Commission, signed March 30, 1967 and incorporated by reference. This incorporated material contains no later editions or amendments, and together with all other incorporated materials in this Chapter, is available for inspection or copying at the Arizona Department of Health Services, Bureau of Radiation Control, 4814 S. 40th St., Phoenix, AZ 85040.
- D. Federal regulations incorporated by reference in this Chapter are available from the U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000 and <http://www.gpo-access.gov/cfr/>.

**Historical Note**

New Section R9-7-101 recodified from R12-1-101 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-102. Definitions**

Terms defined in A.R.S. § 30-651 have the same meanings when used in this Chapter, unless the context otherwise requires. Additional subject-specific definitions are used in other Articles.

“A1” means the maximum activity of special form radioactive material permitted in a type A package. These values are either listed in 10 CFR 71, Appendix A, Table A-1, or may be derived in accordance with the procedures prescribed in 10 CFR 71, Appendix A, revised January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

“A2” means the maximum activity of radioactive material, other than special form radioactive material, low specific activity (LSA) material, and surface contaminated object (SCO) material, permitted in a Type A package. These values are either listed in 10 CFR 71, Appendix A, Table A-1, or may be derived in accordance with the procedure prescribed in 10 CFR 71, Appendix A, revised January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

“Absorbed dose” means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

“Accelerator” means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV. For purposes of this definition, “particle accelerator” is an equivalent term.

“Accelerator produced material” means any material made radioactive by irradiating it in a particle accelerator.

“Act” means A.R.S. Title 30, Chapter 4.

“Activity” means the rate of disintegration, transformation, or decay of radioactive material. The units of activity are the becquerel (Bq) and the curie (Ci).

“Adult” means an individual 18 or more years of age.

“Agreement State” means any state with which the United States Nuclear Regulatory Commission has entered into an

effective agreement under Section 274(b) of the Atomic Energy Act of 1954, as amended (73 Stat. 689). “Nonagreement State” means any other state.

“Airborne radioactive material” means any radioactive material dispersed in the air in the form of aerosols, dusts, fumes, mists, vapors, or gases.

“Airborne radioactivity area” means a room, enclosure, or area in which airborne radioactive materials, composed wholly or partly of licensed radioactive material, exist in concentrations:

In excess of the derived air concentrations (DACs) specified in Appendix B, Table I of Article 4; or

That an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC hours.

“ALARA” means as low as is reasonably achievable, making every reasonable effort to maintain exposures to radiation as far below the dose limits in these rules as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

“Analytical x-ray equipment” means equipment used for x-ray diffraction or x-ray-induced fluorescence analysis.

“Analytical x-ray system” means a group of components utilizing x-rays to determine the elemental composition or to examine the microstructure of materials.

“Annual” means done or performed yearly. For purposes of Chapter 7 any required activity done or performed within plus or minus two weeks of the annual due date is considered done or performed in a timely manner.

“Authorized medical physicist” means an individual who meets the requirements in R9-7-711; or is identified as an authorized medical physicist or teletherapy physicist on:

A specific medical use license issued by the Department, NRC, or another Agreement State;

A medical use permit issued by a NRC master material licensee;

A permit issued by the Department, NRC, or another Agreement State broad scope medical use licensee; or

A permit issued by a NRC master material license broad scope medical use permittee.

“Authorized nuclear pharmacist” means a pharmacist who meets the requirements in R9-7-712; or is identified as an authorized nuclear pharmacist on:

A specific license issued by the Department, NRC, or another Agreement State that authorizes medical use or the practice of nuclear pharmacy;

A permit issued by a NRC master material licensee that authorizes medical use or the practice of nuclear pharmacy;

A permit issued by the Department, NRC, or another Agreement State broad scope medical use licensee that authorizes medical use or the practice of nuclear pharmacy; or

## Department of Health Services - Radiation Control

A permit issued by a NRC master material license broad scope medical use permittee that authorizes medical use or the practice of nuclear pharmacy; or

Is identified as an authorized nuclear pharmacist by a commercial nuclear pharmacy that has been authorized to identify authorized nuclear pharmacists; or

Is designated as an authorized nuclear pharmacist in accordance with R9-7-311(G).

“Authorized user” means a physician, dentist, or podiatrist who meets the requirements in R9-7-719, R9-7-723, R9-7-727, R9-7-728, or R9-7-744; or is identified as an authorized user on:

The Department, NRC, or another Agreement State license that authorizes the medical use of radioactive material;

A permit issued by a NRC master material licensee that is authorized to permit the medical use of radioactive material;

A permit issued by the Department, the NRC, or another Agreement State specific licensee of broad scope that is authorized to permit the medical use of radioactive material; or

A permit issued by a NRC master material license broad scope permittee that is authorized to permit the medical use of radioactive material.

“Background radiation” means radiation from cosmic sources; not technologically enhanced naturally occurring radioactive material, including radon (except as a decay product of source or special nuclear material); and global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents, such as Chernobyl, that contribute to background radiation and are not under the control of a licensee. “Background radiation” does not include sources of radiation regulated by the Department.

“Becquerel” (Bq) means the International System (SI) unit for activity and is equal to 1 disintegration per second (dps or tps).

“Bioassay” means the determination of kinds, quantities, or concentrations, and in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body. For purposes of these rules, “radiobioassay” is an equivalent term.

“Brachytherapy” means a method of radiation therapy in which an encapsulated source or group of sources is utilized to deliver beta or gamma radiation at a distance of up to a few centimeters, by surface, intracavitary or interstitial application.

“Byproduct material” means:

Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute “byproduct material” within this definition;

Any discrete source of radium-226 that is produced, extracted, or converted after extraction, for use for a commercial, medical, or research activity; or any material that, has been made radioactive by use of a particle accel-

erator; and is produced, extracted, or converted after extraction, for use for a commercial, medical, or research activity; and

Any discrete source of naturally occurring radioactive material, other than source material, that the NRC, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security and; before, on, or after August 8, 2005, is extracted or converted after extraction for use in a commercial, medical, or research activity.

“Calendar quarter” means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. A licensee or registrant shall not change the method of determining calendar quarters for purposes of this Chapter except at the beginning of a calendar year.

“Calibration” means the determination of:

The response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or

The strength of a source of radiation relative to a standard.

“Carrier” means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.

“Certifiable cabinet x-ray system” means an existing uncertified x-ray system that meets or has been modified to meet the certification requirements specified in 21 CFR 1020.40, revised April 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

“Certificate holder” means a person who has been issued a certificate of compliance or other package approval by the Department or NRC.

“Certificate of Compliance” (CoC) means the certificate issued by the NRC under 10 CFR 71, Subpart D, (Revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.), which authorizes the design of a package for the transportation of radioactive material.

“Certified cabinet x-ray system” means an x-ray system that has been certified in accordance with 21 CFR 1010.2, as being manufactured and assembled on or after April 10, 1975, in accordance with the provisions of 21 CFR 1020.40, both sections revised April 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

“CFR” means Code of Federal Regulations.

“Chelating agent” means amine polycarboxylic acids, hydroxycarboxylic acids, gluconic acid, and polycarboxylic acids.

“Civil penalty” means the monetary fine which may be imposed on licensees by the Department, pursuant to A.R.S. § 30-687, for violations of the Act, this Chapter, or license conditions.

## Department of Health Services - Radiation Control

“Collective dose” means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

“Committed dose equivalent” (HT,50) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

“Committed effective dose equivalent” (HE,50) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ( $HE,50 = \sum w_T HT,50$ ).

“Consortium” means an association of medical use licensees and a PET radionuclide production facility in the same geographical area that jointly own or share in the operation and maintenance cost of the PET radionuclide production facility that produces PET radionuclides for use in producing radioactive drugs within the consortium for noncommercial distributions among its associated members for medical use. The PET radionuclide production facility within the consortium must be located at an educational institution or a federal facility or a medical facility.

“Curie” means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of  $3.7 \times 10^{10}$  transformations per second (tps).

“Current license or registration” means a license or registration issued by the Department and for which the licensee has paid the license or registration fee for the current year according to R9-7-1304.

“Deep-dose equivalent” (Hd), which applies to external whole body exposure, is the dose equivalent at a tissue depth of 1 centimeter ( $1000 \text{ mg/cm}^2$ ).

“Depleted uranium” means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

“Discrete source” means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical, or research activities.

“Dose” is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent. For purposes of these rules, “radiation dose” is an equivalent term.

“Dose equivalent” (HT) means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

“Dose limits” means the permissible upper bound of radiation doses established in accordance with these rules. For purposes of these rules, “limits” is an equivalent term.

“Dosimeter” (See “Individual monitoring device”)

“Effective dose equivalent” (HE) means the sum of the products of the dose equivalent to each organ or tissue (HT) and the weighting factor ( $w_T$ ) applicable to each of the body organs or tissues that are irradiated ( $HE = \sum w_T HT$ ).

“Effluent release” means any disposal or release of radioactive material into the ambient atmosphere, soil, or any surface or subsurface body of water.

“Embryo/fetus” means the developing human organism from conception until the time of birth.

“Enclosed beam x-ray system” means an analytical x-ray system constructed in such a way that access to the interior of the enclosure housing the x-ray source during operation is precluded except through bypassing of interlocks or other safety devices to perform maintenance or servicing.

“Enclosed radiography” means industrial radiography conducted by using cabinet radiography or shielded room radiography.

“Cabinet radiography” means industrial radiography conducted by using an x-ray machine in an enclosure not designed for human admittance and which is so shielded that every location on the exterior meets the conditions for an “unrestricted area.”

“Shielded room radiography” means industrial radiography conducted using an x-ray machine in an enclosure designed for human admittance and which is so shielded that every location of the exterior meets the conditions for an “unrestricted area.”

“Entrance or access point” means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

“Exhibit” for purposes of these rules, is equivalent in meaning to the word “Schedule” as found in previously issued rules, current license conditions, and regulation guide.

“Explosive material” means any chemical compound, mixture, or device which produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.

“Exposure” means:

Being subjected to ionizing radiation or radioactive materials.

The quotient of  $dQ$  by  $dm$  where “ $dQ$ ” is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass “ $dm$ ” are completely stopped in air. The special unit of exposure is the roentgen (R).

“Exposure rate” means the exposure per unit of time.

“External dose” means that portion of the dose equivalent received from any source of radiation outside the body.

“Extremity” means hand, elbow, arm below the elbow, foot, knee, and leg below the knee.

“Fail-safe characteristics” means a design feature which causes beam port shutters to close, or otherwise prevents emergence of the primary beam, upon the failure of a safety or warning device.

“FDA” means the United States Food and Drug Administration

“Field radiography” means industrial radiography, utilizing a portable or mobile x-ray system, which is not conducted in a shielded enclosure.

“Field station” means a facility where radioactive sources may be stored or used and from which equipment is dispatched to temporary job sites.

“Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities” means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.



## Department of Health Services - Radiation Control

“Generally applicable environmental radiation standards” means standards issued by the U.S. Environmental Protection Agency (EPA), 40 CFR 190 and 191, revised July 1, 2013, incorporated by reference, and available under R9-7-101, under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material. This incorporated material contains no future editions or amendments.

“Gray” (Gy) means the International System (SI) unit of absorbed dose and is equal to 1 joule per kilogram. One gray equals 100 rad.

“Hazardous waste” means those wastes designated as hazardous in A.R.S. § 49-921(5).

“Healing arts” means the practice of medicine, dentistry, osteopathy, podiatry, chiropractic, and veterinary medicine.

“Health care institution” means every place, institution, or building which provides facilities for medical services or other health-related services, not including private clinics or offices which do not provide overnight patient care.

“High radiation area” means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in one hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

“Human use” means the internal or external administration of radiation or radioactive materials to human beings.

“Impound” means to abate a radiological hazard. Actions which may be taken by the Department in impounding a source of radiation include seizing the source of radiation, controlling access to an area, and preventing a radiation machine from being utilized.

“Indian tribe” means an Indian or Alaska native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

“Individual” means any human being.

“Individual monitoring” means the assessment of:

Dose equivalent

By the use of individual monitoring devices, or

By the use of survey data, or

Committed effective dose equivalent

By bioassay; or

By determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours. (See the definition of DAC-hours in Article 4).

“Individual monitoring device” means a device designed to be worn by a single individual for the assessment of dose equivalent. For purposes of this Chapter, “dosimeter” and “personnel dosimeter,” are equivalent terms. Examples of individual monitoring devices are film badges, thermoluminescence dosimeters (TLDs), pocket ionization chambers, optical stimulation devices, and personal (“lapel”) air sampling devices.

“Individual monitoring equipment” means one or more individual monitoring devices. For purposes of this Chapter, “personnel monitoring equipment” is an equivalent term.

“Industrial radiography” means the examination of the macroscopic structure of materials by non-destructive methods utilizing sources of ionizing radiation.

“Injection tool” means a device used for controlled subsurface injection of radioactive tracer material.

“Inspection” means an examination or observation by a representative of the Department, including but not limited to tests, surveys, and monitoring to determine compliance with rules, orders, requirements and conditions of the License or certificate of registration.

“Interlock” means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

“Internal dose” means that portion of the dose equivalent received from radioactive material taken into the body.

“Irradiate” means to expose to radiation.

“Laser” (light amplification by the stimulated emission of radiation) means any device which can produce or amplify electromagnetic radiation with wave lengths in the range of 180 nanometers to 1 millimeter primarily by the process of controlled stimulated emission.

“Lens dose equivalent” (LDE) means the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeters (300 mg/cm<sup>2</sup>).

“License” means the grant of authority, issued pursuant to Articles 3 and 14 of this Chapter and A.R.S. §§ 30-671, 30-672, and 30-721 et seq., to acquire, possess, transfer, and use sources of radiation. The types of licenses issued by the Department are described in R9-7-1302.

“Licensed material” means radioactive material received, possessed, used, transferred, or disposed of under a general or specific license issued by the Department.

“Licensed practitioner” means a person licensed or otherwise authorized by law to practice medicine, dentistry, osteopathy, chiropractic, podiatry, or naturopathy in this state.

“Licensee” means any person who is licensed by the Department under this Chapter to acquire, possess, transfer, or use sources of radiation.

“Licensing State” means any state having regulations equivalent to this Chapter relating to, and an effective program for the regulation of, naturally occurring and accelerator-produced radioactive material (NARM).

“Limits” (See “Dose limits”)

“Local components” means those parts of an analytical x-ray system that are struck by x-rays, including radiation source housings, port and shutter assemblies, collimator, sample holders, cameras, goniometer, detectors and shielding but not including power supplies, transformers, amplifiers, readout devices, and control panels.

“Logging supervisor” means the individual who provides personal supervision of the utilization of sources of radiation at the well site.

“Logging tool” means a device used subsurface to perform well logging.

“Lost or missing licensed or registered source of radiation” means licensed or registered source of radiation the location of which is unknown. Included are licensed radioactive material or a registered radiation source that has been shipped but has not reached its planned destination and whose location cannot be readily traced or ascertained in the transportation system.

## Department of Health Services - Radiation Control

“Low-level waste” means waste material which contains radioactive nuclides in concentrations or quantities which exceed applicable standards for unrestricted release but does not include:

High-level waste, such as irradiated reactor fuel, liquid waste from reprocessing irradiated reactor fuel, or solids into which any such liquid waste has been converted;

Waste material containing transuranic elements with contamination levels greater than 10 nanocuries per gram (370 kilobecquerels per kilogram) of waste material;

The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

“Major processor” means a user processing, handling, or manufacturing radioactive material exceeding Type A quantities as unsealed sources or material or exceeding four times Type B quantities as sealed sources but does not include nuclear medicine programs, universities, industrial radiographers, or small industrial programs. Type A and B quantities are defined in 10 CFR 71.4, revised January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

“Medical dose” means a radiation dose intentionally delivered to an individual for medical examination, diagnosis, or treatment.

“Member of the public” means any individual except when that individual is receiving an occupational dose.

“MeV” means Mega Electron Volt which equals 1 million volts (106 eV).

“Mineral logging” means any well logging performed in a borehole drilled for the purpose of exploration for minerals other than oil or gas.

“Minor” means an individual less than 18 years of age.

“Monitoring” means the measurement of radiation, radioactive material concentrations, surface area activities, or quantities of radioactive material, and the use of the results of these measurements to evaluate potential exposures and doses. For purposes of these rules, “radiation monitoring” and “radiation protection monitoring” are equivalent terms.

“Multiplier” means a letter representing a number. The use of a multiplier is based on the code given below:

<i>Prefix</i>	<i>Multiplier Symbol</i>	<i>Value</i>
eka	E	10 <sup>18</sup>
peta	P	10 <sup>15</sup>
tera	T	10 <sup>12</sup>
giga	G	10 <sup>9</sup>
mega	M	10 <sup>6</sup>
kilo	k	10 <sup>3</sup>
milli	m	10 <sup>-3</sup>
micro	u	10 <sup>-6</sup>
nano	n	10 <sup>-9</sup>
pico	p	10 <sup>-12</sup>
femto	f	10 <sup>-15</sup>
atto	a	10 <sup>-18</sup>

“NARM” means any naturally occurring or accelerator-produced radioactive material. It does not include byproduct,

source, or special nuclear material. This term should not be confused with “NORM” which is defined as naturally occurring radioactive material.

“Normal operating procedures” means the entire set of instructions necessary to accomplish the intended use of the source of radiation. These procedures shall include, but are not limited to, sample insertion and manipulation, equipment alignment, routine maintenance by the licensee, and data recording procedures which are related to radiation safety.

“Natural radioactivity” means the radioactivity of naturally occurring radioactive substances.

“NRC” means Nuclear Regulatory Commission, the U.S. Nuclear Regulatory Commission, or its duly authorized representatives.

“Nuclear waste” means any highway route controlled quantity (defined in 49 CFR 173.403, revised October 1, 2012, incorporated by reference, and available under R9-7-101; this incorporated material contains no future editions or amendments) of source, byproduct, or special nuclear material required to be in NRC-approved packaging while transported to, through, or across state boundaries to a disposal site, or to a collection point for transport to a disposal site. Additional requirements associated with transportation of radioactive material can be found in Article 15.

“Occupational dose” means the dose received by an individual in the course of employment in which the individual’s assigned duties involve exposure to sources of radiation, whether in the possession of a licensee, registrant, or other person. Occupational dose does not include a dose received from background radiation, medical administration of radiation to the individual, exposure to an individual who has been administered radioactive material and released in accordance with R9-7-717, voluntary participation in a medical research program, or as a member of the public.

“Open beam system” means an analytical x-ray system in which an individual could place some body part in the primary beam path during normal operation.

“Package” means the packaging together with its radioactive contents as presented for transport.

“Particle accelerator” (See “Accelerator”)

“Permanent radiographic installation” means a fixed, shielded installation or structure designed or intended for industrial radiography and in which industrial radiography is regularly performed.

“Personnel dosimeter” (See “Individual monitoring device”)

“Personnel monitoring equipment” (See “Individual monitoring device”)

“Personal supervision” means supervision in which the supervising individual is physically present at the site where sources of radiation and associated equipment are being used, watching the performance of the supervised individual and in such proximity that immediate assistance can be given if required.

“PET” (See Positron Emission Tomography (PET))

“Pharmacist” means an individual licensed by this state to compound and dispense drugs, prescriptions, and poisons.

“Physician” means an individual licensed pursuant to A.R.S. Title 32, Chapters 13 or 17.

“Positron Emission Tomography (PET)” means an imaging technique using radionuclides to produce high resolution images of the body’s biological functions.

## Department of Health Services - Radiation Control

“Positron Emission Tomography radionuclide production facility” means a facility operating a cyclotron or accelerator for the purpose of producing PET radionuclides.

“Preceptor” means an individual who provides, directs, or verifies training and experience required for an individual to become an authorized user, an authorized medical physicist, an authorized nuclear pharmacist, or a Radiation Safety Officer.

“Primary beam” means radiation which passes through an aperture of the source housing by a direct path from the x-ray tube or a radioactive source located in the radiation source housing.

“Public dose” means the dose received by a member of the public from radiation from radioactive material released by a licensee or registrant, or exposure to a source of radiation used in a licensed or registered operation. It does not include an occupational dose or a dose received from background radiation, medical administration of radiation to the individual, exposure to an individual who has been administered radioactive material and released in accordance with R9-7-717, or voluntary participation in a medical research program.

“Pyrophoric liquid” means any liquid that ignites spontaneously in dry or moist air at or below 130° F (54.4° C).

“Pyrophoric solid” means any solid material, other than one classed as an explosive, which under normal conditions is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and, when ignited, burns so vigorously and persistently that it creates a serious transportation, handling, or disposal hazard. Included are spontaneously combustible and water-reactive materials.

“Qualified expert” means an individual certified in the appropriate field by the American Board of Radiology or the American Board of Health Physics, or having equivalent qualifications that provide the knowledge and training to measure ionizing radiation, to evaluate safety techniques, and to advise regarding radiation protection needs; or an individual certified in Therapeutic Radiological Physics or X-ray and Radium Physics by the American Board of Radiology, or having equivalent qualifications that provide training and experience in the clinical applications of radiation physics to radiation therapy, to calibrate radiation therapy equipment. The detailed requirements for a particular qualified expert may be provided in the respective Articles of this Chapter. For clarification purposes, a qualified expert is not always an authorized medical physicist; however, an authorized medical physicist is included within the definition of “qualified expert.”

“Quality Factor” (Q) means the modifying factor, listed in Tables I and II of this Article, that is used to derive dose equivalent from absorbed dose.

“Quarter” (See “Calendar quarter”)

“Rad” means the special unit of absorbed dose. One rad equals 100 ergs per gram, or 0.01 gray.

“Radiation” means alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. For purposes of these rules, this term is synonymous with ionizing radiation. Equivalent terminology for non-ionizing radiation is defined in Article 14.

“Radiation area” means any area accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

“Radiation dose” (See “Dose”)

“Radiation machine” means any device capable of producing radiation except those devices with radioactive material as the only source of radiation.

“Radiation Safety Officer” (RSO) means the individual and who for license conditions:

Meets the requirements in 10 CFR 35.50(a) or (c)(1) and 10 CFR 35.59, (revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.); or is identified as a Radiation Safety Officer on a specific medical use license issued by the NRC or an Agreement State; or a medical use permit issued by a NRC master material licensee;

Or, who, for registration conditions, is designated by the registrant as the individual who has the knowledge, authority, and responsibility to apply appropriate radiation protection principles to ensure radiation safety and compliance with the Act, this Chapter and any registration conditions.

“Radiation Safety Officer” (RSO) means the individual and who for license conditions:

Meets the requirements of R9-7-407, and for a medical license meets the training requirements of R9-7-710 or is identified as a Radiation Safety Officer on a specific medical use license issued by the Department, NRC, or another Agreement State; or a medical use permit issued by a NRC master material licensee;

Or, who meets the requirements in R9-7-512 on a specific industrial license issued by the Department, NRC, or another Agreement State; or an industrial use permit issued by a NRC master material licensee;

Or, who, for registration conditions, is designated by the registrant as the individual who has the knowledge, authority, and responsibility to apply appropriate radiation protection principles to ensure radiation safety and compliance with the Act, this Chapter and any registration conditions.

“Radioactive marker” means radioactive material placed subsurface or on a structure intended for subsurface use for the purpose of depth determination or direction orientation.

“Radioactive material” means any solid, liquid, or gas which emits radiation spontaneously.

“Radioactivity” means emission of electromagnetic energy or particles or both during the transformation of unstable atomic nuclei.

“Radiographer” means any individual who performs or personally supervises industrial radiographic operations and who is responsible to the licensee or registrant for assuring compliance with the requirements of this Chapter and all conditions of the license or certificate of registration.

“Radiographer’s assistant” means any individual who, under the personal supervision of a radiographer, uses sources of radiation, radiographic exposure devices, related handling tools, or survey instruments in industrial radiography.

“Registrant” means any person who is registered with the Department and is legally obligated to register with the Department pursuant to these rules and the Act.

“Registration” is the process by which a person becomes a registrant pursuant to Article 2 of this Chapter. With the exception of registration of persons who install or service radiation

## Department of Health Services - Radiation Control

machines, the types of registrations issued by the Department are described in R9-7-1302.

"Regulations of the U.S. Department of Transportation" means the federal regulations in 49 CFR 107, 171 through 180, revised October 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

"Rem" means the special unit of dose equivalent (see "Dose equivalent"). The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 sievert).

"Research and Development" means exploration, experimentation, or the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and Development does not include the internal or external administration of radiation or radioactive material to human beings.

"Restricted area" means any area where the licensee or registrant controls access for purposes of protecting individuals from exposure to radiation and radioactive material. A restricted area does not include any areas used for residential quarters, although a room or separate rooms in a residential building may be set apart as a restricted area.

"Roentgen" (R) means the special unit of exposure and is equal to the quantity of x or gamma radiation which causes ionization in air equal to 258 microcoulomb per kilogram (see "Exposure").

"Safety system" means any device, program, or administrative control designed to ensure radiation safety.

"Sealed source" means radioactive material that is permanently bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.

"Sealed Source and Device Registry" means the national registry that contains all the registration certificates, generated by both the NRC and the Agreement States, that summarize the radiation safety information for the sealed sources and devices and describe the licensing and use conditions approved for each source or device.

"Shallow dose equivalent" (HS), which applies to the external exposure of the skin of the whole body or the skin of an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm<sup>2</sup>).

"Shielded position" means the location within a radiographic exposure device or storage container which, by manufacturer's design, is the proper location for storage of the sealed source.

"Sievert" means the SI unit of dose equivalent (see "Dose equivalent"). The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

"Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

"Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those also used for transporting and storage of sealed sources.

"Source holder" means a housing or assembly into which a radioactive source is placed for the purpose of facilitating the handling and use of the source in well-logging operations.

"Source material" means:

Uranium or thorium, or any combination of uranium or thorium, in any physical or chemical form; or

Ores that contain by weight 1/20 of 1 percent (0.05 percent) or more of uranium, thorium, or any combination of uranium and thorium.

Source material does not include special nuclear material.

"Source material milling" means any activity that results in the production of byproduct material as defined by the second subsection under the definition of "Byproduct material."

"Source of radiation" or "source" means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

"Special form radioactive material" means radioactive material that satisfies all of the following conditions:

It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

The piece or capsule has at least one dimension not less than 5 millimeters (0.2 inch); and

It satisfies the test requirements specified in 10 CFR 71.75, revised January 1, 2013, incorporated by reference, available under R9-7-101. This incorporated material contains no future editions or amendments. A special form encapsulation designed in accordance with the U.S. Nuclear Regulatory Commission requirements in effect on June 30, 1983, and constructed prior to July 1, 1985, may continue to be used. A special form encapsulation constructed after June 30, 1985, shall meet requirements of this definition applicable at the time of its construction.

"Special nuclear material in quantities not sufficient to form a critical mass" means Uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; Uranium-233 in quantities not exceeding 200 grams; Plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: for each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed one. For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{X\text{gmsU235}}{350} + \frac{Y\text{gmsU233}}{200} + \frac{Z\text{gmsPu}}{200} \leq 1$$

"Storage area" means any location, facility, or vehicle which is used to store, transport, or secure a radiographic exposure device, storage container, sealed source, or other source of radiation when it is not in use.

"Storage container" means a device in which sealed sources are transported or stored.

"Subsurface tracer study" means the release of a substance tagged with radioactive material for the purpose of tracing the movement or position of the tagged substance in the well-bore or adjacent formation.

"Survey" means an evaluation of the production, use, release, disposal, or presence of sources of radiation or any combination thereof under a specific set of conditions to determine actual or potential radiation hazards. Such evaluations include,

## Department of Health Services - Radiation Control

but are not limited to, tests, physical examination and measurements of levels of radiation or concentration of radioactive material present.

“TEDE” (See “Total Effective Dose Equivalent”)

“Teletherapy” means therapeutic irradiation in which the source of radiation is at a distance from the body.

“Temporary job site” means any location where sources of radiation are used other than the specified locations listed on a license document. Storage of sources of radiation at a temporary jobsite shall not exceed six months unless the Department has granted an amendment authorizing storage at that jobsite.

“Test” means the process of verifying compliance with an applicable rule, order, or license condition.

“These rules” means all Articles of 9 A.A.C. 7.

“Total Effective Dose Equivalent” (TEDE) means the sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

“Total Organ Dose Equivalent” (TODE) means the sum of the deep-dose equivalent and the committed dose equivalent to the organ receiving the highest dose. Determination of TODE is described in R9-7-411.

“Unrefined and unprocessed ore” means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

“Unrestricted area” means any area access to which is not controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive material. Any area used for residential quarters is an unrestricted area.

“U.S. Department of Energy” means the Department of Energy established by P.L. 9591, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the Department of Energy exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers, and components; and transferred to the U.S. Energy Research and Development Administration and to the administrator of that agency under sections 104(b), (c), and (d) of the Energy Reorganization Act of 1974 (P.L. 93438, October 11, 1974, 88 Stat. 1233 at 1237, 42 U.S.C. 5814, effective January 19, 1975) and retransferred to the Secretary of Energy under Section 301(a) of the Department of Energy Organization Act (P.L. 9591, August 4, 1977, 91 Stat. 565 at 577578, 42 U.S.C. 7151, effective October 1, 1977).

“Very high radiation area” means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose that exceeds 5 grays (500 rads) in one hour at one meter from a radiation source or one meter from any surface that the radiation penetrates.

“Waste” (See “Low-level waste”)

“Waste handling licensees” means persons licensed to receive and store radioactive wastes prior to disposal and persons licensed to dispose of radioactive waste.

“Week” means seven consecutive days starting on Sunday.

“Well-bore” means a drilled hole in which wireline service operations and subsurface tracer studies are performed.

“Well-logging” means the lowering and raising of measuring devices or tools which may contain sources of radiation into well-bores or cavities for the purpose of obtaining information about the well and adjacent formations.

“Whole body” means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

“Wireline” means an armored cable containing one or more electrical conductors which is used to lower and raise logging tools in the well-bore.

“Wireline service operation” means any evaluation or mechanical service which is performed in the well-bore using devices on a wireline.

“Worker” means any individual engaged in work under a license issued by the Department and controlled by employment or contract with a licensee.

“WL” means working level, any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of  $1.3E + 5$  MeV of potential alpha particle energy. The short-lived radon daughters are – for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212.

“WLM” means working level month, an exposure to one working level for 170 hours (2,000 working hours per year divided by 12 months per year is approximately equal to 170 hours per month).

“Workload” means the degree of use of an x-ray or gamma-ray source per unit time.

“Year” means the period of time beginning in January used to determine compliance with the provisions of these rules. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

#### Historical Note

New Section R9-7-102 recodified from R12-1-102 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

#### R9-7-103. Exemptions

- A. Common and contract carriers, freight forwarders, and warehousemen who are subject to 49 CFR 107.109, 107.111, 107.113, 171.2, 171.3, 172.200, 173.1, 173.3, 173.4, 173.401, 175.3, 175.10, 176.3, 176.5, 176.11, 176.24, 176.27, and 177.801, revised October 1, 2007, of the U.S. Department of Transportation, or 39 CFR 111.1 of the U.S. Postal Service, revised July 1, 2007, incorporated by reference, and available under R9-7-101, and who if need be, store radioactive material, for periods of less than 72 hours, in the regular course of their carriage for another, are exempt from this Chapter. The incorporated materials above contain no future editions or amendments.
- B. Any U.S. Department of Energy contractor or subcontractor and any U.S. Nuclear Regulatory Commission contractor or subcontractor of the following categories operating within this state are exempt from this Chapter to the extent that such contractor or subcontractor under the contract receives, possesses, uses, transfers, or acquires sources of radiation:
  1. Prime contractors performing work for the Department of Energy at U.S. Government-owned or controlled sites, including the transportation of sources of radiation to or from such sites and the performance of contract services during temporary interruptions of such transportation;
  2. Prime contractors of the Department of Energy performing research or development, manufacture, storage, testing or transportation of nuclear weapons or components thereof;

## Department of Health Services - Radiation Control

3. Prime contractors of the Department of Energy using or operating nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel; and
4. Any other prime contractor or subcontractor of the Department of Energy or of the Nuclear Regulatory Commission when the state and the Nuclear Regulatory Commission jointly determine:
  - a. That the exemption of the prime contractor or subcontractor is authorized by law; and
  - b. That under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety.

- C. Any licensee who delivers to a carrier for transport any package which contains radioactive material having a specific activity of 74 kBq/kg (2 nanocuries per gram) or less, is exempt from the provisions of this Chapter with respect to that package.

**Historical Note**

New Section R9-7-103 recodified from R12-1-103 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-104. Prohibited Uses**

- A. A person shall not use the following fluoroscopic devices:
  1. Hand-held fluoroscopic screens,
  2. Shoe-fitting fluoroscopic devices.
- B. Except as specifically authorized by law, a person shall not use sources of ionizing radiation for the purpose of screening an individual or inspecting an individual for:
  1. Concealed weapons,
  2. Hazardous materials,
  3. Stolen property, or
  4. Contraband.
- C. Unless there is a medical or dental indication for the exposure and the exposure is prescribed by a licensed practitioner, a person shall not deliberately expose an individual to the useful beam from:
  1. An ionizing radiation machine; or
  2. A non-ionizing radiation source, having a radiation beam known to be harmful to human tissue.

**Historical Note**

New Section R9-7-104 recodified from R12-1-104 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-105. Quality Factors for Converting Absorbed Dose to Dose Equivalent**

- A. As used in these rules, the quality factors for converting absorbed dose to dose equivalent are shown in Table I.

TABLE I. QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to a Unit Dose Equivalent <sup>a</sup>
X, gamma, or beta radiation and high-speed electrons		1
Alpha particles, multiple-charged particles, fission fragments, and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

<sup>a</sup> The absorbed dose in gray is equal to 1 Sv or the absorbed dose in rad is equal to 1 rem.

- B. If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in sievert per hour or rem per hour, 0.01 Sv (1 rem) of neutron radiation of unknown energies may, for purposes of these rules, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

## Department of Health Services - Radiation Control

TABLE II. MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS

	Neutron Energy (meV)	Quality Factor (Q)	Fluence per Unit Dose Equivalent <sup>b</sup> (neutrons cm <sup>-2</sup> r <sub>em</sub> <sup>-1</sup> )	Fluence per Unit Dose Equivalent <sup>b</sup> (neutrons cm <sup>-2</sup> S <sub>V</sub> <sup>-1</sup> )
(thermal)	2.5E-8	2	980E+6	980E+8
	1E-7	2	980E+6	980E+8
	1E-6	2	810E+6	810E+8
	1E-5	2	810E+6	810E+8
	1E-4	2	840E+6	840E+8
	1E-3	2	980E+6	980E+8
	1E-2	2.5	1010E+6	1010E+8
	1E-1	7.5	170E+6	170E+8
	5E-1	11	39E+6	39E+8
	1	11	27E+6	27E+8
	2.5	9	29E+6	29E+8
	5	8	23E+6	23E+8
	7	7	24E+6	24E+8
	10	6.5	24E+6	24E+8
	14	7.5	17E+6	17E+8
	20	8	16E+6	16E+8
	40	7	14E+6	14E+8
	60	5.5	16E+6	16E+8
	1E+2	4	20E+6	20E+8
	2E+2	3.5	19E+6	19E+8
	3E+2	3.5	16E+6	16E+8
	4E+2	3.5	14E+6	14E+8

<sup>a</sup> Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-centimeter diameter cylinder tissue-equivalent phantom.

<sup>b</sup> Monoenergetic neutrons incident normally on a 30-centimeter diameter cylinder tissue-equivalent phantom.

**Historical Note**

New Section R9-7-105 and Tables 1 and 2 recodified from R12-1-105, Tables 1 and 2 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-106. Units of Activity**

For purposes of these rules, activity is expressed in the SI unit of becquerel (Bq) or in the special unit of curie (Ci), or their multiples, or disintegrations or transformations per unit of time. The definitions for these units are located in R9-7-102.

**Historical Note**

New Section R9-7-106 recodified from R12-1-106, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-107. Misconduct**

A. A licensee, registrant, applicant for a license or certificate of registration, or employee of a licensee, registrant, or applicant; or any contractor (including a supplier or consultant), subcontractor, or employee of a contractor or subcontractor of any licensee or certificate of registration holder who provides to any licensee, registrant, applicant, contractor, or subcontractor, any components, equipment, materials, or other goods or services that relate to a licensee's, registrant's, or applicant's activities in this Chapter, shall not:

1. Knowingly engage in conduct that violates or will result in a violation by a licensee, registrant, or applicant, of any statute, rule, regulation, or order; or any term, condition, or limitation of any license or registration issued by the Department; or
  2. Knowingly submit to the Department, or a licensee, registrant, or applicant, or a licensee's, registrant's, or applicant's contractor or subcontractor, information that is incomplete or inaccurate.
- B. The Board shall impose the applicable civil penalty listed in R9-7-1216 on a person who violates subsection (A)(1) or (A)(2). For this purpose the person is classified as a Division II licensee and the violation is classified as a Severity II violation.
- C. For the purposes of this Section, "misconduct" means conduct prohibited under subsection (A).
- D. A person who is not a licensee, registrant, or applicant and knowingly violates a rule for the safe use of radiation sources in 9 A.A.C. 7 is subject to the enforcement actions in 9 A.A.C. 7, Article 12.

**Historical Note**

New Section R9-7-107 recodified from R12-1-107, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

## ARTICLE 2. REGISTRATION, INSTALLATION, AND SERVICE OF IONIZING RADIATION-PRODUCING MACHINES; AND CERTIFICATION OF MAMMOGRAPHY FACILITIES

**R9-7-201. Exemptions**

- A. Electronic equipment that produces X-radiation incidental to its operation for other purposes is exempt from the registration and notification requirements of this Article, provided that an exposure rate, from any accessible surface, averaged over an area of 10 centimeters squared (1.55 inches squared) does not exceed 5 microsieverts (0.5 milliroentgen) per hour at 5 centimeters (2.0 inches).
- B. The production, testing, or factory servicing of the electronic equipment in subsection (A) is not exempt from the requirements of this Article.
- C. Radiation machines in storage or in transit to or from storage are exempt from the requirements of this Article.
- D. Radiation machines rendered incapable of producing radiation are exempt from the requirements of this Article.

**Historical Note**

New Section R9-7-201 recodified from R12-1-201, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-202. Application for Registration of Ionizing Radiation Producing Machines**

- A. A person shall not use a radiation machine except as authorized in this Article.
- B. A person possessing a nonexempt radiation machine shall apply for registration of the machine with the Department within 30 days after its installation. The person applying for registration of a radiation-producing machine shall use the application forms provided by the Department. The applicant shall provide the information identified in Appendix A of this Article.
- C. In addition to the application form or forms, the applicant shall remit the appropriate registration or licensing fee in R9-7-1306 and provide other information required by R9-7-208.
- D. Each applicant that applies for registration of a stationary x-ray system, with the exception of applicants from bone densitometry, cabinet radiography, podiatry, dental, bone mineral analyzer and mammography facilities, shall provide a scale drawing of the room in which the x-ray system is located, or

## Department of Health Services - Radiation Control

provide measurements from the radiation source to the surrounding barrier surfaces. The drawing shall denote the type of materials and the thickness (or lead equivalence) of each barrier of the room (walls, ceilings, floors, doors, windows). The drawing shall also denote the type and frequency of occupancy in adjacent areas, including those above and below the x-ray room of concern (e.g., hallways, offices, parking lots, and lavatories). Estimates of workload shall also be provided with the drawing.

- E. An applicant proposing to use a particle accelerator for medical purposes shall not use the particle accelerator until the Department inspection required in R9-7-914 has been completed.

**Historical Note**

New Section R9-7-202 recodified from R12-1-202, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-203. Application for Registration of Servicing and Installation**

- A. Each person who is engaged in the business of installing or offering to install radiation machines shall apply for registration. For purposes of this Chapter, install includes selling and servicing, or offering to sell or service, x-ray machines in Arizona.
- B. The applicant shall complete the application for registration on forms that request information required by A.R.S. § 30-672.01, provided by the Department.

**Historical Note**

New Section R9-7-203 recodified from R12-1-203, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-204. Issuance of Notice of Registration**

- A. Upon determining that the application meets the requirements of the Act and this Article, the Department shall issue a Notice of Registration.
- B. All radiation machines located at the same facility may be registered using one Notice of Registration.

**Historical Note**

New Section R9-7-204 recodified from R12-1-204, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-205. Expiration of Notice of Registration or Certification**

- A. Except as provided in subsection (B), a Notice of Registration, issued according to R9-7-204, or a certificate issued according to R9-7-208, expires at the end of the day on the expiration date stated in the Notice of Registration or certificate.
- B. If an application for renewal is filed by the registrant or certificate holder not less than 30 days prior to the expiration of the Notice of Registration or certificate, the Notice of Registration or certificate does not expire until a final determination is made by the Department on the renewal application.

**Historical Note**

New Section R9-7-205 recodified from R12-1-205, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-206. Assembly, Installation, Removal from Service, and Transfer**

- A. A person who assembles, or installs ionizing radiation machines in this state shall notify the Department in writing within 15 days of:
  1. The name and address of the person possessing the machine that was assembled or installed;
  2. The manufacturer, model, and serial number of each radiation machine with the tube housing model number and

serial number, maximum kVp, and maximum mA, assembled or installed; and

3. The date each machine was assembled or installed, or the first clinical procedure is performed.
- B. Any person who possesses a radiation machine registered by the Department shall notify the Department within 15 days of the machine being taken out of service. The written notification shall contain the name and address of the person receiving the machine, if it is sold, leased, or transferred to another person; the manufacturer, model, and serial number of the machine; and the date the machine was taken out of service.
  - C. In the case of diagnostic x-ray systems that contain certified components, an assembler shall, within 15 days following completion of the assembly, submit to the Department a copy of the assembler's report (FDA Report No. 2579) prepared in compliance with requirements in 21 CFR 1020.30(d), revised April 1, 2008, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments. The report shall suffice in lieu of any other report by the assembler, if it contains the information required in subsection (A).
  - D. A person shall not make, sell, lease, transfer, lend, assemble, service, or install radiation machines or the supplies used in connection with radiation machines unless the supplies and equipment when properly placed in operation and used, meet the requirements of these rules.

**Historical Note**

New Section R9-7-206 recodified from R12-1-206, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-207. Reciprocal Recognition of Out-of-state Radiation Machines**

- A. If any radiation machine is to be brought into the state for temporary use, the person proposing to bring the radiation machine into the state shall provide written notice to the Department at least three working days before the radiation machine is to be used in the state. The notice shall include the type of radiation machine; the nature, duration, and scope of use; and the exact location where the radiation machine is to be used. If, for a specific case, the three working-day period would impose an undue hardship, the person may upon application to the Department, obtain permission to proceed sooner.
- B. In addition, the owner of the radiation machine and the person possessing the machine while in the state shall:
  1. Comply with all applicable rules of the Department;
  2. Upon request, supply the Department with a copy of the machine's registration and other information regarding the safe operation of the machine while it is in the state; and
  3. Upon request, supply the Department with the work authorization from the Department, machine registration, operating and emergency procedures, utilization log, survey instrument and associated calibration record, and training records for all users.
- C. A radiation machine shall not be operated within the state on a temporary basis in excess of 180 calendar days per year.

**Historical Note**

New Section R9-7-207 recodified from R12-1-207, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-208. Certification of Mammography Facilities**

An applicant seeking certification of a facility according to A.R.S. § 30-672(J) shall:

1. Provide evidence with the application that a quality assurance program has been established and is in use under R9-7-614(B)(1) and (2),



## Department of Health Services - Radiation Control

2. Provide evidence with the application that physicians reading mammographic images have the training and experience required in A.R.S. § 32-2842, and
3. Provide evidence with the application that physicians reading mammographic images have met the minimum criteria established by their respective licensing boards, as required in A.R.S. § 32-2842(C).

**Historical Note**

New Section R9-7-208 recodified from R12-1-208, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-209. Notifications**

- A. A registrant shall notify the Department within 30 days of any change to the information contained in the notice of registration or a certificate issued according to R9-7-208.
- B. A person who possesses a radiation machine registered by the Department shall notify the Department within 15 days if the machine is discarded or transferred to another person. In the notice, the person shall provide the name and address of the person who receives the machine, if it is sold, leased, or transferred to another person; the manufacturer, model, and serial number of the machine; and the date the machine was taken out of service.

**Historical Note**

New Section R9-7-209 recodified from R12-1-209, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Application Information**

An application shall contain the following information as required in R9-7-202(B), before a registration will be issued. The Department shall provide an application form to an applicant with a guide, if available, or shall assist the applicant to ensure that only correct information is provided on the application.

Name and mailing address of applicant	Use location
Person responsible for radiation safety program	Telephone number
Type of facility	Facility subtype
Legal structure and ownership	Signature of certifying agent
Radiation machine information	Equipment identifiers
Shielding information	Scale drawing, if applicable
Equipment operator instructions and restrictions	Physicist name and training, if applicable
Classification of professional in charge	
Record of calibration for therapy units	Type of request: amendment, new, or renewal
Protection survey results, if applicable	
Type of industrial radiography program, if applicable	
Radiation Safety Officer name, if applicable	Contact person
Other registration requirements listed in Articles 2, 6, 8, 9, and 11	Appropriate fee listed in Article 13 schedule

**Historical Note**

New Article 2, Appendix A recodified from 12 A.A.C. 1, Article 2, Appendix A, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 3. RADIOACTIVE MATERIAL LICENSING****R9-7-301. Ownership, Control, or Transfer of Radioactive Material**

- A. In addition to the requirements of this Article, all licensees are subject to the requirements of 9 A.A.C. 7, Article 1, Article 4, and Article 10. Licensees engaged in industrial radiographic operations are subject to the requirements of 9 A.A.C. 7, Article 5; licensees using radioactive material in the practice of medicine are subject to the requirements of 9 A.A.C. 7, Article 7; licensees transporting radioactive material are subject to the requirements contained in 9 A.A.C. 7, Article 15; and licensees using radioactive material in well logging operations are subject to the requirements in 9 A.A.C. 7, Article 17.
- B. Notwithstanding any other provisions of this Article, any person may own radioactive material, provided that the ownership does not include the actual possession, custody, use, or physical transfer of radioactive material or the manufacture or production of any article that contains radioactive material without the applicable certification, license, or registration.
- C. A manufacturer, processor, or producer of any equipment, device, commodity, or other product that contains source material or radioactive material whose subsequent possession, use, transfer, or disposal by all other persons is exempt from regulatory requirements may only obtain authority to transfer possession or control of the material from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**Historical Note**

New Section R9-7-301 recodified from R12-1-301, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-302. Source Material; Exemptions**

- A. Any person is exempt from this Article to the extent the person receives, possesses, uses, delivers or transfers source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than 1/20th of 1 percent (0.0005) of the mixture, compound, solution, or alloy.
- B. Any person is exempt from this Article to the extent the person receives, possesses, uses, or transfers unrefined and unprocessed ore containing source material, provided that, the person does not refine or process the ore except as authorized in a specific license.
- C. Any person is exempt from this Article if the person receives, possesses, uses, or transfers:
  1. Any quantities of thorium contained in:
    - a. Incandescent gas mantles;
    - b. Vacuum tubes;
    - c. Welding rods;
    - d. Electric lamps for illuminating purposes provided that each lamp does not contain more than 50 milligrams of thorium;
    - e. Germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting, provided that each lamp does not contain more than 2 grams of thorium;
    - f. Rare earth metals, compounds, mixtures, or products containing not more than 0.25 percent by weight thorium, uranium, or any combination of thorium and uranium; or
    - g. Individual neutron dosimeters, provided that each dosimeter does not contain more than 50 milligrams of thorium;
  2. Source material contained in the following products:

## Department of Health Services - Radiation Control

- a. Glazed ceramic tableware, provided that the glaze contains not more than 20 percent source material by weight;
- b. Glassware, glass enamel and glass enamel frit containing not more than 10 percent source material by weight, but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass, glass enamel or ceramic used in construction; or
- c. Piezoelectric ceramic containing not more than 2 percent source material by weight;
3. Photographic film, negatives, and prints containing uranium or thorium;
4. Any finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed 4 percent by weight and that the exemption contained in this subsection does not authorize the chemical, physical, or metallurgical treatment or processing of the finished product or part;
5. Uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of counterweights, provided that:
  - a. The counterweights are manufactured in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, authorizing distribution by the licensee according to 10 CFR 40;
  - b. Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM";
  - c. Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED"; and
  - d. The exemption contained in this item does not authorize the chemical, physical, or metallurgical treatment or processing of any counterweight other than repair or restoration of any plating or other covering; and
  - e. The requirements specified in subsections (C)(5)(b) and (c) do not apply to counterweights manufactured prior to December 31, 1969; provided, that these counterweights are impressed with the legend, "CAUTION – RADIOACTIVE MATERIAL – URANIUM."
6. Natural or depleted uranium metal used as shielding and constituting part of any shipping container; provided that:
  - a. The shipping container is conspicuously and legibly impressed with the legend "CAUTION – RADIOACTIVE SHIELDING – URANIUM," and
  - b. The uranium metal is encased in mild steel or equally fire resistant metal with minimum wall thickness of 1/8 inch (3.2 mm).
7. Thorium contained in finished optical lenses, provided that each lens does not contain more than 30 percent of thorium by weight, and that the exemption contained in this item does not authorize either:
  - a. The shaping, grinding, or polishing of a thoriated lens or manufacturing processes other than the assembly of a thoriated lens into optical systems and devices without any alteration of the lens; or
  - b. The receipt, possession, use, or transfer of thorium contained in contact lenses, spectacles, or the eyepieces of binoculars or other optical instruments;
8. Uranium contained in detector heads of fire detection units, provided that each detector head contains not more than 5 nanocuries (185 Bq) of uranium; or
9. Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:
  - a. The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thorium (thorium dioxide), and
  - b. The thorium content in the nickel-thoria alloy does not exceed 4 percent by weight.
- D. The exemptions in subsection (C) do not authorize the manufacture of any of the products described.

**Historical Note**

New Section R9-7-302 recodified from R12-1-302, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-303. Radioactive Material Other Than Source Material; Exemptions****A. Exempt concentrations**

1. Except as provided in subsection (A)(3) and (A)(4), any person is exempt from this Article if the person receives, possesses, uses, transfers, owns, or acquires products or materials containing radioactive material in concentrations not in excess of those listed in Exhibit A.
2. This Section shall not be deemed to authorize the import of radioactive material or products containing radioactive material.
3. A manufacturer, processor, or producer of a product or material is exempt from the requirements for a license issued under R9-7-311(A) or the requirements of this Article to the extent that this person transfers radioactive material contained in a product or material in concentrations not in excess of those specified in Exhibit A of this Article and introduced into the product or material by a licensee holding a specific license issued by the NRC expressly authorizing such introduction. This exemption does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.
4. A person shall not introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under subsection (A)(1) or equivalent Regulations of the U.S. Nuclear Regulatory Commission or any Agreement State or Licensing State, except in accordance with a license issued under 10 CFR 32.11.

**B. Exempt items**

1. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, or persons who initially transfer for sale or distribution the following products, a person is exempt from this Chapter to the extent that the person receives, possesses, uses, transfers, owns, or acquires the following products:
  - a. Timepieces, hands, or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified levels of radiation:
    - i. 925 megabecquerels (25 millicuries) of tritium per timepiece,
    - ii. 185 megabecquerels (5 millicuries) of tritium per hand,
    - iii. 555 megabecquerels (15 millicuries) of tritium per dial (bezels when used shall be considered part of the dial),

## Department of Health Services - Radiation Control

- iv. 3.7 megabecquerels (100 microcuries) of promethium-147 per watch or 7.4 megabecquerels (200 microcuries) of promethium-147 per any other timepiece,
- v. 740 kBq (20 microcuries) of promethium-147 per watch hand or 1.48 megabecquerels (40 microcuries) of promethium-147 per other timepiece hand,
- vi. 2.22 megabecquerels (60 microcuries) of promethium-147 per watch dial or 4.44 MBq (120 microcuries) of promethium-147 per other timepiece dial (bezels, when used, shall be considered part of the dial),
- vii. The levels of radiation from hands and dials containing promethium-147 shall not exceed, when measured through 50 milligrams per square centimeter of absorber:
  - (1) For wrist watches, 1.0  $\mu$ Gy (0.1 millirad) per hour at 10 centimeters from any surface of the watch;
  - (2) For pocket watches, (0.1 millirad) per hour at 1 centimeter from any surface;
  - (3) For any other timepiece, 2.0  $\mu$ Gy (0.2 millirad) per hour at 10 centimeters from any surface;
- viii. 37 kBq (1 microcurie) of radium-226 per timepiece in intact timepieces manufactured prior to November 30, 2007;
- b. Static elimination devices which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500  $\mu$ Ci) of polonium-210 per device.
  - i. Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500  $\mu$ Ci) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.
  - ii. Such devices authorized before October 23, 2012 for use under the general license then provided in R9-7-306 and equivalent regulations of the NRC or Agreement State and manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the NRC.
- c. Balances of precision containing not more than 37 megabecquerels (1 millicurie) of tritium per balance or not more than 18.5 megabecquerels (0.5 millicurie) of tritium per balance part manufactured before December 17, 2007;
- d. Marine compasses containing not more than 27.75 gigabecquerels (750 millicuries) of tritium gas and other marine navigational instruments containing not more than 9.25 gigabecquerels (250 millicuries) of tritium gas manufactured before December 17, 2007;
- e. Ionization chamber smoke detectors containing not more than 37 kBq (1 microcurie) of americium-241 per detector in the form of a foil and designed to protect life and property from fires;
- f. Electron tubes: Provided that each tube does not contain more than one of the following specified quantities of radioactive material:
  - i. 5.55 GBq (150 millicuries) of tritium per microwave receiver protector tube or 370 megabecquerels (10 millicuries) of tritium per any other electron tube;
  - ii. 37 kBq (1 microcurie) of cobalt 60;
  - iii. 185 kBq (5 microcuries) of nickel 63;
  - iv. 1.11 megabecquerels (30 microcuries) of krypton 85;
  - v. 185 kBq (5 microcuries) of cesium 137;
  - vi. 1.11 megabecquerels (30 microcuries) of promethium-147;
  - vii. And provided further, that the level of radiation due to radioactive material contained in each electron tube does not exceed 10  $\mu$ Gy (1 millirad) per hour at 1 centimeter from any surface when measured through 7 milligrams per square centimeter of absorber. The term "electron tubes" includes spark gap tubes, power tubes, gas tubes, including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical current;
- g. Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material provided that:
  - i. Each source contains no more than one exempt quantity set forth in Exhibit B of this Article; and
  - ii. Each instrument contains no more than 10 exempt quantities. For the purposes of this subsection, an instrument's source or sources may contain either one type or different types of radionuclide and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in Exhibit B of this Article, provided the sum of the fractions do not exceed unity;
  - iii. For the purposes of subsection (B)(1)(h) only, 185 kBq (50 nanocurie) of americium-241 is considered an exempt quantity under Exhibit B of this Article;
- h. Any person who desires to apply radioactive material to, or to incorporate radioactive material into, the products exempted in subsection (B)(1)(a), or who desires to initially transfer for sale or distribution such products containing radioactive material, should apply for a specific license pursuant to R9-7-311 of this Article, which license states that the product may be distributed by the licensee to persons exempt from the rules pursuant R9-7-303(A)(1).
- 2. Self-luminous products containing tritium, krypton-85, or promethium-147:
  - a. Except for persons who manufacture, process, initially transfer for sale or distribution, or produce self-luminous products containing tritium, krypton-85, or promethium-147, and except as provided in paragraph (c) of this subsection, a person is exempt from this Chapter if the person receives, possesses, uses, owns, transfers or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported, initially transferred for sale or distribution, or transferred under a specific license issued by the U.S. Nuclear Regulatory Commission and described in 10 CFR

## Department of Health Services - Radiation Control

- 32.22, and the license authorizes the transfer of the products to persons who are exempt from regulatory requirements.
- b. Any person who desires to manufacture, process, or produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147 for use under paragraph (a) of this subsection, should apply for a license described in R9-7-311.
  - c. The exemption in paragraph (a) of this subsection does not apply to tritium, krypton-85, or promethium-147 used in products for primarily frivolous purposes or in toys or adornments.
  - d. A person is exempt from this Chapter if the person receives, possesses, uses, or transfers articles containing less than 3.7 kBq (100 nanocuries) of radium-226, manufactured prior to October 1, 1978.
3. Gas and aerosol detectors containing radioactive material
    - a. Except for persons who manufacture, process, initially transfer for sale or distribution, or produce gas and aerosol detectors containing radioactive material, a person is exempt from this Chapter if the person receives, possesses, uses, transfers, owns, or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards, provided that detectors containing radioactive material shall be manufactured, imported, or transferred according to a specific license issued by the U.S. Nuclear Regulatory Commission and described in 10 CFR 32.26, or equivalent regulations of an Agreement or Licensing State, this exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007 in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or equivalent regulations of an Agreement or Licensing State and the license authorizes the transfer of the detectors to persons who are exempt from regulatory requirements.
    - b. Any person who desires to manufacture, process, or produce gas and aerosol detectors containing byproduct material, or to initially transfer such products for use under paragraph (a) of this subsection, should apply for a license described in R12-1-311.
    - c. Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State are exempt under subsection (B)(4)(a), provided that the device is labeled in accordance with the specific license authorizing distribution of the general licensed device, and that the detectors meet the requirements of the regulations of the U.S. Nuclear Regulatory Commission.
  4. Certain industrial devices
    - a. Except for persons who manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the requirements for a license set forth in this Chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material, in these certain detecting, measuring, gauging, or controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under R9-7-311 of this Article, which license authorizes the initial transfer of the device for use under this section. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources.
    - b. Any person who desires to manufacture, process, produce, or initially transfer, for sale or distribution, industrial devices containing byproduct material for use under paragraph (1) of this subsection, shall apply for a license described in R9-7-311.
- C. Exempt quantities
    1. Except as provided in subsections (C)(2), (3), and (7), a person is exempt from this Chapter if the person receives, possesses, uses, transfers, owns, or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in Exhibit B of this Article.
    2. This subsection does not authorize the production, packaging, or repackaging or transfer of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.
    3. Except as specified in this subsection, a person shall not, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Exhibit B of this Article, knowing or having reason to believe the described quantities of radioactive material will be transferred to persons exempt under subsection (C) or equivalent regulations of the U.S. Nuclear Regulatory Commission or any Agreement State or Licensing State. A person may transfer radioactive material for commercial distribution under a specific license issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.18 which license states that the radioactive material may be transferred by the licensee to persons exempt under this subsection or the equivalent regulations of the U.S. Nuclear Regulatory Commission or any Agreement State or Licensing State.
    4. Sources containing exempt quantities of radioactive material shall not be bundled or placed in close proximity for the purpose of using the radiation from the combined sources in place of a single source, containing a licensable quantity of radioactive material.
    5. Possession and use of bundled or combined sources containing exempt quantities of radioactive material in unregistered devices by persons exempt from licensing is prohibited.
    6. Any person, who possesses radioactive material received or acquired before September 25, 1971, under the general license issued under R9-7-311(A) of this Article or similar general license of an Agreement State or the NRC, is exempt from the requirements for a license issued under R9-7-311(A) of this Article to the extent that this person possesses, uses, transfers, or owns radioactive material.
    7. No person may, for purposes of producing an increased radiation level, combine quantities of radioactive material covered by the exemption described in subsection (C)(6) so that the aggregate quantity exceeds the limits set forth in Exhibit B, except for radioactive material combined within a device placed in use before May 3, 1999, or as otherwise permitted by the rules in this Section.

## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-303 recodified from R12-1-303, at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-304. License Types**

- A.** Activities requiring license. Except as provided in 10 CFR 30.3 (revised January 1, 2013, incorporated by reference, and available under R9-7-101; this incorporated material contains no future editions or amendments) this Section and for persons exempt as provided in R9-7-302 and R9-7-303 of this Article, no person shall manufacture, produce, transfer, receive, acquire, own, possess, or use byproduct material except as authorized in a specific or general license issued in accordance with the regulations in this chapter and in accordance with 10 CFR 30.3.
- B.** Licenses for radioactive materials are of two types: general and specific.
1. A general license is provided by rule, grants authority to a person for certain activities involving radioactive material, and is effective without the filing of an application with the Department or the issuance of a licensing document to a particular person. However, registration with the Department may be required by the particular general license.
  2. The Department issues a specific license to a named person who has filed an application for a license under the applicable provision of this Chapter. A specific licensee is subject to all of the applicable rules in this Chapter and any limitation contained in the license document.

**Historical Note**

New Section R9-7-304 recodified from R12-1-304, at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-305. General Licenses – Source Material**

- A.** This subsection grants a general license that authorizes commercial and industrial firms; research, educational, and medical institutions; and state and local government agencies to use, and transfer not more than 6.8 kg (15 pounds) of source material at any one time for research, development, educational, commercial, or operational purposes. A person authorized under this subsection shall not receive more than 68.2 kg (150 pounds) of source material in one calendar year.
- B.** A person who receives, possesses, uses, or transfers source material under a general license granted under subsection (A) is exempt from the provisions of 9 A.A.C. 7, Article 4 and Article 10, provided the receipt, possession, use, or transfer is within the terms of the general license. This exemption does not apply to any person who is also in possession of source material under a specific license issued under this Article.
- C.** This subsection grants a general license that authorizes a person to receive acquire, possess, use, or transfer depleted uranium contained in industrial products and devices provided:
1. The depleted uranium is contained in the industrial product or device for the purpose of providing a concentrated mass in a small volume of the product or device;
  2. The industrial products or devices have been manufactured or initially transferred in accordance with a specific license governed by R9-7-311(M), or a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State that authorizes manufacture of the products or devices for distribution to persons generally licensed by the U.S. Nuclear Regulatory Commission or an Agreement State;
  3. The person files an ARRA 23 "Registration Certificate -- Use of Depleted Uranium Under General License" with the Department. The person shall provide the information

requested on the certificate and listed in Exhibit E. The person shall submit the information within 30 days after first receipt or acquisition of the depleted uranium, returning the completed registration certificate to the Department. The person shall report in writing to the Department any change in information originally submitted to the Department on ARRA 23. The person shall submit the change report within 30 days after the effective date of the described change.

- D.** A person who receives, acquires, possesses, or uses depleted uranium according to the general license provided under subsection (C) shall:
1. Not introduce depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;
  2. Not abandon the depleted uranium;
  3. Transfer the depleted uranium as prescribed in R9-7-318. If the transferee receives the depleted uranium under a general license established by subsection (C), the transferor shall furnish the transferee with a copy of this Section and a copy of the registration certificate. If the transferee receives the depleted uranium under a general license governed by a regulation of the U.S. Nuclear Regulatory Commission or an Agreement State that is equivalent to subsection (C), the transferor shall furnish the transferee a copy of the equivalent rule and a copy of the registration certificate, accompanied by a letter explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or an Agreement State under requirements substantially similar to those in this Section;
  4. Within 30 days of any transfer, report in writing to the Department the name and address of the person receiving the depleted uranium; and
  5. Not export depleted uranium except under a license issued by the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 110.
- E.** A person who receives, acquires, possesses, uses, or transfers depleted uranium in accordance with a general license granted under subsection (C) is exempt from the requirements of 9 A.A.C. 7, Articles 4 and 10 with respect to the depleted uranium covered by that general license.

**Historical Note**

New Section R9-7-305 recodified from R12-1-305, at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-306. General License – Radioactive Material Other Than Source Material**

- A.** Certain measuring, gauging or controlling devices and certain devices for producing light or an ionized atmosphere.
1. This subsection grants a general license to a commercial or industrial firm; a research, educational or medical institution; an individual conducting business; or a state or local government agency to receive, acquire, possess, use, or transfer radioactive material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere, according to the provisions of 10 CFR 31.5(b), (c), and (d), (Revised January 1, 2013, incorporated by reference, and available under R9-7-101. The incorporated material contains no future editions or amendments.

## Department of Health Services - Radiation Control

2. A general licensee shall receive a device from one of the specific licensees described in this Section or through a transfer made under subsection (A)(4)(k).
3. A general license in subsection (A)(1) applies only to radioactive material contained in devices that have been manufactured or initially transferred and labeled in accordance with the requirements contained in:
  - a. A specific license issued under R9-7-311(A), or
  - b. An equivalent specific license issued by the NRC or another Agreement State.
  - c. An equivalent specific license issued by a State with rules or regulations comparable to this Section.
4. A person who acquires, receives, possesses, uses, or transfers radioactive material in a device licensed under subsection (A)(1) or through a transfer made under subsection (A)(4)(h), shall:
  - a. Ensure that all labels and safety statements affixed to a device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained and not removed, and comply with all instructions and precautions on the labels.
  - b. Ensure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at other intervals as specified on the label.
    - i. A general licensee need not test a device that contains only krypton for leakage of radioactive material; and
    - ii. A general licensee need not test a device for leakage of radioactive material if the device contains only tritium, not more than 3.7 megabecquerels (100 microcuries) of other beta and/or gamma emitting material, or 370 kilobecquerels (10 microcuries) of alpha emitting material, or the device is held in storage, in the original shipping container, before initial installation.
  - c. Ensure that the tests required by subsection (A)(4)(b) and other testing, installation, servicing, and removal from installation involving the radioactive material or its shielding or containment, are performed:
    - i. In accordance with the device label instructions, or
    - ii. By a person holding a specific license under R9-7-311(A) or in accordance with the provisions of a specific license issued by the NRC or an Agreement State which authorizes distribution of devices to persons generally licensed by the NRC or an Agreement State.
  - d. Maintain records of compliance with the requirements in subsections (A)(4)(b) and (c) that show the results of tests; the dates that required activities were performed, and the names of persons performing required activities involving radioactive material from the installation and its shielding or containment. The records shall be maintained for three years from the date of the recorded event or until transfer or disposal of the device.
  - e. Immediately suspend operation of a device if there is a failure of, or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 becquerel (0.005 microcurie) or more of removable radioactive material.
    - i. A general licensee shall not operate the device until it has been repaired by the manufacturer or another person holding a specific license to repair this type of device that was issued by the Department under R9-7-311(A), the NRC, or an Agreement State which authorizes distribution of devices to persons generally licensed by the NRC or an Agreement State.
    - ii. If necessary the general licensee shall dispose of the device and any radioactive material from the device by transfer to a person authorized by a specific license to receive the radioactive material in the device or as otherwise approved by the Department.
    - iii. Within 30 days of an event governed by subsection (A)(4)(e) the general licensee shall furnish a report that contains a brief description of the event and the remedial action taken and, in the case of detection of 185 Becquerel (0.005 microcurie) or more of removable radioactive material or failure of or damage to a source likely to result in contamination of the general licensee's facility or the surrounding area, if applicable, a plan for ensuring that the general licensee's facility and surrounding area, if applicable, are acceptable for unrestricted use. The radiological criteria for unrestricted use in R9-7-452 may be used to prepare the plan, as determined by the Department, on a case-by-case basis.
  - f. Not abandon a device that contains radioactive material.
  - g. Not export a device that contains radioactive material except in accordance with 10 CFR 110, revised January 1, 2013, incorporated by reference, and available under R9-7-101. The incorporated material contains no future editions or amendments.
  - h. Transfer or dispose of a device that contains radioactive material only by export as authorized in subsection (A)(4)(g), transfer to another general licensee as authorized in subsection (A)(4)(k) or a person who is authorized to receive the device by a specific license issued by the Department, the NRC, or an Agreement State, or collection as waste if authorized by equivalent regulations of an Agreement State, or the NRC, or as otherwise approved under subsection (A)(4)(j).
  - i. Within 30 days after the transfer or export of a device to a specific licensee, furnish a report to the Department. The report shall:
    - i. Identify the device by manufacturer's (or initial transferor's) name, model number, and serial number;
    - ii. Provide the name, address, and license number of the person receiving the device (license number not applicable if exported); and
    - iii. Provide the date of transfer or export.
  - j. Obtain written Department approval before transferring a device to any other specific licensee that is not authorized in accordance with subsection (A)(4)(h).
  - k. Transfer a device to another general licensee only:
    - i. If the device remains in use at a particular location. The transferor shall provide the transferee with a copy of this Section, a copy of R9-7-443, R9-7-445, and R9-7-448 and any safety documents identified on the device label. Within 30

## Department of Health Services - Radiation Control

- days of the transfer, the transferor shall report to the Department the manufacturer's (or initial transferor's) name; the model number and the serial number of the device transferred; the transferee's name and mailing address for the location of use; and the name, title, and telephone number of the responsible individual appointed by the transferee in accordance with subsection (A)(4)(n); or
- ii. If the device is held in storage in the original shipping container at its intended location of use before initial use by a general licensee, and by a person that is not a party to the transaction.
  - l. Comply with the provisions of R9-7-443, R9-7-444, R9-7-445, R9-7-447, and R9-7-448 for reporting and notification of radiation incidents, theft or loss of licensed material, and is exempt from the other requirements of 9 A.A.C. 7, Articles 4 and 10.
  - m. Respond to written requests from the Department to provide information relating to the general license within 30 days from the date on the request, or a longer time period specified in the request. If the general licensee cannot provide the requested information within the specified time period, the general licensee shall request a longer period to supply the information before expiration of the time period, providing the Department with a written justification for the request.
  - n. Appoint an individual responsible for knowledge of applicable laws and possessing the authority to take actions required to comply with applicable radiation safety laws. The general licensee, through this individual, shall ensure the day-to-day compliance with applicable radiation safety laws. This provision does not relieve the general licensee of responsibility.
  - o. Register, in accordance with subsections (A)(4)(p) and (q), any device that contains at least 370 megabecquerels (10 millicuries) of cesium-137, 3.7 megabecquerels (0.1 millicuries) of strontium-90, 37 megabecquerels (1 millicurie) of cobalt-60, or 37 megabecquerels (1 millicurie) of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label. Each address for a location of use, as described under subsection (A)(4)(q)(iv), represents a separate general licensee and requires a separate registration and fee.
  - p. Register each device annually with the Department and pay the fee required by R9-7-1306, Category D4, if in possession of a device that meets the criteria in subsection (A)(4)(o). The general licensee shall register by verifying, correcting, and adding to the information provided in a request for registration received from the Department. The registration information shall be submitted to the Department within 30 days from the date on the request for registration. In addition, a general licensee holding devices meeting the criteria of subsection (A)(4)(o) is subject to the bankruptcy notification requirements in R9-7-313(D).
  - q. In registering a device, furnish the following information and any other registration information specifically requested by the Department:
    - i. Name and mailing address of the general licensee;
    - ii. Information about each device, including the manufacturer (or initial transferor), model number, serial number, radioisotope, and activity (as indicated on the label);
    - iii. Name, title, and telephone number of the responsible individual appointed by the general licensee under subsection (A)(4)(n);
    - iv. Address or location at which each device is used and stored. For a portable device, the address of the primary place of storage;
    - v. Certification by the responsible individual that the information concerning each device has been verified through a physical inventory and review of label information; and
    - vi. Certification by the responsible individual that the individual is aware of the requirements of the general license.
  - r. Report a change in mailing address for the location of use or a change in the name of the general licensee to the Department within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage.
  - s. Not use a device if the device has not been used for a period of two years. If a device with shutters is not being used, the general licensee shall ensure that the shutters are locked in the closed position. The testing required by subsection (A)(4)(b) need not be performed during a period of storage. However, if a device is put back into service or transferred to another person, and has not been tested during the required test interval, the general licensee shall ensure that the device is tested for leakage before use or transfer and that the shutter is tested before use. A device kept in standby for future use is excluded from the two-year time limit in this subsection if the general licensee performs a quarterly physical inventory regarding the standby devices.
5. A person that is generally licensed by an Agreement State with respect to a device that meets the criteria in subsection (A)(4)(o) is exempt from registration requirements if the device is used in an area subject to Department jurisdiction for a period less than 180 days in any calendar year. The Department does not request registration information from a general licensee if the device is exempted from licensing requirements in subsection (A)(4)(o).
  6. The general license granted under subsection (A)(1) is subject to the provisions of 9 A.A.C. 7, Articles 1, 3, 12, and 15, and A.R.S. §§ 30-654(B)(13), 30-657(A) and (B), 30-681, and 30-685 through 30-689.
  7. The general license in subsection (A)(1) does not authorize the manufacture or import of devices containing byproduct material.
- B. Luminous safety devices for aircraft**
1. This subsection grants a general license that authorizes a person to own, receive, acquire, possess, and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided that each device contains not more than 370 gigabecquerels (10 curies) of tritium or 11.1 gigabecquerels (300 millicuries) of promethium-147; and each device has been manufactured, assembled, initially transferred, or imported according to a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or assembled according to the specifications contained in a specific license issued to the manufacturer or assembler of the

## Department of Health Services - Radiation Control

device by the Department or any Agreement State or Licensing State in accordance with licensing requirements equivalent to those in 10 CFR 32.53.

2. A person who owns, receives, acquires, possesses, or uses a luminous safety device according to the general license granted in subsection (B)(1) is:
  - a. Exempt from the requirements of 9 A.A.C. 7, Article 4 and Article 10 except that the person shall comply with the reporting and notification provisions of R9-7-443, R9-7-444, R9-7-445, R9-7-447, and R9-7-448;
  - b. Not authorized to manufacture, assemble, repair, or import a luminous safety device that contains tritium or promethium-147;
  - c. Not authorized to export luminous safety devices containing tritium or promethium-147;
  - d. Not authorized to own, receive, acquire, possess, or use radioactive material contained in instrument dials; and
  - e. Subject to the provisions of 9 A.A.C. 7, Articles 1, 3, 12, and 15 and A.R.S. §§ 30-654(B)(13), 30-657(A) and (B), 30-681, and 30-685 through 30-689.

C. This subsection grants a general license that authorizes a person who holds a specific license to own, receive, possess, use, and transfer radioactive material if the Department issues the license; or special nuclear material if the NRC issues the license. For americium-241, radium-226, and plutonium contained in calibration or reference sources, this subsection grants a general license in accordance with the provisions of subsections (C)(1), (2), and (3). For plutonium, ownership is included in the licensed activities.

1. This subsection grants a general license for calibration or reference sources that have been manufactured according to the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission under 10 CFR 32.57 or 10 CFR 70.39. This general license also governs calibration or reference sources that have been manufactured according to specifications contained in a specific license issued to the manufacturer by the Department, an Agreement State, or a Licensing State, according to licensing requirements equivalent to those contained in 10 CFR 32.57 or 10 CFR 70.39, revised January 1, 2013, incorporated by reference, and available under R9-7-101. The incorporated material contains no future editions or amendments.
2. A general license granted under subsection (C) or (C)(1) is subject to the provisions of 9 A.A.C. 7, Articles 1, 3, 4, 10, 12, and 15 and A.R.S. §§ 30-654(B)(13), 30-657(A) and (B), 30-681, and 30-685 through 30-689. In addition, a person who owns, receives, acquires, possesses, uses, or transfers one or more calibration or reference sources under a general license granted under subsection (C) or (C)(1) shall:
  - a. Not possess at any one time, at any location of storage or use, more than 185 kBq (5 microcuries) of americium-241, plutonium, or radium-226 in calibration or reference sources;
  - b. Not receive, possess, use, or transfer a calibration or reference source unless the source, or the storage container, bears a label that includes one of the following statements, as applicable, or a substantially similar statement that contains the same information:
    - i. The receipt, possession, use and transfer of this source, Model \_\_\_\_\_, Serial No. \_\_\_\_\_, are

subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS (name of the appropriate material) – DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

\_\_\_\_\_  
Name of manufacturer or importer

- ii. The receipt, possession, use and transfer of this source, Model \_\_\_\_\_, Serial No. \_\_\_\_\_, are subject to a general license and the regulations of any Licensing State. Do not remove this label.

CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

\_\_\_\_\_  
Name of manufacturer or importer

- c. Not transfer, abandon, or dispose of a calibration or reference source except by transfer to a person authorized to receive the source by a license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State;
- d. Store a calibration or reference source, except when the source is being used, in a closed container designed, constructed, and approved for containment of americium-241, plutonium, or radium-226 which might otherwise escape during storage; and
- e. Not use a calibration or reference source for any purpose other than the calibration of radiation detectors or the standardization of other sources.
3. The general license granted under subsection (C) or (C)(1) does not authorize the manufacture or import of calibration or reference sources that contain americium-241, plutonium, or radium-226.
4. The general license granted under subsections (C) or (C)(1) does not authorize the manufacture or export of calibration or reference sources that contain americium-241, plutonium, or radium-226.
- D. This subsection grants a general license that authorizes a person to receive, possess, use, transfer, own, or acquire carbon-14 urea capsules, which contain one microcurie of carbon-14 urea for “in vivo” human diagnostic use:
  1. Except as provided in subsections (D)(2) and (3), a physician is exempt from the requirements for a specific license, provided that each carbon-14 urea capsule for “in vivo” diagnostic use contains no more than 1 microcurie.
  2. A physician who desires to use the capsules for research involving human subjects shall obtain a specific license issued according to the specific licensing requirements in this Article.
  3. A physician who desires to manufacture, prepare, process, produce, package, repack, or transfer carbon-14 urea capsules for commercial distribution shall obtain a specific license from the Department, issued according to the requirements in 10 CFR 32.21, (Revised January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.)
  4. Nothing in this subsection relieves physicians from complying with applicable FDA and other federal and state



## Department of Health Services - Radiation Control

requirements governing receipt, administration, and use of drugs.

- E. This subsection grants a general license that authorizes any physician, clinical laboratory, or hospital to use radioactive material for certain "in vitro" clinical or laboratory testing.
1. The general licensee is authorized to receive, acquire, possess, transfer, or use, for any of the following stated tests, the following radioactive materials in prepackaged units:
    - a. Iodine-125, in units not exceeding 370 kilobecquerel (10 microcuries) each for use in "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or radiation from such material, to human beings or animals.
    - b. Iodine-131, in units not exceeding 370 kilobecquerel (10 microcuries) each for use in "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation from such material, to human beings or animals.
    - c. Carbon-14, in units not exceeding 370 kilobecquerel (10 microcuries) each for use in "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation from such material, to human beings or animals.
    - d. Hydrogen-3 (tritium), in units not exceeding 1.85 megabecquerel (50 microcuries) each for use in "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation from such material, to human beings or animals.
    - e. Iron-59, in units not exceeding 740 kilobecquerel (20 microcuries) each for use in "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation from such material, to human beings or animals.
    - f. Cobalt-57 or selenium-75, in units not exceeding 370 kilobecquerels (10 microcuries) each for use in "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation from such material, to human beings or animals.
    - g. Mock iodine-125 reference or calibration sources, in units not exceeding 1.85 kBq (50 nanocurie) of iodine-129 and 185 becquerel (5 nanocurie) of americium-241 each, for use in "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation from such material, to human beings or animals.
  2. A person shall not acquire, receive, possess, use, or transfer radioactive material according to the general license established by this subsection until the person has filed with the Department ARRA-9, "Certificate -- "In Vitro" Testing with Radioactive Material Under General License," provided the information listed in Exhibit E, and received a validated copy of ARRA-9, which indicates the assigned certification number. The physician, clinical laboratory, or hospital shall furnish on ARRA-9 the following information:
    - a. Name, telephone number, and address of the physician, clinical laboratory, or hospital; and
    - b. A statement that the physician, clinical laboratory, or hospital has radiation measuring instruments to carry out "in vitro" clinical or laboratory tests with radioactive material and that tests will be performed only by personnel competent to use the instruments and handle the radioactive material.
  3. A person who receives, acquires, possesses, or uses radioactive material according to the general license granted under this subsection shall:
    - a. Not possess at any one time, in storage or use, a combined total of not more than 7.4 megabecquerels (200 microcuries) of iodine-125, iodine-131, iron-59, cobalt-57, or selenium-75 in excess of 7.4 megabecquerels (200 microcuries), or acquire or use in any one calendar month more than 18.5 megabecquerels (500 microcuries) of these radionuclides.
    - b. Store the radioactive material, until used, in the original shipping container or in a container that provides equivalent radiation protection.
    - c. Use the radioactive material only for the uses authorized by subsection (E).
    - d. Not transfer radioactive material to a person who is not authorized to receive it according to a license issued by the Department, the U.S. Nuclear Regulatory Commission, or any Agreement State or Licensing State, or in any manner other than in an unopened, labeled shipping container received from the supplier.
    - e. Not dispose of a mock iodine-125 reference or calibration source described subsection (E)(1) except as authorized by R9-7-434.
    - f. Package or prepackage a unit bearing a durable, clearly visible label: identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 0.37 megabecquerel (10 microcuries) of iodine-131, iodine-125, selenium-75, or carbon-14; 1.85 megabecquerels (50 microcuries) of hydrogen-3 (tritium); or 0.74 megabecquerel (20 microcuries) of iron-59; or Mock Iodine-125 in units not exceeding 1.85 kilobecquerels (0.05 microcurie) of iodine-129 and 0.185 kilobecquerel (0.005 microcurie) of americium-241 each; or cobalt-57 in units not exceeding 0.37 megabecquerel (10 microcuries).
    - g. Package to display the radiation caution symbol and the words, "Caution, Radioactive Material", and "Not for Internal or External Use in Humans or Animals."
  4. The general licensee shall not receive, acquire, possess, transfer, or use radioactive material according to subsection (E)(1):
    - a. Except as prepackaged units that are labeled according to the provisions of a specific license issued by the U.S. Nuclear Regulatory Commission, or any Agreement State that authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, cobalt-57, selenium-75, or mock iodine-125 for distribution to persons generally licensed under subsection (E) or its equivalent federal law; and
    - b. Unless one of the following statements, or a substantially similar statement that contains the same information, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:
      - i. This radioactive material may be acquired, received, possessed, and used only by physicians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation from such material, to human beings or animals. The acquisi-

## Department of Health Services - Radiation Control

tion, receipt, possession, use, and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

\_\_\_\_\_  
Name of manufacturer

- ii. This radioactive material shall be acquired, received, possessed, and used only by physicians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation from such material, to human beings or animals. The receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of a Licensing State.

\_\_\_\_\_  
Name of manufacturer

5. A physician, clinical laboratory or hospital that possesses or uses radioactive material under a general license granted by subsection (E):
  - a. Shall report to the Department in writing, any change in the information furnished on the ARRA-9. The report shall be furnished within 30 days after the effective date of the change; and
  - b. Is exempt from the requirements of 9 A.A.C. 7, Article 4 and Article 10 with respect to radioactive material covered by the general license, except that a person using mock iodine-125 sources, described in subsection (E)(1)(g), shall comply with the provisions of R9-7-434, R9-7-443, and R9-7-444 of this Chapter.
6. For the purposes of subsection (E), a licensed veterinary care facility is considered a "clinical laboratory."
- F. This subsection grants a general license that authorizes a person to own, receive, acquire, possess, use, and transfer strontium-90, contained in ice detection devices, provided each device contains not more than 1.85 megabecquerels (50 microcuries) of strontium-90 and each device has been manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured according to the specifications contained in a specific license issued by the Department or any Agreement State to the manufacturer of the device under licensing requirements equivalent to those in 10 CFR 32.61. A person who receives, owns, acquires, possesses, uses, or transfers strontium-90 contained in ice detection devices under a general license in accordance with subsection (F):
  1. Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating, discontinue use of the device until it has been inspected, tested for leakage, and repaired by a person who holds a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service ice detection devices; or dispose of the device according to the provisions of R9-7-434;
  2. Shall assure that each label, affixed to the device at the time of receipt, which bears a statement that prohibits removal of the labels, maintained on the device; and
  3. Is exempt from the requirements of 9 A.A.C. 7, Article 4 and Article 10, except that the user of an ice detection device shall comply with the provisions of R9-7-434, R9-7-443, and R9-7-444.

4. Shall not manufacture, assemble, disassemble, repair, or import an ice detection device that contains strontium-90.
5. Is subject to the provisions of 9 A.A.C. 7, Articles 1, 3, 12, and 15, and A.R.S. §§ 30-654(B), 30-657(A) and (B), 30-681, and 30-685 through 30-689.
- G. This subsection grants a general license that authorizes a person to acquire, receive, possess, use, or transfer, in accordance with the provisions of subsections (H) and (I), radium-226 contained in the following products manufactured prior to November 30, 2007.
  1. Antiquities originally intended for use by the general public. For the purposes of this paragraph, antiquities mean products originally intended for use by the general public and distributed in the late 19th and early 20th centuries, such as radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts, and healing pads.
  2. Intact timepieces containing greater than 0.037 megabecquerel (1 microcurie), nonintact timepieces, and timepiece hands and dials no longer installed in timepieces.
  3. Luminous items installed in air, marine, or land vehicles.
  4. All other luminous products, provided that no more than 100 items are used or stored at the same location at any one time.
  5. Small radium sources containing no more than 0.037 megabecquerel (1 microcurie) of radium-226. For the purposes of this paragraph, "small radium sources" means discrete survey instrument check sources, sources contained in radiation measuring instruments, sources used in educational demonstrations (such as cloud chambers and spinthariscopes), electron tubes, lightning rods, ionization sources, static eliminators, or as designated by the NRC.
- H. Persons who acquire, receive, possess, use, or transfer byproduct material under the general license issued in subsection (G) are exempt from the provisions 9 A.A.C. 7, Articles 1, 3, 4, 7, 10, 12, and 15 and A.R.S. §§ 30-654(B)(13), 30-657(A) and (B), 30-681, and 30-685 through 30-689, to the extent that the receipt, possession, use, or transfer of byproduct material is within the terms of the general license; provided, however, that this exemption shall not be deemed to apply to any such person specifically licensed under this chapter. Any person who acquires, receives, possesses, uses, or transfers byproduct material in accordance with the general license in subsection (G):
  1. Shall notify the Department should there be any indication of possible damage to the product so that it appears it could result in a loss of the radioactive material. A report containing a brief description of the event, and the remedial action taken, must be furnished to the Department within 30 days.
  2. Shall not abandon products containing radium-226. The product, and any radioactive material from the product, may only be disposed of according to Article 4 or by transfer to a person authorized by a specific license to receive the radium-226 in the product or as otherwise approved by the Department.
  3. Shall not export products containing radium-226 except in accordance with 10 CFR 110 revised January 1, 2013, incorporated by reference, and available under R9-7-101. The incorporated material contains no future editions or amendments.
  4. Shall dispose of products containing radium-226 at a disposal facility authorized to dispose of radioactive material in accordance with any federal or state solid or hazardous waste law, including the Solid Waste Disposal

## Department of Health Services - Radiation Control

Act, as authorized under the Energy Policy Act of 2005, by transfer to a person authorized to receive radium-226 by a specific license issued under Article 3, equivalent regulations of an Agreement State, or the NRC.

5. Shall respond to written requests from the Department to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Department Director a written justification for the request.
- I. The general license in subsection (G) does not authorize the manufacture, assembly, disassembly, repair, or import of products containing radium-226, except that timepieces may be disassembled and repaired.

**Historical Note**

New Section R9-7-306 recodified from R12-1-306, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-307. Reserved****Historical Note**

Section R9-7-307 reserved when this Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-308. Filing Application for Specific Licenses**

- A. An applicant for a specific license shall file a Department application. The applicant shall prepare the application in duplicate, one copy for the Department and the other for the applicant.
- B. The Department may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Department to determine whether the application should be granted or denied or whether a license should be modified or revoked.
- C. Each application shall contain the information specified in Exhibit (E) of this Article and be signed by the applicant, licensee, or person duly authorized to act for the applicant or licensee.
- D. Unless R9-7-1302 precludes combination with a license of another category, an application for a specific license may include a request for a license that authorizes more than one activity.
- E. In the application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the Department provided the references are clear and specific.
- F. The Department shall make applications and documents submitted to the Department available for public inspection, but may withhold any document or part of a document from public inspection if disclosure of its content is not required in the public interest and would adversely affect the interest of a person concerned.
- G. Except as provided in subsections (G)(1), (2), and (3), an application for a specific license to use byproduct material in the form of a sealed source or in a device that contains the sealed source must either identify the source or device by manufacturer and model number as registered with the Department, with the NRC, or with an Agreement State, or, for a source or a device containing radium-226 or accelerator-produced radioactive material, with the Department, the NRC, or an Agreement State under 10 CFR 32.210 revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

1. For sources or devices manufactured before October 23, 2012, that are not licensed under R9-7-306, R9-7-310, R9-7-311 or registered with the NRC or with an Agreement State, and for which the applicant is unable to provide all categories of information specified in 10 CFR 32.210(c) the application must include:
  - a. All available information identified in 10 CFR 32.210(c) concerning the source, and, if applicable, the device; and
  - b. Sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information must include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test.
2. For sealed sources and devices allowed to be distributed without registration of safety information, the applicant may supply only the manufacturer, model number, and radionuclide and quantity.
3. If it is not feasible to identify each sealed source and device individually, the applicant may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.
- H. A certificate holder or licensee who no longer manufactures or initially transfers any of the sealed source(s) or device(s) covered by a particular certificate issued with the Department, with the NRC, or with an Agreement State shall request inactivation of the registration or license with the Department, with the NRC, or with an Agreement State program that the device is currently registered by in accordance with 10 CFR 32.211 revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

**Historical Note**

New Section R9-7-308 recodified from R12-1-308, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-309. General Requirements for Issuance of Specific Licenses**

A license application shall be approved if the Department determines that:

1. The applicant is qualified by reason of training and experience to use the material in question for the purpose requested according to these rules, in a manner that will minimize danger to public health and safety or property;
2. The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property;
3. The issuance of the license will not be inimical to the health and safety of the public;
4. The applicant satisfies all applicable special requirements in R9-7-310, R9-7-311, R9-7-322, R9-7-323, and 9 A.A.C. 7, Articles 5, 7, and 17; and
5. The applicant demonstrates that a letter has been sent, return receipt requested, to the Mayor's office of the city, town, or, if not within an incorporated community, to the County Board of Supervisors of the county in which the applicant proposes to operate which describes:
  - a. The nature of the proposed activity involving radioactive material; and
  - b. The facility, including use and storage areas.

## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-309 recodified from R12-1-309, at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-310. Special Requirements for Issuance of Specific Broad Scope Licenses**

- A.** The Department shall issue three classes of academic and industrial broad scope licenses, and only a single class A medical broad scope license.
1. The license may authorize the radioactive materials in multi-curie quantities, and may authorize other radioactive materials and forms in addition to those listed in subsection (A)(1)(a). A license is a broad scope class A license if it:
    - a. Contains the exact wording "Any radioactive material with Atomic Number 3 through 83" or "Any radioactive material with Atomic Number 84 through 92" in License Item 6; and
    - b. Contains the word "any" to authorize the chemical or physical form of the materials in License Item 7;
  2. A broad scope class B license is any specific license which authorizes the acquisition, possession, use, and transfer of the radioactive materials specified in Exhibit C of 9 A.A.C. 7, Article 3 in any chemical or physical form and in quantities determined as follows:
    - a. The possession limit, if only one radionuclide is possessed, is the quantity specified for that radionuclide in Exhibit C, Column I; or
    - b. The possession limit for multiple radionuclides is determined as follows: The sum of the ratios for all radionuclides possessed under the license shall not exceed unity (1). The ratio for each radionuclide is determined by dividing the quantity possessed by the applicable quantity in Exhibit C, Column I.
  3. A broad scope class C license is any specific license authorizing the possession and use of the radioactive materials specified in Exhibit C of 9 A.A.C. 7, Article 3 in any chemical or physical form and in quantities determined as follows:
    - a. The possession limit, if only one radionuclide is possessed, is the quantity specified for that radionuclide in Exhibit C, Column II; or
    - b. The possession limit for multiple radionuclides is determined as follows: The sum of the ratios for all radionuclides possessed under the license shall not exceed unity (1). The ratio for each radionuclide is determined by dividing the quantity possessed by the applicable quantity in Exhibit C, Column II.
- B.** The Department shall approve:
1. An application for a class A broad scope license if:
    - a. The applicant satisfies the general requirements specified in R9-7-309;
    - b. The applicant has engaged in a reasonable number of activities involving the use of radioactive material. For purposes of this subsection, the requirement of "reasonable number of activities" can be satisfied by showing that the applicant has five years of experience in the use of radioactive material. The Department may accept less than five years of experience if the applicant's qualifications are adequate for the scope of the proposed license; and
    - c. The applicant has established administrative controls and provisions relating to organization, management, procedures, recordkeeping, material control, accounting, and management review that are necessary to assure safe operations, including:
      - i. Establishment of a radiation safety committee composed of a radiation safety officer, a representative of management, and persons trained and experienced in the safe use of radioactive material;
      - ii. Appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and
      - iii. Establishment of appropriate administrative procedures to assure:
        - (1) Control of procurement and use of radioactive material;
        - (2) Completion of safety evaluations of proposed uses of radioactive material which take into consideration matters such as the adequacy of facilities and equipment, training and experience of the user, and operating or handling procedures; and
        - (3) Review, approval, and recording by the radiation safety committee of safety evaluations of proposed uses prepared in accordance with this subsection prior to use of the radioactive material.
  2. An application for a class B broad scope license if:
    - a. The applicant satisfies the general requirements specified in R9-7-309; and
    - b. The applicant has established administrative controls and provisions relating to organization, management, procedures, recordkeeping, material control, accounting, and management review that are necessary to assure safe operations, including:
      - i. Appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and available for advice and assistance on radiation safety matters; and
      - ii. Establishment of appropriate administrative procedures to assure:
        - (1) Control of procurement and use of radioactive material;
        - (2) Completion of safety evaluations of proposed uses of radioactive material which take into consideration matters such as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and
        - (3) Review, approval, and recording by the radiation safety officer of safety evaluations of proposed uses prepared according to subsection (B)(2)(b)(ii) prior to use of the radioactive material.
  3. An application for a class C broad scope license if:
    - a. The applicant satisfies the general requirements specified in R9-7-309; and
    - b. The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:
      - i. A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering; and
      - ii. At least 40 hours of training and experience in the safe handling of radioactive material, the characteristics of ionizing radiation, units of dose and quantities, radiation detection instrumentation, and biological hazards of exposure

## Department of Health Services - Radiation Control

- to radiation appropriate to the type and forms of radioactive material to be used; and
- c. The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, recordkeeping, material control and accounting, and management review necessary to assure safe operations.
- C. Unless specifically authorized, broad-scope licensees shall not:
1. Conduct tracer studies in the environment involving direct release of radioactive material;
  2. Acquire, receive, possess, use, own, import, or transfer devices containing 3.7 petabecquerels (100,000 curies) or more of radioactive material in sealed sources used for irradiation of materials;
  3. Conduct activities for which a specific license is issued under R9-7-311 and 9 A.A.C. 7, Articles 5, 7, or 17; or
  4. Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being.
- D. Radioactive material possessed under the class A broad scope license shall only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee.
- E. Radioactive material possessed under the class B broad scope license shall only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety officer.
- F. Radioactive material possessed under the class C broad scope license shall only be used by, or under the direct supervision of, individuals who satisfy the requirements of R9-7-310(B)(3)(b).
- Historical Note**
- New Section R9-7-310 recodified from R12-1-310, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).
- R9-7-311. Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material**
- A. Licensing the manufacture and distribution of devices to persons generally licensed under R9-7-306(A).
1. The Department shall grant a specific license to manufacture or distribute each device that contains radioactive material, excluding special nuclear material, to persons generally licensed under R9-7-306(A) or equivalent regulations of the U.S. NRC, an Agreement State, or the Licensing State if:
    - a. The applicant satisfies the requirements of R9-7-309;
    - b. The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:
      - i. The device can be safely operated by persons not having training in radiological protection;
      - ii. Under ordinary conditions of handling, storage, and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that any person will receive a dose in excess of 10 percent of the limits specified in R9-7-408; and
      - iii. Under accident conditions (such as fire and explosion) associated with handling, storage, and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:
        - (1) Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye: 150 mSv (15 rem)
        - (2) Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than 1 square centimeter; 2 Sv (200 rem)
        - (3) Other organs: 500 mSv (50 rem)
  - c. Each device bears a durable, legible, clearly visible label or labels that contain in a clearly identified and separate statement:
    - i. Instructions and precautions necessary to assure safe installation, operating, and servicing of the device (documents such as operating and service manuals may be identified in the label and used to provide this information);
    - ii. The requirement, or lack of requirement, for leak testing, or for testing any on-off mechanism and indicator, including the maximum time interval for the testing, and the identification of radioactive material by isotope, quantity of radioactivity, and date of determination of the quantity; and
    - iii. The information called for in one of the following statements in the same or substantially similar form:
 

The receipt, possession, use, and transfer of this device, Model \_\_\_\_\_, Serial No. \_\_\_\_\_, are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or a state with which the Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

**CAUTION – RADIOACTIVE MATERIAL**

---

(name of manufacturer or distributor)

The receipt, possession, use and transfer of this device, Model \_\_\_\_\_, Serial No. \_\_\_\_\_, are subject to a general license or the equivalent, and the regulations of a Licensing State. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

**CAUTION – RADIOACTIVE MATERIAL**

---

(name of manufacturer or distributor)
  - d. The model, serial number, and name of manufacturer or distributor may be omitted from the label if the information location is specified in labeling affixed to the device;
  - e. Each device with a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label that provides the device model number and serial number, the isotope and quantity, the words, "Caution-Radioactive Material," the radiation symbol described in R9-7-428, and the name of the manufacturer or initial distributor; and

## Department of Health Services - Radiation Control

- f. Each device meets the criteria in 10 CFR 31.5(c)(13)(i) (revised January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments) and bears a permanent (e.g., embossed, etched, stamped, or engraved) label affixed to the source housing, if separable, or the device if the source housing is not separable, that includes the words, "Caution-Radioactive Material," and, if practicable, the radiation symbol described in R9-7-428.
- g. The device has been registered in the Sealed Source and Device Registry.
2. In the event the applicant desires that the device undergo mandatory testing at intervals longer than six months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material or for both, the application shall contain sufficient information to demonstrate that the longer interval is justified by performance characteristics of the device or similar devices and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the Department shall consider information which includes, but is not limited to:
  - a. Primary containment (source capsule),
  - b. Protection of primary containment,
  - c. Method of sealing containment,
  - d. Containment construction materials,
  - e. Form of contained radioactive material,
  - f. Maximum temperature withstood during prototype tests,
  - g. Maximum pressure withstood during prototype tests,
  - h. Maximum quantity of contained radioactive material,
  - i. Radiotoxicity of contained radioactive material, and
  - j. Operating experience with identical devices or similarly designed and constructed devices.
3. In the event the applicant desires that the general licensee under R9-7-306(A), or under equivalent regulations of the NRC or an Agreement State or Licensing State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, the application shall include written instructions to be followed by the general licensee, estimated calendar quarter doses associated with the activity or activities, and bases for the estimates. The submitted information shall demonstrate that performance of the activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a dose in excess of 10 percent of the limits specified in R9-7-408.
4. A licensee authorized under subsection (A) to distribute a device to a generally licensed person shall provide, if a device that contains radioactive material is to be transferred for use under the general license granted in R9-7-306(A), the name of each person that is licensed under R9-7-311(A) and the information specified in this subsection for each person to whom a device will be transferred. The licensee shall provide this information before the device may be transferred. In the case of transfer through another person, the licensee shall provide the listed information to the intended user before initial transfer to the other person.
- a. The licensee shall provide:
  - i. A copy of the general license, issued under R9-7-306(A),
  - ii. A copy of R9-7-443 and R9-7-445,
  - iii. A list of the services that can only be performed by a specific licensee,
  - iv. Information on authorized disposal options, including estimated costs of disposal, and
  - v. A list of civil penalties for improper disposal.
- b. The licensee shall:
  - i. Report on a quarterly basis to the responsible Agreement State or NRC all transfers of devices to persons for use under a general license in accordance with 10 CFR 32.52, revised January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
  - ii. Maintain all information concerning transfers and receipts of devices that supports the reports required by subsection (A)(4)(b).
  - iii. Maintain records required by subsection (A)(4)(b) for a period of three years following the date of the recorded event.
5. If radioactive material is to be transferred in a device for use under an equivalent general license of the NRC or another Agreement State, each person that is licensed under R9-7-304(B) shall provide the information specified in this subsection to each person to whom a device will be transferred. The licensee shall provide this information before the device is transferred. In the case of transfer through another person, the licensee shall provide the listed information to the intended user before initial transfer to the other person. The licensee shall provide:
  - a. A copy of the Agreement State's requirements that are equivalent to R9-7-306(A), and A.R.S. §§ 30-657, R9-7-443, and R9-7-445. If a copy of NRC regulations is provided to a prospective general licensee in lieu of the Agreement State's requirements, the licensee shall explain in writing that use of the device is regulated by the Agreement State. If certain requirements do not apply to a particular device, the licensee may omit the requirement from the material provided;
  - b. A list of the services that can only be performed by a specific licensee;
  - c. Information on authorized disposal options, including estimated costs of disposal; and
  - d. The name, title, address, and telephone number of the individual at the Agreement State regulatory agency who can provide additional information.
6. A licensee may propose to the Department an alternate method of informing the customer.
7. If a licensee has notified the Department of bankruptcy under R9-7-313(E) or is terminating under R9-7-319, the licensee shall provide, upon request, to the Department, the NRC, or another Agreement State, records of the disposition as required under A.R.S. § 30-657.
8. A licensee authorized to transfer a device to a generally licensed person, shall comply with the following requirements:

## Department of Health Services - Radiation Control

- a. The person licensed under subsection (A) shall report all transfers of devices to persons for use under a general license obtained under R9-7-306(A), and all receipts of devices from persons licensed under R9-7-306(A) to the Department, the NRC, or other affected Agreement State. The report shall be submitted on a quarterly basis, in a clear and legible form, and contain the following information:
    - i. The identity of each general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, the person licensed under subsection (A) shall submit an alternate address for the general licensee, along with information on the actual location of use;
    - ii. The name, title, and telephone number of a person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the applicable laws;
    - iii. The date of transfer;
    - iv. The type, model number, and serial number of the device transferred; and
    - v. The quantity and type of radioactive material contained in the device.
  - b. If one or more intermediaries will temporarily possess the device at the intended place of use before its possession by the intended user, the report shall include the information required of the general licensee in subsection (A)(4) for both the intended user and each intermediary, clearly identifying the intended user and each intermediary.
  - c. For devices received from a general licensee, licensed under R9-7-306(A), the report shall include:
    - i. The identity of the general licensee by name and address;
    - ii. The type, model number, and serial number of the device received;
    - iii. The date of receipt; and
    - iv. In the case of a device not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.
  - d. If the person licensed under subsection (A) makes a change to a device possessed by a general licensee so that the label must be changed to update required information, the report shall identify the general licensee, the device, and the changes to information on the device label.
  - e. The report shall cover a calendar quarter, be filed within 30 days of the end of each calendar quarter, and clearly indicate the period covered by the report.
  - f. The report shall clearly identify the person licensed under subsection (A) submitting the report and include the license number of the license.
  - g. If no transfers are made to or from persons generally licensed under R9-7-306(A) during a reporting period, the person licensed under subsection (A) shall submit a report indicating the lack of activity.
9. The licensee shall maintain records of all transfers for Department inspection. Records shall be maintained for three years after termination of the license to manufacture the generally licensed devices regulated under R9-7-306(A).
- B.** The Department shall grant a specific license to manufacture, assemble, repair, or initially transfer luminous safety devices that contain tritium or promethium-147 for use in aircraft, for distribution to persons generally licensed under R9-7-306(B), if the applicant satisfies:
1. The general requirements specified in R9-7-309; and
  2. The requirements of 10 CFR 32.53 through 32.56 revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- C.** The Department shall grant a specific license to manufacture or initially transfer calibration or reference sources that contain americium-241, radium-226, or plutonium for distribution to persons generally licensed under R9-7-306(C) if the applicant satisfies:
1. The general requirements of R9-7-309; and
  2. The requirements of 10 CFR 32.57, 32.58, 32.59, and 70.39, revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- D.** The Department shall grant a specific license to distribute radioactive material for use by a physician under the general license in R9-7-306(D) if:
1. The general requirements of R9-7-309; and
  2. The requirements of 10 CFR 32.57, 32.58, 32.59, and 70.39, revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- E.** The Department shall grant for a specific license to manufacture or distribute radioactive material for use under the general license of R9-7-306(E) if:
1. The applicant satisfies the general requirements specified in R9-7-309.
  2. The radioactive material is to be prepared for distribution in prepackaged units of:
    - a. Iodine-125 in units not exceeding 370 kBq (10 microcuries) each;
    - b. Iodine-131 in units not exceeding 370 kBq (10 microcuries) each;
    - c. Carbon-14 in units not exceeding 370 kBq (10 microcuries) each;
    - d. Hydrogen-3 (tritium) in units not exceeding 1.85 MBq (50 microcuries) each;
    - e. Iron-59 in units not exceeding 740 kBq (20 microcuries) each;
    - f. Cobalt-57 or selenium-75 in units not exceeding 370 kilobecquerels (10 microcuries) each;
    - g. Mock iodine-125 in units not exceeding 1.85 kBq (50 nanocuries) of iodine-129 and 185 Bq (5 nanocuries) of americium-241 each.
  3. Each prepackaged unit bears a durable, clearly visible label:
    - a. Identifying the radioactive contents as to chemical form and radionuclide and indicating that the amount of radioactivity does not exceed 370 kilobecquerels (10 microcuries) of iodine-125, iodine-131, cobalt-57, selenium-75, or carbon-14; 1.85 megabecquerels (50 microcuries) of hydrogen-3 (tritium); 740 kilobecquerels (20 microcuries) of iron-59; or mock iodine-125 in units not exceeding 1.85 kilobecquerels (0.05 microcurie) of iodine-129 and 185 becquerels (0.005 microcurie) of americium-241 each; and
    - b. Displaying the radiation caution symbol described in R9-7-428, the words, "CAUTION, RADIOACTIVE MATERIAL," and the phrase "Not for Internal or External Use in Humans or Animals."

## Department of Health Services - Radiation Control

4. One of the following statements, or a substantially similar statement that contains the information called for in the following statements appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:
    - a. This radioactive material may be received, acquired, possessed, and used only by physicians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation from the radioactive material, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.
- \_\_\_\_\_  
Name of Manufacturer
- b. This radioactive drug may be received, acquired, possessed, and used only by physicians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation from the radioactive material, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.
- \_\_\_\_\_  
Name of Manufacturer
5. The label affixed to the unit, or the leaflet or brochure that accompanies the package, contains adequate information about the precautions to be observed in handling and storing the specified radioactive material. In the case of the mock iodine-125 reference or calibration source, the information accompanying the source must also contain directions to the licensee regarding the waste disposal requirements set out in R9-7-434.
- F.** The Department shall grant for a specific license to manufacture and distribute ice detection devices to persons generally licensed under R9-7-306(F) if the applicant satisfies:
1. The general requirements of R9-7-309; and
  2. The criteria of 10 CFR 32.61 and 32.62, revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- G.** The Department shall grant a specific license to manufacture, prepare, or transfer for commercial distribution radioactive drugs that contain radioactive material for use by a person authorized in accordance with Article 7 of this Chapter, if the applicant meets all of the requirements in 10 CFR 30.32(j) or 10 CFR 32.72, revised January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
1. Authorization under this Section to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to medical use licensees in its consortium does not relieve the licensee from complying with applicable FDA, other federal, and state requirements governing radioactive drugs.
  2. Each licensee authorized under this Section to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall:
    - a. Satisfy the labeling requirements in R9-7-431 for each PET radioactive drug transport radiation shield and each syringe, vial, or other container used to hold a PET radioactive drug intended for noncommercial distribution to members of its consortium.
  - b. Possess and use instrumentation to measure the radioactivity of the PET radioactive drugs intended for noncommercial distribution to members of its consortium and meet the procedural, radioactivity measurement, instrument test, instrument check, and instrument adjustment requirements in R9-7-449.
3. A licensee that is a pharmacy authorized under this Section to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall require that any individual who prepares PET radioactive drugs be an:
    - a. Authorized nuclear pharmacist that meets the requirements in R9-7-712, or
    - b. Individual under the supervision of an authorized nuclear pharmacist as specified in R9-7-706.
  4. A pharmacy, authorized under this Section to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium that allows an individual to work as an authorized nuclear pharmacist, shall meet the requirements of R9-7-712.
- H.** The Department shall grant a specific license to manufacture and distribute generators or reagent kits that contain radioactive material for preparation of radiopharmaceuticals by persons licensed according to 9 A.A.C. 7, Article 7 if:
1. The applicant satisfies the general requirements of R9-7-309;
  2. The applicant submits evidence that:
    - a. The generator or reagent kit is to be manufactured, labeled and packaged according to the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act, a new drug application (NDA) approved by the Food and Drug Administration (FDA), a biologic product license issued by FDA, or a "Notice of Claimed Investigational Exemption for a New Drug" (IND) that has been accepted by the FDA; or
    - b. The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.
  3. The applicant submits information on the radionuclide; chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;
  4. The label affixed to the generator or reagent kit contains information on the radionuclide, including quantity, and date of assay; and
  5. The label affixed to the generator or reagent kit, or the leaflet or brochure that accompanies the generator or reagent kit, contains:
    - a. Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and
    - b. A statement that this generator or reagent kit (as appropriate) is approved for use by persons licensed by the Department under 9 A.A.C. 7, Article 7 or equivalent licenses of the U.S. Nuclear Regulatory Commission or an Agreement State or Licensing State. The labels, leaflets or brochures required by this subsection supplement the labeling required by FDA and they may be separate from or, with the



## Department of Health Services - Radiation Control

approval of FDA, combined with the labeling required by FDA.

- I. The Department shall grant a specific license to manufacture and distribute sources and devices that contain radioactive material to a person licensed in accordance with Article 7 of this Chapter for use as a calibration, transmission, or reference source or for medical purposes, if the applicant meets all of the requirements in 10 CFR 32.74, revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- J. Requirements for license to manufacture and distribute industrial products containing depleted uranium for mass volume applications.
  1. The Department shall grant a specific license to manufacture industrial products and devices that contain depleted uranium for use under R9-7-305(C) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State if:
    - a. The applicant satisfies the general requirements in R9-7-309;
    - b. The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses, and potential hazards of the industrial product or device to provide reasonable assurance that possession, use, or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive a radiation dose in excess of 10 percent of the limits specified in R9-7-408.
    - c. The applicant submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device.
  2. In the case of an industrial product or device whose unique benefits are questionable, the Department shall approve an application for a specific license under this subsection only if the product or device is found to combine a high degree of utility and low probability of uncontrolled disposal and dispersal of significant quantities of depleted uranium into the environment.
  3. The Department may deny any application for a specific license under this subsection if the end use or uses of the industrial product or device cannot be reasonably foreseen.
  4. Each person licensed under subsection (J)(1) shall:
    - a. Maintain the level of quality control required by the license in the manufacture of the industrial product or device and the installation of the depleted uranium into the product or device;
    - b. Label or mark each unit to:
      - i. Identify the manufacturer of the product or device, the number of the license under which the product or device was manufactured or initially transferred, the fact that the product or device contains depleted uranium, and the quantity of depleted uranium in each product or device; and
      - ii. State that the receipt, possession, use, and transfer of the product or device are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or an Agreement State;
    - c. Assure that the depleted uranium, before being installed in each product or device, has been impressed with the following legend, clearly legible through any plating or other covering: "Depleted Uranium";
    - d. Furnish a copy of the general license contained in R9-7-305(C) and a copy of ARRA-23 to each person to whom depleted uranium in a product or device is transferred for use under a general license contained in R9-7-305(C); or
    - e. Furnish a copy of the general license contained in the U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to R9-7-305(C) and a copy of the U.S. Nuclear Regulatory Commission's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in R9-7-305(C) and a copy of ARRA-23 to each person to whom depleted uranium in a product or device is transferred for use under a general license of the U.S. Nuclear Regulatory Commission or an Agreement State, with a document explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or an Agreement State under requirements substantially the same as those in R9-7-305(C);
    - f. Report to the Department all transfers of industrial products or devices to persons for use under the general license in R9-7-305(C). The report shall identify each general licensee by name and address, an individual by name or position who serves as the point of contact person for the general licensee, the type and model number of device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which a product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under R9-7-305(C) during the reporting period, the report shall so indicate;
      - i. Report to the U.S. Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the U.S. Nuclear Regulatory Commission general license in 10 CFR 40.25; or
      - ii. Report to the responsible state agency all transfers of devices manufactured and distributed under subsection (J)(4)(f) for use under a general license in that state's regulations equivalent to R9-7-305(C);
      - iii. The report required in subsection (J)(4)(f)(i) or (ii) shall identify each general licensee by name and address, an individual by name or position who serves as the contact person for the general licensee, the type and model number of the device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which a product or device is transferred to the generally licensed person;
      - iv. If no transfers have been made to U.S. Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the U.S. Nuclear Regulatory Commission;

## Department of Health Services - Radiation Control

- v. If no transfers have been made to general licensees within a particular Agreement State during the reporting period, this information shall be reported to the responsible Agreement state agency; and
  - vi. Keep records showing the name, address, and contact person for each general licensee to whom depleted uranium in industrial products or devices is transferred for use under a general license provided in R9-7-305(C) or equivalent regulations of the U.S. Nuclear Regulatory Commission or of an Agreement State. The records shall be maintained for a period of three years and show the date of each transfer, the quantity of depleted uranium in each product or device transferred, and compliance with the reporting requirements of this Section.
- K.** A licensee who manufactures nationally tracked sources, as defined in Article 4, shall:
- 1. Serialize the sources in accordance with 10 CFR 32.201, revised January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments; and
  - 2. Report manufacturing activities in accordance with R9-7-454.

**Historical Note**

New Section R9-7-311 recodified from R12-1-311, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-312. Issuance of Specific Licenses**

- A.** Upon determination that a license application meets the requirements of the Act and Department rules, the Department shall grant a specific license that may contain conditions or limitations if the Department has determined that additional requirements regarding the proposed activity will protect health and safety.
  - B.** The Department may incorporate in any license at the time of issuance, or thereafter by rule or order, additional requirements and conditions with respect to the licensee's receipt, possession, use, and transfer of radioactive material in order to:
    - 1. Minimize danger to public health and safety or property;
    - 2. Require reports and recordkeeping, and provide for inspections of activities under the license as may be necessary to protect health and safety; and
    - 3. Prevent loss or theft of material subject to this Article.
  - C.** The Department may verify information contained in an application and secure additional information necessary to make a determination on issuance of a license and whether any special conditions should be attached to the license. The Department may inspect the facility or location where radioactive materials would be possessed or used, and discuss details of the proposed possession or use of the radioactive materials with the applicant or representatives designated by the applicant.
- and gives its consent in writing. An application for transfer of license must include:
- 1. The identity, technical and financial qualifications of the proposed transferee; and
  - 2. Financial assurance for decommissioning information required by R9-7-323.
- C.** Each person licensed by the Department under this Article shall confine the use and possession of the material licensed to the locations and purposes authorized in the license.
  - D.** Each license issued pursuant to the rules in Articles 3, 5, 7, and 15 of this Chapter shall be deemed to contain the provisions set forth in the Act, whether or not these provisions are expressly set forth in the license.
  - E.** The Department may incorporate, in any license issued pursuant to the rules in this Chapter, at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use and transfer of byproduct material as it deems appropriate or necessary in order to:
    - 1. Promote the common defense and security;
    - 2. Protect health or to minimize danger to life or property;
    - 3. Protect restricted data; or
    - 4. Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of the Act and rules thereunder.
  - F.** Licensees required to submit emergency plans in accordance with R9-7-322 shall follow the emergency plan approved by the Department. The licensee may change the approved plan without Department approval only if the changes do not reduce the commitment of the plan. The licensee shall furnish the change to the Department and to affected offsite response organizations within six months after the change is made. Proposed changes that reduce, or potentially reduce, the commitment of the approved emergency plan may not be implemented without prior application to and prior approval by the Department.
  - G.** Each person licensed under this Section and each general licensee that is required to register under R9-7-306(A)(4)(o) shall notify the Department in writing if the licensee decides to permanently discontinue any or all activities involving materials authorized under the license. A specific licensee or general licensee shall notify the Department, in writing:
    - 1. Immediately following the filing of a petition for bankruptcy under any Chapter of Title 11 of the United States Code if the petition for bankruptcy is by or against:
      - a. The licensee;
      - b. An entity (as defined in the bankruptcy code) controlling the licensee or listing the license or licensee as property of the estate; or
      - c. An affiliate (as defined in the bankruptcy code) of the licensee.
    - 2. Providing the following information:
      - a. The bankruptcy court in which the petition for bankruptcy was filed, and
      - b. The bankruptcy case title and number, and
      - c. The date the petition was filed.
  - H.** Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators shall test the generator eluates for molybdenum-99 breakthrough or strontium-82 and strontium-85 contamination, respectively, in accordance with R9-7-720. The licensee shall record the results of each test and retain each record for three years after the record is made.

**Historical Note**

New Section R9-7-312 recodified from R12-1-312, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-313. Specific Terms and Conditions**

- A.** Each license issued under this Article is subject to all provisions of A.R.S. Title 30, Chapter 4 and to all rules, regulations, and orders of the Department.
- B.** A licensee shall not transfer, assign, or in any manner dispose of a license issued or granted under this Article or a right to possess or utilize radioactive material granted by any license issued under this Article unless the Department finds that the transfer is consistent with the Department's statutes and rules,

## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-313 recodified from R12-1-313, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-314. Expiration of License**

Except as provided in R9-7-315(B), each specific license expires at the end of the day, in the month and year stated on the license.

**Historical Note**

New Section R9-7-314 recodified from R12-1-314, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-315. Renewal of License**

- A. An applicant shall file an application for renewal of a specific license according to R9-7-308.
- B. If a licensee files a renewal application not less than 30 days before the license expiration date and the existing license and associated renewal application is in proper form, the existing license does not expire until a final renewal determination is made by the Department.

**Historical Note**

New Section R9-7-315 recodified from R12-1-315, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-316. Amendment of Licenses at Request of Licensee**

An applicant shall file an application for amendment of a specific license by complying with R9-7-308 and specifying the grounds for the amendment.

**Historical Note**

New Section R9-7-316 recodified from R12-1-316, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-317. Department Action on Applications to Renew or Amend**

In considering an application by a licensee to renew or amend a specific license, the Department shall apply the criteria set forth in R9-7-309, R9-7-310, or R9-7-311, as applicable.

**Historical Note**

New Section R9-7-317 recodified from R12-1-317, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-318. Transfer of Radioactive Material**

- A. A licensee shall not transfer radioactive material except as authorized under this Section.
- B. Except as otherwise provided in the license and subject to the provisions of subsections (C) and (D), any licensee may transfer radioactive material:
  - 1. To the Department, after receiving prior approval from the Department;
  - 2. To the Department of Energy;
  - 3. To any person exempt from the rules in this Article to the extent permitted under the exemption;
  - 4. To any person authorized to receive radioactive material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the Department, the U.S. Nuclear Regulatory Commission, or any Agreement State or Licensing State, or to any person otherwise authorized to receive radioactive material by the Federal Government or any agency of the Federal Government, the Department, any Agreement State or Licensing State; or
  - 5. As otherwise authorized by the Department in writing.
- C. Before transferring radioactive material to a specific licensee of the Department, the U.S. Nuclear Regulatory Commission, or an Agreement State or Licensing State, or to a general licensee who is required to register with the Department, the U.S. Nuclear Regulatory Commission, or an Agreement State

or Licensing State prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred.

- D. The transferor shall use one or more of the following methods for the verification required by subsection (C):
  - 1. The transferor shall possess, and read, a current copy of the transferee's specific license or registration certificate;
  - 2. The transferor shall possess a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date;
  - 3. For emergency shipments the transferor shall accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date; provided the oral certification is confirmed in writing within 10 days;
  - 4. The transferor shall obtain information equivalent to that in subsection (D)(1) to (3) compiled by a reporting service from official records of the Department, the U.S. Nuclear Regulatory Commission, or the licensing agency of an Agreement State or Licensing State regarding the identity of any licensee and the scope and expiration date of any license, registration, or certificate; or
  - 5. When none of the methods of verification described in subsections (D)(1) to (4) are readily available or when a transferor desires to verify that information received by one of the above methods is correct or up-to-date, the transferor shall obtain and record confirmation from the Department, the U.S. Nuclear Regulatory Commission, or the licensing agency of an Agreement State or Licensing State that the transferee is licensed to receive the radioactive material.
- E. A transferor shall prepare and transport radioactive material as prescribed in the provisions of 9 A.A.C. 7, Article 15.

**Historical Note**

New Section R9-7-318 recodified from R12-1-318, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-319. Modification, Revocation, or Termination of a License**

- A. The terms and conditions of all licenses are subject to amendment, revision, or modification, and a license may be suspended or revoked by reason of amendments to the Department's statutes or rules and orders issued by the Department.
- B. The Department may revoke, suspend, or modify any license, in whole or in part, for any material false statement in the application; any omission or misstatement of fact required by statute, rule, or order, or because of conditions revealed by the application or any report, record, or inspection or other means that would cause the Department to refuse to grant a license; or any violation of license terms and conditions, or the Department's statutes, rules, or orders.
- C. Except in cases of willfulness or those in which the public health, interest, or safety requires otherwise, the Department shall not modify, suspend, or revoke a license unless, before the institution of proceedings, facts or conduct that may warrant action have been called to the attention of the licensee in writing and the licensee has been accorded an opportunity to demonstrate or achieve compliance.

## Department of Health Services - Radiation Control

- D. The Department may terminate a specific license upon a written request by the licensee that provides evidence the licensee has met the termination criteria in R9-7-451 and R9-7-452, and the decommissioning requirements in R9-7-323.
- E. Specific licenses, including expired licenses, continue in effect until terminated by written notice to the licensee, when the Department determines that the licensee has:
  1. Properly disposed of all radioactive material;
  2. Made a reasonable effort to eliminate residual radioactive contamination, if present;
  3. Performed an accurate radiation survey that demonstrates the premises are suitable for release in accordance with the criteria for decommissioning in R9-7-323;
  4. Submitted other information that is sufficient to demonstrate that the premises are suitable for release in accordance with the criteria for decommissioning in R9-7-323.
  5. Provided records to the Department that detail the disposal of all radioactive material in unsealed form with a half-life greater than 120 days, and copies of the records required by 10 CFR 30.35(g), January 1, 2004, which is incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.

**Historical Note**

New Section R9-7-319 recodified from R12-1-319, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-320. Reciprocal Recognition of Licenses**

- A. This subsection grants a general license to perform specific licensed activities in Arizona for a period not to exceed 180 days in any calendar year to any person who holds a specific license from an Agreement State, where the licensee maintains an office for directing the licensed activity and retaining radiation safety records, is granted a general license to conduct the same activity involving the use of radioactive material from the U.S. Nuclear Regulatory Commission, Licensing State, or any Agreement State, provided that:
  1. The license does not limit the activity to specific installations or locations;
  2. Following the first notification, application, and payment of fees, the licensee shall notify the Department three days prior to entering the state and prior to each non-consecutive visit while reciprocity remains in effect.
  3. The out-of-state licensee complies with all applicable statutes, now or hereafter in effect, rules, and orders of the Department and with all the terms and conditions of the license, except those terms and conditions inconsistent with applicable statutes, rules and orders of the Department;
  4. The out-of-state licensee supplies any other information the Department requests; and
  5. The out-of-state licensee does not transfer or dispose of radioactive material possessed or used under the general license provided in this Section except by transfer to a person:
    - a. Specifically licensed by the Department or by the U.S. Nuclear Regulatory Commission to receive the radioactive material; or
    - b. Exempt under R9-7-303(A).
- B. Notwithstanding the provisions of subsection (A)(1), this subsection grants a general license to manufacture, install, transfer, demonstrate, or service a device described in R9-7-306(A)(1) to any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission, Licensing State, or an Agreement State authorizing the same activities within

areas subject to the jurisdiction of the licensing body, provided that:

1. The person files a report with the Department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each report shall identify the general licensee to whom the device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;
  2. The device has been manufactured, labeled, installed, and serviced according to the applicable provisions of the specific license issued to the person by the U.S. Nuclear Regulatory Commission or an Agreement State;
  3. The person entering the state ensures that any labels required to be affixed to the device under rules of the authority which licensed manufacture of the device bear the following statement: "Removal of this label is prohibited"; and
  4. The holder of the specific license furnishes a copy of the general license contained in R9-7-306(A)(1), or equivalent rules of the agency having jurisdiction over the manufacture or distribution of the device, to each general licensee to whom the licensee transfers the device or on whose premises the device is installed.
- C. The Department may withdraw, limit, or qualify the acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed under a license, upon determining that an action is necessary to prevent undue hazard to public health and safety, or property.
  - D. Before radioactive material can be used at a temporary job site within the state at any federal facility, a specific licensee shall determine the jurisdictional status of the job site. If the jurisdictional status is unknown, the specific licensee shall contact the controlling federal agency to determine whether the job site is under exclusive federal jurisdiction.
  - E. Before using radioactive material at a job site under exclusive federal jurisdiction, a specific licensee shall:
    1. Obtain authorization from the NRC; and
    2. Use the radioactive material in accordance with applicable NRC regulations and orders, and be able to demonstrate to the Department that the correct license fee was paid to the NRC.
  - F. Before radioactive material can be used at a temporary job site in another state, a specific licensee shall obtain authorization from the state, if it is an Agreement State, or from the NRC for any non-Agreement State, either by filing for reciprocity or applying for a specific license.

**Historical Note**

New Section R9-7-320 recodified from R12-1-320, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-321. Reserved****Historical Note**

Section R9-7-321 reserved when this Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-322. The Need for an Emergency Plan for Response to a Release of Radioactive Material**

- A. For purposes of this Section, "Emergency Plan" means a procedure that will be followed when an accident occurs involving licensed radioactive materials for which an offsite response may be needed from organizations, such as police, fire, or medical organizations.
- B. Each application to possess radioactive materials in unsealed form, on foils or plated sources, or sealed in glass in excess of the quantities in Exhibit D, "Radioactive Material Quantities

## Department of Health Services - Radiation Control

Requiring Consideration for an Emergency Plan” shall contain either:

1. An evaluation showing that the maximum dose to a person off-site due to a release of radioactive materials would not exceed 1 rem effective dose equivalent or 5 rems to the thyroid; or
  2. An emergency plan for responding to a release of radioactive material.
- C. One or more of the following factors may be used to support an evaluation submitted under subsection (B)(1):
1. The radioactive material is physically separated so that only a portion could be involved in an accident.
  2. All or part of the radioactive material is not subject to release during an accident because of the way it is stored or packaged;
  3. The release fraction in the respirable size range would be lower than the release fraction shown in Exhibit D due to the chemical or physical form of the material;
  4. The solubility of the radioactive material would reduce the dose received;
  5. Facility design or engineered safety features in the facility would cause the release fraction to be lower than shown in Exhibit D;
  6. Operating restrictions or procedures would prevent a release fraction as large as that shown in Exhibit D; or
  7. Other factors appropriate for the specific facility.
- D. An emergency plan for responding to a release of radioactive material submitted under subsection (B)(2) shall include the following information:
1. A brief description of the licensee’s facility and areas near the site that could expose a member of the public to a dose equal to or greater than the levels expressed in subsection (B)(1).
  2. An identification of each type of radioactive materials accident for which protective actions may be needed.
  3. A classification system for classifying accidents as alerts or site area emergencies.
  4. Identification of the means of detecting each type of accident in a timely manner.
  5. A brief description of the means and equipment for mitigating the consequences of each type of accident, including those provided to protect workers onsite, and a description of the program for maintaining the equipment.
  6. A brief description of the methods and equipment to assess releases of radioactive materials.
  7. A brief description of the responsibilities of licensee personnel responsible for promptly notifying offsite response organizations and the Department; also responsibilities for developing, maintaining, and updating the plan.
  8. A commitment to and a brief description of the means to promptly notify offsite response organizations and request off-site assistance, including medical assistance for the treatment of contaminated and injured onsite workers when appropriate. A control point shall be established. The notification and coordination shall be planned so that unavailability of some personnel, parts of the facility, and some equipment will not prevent the notification and coordination. The licensee shall also commit to notify the Department immediately after notification of the appropriate off-site response organizations and not later than one hour after the licensee declares an emergency.
  9. A brief description of the types of information on facility status, radioactive releases, and recommended protective

actions, if necessary, to be given to off-site response organizations and to the Department.

10. A brief description of the frequency, performance objectives, and plans for the training that the licensee will provide workers on how to respond to an emergency including any special instructions and orientation tours the licensee would offer to fire, police, medical, and other emergency personnel. The training shall familiarize personnel with site-specific emergency procedures. Also, the training shall thoroughly prepare site personnel for their responsibilities in the event of accident scenarios postulated as most probable for the specific site, including the use of team training for such scenarios.
  11. A brief description of the means of restoring the facility to a safe condition after an accident.
  12. Provisions for conducting quarterly communications checks with off-site response organizations and biennial onsite exercises to test response to simulated emergencies. Quarterly communications checks with off-site response organizations shall include the verifying and updating of all necessary telephone numbers. The licensee shall invite off-site response organizations to participate in the biennial exercises. Their participation is not required. Exercises shall use accident scenarios postulated as most probable for the specific site and the scenarios shall not be known to most exercise participants. The licensee shall critique each exercise, using individuals without direct implementation responsibility for the plan. Critiques of exercises shall evaluate the appropriateness of the plan, emergency procedures, facilities, equipment, training of personnel, and overall effectiveness of the response. Deficiencies found by the critiques shall be corrected.
  13. A certification that the applicant has met its responsibilities in A.R.S. §§ 26-341 through 26-353 (Emergency Planning and Community Right-to-Know Act of 1986), if applicable to the applicant’s activities at the proposed place of use of the radioactive material.
- E. The licensee shall allow 60 days for the off-site response organizations, expected to respond in case of an accident, to comment on the licensee’s emergency plan before submitting it to the Department. The licensee shall provide any comments received within the 60 days to the Department with the emergency plan.

#### Historical Note

New Section R9-7-322 recodified from R12-1-322, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

#### R9-7-323. Financial Assurance and Recordkeeping for Decommissioning

- A. For purposes of terminating specific licensed activities:
1. “Decommissioning” means to remove a radioactive material use facility safely from service and to reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the radioactive material use license.
  2. “Byproduct material” as used in 10 CFR 30, means “radioactive material” which is defined in A.R.S. § 30-651.
  3. “Facility” means the entire site of radioactive material use, or any separate building or outdoor area where it is used.
  4. “Appendix B to Part 30” as used in 10 CFR 30, means Appendix E in 9 A.A.C. 7, Article 4.
  5. “Financial security” means having a net worth of not less than \$10,000.

## Department of Health Services - Radiation Control

- B.** When applying, each non-government applicant for a specific license that authorizes the possession and use of radioactive material, and each non-government holder of a license to possess and use radioactive material issued before the effective date of this Section, shall submit to the Department a decommissioning funding plan or certification of financial security, as required in A.R.S. § 30-672(H). A licensee required to meet the requirements in subsection (C) is exempt from the requirements in this subsection.
- C.** When applying, each applicant for a specific license that authorizes the possession and use of radioactive material, and each holder of a license to possess and use radioactive material issued before the effective date of this Section, shall submit to the Department a decommissioning funding plan or certification of financial assurance that meets the requirements in 10 CFR 30.35, 40.36, and 70.25, revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments. Each decommissioning funding plan shall be submitted to the Department for review and approval and shall contain:
1. A detailed cost estimate for decommissioning, in an amount reflecting:
    - a. The cost of an independent contractor to perform all decommissioning activities;
    - b. The cost of meeting the R9-7-452(B) criteria for unrestricted use, provided that, if the applicant or licensee can demonstrate its ability to meet the provisions of R9-7-453(C), the cost estimate may be based on meeting the R9-7-453(C) criteria;
    - c. The volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the criteria for license termination; and
    - d. An adequate contingency factor.
  2. Identification of and justification for using the key assumptions contained in the DCE;
  3. A description of the method of assuring funds for decommissioning including means for adjusting cost estimates and associated funding levels periodically over the life of the facility;
  4. A certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning; and
  5. An original signed copy of the financial instrument obtained to satisfy the requirements of subsection (F) unless a previously submitted and accepted financial instrument continues to cover the cost estimate for decommissioning).
- D.** Each licensee required to provide financial assurance for decommissioning a radioactive material facility under this Section shall maintain records of information important to the safe and effective decommissioning of the facility in an identified location until the license is terminated by the Department. The licensee shall maintain the following records during the decommissioning process:
1. Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, and site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. The licensee shall keep records identifying the involved radionuclides and associated quantities, forms, and concentrations.
  2. As-built drawings showing modifications of structures and equipment in restricted areas where radioactive materials are used and stored, and locations of possible inaccessible contamination. If drawings are not available, the licensee shall provide appropriate records describing each location of possible contamination.
  3. Records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used.
- E.** Decommissioning procedures:
1. Upon expiration or termination of principal activities a licensee shall notify the Department in writing whether the licensee is discontinuing licensed activities. The licensee shall begin decommissioning its facility within 60 days after the Department receives notice of the decision to permanently terminate principal activities, or within 12 months after receipt of notice, submit to the Department a decommissioning plan, as prescribed in 10 CFR 30.36(g)(1), 40.42(g)(1), and 70.38(g)(1), revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments. The licensee shall begin decommissioning upon approval of the plan if the license has expired or no licensed activities have been conducted at the licensee's facility for a period of 24 months.
  2. In addition to the notification requirements in subsection (E)(1), the licensee shall maintain in effect all decommissioning financial assurances required by this Section. The financial assurances shall be increased or may be decreased as appropriate to cover the cost estimate established for decommissioning in subsection (E)(1). The licensee may reduce the amount of the financial assurance following approval of the decommissioning plan, provided the radiological hazard is decreasing and the licensee has the approval of the Department.
  3. The Department shall extend the time periods established in subsection (E)(1) if a new time period is in the best interest of public health and safety.
    - a. The licensee shall submit a request for an extension no later than 30 days after the Department receives the notice required in subsection (E)(1).
    - b. If a licensee has requested an extension, the licensee is not required to commence decommissioning activities required in subsection (E)(1), until the Department has made a determination on the request submitted to the Department under subsection (E)(3)(a).
  4. Except as provided in subsection (E)(5), the licensee shall complete decommissioning of a facility as soon as practicable but no later than 24 months following the initiation of decommissioning; and except as provided in subsection (E)(5), when decommissioning involves the entire facility, the licensee shall request license termination as soon as practicable but no later than 24 months following initiation of decommissioning.
  5. The Department shall approve a request for an alternate schedule for completion of decommissioning and license termination if the Department determines that the alternative is warranted by consideration of the conditions specified in 10 CFR 30.36(i), 40.42(i), and 70.38(i), revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
  6. As a final step in decommissioning, the licensee shall meet the requirements specified in 10 CFR 30.36(j), 40.42(j), and 70.38(j), revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

## Department of Health Services - Radiation Control

rated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

F. Each person licensed under this Article shall keep records of information important to the decommissioning of a facility in an identified location until the site is released for unrestricted use. Before licensed activities are transferred or assigned in accordance with R9-7-318, licensees shall transfer all records described in this paragraph to the new licensee. In this case, the new licensee will be responsible for maintaining these records until the license is terminated. If records important to the decommissioning of a facility are kept for other purposes, reference to these records and their locations may be used. Information the Department considers important to decommissioning consists of:

1. Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records must include any known information on identification of involved nuclides, quantities, forms, and concentrations.
2. As-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.
3. Except for areas containing depleted uranium used only for shielding or as penetrators in unused munitions, a list contained in a single document and updated every 2 years, of the following:
  - a. All areas designated and formerly designated as restricted areas as defined under R9-7-102;
  - b. All areas outside of restricted areas that require documentation under R9-7-323(F)(1);
  - c. All areas outside of restricted areas where current and previous wastes have been buried as documented under R9-7-441; and
  - d. All areas outside of restricted areas that contain material such that, if the license expired, the licensee would be required to either decontaminate the area to meet the criteria for decommissioning in R9-7-451 or R9-7-452; or apply for approval for disposal under R9-7-435.
4. Records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used.

G. In providing financial assurance under this section, each licensee shall use the financial assurance funds only for decommissioning activities and each licensee shall monitor the balance of funds held to account for market variations. The licensee shall replenish the funds, and report such actions to the Department, as follows:

1. If, at the end of a calendar quarter, the fund balance is below the amount necessary to cover the cost of decommissioning, but is not below 75 percent of the cost, the licensee shall increase the balance to cover the cost, and

shall do so within 30 days after the end of the calendar quarter.

2. If, at any time, the fund balance falls below 75 percent of the amount necessary to cover the cost of decommissioning, the licensee shall increase the balance to cover the cost, and shall do so within 30 days of the occurrence.

3. Within 30 days of taking the actions required by subsection (G)(1) or (G)(2), the licensee shall provide a written report of such actions to the Director of the Department, and state the new balance of the fund.

H. The financial instrument must include the licensee's name, license number, and docket number, and the name, address, and other contact information of the issuer, and, if a trust is used, the trustee. When any of the foregoing information changes, the licensee must, within 30 days, submit financial instruments to the Department reflecting such changes. The financial instrument submitted must be a signed original or signed original duplicate, except where a copy of the signed original is specifically permitted. Financial assurance for decommissioning must be provided by one or more of the following methods:

1. Prepayment. Prepayment is the deposit before the start of operation into an account segregated from licensee assets and outside the licensee's administrative control of cash or liquid assets such that the amount of funds would be sufficient to pay decommissioning costs. Prepayment must be made into a trust account, and the trustee and the trust must be acceptable to the Department.
2. A surety method, insurance, or other guarantee method. These methods guarantee that decommissioning costs will be paid. A surety method may be in the form of a surety bond, or letter of credit. A parent company guarantee of funds for decommissioning costs based on a financial test may be used if the guarantee and test are approved by the Department. For commercial corporations that issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs based on a financial test may be used if the guarantee and test are approved by the Department. For commercial companies that do not issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs may be used if the guarantee and test are approved by the Department. For nonprofit entities, such as colleges, universities, and nonprofit hospitals, a guarantee of funds by the applicant or licensee may be used if the guarantee and test are approved by the Department. Except for an external sinking fund, a parent company guarantee or a guarantee by the applicant or licensee may not be used in combination with any other financial methods used to satisfy the requirements of this section. A guarantee by the applicant or licensee may not be used in any situation where the applicant or licensee has a parent company holding majority control of the voting stock of the company. Any surety method or insurance used to provide financial assurance for decommissioning must contain the following conditions:
  - a. The surety method or insurance must be open-ended or, if written for a specified term, such as five years, must be renewed automatically unless 90 days or more prior to the renewal date, the issuer notifies the Department, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance must also provide that the full face-value amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement accept-

## Department of Health Services - Radiation Control

able to the Department within 30 days after receipt of notification of cancellation.

- b. The surety method or insurance must be payable to a trust established for decommissioning costs. The trustee and trust must be acceptable to the Department. An acceptable trustee includes an appropriate State or Federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.
  - c. The surety method or insurance must remain in effect until the Department has terminated the license.
3. An external sinking fund in which deposits are made at least annually, coupled with a surety method, insurance, or other guarantee method, the value of which may reduce by the amount being accumulated in the sinking fund. An external sinking fund is a fund established and maintained by setting aside funds periodically in an account segregated from licensee assets and outside the licensee's administrative control in which the total amount of funds would be sufficient to pay decommissioning costs at the time termination of operation is expected. An external sinking fund must be in the form of a trust. If the other guarantee method is used, no surety or insurance may be combined with the external sinking fund. The surety, insurance, or other guarantee provisions must be as stated in subsection (H)(2).
  4. In the case of Federal, State, or local government licensees, a statement of intent containing a cost estimate for decommissioning, and indicating that funds for decommissioning will be obtained when necessary.
  5. When a governmental entity is assuming custody and ownership of a site, an arrangement that is deemed acceptable by such governmental entity.

**Historical Note**

New Section R9-7-323 recodified from R12-1-323, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-324. Public Notification and Public Participation**

Upon the receipt of a license termination plan (LTP) or decommissioning plan from a licensee, or a proposal by a licensee for decommissioning of a site in accordance with R9-7-452(C) and (D) or for other events when the Department deems a notice to be in the public interest, the Department shall:

1. Notify and solicit comments from:
  - a. State and local governments and any Indian Nation or other indigenous people who have legal rights that could be affected by the decommissioning, and
  - b. The Arizona Department of Environmental Quality for cases in which the licensee proposes to decommission a site in accordance with R9-7-452(D).
2. Publish the notice in the Arizona Administrative Register and use other methods of publication such as local newspapers, letters to local organizations, or any other method

that is reasonably calculated to provide notice, and solicit comments from affected parties.

**Historical Note**

New Section R9-7-324 recodified from R12-1-324, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-325. Timeliness in Decommissioning Facilities**

- A. "Principal activities," as used in this Section, means activities authorized by the license that are essential to achieving the purposes for which the license was issued or amended. Storage, during which licensed material is not accessed for use, or disposal and other activities incidental to decontamination or decommissioning are not principal activities.
- B. Each specific license revoked by the Department expires at midnight on the date of the Department's final determination to revoke the license, the expiration date stated in the determination, or as otherwise provided by Department order.
- C. Each specific license continues in effect, beyond the expiration date if necessary, with respect to possession of radioactive material, until the Department notifies the licensee in writing that the license is terminated. During this time, the licensee shall:
  1. Limit actions involving radioactive material to those related to decommissioning;
  2. Continue to control entry to restricted areas until they are suitable for release in accordance with NRC requirements; and
  3. Pay the applicable annual fee for the license category listed in R9-7-1306.
- D. Within 60 days of the occurrence of any of the following, each licensee shall notify the Department in writing of the occurrence and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity, so that the building or outdoor area is suitable for release in accordance with Department requirements, or submit within 12 months of notification a decommissioning plan, if required by R9-7-323, and begin decommissioning upon approval of that plan if:
  1. The license expires in accordance with subsection (B) or R9-7-314, unless the licensee submits a renewal application in accordance with R9-7-315;
  2. The licensee decides to permanently terminate principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with Department requirements;
  3. No principal activities under the license have been conducted for a period of 24 months; or
  4. No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with Department requirements.

**Historical Note**

New Section R9-7-325 recodified from R12-1-325, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).



## Department of Health Services - Radiation Control

## Exhibit A. Exempt Concentrations

Element (atomic number)	Isotope	Column I Gas Concentration ( $\mu\text{Ci/ml}$ ) <sup>1/</sup>	Column II Liquid and Solid Concentration ( $\mu\text{Ci/ml}$ ) <sup>2/</sup>	Element (atomic number)	Isotope	Column I Gas Concentration ( $\mu\text{Ci/ml}$ ) <sup>1/</sup>	Column II Liquid and Solid Concentration ( $\mu\text{Ci/ml}$ ) <sup>2/</sup>
Antimony (51)	Sb-122		$3 \times 10^{-4}$	Gold (79)	Au-196		$2 \times 10^{-3}$
	Sb-124		$2 \times 10^{-4}$		Au-198		$5 \times 10^{-4}$
	Sb-125		$1 \times 10^{-3}$		Au-199		$2 \times 10^{-3}$
Argon (18)	Ar-37	$1 \times 10^{-3}$		Hafnium (72)	Hf-181		$7 \times 10^{-4}$
	Ar-41	$4 \times 10^{-7}$					
Arsenic (33)	As-73		$5 \times 10^{-3}$	Hydrogen (1)	H-3	$5 \times 10^{-6}$	$3 \times 10^{-2}$
	As-74		$5 \times 10^{-4}$				
	As-76		$2 \times 10^{-4}$	Indium (49)	In-113m		$1 \times 10^{-2}$
	As-77		$8 \times 10^{-4}$		In-114m		$2 \times 10^{-4}$
Barium (56)	Ba-131		$2 \times 10^{-3}$	Iodine	I-126	$3 \times 10^{-9}$	$2 \times 10^{-5}$
	Ba-140		$3 \times 10^{-4}$		I-131	$3 \times 10^{-9}$	$2 \times 10^{-5}$
Beryllium (4)	Be-7		$2 \times 10^{-2}$		I-132	$8 \times 10^{-8}$	$6 \times 10^{-4}$
					I-133	$1 \times 10^{-8}$	$7 \times 10^{-5}$
Bismuth (83)	Bi-206		$4 \times 10^{-4}$		I-134	$2 \times 10^{-7}$	$1 \times 10^{-3}$
Bromine (35)	Br-82	$4 \times 10^{-7}$	$3 \times 10^{-3}$	Iridium (77)	Ir-190		$2 \times 10^{-3}$
					Ir-192		$4 \times 10^{-4}$
Cadmium (48)	Cd-109		$2 \times 10^{-3}$		Ir-194		$3 \times 10^{-4}$
	Cd-115m		$3 \times 10^{-4}$	Iron (26)	Fe-55		$8 \times 10^{-3}$
	Cd-115		$3 \times 10^{-4}$		Fe-59		$6 \times 10^{-4}$
Calcium (20)	Ca-45		$9 \times 10^{-5}$	Krypton (36)	Kr-85m	$1 \times 10^{-6}$	
	Ca-47		$5 \times 10^{-4}$		Kr-85	$3 \times 10^{-6}$	
Carbon (6)	C-14	$1 \times 10^{-6}$	$8 \times 10^{-3}$	Lanthanum (57)	La-140		$2 \times 10^{-4}$
Cerium (58)	Ce-141		$9 \times 10^{-4}$	Lead (82)	Pb-203		$4 \times 10^{-3}$
	Ce-143		$4 \times 10^{-4}$	Lutetium (71)	Lu-177		$1 \times 10^{-3}$
	Ce-144		$1 \times 10^{-4}$				
Cesium (55)	Cs-131		$2 \times 10^{-2}$	Manganese (25)	Mn-52		$3 \times 10^{-4}$
	Cs-134m		$6 \times 10^{-2}$		Mn-54		$1 \times 10^{-3}$
	Cs-134		$9 \times 10^{-5}$		Mn-56		$1 \times 10^{-3}$
Chlorine (17)	Cl-38	$9 \times 10^{-7}$	$4 \times 10^{-3}$	Mercury (80)	Hg-197m		$2 \times 10^{-3}$
					Hg-197		$3 \times 10^{-3}$
Chromium (24)	Cr-51		$2 \times 10^{-2}$		Hg-203		$2 \times 10^{-4}$
				Molybdenum (42)	Mo-99		$2 \times 10^{-3}$
Cobalt (27)	Co-57		$5 \times 10^{-3}$				
	Co-58		$1 \times 10^{-3}$	Neodymium (60)	Nd-147		$6 \times 10^{-4}$
	Co-60		$5 \times 10^{-4}$		Nd-149		$3 \times 10^{-3}$
Copper (29)	Cu-64		$3 \times 10^{-3}$	Nickel (28)	Ni-65		$1 \times 10^{-3}$
Dysprosium (66)	Dy-165		$4 \times 10^{-3}$	Niobium (Columbium)(41)	Nb-95	$1 \times 10^{-3}$	
	Dy-166		$4 \times 10^{-4}$		Nb-97		$9 \times 10^{-3}$
Erbium (68)	Er-169		$9 \times 10^{-4}$	Osmium (76)	Os-185		$7 \times 10^{-4}$
	Er-171		$1 \times 10^{-5}$		Os-191m		$3 \times 10^{-2}$
Europium (63)	Eu-152 ( $T_{1/2}=9.2 \text{ h}$ )		$6 \times 10^{-4}$		Os-191		$2 \times 10^{-3}$
	Eu-155		$2 \times 10^{-3}$		Os-193		$6 \times 10^{-4}$
Fluorine (9)	F-18	$2 \times 10^{-6}$	$8 \times 10^{-3}$	Palladium (46)	Pd-103		$3 \times 10^{-3}$
					Pd-109		$9 \times 10^{-4}$
Gadolinium (64)	Gd-153		$2 \times 10^{-3}$	Phosphorus (15)	P-32		$2 \times 10^{-4}$
	Gd-159		$8 \times 10^{-4}$				
Gallium (31)	Ga-72		$4 \times 10^{-4}$	Platinum (78)	Pt-191		$1 \times 10^{-3}$
					Pt-193m		$1 \times 10^{-2}$
					Pt-197m		$1 \times 10^{-2}$
Germanium (32)	Ge-71		$2 \times 10^{-2}$		Pt-197		$1 \times 10^{-3}$
				Potassium (19)	K-42		$3 \times 10^{-3}$

## Department of Health Services - Radiation Control

Element (atomic number)	Isotope	Column I Gas Concentration ( $\mu\text{Ci/ml}$ ) <sup>1/</sup>	Column II Liquid and Solid Concentration ( $\mu\text{Ci/ml}$ ) <sup>2/</sup>	Element (atomic number)	Isotope	Column I Gas Concentration ( $\mu\text{Ci/ml}$ ) <sup>1/</sup>	Column II Liquid and Solid Concentration ( $\mu\text{Ci/ml}$ ) <sup>2/</sup>
Praseodymium (59)	Pr-142		$3 \times 10^{-4}$	Tellurium (52)	Te-125m		$2 \times 10^{-3}$
	Pr-143		$5 \times 10^{-4}$		Te-127m		$6 \times 10^{-4}$
Promethium (61)	Pm-147		$2 \times 10^{-3}$		Te-127		$3 \times 10^{-3}$
	Pm-149		$4 \times 10^{-4}$		Te-129m		$3 \times 10^{-4}$
Rhenium (75)	Re-183		$6 \times 10^{-3}$		Te-131m		$6 \times 10^{-4}$
	Re-186		$9 \times 10^{-4}$		Te-132		$3 \times 10^{-4}$
	Re-188		$6 \times 10^{-4}$	Terbium (65)	Tb-160		$4 \times 10^{-4}$
Rhodium (45)	Rh-103m		$1 \times 10^{-1}$	Thallium (81)	Tl-200		$4 \times 10^{-3}$
	Rh-105		$1 \times 10^{-3}$		Tl-201		$3 \times 10^{-3}$
Rubidium (37)	Rb-86		$7 \times 10^{-4}$		Tl-202		$1 \times 10^{-3}$
Ruthenium (44)	Ru-97		$4 \times 10^{-3}$		Tl-204		$1 \times 10^{-3}$
	Ru-103		$8 \times 10^{-4}$	Thulium (69)	Tm-170		$5 \times 10^{-4}$
	Ru-105		$1 \times 10^{-3}$		Tm-171		$5 \times 10^{-3}$
	Ru-106		$1 \times 10^{-4}$	Tin (50)	Sn-113		$9 \times 10^{-4}$
Samarium (62)	Sm-153		$8 \times 10^{-4}$		Sn-125		$2 \times 10^{-4}$
Scandium (21)	Sc-46		$4 \times 10^{-4}$	Tungsten (Wolfram) (74)	W-181		$4 \times 10^{-3}$
	Sc-47		$9 \times 10^{-4}$		W-187		$7 \times 10^{-4}$
	Sc-48		$3 \times 10^{-4}$	Vanadium (23)	V-48		$3 \times 10^{-4}$
Selenium (34)	Se-75		$3 \times 10^{-3}$	Xenon (54)	Xe-131m	$4 \times 10^{-6}$	
Silicon (14)	Si-31		$9 \times 10^{-3}$		Xe-133	$3 \times 10^{-6}$	
Silver (47)	Ag-105		$1 \times 10^{-3}$		Xe-135	$1 \times 10^{-6}$	
	Ag-110m		$3 \times 10^{-4}$	Ytterbium (70)	Yb-175		$1 \times 10^{-3}$
	Ag-111		$4 \times 10^{-4}$	Yttrium (39)	Y-90		$2 \times 10^{-4}$
Sodium (11)	Na-24		$2 \times 10^{-3}$		Y-91m		$3 \times 10^{-2}$
Strontium (38)	Sr-85		$1 \times 10^{-3}$		Y-91		$3 \times 10^{-4}$
	Sr-89		$1 \times 10^{-4}$		Y-92		$6 \times 10^{-4}$
	Sr-91		$7 \times 10^{-4}$		Y-93		$3 \times 10^{-4}$
	Sr-92		$7 \times 10^{-4}$	Zinc (30)	Zn-65		$1 \times 10^{-3}$
Sulfur (16)	S-35	$9 \times 10^{-8}$	$6 \times 10^{-4}$		Zn-69m		$7 \times 10^{-4}$
Tantalum (73)	Ta-182		$4 \times 10^{-4}$		Zn-69		$2 \times 10^{-2}$
Technetium (43)	Tc-96m		$1 \times 10^{-1}$	Zirconium (40)	Zr-95		$6 \times 10^{-4}$
	Tc-96		$1 \times 10^{-3}$		Zr-97		$2 \times 10^{-4}$
				Beta and/or gamma emitting radioactive material not listed above with half-life less than three years		$1 \times 10^{-10}$	$1 \times 10^{-6}$

NOTE 1: Many radioisotopes disintegrate into isotopes which are also radioactive. In expressing the concentrations in Schedule A the activity stated is that of the parent isotope and takes into account the daughters.

<sup>1/</sup> Values are given in Column I only for those materials normally used as gases

<sup>2/</sup>  $\mu\text{Ci/gm}$  are for solids

NOTE 2: For purposes of Section 303 where there is involved a combination of isotopes, the limit for the combination should be derived as follows: Determine for each isotope in the product the ratio between the concentration present in the product and the exempt concentration established in Schedule A for the specific isotope when not in combination. The sum of such ratios may not exceed "1" (i.e., unity).

EXAMPLE:

$$\frac{\text{Concentration of Isotope A in Product}}{\text{Exempt concentration of Isotope A}} + \frac{\text{Concentration of Isotope B in Product}}{\text{Exempt concentration of Isotope B}} \leq 1$$

#### Historical Note

New Article 3, Exhibit A recodified from 12 A.A.C. 1, Article 3, Exhibit A, effective March 22, 2018 (Supp. 18-1).

## Department of Health Services - Radiation Control

## Exhibit B. Exempt Quantities

<u>Material</u>	<u>Microcuries</u>	<u>Material</u>	<u>Microcuries</u>	<u>Material</u>	<u>Microcuries</u>
Antimony-122 (Sb-122)	100	Indium-113m (In-113m)	100	Rhodium-103m (Rh-103m)	100
Antimony-124 (Sb-124)	10	Indium-114m (In-114m)	10	Rhodium-105 (Rh-105)	100
Antimony-125 (Sb-125)	10	Indium-115m (In-115m)	100	Rubidium-81 (Rb-81)	10
Arsenic-73 (As-73)	100	Indium-115 (In-115)	10	Rubidium-86 (Rb-86)	10
Arsenic-74 (As-74)	10	Iodine-123 (I-123)	100	Rubidium-87 (Rb-87)	10
Arsenic-76 (As-76)	10	Iodine-125 (I-125)	1	Ruthenium-97 (Ru-97)	100
Arsenic-77 (As-77)	100	Iodine-126 (I-126)	1	Ruthenium-103 (Ru-103)	10
Barium-131 (Ba-131)	10	Iodine-129 (I-129)	0.1	Ruthenium-105 (Ru-105)	10
Barium-133 (Ba-133)	10	Iodine-131 (I-131)	1	Ruthenium-106 (Ru-106)	1
Barium-140 (Ba-140)	10	Iodine-132 (I-132)	10	Samarium-151 (Sm-151)	10
Bismuth-210 (Bi-210)	1	Iodine-133 (I-133)	1	Samarium-153 (Sm-153)	100
Bromine-82 (Br-82)	10	Iodine-134 (I-134)	10	Scandium-46 (Sc-46)	10
Cadmium-109 (Cd-109)	10	Iodine-135 (I-135)	10	Scandium-47 (Sc-47)	100
Cadmium-115m (Cd-115m)	10	Iridium-192 (Ir-192)	10	Scandium-48 (Sc-48)	10
Cadmium-115 (Cd-115)	100	Iridium-194 (Ir-194)	100	Selenium-75 (Se-75)	10
Calcium-45 (Ca-45)	10	Iron-52 (Fe-52)	10	Silicon-31 (Si-31)	100
Calcium-47 (Ca-47)	10	Iron-55 (Fe-55)	100	Silver-105 (Ag-105)	10
Carbon-14 (C-14)	100	Iron-59 (Fe-59)	10	Silver-110m (Ag-110m)	1
Cerium-141 (Ce-141)	100	Krypton-85 (Kr-85)	100	Silver-111 (Ag-111)	100
Cerium-143 (Ce-143)	100	Krypton-87 (Kr-87)	10	Sodium-22 (Na-22)	10
Cerium-144 (Ce-144)	1	Lanthanum-140 (La-140)	10	Sodium-24 (Na-24)	10
Cesium-129 (Cs-129)	100	Lutetium-177 (Lu-177)	100	Strontium-85 (Sr-85)	10
Cesium-131 (Cs-131)	1,000	Manganese-52 (Mn-52)	10	Strontium-89 (Sr-89)	1
Cesium-134m (Cs-134m)	100	Manganese-54 (Mn-54)	10	Strontium-90 (Sr-90)	0.1
Cesium-134 (Cs-134)	1	Manganese-56 (Mn-56)	10	Strontium-91 (Sr-91)	10
Cesium-135 (Cs-135)	10	Mercury-197m (Hg-197m)	100	Strontium-92 (Sr-92)	10
Cesium-136 (Cs-136)	10	Mercury-197 (Hg-197)	100	Sulfur-35 (S-35)	100
Cesium-137 (Cs-137)	10	Mercury-203 (Hg-203)	10	Tantalum-182 (Ta-182)	10
Chlorine-36 (Cl-36)	10	Molybdenum-99 (Mo-99)	100	Technetium-96 (Tc-96)	10
Chlorine-38 (Cl-38)	10	Neodymium-147 (Nd-147)	100	Technetium-97m (Tc-97m)	100
Chromium-51 (Cr-51)	1,000	Neodymium-149 (Nd-149)	100	Technetium-97 (Tc-97)	100
Cobalt-57 (Co-57)	100	Nickel-59 (Ni-59)	100	Technetium-99 (Tc-99m)	100
Cobalt-58m (Co-58m)	10	Nickel-63 (Ni-63)	10	Technetium-99 (Tc-99)	10
Cobalt-58 (Co-58)	10	Nickel-65 (Ni-65)	100	Tellurium-125m (Te-125m)	10
Cobalt-60 (Co-60)	1	Niobium-93m (Nb-93m)	10	Tellurium-127m (Te-127m)	10
Copper-64 (Cu-64)	100	Niobium-95 (Nb-95)	10	Tellurium-127 (Te-127)	100
Dysprosium-165 (Dy-165)	10	Niobium-97 (Nb-97)	10	Tellurium-129m (Te-129m)	10
Dysprosium-166 (Dy-166)	100	Osmium-185 (Os-185)	10	Tellurium-129 (Te-129)	100
Erbium-169 (Er-169)	100	Osmium-191m (Os-191m)	100	Tellurium-131m (Te-131m)	10
Erbium-171 (Er-171)	100	Osmium-191 (Os-191)	100	Tellurium-132 (Te-132)	10
Europium-152 (Eu-152) (9.2 h)	100	Osmium-193 (Os-193)	100	Terbium-160 (Tb-160)	10
Europium-152 (Eu-152) (13 yr)	1	Palladium-103 (Pd-103)	100	Thallium-200 (Tl-200)	100
Europium-154 (Eu-154)	1	Palladium-109 (Pd-109)	100	Thallium-201 (Tl-201)	100
Europium-155 (Eu-155)	10	Phosphorus-32 (P-32)	10	Thallium-202 (Tl-202)	100
Fluorine-18 (F-18)	1,000	Platinum-191 (Pt-191)	100	Thallium-204 (Tl-204)	10
Gadolinium-153 (Gd-153)	10	Platinum-193m (Pt-193m)	100	Thulium-170 (Tm-170)	10
Gadolinium-159 (Gd-159)	100	Platinum-193 (Pt-193)	100	Thulium-171 (Tm-171)	10
Gallium-67 (Ga-67)	100	Platinum-197m (Pt-197m)	100	Tin-113 (Sn-113)	10
Gallium-72 (Ga-72)	10	Platinum-197 (Pt-197)	100	Tin-125 (Sn-125)	10
Germanium-68 (Ge-68)	10	Polonium-210 (Po-210)	0.1	Tungsten-181 (W-181)	10
Germanium-71 (Ge-71)	100	Potassium-42 (K-42)	10	Tungsten-185 (W-185)	10
Gold-195 (Au-195)	10	Potassium-43 (K-43)	10	Tungsten-187 (W-187)	100
Gold-198 (Au-198)	100	Praseodymium-142 (Pr-142)	100	Vanadium-43 (V-43)	10
Gold-199 (Au-199)	100	Praseodymium-143 (Pr-143)	100	Xenon-131m (Xe-131m)	1,000
Hafnium-181 (Hf-181)	10	Promethium-147 (Pm-147)	10	Xenon-133 (Xe-133)	100
Holmium-166 (Ho-166)	100	Promethium-149 (Pm-149)	10	Xenon-135 (Xe-135)	100
Hydrogen-3 (H-3)	1,000	Rhenium-186 (Re-186)	100	Ytterbium-175 (Yb-175)	100
Indium-111 (In-111)	100	Rhenium-188 (Re-188)	100	Yttrium-87 (Y-87)	10

**Exhibit B. Exempt Quantities (Continued)**

<b><u>Material</u></b>	<b><u>Microcuries</u></b>
Yttrium-88 (Y-88)	10
Yttrium-90 (Y-90)	10
Yttrium-91 (Y-91)	10
Yttrium-92 (Y-92)	100
Yttrium-93 (Y-93)	100
Zinc-65 (Zn-65)	10
Zinc-69m (Zn-69m)	100
Zinc-69 (Zn-69)	1,000
Zirconium-93 (Zr-93)	10
Zirconium-95 (Zr-95)	10
Zirconium-97 (Zr-97)	10
Any radionuclide material not listed above other than alpha- emitting radioactive material	0.1

**Historical Note**

New Article 3, Exhibit B recodified from 12 A.A.C. 1, Article 3, Exhibit B, effective March 22, 2018 (Supp. 18-1).

## Department of Health Services - Radiation Control

## Exhibit C. Limits for Class B and C Broad Scope Licenses (R9-7-310)

Radioactive Material	Col. I curies	Col. II curies	Radioactive Material	Col. I curies	Col. II curies	Radioactive Material	Col. I curies	Col. II curies
Antimony-122	1	0.01	Iodine-134	10	0.1	Silver-111	10	0.1
Antimony-124	1	0.01	Iodine-135	1	0.1	Sodium-22	0.1	0.001
Antimony-125	1	0.01	Iridium-192	1	0.1	Sodium-24	1	0.01
Arsenic-73	10	0.1	Iridium-194	10	0.1	Strontium-85	1,000	10
Arsenic-74	1	0.01	Iron-55	10	0.1	Strontium-85	1	0.01
Arsenic-76	1	0.01	Iron-59	1	0.1	Strontium-89	1	0.01
Arsenic-77	10	0.1	Krypton-85	100	1.	Strontium-90	0.01	0.0001
Barium-131	10	0.1	Krypton-87	10	0.1	Strontium-91	10	0.1
Barium-140	1	0.01	Lanthanum-140	1	0.1	Strontium-92	10	0.1
Beryllium-7	10	0.1	Lutetium-177	10	0.1	Sulfur-35	100	0.1
Bismuth-210	0.1	0.001	Manganese-52	1	0.1	Tantalum-182	1	0.01
Bromine-82	10	0.1	Manganese-54	1	0.1	Technetium-96	10	0.1
Cadmium-109	1	0.01	Manganese-56	10	0.1	Technetium-97m	10	0.1
Cadmium-115m	1	0.01	Mercury-197m	10	0.1	Technetium-97	10	0.1
Cadmium-115	10	0.1	Mercury-197	10	0.1	Technetium-99m	100	1.
Calcium-45	1	0.01	Mercury-203	1	0.1	Technetium-99	1	0.01
Calcium-47	10	0.1	Molybdenum-99	10	0.1	Tellurium-125m	1	0.01
Carbon-14	100	1.	Neodymium-147	10	0.1	Tellurium-127m	1	0.01
Cerium-141	10	0.1	Neodymium-149	10	0.1	Tellurium-127	10	0.1
Cerium-143	10	0.1	Nickel-59	10	0.1	Tellurium-129m	1	0.01
Cerium-144	0.1	0.001	Nickel-63	1	0.1	Tellurium-129	100	1.
Cesium-131	100	1.	Nickel-65	10	0.1	Tellurium-131m	10	0.1
Cesium-134m	100	1.	Niobium-93m	1	0.1	Tellurium-132	1	0.01
Cesium-134	0.1	0.001	Niobium-95	1	0.1	Terbium-160	1	0.01
Cesium-135	1	0.01	Niobium-97	100	1.	Thallium-200	10	0.1
Cesium-136	10	0.1	Osmium-185	1	0.1	Thallium-201	10	0.1
Cesium-137	0.1	0.001	Osmium-191m	100	1.	Thallium-202	10	0.1
Chlorine-36	1	0.01	Osmium-191	10	0.1	Thallium-204	1	0.01
Chlorine-38	100	1.	Osmium-193	10	0.1	Thulium-170	1	0.01
Chromium-51	100	1.	Palladium-103	10	0.1	Thulium-171	1	0.01
Cobalt-57	10	0.1	Palladium-109	10	0.1	Tin-113	1	0.01
Cobalt-58m	100	1.	Phosphorus-32	1	0.01	Tin-125	1	0.01
Cobalt-58	1	0.01	Platinum-191	10	0.1	Tungsten-181	1	0.01
Cobalt-60	0.1	0.001	Platinum-193m	100	1.	Tungsten-185	1	0.01
Copper-64	10	0.1	Platinum-193	10	0.1	Tungsten-197	10	0.1
Dysprosium-165	100	1.	Platinum-197m	100	1.	Vanadium-43	1	0.01
Dysprosium-166	10	0.1	Platinum-197	10	0.1	Xenon-131m	1,000	10
Erbium-169	10	0.1	Polonium-210	0.01	0.0001	Xenon-133	100	1.
Erbium-171	10	0.1	Potassium-42	1	0.01	Xenon-135	100	1.
Europium-152 (9.2 h)	10	0.1	Praseodymium-142	10	0.1	Ytterbium-175	10	0.1
Europium-152 (13 yr)	0.1	0.001	Praseodymium-143	10	0.1	Yttrium-90	1	0.01
Europium-154	0.1	0.001	Promethium-147	1	0.01	Yttrium-91	1	0.01
Europium-155	1	0.01	Promethium-149	10	0.1	Yttrium-92	10	0.1
Fluorine-18	100	1.	Radium-226	0.01	0.0001	Yttrium-93	1	0.01
Gadolinium-153	1	0.1	Rhenium-186	10	0.1	Zinc-65	1	0.01
Gadolinium-159	10	0.1	Rhenium-188	10	0.1	Zinc-69m	10	0.1
Gallium-72	10	0.1	Rhodium-103m	1,000	10	Zinc-69	100	1.
Germanium-71	100	1.	Rhodium-105	10	0.1	Zirconium-93	1	0.01
Gold-198	10	0.1	Rubidium-86	1	0.01	Zirconium-95	1	0.01
Gold-199	10	0.1	Rubidium-87	1	0.01	Zirconium-97	1	0.01
Hafnium-181	1	0.1	Ruthenium-97	100	1.	<b>Historical Note</b> New Article 3, Exhibit C recodified from 12 A.A.C. 1, Article 3, Exhibit C, effective March 22, 2018 (Supp. 18-1).		
Holmium-166	10	0.1	Ruthenium-103	1	0.01			
Hydrogen-3	100	1.	Ruthenium-105	10	0.1			
Indium-113m	100	1.	Ruthenium-106	0.1	0.001			
Indium-114m	1	0.1	Samarium-151	1	0.01			
Indium-115m	100	1.	Samarium-153	10	0.1			
Indium-115	1	0.1	Scandium-46	1	0.01			
Iodine-125	0.1	0.001	Scandium-47	10	0.1			
Iodine-126	0.1	0.001	Scandium-48	1	0.01			
Iodine-129	0.1	0.001	Selenium-75	1	0.01			
Iodine-131	0.1	0.001	Silicon-31	10	0.1			
Iodine-132	10	0.1	Silver-105	1	0.01			
Iodine-133	1	0.1	Silver-110m	0.1	0.001			

## Department of Health Services - Radiation Control

**Exhibit D. Radioactive Material Quantities Requiring Consideration for an Emergency Plan (R9-7-322)**

<b><u>Radioactive Material</u></b>	<b><u>Release Fraction</u></b>	<b><u>Quantity (Ci)</u></b>	<b><u>Radioactive Material</u></b>	<b><u>Release Fraction</u></b>	<b><u>Quantity (Ci)</u></b>
Actinium-228	0.001	4,000	Promethium-147	.01	4,000
Americium-241	.001	2	Radium-226	.001	100
Americium-242	.001	2	Ruthenium-106	.01	200
Americium-243	.001	2	Samarium-151	.01	4,000
Antimony-124	.01	4,000	Scandium-46	.01	3,000
Antimony-126	.01	6,000	Selenium-75	.01	10,000
Barium-133	.01	10,000	Silver-110m	.01	1,000
Barium-140	.01	30,000	Sodium-22	.01	9,000
Bismuth-207	.01	5,000	Sodium-24	.01	10,000
Bismuth-210	.01	600	Strontium-89	.01	3,000
Cadmium-109	.01	1,000	Strontium-90	.01	90
Cadmium-113	.01	80	Sulfur-35	.5	900
Calcium-45	.01	20,000	Technetium-99	.01	10,000
Californium-252	.001	9 (20 mg)	Technetium-99m	.01	400,000
Carbon-14 (Non CO)	.01	50,000	Tellurium-127m	.01	5,000
Cerium-141	.01	10,000	Tellurium-129m	.01	5,000
Cerium-144	.01	300	Terbium-160	.01	4,000
Cesium-134	.01	2,000	Thulium-170	.01	4,000
Cesium-137	.01	3,000	Tin-113	.01	10,000
Chlorine-36	.5	100	Tin-123	.01	3,000
Chromium-51	.01	300,000	Tin-126	.01	1,000
Cobalt-60	.001	5,000	Titanium-44	.01	100
Copper-64	.01	200,000	Vanadium-48	.01	7,000
Curium-242	.001	60	Xenon-133	1.0	900,000
Curium-243	.001	3	Yttrium-91	.01	2,000
Curium-244	.001	4	Zinc-65	.01	5,000
Curium-245	.001	2	Zirconium-93	.01	400
Europium-152	.01	500	Zirconium-95	.01	5,000
Europium-154	.01	400	Any other beta-gamma emitter	.01	10,000
Europium-155	.01	3,000	Mixed fission products	.01	1,000
Gadolinium-153	.01	5,000	Mixed corrosion products	.01	10,000
Germanium-68	.01	2,000	Contaminated equipment		
Gold-198	.01	30,000	beta-gamma	.001	10,000
Hafnium-172	.01	400	Irradiated material, any form		
Hafnium-181	.01	7,000	other than solid non-		
Holmium-166m	.01	100	combustible	.01	1,000
Hydrogen-3	.5	20,000	Irradiated material, solid non-		
Indium-114m	.01	1,000	combustible	.001	10,000
Iodine-125	.5	10	Mixed radioactive waste,		
Iodine-131	.5	10	beta-gamma	.01	1,000
Iridium-192	.001	40,000	Packaged mixed waste, beta gamma	.001	10,000
Iron-55	.01	40,000	Any other alpha emitter	.001	2
Iron-59	.01	7,000	Contaminated equipment, alpha	.0001	20
Krypton-85	1.0	6,000,000	Packaged waste, alpha	.0001	20
Lead-210	.01	8	Combinations of radioactive materials listed above:		
Manganese-56	.01	60,000	For combinations of radioactive materials, consideration of the		
Mercury-203	.01	10,000	need for an emergency plan is required if the sum of the ratios		
Molybdenum-99	.01	30,000	of the quantity of each radioactive material authorized to the		
Neptunium-237	.001	2	quantity listed for that material in Exhibit D exceeds 1.		
Nickel-63	.01	20,000	NOTE: Waste packaged in Type B containers does not require an		
Niobium-94	.01	300	emergency plan.		
Phosphorus-32	.5	100			
Phosphorus-33	.5	1,000			
Polonium-210	.01	10			
Potassium-42	.01	9,000			
Promethium-145	.01	4,000			

**Historical Note**

New Article 3, Exhibit D recodified from 12 A.A.C. 1, Article 3, Exhibit D, effective March 22, 2018 (Supp. 18-1).

## Department of Health Services - Radiation Control

**Exhibit E. Application Information****1. Radioactive Material (RAM) Specific License Application Information**

An applicant shall provide the following information in a specific license application before a license is issued to the applicant. The Department shall provide an application form to an applicant with a guide, when possible, to ensure that correct information is provided in the application:

Name and mailing address of applicant	Use location
Contact person	Telephone number
Users of RAM	Training of users
Radiation Safety Officer identity (RSO)	Duties of RSO
Description of RAM and uses	Description of radiation detection/ measurement instruments and their calibration
Personnel monitoring	Bioassay program
Facility description	Survey program
Leak test program	Records management program
Instruction to personnel	Waste disposal program
Emergency procedures	Procedures for ordering, receiving, and opening packages
Description of animal use	Licensing fee provided with application
Copy of letter-of-intent	Description of ALARA and quality management to local governing body
programs	
Description of transportation procedures	Certifying signature
Legal structure of licensee's operation	
Other licensing requirements listed in: R9-7-310, R9-7-311, R9-7-312, R9-7-511, R9-7-703, and R9-7-1721	

**2. Radioactive Material (RAM) General License Application Information**

An applicant shall provide the following information on a registration certificate. The certificate will be validated and returned to the applicant if the information provided is complete.

Name and address	Telephone number
Where will the radioactive material be used	Address of use location
Description of radioactive material use	Date
Authorizing signature and printed name	Position of person signing the form

**Historical Note**

New Article 3, Exhibit E recodified from 12 A.A.C. 1, Article 3, Exhibit E, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 4. STANDARDS FOR PROTECTION AGAINST IONIZING RADIATION****R9-7-401. Purpose**

- A.** Article 4 establishes standards for protection against ionizing radiation resulting from activities conducted according to licenses or registrations issued by the Department. These rules are issued according to A.R.S. Title 30, Chapter 4, as amended.
- B.** The requirements of Article 4 are designed to control the receipt, possession, use, transfer, and disposal of sources of radiation by any licensee or registrant so the total dose equivalent to an individual, including radiation exposure resulting from all sources of radiation other than radiation prescribed by a physician in the practice of medicine, radiation received while voluntarily participating in a medical research program, and background radiation, does not exceed the standards for protection against radiation prescribed in this Article. However, this Article does not limit actions that may be necessary to protect health and safety.

**Historical Note**

New Section R9-7-401 recodified from R12-1-401, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-402. Scope**

Except as specifically provided in other Articles, Article 4 applies to persons licensed or registered by the Department to receive, possess, use, transfer, or dispose of sources of ionizing radiation.

**Historical Note**

New Section R9-7-402 recodified from R12-1-402, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-403. Definitions**

The following definitions apply in this Article, unless the context otherwise requires:

“Air-purifying respirator” means respiratory protective equipment with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

“ALI” means annual limit on intake, the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the Reference Man that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) or a committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Appendix B, Table I, Columns 1 and 2.

“Assigned protection factor” or “APF” means the expected workplace level of respirator protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

“Atmosphere-supplying respirator” means respiratory protective equipment that supplies the equipment user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

## Department of Health Services - Radiation Control

“Class” means a classification scheme for inhaled material according to the material’s rate of clearance from the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: for Class D, days, of less than 10 days, for Class W, weeks, from 10 to 100 days, and for Class Y, years, of greater than 100 days (see Introduction, Appendix B). For purposes of these rules, “lung class” and “inhalation class” are equivalent terms.

“Constraint” or “dose constraint” means a value above which specified licensee or registrant actions are required.

“Critical group” means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

“DAC” means derived air concentration, the concentration of a given radionuclide in air which, if breathed by Reference Man for a working year of 2,000 hours under conditions of light work, results in an intake of one ALI. For purposes of these rules, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour for 2,000 hours in a year. DAC values are given in Appendix B, Table I, Column 3.

“DAC-hour” means derived air concentration-hour, the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

“Declared pregnant woman” means a woman who has voluntarily informed the licensee or registrant in writing of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

“Decommission” means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license or release of the property under restricted conditions and the termination of the license.

“Demand respirator” means an atmosphere-supplying respiratory protective equipment that admits breathing air to the face piece only when a negative pressure is created inside the face piece by inhalation.

“Deterministic effect” (See “Nonstochastic effect”)

“Disposable respirator” means respiratory protective equipment for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent depletion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of device include a disposable half-mask respirator or a disposable, escape-only, self-contained breathing apparatus (SCBA).

“Distinguishable from background” means that the detectable concentration of a radionuclide is statistically greater than the background concentration of that radionuclide in the vicinity of a site or, in the case of structures, in similar materials using accepted measurement, survey, and statistical techniques.

“Dosimetry processor” means an individual or an organization that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to the monitoring devices.

“Filtering face piece (dust mask)” means a particulate respirator that operates under a negative pressure with a filter as an

integral part of the face piece or with the entire face piece composed of the filtering medium, not equipped with elastomeric sealing surfaces and adjustable straps.

“Fit factor” means a quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

“Fit test” means the use of protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

“Helmet” means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

“Hood” means a respiratory inlet covering that completely covers the head, neck, and may also cover portions of the shoulders and torso.

“Inhalation class” (See “Class”)

“Loose-fitting face piece” means a respiratory inlet covering that is designed to form a partial seal with the face.

“Lung class” (See “Class”)

“Nationally tracked source” means a sealed source that contains a quantity equal to or greater than Category 1 or Category 2 levels of radioactive material listed in 10 CFR 20, Appendix E, revised January 1, 2008, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments. In this context sealed source does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, sub-assembly, fuel rod, or fuel pellet.

“Negative pressure respirator (tight fitting)” means respiratory protective equipment in which the air pressure inside the face piece is negative during inhalation with respect to the ambient air pressure outside the respirator.

“Nonstochastic effect” means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For purposes of these rules, “deterministic effect” is an equivalent term and “threshold” means that which if not exceeded, poses no risk or likelihood of an effect to occur.

“Planned special exposure” means an infrequent exposure to radiation received while employed, but separate from and in addition to the annual occupational dose limits.

“Positive pressure respirator” means respiratory protective equipment in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

“Powered air-purifying respirator” or “PAPR” means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

“Pressure demand respirator” means a positive pressure, atmosphere-supplying respirator that admits breathing air to the face piece when the positive pressure is reduced inside the face piece by inhalation.

“Probabilistic effect” (See “Stochastic effect”)

“Qualitative fit test” or “QLFT” means a pass or fail fit test to assess the adequacy of respirator fit that relies on the individual’s response to the test agent.



## Department of Health Services - Radiation Control

“Quantitative fit test” or “QNFT” means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

“Reference Man” means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base. A description of Reference Man is contained in the International Commission on Radiological Protection report, ICRP Publication 23, “Report of the Task Group on Reference Man,” published in 1975 by Pergamon Press, incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments.

“Residual radioactivity” means radioactivity in structures, materials, soils, groundwater, or other media at a site, resulting from activities under a licensee’s control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials that remain at the site because of routine or accidental release of radioactive material at the site or a previous burial at the site, even if the licensee complied with reagent provisions of 9 A.A.C. 7.

“Respiratory protective equipment” means an apparatus, such as a respirator, used to reduce an individual’s intake of airborne radioactive materials.

“Sanitary sewerage” means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

“Self-contained breathing apparatus” or “SCBA” means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

“Stochastic effect” means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without a threshold. Hereditary effects and cancer incidence are examples of stochastic effects. For purposes of these rules, “probabilistic effect” is an equivalent term.

“Supplied-air respirator” or “SAR” or “airline respirator” means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

“Tight-fitting face piece” means a respiratory inlet covering that forms a complete seal with the face.

“User seal check” or “fit check” means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

“Very-high radiation area” means an area, accessible to individuals, in which radiation levels from radiation sources external to an individual’s body could result in the individual receiving an absorbed dose in excess of 5 Gy (500 rad) in one hour at one meter from a radiation source or one meter from any surface that the radiation penetrates. (At very high doses received at high dose rates, units of absorbed dose, the gray and rad should be used, rather than units of dose equivalent, the sievert and rem).

“Weighting factor”  $w_T$  for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of  $w_T$  are:

ORGAN DOSE WEIGHTING FACTORS	
Organ or Tissue	$w_T$
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 <sup>a</sup>
Whole Body	1.00 <sup>b</sup>
<sup>a</sup> 0.30 results from 0.06 for each of five “remainder” organs, excluding the skin and the lens of the eye, that receive the highest doses.	
<sup>b</sup> For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, $w_T = 1.0$ , has been specified. The use of other weighting factors for external exposure will be approved by the Department on a case-by-case basis.	

**Historical Note**

New Section R9-7-403 recodified from R12-1-403, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-404. Units and Quantities**

- A. Each licensee or registrant shall use the Standard International (SI) units becquerel, gray, sievert, and coulomb per kilogram, or the special units curie, rad, rem, and roentgen, including multiples and subdivisions, and shall clearly indicate the units of all quantities on records required by this Article.
- B. The licensee or registrant shall make a clear distinction among the quantities entered on the records required by this Article, such as, total effective dose equivalent, total organ dose equivalent, shallow dose equivalent, lens dose equivalent, deep dose equivalent, or committed effective dose equivalent.

**Historical Note**

New Section R9-7-404 recodified from R12-1-404, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-405. Form of Records**

- A. A licensee or registrant shall ensure that each record required by this Article is legible throughout the specified retention period. The record shall be the original, a reproduced copy, or a microform, provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. As an alternative the record may be stored in electronic media capable of producing legible records during the required retention period. Records, such as letters, drawings, and specifications, shall include all pertinent information, such as stamps, initials, and signatures. A licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.
- B. In the records required by this Article, a licensee or registrant may record quantities in SI units in parentheses following each of the required units, curie, rad, and rem, and include multiples and subdivisions.
- C. Notwithstanding subsection (B), the licensee or registrant shall ensure that information is recorded in the International System

## Department of Health Services - Radiation Control

of Units (SI) or in SI and the units specified in subsection (B) on each shipment manifest as required in R9-7-439(A).

- D. A licensee or registrant shall make a clear distinction among the quantities entered on the records required by this Section (e.g., total effective dose equivalent, shallow-dose equivalent, lens dose equivalent, deep-dose equivalent, committed effective dose equivalent).

**Historical Note**

New Section R9-7-405 recodified from R12-1-405, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-406. Implementation**

Any existing license or registration condition that is more restrictive than this Article remains in force until amendment or renewal of the license or registration.

**Historical Note**

New Section R9-7-406 recodified from R12-1-406, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-407. Radiation Protection Programs**

- A. Each licensee or registrant shall develop, document, and implement a radiation protection program sufficient to ensure compliance with the provisions of Article 4.
- B. The licensee or registrant shall use, to the extent practical, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and public doses that are as low as is reasonably achievable (ALARA).
- C. The licensee or registrant shall, at intervals not to exceed 12 months, review the radiation protection program content and implementation.
- D. To implement the ALARA requirements in subsection (B), and notwithstanding the requirements in R9-7-416, each licensee or registrant governed by 9 A.A.C. 7, Article 3 shall limit air emissions of radioactive material to the environment so that individual members of the public likely to receive the highest dose will not receive a total effective dose equivalent in excess of 0.1mSv (10 mrem) per year from the emissions. If a licensee or registrant subject to this requirement exceeds this limit, the licensee or registrant shall report the incident to the Department, in accordance with R9-7-444, and take prompt corrective action to prevent additional violations.
- E. Records.
- Each licensee or registrant shall maintain records of the radiation protection program, including:
    - The provisions of the program; and
    - Audits and other reviews of program content and implementation.
  - A licensee or registrant shall retain the records required by subsection (E)(1)(a) for three years after the termination of the license or registration. The licensee or registrant shall retain the records required by subsection (E)(1)(b) for three years after the record is made.
  - The following licensees and registrants are exempt from the record requirements contained in this subsection:
    - B6-General Medical,
    - C9-Gas Chromatograph,
    - C10-General Industrial,
    - D15-Possession Only,
    - E2-X-ray Machine class B, and
    - E3-X-ray Machine class C.

**Historical Note**

New Section R9-7-407 recodified from R12-1-407, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-408. Occupational Dose Limits for Adults**

- A. Each licensee or registrant shall control the occupational dose to individual adults, except for planned special exposures required in R9-7-413, to the following dose limits:
- An annual limit, which is the more limiting of:
    - The total effective dose equivalent being equal to 0.05 Sv (5 rem): or
    - The sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 0.5 Sv (50 rem).
  - The annual limits to the lens of the eye, to the skin, and to the extremities which are:
    - A lens dose equivalent of 0.15 Sv (15 rem), and
    - A shallow dose equivalent of 0.5 Sv (50 rem) to the skin of the whole body or to the skin of any extremity.
- B. Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual may receive during the current year and during the individual's lifetime. See R9-7-413.
- C. The assigned deep-dose equivalent and shallow-dose equivalent are, for the portion of the body receiving the highest exposure, determined as follows:
- The deep-dose equivalent, lens dose equivalent, and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable.
  - If a protective apron is worn and monitoring is conducted as specified in R9-7-419(B), the effective dose equivalent for external radiation shall be determined as follows:
    - If only one individual monitoring device is used and it is located at the neck outside the protective apron, and the reported dose exceeds 25% of the limit specified in R9-7-408(A), the reported deep-dose equivalent value multiplied by 0.3 is the effective dose equivalent for external radiation; or
    - When individual monitoring devices are worn, both under the protective apron at the waist and outside the protective apron at the neck, the effective dose equivalent for external radiation is assigned the value of the sum of the deep-dose equivalent reported for the individual monitoring device located at the waist under the protective apron multiplied by 1.5 and the deep-dose equivalent reported for the individual monitoring device located at the neck outside the protective apron multiplied by 0.04.
  - When the external exposure is determined by measurement with an external personal monitoring device, the deep-dose equivalent must be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the Department. The assigned deep-dose equivalent shall be determined for the part of the body that receives the highest exposure. The assigned shallow-dose equivalent is the dose averaged over the contiguous 10 square centimeters of skin that receives the highest exposure. The deep-dose equivalent, lens-dose equivalent, and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest poten-

## Department of Health Services - Radiation Control

tial exposure, or the results of individual monitoring are unavailable.

- D. Derived air concentration (DAC) and annual limit on intake (ALI) values are presented in Table I of Appendix B and may be used to determine the individual's dose and to demonstrate compliance with the occupational dose limits.
- E. Notwithstanding the annual dose limits, the licensee shall limit the soluble Uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity. See footnote 3 of Appendix B.
- F. The licensee or registrant shall reduce the dose that an individual may receive in the current year by the amount of occupational dose received while employed occupationally as a radiation worker by all previous employers. See R9-7-412.

**Historical Note**

New Section R9-7-408 recodified from R12-1-408, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-409. Summation of External and Internal Doses**

- A. If a licensee or registrant is required to monitor according to both R9-7-419(B) and (C), the licensee or registrant shall add external and internal doses, and use the sum to demonstrate compliance with dose limits. If the licensee or registrant is required to monitor only according to R9-7-419(B) or only according to R9-7-419(C), summation is not required to demonstrate compliance with dose limits. The licensee or registrant may demonstrate compliance with the requirements for summation of external and internal doses according to subsections (B), (C), and (D). The dose equivalents for the lens of the eye, the skin, and the extremities are not included in the summation but are subject to separate limits (See R9-7-408(A)(2)).
- B. If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep-dose equivalent divided by the total effective dose equivalent limit, and one of the following, does not exceed unity (1):
  1. The sum of the fractions of the inhalation ALI for each radionuclide, or
  2. The total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by 2,000, or
  3. The sum of the calculated committed effective dose equivalents to all significantly irradiated organs or tissues (T) calculated from bioassay data using applicable biological models and expressed as a fraction of the annual limit. For purposes of this requirement, an organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factors,  $W_T$ , and the committed dose equivalent,  $H_{T,50}$ , per unit intake is greater than 10% of the maximum weighted value of  $H_{T,50}$ , that is,  $W_T H_{T,50}$ , per unit intake for any organ or tissue.
- C. If the occupationally exposed individual also receives an intake of radionuclides by oral ingestion greater than 10% of the applicable oral ALI, the licensee or registrant shall account for this intake and include it in demonstrating compliance with the limits.
- D. The licensee or registrant shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for Hydrogen-3 and does not need to be evaluated or accounted for according to this subsection.

**Historical Note**

New Section R9-7-409 recodified from R12-1-409, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-410. Determination of External Dose from Airborne****Radioactive Material**

- A. Each licensee shall, when determining the dose from airborne radioactive material, include the contribution to the deep-dose equivalent, lens dose equivalent, and shallow dose equivalent from external exposure to the radioactive cloud. See Appendix B, footnotes 1 and 2.
- B. Airborne radioactivity measurements and DAC values shall not be used as the primary means to assess the deep-dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep-dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

**Historical Note**

New Section R9-7-410 recodified from R12-1-410, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-411. Determination of Internal Exposure**

- A. For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, each licensee or registrant shall, when required according to R9-7-419, take suitable and timely measurements of:
  1. Concentrations of radioactive materials in air in work areas,
  2. Quantities of radionuclides in the body,
  3. Quantities of radionuclides excreted from the body, or
  4. Combinations of these measurements,
- B. Unless respiratory protective equipment is used, as provided in R9-7-425, or the assessment of intake is based on bioassays, the licensee or registrant shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.
- C. When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior of the material in an individual is known, the licensee or registrant may:
  1. Use that information to calculate the committed effective dose equivalent, and, if used, the licensee or registrant shall document that information in the individual's record;
  2. Upon prior approval of the Department, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material, for example, aerosol size distribution or density; and
  3. Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a given radionuclide to the committed effective dose equivalent. See Appendix B.
- D. If the licensee or registrant chooses to assess intakes of Class Y material using the measurements given in subsection (A)(2) or (3), the licensee or registrant may delay the recording and reporting of the assessments for periods up to seven months, unless otherwise required by R9-7-444 or R9-7-445. This delay permits the licensee or registrant to make additional measurements basic to the assessments.
- E. If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours is either:
  1. The sum of the ratios of the concentration to the appropriate DAC value, that is, D, W, or Y from Appendix B for each radionuclide in the mixture; or
  2. The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

## Department of Health Services - Radiation Control

- F. If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture is the most restrictive DAC of any radionuclide in the mixture.
- G. If a mixture of radionuclides in air exists, a licensee may disregard certain radionuclides in the mixture if:
1. The licensee uses the total activity of the mixture to demonstrate compliance with the dose limits in R9-7-408 and complies with the monitoring requirements in R9-7-419;
  2. The concentration of any radionuclide disregarded is less than 10% of its DAC; and
  3. The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30%.
- H. When determining the committed effective dose equivalent, the following information may be considered:
1. In order to calculate the committed effective dose equivalent, the licensee may assume that the inhalation of 1 ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of 0.05 Sv (5 rem) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent.
  2. For an ALI and the associated DAC determined by the nonstochastic organ dose limit of 0.5 Sv (50 rem), the intake of radionuclides that would result in a committed effective dose equivalent of 0.05 Sv (5 rem), that is, the stochastic ALI, is listed in parentheses in Table I of Appendix B. The licensee may, as a simplifying assumption, use the stochastic ALI to determine committed effective dose equivalent. However, if the licensee or registrant uses the stochastic ALI, the licensee shall also demonstrate that the limit in R9-7-408(A)(1)(b) is met.
- Historical Note**  
New Section R9-7-411 recodified from R12-1-411, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).
- R9-7-412. Determination of Prior Occupational Dose**
- A. For each individual who is likely to receive in a year an occupational dose that requires monitoring according to R9-7-419 the licensee shall:
1. Determine the occupational radiation dose received during the current year, and
  2. Attempt to obtain the records of lifetime cumulative occupational radiation dose.
- B. Before permitting an individual to participate in a planned special exposure, the licensee or registrant shall determine:
1. The internal and external doses from all previous planned special exposures; and
  2. All doses in excess of the limits received during the lifetime of the individual, including doses received during accidents and emergencies; and
  3. All lifetime, cumulative, occupational radiation doses.
- C. In complying with the requirements of subsection (A), a licensee or registrant shall:
1. Accept, as a record of the occupational dose that the individual received during the current year, a written and signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual received during the current year; and
  2. Accept, as the record of lifetime cumulative radiation dose, an up-to-date Department Form Y (available from the Department) or equivalent, signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant; and
  3. Obtain reports of the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant, by telephone, telegram, facsimile, or letter. The licensee or registrant shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.
- D. Records.
1. The licensee or registrant shall record the exposure history, as required by subsection (A), on Department Form Y (available from the Department) or a similar clear and legible record of all the information required by this subsection. The form or record shall show each period in which the individual received occupational exposure to radiation or radioactive material and shall be signed by the individual who received the exposure. For each period for which the licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report for preparing Department Form Y or its equivalent. For any period in which the licensee or registrant does not obtain a report, the licensee or registrant shall place a notation on Department Form Y or its equivalent indicating each period of time for which there is no data.
  2. The licensee or registrant is not required to reevaluate the separate external dose equivalents and internal committed dose equivalents or intakes of radionuclides assessed according to the rules in Article 4 in effect before January 1, 1994. Occupational exposure histories obtained and recorded on Department Form Y or its equivalent before January 1, 1994, would not have included effective dose equivalent but may be used in the absence of specific information on the intake of radionuclides by the individual.
  3. If the licensee or registrant is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee or registrant shall:
    - a. In establishing administrative controls under R9-7-408(F) for the current year, reduce the allowable dose limit for the individual by 12.5 mSv (1.25 rem) for each quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and
    - b. Not subject the individual to planned special exposures.
  4. The licensee or registrant shall retain current and prior records on Department Form Y or its equivalent for three years after the Department terminates each pertinent license or registration requiring this record. The licensee or registrant shall retain records used in preparing Department Form Y or its equivalent for three years after the record is made.
- Historical Note**  
New Section R9-7-412 recodified from R12-1-412, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).
- R9-7-413. Planned Special Exposures**
- A. A licensee or registrant may authorize an adult worker to receive doses in addition to and accounted for separately from the doses received under the limits specified in R9-7-408, provided that each of the following conditions is satisfied:
1. The licensee or registrant authorizes a planned special exposure only in an exceptional situation when alterna-

## Department of Health Services - Radiation Control

- tives that might avoid the dose estimated from the planned special exposure are unavailable or impractical.
2. The licensee or registrant, and employer if the employer is not the licensee or registrant, specifically authorizes the planned special exposure, in writing, before the exposure occurs.
  3. Before a planned special exposure, the licensee or registrant ensures that each individual involved is:
    - a. Informed in writing of the purpose of the planned special exposure;
    - b. Informed in writing of the estimated doses, associated potential risks, and specific radiation levels or other conditions that might be involved in performing the task; and
    - c. Instructed in the measures to be taken to keep the dose ALARA, considering other risks that may be present.
  4. Before permitting an individual to participate in a planned special exposure, the licensee or registrant shall ascertain prior doses as required by R9-7-412(B) for each individual involved.
  5. Subject to R9-7-408(B), the licensee or registrant shall not authorize a planned special exposure that would cause an individual to receive a dose from all planned special exposures and all doses that exceed:
    - a. The numerical value of any of the dose limits in R9-7-408(A) in any year, and
    - b. Five times the annual dose limits in R9-7-408(A) during the individual's lifetime.
  6. The licensee or registrant shall maintain records of a planned special exposure in accordance with subsections (B) and (C) and submit a written report to the Department within 30 days after the date of any planned special exposure conducted in accordance with this Section, informing the Department that a planned special exposure was conducted and indicating the date the planned special exposure occurred and the information required by subsection (B).
  7. The licensee or registrant shall record the best estimate of the dose resulting from the planned special exposure in the individual's record and inform the individual, in writing, of the dose within 30 days after the date of the planned special exposure. The dose from a planned special exposure shall not be considered in controlling future occupational dose of the individual according to R9-7-408(A) but shall be included in evaluations required by subsections (A)(4) and (A)(5).

**B. Records.**

1. For each planned special exposure, the licensee or registrant shall maintain records that describe:
  - a. The exceptional circumstances requiring the use of a planned special exposure,
  - b. The name of the management official who authorized the planned special exposure and a copy of the signed authorization,
  - c. What actions were necessary,
  - d. Why the actions were necessary,
  - e. What precautions were taken to assure that doses were minimized in accordance with R9-7-407(B),
  - f. What individual and collective doses were expected,
  - g. The doses actually received in the planned special exposure, and
  - h. The process through which the employee involved in the planned special exposure has been informed in writing of the information contained in subsection (A)(3).

2. The licensee or registrant shall retain the records for three years after the Department terminates each pertinent license or registration.
- C.** A licensee shall submit a report to the Department no later than 30 days after a planned special exposure conducted in accordance with subsection (A). The report shall contain the date of the planned exposure and the information required by subsection (B).

**Historical Note**

New Section R9-7-413 recodified from R12-1-413, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-414. Occupational Dose Limits for Minors**

The annual occupational dose limits for minors are 10% of the annual occupational dose limits specified for adult workers in R9-7-408.

**Historical Note**

New Section R9-7-414 recodified from R12-1-414, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-415. Dose Equivalent to an Embryo or Fetus**

- A.** A licensee or registrant shall ensure that the dose equivalent to an embryo or fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 5 mSv (0.5 rem). Records shall be maintained according to R9-7-419(D)(4) and (5).
- B.** The licensee or registrant shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman to satisfy the limit in subsection (A).
- C.** For purposes of this Section, the dose equivalent to the embryo or fetus is the sum of:
1. The deep-dose equivalent to the declared pregnant woman; and
  2. The dose equivalent to the embryo or fetus resulting from radionuclides in the embryo or fetus and radionuclides in the declared pregnant woman.
- D.** If the dose equivalent to the embryo or fetus is found to have exceeded 5 mSv (0.5 rem) or is within 0.5 mSv (0.05 rem) of this dose by the time the woman declares the pregnancy to the licensee or registrant, the licensee or registrant shall be deemed to be in compliance with subsection (A) if the additional dose equivalent to the embryo or fetus does not exceed 0.5 mSv (0.05 rem) during the remainder of the pregnancy.

**Historical Note**

New Section R9-7-415 recodified from R12-1-415, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-416. Dose Limits for Individual Members of the Public**

- A.** Each licensee or registrant shall conduct operations so that:
1. The total effective dose equivalent to any individual member of the public from the licensed or registered operation does not exceed 1 mSv (0.1 rem) in a year, excluding the dose contribution from background radiation, medical administration of radiation, exposure to an individual who has been administered radioactive material and released in accordance with R9-7-719, voluntary participation in a medical research program, and the licensee's or registrant's disposal of radioactive material into sanitary sewerage in accordance with R9-7-436; and
  2. The dose in any unrestricted area from an external source excluding the dose contribution from an individual who has been administered radioactive material and released in accordance with R9-7-719, does not exceed 0.02 mSv (0.002 rem) in any one hour.

## Department of Health Services - Radiation Control

- B.** Registrants possessing radiation machines in operation before August 10, 1994, are exempt from the requirement in subsection (A)(1). Operation of these machines shall be conducted so that the total effective dose equivalent to any individual member of the public does not exceed 5 mSv (0.5 rem) in a year.
- C.** A licensee, registrant, or an applicant for a license or registration may apply for Department authorization to operate with an annual dose limit of 5 mSv (0.5 rem) for an individual member of the public. The application shall include the following information:
1. An explanation of the need for and the expected duration of operations in excess of the limit in subsection (A), and
  2. The licensee's or registrant's program to assess and control dose within the 5 mSv (0.5 rem) annual limit; and
  3. The procedures to be followed to maintain the dose in accordance with R9-7-407(B).
- D.** A licensee or registrant shall comply with the U.S. Environmental Protection Agency's applicable environmental radiation standards in 40 CFR 190, 2003 edition, published July 1, 2003, by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, which are incorporated by reference, on file with the Department and contain no future editions or amendments.
- E.** The Department may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee or registrant may release in effluents in order to restrict the collective dose.
- F.** Each licensee or registrant shall make or cause to be made surveys of radiation levels in unrestricted areas and radioactive materials contained in effluents released to unrestricted areas.
- G.** Each licensee or registrant shall:
1. Demonstrate by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed or registered operation does not exceed the annual dose limit; or
  2. Demonstrate that:
    - a. The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in Appendix B, Table II; and
    - b. If an individual were continually present in an unrestricted area, the dose from external sources would not exceed 0.02 mSv (0.002 rem) in an hour and 0.5 mSv (0.05 rem) in a year.
- H.** Upon approval from the Department, the licensee or registrant may adjust the effluent concentration values in Appendix B, Table II for members of the public, to take into account the actual physical and chemical characteristics of the effluents, such as aerosol size distribution, solubility, density, radioactive decay equilibrium, and chemical form.
- I.** Each licensee or registrant shall maintain records sufficient to demonstrate compliance with the dose limit for individual members of the public and shall retain the records for three years after the Department terminates each pertinent license or registration.
- indicating that the sealed source was tested within six months before transfer to the licensee or registrant.
2. Each sealed source that is not designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed six months or at alternative intervals approved by the Department, after evaluation of information specified by R9-7-311(D)(2) and (D)(3), or equivalent information specified by an Agreement State, a Licensing State, or the U.S. Nuclear Regulatory Commission.
  3. Each sealed source that is designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed three months or at alternative intervals approved by the Department, after evaluation of information specified by R9-7-311(D)(2) and (D)(3), or equivalent information specified by an Agreement State, a Licensing State, or the Nuclear Regulatory Commission.
  4. Each sealed source suspected of damage or leakage is tested for leakage or contamination before further use.
  5. Tests for leakage for all sealed sources, except brachytherapy sources manufactured to contain radium, are capable of detecting the presence of 185 Bq (0.005 µCi) of radioactive material on a test sample. The person conducting the test shall take test samples from the sealed source or from the surfaces of the container in which the sealed source is stored or mounted on which contamination could accumulate. For a sealed source contained in a device, the person conducting the test shall obtain test samples when the source is in the "off" position.
  6. The test for leakage from brachytherapy sources containing radium is capable of detecting an absolute leakage rate of 37 Bq (0.001 µCi) of Radon-222 in a 24-hour period when the collection efficiency for Radon-222 and its daughters has been determined with respect to collection method, volume, and time.
  7. Tests for contamination from radium daughters are taken on the interior surface of brachytherapy source storage containers and are capable of detecting the presence of 185 Bq (0.005 µCi) of a radium daughter which has a half-life greater than four days.
- B.** A licensee need not perform tests for leakage or contamination on the following sealed sources:
1. Sealed sources containing only radioactive material with a half-life of less than 30 days;
  2. Sealed sources containing only radioactive material as a gas;
  3. Sealed sources containing 3.7 MBq (100 µCi) or less of beta or photon-emitting material or 370 kBq (10 µCi) or less of alpha-emitting material;
  4. Sealed sources containing only Hydrogen-3;
  5. Seeds of Iridium-192 encased in nylon ribbon; and
  6. Sealed sources, except teletherapy and brachytherapy sources, which are stored, not being used, and identified as in storage. The licensee shall test each sealed source for leakage or contamination and receive the test results before any use or transfer unless it has been tested for leakage or contamination within six months before the date of use or transfer.
- C.** Persons specifically authorized by the Department, an Agreement State, a Licensing State, or the U.S. Nuclear Regulatory Commission shall perform tests for leakage or contamination from sealed sources.
- D.** A licensee shall maintain for Department inspection test results in units of becquerel or microcurie.
- E.** The following is considered evidence that a sealed source is leaking:
- R9-7-417. Testing for Leakage or Contamination of Sealed Sources**
- A.** A licensee in possession of any sealed source shall ensure that:
1. Each sealed source, except as specified in subsection (B), is tested for leakage or contamination and the test results are received before the sealed source is put into use unless the licensee has a certificate from the transferor

**Historical Note**

New Section R9-7-416 recodified from R12-1-416, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

## Department of Health Services - Radiation Control

1. The presence of 185 Bq (0.005  $\mu$ Ci) or more of removable contamination on any test sample.
  2. Leakage of 37 Bq (0.001  $\mu$ Ci) of Radon-222 per 24 hours for brachytherapy sources manufactured to contain radium.
  3. The presence of removable contamination resulting from the decay of 185 Bq (0.005  $\mu$ Ci) or more of radium.
- F.** A licensee shall immediately withdraw a leaking sealed source from use and shall take action to prevent the spread of contamination. The leaking sealed source shall be repaired or disposed of in accordance with this Article.
- G.** A licensee shall file a report with the Department within five days if the test for leakage or contamination indicates a sealed source is leaking or contaminated. The report shall include the equipment involved, the test results, and the corrective action taken.
- H.** A licensee shall maintain records of the tests for leakage required in subsection (A) for three years after the records are made.

**Historical Note**

New Section R9-7-417 recodified from R12-1-417, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-418. Surveys and Monitoring**

- A.** Each licensee or registrant shall make, or cause to be made, surveys if surveys are:
1. Necessary for the licensee or registrant to comply with Article 4, and
  2. Reasonable under the circumstances to evaluate:
    - a. The magnitude and extent of radiation levels, and
    - b. Concentrations or quantities of residual radioactivity, and
    - c. The potential radiological hazards of the radiation levels and residual radioactivity detected.
- B.** All personnel dosimeters, except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to any extremity, that require processing to determine the radiation dose and that are used by licensees and registrants to comply with R9-7-408, with other applicable provisions of these rules, or with conditions specified in a license or registration shall be processed and evaluated by a dosimetry processor:
1. Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology, according to NVLAP procedures published March 1994 as NIST Handbook 150, and NIST Handbook 150-4, published August 1994, which is incorporated by reference, published by the U.S. Government Printing Office, Washington D.C. 20402-9325, and on file with the Department. The material incorporated by reference contains no future editions or amendments; and
  2. Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.
- C.** The licensee or registrant shall ensure that adequate precautions are taken to prevent a deceptive exposure of an individual monitoring device and that personnel monitoring devices are issued to, and used by only the individual to whom the monitoring device has been first issued during any reporting period.
- D.** A licensee shall ensure that survey instruments and personnel dosimeters that are used to make quantitative measurements are calibrated in accordance with R9-7-449.

**E. Records.**

1. Each licensee or registrant shall maintain records showing the results of surveys required by this Section and R9-7-433(B). The licensee or registrant shall retain these records for three years after the record is made.
2. The licensee or registrant shall retain each of the following records for three years after the Department terminates the license or registration:
  - a. Records of the survey results used to determine the dose from external sources of radiation, in the absence of or in combination with individual monitoring data, and provide an assessment of individual dose equivalents;
  - b. Records of the results of measurements and calculations used to determine individual intakes of radioactive material and to assess an internal dose;
  - c. Records showing the results of air sampling, surveys, and bioassays required according to R9-7-425(A)(3)(a) and (b); and
  - d. Records of the measurement and calculation results used to evaluate the release of radioactive effluents to the environment.

**Historical Note**

New Section R9-7-418 recodified from R12-1-418, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-419. Conditions Requiring Individual Monitoring of External and Internal Occupational Dose**

- A.** Each licensee or registrant shall monitor exposures from sources of radiation at levels sufficient to demonstrate compliance with the occupational dose limits of this Article.
- B.** At minimum each licensee or registrant shall supply and require the use of individual monitoring devices by the following personnel:
1. Adults likely to receive, in one year, an intake in excess of 10% of the applicable ALI in Table I, Columns 1 and 2, of Appendix B;
  2. Minors and declared pregnant women likely to receive, in one year, a committed effective dose equivalent in excess of 0.5 mSv (0.05 rem);
  3. Adults likely to receive, in one year from radiation sources external to the body, a dose in excess of 10 percent of the limits in R9-7-408(A);
  4. Minors likely to receive, in one year, from radiation sources external to the body, a deep dose equivalent in excess of 1 mSv (0.1 rem), a lens dose equivalent in excess of 1.5 mSv (0.15 rem), or a shallow dose equivalent to the skin or to the extremities in excess of 5 mSv (0.5 rem);
  5. Declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of 1 mSv (0.1 rem) (Note: All of the occupational doses in R9-7-408 continue to be applicable to the declared pregnant worker as long as the embryo/fetus dose limit is not exceeded.); and
  6. Individuals entering a high or very high radiation area;
  7. Individuals operating mobile x-ray equipment, except dental intraoral systems, as described in R9-7-608;
  8. Individuals holding animals for diagnostic x-ray procedures, as described in R9-7-613;
  9. Individuals servicing enclosed beam x-ray systems with bypassed interlocks, as described in R9-7-803;
  10. Individuals operating open beam fluoroscopic systems and ancillary personnel working in the room when the fluoroscopic system is in use, except when relieved of this requirement by registration condition;

## Department of Health Services - Radiation Control

11. Individuals performing well logging, as described in Article 17; and
  12. Individuals, wearing a finger or wrist individual monitoring device, during the operation of an open-beam or hand held analytical x-ray system or equipment with no safety devices as described in R9-7-806(C) and (F).
  13. Individuals, wearing a finger or wrist individual monitoring device, performing repairs that require the presence of a primary beam of the analytical x-ray system or equipment, as described in R9-7-806(C) and (F).
- C.** Each licensee shall monitor the occupational intake of radioactive material by and assess the committed effective dose equivalent to:
1. Adults likely to receive, in one year, an intake in excess of 10 percent of the applicable ALI in Table 1, Columns 1 and 2, of Appendix B;
  2. Minors likely to receive, in one year, a committed effective dose equivalent in excess of 1 mSv (0.1 rem); and
  3. Declared pregnant women likely to receive, during the entire pregnancy, a committed effective dose equivalent in excess of 1 mSv (0.1 rem).
- D.** Each licensee or registrant shall require that all individual monitoring devices be located on individuals according to the following requirements:
1. An individual monitoring device, used to obtain the dose equivalent to an embryo or fetus of a declared pregnant woman according to R9-7-415, shall be located under the protective apron at the waist. A qualified expert shall be consulted to determine the dose equivalent to the embryo or fetus if this individual monitoring device has a monthly reported dose equivalent value that exceeds 0.5 millisieverts (50 millirem). For purposes of this subsection, the value for determining the dose equivalent to an embryo or fetus under R9-7-415(C), for occupational exposure to radiation from medical fluoroscopic equipment, is the value reported by the individual monitoring device worn at the waist underneath the protective apron, which has been corrected for the particular individual and the work environment by a qualified expert.
  2. An individual monitoring device used for lens dose equivalent shall be located at the neck or an unshielded location closer to the eye, outside the protective apron.
  3. If only one individual monitoring device is used to determine the effective dose equivalent for external radiation, according to R9-7-408(C)(2)(a), the device shall be located at the neck outside the protective apron. If a second individual monitoring device is used for the same purpose, it shall be located under the protective apron at the waist. A second individual monitoring device is required for a declared pregnant woman.
  4. An individual, wearing an extremity personnel monitoring device, during the operation of an open-beam or hand-held analytical x-ray system with no safety devices or an individual performing repairs in the presence of a primary beam of the analytical x-ray system or equipment, as described in R9-7-806(C) and (F), shall wear the device on the individual's finger or wrist.
- E.** Records.
1. Each licensee or registrant shall maintain records of doses received by all individuals for whom monitoring is required according to this Section, and records of doses received during planned special exposures, accidents, and emergency conditions. Assessments of dose equivalent and records made using units in effect before January 1, 1994, need not be changed. These records shall include, when applicable:
    - a. The deep-dose equivalent to the whole body, lens dose equivalent, shallow-dose equivalent to the skin, and shallow-dose equivalent to the extremities;
    - b. The estimated intake of radionuclides;
    - c. The committed effective dose equivalent assigned to the intake of radionuclides;
    - d. The specific information used to assess the committed effective dose equivalent according to R9-7-411(A) and (C), and when required R9-7-419;
    - e. The total effective dose equivalent when required by R9-7-409; and
    - f. The total of the deep-dose equivalent and the committed dose to the organ receiving the highest total dose;
  2. The licensee or registrant shall make entries of the records specified in subsection (D)(1), at intervals not to exceed one year;
  3. The licensee or registrant shall maintain at the inspection site the records specified in subsection (D)(1), on Agency Form Z (available from the Department), in accordance with the instructions for Agency Form Z, or in a clear and legible method which contains all the information required by this subsection;
  4. The licensee or registrant shall maintain the records of dose to an embryo or fetus with the records of dose to the declared pregnant woman. The declaration of pregnancy, including the estimated date of conception, shall also be kept on file but may be maintained separately from the dose records; and
  5. The licensee or registrant shall retain each required form or record for three years after the Department terminates each pertinent license or registration requiring the record.

**Historical Note**

New Section R9-7-419 recodified from R12-1-419, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-420. Control of Access to High Radiation Areas**

- A.** A licensee or registrant shall ensure that each entrance or access point to a high radiation area has one or more of the following features:
1. A control device that, upon entry into the area, causes the level of radiation to be reduced below the level at which an individual might receive a deep-dose equivalent of 1 mSv (0.1 rem) in one hour at 30 centimeters from the source from any surface that the radiation penetrates;
  2. A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or
  3. Entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entity.
- B.** In place of the controls required by subsection (A) for a high radiation area, the licensee or registrant may substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry.
- C.** The licensee or registrant may apply to the Department for approval of alternative methods for controlling access to high radiation areas.
- D.** The licensee or registrant shall establish the controls required by subsections (A) and (C) in a way that does not prevent individuals from leaving a high radiation area.
- E.** The licensee or registrant is not required to control each entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in



## Department of Health Services - Radiation Control

accordance with the regulations of the U.S. Department of Transportation, provided that:

1. The packages do not remain in the area longer than three days, and
  2. The dose rate at 1 meter from the external surface of any package does not exceed 0.1 mSv (0.01 rem) per hour.
- F. The licensee or registrant is not required to control entrance or access to rooms or other areas in hospitals solely because of the presence of patients containing radioactive material, provided that there are personnel in attendance who are taking the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the established limits in Article 4 and operate in accordance with R9-7-407(B) and the provisions of the licensee's or registrant's radiation protection program.
- G. The registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a high radiation area if the registrant has met all the specific requirements for access and control specified in other applicable Articles, such as Article 5 for industrial radiography, Article 6 for x-rays in the healing arts, and Article 9 for particle accelerators.

**Historical Note**

New Section R9-7-420 recodified from R12-1-420, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-421. Control of Access to Very-high Radiation Areas**

- A. In addition to the requirements in R9-7-420, a licensee or registrant shall institute measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at 5 Gy (500 rad) or more in one hour at 1 meter from a source or from any surface that the radiation penetrates. This requirement does not apply to rooms or areas in which diagnostic x-ray systems are the only source of radiation or non-self-shielded irradiators.
- B. The registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a very high radiation area, described in subsection (A), if the registrant has met all requirements for access and control specified in other applicable Articles, such as Article 5 for industrial radiography, Article 6 for x-rays in the healing arts, and Article 9 for particle accelerators.
- C. Each licensee or registrant shall maintain records of tests made according to R9-7-422(B)(9) on entry control devices for very-high radiation areas. These records shall include the date, time, and results of each test of function.
- D. The licensee or registrant shall retain the records required by this Section for three years after the record is made.

**Historical Note**

New Section R9-7-421 recodified from R12-1-421, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-422. Control of Access to Irradiators (Very-high Radiation Areas)**

- A. This Section applies to licensees or registrants with sources of radiation in non-self-shielded irradiators. This Section does not apply to sources of radiation that are used in teletherapy, industrial radiography, or completely self-shielded irradiators in which the source of radiation is both stored and operated within the same shielding radiation barrier and, in the designed configuration of the irradiator, is always physically inaccessible to any individual and cannot create high levels of radiation in an area that is accessible to any individual.
- B. A licensee or registrant shall ensure that each area in which radiation levels may exceed 5 Gy (500 rad) in one hour at 1

meter from a source that is used to irradiate materials meets the following requirements:

1. Each entrance or access point shall be equipped with entry control devices that:
  - a. Function automatically to prevent any individual from inadvertently entering a very high radiation area;
  - b. Permit deliberate entry into the area only after a control device is actuated that causes the radiation level within the area, from the source of radiation, to be reduced below that at which it would be possible for an individual to receive a deep-dose equivalent in excess of 1 mSv (0.1 rem) in one hour; and
  - c. Prevent operation of the source of radiation if it would produce radiation levels in the area that could result in a deep-dose equivalent to an individual in excess of 1 mSv (0.1 rem) in one hour.
2. If the control devices required in subsection (B)(1) fail to function, additional control devices shall be provided so that:
  - a. The radiation level within the area, from the source of radiation, is reduced below that at which it would be possible for an individual to receive a deep-dose equivalent in excess of 1 mSv (0.1 rem) in one hour; and
  - b. Conspicuous visible and audible alarm signals are generated so that an individual entering the area is aware of the hazard. The individual who enters the very-high radiation area after an alarm signals shall be familiar with the process and equipment. Before entering, the individual shall ensure that a second individual is present and aware of the first person's actions.
3. The licensee or registrant shall provide control devices so that, upon failure or removal of physical radiation barriers other than the sealed source's shielded storage container:
  - a. The radiation level from the source of radiation is reduced below that at which it would be possible for an individual to receive a deep-dose equivalent in excess of 1 mSv (0.1 rem) in one hour, and
  - b. Conspicuous visible and audible alarm signals are generated so that potentially affected individuals are aware of the hazard. Potentially affected individuals shall notify the licensee or registrant of the failure or removal of the physical barriers.
4. When the shield for stored sealed sources is a liquid, the licensee or registrant shall provide means to monitor the integrity of the shield and to signal, automatically, loss of adequate shielding.
5. Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of subsections (B)(3) and (4).
6. The licensee or registrant shall equip each area with devices that will automatically generate conspicuous visible and audible alarm signals to alert personnel in the area before the source of radiation can be put into operation and in time for any individual in the area to operate a clearly identified control device, installed in the area, and which can prevent the source of radiation from being put into operation.
7. The licensee or registrant shall control each area by use of administrative procedures and devices necessary to

## Department of Health Services - Radiation Control

ensure that the area is cleared of personnel before each use of the source of radiation.

8. The licensee or registrant shall check each area by radiation measurement to ensure that, before the first individual's entry into the area after any use of the source of radiation, the radiation level from the source of radiation in the area will not expose an individual to a deep-dose equivalent in excess of 1 millisievert (0.1 rem) in one hour.
  9. The licensee or registrant shall test the entry control devices required in subsection (B)(1) for proper functioning and keep records according to R9-7-421.
    - a. Testing shall be conducted before initial operation with the source of radiation on any day, unless operations were continued uninterrupted from the previous day;
    - b. Testing shall be conducted before resumption of operation of the source of radiation after any unintentional interruption;
    - c. The licensee or registrant shall submit to the Department a schedule of testing; and
    - d. The licensee or registrant shall include in the schedule a listing of the periodic testing that will be followed.
  10. The licensee or registrant shall not conduct operations, other than those necessary to place the source of radiation in a safe condition or effect repairs on controls, unless control devices are functioning properly.
  11. The licensee or registrant shall control entry and exit portals that are used in transporting materials to and from the irradiation area, and that are not intended for use by personnel, with devices and administrative procedures necessary to physically protect and warn against inadvertent entry by an individual through one of the portals. Exit portals for irradiated materials shall be equipped to detect and signal the presence of any uncontained radioactive material that is carried toward an exit and automatically prevent contained radioactive material from being carried out of the area.
- C.** A licensee, registrant, or applicant seeking a license or registration for a source of radiation within the purview of subsection (B) that will be used in a variety of positions or in locations, such as open fields or forests, that make it impractical to comply with certain requirements of subsection (B) may apply to the Department for approval of alternative safety measures. Alternative safety measures shall provide personnel protection at least equivalent to that specified in subsection (B). At least one of the alternative measures shall be an entry-preventing interlock control, based on a measurement of the radiation that ensures the absence of high radiation levels before an individual can gain access to the area where the sources of radiation are used.
- D.** A licensee or registrant shall provide the entry control devices required by subsections (B) and (C) in such a way that no individual will be prevented from leaving the area.
- E.** Records.
1. Each licensee or registrant shall maintain records of tests made according to subsection (B)(9) on entry control devices for very-high radiation areas. These records shall include the date and results of each test of function.
  2. The licensee or registrant shall retain the records for three years from the date the record is made.

**Historical Note**

New Section R9-7-422 recodified from R12-1-422, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-423. Use of Process or Other Engineering Controls**

A licensee shall use, to the extent practicable, process or other engineering controls, such as containment, decontamination, or ventilation, to control the concentration of radioactive material in air.

**Historical Note**

New Section R9-7-423 recodified from R12-1-423, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-424. Use of Other Controls**

- A.** If it is not practical to apply process or other engineering controls to control concentrations of radioactive material in the air to values below those that define an airborne radioactivity area, the licensee shall, consistent with maintaining the total effective dose equivalent according to R9-7-407(B), increase monitoring and limit intakes by one or more of the following means:
1. Control access,
  2. Limit exposure times,
  3. Use respiratory protection equipment, or
  4. Use other controls.
- B.** If the licensee performs an ALARA analysis to determine whether or not respirators should be used, the licensee may consider safety factors other than radiological factors. The licensee shall also consider the impact of respirator use on workers' industrial health and safety.

**Historical Note**

New Section R9-7-424 recodified from R12-1-424, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-425. Use of Individual Respiratory Protection Equipment**

- A.** If a licensee assigns or permits the use of respiratory protection equipment to limit the intake of radioactive material,
1. Except as provided in subsection (A)(2), the licensee shall use only respiratory protection equipment that is tested and certified by the National Institute for Occupational Safety and Health (NIOSH).
  2. If the licensee wishes to use equipment that has not been tested or certified by NIOSH, or for which there is no schedule for testing or certification, the licensee shall submit an application to the Department and request authorization for use of this equipment, except as otherwise provided in this Section. The licensee shall provide evidence with the application that the material and performance characteristics of the equipment provide the asserted degree of protection under anticipated conditions of use. The licensee shall demonstrate the degree of protection by providing reliable test information.
  3. The licensee shall implement and maintain a respiratory protection program that includes:
    - a. Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate doses;
    - b. Surveys and bioassays, as necessary, to evaluate actual intakes;
    - c. Testing of respirators for operability (user seal check for face sealing devices and functional check for other devices) immediately before each use;
    - d. Written procedures regarding:
      - i. Monitoring, including air sampling and bioassays;
      - ii. Supervision and training of respirator users;

## Department of Health Services - Radiation Control

- iii. Fit testing;
  - iv. Respirator selection;
  - v. Breathing air quality;
  - vi. Inventory and control;
  - vii. Storage, issuance, maintenance, repair, testing, and quality assurance of respiratory protection equipment;
  - viii. Recordkeeping; and
  - ix. Limitations on periods of respirator use and relief from respirator use;
  - e. Determination by a physician that each individual user is able to use respiratory protection equipment:
    - i. Before the initial fitting of a face-sealing respirator;
    - ii. Before the first field use of a non-face-sealing respirator, and
    - iii. Every 12 months after initial fitting or first use, or periodically at a frequency determined by a physician; and
  - f. Fit testing, with a fit factor  $\geq 10$  times the APF for a negative pressure device and a fit factor  $\geq 500$  for any positive pressure, continuous flow, and pressure-demand device, before the first field use of tight-fitting, face-sealing respirators and periodically after first use at least yearly. The licensee shall perform fit testing with the face piece operating in the negative pressure mode.
4. The licensee shall advise each respirator user that the user may leave the area at any time for relief from respirator use, in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other condition that might require relief.
  5. The licensee shall consider manufacturer limitations regarding respirator type and mode of use. When selecting a respiratory device, the licensee shall provide for vision correction, adequate communication, low temperature work environments, and the concurrent use of other safety or radiological protection equipment. The licensee shall use equipment in a manner that does not interfere with the proper operation of the respirator.
  6. The licensee shall provide standby rescue persons whenever one-piece atmosphere-supplying suits, or any combination of supplied air respiratory protection device and personnel protective equipment are used from which an unaided individual would have difficulty extricating himself or herself. The licensee shall equip standby rescue persons with respiratory protection devices or other apparatus designed for potential hazards and anticipated conditions of use. The standby rescue persons shall observe or otherwise maintain continuous communication with the workers (visual, voice, signal line, telephone, radio, or other suitable means), and be immediately available to assist them in case of a failure of the air supply or for any other reason that requires relief from distress. The licensee shall provide at least one standby rescue person for every five workers, who is immediately available to assist any worker using this type of equipment and provide effective emergency rescue if needed.
  7. The licensee shall supply atmosphere-supplying respirators with respirable air of grade D quality or better as defined by the Compressed Gas Association in publication G-7.1, "Commodity Specification for Air," 1997 and included in the regulations of OSHA (29 CFR 1910.134(i)(1)(ii)(A) through (E), July 1, 2003, incorporated by reference and on file with the Department, containing no future editions or amendments). Grade D quality air criteria include:
    - a. Oxygen content (v/v) of 19.5-23.5%;
    - b. Hydrocarbon (condensed) content of 5 milligrams per cubic meter of air or less;
    - c. Carbon monoxide (CO) content of 10 ppm or less;
    - d. Carbon dioxide content of 1,000 ppm or less; and
    - e. Lack of noticeable odor.
  8. The licensee shall ensure that no objects, materials, or substances, such as facial hair, or any conditions that interfere with the face-to-face piece seal or valve function, and that are under the control of the respirator wearer, are present between the skin of the wearer's face and the sealing surface of a tight-fitting respirator face piece.
  9. In estimating the dose to individuals from intake of airborne radioactive materials, the licensee shall use the concentration of radioactive material in the air that is inhaled when respirators are worn, which is determined by dividing the ambient concentration in air without respiratory protection by the assigned protection factor. If the dose is later found to be greater than the estimated dose, the licensee shall modify the calculation using the corrected value. If the dose is later found to be less than the estimated dose, the licensee may modify the calculation using the corrected value.
- B. The licensee shall use Appendix A to select equipment and associated assigned protection factors.
  - C. A licensee shall apply to the Department for authorization to use assigned protection factors in excess of those specified in Appendix A. To apply for authorization the licensee shall:
    1. State the reason for the higher protection factors; and
    2. Demonstrate that the requested respiratory protective equipment provides the higher protection factors under the proposed conditions of use.
  - D. The licensee shall notify the Department in writing at least 30 days before the date that respiratory protective equipment is first used according to subsection (A) or (C).

**Historical Note**

New Section R9-7-425 recodified from R12-1-425, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-426. Security of Stored Sources of Radiation**

A licensee or registrant shall secure from unauthorized removal or access licensed or registered sources of radiation that are stored in unrestricted areas.

**Historical Note**

New Section R9-7-426 recodified from R12-1-426, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-427. Control of Sources of Radiation Not in Storage**

- A. A licensee shall control and maintain constant surveillance of licensed radioactive material that is in an unrestricted area and is not in storage or in a patient.
- B. A registrant shall maintain control of radiation machines that are in an unrestricted area and not in storage.

**Historical Note**

New Section R9-7-427 recodified from R12-1-427, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-428. Caution Signs**

- A. Unless otherwise authorized by the Department, a licensee or registrant shall use the symbol prescribed by this Section with the colors magenta, or purple, or black on yellow background as the standard radiation symbol. The symbol prescribed is the three-bladed design as follows:

## Department of Health Services - Radiation Control

## RADIATION SYMBOL

1. Cross-hatched area is to be magenta, purple, or black; and
2. The background is to be yellow.



- B. Notwithstanding the requirements of subsection (A), licensees or registrants are authorized to label sources of radiation, source holders, or device components containing sources of radiation that are subjected to high temperatures, with conspicuously etched or stamped radiation caution symbols that lack the color scheme required in subsection A.
- C. In addition to the contents of signs and labels prescribed in this Article, the licensee or registrant shall provide, on or near the required signs and labels, additional information to make individuals aware of potential radiation exposures and to minimize the exposures.

**Historical Note**

New Section R9-7-428 recodified from R12-1-428, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-429. Posting**

- A. A licensee or registrant shall post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA."
- B. The licensee or registrant shall post each high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, HIGH RADIATION AREA" or "DANGER, HIGH RADIATION AREA."
- C. The licensee or registrant shall post each very-high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "GRAVE DANGER, VERY HIGH RADIATION AREA."
- D. The licensee shall post each airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, AIRBORNE RADIOACTIVITY AREA" or "DANGER, AIRBORNE RADIOACTIVITY AREA."
- E. The licensee shall post each area or room in which there is used or stored an amount of licensed material exceeding 10 times the quantity of licensed material specified in Appendix C with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)."

**Historical Note**

New Section R9-7-429 recodified from R12-1-429, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-430. Exceptions to Posting Requirements**

- A. A licensee or registrant is not required to post caution signs in areas or rooms containing sources of radiation for periods of less than eight hours, if each of the following conditions is met:
  1. The sources of radiation are constantly attended during these periods by an individual who takes precautions necessary to prevent exposure of individuals to sources of radiation in excess of limits established in this Article; and

2. The area or room is subject to the licensee's or registrant's control.

- B. A licensee or registrant is not required to post a caution sign in a room or other area in a hospital that is occupied by an individual who has been administered radioactive material, if the individual meets the criteria for release in R9-7-719.
- C. A licensee or registrant is not required to post a caution sign in a room or area because of the presence of a sealed source, provided the radiation level at 30 centimeters from the surface of the sealed source container or housing does not exceed 0.05 mSv (0.005 rem) per hour.
- D. A hospital or clinic licensee is exempt from the posting requirements in R9-7-429 for a teletherapy room if:
  1. Access to the room is controlled according to R9-7-731; and
  2. Personnel in attendance take necessary precautions to prevent the inadvertent exposure of workers, other patients, and members of the public to radiation that exceeds the limits established in this Chapter.
- E. A registrant is not required to post a caution sign in a room or area because of the presence of radiation machines used solely for diagnosis in the healing arts.

**Historical Note**

New Section R9-7-430 recodified from R12-1-430, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-431. Labeling Containers and Radiation Machines**

- A. A licensee shall ensure that each container of licensed material is labeled with a durable, clearly visible radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL." The label shall also provide information, such as the radionuclides present, an estimate of the quantity of radioactivity, the date for which the radioactivity is estimated, radiation level, kind of material, and mass enrichment, to permit an individual handling or using a container, or working in the vicinity of a container, to take precautions to avoid or minimize exposure.
- B. Before removal or disposal of an empty, uncontaminated container to an unrestricted area, each licensee shall remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.
- C. Each registrant shall ensure that each radiation machine is labeled in a conspicuous manner to caution an individual that radiation is produced when it is energized.
- D. A licensee shall label each syringe and vial that contains a radiopharmaceutical used in the practice of medicine with the radiopharmaceutical content. Each syringe shield and vial shield shall be labeled, unless the label on the syringe or vial is visible when shielded. The label shall contain the radiopharmaceutical name or its abbreviation, the clinical procedure to be performed, or the name of the person being administered the radiopharmaceutical. Color-coding syringe shields and vial shields does not meet the labeling requirement.

**Historical Note**

New Section R9-7-431 recodified from R12-1-431, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-432. Labeling Exemptions**

A licensee is not required to label:

1. Containers holding licensed material in quantities less than the quantities listed in Appendix C;
2. Containers holding licensed material in concentrations less than those specified in Table III of Appendix B;

## Department of Health Services - Radiation Control

3. Containers attended by an individual who takes precautions necessary to prevent exposure of individuals to radiation in excess of the limits established in this Article;
4. Containers holding radioactive material that do not exceed the limits for excepted quantity or article as defined and limited in 49 CFR 173.403, and 173.421 through 173.424, and are transported, packaged, and labeled in accordance with 49 CFR 172.436 through 172.440 (Revised October 1, 2007, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.);
5. Containers that are accessible only to individuals authorized to handle, use, or work in the vicinity of the containers, if the contents are identified to these individuals by a readily available written record, retained as long as the container is in use for the purpose indicated on the record. (Examples of containers of this type are containers in locations such as water-filled canals, storage vaults, or hot cells.); or
6. Installed manufacturing or process equipment, such as piping and tanks.

**Historical Note**

New Section R9-7-432 recodified from R12-1-432, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-433. Procedures for Receiving and Opening Packages**

- A. Each licensee who expects to receive a package containing quantities of radioactive material in excess of a Type A quantity, as defined in 10 CFR 71.4, January 1, 2005, which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. The material incorporated by reference contains no future editions or amendments. The licensee shall make arrangements to receive:
  1. The package when the carrier offers it for delivery; or
  2. The notification of the arrival of the package at the carrier's terminal and to take possession of the package expeditiously.
- B. Each licensee shall:
  1. Monitor the external surfaces of a package, labeled with a Radioactive White I, Yellow II, or Yellow III as specified in 49 CFR 172.403 and 172.436 through 172.440, October 1, 2004, which are incorporated by reference, published by the Office of Federal Register, National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. The material incorporated by reference contains no future editions or amendments. The licensee shall test the package for radioactive contamination, unless the package contains only radioactive material in the form of gas or in special form, as defined in R9-7-102; and
  2. Monitor the external surfaces of a package, labeled with a Radioactive White I, Yellow II, or Yellow III as specified in subsection (B)(1), for radiation levels unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity, defined in 10 CFR 71, and referenced in subsection (A); and
  3. Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if there is evidence of degradation of package integrity, such as packages that are crushed, wet, or damaged.
- C. The licensee shall perform the monitoring required by subsection (B) as soon as practical after receipt of the package, but not later than three hours after the package is received at the licensee's facility if it is received during the licensee's normal

working hours, or not later than three hours from the beginning of the next working day if it is received after working hours.

- D. The licensee shall immediately notify the final delivery carrier and the Department by telephone when:
  1. Removable radioactive surface contamination exceeds 22 dpm/cm<sup>2</sup> for beta-gamma emitting radionuclides or 2.2 dpm/cm<sup>2</sup> for alpha-emitting radionuclides, wiping a minimum surface area of 300 square centimeters (46 square inches), or the entire surface if less than 300 square centimeters (46 square inches); or
  2. External radiation levels exceed the limits of 2 millisieverts (200 millirem) per hour.
- E. Each licensee shall:
  1. Establish, maintain, and retain written procedures for safely opening packages that contain radioactive material, and
  2. Ensure that the procedures are followed and that due consideration is given to special instructions for the type of package being opened.
- F. Licensees transferring special form sources in vehicles owned or operated by the licensee to and from a work site are exempt from the contamination monitoring requirements of subsection (B) but are not exempt from the monitoring requirement in subsection (B) for measuring radiation levels that ensures that the source of radiation is still properly lodged in its shield.

**Historical Note**

New Section R9-7-433 recodified from R12-1-433, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-434. General Requirements for Waste Disposal**

- A. A licensee shall dispose of licensed material only:
  1. By transfer to an authorized recipient as provided in R9-7-439 or in Article 3, or to the U.S. Department of Energy;
  2. By decay in storage, according to R9-7-438(C);
  3. By release in effluents within the limits in R9-7-416; or
  4. As authorized according to R9-7-435, R9-7-436, R9-7-437, R9-7-438, or R9-7-438.01;
- B. To receive waste that contains licensed material from other persons, a person shall be specifically licensed for:
  1. Treatment prior to disposal,
  2. Treatment or disposal by incineration,
  3. Decay in storage,
  4. Disposal at a land disposal facility licensed according to Article 3, or
  5. Storage until transferred to a storage or disposal facility authorized to receive the waste.

**Historical Note**

New Section R9-7-434 recodified from R12-1-434, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-435. Method for Obtaining Approval of Proposed Disposal Procedures**

For disposal of licensed material generated in the licensee's operations, a licensee or applicant for a license may apply to the Department for approval of proposed disposal procedures, not otherwise authorized in this Chapter. Each application shall include:

1. A description of the waste containing licensed material to be disposed of, including the physical and chemical properties that have an impact on risk evaluation;
2. The proposed manner and conditions of waste disposal;
3. An analysis and evaluation of pertinent information on the nature of the environment;
4. The nature and location of other potentially affected facilities; and

## Department of Health Services - Radiation Control

5. An analysis and procedure to ensure that doses comply with R9-7-407(B), and are within the dose limits in this Article.

**Historical Note**

New Section R9-7-435 recodified from R12-1-435, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-436. Disposal by Release into Sanitary Sewerage System**

- A. A licensee may discharge licensed material into sanitary sewerage if each of the following conditions is satisfied:
  1. The material is readily soluble or is readily dispersible biological material, in water;
  2. The quantity of licensed radioactive material that the licensee releases into the sewer in one month divided by the average monthly volume of water released into the sewer by the licensee or registrant does not exceed the concentration listed in Appendix B, Table III; and
  3. If more than one radionuclide is released, the following conditions shall also be satisfied:
    - a. The licensee shall determine the fraction of the limit in Appendix B, Table III represented by discharges into sanitary sewerage by dividing the actual monthly average concentration of each radionuclide released by the licensee or registrant into the sewer by the concentration of that radionuclide listed in Appendix B, Table III;
    - b. The sum of the fractions for each radionuclide required by subsection (A)(3)(a) does not exceed unity; and
    - c. The total quantity of licensed radioactive material that the licensee releases into the sanitary sewerage in a year does not exceed 185 GBq (5 Ci) of Hydrogen-3, 37 GBq (1 Ci) of Carbon-14, and 37 GBq (1 Ci) of all other radioactive materials combined.
- B. Excreta from individuals undergoing medical diagnosis or therapy with radioactive material are not subject to the limitations contained in subsection (A).

**Historical Note**

New Section R9-7-436 recodified from R12-1-436, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-437. Treatment or Disposal by Incineration**

A licensee shall treat or dispose of licensed material by incineration only in the amounts and forms specified in R9-7-438 or as specifically approved by the Department according to R9-7-435.

**Historical Note**

New Section R9-7-436 recodified from R12-1-436, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-438. Disposal of Specific Wastes**

- A. A licensee may dispose of the following licensed material as if it were not radioactive:
  1. 1.85 kBq (0.05  $\mu$ Ci), or less, of Hydrogen-3 or Carbon-14 per gram of medium used for liquid scintillation counting; and
  2. 1.85 kBq (0.05  $\mu$ Ci), or less, of Hydrogen-3 or Carbon-14 per gram of animal tissue, averaged over the weight of the entire animal.
  3. 1.85 kBq (0.05  $\mu$ Ci), or less, of Iodine-125 per gram of medium used in analyzing in vitro laboratory samples and associated sample holders contaminated during the laboratory procedure.
- B. A licensee shall not dispose of tissue, contaminated with radioactive material, according to subsection (A)(2) in a man-

ner that would permit its use either as food for humans or as animal feed.

- C. A licensee may hold radioactive material with a physical half-life of less than or equal to 120 days for decay in storage before disposal without regard to its radioactivity, and is exempt from the requirements of R9-7-434, provided:
  1. The licensee monitors the radioactive material at the surface before disposal and determines that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey meter set on its most sensitive scale and with no interposed shielding; and
  2. The licensee removes or obliterates all radiation labels, except for radiation labels on materials that are within containers and that will be managed as biomedical waste after they have been released from the licensee.
- D. The licensee shall maintain records in accordance with R9-7-441.

**Historical Note**

New Section R9-7-438 recodified from R12-1-438, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-438.01. Disposal of Certain Radioactive Material**

- A. Licensed material as defined in the definition of radioactive material in R9-7-102 may be disposed of in accordance with this Article, even though it is not defined as low-level radioactive waste. Therefore, any licensed radioactive material being disposed of at a facility, or transferred for ultimate disposal at a facility licensed by the Department, must meet the requirements of R9-7-439.
- B. A licensee may dispose of radioactive material, as defined in the definition of radioactive material in R9-7-102, at a disposal facility authorized to dispose of such material in accordance with any federal or state solid or hazardous waste law, including the Solid Waste Disposal Act, as authorized under the Energy Policy Act of 2005.

**Historical Note**

New Section R9-7-438.01 recodified from R12-1-438.01, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-439. Transfer for Disposal and Manifests**

- A. Any licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal facility (for purposes of this rule "land disposal facility" means the land, buildings, structures, and equipment that are intended to be used for the disposal of radioactive waste. A geologic repository is not a land disposal facility) shall comply with 10 CFR 20.2006 and 10 CFR 20 Appendix G, published January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- B. An authorized representative of the waste generator shall provide the certification required in 10 CFR 20, Appendix G, Section II, which is incorporated by reference in subsection (A).

**Historical Note**

New Section R9-7-439 recodified from R12-1-439, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-440. Compliance with Environmental and Health Protection Regulations**

Nothing in R9-7-434, R9-7-435, R9-7-436, R9-7-437, R9-7-438, or R9-7-439 relieves the licensee from complying with other applicable federal, state, and local rules or regulations governing any other toxic or hazardous properties of materials that may be disposed of according to the rules listed in Article 4 of this Chapter.

## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-440 recodified from R12-1-440, at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-441. Records of Waste Disposal**

- A. Each licensee shall maintain records of the disposal of licensed materials made in accordance with R9-7-435, R9-7-436, R9-7-437, R9-7-438, and disposal by burial in soil, including burials authorized before February 25, 1985.
- B. The licensee shall retain the records required by subsection (A) until the Department terminates each pertinent license requiring the record. The licensee shall provide for the disposition of these records prior to license termination.

**Historical Note**

New Section R9-7-441 recodified from R12-1-441, at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-442. Department Inspection of Shipments of Waste**

Each shipment of waste to a disposal facility, licensed under R9-7-1302(D)(11), is subject to inspection by the Department before shipment or transportation. The waste shipper shall notify the Department not less than five working days before the scheduled shipment or transportation of waste to a licensed disposal facility.

**Historical Note**

New Section R9-7-442 recodified from R12-1-442, at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-443. Reports of Stolen, Lost, or Missing Licensed or Registered Sources of Radiation**

- A. Each licensee or registrant shall report to the Department by telephone as follows:
  1. Immediately after it becomes known to the licensee that licensed radioactive material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in Appendix C is stolen, lost, or missing under circumstances that indicate to the licensee that an exposure could result to individuals in unrestricted areas;
  2. Within 30 days after it becomes known to the licensee that licensed radioactive material in an aggregate quantity greater than 10 times the quantity specified in Appendix C is stolen, lost, or missing, and is still missing; and
  3. Immediately after it becomes known to the registrant that a radiation machine is stolen, lost, or missing.
- B. Each licensee or registrant required to make a report according to subsection (A) shall, within 30 days after making the telephone report, make a written report to the Department that contains the following information:
  1. A description of the licensed or registered source of radiation involved, including, for radioactive material, the kind, quantity, and chemical and physical form; and, for radiation machines, the manufacturer, model, serial number, type, and maximum energy of radiation emitted;
  2. A description of the circumstances under which the loss or theft occurred;
  3. A statement of disposition, or probable disposition, of the licensed or registered source of radiation;
  4. Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas;
  5. Actions that have been taken, or will be taken, to recover the source of radiation; and
  6. Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed or registered sources of radiation.

- C. After filing the written report, the licensee or registrant shall also report additional substantive information on the loss or theft within 30 days after the licensee or registrant learns of the information.
- D. The licensee or registrant shall provide the Department with the names of individuals who may have received an exposure to radiation as a result of an incident reported to the Department under subsection (B).

**Historical Note**

New Section R9-7-443 recodified from R12-1-443, at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-444. Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits**

- A. In addition to the notification required by R9-7-445, each licensee or registrant shall submit a written report within 30 days after learning of any of the following:
  1. Incidents for which notification is required by R9-7-445;
  2. Doses in excess of any of the following:
    - a. The occupational dose limits for adults in R9-7-408;
    - b. The occupational dose limits for a minor in R9-7-414;
    - c. The limits for an embryo or fetus of a declared pregnant woman in R9-7-415;
    - d. The limits for an individual member of the public in R9-7-416;
    - e. Any applicable limit in the license or registration; or
    - f. The ALARA limit on air emissions in R9-7-407;
  3. Levels of radiation or concentrations of radioactive material in:
    - a. A restricted area in excess of applicable limits in the license or registration, or
    - b. An unrestricted area in excess of 10 times the applicable limit in this Article or in the license or registration, whether or not this involves an exposure of any individual to a dose in excess of the limits in R9-7-416;
  4. Radiation levels or concentrations of radioactive material in excess of the standards in 40 CFR 190, 2003 edition, published July 1, 2003, by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408 which is incorporated by reference and on file with the Department, if the licensee is subject to these federal standards, or there is a license condition referencing the 40 CFR 190 standards. This incorporation by reference contains no future editions or amendments.
- B. Contents of reports.
  1. Each report shall contain a description of each individual's exposure to radiation and radioactive material, including as applicable:
    - a. Estimates of each individual's dose;
    - b. The levels of radiation and concentrations of radioactive material involved;
    - c. The cause of the elevated exposures, dose rates, or concentrations; and
    - d. Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, generally applicable environmental standards, and associated license or registration conditions.
  2. Each report filed according to subsection (A) shall include for each occupationally overexposed individual: name, Social Security number, and date of birth. With respect to the limit for an embryo or fetus in R9-7-415, the identifiers in the report should be those of the

## Department of Health Services - Radiation Control

declared pregnant woman. The report shall be prepared so that information regarding each overexposed individual is stated in a separate and detachable part of the report.

- C. All licensees or registrants who make reports according to subsection (A) shall submit the report in writing to the Department.

**Historical Note**

New Section R9-7-444 recodified from R12-1-444, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-445. Notification of Incidents**

- A. Immediate notification: Each licensee or registrant shall immediately report to the Department any event involving a radiation source that may have caused or threatens to cause any of the following conditions:
1. An individual to receive:
    - a. A total effective dose equivalent of 0.25 Sv (25 rem) or more;
    - b. A lens dose equivalent of 0.75 Sv (75 rem) or more; or
    - c. A shallow-dose equivalent to the skin or extremities of 2.5 Gy (250 rads) or more; or
  2. The release of radioactive material, inside or outside of a restricted area, so if an individual had been present for 24 hours, the individual could have received five times the annual limit on intake (this subsection do not apply to a location where personnel are not normally stationed during routine operations, such as a hot-cell or process enclosure).
- B. Twenty-four hour notification: Each licensee or registrant shall, within 24 hours of discovery of the event, report to the Department any event involving loss of control of a radiation source possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:
1. An individual to receive, in a period of 24 hours
    - a. A total effective dose equivalent exceeding 0.05 Sv (5 rem);
    - b. A lens dose equivalent exceeding 0.15 Sv (15 rem); or
    - c. A shallow-dose equivalent to the skin or extremities exceeding 0.5 Gy (50 rads); or
  2. The release of radioactive material, inside or outside of a restricted area, so, if an individual had been present for 24 hours, the individual could have received an intake in excess of one occupational annual limit of intake (this subsection does not apply to a location where personnel are not normally stationed during routine operations, such as a hot-cell or process enclosure).
- C. A licensee or registrant shall prepare any report filed with the Department according to this Section so that names of individuals who have received exposure to radiation or radioactive material are stated in a separate and detachable part of the report.
- D. A licensee or registrant shall report to the Department by telephone in response to the requirements of this Section.
- E. If the Department does not respond to the initial telephone call, the licensee or registrant shall report to the Department of Public Safety and continue with reasonable efforts to contact the Department Duty Officer until contact is made.
- F. The provisions of this Section do not apply to a dose that results from a planned special exposure, if the dose is within the limits for planned special exposures and reported according to R9-7-413(C).

**Historical Note**

New Section R9-7-445 recodified from R12-1-445, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-446. Notifications and Reports to Individuals**

- A. Requirements for notification and reports to individuals of exposure to radiation or radioactive material are specified in R9-7-1004.
- B. In addition to the reporting requirements in R9-7-444 and R9-7-445, each licensee or registrant shall notify the individual exposed to radiation or radioactive material. The notice to the exposed individual shall be provided no later than the date the report is submitted to the Department and shall comply with R9-7-1004(A).

**Historical Note**

New Section R9-7-446 recodified from R12-1-446, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-447. Vacating Premises**

- A. If a facility has been used for activities involving radioactive material a licensee shall notify the Department in writing of the intent to vacate the facility no less than 45 days before relinquishing possession or control of the facility.
- B. If a facility is contaminated with radioactive material, a licensee vacating the facility shall decontaminate it using Department-approved procedures.
- C. The Department shall inspect a vacated facility to determine whether it is contaminated with radioactive material.

**Historical Note**

New Section R9-7-447 recodified from R12-1-447, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-448. Additional Reporting**

- A. Each licensee shall notify the Department as soon as possible, but not later than four hours after the discovery of an event, and take immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed the limits specified in this Chapter or releases of licensed material that could exceed the limits specified in this Chapter. For purposes of this Section, event means a radiation accident involving a fire, explosion, gas release, or similar occurrence.
- B. Each licensee shall notify the Department within 24 hours after discovering any of the following events involving licensed material:
1. A contamination event that:
    - a. Requires that anyone having access to the contaminated area be restricted for more than 24 hours by the imposition of additional radiological controls to prohibit entry into the area; and
    - b. Involves a quantity of radioactive material greater than five times the lowest annual limit on intake specified in Appendix B of this Article; and
    - c. Results in access to the contaminated area being restricted for a reason other than to allow radionuclides with a half-life of less than 24 hours to decay prior to decontamination.
  2. An event in which equipment is disabled or fails to function as designed when:
    - a. The equipment is part of a system designed to prevent releases exceeding the limits specified in this Chapter, to prevent exposures to radiation and radioactive materials exceeding limits specified in this Chapter, or to mitigate the consequences of an accident; and
    - b. The equipment performs a safety function; and



## Department of Health Services - Radiation Control

- c. No redundant equipment is available and operable to perform the required safety function.
- 3. An event that requires urgent medical treatment of an individual with radioactive contamination on the individual's clothing or body.
- 4. A fire or explosion damaging any licensed material or any device, container, or equipment containing licensed material when:
  - a. The quantity of material involved is greater than five times the lowest annual limit on intake specified in Appendix B of this Article, and
  - b. The damage affects the integrity of the licensed material or its container.
- C. Each licensee shall make reports required by subsections (A) and (B) above by telephone to the Department. To the extent that the information is available at the time of notification, the information provided in these reports shall include:
  - 1. The callers's name and call back telephone number;
  - 2. A description of the event, including date and time;
  - 3. The exact location of the event;
  - 4. The isotopes, quantities, and chemical and physical form of the licensed material involved; and
  - 5. Any personnel radiation exposure data available.
- D. Each licensee who makes a report required by subsection (A) or (B) shall submit to the Department a written follow-up report within 30 days of the initial report. Written reports prepared as required by other rules may be submitted to fulfill this requirement if the reports contain all of the required information in this subsection. The report shall include the following:
  - 1. A description of the event, including the probable cause and the manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;
  - 2. The exact location of the event;
  - 3. The isotopes, quantities, and chemical and physical form of the licensed material involved;
  - 4. Date and time of the event;
  - 5. Corrective actions taken or planned and the results of any evaluations or assessments; and
  - 6. The extent of personnel exposure to radiation or to radioactive materials without identification of each exposed individual by name.

**Historical Note**

New Section R9-7-448 recodified from R12-1-448, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-449. Survey Instruments and Pocket Dosimeters**

- A. Each licensee or registrant shall ensure that survey instruments used to show compliance with this Article have been calibrated before first use, annually, and following repair, unless otherwise specified in this Chapter.
- B. To satisfy the requirements of subsection (A), the licensee or registrant shall:
  - 1. For each scale to be calibrated, calibrate two readings separated by at least 50 percent of scale rating; and
  - 2. Conspicuously note on the instrument the apparent radiation level, in appropriate units for the type of survey instrument being used and the date of calibration.
- C. Each licensee or registrant shall check each survey instrument for proper operation with the dedicated check source after calibration and before each use.
- D. The licensee or registrant shall retain a record of each calibration required in subsection (A) for three years. The record shall include:
  - 1. A description of the calibration procedure; and
  - 2. A description of the source used, the certified dose rates from the source, the rates indicated by the instrument

being calibrated, the correction factors deduced from the calibration data, the signature of the individual who performed the calibration, and the date of calibration.

- E. To meet the requirements of subsections (A), (B), and (C), the licensee or registrant may obtain the services of persons licensed or registered by the Department, the NRC, an Agreement State, or a Licensing State to perform calibrations of survey instruments. Licensing records of the service person authorization shall be maintained for three years by the licensee or registrant obtaining the service.
- F. Each licensee or registrant shall ensure that pocket dosimeters used to show compliance with this Article:
  - 1. Have been evaluated for proper operation annually and following repair, using a procedure acceptable to the Department, unless a more frequent evaluation is required by license condition (Unless the dosimeter is electronic, the evaluation of the dosimeter shall include a drift test over a 24-hour period.); and
  - 2. Meet the performance criteria listed in R9-7-523(C) and R9-7-1130(C).
- G. Records of personnel dosimeter operational checks shall be maintained for three years.

**Historical Note**

New Section R9-7-449 recodified from R12-1-449, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-450. Sealed Sources**

- A. A licensee shall only receive, possess, and use radioactive materials contained in a sealed source that has been manufactured, labeled, packaged, and distributed in accordance with a specific license for its manufacture and distribution. The license to manufacture and distribute a sealed source shall be issued by the Department, the U.S. Nuclear Regulatory Commission, a Licensing State, or another Agreement State.
- B. A licensee who possesses and uses a sealed source, or any device or equipment that contains a sealed source, shall follow the radiation safety and handling instructions approved by the Department or follow the radiation safety and handling instructions furnished by the manufacturer on the label attached to the source, on the permanent container of the source, or in a leaflet or brochure that accompanies the source, and maintain the instructions in a legible and conveniently available form. If the handling instructions, leaflet, or brochure is no longer available and a copy cannot be obtained from the manufacturer, the licensee shall notify the Department that the source handling information is no longer available.
- C. Inventories:
  - 1. An inventory shall be conducted at intervals not to exceed six months, unless a shorter interval is specified by license condition.
  - 2. The records of the inventory shall be maintained for three years from the date of the inventory, and shall be available for inspection by the Department.
  - 3. The information recorded shall include:
    - a. The kind and quantity of radioactive material,
    - b. The model and serial number of the source or the device in which it is mounted,
    - c. The location of the sealed source,
    - d. The date of the inventory, and
    - e. The signature of the person performing the inventory.
- D. Any licensee who possesses and uses sealed sources in the practice of medicine shall conduct a physical inventory according to the requirements in 9 A.A.C. 7, Article 7.

## Department of Health Services - Radiation Control

- E. Sealed sources, containing radioactive material, shall not be opened unless authorized by license condition.
- F. Sealed sources and machines, devices, or equipment containing sealed sources shall be used in accordance with procedures described in the manufacturer's instructions and the safety precautions described in the Nuclear Regulatory Commission Sealed Sources and Device Registry, unless the instructions or precautions conflict with these rules or license condition.

**Historical Note**

New Section R9-7-450 recodified from R12-1-450, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-451. Termination of a Radioactive Material License or a Licensed Activity**

- A. As the final step before terminating a radioactive material use program licensed under R9-7-312, the licensee shall:
  - 1. Certify to the Department the disposition of all licensed material, including accumulated wastes, by submitting a complete description of a disposal plan with signed receipts from all licensed persons receiving the licensed material; and
  - 2. Conduct a radiation survey of the premises where the licensed activities were carried out to demonstrate that the premises are suitable for release in accordance with the criteria for decommissioning in R9-7-452 and submit to the Department a report of the results of this survey, unless the licensee demonstrates in some other manner acceptable to the Department that the premises are suitable for release in accordance with the criteria for decommissioning in R9-7-452.
- B. Before terminating a licensed program, each licensee authorized to possess radioactive material with a half-life greater than 120 days, in any unsealed form, shall forward the following records to the Department:
  - 1. Records of disposal of the licensed material required by R9-7-435, R9-7-436, R9-7-437, and R9-7-438; and
  - 2. Records required by R9-7-418(D)(2)(d).
- C. If a licensed activity is transferred or assigned in accordance with subsection (E), each licensee authorized to possess radioactive material with a half-life greater than 120 days, in any unsealed form, shall transfer the following records to the new licensee and the new licensee shall maintain these records until the license is terminated:
  - 1. Records of disposal of licensed material required by R9-7-435, R9-7-436, R9-7-437, and R9-7-438; and
  - 2. Records required by R9-7-418(D)(2)(d).
- D. Before the Department terminates a license, each licensee shall forward the records required by subsection (E) to the Department.
- E. A person licensed under R9-7-312 shall maintain required records regarding decommissioning of a facility in a location identified on the license until the Department releases the site for unrestricted use. Before transfer or assignment of licensed activities, a licensee shall transfer all records required by this Section to the transferee. If records relating to facility decommissioning are kept for other purposes, the transferee shall refer to these records and provide their location on the transferee's application for a license. The transferee shall maintain the records until the Department terminates the transferee's new license. The new licensee shall maintain the following decommissioning records for Department review:
  - 1. Records of spills or other occurrences involving the spread of contamination in and around the facility, equipment, or site. The licensee shall maintain a record of any instance when contamination remains after cleanup procedures or there is a reasonable likelihood that a contami-

nant has spread to an inaccessible area, as in the case of possible seepage into porous material such as concrete. These records shall include any known information that identifies any radionuclide involved and its quantity, form, and concentration.

- 2. As-built drawings showing modifications of structures and equipment in restricted areas where radioactive materials are used or stored, and locations of possible inaccessible contamination, such as buried pipes. If as-built drawings are referenced, the licensee need not index each relevant document individually. If drawings are not available, the licensee shall provide records with known information concerning these areas and locations, as prescribed in subsection (E)(1).
- 3. Except for areas that contain depleted uranium used only for shielding or as penetrators in unused munitions, a list, contained in a single document and updated every two years, of the following:
  - a. Any area designated or formerly designated as a restricted area as defined under R9-7-102;
  - b. Any area outside of a restricted area for which documentation is required under subsection (B)(1);
  - c. Any area outside of a restricted area where wastes have been buried;
  - d. Any area outside of a restricted area that contains regulated radioactive material that will require the licensee to either decontaminate the area for decommissioning under R9-7-452 or obtain disposal approval under R9-7-435; and
  - e. Any restricted area where wastes have been buried.
- 4. Records of the cost estimate performed for the decommissioning funding plan or the amount certified by the Department for decommissioning and the method for assuring funding, if either a funding plan or certification is used.

**Historical Note**

New Section R9-7-451 recodified from R12-1-451, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-452. Radiological Criteria for License Termination**

- A. General provisions and scope:
  - 1. The criteria in this Section apply to the decommissioning of facilities licensed under Article 3 of this Chapter. The criteria do not apply to uranium and thorium recovery facilities already subject to 10 CFR 40, Appendix A, or to uranium solution extraction facilities.
  - 2. The criteria in this Section do not apply to sites that:
    - a. Have been decommissioned before the effective date of this Section; or
    - b. Have previously submitted and received Department approval of a license termination plan (LTP) or decommissioning plan.
  - 3. If a site has been decommissioned and the license terminated in accordance with the criteria in this Section, the Department shall not require additional cleanup unless, based on new information, the Department determines that the criteria of this Section were not met and residual radioactivity at the site is a threat to public health and safety.
  - 4. When calculating the TEDE for the average member of the critical group, a licensee shall use the peak annual dose expected within the first 1000 years after decommissioning.
- B. Radiological criteria for unrestricted use. The Department considers a site acceptable for unrestricted use if the licensee reduces residual radioactivity, distinguishable from back-

## Department of Health Services - Radiation Control

ground radiation, to a TEDE for an average member of the critical group that does not exceed 0.15 mSv (15 mrem) per year, including radiation from groundwater sources of drinking water, and the residual radioactivity is as low as reasonably achievable (ALARA). To determine the level that is ALARA, the Department and the licensee shall take into account any detriment, such as deaths from transportation accidents, that is likely to result from decontamination and waste disposal.

**C. Criteria for license termination under restrictive conditions.** The Department considers a site acceptable for license termination if the licensee meets all of the following restrictive conditions:

1. The licensee demonstrates that a reduction in residual radioactivity, necessary to comply with subsection (B), will result in net public or environmental harm or is not being made because the residual level of radioactivity is ALARA. To determine the level that is ALARA, the Department and the licensee shall take into account any detriment, such as deaths from transportation accidents, that is likely to result from decontamination and waste disposal;
  2. The licensee establishes one or more legally enforceable institutional controls that reduce residual radioactivity, distinguishable from background radiation, to a TEDE for the average member of the critical group that does not exceed (0.15 mSv) 15 mrem per year, including radiation from groundwater sources of drinking water;
  3. The licensee demonstrates financial assurance that complies with R9-7-323(C), which enables an independent third party, including a governmental custodian of the site, to assume and carry out responsibilities for control and maintenance of the site and funds placed into a trust segregated from the licensee's assets and outside the licensee's administrative control, and in which the adequacy of the trust funds is to be assessed based on an assumed annual 1 percent real rate of return on investment;
  4. The licensee submits a decommissioning plan or License Termination Plan (LTP) to the Department, indicating the licensee's intent to decommission in accordance with R9-7-323 and specifying that the licensee intends to decommission by restricting use of the site. The licensee shall document in the LTP or decommissioning plan how comments from individuals and institutions in the community, who may be affected by the decommissioning, have been sought and addressed after analysis.
    - a. If a licensee is restricting use of the site, the licensee shall seek comments from the public concerning the proposed decommissioning, regarding all of the following matters:
      - i. Whether the institutional controls proposed by the licensee will reduce residual radioactivity, distinguishable from background radiation, to a TEDE for the average member of the critical group that does not exceed 0.15 mSv (15 mrem) per year; are enforceable; and do not impose an unreasonable burden on the local community or other affected parties; and
      - ii. Whether the licensee has provided financial assurance that complies with R9-7-323(C), which enables an independent third party, including a governmental custodian of the site, to assume and carry out responsibilities for control and maintenance of the site;
    - b. In seeking comments on the issues identified in subsection (C)(4)(a), the licensee shall provide for:
      - i. Participation by representatives of a broad cross section of community interests that may be affected by the decommissioning;
      - ii. An opportunity for a comprehensive discussion of the issues by all of the community representatives; and
      - iii. A publicly available document that contains or access to each oral and written comment that reflects the viewpoints of community representatives on each issue and the extent of agreement or disagreement among representatives on each issue; and
5. The licensee reduces residual radioactivity, distinguishable from background radiation, at the site so that if the institutional controls are no longer in effect, the TEDE for the average member of the critical group is as low as reasonably achievable and does not exceed 1 mSv (100 mrem) per year; unless the licensee:
- a. Demonstrates that a further reduction in residual radioactivity necessary to comply with subsection (C)(5) is not technically achievable or economically feasible, or will result in net public or environmental harm;
  - b. Provides for durable institutional controls; and
  - c. Provides financial assurance that complies with R9-7-323(C), which enables an independent third party, including a governmental custodian of the site, to carry out periodic rechecks of the site, no less frequently than every five years; assures that each institutional control remains in place according to subsection (C)(3); and assumes and carries out responsibilities for maintenance of the institutional control.

**D. Alternate criteria for license termination:**

1. Based on circumstances that relate to a specific license, the Department may terminate the license using the following alternate criteria for subsections (B) or (C)(2), if the licensee demonstrates that the TEDE from residual radioactivity, distinguishable from background radiation, for an average member of the critical group does not exceed 0.15 mSv (15 mrem) per year, and if the licensee:
  - a. Ensures that public health and safety is protected by submitting an analysis of possible sources of exposure, prepared by a independent qualified expert, which indicates whether it is likely that the dose from all human-made sources combined, other than medical sources, is more than the 1 mSv/y (100 mrem/y) limit in R9-7-416;
  - b. Employs to the extent practicable, restrictions on site use, according to the provisions of subsection (C) to minimize exposures at the site;
  - c. Reduces doses to ALARA levels, taking into consideration any detriments such as traffic accidents expected to potentially result from decontamination and waste disposal; d.Submits a decommissioning plan or License Termination Plan (LTP) to the Department that indicates the licensee's intent to decommission in accordance with R9-7-323, and specifies that the licensee proposes to decommission by use of alternate criteria. The licensee shall document in the decommissioning plan or LTP how comments from individuals and institutions in the community, who may be affected by the decommissioning, have been sought and addressed after analysis. In seeking comments, the licensee shall provide for:

## Department of Health Services - Radiation Control

- i. Participation by representatives of a broad cross section of community interests that may be affected by the decommissioning;
  - ii. An opportunity for a comprehensive discussion of the issues by all of the community representatives; and
  - iii. A publicly available document that contains or access to each oral and written comment that reflects viewpoints of community representatives on each issue and the extent of agreement and disagreement among the representatives on each issue; and
  - e. Has provided sufficient financial assurance in the form of a trust fund to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site.
2. The use of alternate criteria to terminate a license requires approval by the Department after consideration of any comments provided by the U.S. Environmental Protection Agency and any public comments submitted under subsection (E).

**E. Public notification and public participation:**

1. Upon the receipt of an LTP or decommissioning plan from a licensee, or a proposal by a licensee for release of a site under subsection (C) or (D), or whenever the Department determines that notice will serve the public interest, the Department shall notify and solicit comments from:
  - a. Local and state governments in the vicinity of the site and any Indian Nation or other indigenous people that have treaty or statutory rights that could be affected by the decommissioning; and
  - b. The U.S. Environmental Protection Agency.
2. To comply with subsection(E)(1) the Department shall publish a notice in a local newspaper, send letters to state or local organizations on its mailing list, hold a public hearing that is readily accessible to individuals in the vicinity of the site, and solicit comments from the public.

**F. Minimization of contamination.** After the effective date of this Section, an applicant for a license, other than a renewal, shall describe in the application how facility design and procedures for operation will facilitate eventual decommissioning and minimize, to the extent practicable, the generation of radioactive waste and contamination of the facility and the environment.

1. Applicants for standard design certifications, standard design approvals, and manufacturing licenses shall describe in the application how facility design will minimize, to the extent practicable, contamination of the facility and the environment, facilitate eventual decommissioning, and minimize, to the extent practicable, the generation of radioactive waste.
2. Licensees shall, to the extent practical, conduct operations to minimize the introduction of residual radioactivity into the site, including the subsurface, in accordance with the existing radiation protection requirements in this Article and radiological criteria for license termination in this Article.

**G. The Department considers a site acceptable for unrestricted use if the residual radioactivity, distinguishable from background radiation, is equal to or less than the values in Table 1.****Historical Note**

New Section R9-7-452 recodified from R12-1-452, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Table 1. Acceptable Surface Contamination<sup>1</sup> Levels**

Radionuclide <sup>1</sup>	Average <sup>2,3</sup>	Maximum <sup>2,4</sup>	Removable <sup>2,5</sup>
U-nat, U-235, U-238, and associated decay products	5,000 dpm/100 cm <sup>2</sup>	15,000 dpm/100cm <sup>2</sup>	1,000 dpm/100 cm <sup>2</sup>
Transuranics, Ra-226, Ra-228, Th-230, Pa-231, Ac-227, I-125, I-129	100dpm/100cm <sup>2</sup>	300 dpm/100cm <sup>2</sup>	20dpm/100cm <sup>2</sup>
Th-nat, Th-232, Sr-90, Ra-223, Ra-224, U-232, I-126, I-131, I-133	1000 dpm/100cm <sup>2</sup>	3000 dpm/100cm <sup>2</sup>	200 dpm/100cm <sup>2</sup>
Beta-gamma (Exceptions noted above)	5,000 dpm/100 cm <sup>2</sup>	15,000 dpm/100cm <sup>2</sup>	1,000 dpm/100 cm <sup>2</sup>

<sup>1</sup> Where surface contamination by both alpha-and beta-gamma-emitting radionuclides exists, the limits established for alpha-and beta-gamma-emitting radionuclides apply independently.

<sup>2</sup> As used in this table, dpm (disintegrations per minute) means the rate of emission by radioactive material as determined by correcting the counts per minute observed on an instrument calibrated for background, efficiency, and geometric factors associated with the instrumentation, in accordance with R9-7-449.

<sup>3</sup> Measurements of average contamination level shall not be averaged over more than one square meter. For objects of less surface area, the average shall be derived for each object.

<sup>4</sup> The maximum contamination level applies to an area of not more than 100 cm<sup>2</sup>.

<sup>5</sup> The amount of removable radioactive material per 100 cm<sup>2</sup> of surface area shall be determined by wiping that area with dry filter or soft absorbent paper, applying moderate pressure, and assessing the amount of radioactive material on the wipe with an instrument calibrated in accordance with R9-7-449. When removable contamination on objects of surface area A (where A is less than 100 sq. cm) is determined, the entire surface shall be wiped and the contamination level multiplied by 100/A to convert to a "per 100 sq. cm" basis.

**Historical Note**

New Article 4, Table 1 recodified from 12 A.A.C. 1, Article 4, Table 1, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-453. Reports to Individuals of Exceeding Dose Limits**

Any licensee or registrant that reports a personnel exposure to the Department in accordance with R9-7-413(A)(6), R9-7-444, or R9-7-452 shall:

1. Notify the exposed individual of the exposure addressed in the report; and
2. Transmit the report to the exposed individual at the same time the Department is notified of the exposure.

**Historical Note**

New Section R9-7-453 recodified from R12-1-453, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-454. Nationally Tracked Sources**

A. A licensee who manufactures, receives, transfers, disassembles, or disposes of a nationally tracked source shall complete

## Department of Health Services - Radiation Control

and submit to the Nuclear Regulatory Commission's National Source Tracking System and the Department, a National Source Tracking Transaction Report that contains the information required in 10 CFR 20.2207(a) through (e), revised January 1, 2008, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments. The report shall be submitted by the close of the next business day after the transaction using a reporting method specified in 10 CFR 20.2207(f), revised January 1, 2008, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

- B. The initial National Source Tracking Transaction Report shall contain the information required in subsection (A), be submitted using a method specified in 10 CFR 20.2207(f) and include the additional information required by 10 CFR 20.2207(h)(1) through (6), revised January 1, 2008, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- C. A licensee shall correct any error in previously filed National Source Tracking Transaction Reports or file a new report for any missed transaction within five business days of the discovery of the error or missed transaction in accordance with 10

CFR 20.2207(g), revised January 1, 2008, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

- D. A licensee who receives a nationally tracked sealed source shall not disassemble the source unless specifically authorized to do so by the Department.

**Historical Note**

New Section R9-7-454 recodified from R12-1-454, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-455. Security Requirements for Portable Gauges**

- A. A licensee that uses a portable gauge shall use a minimum of two independent controls to maintain security while:
  - 1. Transporting a portable gauge; and
  - 2. Storing a portable gauge.
- B. Each control shall form a tangible barrier that will prevent unauthorized removal whenever a portable gauge is not under the control and constant surveillance of the licensee.
- C. A licensee shall employ controls approved by the Department.

**Historical Note**

New Section R9-7-455 recodified from R12-1-455, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

## Department of Health Services - Radiation Control

**Appendix A. Assigned Protection Factors for Respirators<sup>a</sup>**

	Operating mode	Assigned Protection Factors
<b>I. Air Purifying Respirators [Particulate<sup>b</sup> only]<sup>c</sup>:</b>		
Filtering face piece disposable <sup>d</sup>	Negative	( <sup>d</sup> )
Face piece, half <sup>e</sup>	Negative Pressure	10
Face piece, full	Negative Pressure	100
Face piece, half	Powered Air-purifying Respirators	50
Face piece, full	Powered Air-purifying Respirators	1000
Helmet/hood	Powered Air-purifying Respirators	1000
Face piece, loose-fitting	Powered Air-purifying Respirators	25
<b>II. Atmosphere supplying respirators [particulate, gases and vapors<sup>f</sup>]:</b>		
<b>1. Air-line respirator:</b>		
Face piece, half	Demand	10
Face piece, half	Continuous Flow	50
Face piece, half	Pressure Demand	50
Face piece, full	Demand	100
Face piece, full	Continuous Flow	1000
Face piece, full	Pressure Demand	1000
Helmet/hood	Continuous Flow	1000
Face piece, loose-fitting	Continuous Flow	25
Suit	Continuous Flow	( <sup>g</sup> )
<b>2. Self-contained breathing Apparatus (SCBA):</b>		
Face piece, full	Demand	<sup>h</sup> 100
Face piece, full	Pressure Demand	<sup>1</sup> 10,000
Face piece, full	Demand, Recirculating	<sup>h</sup> 100
Face piece, full	Positive Pressure Recirculating	<sup>1</sup> 10,000
<b>III. Combination Respirators:</b>		
Any combination of air-purifying and atmosphere-supplying respirators	Assigned protection factor for type and mode of operation as listed above	

<sup>a</sup> These assigned protection factors apply only in a respiratory protection program that meets the requirements of this Article. They are applicable only to airborne radiological hazards and may not be appropriate if chemical or other respiratory hazards exist instead of, or in addition to, radioactive hazards. A licensee shall comply with Department of Labor regulations, regarding selection and use of respirators for those circumstances.

Radioactive contaminants for which the concentration values in Table 1, Column 3 of Appendix B are based on internal dose due to inhalation may, in addition, present external exposure hazards at higher concentrations. Under these circumstances, limitations on occupancy may have to be governed by external dose limits.

<sup>b</sup> A licensee shall equip air purifying respirators of APF<100 with particulate filters that are at least 95 percent efficient. The licensee shall equip air purifying respirators of APF=100 with particulate filters that are at least 99 percent efficient. The licensee shall equip air purifying respirators of APF>100 with particulate filters that are at least 99.97 percent efficient.

<sup>c</sup> A licensee may apply to the Commission for the use of an APF greater than 1 for sorbent cartridges as protection against airborne radioactive gases and vapors, similar to radioiodine.

<sup>d</sup> A Licensee may permit an individual to use this type of respirator if the individual has not been medically screened or fit tested on the device, provided that no credit is taken for use of these respirators in estimation of intake or dose. It is also recognized that it is difficult to perform an effective positive or negative pressure pre-use user seal check on this type of device. All other respiratory protection program requirements listed in 10 CFR 20.1703, January 2000 Edition, and published January 1, 2000, apply and are incorporated by reference and available for review at the Department and Secretary of State. This incorporation by reference contains no future editions or amendments. There is no assigned protection factor for these devices. However, a licensee may use an APF equal to 10 if the licensee can demonstrate a fit factor of at least 100 by use of a validated or evaluated, qualitative or quantitative fit test.

<sup>e</sup> Under-chin type only. No distinction is made in this appendix between elastomeric half-masks with replaceable cartridges and those designed with the filter medium as an integral part of the face piece (disposable or reusable disposable). Both types are acceptable as long as the seal area of the latter contains some substantial type of seal-enhancing material, such as rubber or plastic, two or more suspension straps are adjustable, the filter medium is at least 95 percent efficient, and all other requirements of this Article are met.

<sup>f</sup> The assigned protection factors for gases and vapors are not applicable to radioactive contaminants that present an absorption or submersion hazard. For tritium oxide vapor, approximately one-third of the intake occurs by absorption through the skin so that an overall pro-

## Department of Health Services - Radiation Control

tection factor of 3 is appropriate when atmosphere-supplying respirators are used to protect against tritium oxide. Exposure to radioactive noble gases is not considered a significant respiratory hazard and protective actions for these contaminants should be based on external (submersion) dose considerations.

<sup>g</sup> No NIOSH approval schedule is currently available for atmosphere supplying suits. This equipment may be used in an acceptable respiratory protection program as long as all the other minimum program requirements, with the exception of fit testing, are met. The minimum program requirements are provided in 10 CFR 20.1703.

<sup>h</sup> The licensee shall implement institutional controls to assure that these devices are not used in areas immediately dangerous to life or health (IDLH).

<sup>i</sup> This type of respirator may be used as an emergency device in unknown concentrations for protection against inhalation hazards. External radiation hazards and other limitations to permitted exposure such as skin absorption shall be taken into account in these circumstances. This device may not be used by any individual who experiences perceptible outward leakage of breathing gas while wearing the device.

**Historical Note**

New Appendix A recodified from 12 A.A.C. 1, Article 4, Appendix A, effective March 22, 2018 (Supp. 18-1).

**Appendix B. Annual Limits on Intake (ALI) and Derived Air Concentrations (DAC) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sanitary Sewerage****Introduction**

For each radionuclide, Table I indicates the chemical form which is to be used for selecting the appropriate ALI or DAC value. The ALIs and DACs for inhalation are given for an aerosol with an activity median aerodynamic diameter (AMAD) of 1  $\mu\text{m}$ , micron, and for three classes (D,W,Y) of radioactive material, which refer to their retention (approximately days, weeks, or years) in the pulmonary region of the lung. This classification applies to a range of clearance half-times for D if less than 10 days, for W from 10 to 100 days, and for Y greater than 100 days. Table II provides concentration limits for airborne and liquid effluents released to the general environment. Table III provides concentration limits for discharges to sanitary sewerage.

**Note:**

The values in Tables I, II, and III are presented in the computer "E" notation. In this notation a value of 6E-02 represents a value of  $6 \times 10^{-2}$  or 0.06, 6E+2 represents  $6 \times 10^2$  or 600, and 6E+0 represents  $6 \times 10^0$  or 6.

**Table I "Occupational Values"**

Note that the columns in Table I of this Appendix captioned "Oral Ingestion ALI," "Inhalation ALI," and "DAC" are applicable to occupational exposure to radioactive material.

The ALIs in this Appendix are the annual intakes of given radionuclide by "Reference Man" which would result in either (1) a committed effective dose equivalent of 0.05 Sv (5 rem), stochastic ALI, or (2) a committed dose equivalent of 0.5 Sv (50 rem) to an organ or tissue, nonstochastic ALI. The stochastic ALIs were derived to result in a risk, due to irradiation of organs and tissues, comparable to the risk associated with deep-dose equivalent to the whole body of 0.05 Sv (5 rem). The derivation includes multiplying the committed dose equivalent to an organ or tissue by a weighting factor,  $W_T$ . This weighting factor is the proportion of the risk of stochastic effects resulting from irradiation of the organ or tissue, T, to the total risk of stochastic effects when the whole body is irradiated uniformly. The values of  $W_T$  are listed under the definition of weighting factor in R9-7-403. The nonstochastic ALIs were derived to avoid nonstochastic effects, such as prompt damage to tissue or reduction in organ function.

A value of  $W_T = 0.06$  is applicable to each of the five organs or tissues in the "remainder" category receiving the highest dose equivalents, and the dose equivalents of all other remaining tissues may be disregarded. The following portions of the GI tract -- stomach, small intestine, upper large intestine, and lower large intestine -- are to be treated as four separate organs.

Note that the dose equivalents for an extremity, skin, and lens of the eye are not considered in computing the committed effective dose equivalent but are subject to limits that shall be met separately.

When an ALI is defined by the stochastic dose limit, this value alone is given. When an ALI is determined by the nonstochastic dose limit to an organ, the organ or tissue to which the limit applies is shown, and the ALI for the stochastic limit is shown in parentheses. Abbreviated organ or tissue designations are used:

LLI wall	=	lower large intestine wall,
St. wall	=	stomach wall,
Blad wall	=	bladder wall, and
Bone surf	=	Bone surface.

The use of the ALIs listed first, the more limiting of the stochastic and nonstochastic ALIs, will ensure that nonstochastic effects are avoided and that the risk of stochastic effects is limited to an acceptably low value. If, in a particular situation involving a radionuclide for which the nonstochastic ALI is limiting, use of that nonstochastic ALI is considered unduly conservative, the licensee may use the stochastic ALI to determine the committed effective dose equivalent. However, the licensee shall also ensure that the 0.5 Sv (50 rem) dose equivalent limit for any organ or tissue is not exceeded by the sum of the external deep-dose equivalent plus the internal committed dose equivalent to that organ, not the effective dose. For the case where there is no external dose contribution, this would be demonstrated if the sum of the fractions of the nonstochastic ALIs ( $ALI_{ns}$ ) that contribute to the committed dose equivalent to the organ receiving the highest dose does not exceed unity, that is,  $\Sigma (\text{intake (in } \mu\text{Ci)}) / ALI_{ns} \leq 1.0$ . If there is an external deep dose equivalent contribution of  $H_d$ , then this sum must be less than  $1 - (H_d/50)$ , instead of  $\leq 1.0$ .

Note that the dose equivalents for an extremity, skin, and lens of the eye are not considered in computing the committed effective dose equivalent but are subject to limits that must be met separately.

The derived air concentration (DAC) values are derived limits intended to control chronic occupational exposures. The relationship between the DAC and the ALI is given by:

$$DAC = ALI(\text{in } \mu\text{Ci}) / (2000 \text{ hours per working year} \times 60 \text{ minutes/hour} \times 2 \times 10^4 \text{ ml per minute}) = [ALI / 2.4 \times 10^9] \mu\text{Ci/ml},$$

where  $2 \times 10^4$  ml is the volume of air breathed per minute at work by Reference Man under working conditions of light work.

The DAC values relate to one of two modes of exposure: either external submersion or the internal committed dose equivalents resulting from inhalation of radioactive materials. DACs based

## Department of Health Services - Radiation Control

upon submersion are for immersion in a semi-infinite cloud of uniform concentration and apply to each radionuclide separately.

The ALI and DAC values include contributions to exposure by the single radionuclide named and any in-growth of daughter radionuclides produced in the body by decay of the parent. However, intakes that include both the parent and daughter radionuclides shall be treated by the general method appropriate for mixtures.

The values of ALI and DAC do not apply directly when the individual both ingests and inhales a radionuclide, when the individual is exposed to a mixture of radionuclides by either inhalation or ingestion or both, or when the individual is exposed to both internal and external irradiation. See R9-7-407. When an individual is exposed to radioactive materials which fall under several of the translocation classifications of the same radionuclide, such as Class D, Class W, or Class Y, the exposure may be evaluated as if it were a mixture of different radionuclides.

It should be noted that the classification of a compound as Class D, W, or Y is based on the chemical form of the compound and does not take into account the radiological half-life of different radionuclides. For this reason, values are given for Class D, W, and Y compounds, even for very short-lived radionuclides.

**Table II "Effluent Concentrations"**

The columns in Table II of this Appendix captioned "Effluents," "Air," and "Water" are applicable to the assessment and control of dose to the public, particularly in the implementation of the provisions of R9-7-415. The concentration values given in Columns 1 and 2 of Table II are equivalent to the radionuclide concentrations which, if inhaled or ingested continuously over the course of a year, would produce a total effective dose equivalent of 0.5 mSv (0.05 rem).

Consideration of nonstochastic limits has not been included in deriving the air and water effluent concentration limits because nonstochastic effects are presumed not to occur at or below the dose levels established for individual members of the public. For radionuclides, where the nonstochastic limit was governing in deriving the occupational DAC, the stochastic ALI was used in deriving the corresponding airborne effluent limit in Table II. For this reason, the DAC and airborne effluent limits are not always proportional as they were in earlier versions of Appendix A of Article 4.

The air concentration values listed in Table II, Column 1 were derived by one of two methods. For those radionuclides for which the stochastic limit is governing, the occupational stochastic inhalation ALI was divided by  $2.4 \times 10^9$ , relating the inhalation ALI to the DAC, as explained above, and then divided by a factor of 300. The factor of 300 includes the following components: a factor of 50 to relate the 0.05 Sv (5 rem) annual occupational dose limit to the 0.1 rem limit for members of the public, a factor of 3 to adjust for the difference in exposure time and the inhalation rate for a worker and that for members of the public; and a factor of 2 to adjust the occupational values, derived for adults, so that they are applicable to other age groups.

For those radionuclides for which submersion, that is external dose, is limiting, the occupational DAC in Table I, Column 3 was divided by 219. The factor of 219 is composed of a factor of 50, as described above, and a factor of 4.38 relating occupational exposure for 2,000 hours per year to full-time exposure (8,760 hours per year). Note that an additional factor of 2 for age considerations is not warranted in the submersion case.

The water concentrations were derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by  $7.3 \times 10^7$ . The factor of  $7.3 \times 10^7$  (ml) includes the following components: the factors of 50 and 2 described above and a factor of  $7.3 \times 10^5$  (ml) which is the annual water intake of Reference Man.

Note 2 of this Appendix provides groupings of radionuclides which are applicable to unknown mixtures of radionuclides. These groupings, including occupational inhalation ALIs and DACs, air and water effluent concentrations, and releases to sewer, require demonstrating that the most limiting radionuclides in successive classes are absent. The limit for the unknown mixture is defined when the presence of one of the listed radionuclides cannot be definitely excluded as being present either from knowledge of the radionuclide composition of the source or from actual measurements.

**Table III "Releases to Sewers"**

The monthly average concentrations for release to sanitary sewerage are applicable to the provisions in R9-7-435. The concentration values were derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by  $7.3 \times 10^6$  (ml). The factor of  $7.3 \times 10^6$  (ml) is composed of a factor of  $7.3 \times 10^5$  (ml), the annual water intake by Reference Man, and a factor of 10, such that the concentrations, if the sewage released by the licensee were the only source of water ingested by a Reference Man during a year, would result in a committed effective dose equivalent of 0.5 rem.



## Department of Health Services - Radiation Control

## LIST OF ELEMENTS

<u>Name</u>	<u>Symbol</u>	<u>Atomic Number</u>	<u>Name</u>	<u>Symbol</u>	<u>Atomic Number</u>
Actinium	Ac	89	Molybdenum	Mo	42
Aluminum	Al	13	Neodymium	Nd	60
Americium	Am	95	Neptunium	Np	93
Antimony	Sb	51	Nickel	Ni	28
Argon	Ar	18	Niobium	Nb	41
Arsenic	As	33	Nitrogen	N	7
Astatine	At	85	Osmium	Os	76
Barium	Ba	56	Oxygen	O	8
Berkelium	Bk	97	Palladium	Pd	46
Beryllium	Be	4	Phosphorus	P	15
Bismuth	Bi	83	Platinum	Pt	78
Bromine	Br	35	Plutonium	Pu	94
Cadmium	Cd	48	Polonium	Po	84
Calcium	Ca	20	Potassium	K	19
Californium	Cf	98	Praseodymium	Pr	59
Carbon	C	6	Promethium	Pm	61
Cerium	Ce	58	Protactinium	Pa	91
Cesium	Cs	55	Radium	Ra	88
Chlorine	Cl	17	Radon	Rn	86
Chromium	Cr	24	Rhenium	Re	75
Cobalt	Co	27	Rhodium	Rh	45
Copper	Cu	29	Rubidium	Rb	37
Curium	Cm	96	Ruthenium	Ru	44
Dysprosium	Dy	66	Samarium	Sm	62
Einsteinium	Es	99	Scandium	Sc	21
Erbium	Er	68	Selenium	Se	34
Europium	Eu	63	Silicon	Si	14
Fermium	Fm	100	Silver	Ag	47
Fluorine	F	9	Sodium	Na	11
Francium	Fr	87	Strontium	Sr	38
Gadolinium	Gd	64	Sulfur	S	16
Gallium	Ga	31	Tantalum	Ta	73
Germanium	Ge	32	Technetium	Tc	43
Gold	Au	79	Tellurium	Te	52
Hafnium	Hf	72	Terbium	Tb	65
Holmium	Ho	67	Thallium	Tl	81
Hydrogen	H	1	Thorium	Th	90
Indium	In	49	Thulium	Tm	69
Iodine	I	53	Tin	Sn	50
Iridium	Ir	77	Titanium	Ti	22
Iron	Fe	26	Tungsten	W	74
Krypton	Kr	36	Uranium	U	92
Lanthanum	La	57	Vanadium	V	23
Lead	Pb	82	Xenon	Xe	54
Lutetium	Lu	71	Ytterbium	Yb	70
Magnesium	Mg	12	Yttrium	Y	39
Manganese	Mn	25	Zinc	Zn	30
Mendelevium	Md	101	Zirconium	Zr	40
Mercury	Hg	80			

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
1	Hydrogen-3	Water, DAC includes skin absorption	8E+4	8E+4	2E-5	1E-7	1E-3	1E-2
		Gas (HT or T <sub>2</sub> ) Submersion <sup>1</sup> : Use above values as HT and T <sub>2</sub> oxidize in air and in the body to HTO.						
4	Beryllium-7	W, all compounds except those given for Y	4E+4	2E+4	9E-6	3E-8	6E-4	6E-3
		Y, oxides, halides, and nitrates	-	2E+4	8E-6	3E-8	-	-
4	Beryllium-10	W, see <sup>7</sup> Be	1E+3	2E+2	6E-8	2E-10	-	--
		LLI wall (1E+3)	-	-	-	-	2E-5	2E-4
		Y, see <sup>7</sup> Be	-	1E+1	6E-9	2E-11	-	-
6	Carbon-11 <sup>2</sup>	Monoxide	-	1E+6	5E-4	2E-6	-	-
		Dioxide	-	6E+5	3E-4	9E-7	-	-
		Compounds	4E+5	4E+5	2E-4	6E-7	6E-3	6E-2
6	Carbon-14	Monoxide	-	2E+6	7E-4	2E-6	-	-
		Dioxide	-	2E+5	9E-5	3E-7	-	-
		Compounds	2E+3	2E+3	1E-6	3E-9	3E-5	3E-4
7	Nitrogen-13 <sup>2</sup>	Submersion <sup>1</sup>	-	-	4E-6	2E-8	-	-
8	Oxygen-15 <sup>2</sup>	Submersion <sup>1</sup>	-	-	4E-6	2E-8	-	-
9	Fluorine-18 <sup>2</sup>	D, fluorides of H, Li, Na, K, Rb, Cs, and Fr	5E+4	7E+4	3E-5	1E-7	-	-
		St wall (5E+4)	-	-	-	-	7E-4	7E-3
		W, fluorides of Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, As, Sb, Bi, Fe, Ru, Os, Co, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, V, Nb, Ta, Mn, Tc, and Re	-	9E+4	4E-5	1E-7	-	-
		Y, Lanthanum fluoride	-	8E+4	3E-5	1E-7	-	-
11	Sodium-22	D, all compounds	4E+2	6E+2	3E-7	9E-10	6E-6	6E-5
11	Sodium-24	D, all compounds	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4
12	Magnesium-28	D, all compounds except those given for W	7E+2	2E+3	7E-7	2E-9	9E-6	9E-5
		W, oxides, hydroxides, carbides, halides, and nitrates	-	1E+3	5E-7	2E-9	-	-
13	Aluminum-26	D, all compounds except those given for W	4E+2	6E+1	3E-8	9E-11	6E-6	6E-5
		W, oxides, hydroxides, carbides, halides, and nitrates	-	9E+1	4E-8	1E-10	-	-
14	Silicon-31	D, all compounds except those given for W and Y	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, oxides, hydroxides, carbides, and nitrates	-	3E+4	1E-5	5E-8	-	-
		Y, aluminosilicate glass	-	3E+4	1E-5	4E-8	-	-
14	Silicon-32	D, see <sup>31</sup> Si	2E+3	2E+2	1E-7	3E-10	-	-
		LLI wall (3E+3)	-	-	-	-	4E-5	4E-4
		W, see <sup>31</sup> Si	-	1E+2	5E-8	2E-10	-	-
		Y, see <sup>31</sup> Si	-	5E+0	2E-9	7E-12	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
15	Phosphorus-32	D, all compounds except phosphates given for W	6E+2	9E+2	4E-7	1E-9	9E-6	9E-5
		W, phosphates of $\text{Zn}^{2+}$ , $\text{S}^{3+}$ , $\text{Mg}^{2+}$ , $\text{Fe}^{3+}$ , $\text{Bi}^{3+}$ , and Lanthanides	-	4E+2	2E-7	5E-10	-	-
15	Phosphorus-33	D, see $^{32}\text{P}$	6E+3	8E+3	4E-6	1E-8	8E-5	8E-4
		W, see $^{32}\text{P}$	-	3E+3	1E-6	4E-9	-	-
16	Sulfur-35	Vapor	1E+4	6E-6	2E-8	-	-	-
		D, sulfides and sulfates except those given for W	1E+4	2E+4	7E-6	2E-8	-	-
		LLI wall (8E+3)	6E+3	-	-	-	1E-4	1E-3
		W, elemental sulfur, sulfides of Sr, Ba, Ge, Sn, Pb, As, Sb, Bi, Cu, Ag, Au, Zn, Cd, Hg, W, and Mo. Sulfates of Ca, Sr, Ba, Ra, As, Sb, and Bi	-	2E+3	9E-7	3E-9	-	-
17	Chlorine-36	D, chlorides of H, Li, Na, K, Rb, Cs, and Fr	2E+3	2E+3	1E-6	3E-9	2E-5	2E-4
		W, chlorides of Lanthanides, Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, Ge, Sn, Pb, As, Sb, Bi, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, Hf, V, Nb, Ta, Cr, Mo, W, Mn, Tc, and Re	-	2E+2	1E-7	3E-10	-	-
17	Chlorine-38 <sup>2</sup>	D, see $^{36}\text{Cl}$	2E+4	4E+4	2E-5	6E-8	-	-
		St wall (3E+4)	-	-	-	-3E-4	3E-3	-
		W, see $^{36}\text{Cl}$	-	5E+4	2E-5	6E-8	-	-
17	Chlorine-39 <sup>2</sup>	D, see $^{36}\text{Cl}$	2E+4	5E+4	2E-5	7E-8	-	-
		St wall (4E+4)	-	-	-	-5E-4	5E-3	-
		W, see $^{36}\text{Cl}$	-	6E+4	2E-5	8E-8	-	-
18	Argon-37	Submersion <sup>1</sup>	-	-	1E+0	6E-3	-	-
18	Argon-39	Submersion <sup>1</sup>	-	-	2E-4	8E-7	-	-
18	Argon-41	Submersion <sup>1</sup>	-	-	3E-6	1E-8	-	-
19	Potassium-40	D, all compounds	3E+2	4E+2	2E-7	6E-10	4E-6	4E-5
19	Potassium-42	D, all compounds	5E+3	5E+3	2E-6	7E-9	6E-5	6E-4
19	Potassium-43	D, all compounds	6E+3	9E+3	4E-6	1E-8	9E-5	9E-4
19	Potassium-44 <sup>2</sup>	D, all compounds	2E+4	7E+4	3E-5	9E-8	-	-
		St wall (4E+4)	-	-	-	-	5E-4	5E-3
19	Potassium-45 <sup>2</sup>	D, all compounds	3E+4	1E+5	5E-5	2E-7	-	-
		St wall (5E+4)	-	-	-	-	7E-4	7E-3

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
20	Calcium-41	W, all compounds	3E+3	4E+3	2E-6	-	-	-
			Bone surf (4E+3)	Bone surf (4E+3)	-	5E-9	6E-5	6E-4
20	Calcium-45	W, all compounds	2E+3	8E+2	4E-7	1E-9	2E-5	2E-4
20	Calcium-47	W, all compounds	8E+2	9E+2	4E-7	1E-9	1E-5	1E-4
21	Scandium-43	Y, all compounds	7E+3	2E+4	9E-6	3E-8	1E-4	1E-3
21	Scandium-44m	Y, all compounds	5E+2	7E+2	3E-7	1E-9	7E-6	7E-5
21	Scandium-44	Y, all compounds	4E+3	1E+4	5E-6	2E-8	5E-5	5E-4
21	Scandium-46	Y, all compounds	9E+2	2E+2	1E-7	3E-10	1E-5	1E-4
21	Scandium-47	Y, all compounds	2E+3	3E+3	1E-6	4E-9	-	-
			LLI wall (3E+3)	-	-	-	4E-5	4E-4
21	Scandium-48	Y, all compounds	8E+2	1E+3	6E-7	2E-9	1E-5	1E-4
21	Scandium-49 <sup>2</sup>	Y, all compounds	2E+4	5E+4	2E-5	8E-8	3E-4	3E-3
22	Titanium-44	D, all compounds except those given for W and Y	3E+2	1E+1	5E-9	2E-11	4E-6	4E-5
		W, oxides, hydroxides, carbides, halides, and nitrates	-	3E+1	1E-8	4E-11	-	-
		Y, SrTiO	-	6E+0	2E-9	8E-12	-	-
22	Titanium-45	D, see <sup>44</sup> Ti	9E+3	3E+4	1E-5	3E-8	1E-4	1E-3
		W, see <sup>44</sup> Ti	-	4E+4	1E-5	5E-8	-	-
		Y, see <sup>44</sup> Ti	-	3E+4	1E-5	4E-8	-	-
23	Vanadium-47 <sup>2</sup>	D, all compounds except those given for W	3E+4	8E+4	3E-5	1E-7	-	-
			St wall (3E+4)	-	-	-	4E-4	4E-3
		W, oxides, hydroxides, carbides, and halides	-	1E+5	4E-5	1E-7	-	-
23	Vanadium-48	D, see <sup>47</sup> V	6E+2	1E+3	5E-7	2E-9	9E-6	9E-5
		W, see <sup>47</sup> V	-	6E+2	3E-7	9E-10	-	-
23	Vanadium-49	D, see <sup>47</sup> V	7E+4	3E+4	1E-5	-	-	-
			LLI wall (9E+4)	Bone surf (3E+4)	-	5E-8	1E-3	1E-2
		W, see <sup>47</sup> V	-	2E+4	8E-6	2E-8	-	-
24	Chromium-48	D, all compounds except those given for W and Y	6E+3	1E+4	5E-6	2E-8	8E-5	8E-4
		W, halides and nitrates	-	7E+3	3E-6	1E-8	-	-
		Y, oxides and hydroxides	-	7E+3	3E-6	1E-8	-	-
24	Chromium-49 <sup>2</sup>	D, see <sup>48</sup> Cr	3E+4	8E+4	4E-5	1E-7	4E-4	4E-3
		W, see <sup>48</sup> Cr	-	1E+5	4E-5	1E-7	-	-
		Y, see <sup>48</sup> Cr	-	9E+4	4E-5	1E-7	-	-
24	Chromium-51	D, see <sup>48</sup> Cr	4E+4	5E+4	2E-5	6E-8	5E-4	5E-3
		W, see <sup>48</sup> Cr	-	2E+4	1E-5	3E-8	-	-
		Y, see <sup>48</sup> Cr	-	2E+4	8E-6	3E-8	-	-
25	Manganese-51 <sup>2</sup>	D, all compounds except those given for W	2E+4	5E+4	2E-5	7E-8	3E-4	3E-3
		W, oxides, hydroxides, halides, and nitrates	-	6E+4	3E-5	8E-8	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
25	Manganese-52m <sup>2</sup>	D, see <sup>51</sup> Mn	3E+4	9E+4	4E-5	1E-7	-	-
			St wall (4E+4)	-	-	-	5E-4	5E-3
		W, see <sup>51</sup> Mn	-	1E+5	4E-5	1E-7	-	-
25	Manganese-52	D, see <sup>51</sup> Mn	7E+2	1E+3	5E-7	2E-9	1E-5	1E-4
		W, see <sup>51</sup> Mn	-	9E+2	4E-7	1E-9	-	-
25	Manganese-53	D, see <sup>51</sup> Mn	5E+4	1E+4	5E-6	-	7E-4	7E-3
				Bone surf (2E+4)	-	3E-8	-	-
		W, see <sup>51</sup> Mn	-	1E+4	5E-6	2E-8	-	-
25	Manganese-54	D, see <sup>51</sup> Mn	2E+3	9E+2	4E-7	1E-9	3E-5	3E-4
		W, see <sup>51</sup> Mn	-	8E+2	3E-7	1E-9	-	-
25	Manganese-56	D, see <sup>51</sup> Mn	5E+3	2E+4	6E-6	2E-8	7E-5	7E-4
		W, see <sup>51</sup> Mn	-	2E+4	9E-6	3E-8	-	-
26	Iron-52	D, all compounds except those given for W	9E+2	3E+3	1E-6	4E-9	1E-5	1E-4
		W, oxides, hydroxides, and halides	-	2E+3	1E-6	3E-9	-	-
26	Iron-55	D, see <sup>52</sup> Fe	9E+3	2E+3	8E-7	3E-9	1E-4	1E-3
		W, see <sup>52</sup> Fe	-	4E+3	2E-6	6E-9	-	-
26	Iron-59	D, see <sup>52</sup> Fe	8E+2	3E+2	1E-7	5E-10	1E-5	1E-4
		W, see <sup>52</sup> Fe	-	5E+2	2E-7	7E-10	-	-
26	Iron-60	D, see <sup>52</sup> Fe	3E+1	6E+0	3E-9	9E-12	4E-7	4E-6
		W, see <sup>52</sup> Fe	-	2E+1	8E-9	3E-11	-	-
27	Cobalt-55	W, all compounds except those given for Y	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		Y, oxides, hydroxides, halides, and nitrates	-	3E+3	1E-6	4E-9	-	-
27	Cobalt-56	W, see <sup>55</sup> Co	5E+2	3E+2	1E-7	4E-10	6E-6	6E-5
		Y, see <sup>55</sup> Co	4E+2	2E+2	8E-8	3E-10	-	-
27	Cobalt-57	W, see <sup>55</sup> Co	8E+3	3E+3	1E-6	4E-9	6E-5	6E-4
		Y, see <sup>55</sup> Co	4E+3	7E+2	3E-7	9E-10	-	-
27	Cobalt-58m	W, see <sup>55</sup> Co	6E+4	9E+4	4E-5	1E-7	8E-4	8E-3
		Y, see <sup>55</sup> Co	-	6E+4	3E-5	9E-8	-	-
27	Cobalt-58	W, see <sup>55</sup> Co	2E+3	1E+3	5E-7	2E-9	2E-5	2E-4
		Y, see <sup>55</sup> Co	1E+3	7E+2	3E-7	1E-9	-	-
27	Cobalt-60m <sup>2</sup>	W, see <sup>55</sup> Co	1E+6	4E+6	2E-3	6E-6	-	-
			St wall (1E+6)	-	-	-	2E-2	2E-1
		Y, see <sup>55</sup> Co	-	3E+6	1E-3	4E-6	-	-
27	Cobalt-60	W, see <sup>55</sup> Co	5E+2	2E+2	7E-8	2E-10	3E-6	3E-5
		Y, see <sup>55</sup> Co	2E+2	3E+1	1E-8	5E-11	-	-
27	Cobalt-61 <sup>2</sup>	W, see <sup>55</sup> Co	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
		Y, see <sup>55</sup> Co	2E+4	6E+4	2E-5	8E-8	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
27	Cobalt-62m <sup>2</sup>	W, see <sup>55</sup> Co St wall	4E+4 (5E+4)	2E+5 -	7E-5 -	2E-7 -	- 7E-4	- 7E-3
28	Nickel-56	Y, see <sup>55</sup> Co D, all compounds except those given for W W, oxides, hydroxides, and carbides Vapor	- 1E+3 -	2E+5 2E+3 1E+3	6E-5 8E-7 5E-7	2E-7 3E-9 2E-9	- 2E-5 -	- 2E-4 -
28	Nickel-57	D, see <sup>56</sup> Ni W, see <sup>56</sup> Ni Vapor	2E+3 - -	5E+3 3E+3 6E+3	2E-6 1E-6 3E-6	7E-9 4E-9 9E-	2E-5 - -	2E-4 - -
28	Nickel-59	D, see <sup>56</sup> Ni W, see <sup>56</sup> Ni Vapor	2E+4 - -	4E+3 7E+3 2E+3	2E-6 3E-6 8E-7	5E-9 1E-8 3E-9	3E-4 - -	3E-3 - -
28	Nickel-63	D, see <sup>56</sup> Ni W, see <sup>56</sup> Ni Vapor	9E+3 - -	2E+3 3E+3 8E+2	7E-7 1E-6 3E-7	2E-9 4E-9 1E-9	1E-4 - -	1E-3 - -
28	Nickel-65	D, see <sup>56</sup> Ni W, see <sup>56</sup> Ni Vapor	8E+3 - -	2E+4 3E+4 2E+4	1E-5 1E-5 7E-6	3E-8 4E-8 2E-8	1E-4 - -	1E-3 - -
28	Nickel-66	D, see <sup>56</sup> Ni LLI wall  W, see <sup>56</sup> Ni Vapor	4E+2 (5E+2) - -	2E+3 - 6E+2 3E+3	7E-7 - 3E-7 1E-6	2E-9 - 9E-10 4E-9	- 6E-6 - -	- 6E-5 - -
29	Copper-60 <sup>2</sup>	D, all compounds except those given for W and Y St wall  W, sulfides, halides, and nitrates Y, oxides and hydroxides	3E+4 (3E+4) - -	9E+4 - 1E+5 1E+5	4E-5 - 5E-5 4E-5	1E-7 - 2E-7 1E-7	- 4E-4 - -	- 4E-3 - -
29	Copper-61	D, see <sup>60</sup> Cu W, see <sup>60</sup> Cu Y, see <sup>60</sup> Cu	1E+4 - -	3E+4 4E+4 4E+4	1E-5 2E-5 1E-5	4E-8 6E-8 5E-8	2E-4 - -	2E-3 - -
29	Copper-64	D, see <sup>60</sup> Cu W, see <sup>60</sup> Cu Y, see <sup>60</sup> Cu	1E+4 - -	3E+4 2E+4 2E+4	1E-5 1E-5 9E-6	4E-8 3E-8 3E-8	2E-4 - -	2E-3 - -
29	Copper-67	D, see <sup>60</sup> Cu W, see <sup>60</sup> Cu Y, see <sup>60</sup> Cu	5E+3 - -	8E+3 5E+3 5E+3	3E-6 2E-6 2E-6	1E-8 7E-9 6E-9	6E-5 - -	6E-4 - -
30	Zinc-62	Y, all compounds	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
30	Zinc-63 <sup>2</sup>	Y, all compounds St wall	2E+4 (3E+4)	7E+4 -	3E-5 -	9E-8 -	- 3E-4	- 3E-3

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
30	Zinc-65	Y, all compounds	4E+2	3E+2	1E-7	4E-10	5E-6	5E-5
30	Zinc-69m	Y, all compounds	4E+3	7E+3	3E-6	1E-8	6E-5	6E-4
30	Zinc-69 <sup>2</sup>	Y, all compounds	6E+4	1E+5	6E-5	2E-7	8E-4	8E-3
30	Zinc-71m	Y, all compounds	6E+3	2E+4	7E-6	2E-8	8E-5	8E-4
30	Zinc-72	Y, all compounds	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
31	Gallium-65 <sup>2</sup>	D, all compounds except those given for W	5E+4 St wall (6E+4),	2E+5	7E-5	2E-7	-	-
		W, oxides, hydroxides, carbides, halides, and nitrates	-	2E+5	8E-5	3E-7	-	-
31	Gallium-66	D, see <sup>65</sup> Ga	1E+3	4E+3	1E-6	5E-9	1E-5	1E-4
		W, see <sup>65</sup> Ga	-	3E+3	1E-6	4E-9	-	-
31	Gallium-67	D, see <sup>65</sup> Ga	7E+3	1E+4	6E-6	2E-8	1E-4	1E-3
		W, see <sup>65</sup> Ga	-	1E+4	4E-6	1E-8	-	-
31	Gallium-68 <sup>2</sup>	D, see <sup>65</sup> Ga	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see <sup>65</sup> Ga	-	5E+4	2E-5	7E-8	-	-
31	Gallium-70 <sup>2</sup>	D, see <sup>65</sup> Ga	5E+4 St wall (7E+4)	2E+5	7E-5	2E-7	-	-
		W, see <sup>65</sup> Ga	-	2E+5	8E-5	3E-7	-	-
31	Gallium-72	D, see <sup>65</sup> Ga	1E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		W, see <sup>65</sup> Ga	-	3E+3	1E-6	4E-9	-	-
31	Gallium-73	D, see <sup>65</sup> Ga	5E+3	2E+4	6E-6	2E-8	7E-5	7E-4
		W, see <sup>65</sup> Ga	-	2E+4	6E-6	2E-8	-	-
32	Germanium-66	D, all compounds except those given for W	2E+4	3E+4	1E-5	4E-8	3E-4	3E-3
		W, oxides, sulfides, and halides	-	2E+4	8E-6	3E-8	-	-
32	Germanium-67 <sup>2</sup>	D, see <sup>66</sup> Ge	3E+4 St wait (4E+4)	9E+4	4E-5	1E-7	-	-
		W, see <sup>66</sup> Ge	-	1E+5	4E-5	1E-7	-	-
32	Germanium-68	D, see <sup>66</sup> Ge	5E+3	4E+3	2E-6	5E-9	6E-5	6E-4
		W, see <sup>66</sup> Ge	-	1E+2	4E-8	1E-10	-	-
32	Germanium-69	D, see <sup>66</sup> Ge	1E+4	2E+4	6E-6	2E-8	2E-4	2E-3
		W, see <sup>66</sup> Ge	-	8E+3	3E-6	1E-8	-	-
32	Germanium-71	D, see <sup>66</sup> Ge	5E+5	4E+5	2E-4	6E-7	7E-3	7E-2
		W, see <sup>66</sup> Ge	-	4E+4	2E-5	6E-8	-	-
32	Germanium-75 <sup>2</sup>	D, see <sup>66</sup> Ge	4E+4 St wall (7E+4)	8E+4	3E-5	1E-7	-	-
		W, see <sup>66</sup> Ge	-	8E+4	4E-5	1E-7	-	-
32	Germanium-77	D, see <sup>66</sup> Ge	9E+3	1E+4	4E-6	1E-8	1E-4	1E-3
		W, see <sup>66</sup> Ge	-	6E+3	2E-6	8E-9	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
32	Germanium-78 <sup>2</sup>	D, see <sup>66</sup> Ge	2E+4 St wall (2E+4)	2E+4 -	9E-6 -	3E-8 -	- 3E-4	- 3E-3
		W, see <sup>66</sup> Ge	-	2E+4	9E-6	3E-8	-	-
33	Arsenic-69 <sup>2</sup>	W, all compounds	3E+4 St wall (4E+4)	1E+5 -	5E-5 -	2E-7 -	- 6E-4	- 6E-3
33	Arsenic-70 <sup>2</sup>	W, all compounds	1E+4	5E+4	2E-5	7E-8	2E-4	2E-3
33	Arsenic-71	W, all compounds	4E+3	5E+3	2E-6	6E-9	5E-5	5E-4
33	Arsenic-72	W, all compounds	9E+2	1E+3	6E-7	2E-9	1E-5	1E-4
33	Arsenic-73	W, all compounds	8E+3	2E+3	7E-7	2E-9	1E-4	1E-3
33	Arsenic-74	W, all compounds	1E+3	8E+2	3E-7	1E-9	2E-5	2E-4
33	Arsenic-76	W, all compounds	1E+3	1E+3	6E-7	2E-9	1E-5	1E-4
33	Arsenic-77	W, all compounds	4E+3 LLI wall (5E+3)	5E+3 -	2E-6 -	7E-9 -	- 6E-5	- 6E-4
33	Arsenic-78 <sup>2</sup>	W, all compounds	8E+3	2E+4	9E-6	3E-8	1E-4	1E-3
34	Selenium-70 <sup>2</sup>	D, all compounds except those given for W	2E+4	4E+4	2E-5	5E-8	1E-4	1E-3
		W, oxides, hydroxides, carbides, and elemental Se	1E+4	4E+4	2E-5	6E-8	-	-
34	Selenium-73m <sup>2</sup>	D, see <sup>70</sup> Se	6E+4	2E+5	6E-5	2E-7	4E-4	4E-3
		W, see <sup>70</sup> Se	3E+4	1E+5	6E-5	2E-7	-	-
34	Selenium-73	D, see <sup>70</sup> Se	3E+3	1E+4	5E-6	2E-8	4E-5	4E-4
		W, see <sup>70</sup> Se	-	2E+4	7E-6	2E-8	-	-
34	Selenium-75	D, see <sup>70</sup> Se	5E+2	7E+2	3E-7	1E-9	7E-6	7E-5
		W, see <sup>70</sup> Se	-	6E+2	3E-7	8E-10	-	-
34	Selenium-79	D, see <sup>70</sup> Se	6E+2	8E+2	3E-7	1E-9	8E-6	8E-5
		W, see <sup>70</sup> Se	-	6E+2	2E-7	8E-10	-	-
34	Selenium-81m <sup>2</sup>	D, see <sup>70</sup> Se	4E+4	7E+4	3E-5	9E-8	3E-4	3E-3
		W, see <sup>70</sup> Se	2E+4	7E+4	3E-5	1E-7	-	-
34	Selenium-81 <sup>2</sup>	D, see <sup>70</sup> Se	6E+4 St wall (8E+4)	2E+5 -	9E-5 -	3E-7 -	- 1E-3	- 1E-2
		W, see <sup>70</sup> Se	-	2E+5	1E-4	3E-7	-	-
34	Selenium-83 <sup>2</sup>	D, see <sup>70</sup> Se	4E+4	1E+5	5E-5	2E-7	4E-4	4E-3
		W, see <sup>70</sup> Se	3E+4	1E+5	5E-5	2E-7	-	-
35	Bromine-74m <sup>2</sup>	D, bromides of H, Li, Na, K, Rb, Cs, and Fr	1E+4 St wall (2E+4)	4E+4 -	2E-5 -	5E-8 -	- 3E-4	- 3E-3



## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
		W, Bromides of lanthanides, Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, Ge, Sn, Pb, As, Sb, Bi, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, Hf, V, Nb, Ta, Mn, Tc, and Re	-	4E+4	2E-5	6E-8	-	-
35	Bromine-74 <sup>2</sup>	D, sec <sup>74m</sup> Br	2E+4	7E+4	3E-5	1E-7	-	-
		St wall (4E+4)	-	-	-	-	5E-4	5E-3
		W, sec <sup>74m</sup> Br	-	8E+4	4E-5	1E-7	-	-
35	Bromine-75 <sup>2</sup>	D, sec <sup>74m</sup> Br	3E+4	5E+4	2E-5	7E-8	-	-
		St wall (4E+4)	-	-	-	-	5E-4	5E-3
		W, sec <sup>74m</sup> Br	-	5E+4	2E-5	7E-8	-	-
35	Bromine-76	D, sec <sup>74m</sup> Br	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4
		W, sec <sup>74m</sup> Br	-	4E+3	2E-6	6E-9	-	-
35	Bromine-77	D, sec <sup>74m</sup> Br	2E+4	2E+4	1E-5	3E-8	2E-4	2E-3
		W, sec <sup>74m</sup> Br	-	2E+4	8E-6	3E-8	-	-
35	Bromine-80m	D, sec <sup>74m</sup> Br	2E+4	2E+4	7E-6	2E-8	3E-4	3E-3
		W, sec <sup>74m</sup> Br	-	1E+4	6E-6	2E-8	-	-
35	Bromine-80 <sup>2</sup>	D, sec <sup>74m</sup> Br	5E+4	2E+5	8E-5	3E-7	-	-
		St wall (9E+4)	-	-	-	-	1E-3	1E-2
		W, sec <sup>74m</sup> Br	-	2E+5	9E-5	3E-7	-	-
35	Bromine-82	D, sec <sup>74m</sup> Br	3E+3	4E+3	2E-6	6E-9	4E-5	4E-4
		W, sec <sup>74m</sup> Br	-	4E+3	2E-6	5E-9	-	-
35	Bromine-83	D, sec <sup>74m</sup> Br	5E+4	6E+4	3E-5	9E-8	-	-
		St wall (7E+4)	-	-	-	-	9E-4	9E-3
		W, sec <sup>74m</sup> Br	-	6E+4	3E-5	9E-8	-	-
35	Bromine-84 <sup>2</sup>	D, sec <sup>74m</sup> Br	2E+4	6E+4	2E-5	8E-8	-	-
		St wall (3E+4)	-	-	-	-	4E-4	4E-3
		W, sec <sup>74m</sup> Br	-	6E+4	3E-5	9E-8	-	-
36	Krypton-74 <sup>2</sup>	Submersion <sup>1</sup>	-	-	3E-6	1E-8	-	-
36	Krypton-76	Submersion <sup>1</sup>	-	-	9E-6	4E-8	-	-
36	Krypton-77 <sup>2</sup>	Submersion <sup>1</sup>	-	-	4E-6	2E-8	-	-
36	Krypton-79	Submersion <sup>1</sup>	-	-	2E-5	7E-8	-	-
36	Krypton-81	Submersion <sup>1</sup>	-	-	7E-4	3E-6	-	-
36	Krypton-83m <sup>2</sup>	Submersion <sup>1</sup>	-	-	1E-2	5E-5	-	-
36	Krypton-85m	Submersion <sup>1</sup>	-	-	2E-5	1E-7	-	-
36	Krypton-85	Submersion <sup>1</sup>	-	-	1E-4	7E-7	-	-
36	Krypton-87 <sup>2</sup>	Submersion <sup>1</sup>	-	-	5E-6	2E-8	-	-
36	Krypton-88	Submersion <sup>1</sup>	-	-	2E-6	9E-9	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
37	Rubidium-79 <sup>2</sup>	D, all compounds	4E+4 St wall (6E+4)	1E+5 -	5E-5 -	2E-7 -	- 8E-4	- 8E-3
37	Rubidium-81m <sup>2</sup>	D, all compounds	2E+5 St wall (3E+5)	3E+5 -	1E-4 -	5E-7 -	- 4E-3	- 4E-2
37	Rubidium-81	D, all compounds	4E+4	5E+4	2E-5	7E-8	5E-4	5E-3
37	Rubidium 82m	D, all compounds	1E+4	2E+4	7E-6	2E-8	2E-4	2E-3
37	Rubidium-83	D, all compounds	6E+2	1E+3	4E-7	1E-9	9E-6	9E-5
37	Rubidium-84	D, all compounds	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
37	Rubidium-86	D, all compounds	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
37	Rubidium-87	D, all compounds	1E+3	2E+3	6E-7	2E-9	1E-5	1E-4
37	Rubidium-88 <sup>2</sup>	D, all compounds	2E+4 St wall (3E+4)	6E+4 -	3E-5 -	9E-8 -	- 4E-4	- 4E-3
37	Rubidium-89 <sup>2</sup>	D, all compounds	4E+4 St wall (6E+4)	1E+5 -	6E-5 -	2E-7 -	- 9E-4	- 9E-3
38	Strontium-80 <sup>2</sup>	D, all soluble compounds except SrTiO Y, all insoluble compounds and SrTiO	4E+3 -	1E+4 1E+4	5E-6 5E-6	2E-8 2E-8	6E-5 -	6E-4 -
38	Strontium-81 <sup>2</sup>	D, see <sup>80</sup> Sr Y, see <sup>80</sup> Sr	3E+4 2E+4	8E+4 8E+4	3E-5 3E-5	1E-7 1E-7	3E-4 -	3E-3 -
38	Strontium-82	D, see <sup>80</sup> Sr	3E+2 LLI wall (2E+2)	4E+2 -	2E-7 -	6E-10 -	- 3E-6	- 3E-5
38	Strontium-83	Y, see <sup>80</sup> Sr D, see <sup>80</sup> Sr Y, see <sup>80</sup> Sr	2E+2 3E+3 2E+3	9E+1 7E+3 4E+3	4E-8 3E-6 1E-6	1E-10 1E-8 5E-9	- 3E-5 -	- 3E-4 -
38	Strontium-85m <sup>2</sup>	D, see <sup>80</sup> Sr Y, see <sup>80</sup> Sr	2E+5 -	6E+5 8E+5	3E-4 4E-4	9E-7 1E-6	3E-3 -	3E-2 -
38	Strontium-85	D, see <sup>80</sup> Sr Y, see <sup>80</sup> Sr	3E+3 -	3E+3 2E+3	1E-6 6E-7	4E-9 2E-9	4E-5 -	4E-4 -
38	Strontium-87m	D, see <sup>80</sup> Sr Y, see <sup>80</sup> Sr	5E+4 4E+4	1E+5 2E+5	5E-5 6E-5	2E-7 2E-7	6E-4 -	6E-3 -
38	Strontium-89	D, see <sup>80</sup> Sr	6E+2 LLI wall (6E+2)	8E+2 -	4E-7 -	1E-9 -	- 8E-6	- 8E-5
38	Strontium-90	Y, see <sup>80</sup> Sr D, see <sup>80</sup> Sr	5E+2 3E+1 Bone surf (4E+1)	1E+2 2E+1 Bone surf (2E+1)	6E-8 8E-9 -	2E-10 -	- -	- -
38	Strontium-91	Y, see <sup>80</sup> Sr D, see <sup>80</sup> Sr Y, see <sup>80</sup> Sr	- 2E+3 -	4E+0 6E+3 4E+3	2E-9 2E-6 1E-6	6E-12 8E-9 5E-9	- 2E-5 -	- 2E-4 -

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
38	Strontium-92	D, see $^{80}\text{Sr}$	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		Y, see $^{80}\text{Sr}$	-	7E+3	3E-6	9E-9	-	-
39	Yttrium-86m <sup>2</sup>	W, all compounds except those given for Y	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
		Y, oxides and hydroxides	-	5E+4	2E-5	8E-8	-	-
39	Yttrium-86	W, see $^{86m}\text{Y}$	1E+3	3E+3	1E-6	5E-9	2E-5	2E-4
		Y, see $^{86m}\text{Y}$	-	3E+3	1E-6	5E-9	-	-
39	Yttrium-87	W, see $^{86m}\text{Y}$	2E+3	3E+3	1E-6	5E-9	3E-5	3E-4
		Y, see $^{86m}\text{Y}$	-	3E+3	1E-6	5E-9	-	-
39	Yttrium-88	W, see $^{86m}\text{Y}$	1E+3	3E+2	1E-7	3E-10	1E-5	1E-4
		Y, see $^{86m}\text{Y}$	-	2E+2	1E-7	3E-10	-	-
39	Yttrium-90m	W, see $^{86m}\text{Y}$	8E+3	1E+4	5E-6	2E-8	1E-4	1E-3
		Y, see $^{86m}\text{Y}$	-	1E+4	5E-6	2E-8	-	-
39	Yttrium-90	W, see $^{86m}\text{Y}$	4E+2	7E+2	3E-7	9E-10	-	-
		LLI wall (5E+2)	-	-	-	-	7E-6	7E-5
		Y, see $^{86m}\text{Y}$	-	6E+2	3E-7	9E-10	-	-
39	Yttrium-91m <sup>2</sup>	W, see $^{86m}\text{Y}$	1E+5	2E+5	1E-4	3E-7	2E-3	2E-2
		Y, see $^{86m}\text{Y}$	-	2E+5	7E-5	2E-7	-	-
39	Yttrium-91	W, see $^{86m}\text{Y}$	5E+2	2E+2	7E-8	2E-10	-	-
		LLI wall (6E+2)	-	-	-	-	8E-6	8E-5
		Y, see $^{86m}\text{Y}$	-	1E+2	5E-8	2E-10	-	-
39	Yttrium-92	W, see $^{86m}\text{Y}$	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		Y, see $^{86m}\text{Y}$	-	8E+3	3E-6	1E-8	-	-
39	Yttrium-93	W, see $^{86m}\text{Y}$	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		Y, see $^{86m}\text{Y}$	-	2E+3	1E-6	3E-9	-	-
39	Yttrium-94 <sup>2</sup>	W, see $^{86m}\text{Y}$	2E+4	8E+4	3E-5	1E-7	-	-
		St wall (3E+4)	-	-	-	-	4E-4	4E-3
		Y, see $^{86m}\text{Y}$	-	8E+4	3E-5	1E-7	-	-
39	Yttrium-95 <sup>2</sup>	W, see $^{86m}\text{Y}$	4E+4	2E+5	6E-5	2E-7	-	-
		St wall (5E+4)	-	-	-	-	7E-4	7E-3
		Y, see $^{86m}\text{Y}$	-	1E+5	6E-5	2E-7	-	-
40	Zirconium-86	D, all compounds except those given for W and Y	1E+3	4E+3	2E-6	6E-9	2E-5	2E-4
		W, oxides, hydroxides, halides, and nitrates	-	3E+3	1E-6	4E-9	-	-
		Y, carbide	-	2E+3	1E-6	3E-9	-	-
40	Zirconium-88	D, see $^{86}\text{Zr}$	4E+3	2E+2	9E-8	3E-10	5E-5	5E-4
		W, see $^{86}\text{Zr}$	-	5E+2	2E-7	7E-10	-	-
		Y, see $^{86}\text{Zr}$	-	3E+2	1E-7	4E-10	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
40	Zirconium-89	D, see $^{86}\text{Zr}$	2E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		W, see $^{86}\text{Zr}$	-	2E+3	1E-6	3E-9	-	-
		Y, see $^{86}\text{Zr}$	-	2E+3	1E-6	3E-9	-	-
40	Zirconium-93	D, see $^{86}\text{Zr}$	1E+3	6E+0	3E-9	-	-	-
			Bone surf (3E+3)	Bone surf (2E+1)	-	2E-11	4E-5	4E-4
		W, see $^{86}\text{Zr}$	-	2E+1	1E-8	-	-	-
			-	Bone surf (6E+1)	-	9E-11	-	-
		Y, see $^{86}\text{Zr}$	-	6E+1	2E-8	-	-	-
			-	Bone surf (7E+1)	-	9E-11	-	-
40	Zirconium-95	D, see $^{86}\text{Zr}$	1E+3	1E+2	5E-8	-	2E-5	2E-4
			-	Bone surf (3E+2)	-	4E-10	-	-
		W, see $^{86}\text{Zr}$	-	4E+2	2E-7	5E-10	-	-
		Y, see $^{86}\text{Zr}$	-	3E+2	1E-7	4E-10	-	-
40	Zirconium-97	D, see $^{86}\text{Zr}$	6E+2	2E+3	8E-7	3E-9	9E-6	9E-5
		W, see $^{86}\text{Zr}$	-	1E+3	6E-7	2E-9	-	-
		Y, see $^{86}\text{Zr}$	-	1E+3	5E-7	2E-9	-	-
41	Niobium-88 <sup>2</sup>	W, all compounds except those given for Y	5E+4	2E+5	9E-5	3E-7	-	-
			St wall (7E+4)	-	-	-	1E-3	1E-2
41	Niobium-89 <sup>2</sup> (66 min)	Y, oxides and hydroxides	-	2E+5	9E-5	3E-7	-	-
		W, see $^{88}\text{Nb}$	1E+4	4E+4	2E-5	6E-8	1E-4	1E-3
41	Niobium-89	Y, see $^{88}\text{Nb}$	-	4E+4	2E-5	5E-8	-	-
		W, see $^{88}\text{Nb}$ (122 min)	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
41	Niobium-90	Y, see $^{88}\text{Nb}$	-	2E+4	6E-6	2E-8	-	-
		W, see $^{88}\text{Nb}$	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
41	Niobium-93m	Y, see $^{88}\text{Nb}$	-	2E+3	1E-6	3E-9	-	-
		W, see $^{88}\text{Nb}$	9E+3	2E+3	8E-7	3E-9	-	-
41	Niobium-94		LLI wall (1E+4)	-	-	-	2E-4	2E-3
		Y, see $^{88}\text{Nb}$	-	2E+2	7E-8	2E-10	-	-
		W, see $^{88}\text{Nb}$	9E+2	2E+2	8E-8	3E-10	1E-5	1E-4
41	Niobium-95m	Y, see $^{88}\text{Nb}$	-	2E+1	6E-9	2E-11	-	-
		W, see $^{88}\text{Nb}$	2E+3	3E+3	1E-6	4E-9	-	-
41	Niobium-95		LLI wall (2E+3)	-	-	-	3E-5	3E-4
		Y, see $^{88}\text{Nb}$	-	2E+3	9E-7	3E-9-	-	-
		W, see $^{88}\text{Nb}$	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4
		Y, see $^{88}\text{Nb}$	-	1E+3	5E-7	2E-9-	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
41	Niobium-96	W, see $^{88}\text{Nb}$	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		Y, see $^{88}\text{Nb}$	-	2E+3	1E-6	3E-9	-	-
41	Niobium-97 <sup>2</sup>	W, see $^{88}\text{Nb}$	2E+4	8E+4	3E-5	1E-7	3E-4	3E-3
		Y, see $^{88}\text{Nb}$	-	7E+4	3E-5	1E-7	-	-
41	Niobium-98 <sup>2</sup>	W, see $^{88}\text{Nb}$	1E+4	5E+4	2E-5	8E-8	2E-4	2E-3
		Y, see $^{88}\text{Nb}$	-	5E+4	2E-5	7E-8	-	-
42	Molybdenum-90	D, all compounds except those given for Y	4E+3	7E+3	3E-6	1E-8	3E-5	3E-4
		Y, oxides, hydroxides, and MoS	2E+3	5E+3	2E-6	6E-9	-	-
42	Molybdenum-93m	D, see $^{90}\text{Mo}$	9E+3	2E+4	7E-6	2E-8	6E-5	6E-4
		Y, see $^{90}\text{Mo}$	4E+3	1E+4	6E-6	2E-8	-	-
42	Molybdenum-93	D, see $^{90}\text{Mo}$	4E+3	5E+3	2E-6	8E-9	5E-5	5E-4
		Y, see $^{90}\text{Mo}$	2E+4	2E+2	8E-8	2E-10	-	-
42	Molybdenum-99	D, see $^{90}\text{Mo}$	2E+3	3E+3	1E-6	4E-9	-	-
		LLI wall (1E+3)	-	-	-	-	2E-5	2E-4
		Y, see $^{90}\text{Mo}$	1E+3	1E+3	6E-7	2E-9	-	-
42	Molybdenum-101 <sup>2</sup>	D, see $^{90}\text{Mo}$	4E+4	1E+5	6E-5	2E-7	-	-
		St wall (5E+4)	-	-	-	-	7E-4	7E-3
		Y, see $^{90}\text{Mo}$	-	1E+5	6E-5	2E-7	-	-
43	Technetium-93m <sup>2</sup>	D, All compounds except those given for W	7E+4	2E+5	6E-5	2E-7	1E-3	1E-2
		W, oxides, hydroxides, halides, and nitrates	-	3E+5	1E-4	4E-7	-	-
43	Technetium-93	D, see $^{93\text{m}}\text{Tc}$	3E+4	7E+4	3E-5	1E-7	4E-4	4E-3
		W, see $^{93\text{m}}\text{Tc}$	-	1E+5	4E-5	1E-7	-	-
43	Technetium-94m <sup>2</sup>	D, see $^{93\text{m}}\text{Tc}$	2E+4	4E+4	2E-5	6E-8	3E-4	3E-3
		W, see $^{93\text{m}}\text{Tc}$	-	6E+4	2E-5	8E-8	-	-
43	Technetium-94	D, see $^{93\text{m}}\text{Tc}$	9E+3	2E+4	8E-6	3E-8	1E-4	1E-3
		W, see $^{93\text{m}}\text{Tc}$	-	2E+4	1E-5	3E-8	-	-
43	Technetium-95m	D, see $^{93\text{m}}\text{Tc}$	4E+3	5E+3	2E-6	8E-9	5E-5	5E-4
		W, see $^{93\text{m}}\text{Tc}$	-	2E+3	8E-7	3E-9	-	-
43	Technetium-95	D, see $^{93\text{m}}\text{Tc}$	1E+4	2E+4	9E-6	3E-8	1E-4	1E-3
		W, see $^{93\text{m}}\text{Tc}$	-	2E+4	8E-6	3E-8	-	-
43	Technetium-96m <sup>2</sup>	D, see $^{93\text{m}}\text{Tc}$	2E+5	3E+5	1E-4	4E-7	2E-3	2E-2
		W, see $^{93\text{m}}\text{Tc}$	-	2E+5	1E-4	3E-7	-	-
43	Technetium-96	D, see $^{93\text{m}}\text{Tc}$	2E+3	3E+3	1E-6	5E-9	3E-5	3E-4
		W, see $^{93\text{m}}\text{Tc}$	-	2E+3	9E-7	3E-9	-	-
43	Technetium-97m	D, see $^{93\text{m}}\text{Tc}$	5E+3	7E+3	3E-6	-	6E-5	6E-4
		St wall (7E+3)	-	-	-	1E-8	-	-
		W, see $^{93\text{m}}\text{Tc}$	-	1E+3	5E-7	2E-9	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
43	Technetium-97	D, see $^{93\text{m}}\text{Tc}$	4E+4	5E+4	2E-5	7E-8	5E-4	5E-3
		W, see $^{93\text{m}}\text{Tc}$	-	6E+3	2E-6	8E-9	-	-
43	Technetium-98	D, see $^{93\text{m}}\text{Tc}$	1E+3	2E+3	7E-7	2E-9	1E-5	1E-4
		W, see $^{93\text{m}}\text{Tc}$	-	3E+2	1E-7	4E-10	-	-
43	Technetium-99m	D, see $^{93\text{m}}\text{Tc}$	8E+4	2E+5	6E-5	2E-7	1E-3	1E-2
		W, see $^{93\text{m}}\text{Tc}$	-	2E+5	1E-4	3E-7	-	-
43	Technetium-99	D, see $^{93\text{m}}\text{Tc}$	4E+3	5E+3	2E-6	-	6E-5	6E-4
			-	St wall (6E+3)	-	8E-9	-	-
		W, see $^{93\text{m}}\text{Tc}$	-	7E+2	3E-7	9E-10	-	-
		D, see $^{93\text{m}}\text{Tc}$	9E+4	3E+5	1E-4	5E-7	-	-
43	Technetium-101 <sup>2</sup>		St wall (1E+5)	-	-	-	2E-3	2E-2
		W, see $^{93\text{m}}\text{Tc}$	-	4E+5	2E-4	5E-7	-	-
		D, see $^{93\text{m}}\text{Tc}$	2E+4	7E+4	3E-5	1E-7	-	-
			St wall (3E+4)	-	-	-	4E-4	4E-3
43	Technetium-104 <sup>2</sup>	W, see $^{93\text{m}}\text{Tc}$	-	9E+4	4E-5	1E-7	-	-
		D, all compounds except those given for W and Y	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, halides	-	6E+4	3E-5	9E-8	-	-
		Y, oxides and hydroxides	-	6E+4	2E-5	8E-8	-	-
44	Ruthenium-94 <sup>2</sup>	D, see $^{94}\text{Ru}$	8E+3	2E+4	8E-6	3E-8	1E-4	1E-3
		W, see $^{94}\text{Ru}$	-	1E+4	5E-6	2E-8	-	-
		Y, see $^{94}\text{Ru}$	-	1E+4	5E-6	2E-8	-	-
44	Ruthenium-103	D, see $^{94}\text{Ru}$	2E+3	2E+3	7E-7	2E-9	3E-5	3E-4
		W, see $^{94}\text{Ru}$	-	1E+3	4E-7	1E-9	-	-
		Y, see $^{94}\text{Ru}$	-	6E+2	3E-7	9E-10	-	-
44	Ruthenium-105	D, see $^{94}\text{Ru}$	5E+3	1E+4	6E-6	2E-8	7E-5	7E-4
		W, see $^{94}\text{Ru}$	-	1E+4	6E-6	2E-8	-	-
		Y, see $^{94}\text{Ru}$	-	1E+4	5E-6	2E-8	-	-
44	Ruthenium-106	D, see $^{94}\text{Ru}$	2E+2	9E+1	4E-8	1E-10	-	-
			LLI wall (2E+2)	-	-	-	3E-6	3E-5
		W, see $^{94}\text{Ru}$	-	5E+1	2E-8	8E-11	-	-
		Y, see $^{94}\text{Ru}$	-	1E+1	5E-9	2E-11	-	-
45	Rhodium-99m	D, all compounds except those given for W and Y	2E+4	6E+4	2E-5	8E-8	2E-4	2E-3
		W, halides	-	8E+4	3E-5	1E-7	-	-
		Y, oxides and hydroxides	-	7E+4	3E-5	9E-8	-	-
45	Rhodium-99	D, see $^{99\text{m}}\text{Rh}$	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
		W, see $^{99\text{m}}\text{Rh}$	-	2E+3	9E-7	3E-9	-	-
		Y, see $^{99\text{m}}\text{Rh}$	-	2E+3	8E-7	3E-9	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
45	Rhodium-100	D, see $^{99\text{m}}\text{Rh}$	2E+3	5E+3	2E-6	7E-9	2E-5	2E-4
		W, see $^{99\text{m}}\text{Rh}$	-	4E+3	2E-6	6E-9	-	-
		Y, see $^{99\text{m}}\text{Rh}$	-	4E+3	2E-6	5E-9	-	-
45	Rhodium-101m	D, see $^{99\text{m}}\text{Rh}$	6E+3	1E+4	5E-6	2E-8	8E-5	8E-4
		W, see $^{99\text{m}}\text{Rh}$	-	8E+3	4E-6	1E-8	-	-
		Y, see $^{99\text{m}}\text{Rh}$	-	8E+3	3E-6	1E-8	-	-
45	Rhodium-101	D, see $^{99\text{m}}\text{Rh}$	2E+3	5E+2	2E-7	7E-10	3E-5	3E-4
		W, see $^{99\text{m}}\text{Rh}$	-	8E+2	3E-7	1E-9	-	-
		Y, see $^{99\text{m}}\text{Rh}$	-	2E+2	6E-8	2E-10	-	-
45	Rhodium-102m	D, see $^{99\text{m}}\text{Rh}$	1E+3	5E+2	2E-7	7E-10	-	-
		LLI wall (1E+3)	-	-	-	-	2E-5	2E-4
		W, see $^{99\text{m}}\text{Rh}$	-	4E+2	2E-7	5E-10	-	-
		Y, see $^{99\text{m}}\text{Rh}$	-	1E+2	5E-8	2E-10	-	-
		D, see $^{99\text{m}}\text{Rh}$	6E+2	9E+1	4E-8	1E-10	8E-6	8E-5
45	Rhodium-102	W, see $^{99\text{m}}\text{Rh}$	-	2E+2	7E-8	2E-10	-	-
		Y, see $^{99\text{m}}\text{Rh}$	-	6E+1	2E-8	8E-11	-	-
45	Rhodium-103m <sup>2</sup>	D, see $^{99\text{m}}\text{Rh}$	4E+5	1E+6	5E-4	2E-6	6E-3	6E-2
		W, see $^{99\text{m}}\text{Rh}$	-	1E+6	5E-4	2E-6	-	-
		Y, see $^{99\text{m}}\text{Rh}$	-	1E+6	5E-4	2E-6	-	-
45	Rhodium-105	D, see $^{99\text{m}}\text{Rh}$	4E+3	1E+4	5E-6	2E-8	-	-
		LLI wall (4E+3)	-	-	-	-	5E-5	5E-4
		W, see $^{99\text{m}}\text{Rh}$	-	6E+3	3E-6	9E-9	-	-
		Y, see $^{99\text{m}}\text{Rh}$	-	6E+3	2E-6	8E-9	-	-
		D, see $^{99\text{m}}\text{Rh}$	8E+3	3E+4	1E-5	4E-8	1E-4	1E-3
45	Rhodium-106m	W, see $^{99\text{m}}\text{Rh}$	-	4E+4	2E-5	5E-8	-	-
		Y, see $^{99\text{m}}\text{Rh}$	-	4E+4	1E-5	5E-8	-	-
45	Rhodium-107 <sup>2</sup>	D, see $^{99\text{m}}\text{Rh}$	7E+4	2E+5	1E-4	3E-7	-	-
		St wall (9E+4)	-	-	-	-	1E-3	1E-2
		W, see $^{99\text{m}}\text{Rh}$	-	3E+5	1E-4	4E-7	-	-
		Y, see $^{99\text{m}}\text{Rh}$	-	3E+5	1E-4	3E-7	-	-
46	Palladium-100	D, all compounds except those given for W and Y	1E+3	1E+3	6E-7	2E-9	2E-5	2E-4
		W, nitrates	-	1E+3	5E-7	2E-9	-	-
		Y, oxides and hydroxides	-	1E+3	6E-7	2E-9	-	-
		D, see $^{100}\text{Pd}$	1E+4	3E+4	1E-5	5E-8	2E-4	2E-3
46	Palladium-101	W, see $^{100}\text{Pd}$	-	3E+4	1E-5	5E-8	-	-
		Y, see $^{100}\text{Pd}$	-	3E+4	1E-5	4E-8	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
46	Palladium-103	D, see $^{100}\text{Pd}$	6E+3	6E+3	3E-6	9E-9	-	-
			LLI wall (7E+3)	-	-	-	1E-4	1E-3
		W, see $^{100}\text{Pd}$	-	4E+3	2E-6	6E-9	-	-
46	Palladium-107	Y, see $^{100}\text{Pd}$	-	4E+3	1E-6	5E-9	-	-
		D, see $^{100}\text{Pd}$	3E+4	2E+4	9E-6	-	-	-
			LLI wall (4E+4)	Kidneys (2E+4)	-	3E-8	5E-4	5E-3
46	Palladium-109	W, see $^{100}\text{Pd}$	-	7E+3	3E-6	1E-8	-	-
		Y, see $^{100}\text{Pd}$	-	4E+2	2E-7	6E-10	-	-
		D, see $^{100}\text{Pd}$	2E+3	6E+3	3E-6	9E-9	3E-5	3E-4
47	Silver-102 <sup>2</sup>	W, see $^{100}\text{Pd}$	-	5E+3	2E-6	8E-9	-	-
		Y, see $^{100}\text{Pd}$	-	5E+3	2E-6	6E-9	-	-
		D, all compounds except those given for W and Y	5E+4	2E+5	8E-5	2E-7	-	-
47	Silver-103 <sup>2</sup>		St wall (6E+4)	-	-	-	9E-4	9E-3
		W, nitrates and sulfides	-	2E+5	9E-5	3E-7	-	-
		Y, oxides and hydroxides	-	2E+5	8E-5	3E-7	-	-
47	Silver-104m <sup>2</sup>	D, see $^{102}\text{Ag}$	4E+4	1E+5	4E-5	1E-7	5E-4	5E-3
		W, see $^{102}\text{Ag}$	-	1E+5	5E-5	2E-7	-	-
		Y, see $^{102}\text{Ag}$	-	1E+5	5E-5	2E-7	-	-
47	Silver-104m <sup>2</sup>	D, see $^{102}\text{Ag}$	3E+4	9E+4	4E-5	1E-7	4E-4	4E-3
		W, see $^{102}\text{Ag}$	-	1E+5	5E-5	2E-7	-	-
		Y, see $^{102}\text{Ag}$	-	1E+5	5E-5	2E-7	-	-
47	Silver-104 <sup>2</sup>	D, see $^{102}\text{Ag}$	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
		W, see $^{102}\text{Ag}$	-	1E+5	6E-5	2E-7	-	-
		Y, see $^{102}\text{Ag}$	-	1E+5	6E-5	2E-7	-	-
47	Silver-105	D, see $^{102}\text{Ag}$	3E+3	1E+3	4E-7	1E-9	4E-5	4E-4
		W, see $^{102}\text{Ag}$	-	2E+3	7E-7	2E-9	-	-
		Y, see $^{102}\text{Ag}$	-	2E+3	7E-7	2E-9	-	-
47	Silver-106m	D, see $^{102}\text{Ag}$	8E+2	7E+2	3E-7	1E-9	1E-5	1E-4
		W, see $^{102}\text{Ag}$	-	9E+2	4E-7	1E-9	-	-
		Y, see $^{102}\text{Ag}$	-	9E+2	4E-7	1E-9	-	-
47	Silver-106 <sup>2</sup>	D, see $^{102}\text{Ag}$	6E+4	2E+5	8E-5	3E-7	-	-
			St Wall (6E+4)	-	-	-	9E-4	9E-3
		W, see $^{102}\text{Ag}$	-	2E+5	9E-5	3E-7	-	-
47	Silver-108m	Y, see $^{102}\text{Ag}$	-	2E+5	8E-5	3E-7	-	-
		D, see $^{102}\text{Ag}$	6E+2	2E+2	8E-8	3E-10	9E-6	9E-5
		W, see $^{102}\text{Ag}$	-	3E+2	1E-7	4E-10	-	-
47	Silver-108m	Y, see $^{102}\text{Ag}$	-	2E+1	1E-8	3E-11	-	-



## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI ( $\mu\text{Ci}$ )	Inhalation ALI ( $\mu\text{Ci}$ )	DAC ( $\mu\text{Ci/ml}$ )	Air ( $\mu\text{Ci/ml}$ )	Water ( $\mu\text{Ci/ml}$ )	
47	Silver-110m	D, see $^{102}\text{Ag}$	5E+2	1E+2	5E-8	2E-10	6E-6	6E-5
		W, see $^{102}\text{Ag}$	-	2E+2	8E-8	3E-10	-	-
		Y, see $^{102}\text{Ag}$	-	9E+1	4E-8	1E-10	-	-
47	Silver-111	D, see $^{102}\text{Ag}$	9E+2	2E+3	6E-7	-	-	-
		LLI wall (1E+3)	Liver (2E+3)	-	2E-9	2E-5	2E-4	
		W, see $^{102}\text{Ag}$	-	9E+2	4E-7	1E-9	-	-
47	Silver-112	Y, see $^{102}\text{Ag}$	-	9E+2	4E-7	1E-9	-	-
		D, see $^{102}\text{Ag}$	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
		W, see $^{102}\text{Ag}$	-	1E+4	4E-6	1E-8	-	-
47	Silver-115 <sup>2</sup>	Y, see $^{102}\text{Ag}$	-	9E+3	4E-6	1E-8	-	-
		D, see $^{102}\text{Ag}$	3E+4	9E+4	4E-5	1E-7	-	-
		St wall (3E+4)	-	-	-	4E-4	4E-3	
48	Cadmium-104 <sup>2</sup>	W, see $^{102}\text{Ag}$	-	9E+4	4E-5	1E-7	-	-
		Y, see $^{102}\text{Ag}$	-	8E+4	3E-5	1E-7	-	-
		D, all compounds except those given for W and Y	2E+4	7E+4	3E-5	9E-8	3E-4	3E-3
48	Cadmium-107	W, sulfides, halides, and nitrates	-	1E+5	5E-5	2E-7	-	-
		Y, oxides and hydroxides	-	1E+5	5E-5	2E-7	-	-
		D, see $^{104}\text{Cd}$	2E+4	5E+4	2E-5	8E-8	3E-4	3E-3
48	Cadmium-109	W, see $^{104}\text{Cd}$	-	6E+4	2E-5	8E-8	-	-
		Y, see $^{104}\text{Cd}$	-	5E+4	2E-5	7E-8	-	-
		D, see $^{104}\text{Cd}$	3E+2	4E+1	1E-8	-	-	-
48	Cadmium-113m	Kidneys (4E+2)	Kidneys (5E+1)	-	7E-11	6E-6	6E-5	
		W, see $^{104}\text{Cd}$	-	1E+2	5E-8	-	-	-
		Kidneys (1E+2)	-	-	2E-10	-	-	-
48	Cadmium-113	Y, see $^{104}\text{Cd}$	-	1E+2	5E-8	2E-10	-	-
		D, see $^{104}\text{Cd}$	2E+1	2E+0	1E-9	-	-	-
		Kidneys (4E+1)	Kidneys (4E+0)	-	5E-12	5E-7	5E-6	
48	Cadmium-113	W, see $^{104}\text{Cd}$	-	8E+0	4E-9	-	-	-
		Kidneys (1E+1)	-	-	2E-11	-	-	-
		Y, see $^{104}\text{Cd}$	-	1E+1	5E-9	2E-11	-	-
48	Cadmium-113	D, see $^{104}\text{Cd}$	2E+1	2E+0	9E-10	-	-	-
		Kidneys (3E+1)	Kidneys (3E+0)	-	5E-12	4E-7	4E-6	
		W, see $^{104}\text{Cd}$	-	8E+0	3E-9	-	-	-
48	Cadmium-113	Kidneys (1E+1)	-	-	2E-11	-	-	-
		Y, see $^{104}\text{Cd}$	-	1E+1	6E-9	2E-11	-	-
		D, see $^{104}\text{Cd}$	-	-	-	-	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
48	Cadmium-115m	D, see $^{104}\text{Cd}$	3E+2	5E+1	2E-8	-	4E-6	4E-5
				Kidneys				
			-	(8E+1)	-	1E-10	-	-
		W, see $^{104}\text{Cd}$	-	1E+2	5E-8	2E-10	-	-
		Y, see $^{104}\text{Cd}$	-	1E+2	6E-8	2E-10	-	-
48	Cadmium-115	D, see $^{104}\text{Cd}$	9E+2	1E+3	6E-7	2E-9	-	-
			LLI wall (1E+3)	-	-	-	1E-5	1E-4
		W, see $^{104}\text{Cd}$	-	1E+3	5E-7	2E-9	-	-
		Y, see $^{104}\text{Cd}$	-	1E+3	6E-7	2E-9	-	-
48	Cadmium-117m	D, see $^{104}\text{Cd}$	5E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		W, see $^{104}\text{Cd}$	-	2E+4	7E-6	2E-8	-	-
		Y, see $^{104}\text{Cd}$	-	1E+4	6E-6	2E-8	-	-
48	Cadmium-117	D, see $^{104}\text{Cd}$	5E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		W, see $^{104}\text{Cd}$	-	2E+4	7E-6	2E-8	-	-
		Y, see $^{104}\text{Cd}$	-	1E+4	6E-6	2E-8	-	-
49	Indium-109	D, all compounds except those given for W	2E+4	4E+4	2E-5	6E-8	3E-4	3E-3
		W, oxides, hydroxides, halides, and nitrates	-	6E+4	3E-5	9E-8	-	-
49	Indium-110 <sup>2</sup> (69.1 min)	D, see $^{109}\text{In}$	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see $^{109}\text{In}$	-	6E+4	2E-5	8E-8	-	-
49	Indium-110 (4.9 h)	D, see $^{109}\text{In}$	5E+3	2E+4	7E-6	2E-8	7E-5	7E-4
		W, see $^{109}\text{In}$	-	2E+4	8E-6	3E-8	-	-
49	Indium-111	D, see $^{109}\text{In}$	4E+3	6E+3	3E-6	9E-9	6E-5	6E-4
		W, see $^{109}\text{In}$	-	6E+3	3E-6	9E-9	-	-
49	Indium-112 <sup>2</sup>	D, see $^{109}\text{In}$	2E+5	6E+5	3E-4	9E-7	2E-3	2E-2
	-	W, see $^{109}\text{In}$	-	7E+5	3E-4	1E-6	-	-
49	Indium-113m <sup>2</sup>	D, see $^{109}\text{In}$	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
	-	W, see $^{109}\text{In}$	-	2E+5	8E-5	3E-7	-	-
49	Indium-114m	D, see $^{109}\text{In}$	3E+2	6E+1	3E-8	9E-11	-	-
			LLI wall (4E+2)	-	-	-	5E-6	5E-5
		W, see $^{109}\text{In}$	-	1E+2	4E-8	1E-10	-	-
49	Indium-115m	D, see $^{109}\text{In}$	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
	-	W, see $^{109}\text{In}$	-	5E+4	2E-5	7E-8	-	-
49	Indium-115	D, see $^{109}\text{In}$	4E+1	1E+0	6E-10	2E-12	5E-7	5E-6
	-	W, see $^{109}\text{In}$	-	5E+0	2E-9	8E-12	-	-
49	Indium-116m <sup>2</sup>	D, see $^{109}\text{In}$	2E+4	8E+4	3E-5	1E-7	3E-4	3E-3
		W, see $^{109}\text{In}$	-	1E+5	5E-5	2E-7	-	-
49	Indium-117m <sup>2</sup>	D, see $^{109}\text{In}$	1E+4	3E+4	1E-5	5E-8	2E-4	2E-3
	-	W, see $^{109}\text{In}$	-	4E+4	2E-5	6E-8	-	-
49	Indium-117 <sup>2</sup>	D, see $^{109}\text{In}$	6E+4	2E+5	7E-5	2E-7	8E-4	8E-3
		W, see $^{109}\text{In}$	-	2E+5	9E-5	3E-7	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI ( $\mu\text{Ci}$ )	Inhalation ALI ( $\mu\text{Ci}$ )	DAC ( $\mu\text{Ci/ml}$ )	Air ( $\mu\text{Ci/ml}$ )	Water ( $\mu\text{Ci/ml}$ )	
49	Indium-119m <sup>2</sup>	D, see <sup>109</sup> In	4E+4	1E+5	5E-5	2E-7	-	-
			St wall (5E+4)	-	-	-	7E-4	7E-3
50	Tin-110	W, see <sup>109</sup> In	-	1E+5	6E-5	2E-7	-	-
		D, all compounds except those given for W	4E+3	1E+4	5E-6	2E-8	5E-5	5E-4
		W, sulfides, oxides, hydroxides, halides, nitrates, and stannic phosphate	-	1E+4	5E-6	2E-8	-	-
50	Tin-111 <sup>2</sup>	D, see <sup>110</sup> Sn	7E+4	2E+5	9E-5	3E-7	1E-3	1E-2
		W, see <sup>110</sup> Sn	-	3E+5	1E-4	4E-7	-	-
50	Tin-113	D, see <sup>110</sup> Sn	2E+3	1E+3	5E-7	2E-9	-	-
			LLI wall (2E+3)	-	-	-	3E-5	3E-4
		W, see <sup>110</sup> Sn	-	5E+2	2E-7	8E-10	-	-
50	Tin-117m	D, see <sup>110</sup> Sn	2E+3	1E+3	5E-7	-	-	-
			LLI wall (2E+3)	Bone surf (2E+3)	-	3E-9	3E-5	3E-4
		W, see <sup>110</sup> Sn	-	1E+3	6E-7	2E-9	-	-
50	Tin-119m	D, see <sup>110</sup> Sn	3E+3	2E+3	1E-6	3E-9	-	-
			LLI wall (4E+3)	-	-	-	6E-5	6E-4
		W, see <sup>110</sup> Sn	-	1E+3	4E-7	1E-9	-	-
50	Tin-121m	D, see <sup>110</sup> Sn	3E+3	9E+2	4E-7	1E-9	-	-
			LLI wall (4E+3)	-	-	-	5E-5	5E-4
		W, see <sup>110</sup> Sn	-	5E+2	2E-7	8E-10	-	-
50	Tin-121	D, see <sup>110</sup> Sn	6E+3	2E+4	6E-6	2E-8	-	-
			LLI wall (6E+3)	-	-	-	8E-5	8E-4
		W, see <sup>110</sup> Sn	-	1E+4	5E-6	2E-8	-	-
50	Tin-123m <sup>2</sup>	D, see <sup>110</sup> Sn	5E+4	1E+5	5E-5	2E-7	7E-4	7E-3
		W, see <sup>110</sup> Sn	-	1E+5	6E-5	2E-7	-	-
50	Tin-123	D, see <sup>110</sup> Sn	5E+2	6E+2	3E-7	9E-10	-	-
			LLI wall (6E+2)	-	-	-	9E-6	9E-5
		W, see <sup>110</sup> Sn	-	2E+2	7E-8	2E-10	-	-
50	Tin-125	D, see <sup>110</sup> Sn	4E+2	9E+2	4E-7	1E-9	-	-
			LLI wall (5E+2)	-	-	-	6E-6	6E-5
		W, see <sup>110</sup> Sn	-	4E+2	1E-7	5E-10	-	-
50	Tin-126	D, see <sup>110</sup> Sn	3E+2	6E+1	2E-8	8E-11	4E-6	4E-5
		W, see <sup>110</sup> Sn	-	7E+1	3E-8	9E-11	-	-
50	Tin-127	D, see <sup>110</sup> Sn	7E+3	2E+4	8E-6	3E-8	9E-5	9E-4
		W, see <sup>110</sup> Sn	-	2E+4	8E-6	3E-8	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
50	Tin-128 <sup>2</sup>	D, see <sup>110</sup> Sn	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, see <sup>110</sup> Sn	-	4E+4	1E-5	5E-8	-	-
51	Antimony-115 <sup>2</sup>	D, all compounds except those given for W W, oxides, hydroxides, halides, sulfides, sulfates, and nitrates	8E+4	2E+5	1E-4	3E-7	1E-3	1E-2
51	Antimony-116m <sup>2</sup>	D, see <sup>115</sup> Sb	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
		W, see <sup>115</sup> Sb	-	1E+5	6E-5	2E-7	-	-
51	Antimony-116 <sup>2</sup>	D, see <sup>115</sup> Sb	7E+4	3E+5	1E-4	4E-7	-	-
		St wall (9E+4)	-	-	-	-	1E-3	1E-2
		W, see <sup>115</sup> Sb	-	3E+5	1E-4	5E-7	-	-
51	Antimony-117	D, see <sup>115</sup> Sb	7E+4	2E+5	9E-5	3E-7	9E-4	9E-3
		W, see <sup>115</sup> Sb	-	3E+5	1E-4	4E-7	-	-
51	Antimony-118m	D, see <sup>115</sup> Sb	6E+3	2E+4	8E-6	3E-8	7E-5	7E-4
		W, see <sup>115</sup> Sb	5E+3	2E+4	9E-6	3E-8	-	-
51	Antimony-119	D, see <sup>115</sup> Sb	2E+4	5E+4	2E-5	6E-8	2E-4	2E-3
		W, see <sup>115</sup> Sb	2E+4	3E+4	1E-5	4E-8	-	-
51	Antimony-120 <sup>2</sup> (16 min)	D, see <sup>115</sup> Sb	1E+5	4E+5	2E-4	6E-7	-	-
		St wall (2E+5)	-	-	-	-	2E-3	2E-2
		W, see <sup>115</sup> Sb	-	5E+5	2E-4	7E-7	-	-
51	Antimony-120 (5.76 d)	D, see <sup>115</sup> Sb	1E+3	2E+3	9E-7	3E-9	1E-5	1E-4
		W, see <sup>115</sup> Sb	9E+2	1E+3	5E-7	2E-9	-	-
51	Antimony-122	D, see <sup>115</sup> Sb	8E+2	2E+3	1E-6	3E-9	-	-
		LLI wall (8E+2)	-	-	-	-	1E-5	1E-4
		W, see <sup>115</sup> Sb	7E+2	1E+3	4E-7	2E-9	-	-
51	Antimony-124m <sup>2</sup>	D, see <sup>115</sup> Sb	3E+5	8E+5	4E-4	1E-6	3E-3	3E-2
		W, see <sup>115</sup> Sb	2E+5	6E+5	2E-4	8E-7	-	-
51	Antimony-124	D, see <sup>115</sup> Sb	6E+2	9E+2	4E-7	1E-9	7E-6	7E-5
		W, see <sup>115</sup> Sb	5E+2	2E+2	1E-7	3E-10	-	-
51	Antimony-125	D, see <sup>115</sup> Sb	2E+3	2E+3	1E-6	3E-9	3E-5	3E-4
		W, see <sup>115</sup> Sb	-	5E+2	2E-7	7E-10	-	-
51	Antimony-126m <sup>2</sup>	D, see <sup>115</sup> Sb	5E+4	2E+5	8E-5	3E-7	-	-
		St wall (7E+4)	-	-	-	-	9E-4	9E-3
		W, see <sup>115</sup> Sb	-	2E+5	8E-5	3E-7	-	-
51	Antimony-126	D, see <sup>115</sup> Sb	6E+2	1E+3	5E-7	2E-9	7E-6	7E-5
		W, see <sup>115</sup> Sb	5E+2	5E+2	2E-7	7E-10	-	-
51	Antimony-127	D, see <sup>115</sup> Sb	8E+2	2E+3	9E-7	3E-9	-	-
		LLI wall (8E+2)	-	-	-	-	1E-5	1E-4
		W, see <sup>115</sup> Sb	7E+2	9E+2	4E-7	1E-9	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
51	Antimony-128 <sup>2</sup> (10.4 min)	D, see <sup>115</sup> Sb	8E+4 St wall (1E+5)	4E+5 - -	2E-4 -	5E-7 -	- 1E-3	- 1E-2
		W, see <sup>115</sup> Sb	-	4E+5	2E-4	6E-7	-	-
51	Antimony-128 (9.01 h)	D, see <sup>115</sup> Sb	1E+3	4E+3	2E-6	6E-9	2E-5	2E-4
		W, see <sup>115</sup> Sb	-	3E+3	1E-6	5E-9	-	-
51	Antimony-129	D, see <sup>115</sup> Sb	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		W, see <sup>115</sup> Sb	-	9E+3	4E-6	1E-8	-	-
51	Antimony-130 <sup>2</sup>	D, see <sup>115</sup> Sb	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
		W, see <sup>115</sup> Sb	-	8E+4	3E-5	1E-7	-	-
51	Antimony-131 <sup>2</sup>	D, see <sup>115</sup> Sb	1E+4 Thyroid (2E+4)	2E+4 Thyroid (4E+4)	1E-5 -	- 6E-8	- 2E-4	- 2E-3
		W, see <sup>115</sup> Sb	- -	2E+4 Thyroid (4E+4)	1E-5 -	- 6E-8	- -	- -
52	Tellurium-116	D, all compounds except those given for W W, oxides, hydroxides, and nitrates	8E+3 -	2E+4 3E+4	9E-6 1E-5	3E-8 4E-8	1E-4 -	1E-3 -
52	Tellurium-121m	D, see <sup>116</sup> Te	5E+2 Bone surf (7E+2)	2E+2 Bone surf (4E+2)	8E-8 -	- 5E-10	- 1E-5	- 1E-4
		W, see <sup>116</sup> Te	-	4E+2	2E-7	6E-10	-	-
52	Tellurium-121	D, see <sup>116</sup> Te	3E+3	4E+3	2E-6	6E-9	4E-5	4E-4
		W, see <sup>116</sup> Te	-	3E+3	1E-6	4E-9	-	-
52	Tellurium-123m	D, see <sup>116</sup> Te	6E+2 Bone surf (1E+3)	2E+2 Bone surf (5E+2)	9E-8 -	- 8E-10	- 1E-5	- 1E-4
		W, see <sup>116</sup> Te	-	5E+2	2E-7	8E-10	-	-
52	Tellurium-123	D, see <sup>116</sup> Te	5E+2 Bone surf (1E+3)	2E+2 Bone surf (5E+2)	8E-8 -	- 7E-10	- 2E-5	- 2E-4
		W, see <sup>116</sup> Te	- -	4E+2 Bone surf (1E+3)	2E-7 -	- 2E-9	- -	- -
52	Tellurium-125m	D, see <sup>116</sup> Te	1E+3 Bone surf (1E+3)	4E+2 Bone surf (1E+3)	2E-7 -	- 1E-9	- 2E-5	- 2E-4
		W, see <sup>116</sup> Te	-	7E+2	3E-7	1E-9	-	-
52	Tellurium-127m	D, see <sup>116</sup> Te	6E+2 -	3E+2 Bone surf (4E+2)	1E-7 -	- 6E-10	9E-6 -	9E-5 -
		W, see <sup>116</sup> Te	-	3E+2	1E-7	4E-10	-	-
52	Tellurium-127	D, see <sup>116</sup> Te	7E+3	2E+4	9E-6	3E-8	1E-4	1E-3
		W, see <sup>116</sup> Te	-	2E+4	7E-6	2E-8	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
52	Tellurium-129m	D, see $^{116}\text{Te}$	5E+2	6E+2	3E-7	9E-10	7E-6	7E-5
		W, see $^{116}\text{Te}$	-	2E+2	1E-7	3E-10	-	-
52	Tellurium-129 <sup>2</sup>	D, see $^{116}\text{Te}$	3E+4	6E+4	3E-5	9E-8	4E-4	4E-3
		W, see $^{116}\text{Te}$	-	7E+4	3E-5	1E-7	-	-
52	Tellurium-131m	D, see $^{116}\text{Te}$	3E+2	4E+2	2E-7	-	-	-
			Thyroid (6E+2)	Thyroid (1E+3)	-	2E-9	8E-6	8E-5
		W, see $^{116}\text{Te}$	-	4E+2	2E-7	-	-	-
			-	Thyroid (9E+2)	-	1E-9	-	-
52	Tellurium-131 <sup>2</sup>	D, see $^{116}\text{Te}$	3E+3	5E+3	2E-6	-	-	-
			Thyroid (6E+3)	Thyroid (1E+4)	-	2E-8	8E-5	8E-4
		W, see $^{116}\text{Te}$	-	5E+3	2E-6	-	-	-
			-	Thyroid (1E+4)	-	2E-8	-	-
52	Tellurium-132	D, see $^{116}\text{Te}$	2E+2	2E+2	9E-8	-	-	-
			Thyroid (7E+2)	Thyroid (8E+2)	-	1E-9	9E-6	9E-5
		W, see $^{116}\text{Te}$	-	2E+2	9E-8	-	-	-
			-	Thyroid (6E+2)	-	9E-10	-	-
52	Tellurium-133m <sup>2</sup>	D, see $^{116}\text{Te}$	3E+3	5E+3	2E-6	-	-	-
			Thyroid (6E+3)	Thyroid (1E+4)	-	2E-8	9E-5	9E-4
		W, see $^{116}\text{Te}$	-	5E+3	2E-6	-	-	-
			-	Thyroid (1E+4)	-	2E-8	-	-
52	Tellurium-133 <sup>2</sup>	D, see $^{116}\text{Te}$	1E+4	2E+4	9E-6	-	-	-
			Thyroid (3E+4)	Thyroid (6E+4)	-	8E-8	4E-4	4E-3
		W, see $^{116}\text{Te}$	-	2E+4	9E-6	-	-	-
			-	Thyroid (6E+4)	-	8E-8	-	-
52	Tellurium-134 <sup>2</sup>	D, see $^{116}\text{Te}$	2E+4	2E+4	1E-5	-	-	-
			Thyroid (2E+4)	Thyroid (5E+4)	-	7E-8	3E-4	3E-3
		W, see $^{116}\text{Te}$	-	2E+4	1E-5	-	-	-
			-	Thyroid (5E+4)	-	7E-8	-	-
53	Iodine-120m <sup>2</sup>	D, all compounds	1E+4	2E+4	9E-6	3E-8	-	-
			Thyroid (1E+4)	-	-	-	2E-4	2E-3
53	Iodine-120 <sup>2</sup>	D, all compounds	4E+3	9E+3	4E-6	-	-	-
			Thyroid (8E+3)	Thyroid (1E+4)	-	2E-8	1E-4	1E-3

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
53	Iodine-121	D, all compounds	1E+4 Thyroid (3E+4)	2E+4 Thyroid (5E+4)	8E-6 - -	- 7E-8 -	- 4E-4 -	- 4E-3 -
53	Iodine-123	D, all compounds	3E+3 Thyroid (1E+4)	6E+3 Thyroid (2E+4)	3E-6 - -	- 2E-8 -	- 1E-4 -	- 1E-3 -
53	Iodine-124	D, all compounds	5E+1 Thyroid (2E+2)	8E+1 Thyroid (3E+2)	3E-8 - -	- 4E-10 -	- 2E-6 -	- 2E-5 -
53	Iodine-125	D, all compounds	4E+1 Thyroid (1E+2)	6E+1 Thyroid (2E+2)	3E-8 - -	- 3E-10 -	- 2E-6 -	- 2E-5 -
53	Iodine-126	D, all compounds	2E+1 Thyroid (7E+1)	4E+1 Thyroid (1E+2)	1E-8 - -	- 2E-10 -	- 1E-6 -	- 1E-5 -
53	Iodine-128 <sup>2</sup>	D, all compounds	4E+4 St wall (6E+4)	1E+5 - -	5E-5 - -	2E-7 - -	- 8E-4 -	- 8E-3 -
53	Iodine-129	D, all compounds	5E+0 Thyroid (2E+1)	9E+0 Thyroid (3E+1)	4E-9 - -	- 4E-11 -	- 2E-7 -	- 2E-6 -
53	Iodine-130	D, all compounds	4E+2 Thyroid (1E+3)	7E+2 Thyroid (2E+3)	3E-7 - -	- 3E-9 -	- 2E-5 -	- 2E-4 -
53	Iodine-131	D, all compounds	3E+1 Thyroid (9E+1)	5E+1 Thyroid (2E+2)	2E-8 - -	- 2E-10 -	- 1E-6 -	- 1E-5 -
53	Iodine-132m <sup>2</sup>	D, all compounds	4E+3 Thyroid (1E+4)	8E+3 Thyroid (2E+4)	4E-6 - -	- 3E-8 -	- 1E-4 -	- 1E-3 -
53	Iodine-132	D, all compounds	4E+3 Thyroid (9E+3)	8E+3 Thyroid (1E+4)	3E-6 - -	- 2E-8 -	- 1E-4 -	- 1E-3 -
53	Iodine-133	D, all compounds	1E+2 Thyroid (5E+2)	3E+2 Thyroid (9E+2)	1E-7 - -	- 1E-9 -	- 7E-6 -	- 7E-5 -
53	Iodine-134 <sup>2</sup>	D, all compounds	2E+4 Thyroid (3E+4)	5E+4 - -	2E-5 - -	6E-8 - -	- 4E-4 -	- 4E-3 -
53	Iodine-135	D, all compounds	8E+2 Thyroid (3E+3)	2E+3 Thyroid (4E+3)	7E-7 - -	- 6E-9 -	- 3E-5 -	- 3E-4 -
54	Xenon-120 <sup>2</sup>	Submersion <sup>1</sup>	-	-	1E-5	4E-8	-	-
54	Xenon-121 <sup>2</sup>	Submersion <sup>1</sup>	-	-	2E-6	1E-8	-	-
54	Xenon-122	Submersion <sup>1</sup>	-	-	7E-5	3E-7	-	-
54	Xenon-123	Submersion <sup>1</sup>	-	-	6E-6	3E-8	-	-
54	Xenon-125	Submersion <sup>1</sup>	-	-	2E-5	7E-8	-	-
54	Xenon-127	Submersion <sup>1</sup>	-	-	1E-5	6E-8	-	-
54	Xenon-129m	Submersion <sup>1</sup>	-	-	2E-4	9E-7	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
54	Xenon-131m	Submersion <sup>1</sup>	-	-	4E-4	2E-6	-	-
54	Xenon-133m	Submersion <sup>1</sup>	-	-	1E-4	6E-7	-	-
54	Xenon-133	Submersion <sup>1</sup>	-	-	1E-4	5E-7	-	-
54	Xenon-135m <sup>2</sup>	Submersion <sup>1</sup>	-	-	9E-6	4E-8	-	-
54	Xenon-135	Submersion <sup>1</sup>	-	-	1E-5	7E-8	-	-
54	Xenon-138 <sup>2</sup>	Submersion <sup>1</sup>	-	-	4E-6	2E-8	-	-
55	Cesium-125 <sup>2</sup>	D, all compounds	5E+4	1E+5	6E-5	2E-7	-	-
		St wall	(9E+4)	-	-	-	1E-3	1E-2
55	Cesium-127	D, all compounds	6E+4	9E+4	4E-5	1E-7	9E-4	9E-3
55	Cesium-129	D, all compounds	2E+4	3E+4	1E-5	5E-8	3E-4	3E-3
55	Cesium-130 <sup>2</sup>	D, all compounds	6E+4	2E+5	8E-5	3E-7	-	-
		St wall	(1E+5)	-	-	-	1E-3	1E-2
55	Cesium-131	D, all compounds	2E+4	3E+4	1E-5	4E-8	3E-4	3E-3
55	Cesium-132	D, all compounds	3E+3	4E+3	2E-6	6E-9	4E-5	4E-4
55	Cesium-134m	D, all compounds	1E+5	1E+5	6E-5	2E-7	-	-
		St wall	(1E+5)	-	-	-	2E-3	2E-2
55	Cesium-134	D, all compounds	7E+1	1E+2	4E-8	2E-10	9E-7	9E-6
55	Cesium-135m <sup>2</sup>	D, all compounds	1E+5	2E+5	8E-5	3E-7	1E-3	1E-2
55	Cesium-135	D, all compounds	7E+2	1E+3	5E-7	2E-9	1E-5	1E-4
55	Cesium-136	D, all compounds	4E+2	7E+2	3E-7	9E-10	6E-6	6E-5
55	Cesium-137	D, all compounds	1E+2	2E+2	6E-8	2E-10	1E-6	1E-5
55	Cesium-138 <sup>2</sup>	D, all compounds	2E+4	6E+4	2E-5	8E-8	-	-
		St wall	(3E+4)	-	-	-	4E-4	4E-3
56	Barium-126 <sup>2</sup>	D, all compounds	6E+3	2E+4	6E-6	2E-8	8E-5	8E-4
56	Barium-128	D, all compounds	5E+2	2E+3	7E-7	2E-9	7E-6	7E-5
56	Barium-131m <sup>2</sup>	D, all compounds	4E+5	1E+6	6E-4	2E-6	-	-
		St wall	(5E+5)	-	-	-	7E-3	7E-2
56	Barium-131	D, all compounds	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
56	Barium-133m	D, all compounds	2E+3	9E+3	4E-6	1E-8	-	-
		LLI wall	(3E+3)	-	-	-	4E-5	4E-4
56	Barium-133	D, all compounds	2E+3	7E+2	3E-7	9E-10	2E-5	2E-4
56	Barium-135m	D, all compounds	3E+3	1E+4	5E-6	2E-8	4E-5	4E-4
56	Barium-139 <sup>2</sup>	D, all compounds	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
56	Barium-140	D, all compounds	5E+2	1E+3	6E-7	2E-9	-	-
		LLI wall	(6E+2)	-	-	-	8E-6	8E-5
56	Barium-141 <sup>2</sup>	D, all compounds	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
56	Barium-142 <sup>2</sup>	D, all compounds	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
57	Lanthanum-131 <sup>2</sup>	D, all compounds except those given for W, oxides and hydroxides	5E+4	1E+5	5E-5	2E-7	6E-4	6E-3
			-	2E+5	7E-5	2E-7	-	-



## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
57	Lanthanum-132	D, see $^{131}\text{La}$	3E+3	1E+4	4E-6	1E-8	4E-5	4E-4
		W, see $^{131}\text{La}$	-	1E+4	5E-6	2E-8	-	-
57	Lanthanum-135	D, see $^{131}\text{La}$	4E+4	1E+5	4E-5	1E-7	5E-4	5E-3
		W, see $^{131}\text{La}$	-	9E+4	4E-5	1E-7	-	-
57	Lanthanum-137	D, see $^{131}\text{La}$	1E+4	6E+1	3E-8	-	2E-4	2E-3
				Liver				
			-	(7E+1)	-	1E-10	-	-
		W, see $^{131}\text{La}$	-	3E+2	1E-7	-	-	-
57	Lanthanum-138	D, see $^{131}\text{La}$	-	Liver				
		W, see $^{131}\text{La}$	-	(3E+2)	-	4E-10	-	-
57	Lanthanum-140	D, see $^{131}\text{La}$	9E+2	4E+0	1E-9	5E-12	1E-5	1E-4
		W, see $^{131}\text{La}$	-	1E+1	6E-9	2E-11	-	-
57	Lanthanum-141	D, see $^{131}\text{La}$	6E+2	1E+3	6E-7	2E-9	9E-6	9E-5
		W, see $^{131}\text{La}$	-	1E+3	5E-7	2E-9	-	-
57	Lanthanum-142 <sup>2</sup>	D, see $^{131}\text{La}$	4E+3	9E+3	4E-6	1E-8	5E-5	5E-4
		W, see $^{131}\text{La}$	-	1E+4	5E-6	2E-8	-	-
57	Lanthanum-143 <sup>2</sup>	D, see $^{131}\text{La}$	8E+3	2E+4	9E-6	3E-8	1E-4	1E-3
		W, see $^{131}\text{La}$	-	3E+4	1E-5	5E-8	-	-
58	Cerium-134	D, see $^{131}\text{La}$	4E+4	1E+5	4E-5	1E-7	-	-
			St wall					
			(4E+4)	-	-	-	5E-4	5E-3
		W, see $^{131}\text{La}$	-	9E+4	4E-5	1E-7	-	-
58	Cerium-135	W, all compounds except those given for Y	5E+2	7E+2	3E-7	1E-9	-	-
			LLI wall					
			(6E+2)	-	-	-	8E-6	8E-5
		Y, oxides, hydroxides, and fluorides	-	7E+2	3E-7	9E-10	-	-
58	Cerium-137m	W, see $^{134}\text{Ce}$	2E+3	4E+3	2E-6	5E-9	2E-5	2E-4
		Y, see $^{134}\text{Ce}$	-	4E+3	1E-6	5E-9	-	-
58	Cerium-139	W, see $^{134}\text{Ce}$	2E+3	4E+3	2E-6	6E-9	-	-
			LLI wall					
			(2E+3)	-	-	-	3E-5	3E-4
		Y, see $^{134}\text{Ce}$	-	4E+3	2E-6	5E-9	-	-
58	Cerium-141	W, see $^{134}\text{Ce}$	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
		Y, see $^{134}\text{Ce}$	-	1E+5	5E-5	2E-7	-	-
58	Cerium-143	W, see $^{134}\text{Ce}$	5E+3	8E+2	3E-7	1E-9	7E-5	7E-4
		Y, see $^{134}\text{Ce}$	-	7E+2	3E-7	9E-10	-	-
58	Cerium-143	W, see $^{134}\text{Ce}$	2E+3	7E+2	3E-7	1E-9	-	-
			LLI wall					
			(2E+3)	-	-	-	3E-5	3E-4
		Y, see $^{134}\text{Ce}$	-	6E+2	2E-7	8E-10	-	-
58	Cerium-143	W, see $^{134}\text{Ce}$	1E+3	2E+3	8E-7	3E-9	-	-
			LLI wall					
58	Cerium-143		(1E+3)	-	-	-	2E-5	2E-4
		Y, see $^{134}\text{Ce}$	-	2E+3	7E-7	2E-9	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
58	Cerium-144	W, see $^{134}\text{Ce}$	2E+2 LLI wall (3E+2)	3E+1 -	1E-8 -	4E-11 -	- 3E-6	- 3E-5
		Y, see $^{134}\text{Ce}$	-	1E+1	6E-9	2E-11	-	-
59	Praseodymium-136 <sup>2</sup>	W, all compounds except those given for Y	5E+4 St wall (7E+4)	2E+5 -	1E-4 -	3E-7 -	- 1E-3	- 1E-2
		Y, oxides, hydroxides, carbides, and fluorides	-	2E+5	9E-5	3E-7	-	-
59	Praseodymium-137 <sup>2</sup>	W, see $^{136}\text{Pr}$	4E+4	2E+5	6E-5	2E-7	5E-4	5E-3
		Y, see $^{136}\text{Pr}$	-	1E+5	6E-5	2E-7	-	-
59	Praseodymium-138m	W, see $^{136}\text{Pr}$	1E+4	5E+4	2E-5	8E-8	1E-4	1E-3
		Y, see $^{136}\text{Pr}$	-	4E+4	2E-5	6E-8	-	-
59	Praseodymium-139	W, see $^{136}\text{Pr}$	4E+4	1E+5	5E-5	2E-7	6E-4	6E-3
		Y, see $^{136}\text{Pr}$	-	1E+5	5E-5	2E-7	-	-
59	Praseodymium-142m <sup>2</sup>	W, see $^{136}\text{Pr}$	8E+4	2E+5	7E-5	2E-7	1E-3	1E-2
		Y, see $^{136}\text{Pr}$	-	1E+5	6E-5	2E-7	-	-
59	Praseodymium-142	W, see $^{136}\text{Pr}$	1E+3	2E+3	9E-7	3E-9	1E-5	1E-4
		Y, see $^{136}\text{Pr}$	-	2E+3	8E-7	3E-9	-	-
59	Praseodymium-143	W, see $^{136}\text{Pr}$	9E+2 LLI wall (1E+3)	8E+2 -	3E-7 -	1E-9 -	- 2E-5	- 2E-4
		Y, see $^{136}\text{Pr}$	-	7E+2	3E-7	9E-10	-	-
59	Praseodymium-144 <sup>2</sup>	W, see $^{136}\text{Pr}$	3E+4 St wall (4E+4)	1E+5 -	5E-5 -	2E-7 -	- 6E-4	- 6E-3
		Y, see $^{136}\text{Pr}$	-	1E+5	5E-5	2E-7	-	-
59	Praseodymium-145	W, see $^{136}\text{Pr}$	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		Y, see $^{136}\text{Pr}$	-	8E+3	3E-6	1E-8	-	-
59	Praseodymium-147 <sup>2</sup>	W, see $^{136}\text{Pr}$	5E+4 St wall (8E+4)	2E+5 -	8E-5 -	3E-7 -	- 1E-3	- 1E-2
		Y, see $^{136}\text{Pr}$	-	2E+5	8E-5	3E-7	-	-
60	Neodymium-136 <sup>2</sup>	W, all compounds except those given for Y	1E+4	6E+4	2E-5	8E-8	2E-4	2E-3
		Y, oxides, hydroxides, carbides, and fluorides	-	5E+4	2E-5	8E-8	-	-
60	Neodymium-138	W, see $^{136}\text{Nd}$	2E+3	6E+3	3E-6	9E-9	3E-5	3E-4
		Y, see $^{136}\text{Nd}$	-	5E+3	2E-6	7E-9	-	-
60	Neodymium-139m	W, see $^{136}\text{Nd}$	5E+3	2E+4	7E-6	2E-8	7E-5	7E-4
		Y, see $^{136}\text{Nd}$	-	1E+4	6E-6	2E-8	-	-
60	Neodymium-139 <sup>2</sup>	W, see $^{136}\text{Nd}$	9E+4	3E+5	1E-4	5E-7	1E-3	1E-2
		Y, see $^{136}\text{Nd}$	-	3E+5	1E-4	4E-7	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
60	Neodymium-141	W, see $^{136}\text{Nd}$	2E+5	7E+5	3E-4	1E-6	2E-3	2E-2
		Y, see $^{136}\text{Nd}$	-	6E+5	3E-4	9E-7	-	-
60	Neodymium-147	W, see $^{136}\text{Nd}$	1E+3	9E+2	4E-7	1E-9	-	-
		LLI wall (1E+3)	-	-	-	-	2E-5	2E-4
		Y, see $^{136}\text{Nd}$	-	8E+2	4E-7	1E-9	-	-
60	Neodymium-149 <sup>2</sup>	W, see $^{136}\text{Nd}$	1E+4	3E+4	1E-5	4E-8	1E-4	1E-3
		Y, see $^{136}\text{Nd}$	-	2E+4	1E-5	3E-8	-	-
60	Neodymium-151 <sup>2</sup>	W, see $^{136}\text{Nd}$	7E+4	2E+5	8E-5	3E-7	9E-4	9E-3
		Y, see $^{136}\text{Nd}$	-	2E+5	8E-5	3E-7	-	-
61	Promethium-141 <sup>2</sup>	W, all compounds except those given for Y	5E+4	2E+5	8E-5	3E-7	-	-
		St wall (6E+4)	-	-	-	-	8E-4	8E-3
		Y, oxides, hydroxides, carbides, and fluorides	-	2E+5	7E-5	2E-7	-	-
61	Promethium-143	W, see $^{141}\text{Pm}$	5E+3	6E+2	2E-7	8E-10	7E-5	7E-4
		Y, see $^{141}\text{Pm}$	-	7E+2	3E-7	1E-9	-	-
61	Promethium-144	W, see $^{141}\text{Pm}$	1E+3	1E+2	5E-8	2E-10	2E-5	2E-4
		Y, see $^{141}\text{Pm}$	-	1E+2	5E-8	2E-10	-	-
61	Promethium-145	W, see $^{141}\text{Pm}$	1E+4	2E+2	7E-8	-	1E-4	1E-3
		Bone surf (2E+2)	-	-	-	3E-10	-	-
		Y, see $^{141}\text{Pm}$	-	2E+2	8E-8	3E-10	-	-
61	Promethium-146	W, see $^{141}\text{Pm}$	2E+3	5E+1	2E-8	7E-11	2E-5	2E-4
		Y see $^{141}\text{Pm}$	-	4E+1	2E-8	6E-11	-	-
61	Promethium-147	W see $^{141}\text{Pm}$	4E+3	1E+2	5E-8	-	-	-
		LLI wall Bone surf (5E+3) (2E+2)	-	-	-	3E-10	7E-5	7E-4
		Y, see $^{141}\text{Pm}$	-	1E+2	6E-8	2E-10	-	-
61	Promethium-148m	W, see $^{141}\text{Pm}$	7E+2	3E+2	1E-7	4E-10	1E-5	1E-4
		Y, see $^{141}\text{Pm}$	-	3E+2	1E-7	5E-10	-	-
61	Promethium-148	W, see $^{141}\text{Pm}$	4E+2	5E+2	2E-7	8E-10	-	-
		LLI wall (5E+2)	-	-	-	-	7E-6	7E-5
		Y, see $^{141}\text{Pm}$	-	5E+2	2E-7	7E-10	-	-
0		LLI wall (1E+3)	-	-	-	-	2E-5	2E-4
		Y, see $^{141}\text{Pm}$	-	2E+3	8E-7	2E-9	-	-
61	Promethium-150	W, see $^{141}\text{Pm}$	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
		Y, see $^{141}\text{Pm}$	-	2E+4	7E-6	2E-8	-	-
61	Promethium-151	W, see $^{141}\text{Pm}$	2E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		Y, see $^{141}\text{Pm}$	-	3E+3	1E-6	4E-9	-	-
62	Samarium-141m <sup>2</sup>	W, all compounds	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
62	Samarium-141 <sup>2</sup>	W, all compounds	5E+4 St wall (6E+4)	2E+5 -	8E-5 -	2E-7 -	- 8E-4	- 8E-3
62	Samarium-142 <sup>2</sup>	W, all compounds	8E+3	3E+4	1E-5	4E-8	1E-4	1E-3
62	Samarium-145	W, all compounds	6E+3	5E+2	2E-7	7E-10	8E-5	8E-4
62	Samarium-146	W, all compounds	1E+1 Bone surf (3E+1)	4E2 Bone surf (6E-2)	1E-11 -	- 9E-14	- 3E-7	- 3E-6
62	Samarium-147	W, all compounds	2E+1 Bone surf (3E+1)	4E2 Bone surf (7E-2)	2E-11 -	- 1E-13	- 4E-7	- 4E-6
62	Samarium-151	W, all compounds	1E+4 LLI wall (1E+4)	1E+2 Bone surf (2E+2)	4E-8 -	- 2E-10	- 2E-4	- 2E-3
62	Samarium-153	W, all compounds	2E+3 LLI wall (2E+3)	3E+3 -	1E-6 -	4E-9 -	- 3E-5	- 3E-4
62	Samarium-155 <sup>2</sup>	W, all compounds	6E+4 St wall (8E+4)	2E+5 -	9E-5 -	3E-7 -	- 1E-3	- 1E-2
62	Samarium-156	W, all compounds	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
63	Europium-145	W, all compounds	2E+3	2E+3	8E-7	3E-9	2E-5	2E-4
63	Europium-146	W, all compounds	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
63	Europium-147	W, all compounds	3E+3	2E+3	7E-7	2E-9	4E-5	4E-4
63	Europium-148	W, all compounds	1E+3	4E+2	1E-7	5E-10	1E-5	1E-4
63	Europium-149	W, all compounds	1E+4	3E+3	1E-6	4E-9	2E-4	2E-3
63	Europium-150 (12.62 h)	W, all compounds	3E+3	8E+3	4E-6	1E-8	4E-5	4E-4
63	Europium-150 (34.2 y)	W, all compounds	8E+2	2E+1	8E-9	3E-11	1E-5	1E-4
63	Europium-152m	W, all compounds	3E+3	6E+3	3E-6	9E-9	4E-5	4E-4
63	Europium-152	W, all compounds	8E+2	2E+1	1E-8	3E-11	1E-5	1E-4
63	Europium-154	W, all compounds	5E+2	2E+1	8E-9	3E-11	7E-6	7E-5
63	Europium-155	W, all compounds	4E+3 Bone surf -	9E+1 (1E+2)	4E-8 -	- 2E-10	5E-5 -	5E-4 -
63	Europium-156	W, all compounds	6E+2	5E+2	2E-7	6E-10	8E-6	8E-5
63	Europium-157	W, all compounds	2E+3	5E+3	2E-6	7E-9	3E-5	3E-4
63	Europium-158 <sup>2</sup>	W, all compounds	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
64	Gadolinium-145 <sup>2</sup>	D, all compounds except those given for W	5E+4 St wall (5E+4)	2E+5 -	6E-5 -	2E-7 -	- 6E-4	- 6E-3
		W, oxides, hydroxides, and fluorides	-	2E+5	7E-5	2E-7	-	-
64	Gadolinium-146	D, see <sup>145</sup> Gd	1E+3	1E+2	5E-8	2E-10	2E-5	2E-4
		W, see <sup>145</sup> Gd	-	3E+2	1E-7	4E-10	-	-
64	Gadolinium-147	D, see <sup>145</sup> Gd	2E+3	4E+3	2E-6	6E-9	3E-5	3E-4
		W, see <sup>145</sup> Gd	-	4E+3	1E-6	5E-9	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
64	Gadolinium-148	D, see $^{145}\text{Gd}$	1E+1	8E+3	3E-12	-	-	-
			Bone surf (2E+1)	Bone surf (2E+2)	-	2E-14	3E-7	3E-6
		W, see $^{145}\text{Gd}$	-	3E-2	1E-11	-	-	-
			-	Bone surf (6E-2)	-	8E-14	-	-
64	Gadolinium-149	D, see $^{145}\text{Gd}$	3E+3	2E+3	9E-7	3E-9	4E-5	4E-4
		W, see $^{145}\text{Gd}$	-	2E+3	1E-6	3E-9	-	-
64	Gadolinium-151	D, see $^{145}\text{Gd}$	6E+3	4E+2	2E-7	-	9E-5	9E-4
			-	Bone surf (6E+2)	-	9E-10	-	-
		W, see $^{145}\text{Gd}$	-	1E+3	5E-7	2E-9	-	-
			-	1E+3	5E-7	2E-9	-	-
64	Gadolinium-152	D, see $^{145}\text{Gd}$	2E+1	1E-2	4E-12	-	-	-
			Bone surf (3E+1)	Bone surf (2E-2)	-	3E-14	4E-7	4E-6
		W, see $^{145}\text{Gd}$	-	4E-2	2E-11	-	-	-
			-	Bone surf (8E-2)	-	1E-13	-	-
64	Gadolinium-153	D, see $^{145}\text{Gd}$	5E+3	1E+2	6E-8	-	6E-5	6E-4
			-	Bone surf (2E+2)	-	3E-10	-	-
		W, see $^{145}\text{Gd}$	-	6E+2	2E-7	8E-10	-	-
			-	6E+2	2E-7	8E-10	-	-
64	Gadolinium-159	D, see $^{145}\text{Gd}$	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
		W, see $^{145}\text{Gd}$	-	6E+3	2E-6	8E-9	-	-
65	Terbium-147 <sup>2</sup>	W, all compounds	9E+3	3E+4	1E-5	5E-8	1E-4	1E-3
65	Terbium-149	W, all compounds	5E+3	7E+2	3E-7	1E-9	7E-5	7E-4
65	Terbium-150	W, all compounds	5E+3	2E+4	9E-6	3E-8	7E-5	7E-4
65	Terbium-151	W, all compounds	4E+3	9E+3	4E-6	1E-8	5E-5	5E-4
65	Terbium-153	W, all compounds	5E+3	7E+3	3E-6	1E-8	7E-5	7E-4
65	Terbium-154	W, all compounds	2E+3	4E+3	2E-6	6E-9	2E-5	2E-4
65	Terbium-155	W, all compounds	6E+3	8E+3	3E-6	1E-8	8E-5	8E-4
65	Terbium-156m (5.0 h)	W, all compounds	2E+4	3E+4	1E-5	4E-8	2E-4	2E-3
65	Terbium-156m (24.4 h)	W, all compounds	7E+3	8E+3	3E-6	1E-8	1E-4	1E-3
65	Terbium-156	W, all compounds	1E+3	1E+3	6E-7	2E-9	1E-5	1E-4
65	Terbium-157	W, all compounds	5E+4	3E+2	1E-7	-	-	-
			LLI wall (5E+4)	Bone surf (6E+2)	-	8E-10	7E-4	7E-3
		W, all compounds	1E+3	2E+1	8E-9	3E-11	2E-5	2E-4
			8E+2	2E+2	9E-8	3E-10	1E-5	1E-4
65	Terbium-160	W, all compounds	8E+2	2E+2	9E-8	3E-10	1E-5	1E-4
65	Terbium-161	W, all compounds	2E+3	2E+3	7E-7	2E-9	-	-
			LLI wall (2E+3)	-	-	-	3E-5	3E-4
66	Dysprosium-155	W, all compounds	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
66	Dysprosium-157	W, all compounds	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
66	Dysprosium-159	W, all compounds	1E+4	2E+3	1E-6	3E-9	2E-4	2E-3
66	Dysprosium-165	W, all compounds	1E+4	5E+4	2E-5	6E-8	2E-4	2E-3

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
66	Dysprosium-166	W, all compounds	6E+2	7E+2	3E-7	1E-9	-	-
			LLI wall (8E+2)	-	-	-	1E-5	1E-4
67	Holmium-155 <sup>2</sup>	W, all compounds	4E+4	2E+5	6E-5	2E-7	6E-4	6E-3
67	Holmium-157 <sup>2</sup>	W, all compounds	3E+5	1E+6	6E-4	2E-6	4E-3	4E-2
67	Holmium-159 <sup>2</sup>	W, all compounds	2E+5	1E+6	4E-4	1E-6	3E-3	3E-2
67	Holmium-161	W, all compounds	1E+5	4E+5	2E-4	6E-7	1E-3	1E-2
67	Holmium-162m <sup>2</sup>	W, all compounds	5E+4	3E+5	1E-4	4E-7	7E-4	7E-3
67	Holmium-162 <sup>2</sup>	W, all compounds	5E+5	2E+6	1E-3	3E-6	-	-
			St wall (8E+5)	-	-	-	1E-2	1E-1
67	Holmium-164m <sup>2</sup>	W, all compounds	1E+5	3E+5	1E-4	4E-7	1E-3	1E-2
67	Holmium-164 <sup>2</sup>	W, all compounds	2E+5	6E+5	3E-4	9E-7	-	-
			St wall (2E+5)	-	-	-	3E-3	3E-2
67	Holmium-166m	W, all compounds	6E+2	7E+0	3E-9	9E-12	9E-6	9E-5
67	Holmium-166	W, all compounds	9E+2	2E+3	7E-7	2E-9	-	-
			LLI wall (9E+2)	-	-	-	1E-5	1E-4
67	Holmium-167	W, all compounds	2E+4	6E+4	2E-5	8E-8	2E-4	2E-3
68	Erbium-161	W, all compounds	2E+4	6E+4	3E-5	9E-8	2E-4	2E-3
68	Erbium-165	W, all compounds	6E+4	2E+5	8E-5	3E-7	9E-4	9E-3
68	Erbium-169	W, all compounds	3E+3	3E+3	1E-6	4E-9	-	-
			LLI wall (4E+3)	-	-	-	5E-5	5E-4
68	Erbium-171	W, all compounds	4E+3	1E+4	4E-6	1E-8	5E-5	5E-4
68	Erbium-172	W, all compounds	1E+3	1E+3	6E-7	2E-9	-	-
			LLI wall (E+3)	-	-	-	2E-5	2E-4
69	Thulium-162 <sup>2</sup>	W, all compounds	7E+4	3E+5	1E-4	4E-7	-	-
			St wall (7E+4)	-	-	-	1E-3	1E-2
69	Thulium-166	W, all compounds	4E+3	1E+4	6E-6	2E-8	6E-5	6E-4
69	Thulium-167	W, all compounds	2E+3	2E+3	8E-7	3E-9	-	-
			LLI wall (2E+3)	-	-	-	3E-5	3E-4
69	Thulium-170	W, all compounds	8E+2	2E+2	9E-8	3E-10	-	-
			LLI wall (1E+3)	-	-	-	1E-5	1E-4
69	Thulium-171	W, all compounds	1E+4	3E+2	1E-7	-	-	-
			LLI wall Bone surf (1E+4)	(6E+2)	-	8E-10	2E-4	2E-3
69	Thulium-172	W, all compounds	7E+2	1E+3	5E-7	2E-9	-	-
			LLI wall (8E+2)	-	-	-	1E-5	1E-4
69	Thulium-173	W, all compounds	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
69	Thulium-175 <sup>2</sup>	W, all compounds	7E+4	3E+5	1E-4	4E-7	-	-
			St wall (9E+4)	-	-	-	1E-3	1E-2

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
70	Ytterbium-162 <sup>2</sup>	W, all compounds except those given for Y	7E+4	3E+5	1E-4	4E-7	1E-3	1E-2
		Y, oxides, hydroxides, and fluorides	-	3E+5	1E-4	4E-7	-	-
70	Ytterbium-166	W, see <sup>162</sup> Yb	1E+3	2E+3	8E-7	3E-9	2E-5	2E-4
		Y, see <sup>162</sup> Yb	-	2E+3	8E-7	3E-9	-	-
70	Ytterbium-167 <sup>2</sup>	W, see <sup>162</sup> Yb	3E+5	8E+5	3E-4	1E-6	4E-3	4E-2
		Y, see <sup>162</sup> Yb	-	7E+5	3E-4	1E-6	-	-
70	Ytterbium-169	W, see <sup>162</sup> Yb	2E+3	8E+2	4E-7	1E-9	2E-5	2E-4
		Y, see <sup>162</sup> Yb	-	7E+2	3E-7	1E-9	-	-
70	Ytterbium-175	W, see <sup>162</sup> Yb	3E+3	4E+3	1E-6	5E-9	-	-
		LLI wall (3E+3)	-	-	-	-	4E-5	4E-4
		Y, see <sup>162</sup> Yb	-	3E+3	1E-6	5E-9	-	-
70	Ytterbium-177 <sup>2</sup>	W, see <sup>162</sup> Yb	2E+4	5E+4	2E-5	7E-8	2E-4	2E-3
		Y, see <sup>162</sup> Yb	-	5E+4	2E-5	6E-8	-	-
70	Ytterbium-178 <sup>2</sup>	W, see <sup>162</sup> Yb	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		Y, see <sup>162</sup> Yb	-	4E+4	2E-5	5E-8	-	-
71	Lutetium-169	W, all compounds except those given for Y	3E+3	4E+3	2E-6	6E-9	3E-5	3E-4
		Y, oxides, hydroxides, and fluorides	-	4E+3	2E-6	6E-9	-	-
71	Lutetium-170	W, see <sup>169</sup> Lu	1E+3	2E+3	9E-7	3E-9	2E-5	2E-4
		Y, see <sup>169</sup> Lu	-	2E+3	8E-7	3E-9	-	-
71	Lutetium-171	W, see <sup>169</sup> Lu	2E+3	2E+3	8E-7	3E-9	3E-5	3E-4
		Y, see <sup>169</sup> Lu	-	2E+3	8E-7	3E-9	-	-
71	Lutetium-172	W, see <sup>169</sup> Lu	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
		Y, see <sup>169</sup> Lu	-	1E+3	5E-7	2E-9	-	-
71	Lutetium-173	W, see <sup>169</sup> Lu	5E+3	3E+2	1E-7	-	7E-5	7E-4
		Bone surf (5E+2)	-	-	-	6E-10	-	-
		Y, see <sup>169</sup> Lu	-	3E+2	1E-7	4E-10	-	-
71	Lutetium-174m	W, see <sup>169</sup> Lu	2E+3	2E+2	1E-7	-	-	-
		LLI wall (3E+3)	-	Bone surf (3E+2)	-	5E-10	4E-5	4E-4
		Y, see <sup>169</sup> Lu	-	2E+2	9E-8	3E-10	-	-
71	Lutetium-174	W, see <sup>169</sup> Lu	5E+3	1E+2	5E-8	-	7E-5	7E-4
		Bone surf (2E+2)	-	-	-	3E-10	-	-
		Y, see <sup>169</sup> Lu	-	2E+2	6E-8	2E-10	-	-
71	Lutetium-176m	W, see <sup>169</sup> Lu	8E+3	3E+4	1E-5	3E-8	1E-4	1E-3
		Y, see <sup>169</sup> Lu	-	2E+4	9E-6	3E-8	-	-
71	Lutetium-176	W, see <sup>169</sup> Lu	7E+2	5E+0	2E-9	-	1E-5	1E-4
		Bone surf (1E+1)	-	-	-	2E-11	-	-
		Y, see <sup>169</sup> Lu	-	8E+0	3E-9	1E-1	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
71	Lutetium-177m	W, see $^{169}\text{Lu}$	7E+2	1E+2	5E-8	-	1E-5	1E-4
				Bone surf				
			-	(1E+2)	-	2E-10	-	-
		Y, see $^{169}\text{Lu}$	-	8E+1	3E-8	1E-10	-	-
71	Lutetium-177	W, see $^{169}\text{Lu}$	2E+3	2E+3	9E-7	3E-9	-	-
			LLI wall					
			(3E+3)	-	-	-	4E-5	4E-4
		Y, see $^{169}\text{Lu}$	-	2E+3	9E-7	3E-9	-	-
71	Lutetium-178m <sup>2</sup>	W, see $^{169}\text{Lu}$	5E+4	2E+5	8E-5	3E-7	-	-
			St. wall					
			(6E+4)	-	-	-	8E-4	8E-3
		Y, see $^{169}\text{Lu}$	-	2E+5	7E-5	2E-7	-	-
71	Lutetium-178 <sup>2</sup>	W, see $^{169}\text{Lu}$	4E+4	1E+5	5E-5	2E-7	-	-
			St wall					
			(4E+4)	-	-	-	6E-4	6E-3
		Y, see $^{169}\text{Lu}$	-	1E+5	5E-5	2E-7	-	-
71	Lutetium-179	W, see $^{169}\text{Lu}$	6E+3	2E+4	8E-6	3E-8	9E-5	9E-4
		Y, see $^{169}\text{Lu}$	-	2E+4	6E-6	3E-8	-	-
72	Hafnium-170	D, all compounds except those given for W	3E+3	6E+3	2E-6	8E-9	4E-5	4E-4
		W, oxides, hydroxides, carbides, and nitrates	-	5E+3	2E-6	6E-9	-	-
72	Hafnium-172	D, see $^{170}\text{Hf}$	1E+3	9E+0	4E-9	-	2E-5	2E-4
				Bone surf				
			-	(2E+1)	-	3E-11	-	-
		W, see $^{170}\text{Hf}$	-	4E+1	2E-8	-	-	-
				Bone surf				
			-	(6E+1)	-	8E-11	-	-
72	Hafnium-173	D, see $^{170}\text{Hf}$	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
		W, see $^{170}\text{Hf}$	-	1E+4	5E-6	2E-8	-	-
72	Hafnium-175	D, see $^{170}\text{Hf}$	3E+3	9E+2	4E-7	-	4E-5	4E-4
				Bone surf				
			-	(1E+3)	-	1E-9	-	-
		W, see $^{170}\text{Hf}$	-	1E+3	5E-7	2E-9	-	-
72	Hafnium-177m <sup>2</sup>	D, see $^{170}\text{Hf}$	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
		W, see $^{170}\text{Hf}$	-	9E+4	4E-5	1E-7	-	-
72	Hafnium-178m	D, see $^{170}\text{Hf}$	3E+2	1E+0	5E-10	-	3E-6	3E-5
				Bone surf				
			-	(2E+0)	-	3E-12	-	-
		W, see $^{170}\text{Hf}$	-	5E+0	2E-9	-	-	-
				Bone surf				
			-	(9E+0)	-	1E-11	-	-
72	Hafnium-179m	D, see $^{170}\text{Hf}$	1E+3	3E+2	1E-7	-	1E-5	1E-4
				Bone surf				
			-	(6E+2)	-	8E-10	-	-
		W, see $^{170}\text{Hf}$	-	6E+2	3E-7	8E-10	-	-



## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
72	Hafnium-180m	D, see $^{170}\text{Hf}$	7E+3	2E+4	9E-6	3E-8	1E-4	1E-3
		W, see $^{170}\text{Hf}$	-	3E+4	1E-5	4E-8	-	-
72	Hafnium-181	D, see $^{170}\text{Hf}$	1E+3	2E+2	7E-8	-	2E-5	2E-4
				Bone surf (4E+2)	-	6E-10	-	-
72	Hafnium-182m <sup>2</sup>	W, see $^{170}\text{Hf}$	-	4E+2	2E-7	6E-10	-	-
		D, see $^{170}\text{Hf}$	4E+4	9E+4	4E-5	1E-7	5E-4	5E-3
72	Hafnium-182	W, see $^{170}\text{Hf}$	-	1E+5	6E-5	2E-7	-	-
		D, see $^{170}\text{Hf}$	2E+2	8E-1	3E-10	-	-	-
72			Bone surf (4E+2)	Bone surf (2E+0)	-	2E-12	5E-6	5E-5
		W, see $^{170}\text{Hf}$	-	3E+0	1E-9	-	-	-
72	Hafnium-183 <sup>2</sup>			Bone surf (7E+0)	-	1E-11	-	-
		D, see $^{170}\text{Hf}$	2E+4	5E+4	2E-5	6E-8	3E-4	3E-3
72	Hafnium-184	W, see $^{170}\text{Hf}$	-	6E+4	2E-5	8E-8	-	-
		D, see $^{170}\text{Hf}$	2E+3	8E+3	3E-6	1E-8	3E-5	3E-4
72		W, see $^{170}\text{Hf}$	-	6E+3	3E-6	9E-9	-	-
73	Tantalum-172 <sup>2</sup>							
		W, all compounds except those given for Y	4E+4	1E+5	5E-5	2E-7	5E-4	5E-3
73	Tantalum-173	Y, elemental Ta, oxides, hydroxides, halides, carbides, nitrates, and nitrides	-	1E+5	4E-5	1E-7	-	-
		W, see $^{172}\text{Ta}$	7E+3	2E+4	8E-6	3E-8	9E-5	9E-4
73	Tantalum-174 <sup>2</sup>	Y, see $^{172}\text{Ta}$	-	2E+4	7E-6	2E-8	-	-
		W, see $^{172}\text{Ta}$	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3
73	Tantalum-175	Y, see $^{172}\text{Ta}$	-	9E+4	4E-5	1E-7	-	-
		W, see $^{172}\text{Ta}$	6E+3	2E+4	7E-6	2E-8	8E-5	8E-4
73	Tantalum-176	Y, see $^{172}\text{Ta}$	-	1E+4	6E-6	2E-8	-	-
		W, see $^{172}\text{Ta}$	4E+3	1E+4	5E-6	2E-8	5E-5	5E-4
73	Tantalum-177	Y, see $^{172}\text{Ta}$	-	1E+4	5E-6	2E-8	-	-
		W, see $^{172}\text{Ta}$	1E+4	2E+4	8E-6	3E-8	2E-4	2E-3
73	Tantalum-178	Y, see $^{172}\text{Ta}$	-	2E+4	7E-6	2E-8	-	-
		W, see $^{172}\text{Ta}$	2E+4	9E+4	4E-5	1E-7	2E-4	2E-3
73	Tantalum-179	Y, see $^{172}\text{Ta}$	-	7E+4	3E-5	1E-7	-	-
		W, see $^{172}\text{Ta}$	2E+4	5E+3	2E-6	8E-9	3E-4	3E-3
73	Tantalum-180m	Y, see $^{172}\text{Ta}$	-	9E+2	4E-7	1E-9	-	-
		W, see $^{172}\text{Ta}$	2E+4	7E+4	3E-5	9E-8	3E-4	3E-3
73	Tantalum-180	Y, see $^{172}\text{Ta}$	-	6E+4	2E-5	8E-8	-	-
		W, see $^{172}\text{Ta}$	1E+3	4E+2	2E-7	6E-10	2E-5	2E-4
73		Y, see $^{172}\text{Ta}$	-	2E+1	1E-8	3E-11	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
73	Tantalum-182m <sup>2</sup>	W, see <sup>172</sup> Ta	2E+5 St wall (2E+5)	5E+5 -	2E-4 -	8E-7 -	- 3E-3	- 3E-2
		Y, see <sup>172</sup> Ta	-	4E+5	2E-4	6E-7	-	-
73	Tantalum-182	W, see <sup>172</sup> Ta	8E+2	3E+2	1E-7	5E-10	1E-5	1E-4
		Y, see <sup>172</sup> Ta	-	1E+2	6E-8	2E-10	-	-
73	Tantalum-183	W, see <sup>172</sup> Ta	9E+2 LLI wall (1E+3)	1E+3 -	5E-7 -	2E-9 -	- 2E-5	- 2E-4
		Y, see <sup>172</sup> Ta	-	1E+3	4E-7	1E-9	-	-
73	Tantalum-184	W, see <sup>172</sup> Ta	2E+3	5E+3	2E-6	8E-9	3E-5	3E-4
		Y, see <sup>172</sup> Ta	-	5E+3	2E-6	7E-9	-	-
73	Tantalum-185 <sup>2</sup>	W, see <sup>172</sup> Ta	3E+4	7E+4	3E-5	1E-7	4E-4	4E-3
		Y, see <sup>172</sup> Ta	-	6E+4	3E-5	9E-8	-	-
73	Tantalum-186 <sup>2</sup>	W, see <sup>172</sup> Ta	5E+4 St wall (7E+4)	2E+5 -	1E-4 -	3E-7 -	- 1E-3	- 1E-2
		Y, see <sup>172</sup> Ta	-	2E+5	9E-5	3E-7	-	-
74	Tungsten-176	D, all compounds	1E+4	5E+4	2E-5	7E-8	1E-4	1E-3
74	Tungsten-177	D, all compounds	2E+4	9E+4	4E-5	1E-7	3E-4	3E-3
74	Tungsten-178	D, all compounds	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
74	Tungsten-179 <sup>2</sup>	D, all compounds	5E+5	2E+6	7E-4	2E-6	7E-3	7E-2
74	Tungsten-181	D, all compounds	2E+4	3E+4	1E-5	5E-8	2E-4	2E-3
74	Tungsten-185	D, all compounds	2E+3 LLI wall (3E+3)	7E+3 -	3E-6 -	9E-9 -	- 4E-5	- 4E-4
74	Tungsten-187	D, all compounds	2E+3	9E+3	4E-6	1E-8	3E-5	3E-4
74	Tungsten-188	D, all compounds	4E+2 LLI wall (5E+2)	1E+3 -	5E-7 -	2E-9 -	- 7E-6	- 7E-5
75	Rhenium-177 <sup>2</sup>	D, all compounds except those given for W	9E+4 St wall (1E+5)	3E+5 -	1E-4 -	4E-7 -	- 2E-3	- 2E-2
		W, oxides, hydroxides, and nitrates	-	4E+5	1E-4	5E-7	-	-
75	Rhenium-178 <sup>2</sup>	D, see <sup>177</sup> Re	7E+4 St wall (1E+5)	3E+5 -	1E-4 -	4E-7 -	- 1E-3	- 1E-2
		W, see <sup>177</sup> Re	-	3E+5	1E-4	4E-7	-	-
75	Rhenium-181	D, see <sup>177</sup> Re	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
		W, see <sup>177</sup> Re	-	9E+3	4E-6	1E-8	-	-
75	Rhenium-182 (12.7 h)	D, see <sup>177</sup> Re	7E+3	1E+4	5E-6	2E-8	9E-5	9E-4
		W, see <sup>177</sup> Re	-	2E+4	6E-6	2E-8	-	-
75	Rhenium-182 (64.0 h)	D, see <sup>177</sup> Re	1E+3	2E+3	1E-6	3E-9	2E-5	2E-4
		W, see <sup>177</sup> Re	-	2E+3	9E-7	3E-9	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
75	Rhenium-184m	D, see $^{177}\text{Re}$	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
		W, see $^{177}\text{Re}$	-	4E+2	2E-7	6E-10	-	-
75	Rhenium-184	D, see $^{177}\text{Re}$	2E+3	4E+3	1E-6	5E-9	3E-5	3E-4
		W, see $^{177}\text{Re}$	-	1E+3	6E-7	2E-9	-	-
75	Rhenium-186m	D, see $^{177}\text{Re}$	1E+3	2E+3	7E-7	-	-	-
		St wall	(2E+3)	(2E+3)	-	3E-9	2E-5	2E-4
		W, see $^{177}\text{Re}$	-	2E+2	6E-8	2E-10	-	-
75	Rhenium-186	D, see $^{177}\text{Re}$	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
		W, see $^{177}\text{Re}$	-	2E+3	7E-7	2E-9	-	-
75	Rhenium-187	D, see $^{177}\text{Re}$	6E+5	8E+5	4E-4	-	8E-3	8E-2
		St wall	-	(9E+5)	-	1E-6	-	-
		W, see $^{177}\text{Re}$	-	1E+5	4E-5	1E-7	-	-
75	Rhenium-188m <sup>2</sup>	D, see $^{177}\text{Re}$	8E+4	1E+5	6E-5	2E-7	1E-3	1E-2
		W, see $^{177}\text{Re}$	-	1E+5	6E-5	2E-7	-	-
75	Rhenium-188	D, see $^{177}\text{Re}$	2E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		W, see $^{177}\text{Re}$	-	3E+3	1E-6	4E-9	-	-
75	Rhenium-189	D, see $^{177}\text{Re}$	3E+3	5E+3	2E-6	7E-9	4E-5	4E-4
		W, see $^{177}\text{Re}$	-	4E+3	2E-6	6E-9	-	-
76	Osmium-180 <sup>2</sup>	D, all compounds except those given for W and Y	1E+5	4E+5	2E-4	5E-7	1E-3	1E-2
		W, halides and nitrates	-	5E+5	2E-4	7E-7	-	-
		Y, oxides and hydroxides	-	5E+5	2E-4	6E-7	-	-
76	Osmium-181 <sup>2</sup>	D, see $^{180}\text{Os}$	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see $^{180}\text{Os}$	-	5E+4	2E-5	6E-8	-	-
		Y, see $^{180}\text{Os}$	-	4E+4	2E-5	6E-8	-	-
76	Osmium-182	D, see $^{180}\text{Os}$	2E+3	6E+3	2E-6	8E-9	3E-5	3E-4
		W, see $^{180}\text{Os}$	-	4E+3	2E-6	6E-9	-	-
		Y, see $^{180}\text{Os}$	-	4E+3	2E-6	6E-9	-	-
76	Osmium-185	D, see $^{180}\text{Os}$	2E+3	5E+2	2E-7	7E-10	3E-5	3E-4
		W, see $^{180}\text{Os}$	-	8E+2	3E-7	1E-9	-	-
		Y, see $^{180}\text{Os}$	-	8E+2	3E-7	1E-9	-	-
76	Osmium-189m	D, see $^{180}\text{Os}$	8E+4	2E+5	1E-4	3E-7	1E-3	1E-2
		W, see $^{180}\text{Os}$	-	2E+5	9E-5	3E-7	-	-
		Y, see $^{180}\text{Os}$	-	2E+5	7E-5	2E-7	-	-
76	Osmium-191m	D, see $^{180}\text{Os}$	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
		W, see $^{180}\text{Os}$	-	2E+4	8E-6	3E-8	-	-
		Y, see $^{180}\text{Os}$	-	2E+4	7E-6	2E-8	-	-
76	Osmium-191	D, see $^{180}\text{Os}$	2E+3	2E+3	9E-7	3E-9	-	-
		LLI wall	(3E+3)	-	-	-	3E-5	3E-4
		W, see $^{180}\text{Os}$	-	2E+3	7E-7	2E-9	-	-
		Y, see $^{180}\text{Os}$	-	1E+3	6E-7	2E-9	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
76	Osmium-193	D, see $^{180}\text{Os}$	2E+3	5E+3	2E-6	6E-9	-	-
		LLI wall (2E+3)	-	-	-	-	2E-5	2E-4
		W, see $^{180}\text{Os}$	-	3E+3	1E-6	4E-9	-	-
76	Osmium-194	Y, see $^{180}\text{Os}$	-	3E+3	1E-6	4E-9	-	-
		D, see $^{180}\text{Os}$	4E+2	4E+1	2E-8	6E-11	-	-
		LLI wall (6E+2)	-	-	-	-	8E-6	8E-5
77	Iridium-182 <sup>2</sup>	W, see $^{180}\text{Os}$	-	6E+1	2E-8	8E-11	-	-
		Y, see $^{180}\text{Os}$	-	8E+0	3E-9	1E-11	-	-
		D, all compounds except those given for W and Y	4E+4	1E+5	6E-5	2E-7	-	-
77	Iridium-184	St wall (4E+4)	-	-	-	-	6E-4	6E-3
		W, halides, nitrates, and metallic iridium	-	2E+5	6E-5	2E-7	-	-
		Y, oxides and hydroxides	-	1E+5	5E-5	2E-7	-	-
77	Iridium-185	D, see $^{182}\text{Ir}$	8E+3	2E+4	1E-5	3E-8	1E-4	1E-3
		W, see $^{182}\text{Ir}$	-	3E+4	1E-5	5E-8	-	-
		Y, see $^{182}\text{Ir}$	-	3E+4	1E-5	4E-8	-	-
77	Iridium-186	D, see $^{182}\text{Ir}$	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
		W, see $^{182}\text{Ir}$	-	1E+4	5E-6	2E-8	-	-
		Y, see $^{182}\text{Ir}$	-	1E+4	4E-6	1E-8	-	-
77	Iridium-187	D, see $^{182}\text{Ir}$	2E+3	8E+3	3E-6	1E-8	3E-5	3E-4
		W, see $^{182}\text{Ir}$	-	6E+3	3E-6	9E-9	-	-
		Y, see $^{182}\text{Ir}$	-	6E+3	2E-6	8E-9	-	-
77	Iridium-188	D, see $^{182}\text{Ir}$	1E+4	3E+4	1E-5	5E-8	1E-4	1E-3
		W, see $^{182}\text{Ir}$	-	3E+4	1E-5	4E-8	-	-
		Y, see $^{182}\text{Ir}$	-	3E+4	1E-5	4E-8	-	-
77	Iridium-189	D, see $^{182}\text{Ir}$	2E+3	5E+3	2E-6	6E-9	3E-5	3E-4
		W, see $^{182}\text{Ir}$	-	4E+3	1E-6	5E-9	-	-
		Y, see $^{182}\text{Ir}$	-	3E+3	1E-6	5E-9	-	-
77	Iridium-190m <sup>2</sup>	D, see $^{182}\text{Ir}$	5E+3	5E+3	2E-6	7E-9	-	-
		LLI wall (5E+3)	-	-	-	-	7E-5	7E-4
		W, see $^{182}\text{Ir}$	-	4E+3	2E-6	5E-9	-	-
77	Iridium-190	Y, see $^{182}\text{Ir}$	-	4E+3	1E-6	5E-9	-	-
		D, see $^{182}\text{Ir}$	2E+5	2E+5	8E-5	3E-7	2E-3	2E-2
		W, see $^{182}\text{Ir}$	-	2E+5	9E-5	3E-7	-	-
77	Iridium-190	Y, see $^{182}\text{Ir}$	-	2E+5	8E-5	3E-7	-	-
		D, see $^{182}\text{Ir}$	1E+3	9E+2	4E-7	1E-9	1E-5	1E-4
		W, see $^{182}\text{Ir}$	-	1E+3	4E-7	1E-9	-	-
77	Iridium-190	Y, see $^{182}\text{Ir}$	-	9E+2	4E-7	1E-9	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1 Oral Ingestion	Col. 2 Inhalation	Col. 3 DAC	Col. 1 Air	Col. 2 Water	Monthly Average
			ALI ( $\mu$ Ci)	ALI ( $\mu$ Ci)	DAC ( $\mu$ Ci/ml)	( $\mu$ Ci/ml)	( $\mu$ Ci/ml)	Concentration ( $\mu$ Ci/ml)
77	Iridium-192m	D, see $^{182}\text{Ir}$	3E+3	9E+1	4E-8	1E-10	4E-5	4E-4
		W, see $^{182}\text{Ir}$	-	2E+2	9E-8	3E-10	-	-
		Y, see $^{182}\text{Ir}$	-	2E+1	6E-9	2E-11	-	-
77	Iridium-192	D, see $^{182}\text{Ir}$	9E+2	3E+2	1E-7	4E-10	1E-5	1E-4
		W, see $^{182}\text{Ir}$	-	4E+2	2E-7	6E-10	-	-
		Y, see $^{182}\text{Ir}$	-	2E+2	9E-8	3E-10	-	-
77	Iridium-194m	D, see $^{182}\text{Ir}$	6E+2	9E+1	4E-8	1E-10	9E-6	9E-5
		W, see $^{182}\text{Ir}$	-	2E+2	7E-8	2E-10	-	-
		Y, see $^{182}\text{Ir}$	-	1E+2	4E-8	1E-10	-	-
77	Iridium-194	D, see $^{182}\text{Ir}$	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
		W, see $^{182}\text{Ir}$	-	2E+3	9E-7	3E-9	-	-
		Y, see $^{182}\text{Ir}$	-	2E+3	8E-7	3E-9	-	-
77	Iridium-195m	D, see $^{182}\text{Ir}$	8E+3	2E+4	1E-5	3E-8	1E-4	1E-3
		W, see $^{182}\text{Ir}$	-	3E+4	1E-5	4E-8	-	-
		Y, see $^{182}\text{Ir}$	-	2E+4	9E-6	3E-8	-	-
77	Iridium-195	D, see $^{182}\text{Ir}$	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see $^{182}\text{Ir}$	-	5E+4	2E-5	7E-8	-	-
		Y, see $^{182}\text{Ir}$	-	4E+4	2E-5	6E-8	-	-
78	Platinum-186	D, all compounds	1E+4	4E+4	2E-5	5E-8	2E-4	2E-3
78	Platinum-188	D, all compounds	2E+3	2E+3	7E-7	2E-9	2E-5	2E-4
78	Platinum-189	D, all compounds	1E+4	3E+4	1E-5	4E-8	1E-4	1E-3
78	Platinum-191	D, all compounds	4E+3	8E+3	4E-6	1E-8	5E-5	5E-4
78	Platinum-193m	D, all compounds	3E+3	6E+3	3E-6	8E-9	-	-
		LLI wall	(3E+4)	-	-	-	4E-5	4E-4
78	Platinum-193	D, all compounds	4E+4	2E+4	1E-5	3E-8	-	-
		LLI wall	(5E+4)	-	-	-	6E-4	6E-3
78	Platinum-195m	D, all compounds	2E+3	4E+3	2E-6	6E-9	-	-
		LLI wall	(2E+3)	-	-	-	3E-5	3E-4
78	Platinum-197m <sup>2</sup>	D, all compounds	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
78	Platinum-197	D, all compounds	3E+3	1E+4	4E-6	1E-8	4E-5	4E-4
78	Platinum-199 <sup>2</sup>	D, all compounds	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
78	Platinum-200	D, all compounds	1E+3	3E+3	1E-6	5E-9	2E-5	2E-4
79	Gold-193	D, all compounds except those given for W and Y	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, halides and nitrates	-	2E+4	9E-6	3E-8	-	-
		Y, oxides and hydroxides	-	2E+4	8E-6	3E-8	-	-
79	Gold-194	D, see $^{193}\text{Au}$	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
		W, see $^{193}\text{Au}$	-	5E+3	2E-6	8E-9	-	-
		Y, see $^{193}\text{Au}$	-	5E+3	2E-6	7E-9	-	-
79	Gold-195	D see $^{193}\text{Au}$	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
		W see $^{193}\text{Au}$	-	1E+3	6E-7	2E-9	-	-
		Y see $^{193}\text{Au}$	-	4E+2	2E-7	6E-10	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
79	Gold-198m	D see $^{193}\text{Au}$	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
		W see $^{193}\text{Au}$	-	1E+3	5E-7	2E-9	-	-
		Y see $^{193}\text{Au}$	-	1E+3	5E-7	2E-9	-	-
79	Gold-198	D see $^{193}\text{Au}$	1E+3	4E+3	2E-6	5E-9	2E-5	2E-4
		W see $^{193}\text{Au}$	-	2E+3	8E-7	3E-9	-	-
		Y see $^{193}\text{Au}$	-	2E+3	7E-7	2E-9	-	-
79	Gold-199	D see $^{193}\text{Au}$	3E+3	9E+3	4E-6	1E-8	-	-
		LLI wall (3E+3)	-	-	-	-	4E-5	4E-4
		W, see $^{193}\text{Au}$	-	4E+3	2E-6	6E-9	-	-
79	Gold-200m	Y, see $^{193}\text{Au}$	-	4E+3	2E-6	5E-9	-	-
		D, see $^{193}\text{Au}$	1E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		W, see $^{193}\text{Au}$	-	3E+3	1E-6	4E-9	-	-
79	Gold-200 <sup>2</sup>	Y, see $^{193}\text{Au}$	-	2E+4	1E-6	3E-9	-	-
		D, see $^{193}\text{Au}$	3E+4	6E+4	3E-5	9E-8	4E-4	4E-3
		W, see $^{193}\text{Au}$	-	8E+4	3E-5	1E-7	-	-
79	Gold-201 <sup>2</sup>	Y, see $^{193}\text{Au}$	-	7E+4	3E-5	1E-7	-	-
		D, see $^{193}\text{Au}$	7E+4	2E+5	9E-5	3E-7	-	-
		St wall (9E+4)	-	-	-	-	1E-3	1E-2
80	Mercury-193m	W, see $^{193}\text{Au}$	-	2E+5	1E-4	3E-7	-	-
		Y, see $^{193}\text{Au}$	-	2E+5	9E-5	3E-7	-	-
		Vapor	-	8E+3	4E-6	1E-8	-	-
80	Mercury-193	Organic D	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		D, sulfates	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		W, oxides, hydroxides, halides, nitrates, and sulfides	-	8E+3	3E-6	1E-8	-	-
80	Mercury-194	Vapor	-	3E+4	1E-5	4E-8	-	-
		Organic D	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
		D, see $^{193\text{m}}\text{Hg}$	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
80	Mercury-194	W, see $^{193\text{m}}\text{Hg}$	-	4E+4	2E-5	6E-8	-	-
		Vapor	-	3E+1	1E-8	4E-11	-	-
		Organic D	2E+1	3E+1	1E-8	4E-11	2E-7	2E-6
80	Mercury-195m	D, see $^{193\text{m}}\text{Hg}$	8E+2	4E+1	2E-8	6E-11	1E-5	1E-4
		W, see $^{193\text{m}}\text{Hg}$	-	1E+2	5E-8	2E-10	-	-
		Vapor	-	4E+3	2E-6	6E-9	-	-
80	Mercury-195	Organic D	3E+3	6E+3	3E-6	8E-9	4E-5	4E-4
		D, see $^{193\text{m}}\text{Hg}$	2E+3	5E+3	2E-6	7E-9	3E-5	3E-4
		W, see $^{193\text{m}}\text{Hg}$	-	4E+3	2E-6	5E-9	-	-
80	Mercury-195	Vapor	-	3E+4	1E-5	4E-8	-	-
		Organic D	2E+4	5E+4	2E-5	6E-8	2E-4	2E-3
		D, see $^{193\text{m}}\text{Hg}$	1E+4	4E+4	1E-5	5E-8	2E-4	2E-3
80	Mercury-195	W, see $^{193\text{m}}\text{Hg}$	-	3E+4	1E-5	5E-8	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1 Oral Ingestion	Col. 2 Inhalation	Col. 3 DAC	Col. 1 Air	Col. 2 Water	Monthly Average
			ALI ( $\mu$ Ci)	ALI ( $\mu$ Ci)	( $\mu$ Ci/ml)	( $\mu$ Ci/ml)	( $\mu$ Ci/ml)	Concentration ( $\mu$ Ci/ml)
80	Mercury-197m	Vapor	-	5E+3	2E-6	7E-9	-	-
		Organic D	4E+3	9E+3	4E-6	1E-8	5E-5	5E-4
		D, see $^{193m}\text{Hg}$	3E+3	7E+3	3E-6	1E-8	4E-5	4E-4
		W, see $^{193m}\text{Hg}$	-	5E+3	2E-6	7E-9	-	-
80	Mercury-197	Vapor	-	8E+3	4E-6	1E-8	-	-
		Organic D	7E+3	1E+4	6E-6	2E-8	9E-5	9E-4
		D, see $^{193m}\text{Hg}$	6E+3	1E+4	5E-6	2E-8	8E-5	8E-4
		W, see $^{193m}\text{Hg}$	-	9E+3	4E-6	1E-8	-	-
80	Mercury-199m <sup>2</sup>	Vapor	-	8E+4	3E-5	1E-7	-	-
		Organic D	6E+4	2E+5	7E-5	2E-7	-	-
		St wall (1E+5)	-	-	-	-	1E-3	1E-2
		D, see $^{193m}\text{Hg}$	6E+4	1E+5	6E-5	2E-7	8E-4	8E-3
80	Mercury-203	W, see $^{193m}\text{Hg}$	-	2E+5	7E-5	2E-7	-	-
		Vapor	-	8E+2	4E-7	1E-9	-	-
		Organic D	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
		D, see $^{193m}\text{Hg}$	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4
81	Thallium-194m <sup>2</sup>	W, see $^{193m}\text{Hg}$	-	1E+3	5E-7	2E-9	-	-
		D, all compounds	5E+4	2E+5	6E-5	2E-7	-	-
		St wall (7E+4)	-	-	-	-	1E-3	1E-2
		D, all compounds	3E+5	6E+5	2E-4	8E-7	-	-
81	Thallium-194 <sup>2</sup>	St wall (3E+5)	-	-	-	-	4E-3	4E-2
		D, all compounds	6E+4	1E+5	5E-5	2E-7	9E-4	9E-3
		D, all compounds	7E+4	1E+5	5E-5	2E-7	1E-3	1E-2
		D, all compounds	3E+4	5E+4	2E-5	8E-8	4E-4	4E-3
81	Thallium-198m <sup>2</sup>	D, all compounds	2E+4	3E+4	1E-5	5E-8	3E-4	3E-3
81	Thallium-198	D, all compounds	6E+4	8E+4	4E-5	1E-7	9E-4	9E-3
81	Thallium-199	D, all compounds	8E+3	1E+4	5E-6	2E-8	1E-4	1E-3
81	Thallium-200	D, all compounds	2E+4	2E+4	9E-6	3E-8	2E-4	2E-3
81	Thallium-201	D, all compounds	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4
81	Thallium-202	D, all compounds	2E+3	2E+3	9E-7	3E-9	2E-5	2E-4
81	Thallium-204	D, all compounds	6E+4	2E+5	8E-5	3E-7	8E-4	8E-3
82	Lead-195m <sup>2</sup>	D, all compounds	3E+4	6E+4	3E-5	9E-8	4E-4	4E-3
82	Lead-198	D, all compounds	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
82	Lead-199 <sup>2</sup>	D, all compounds	3E+3	6E+3	3E-6	9E-9	4E-5	4E-4
82	Lead-200	D, all compounds	7E+3	2E+4	8E-6	3E-8	1E-4	1E-3
82	Lead-201	D, all compounds	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
82	Lead-202m	D, all compounds	1E+2	5E+1	2E-8	7E-11	2E-6	2E-5
82	Lead-202	D, all compounds	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
82	Lead-203	D, all compounds	4E+3	1E+3	6E-7	2E-9	5E-5	5E-4
82	Lead-205	D, all compounds	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
82	Lead-209	D, all compounds	6E1	2E1	1E-10	-	-	-
82	Lead-210	Bone surf (1E+0)	-	-	-	-	-	-
		Bone surf (4E-1)	-	-	-	-	-	-
		D, all compounds	1E+4	6E+2	3E-7	9E-10	2E-4	2E+3
		D, all compounds	1E+4	6E+2	3E-7	9E-10	2E-4	2E+3
82	Lead-211 <sup>2</sup>	D, all compounds	1E+4	6E+2	3E-7	9E-10	2E-4	2E+3

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
82	Lead-212	D, all compounds	8E+1	3E+1	1E-8	5E-11	-	-
			Bone surf (1E+2)	-	-	-	2E-6	2E-5
82	Lead-214 <sup>2</sup>	D, all compounds	9E+3	8E+2	3E-7	1E-9	1E-4	1E-3
83	Bismuth-200 <sup>2</sup>	D, nitrates	3E+4	8E+4	4E-5	1E-7	4E-4	4E-3
		W, all other compounds	-	1E+5	4E-5	1E-7	-	-
83	Bismuth-201 <sup>2</sup>	D, see <sup>200</sup> Bi	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
		W, see <sup>200</sup> Bi	-	4E+4	2E-5	5E-8	-	-
83	Bismuth-202 <sup>2</sup>	D, see <sup>200</sup> Bi	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see <sup>200</sup> Bi	-	8E+4	3E-5	1E-7	-	-
83	Bismuth-203	D, see <sup>200</sup> Bi	2E+3	7E+3	3E-6	9E-9	3E-5	3E-4
		W, see <sup>200</sup> Bi	-	6E+3	3E-6	9E-9	-	-
83	Bismuth-205	D, see <sup>200</sup> Bi	1E+3	3E+3	1E-6	3E-9	2E-5	2E-4
		W, see <sup>200</sup> Bi	-	1E+3	5E-7	2E-9	-	-
83	Bismuth-206	D, see <sup>200</sup> Bi	6E+2	1E+3	6E-7	2E-9	9E-6	9E-5
		W, see <sup>200</sup> Bi	-	9E+2	4E-7	1E-9	-	-
83	Bismuth-207	D, see <sup>200</sup> Bi	1E+3	2E+3	7E-7	2E-9	1E-5	1E-4
		W, see <sup>200</sup> Bi	-	4E+2	1E-7	5E-10	-	-
83	Bismuth-210m	D, see <sup>200</sup> Bi	4E+1	5E+0	2E-9	-	-	-
			Kidneys (6E+1)	Kidneys (6E+0)	-	9E-12	8E-7	8E-6
		W, see <sup>200</sup> Bi	-	7E-1	3E-10	9E-13	-	-
83	Bismuth-210	D, see <sup>200</sup> Bi	8E+2	2E+2	1E-7	-	1E-5	1E-4
			-	Kidneys (4E+2)	-	5E-10	-	-
		W, see <sup>200</sup> Bi	-	3E+1	1E-8	4E-11	-	-
83	Bismuth-212 <sup>2</sup>	D, see <sup>200</sup> Bi	5E+3	2E+2	1E-7	3E-10	7E-5	7E-4
		W, see <sup>200</sup> Bi	-	3E+2	1E-7	4E-10	-	-
83	Bismuth-213 <sup>2</sup>	D, see <sup>200</sup> Bi	7E+3	3E+2	1E-7	4E-10	1E-4	1E-3
		W, see <sup>200</sup> Bi	-	4E+2	1E-7	5E-10	-	-
83	Bismuth-214 <sup>2</sup>	D, see <sup>200</sup> Bi	2E+4	8E+2	3E-7	1E-9	-	-
			St wall (2E+4)	-	-	-	3E-4	3E-3
		W, see <sup>200</sup> Bi	-	9E-2	4E-7	1E-9	-	-
84	Polonium-203 <sup>2</sup>	D, all compounds except those given for W	3E+4	6E+4	3E-5	9E-8	3E-4	3E-3
		W, oxides, hydroxides, and nitrates	-	9E+4	4E-5	1E-7	-	-
84	Polonium-205 <sup>2</sup>	D, see <sup>203</sup> Po	2E+4	4E+4	2E-5	5E-8	3E-4	3E-3
		W, see <sup>203</sup> Po	-	7E+4	3E-5	1E-7	-	-
84	Polonium-207	D, see <sup>203</sup> Po	8E+3	3E+4	1E-5	3E-8	1E-4	1E-3
		W, see <sup>203</sup> Po	-	3E+4	1E-5	4E-8	-	-
84	Polonium-210	D, see <sup>203</sup> Po	3E+0	6E-1	3E-10	9E-13	4E-8	4E-7
		W, see <sup>203</sup> Po	-	6E-1	3E-10	9E-13	-	-



## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
85	Astatine-207 <sup>2</sup>	D, halides	6E+3	3E+3	1E-6	4E-9	8E-5	8E-4
		W	-	2E+3	9E-7	3E-9	-	-
85	Astatine-211	D, halides	1E+2	8E+1	3E-8	1E-10	2E-6	2E-5
		W	-	5E+1	2E-8	8E-11	-	-
86	Radon-220	With daughters removed	-	2E+4	7E-6	2E-8	-	-
		With daughters present	-	2E+1	9E-9	3E-11	-	-
			(or 12 working level months)			(or 1.0 working level)		
86	Radon-222	With daughters removed	-	1E+4	4E-6	1E-8	-	-
		With daughters present	-	1E+2	3E-8	1E-10	-	-
			(or 4 working level months)			(or 0.33 working level)		
87	Francium-222 <sup>2</sup>	D, all compounds	2E+3	5E+2	2E-7	6E-10	3E-5	3E-4
87	Francium-223 <sup>2</sup>	D, all compounds	6E+2	8E+2	3E-7	1E-9	8E-6	8E-5
88	Radium-223	W, all compounds	5E+0	7E-1	3E-10	9E-13	-	-
			Bone surf (9E+0)	-	-	-	1E-7	1E-6
88	Radium-224	W, all compounds	8E+0	2E+0	7E-10	2E-12	-	-
			Bone surf (2E+1)	-	-	-	2E-7	2E-6
88	Radium-225	W, all compounds	8E+0	7E-1	3E-10	9E-13	-	-
			Bone surf (2E+1)	-	-	-	2E-7	2E-6
88	Radium-226	W, all compounds	2E+0	6E-1	3E-10	9E-13	-	-
			Bone surf (5E+0)	-	-	-	6E-8	6E-7
88	Radium-227 <sup>2</sup>	W, all compounds	2E+4	1E+4	6E-6	-	-	-
			Bone surf (2E+4)	Bone surf (2E+4)	-	3E-8	3E-4	3E-3
88	Radium-228	W, all compounds	2E+0	1E+0	5E-10	2E-12	-	-
			Bone surf (4E+0)	-	-	-	6E-8	6E-7
89	Actinium-224	D, all compounds except those given for W and Y	2E+3	3E+1	1E-8	-	-	-
			LLI wall (2E+3)	Bone surf (4E+1)	-	5E-11	3E-5	3E-4
		W, halides and nitrates	-	5E+1	2E-8	7E-11	-	-
		Y, oxides and hydroxides	-	5E+1	2E-8	6E-11	-	-
89	Actinium-225	D, see <sup>224</sup> Ac	5E+1	3E-1	1E-10	-	-	-
			LLI wall (5E+1)	Bone surf (5E-1)	-	7E-13	7E-7	7E-6
		W, see <sup>224</sup> Ac	-	6E-1	3E-10	9E-13	-	-
		Y, see <sup>224</sup> Ac	-	6E-1	3E-10	9E-13	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI ( $\mu\text{Ci}$ )	Inhalation ALI ( $\mu\text{Ci}$ )	DAC ( $\mu\text{Ci/ml}$ )	Air ( $\mu\text{Ci/ml}$ )	Water ( $\mu\text{Ci/ml}$ )	
89	Actinium-226	D, see $^{224}\text{Ac}$	1E+2	3E+0	1E-9	-	-	-
			LLI wall (1E+2)	Bone surf (4E+0)	-	5E-12	2E-6	2E-5
		W, see $^{224}\text{Ac}$	-	5E+0	2E-9	7E-12	-	-
		Y, see $^{224}\text{Ac}$	-	5E+0	2E-9	6E-12	-	-
89	Actinium-227	D, see $^{224}\text{Ac}$	2E-1	4E-4	2E-13	-	-	-
			Bone surf (4E-1)	Bone surf (8E-4)	-	1E-15	5E-9	5E-8
		W, see $^{224}\text{Ac}$	-	2E-3	7E-13	-	-	-
			-	Bone surf (3E-3)	-	4E-15	-	-
		Y, see $^{224}\text{Ac}$	-	4E-3	2E-12	6E-15	-	-
89	Actinium-228	D, see $^{224}\text{Ac}$	2E+3	9E+0	4E-9	-	3E-5	3E-4
			-	Bone surf (2E+1)	-	2E-11	-	-
		W, see $^{224}\text{Ac}$	-	4E+1	2E-8	-	-	-
			-	Bone surf (6E+1)	-	8E-11	-	-
		Y, see $^{224}\text{Ac}$	-	4E+1	2E-8	6E-11	-	-
90	Thorium-226 <sup>2</sup>	W, all compounds except those given for Y	5E+3	2E+2	6E-8	2E-10	-	-
			St wall (5E+3)	-	-	-	7E-5	7E-4
		Y, oxides and hydroxides	-	1E+2	6E-8	2E-10	-	-
90	Thorium-227	W, see $^{226}\text{Th}$	1E+2	3E-1	1E-10	5E-13	2E-6	2E-5
		Y, see $^{226}\text{Th}$	-	3E-1	1E-10	5E-13	-	-
90	Thorium-228	W, see $^{226}\text{Th}$	6E+0	1E-2	4E-12	-	-	-
			Bone surf (1E+1)	Bone surf (2E-2)	-	3E-14	2E-7	2E-6
		Y, see $^{226}\text{Th}$	-	2E-2	7E-12	2E-14	-	-
90	Thorium-229	W, see $^{226}\text{Th}$	6E-1	9E-4	4E-13	-	-	-
			Bone surf (1E+0)	Bone surf (2E-3)	-	3E-15	2E-8	2E-7
		Y, see $^{226}\text{Th}$	-	2E-3	1E-12	-	-	-
			-	Bone surf (3E-3)	-	4E-15-	-	-
90	Thorium-230	W, see $^{226}\text{Th}$	4E+0	6E-3	3E-12	-	-	-
			Bone surf (9E+0)	Bone surf (2E-2)	-	2E-14	1E-7	1E-6
		Y, see $^{226}\text{Th}$	-	2E-2	6E-12	-	-	-
90	Thorium-231	W, see $^{228}\text{Th}$	-	Bone surf (2E-2)	-	3E-14-	-	-
			4E+3	6E+3	3E-6	9E-9	5E-5	5E-4
		Y, see $^{228}\text{Th}$	-	6E+3	3E-6	9E-9-	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
90	Thorium-232	W, see $^{228}\text{Th}$	7E-1 Bone surf (2E+0)	1E-3 Bone surf (3E-3)	5E-13 -	- 4E-15	- 3E-8	- 3E-7
		Y, see $^{228}\text{Th}$	-	3E-3 Bone surf (4E-3)	1E-12 -	- 6E-15	- -	- -
90	Thorium-234	W, see $^{228}\text{Th}$	3E+2 LLI wall (4E+2)	2E+2 -	8E-8 -	3E-10 -	- 5E-6	- 5E-5
		Y, see $^{228}\text{Th}$	-	2E+2	6E-8	2E-10	-	-
91	Protactinium-227 <sup>2</sup>	W, all compounds except those given for Y	4E+3	1E+2	5E-8	2E-10	5E-5	5E-4
		Y, oxides and hydroxides	-	1E+2	4E-8	1E-10	-	-
91	Protactinium-228	W, see $^{227}\text{Pa}$	1E+3	1E+1	5E-9	-	2E-5	2E-4
			-	Bone surf (2E+1)	-	3E-11	-	-
91	Protactinium-230	Y, see $^{227}\text{Pa}$	-	1E+1	5E-9	2E-11	-	-
		W, see $^{227}\text{Pa}$	6E+2 Bone surf (9E+2)	5E+0 -	2E-9 -	7E-12 -	- 1E-5	- 1E-4
91	Protactinium-231	Y, see $^{227}\text{Pa}$	-	4E+0	1E-9	5E-12	-	-
		W, see $^{227}\text{Pa}$	2E-1 Bone surf (5E-1)	2E-3 Bone surf (4E-3)	6E-13 -	- 6E-15	- 6E-9	- 6E-8
91	Protactinium-232	Y, see $^{227}\text{Pa}$	-	4E-3 Bone surf (6E-3)	2E-12 -	- 8E-15	- -	- -
		W, see $^{227}\text{Pa}$	1E+3 Bone surf (6E+1)	2E+1 -	9E-9 -	- 8E-11	2E-5 -	2E-4 -
91	Protactinium-233	Y, see $^{227}\text{Pa}$	-	6E+1 Bone surf (7E+1)	2E-8 -	- 1E-10	- -	- -
		W, see $^{227}\text{Pa}$	1E+3 LLI wall (2E+3)	7E+2 -	3E-7 -	1E-9 -	- 2E-5	- 2E-4
91	Protactinium-234	Y, see $^{227}\text{Pa}$	-	6E+2	2E-7	8E-10	-	-
		W, see $^{227}\text{Pa}$	2E+3	8E+3	3E-6	1E-8	3E-5	3E-4
92	Uranium-230	Y, see $^{227}\text{Pa}$	-	7E+3	3E-6	9E-9	-	-
		D, UF, UOF, UO(NO)	4E+0 Bone surf (6E+0)	4E-1 Bone surf (6E-1)	2E-10 -	- 8E-13	- 8E-8	- 8E-7
		W, UO, UF, UCl	-	4E-1	1E-10	5E-13	-	-
		Y, UO, UO	-	3E-1	1E-10	4E-13	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
92	Uranium-231	D, see $^{230}\text{U}$	5E+3	8E+3	3E-6	1E-8	-	-
			LLI wall (4E+3)	-	-	-	6E-5	6E-4
		W, see $^{230}\text{U}$	-	6E+3	2E-6	8E-9	-	-
		Y, see $^{230}\text{U}$	-	5E+3	2E-6	6E-9	-	-
92	Uranium-232	D, see $^{230}\text{U}$	2E+0	2E-1	9E-11	-	-	-
			Bone surf (4E+0)	Bone surf (4E-1)	-	6E-13	6E-8	6E-7
		W, see $^{230}\text{U}$	-	4E-1	2E-10	5E-13	-	-
		Y, see $^{230}\text{U}$	-	8E-3	3E-12	1E-14	-	-
92	Uranium-233	D, see $^{230}\text{U}$	1E+1	1E+0	5E-10	-	-	-
			Bone surf (2E+1)	Bone surf (2E+0)	-	3E-12	3E-7	3E-6
		W, see $^{230}\text{U}$	-	7E-1	3E-10	1E-12	-	-
		Y, see $^{230}\text{U}$	-	4E-2	2E-11	5E-14	-	-
92	Uranium-234 <sup>3</sup>	D, see $^{230}\text{U}$	1E+1	1E+0	5E-10	-	-	-
			Bone surf (2E+1)	Bone surf (2E+0)	-	3E-12	3E-7	3E-6
		W, see $^{230}\text{U}$	-	7E-1	3E-10	1E-12	-	-
		Y, see $^{230}\text{U}$	-	4E-2	2E-11	5E-14	-	-
92	Uranium-235 <sup>3</sup>	D, see $^{230}\text{U}$	1E+1	1E+0	6E-10	-	-	-
			Bone surf (2E+1)	Bone surf (2E+0)	-	3E-12	3E-7	3E-6
		W, see $^{230}\text{U}$	-	8E-1	3E-10	1E-12	-	-
		Y, see $^{230}\text{U}$	-	4E-2	2E-11	6E-14	-	-
92	Uranium-236	D, see $^{230}\text{U}$	1E+1	1E+0	5E-10	-	-	-
			Bone surf (2E+1)	Bone surf (2E+0)	-	3E-12	3E-7	3E-6
		W, see $^{230}\text{U}$	-	8E-1	3E-10	1E-12	-	-
		Y, see $^{230}\text{U}$	-	4E-2	2E-11	6E-14	-	-
92	Uranium-237	D, see $^{230}\text{U}$	2E+3	3E+3	1E-6	4E-9	-	-
			LLI wall (2E+3)	-	-	-	3E-5	3E-4
		W, see $^{230}\text{U}$	-	2E+3	7E-7	2E-9	-	-
		Y, see $^{230}\text{U}$	-	2E+3	6E-7	2E-9	-	-
92	Uranium-238 <sup>3</sup>	D, see $^{230}\text{U}$	1E+1	1E+0	6E-10	-	-	-
			Bone surf (2E+1)	Bone surf (2E+0)	-	3E-12	3E-7	3E-6
		W, see $^{230}\text{U}$	-	8E-1	3E-10	1E-12	-	-
		Y, see $^{230}\text{U}$	-	4E-2	2E-11	6E-14	-	-
92	Uranium-239 <sup>2</sup>	D, see $^{230}\text{U}$	7E+4	2E+5	8E-5	3E-7	9E-4	9E-3
		W, see $^{230}\text{U}$	-	2E+5	7E-5	2E-7	-	-
		Y, see $^{230}\text{U}$	-	2E+5	6E-5	2E-7	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
92	Uranium-240	D, see $^{230}\text{U}$	1E+3	4E+3	2E-6	5E-9	2E-5	2E-4
		W, see $^{230}\text{U}$	-	3E+3	1E-6	4E-9	-	-
		Y, see $^{230}\text{U}$	-	2E+3	1E-6	3E-9	-	-
92	Uranium-natural <sup>3</sup>	D, see $^{230}\text{U}$	1E+1	1E+0	5E-10	-	-	-
			Bone surf (2E+1)	Bone surf (2E+0)	-	3E-12	3E-7	3E-6
		W, see $^{230}\text{U}$	-	8E-1	3E-10	9E-13	-	-
		Y, see $^{230}\text{U}$	-	5E-2	2E-11	9E-24	-	-
93	Neptunium-232 <sup>2</sup>	W, all compounds	1E+5	2E+3	7E-7	-	2E-3	2E-2
			-	Bone surf (5E+2)	-	6E-9	-	-
93	Neptunium-233 <sup>2</sup>	W, all compounds	8E+5	3E+6	1E-3	4E-6	1E-2	1E-1
93	Neptunium-234	W, all compounds	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
93	Neptunium-235	W, all compounds	2E+4	8E+2	3E-7	-	-	-
			LLI wall (2E+4)	Bone surf (1E+3)	-	2E-9	3E-4	3E-3
93	Neptunium-236 (1.15E+5 y)	W, all compounds	3E+0	2E-2	9E-12	-	-	-
			Bone surf (6E+0)	Bone surf (5E-2)	-	8E-14	9E-8	9E-7
93	Neptunium-236 (22.5 h)	W, all compounds	3E+3	3E+1	1E-8	-	-	-
			Bone surf (4E+3)	Bone surf (7E+1)	-	1E-10	5E-5	5E-4
93	Neptunium-237	W, all compounds	5E-1	4E-3	2E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	1E-14	2E-8	2E-7
93	Neptunium-238	W, all compounds	1E+3	6E+1	3E-8	-	2E-5	2E-4
			-	Bone surf (2E+2)	-	2E-10	-	-
93	Neptunium-239	W, all compounds	2E+3	2E+3	9E-7	3E-9	-	-
			LLI wall (2E+3)	-	-	-	2E-5	2E-4
93	Neptunium-240 <sup>2</sup>	W, all compounds	2E+4	8E+4	3E-5	1E-7	3E-4	3E-3
94	Plutonium-234	W, all compounds except PuO	8E+3	2E+2	9E-8	3E-10	1E-4	1E-3
		Y, PuO	-	2E+2	8E-8	3E-10	-	-
94	Plutonium-235 <sup>2</sup>	W, see $^{234}\text{Pu}$	9E+5	3E+6	1E-3	4E-6	1E-2	1E-1
		Y, see $^{234}\text{Pu}$	-	3E+6	1E-3	3E-6	-	-
94	Plutonium-236	W, see $^{234}\text{Pu}$	2E+0	2E-2	8E-12	-	-	-
			Bone surf (4E+0)	Bone surf (4E-2)	-	5E-14	6E-8	6E-7
		Y, see $^{234}\text{Pu}$	-	4E-2	2E-11	6E-14	-	-
94	Plutonium-237	W, see $^{234}\text{Pu}$	1E+4	3E+3	1E-6	5E-9	2E-4	2E-3
		Y, see $^{234}\text{Pu}$	-	3E+3	1E-6	4E-9	-	-
94	Plutonium-238	W, see $^{234}\text{Pu}$	9E-1	7E-3	3E-12	-	-	-
			Bone surf (2E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
		Y, see $^{234}\text{Pu}$	-	2E-2	8E-12	2E-14	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
94	Plutonium-239	W, see $^{234}\text{Pu}$	8E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
		Y, see $^{234}\text{Pu}$	-	2E-2	7E-12	-	-	-
			-	Bone surf (2E-2)	-	2E-14	-	-
94	Plutonium-240	W, see $^{234}\text{Pu}$	8E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
		Y, see $^{234}\text{Pu}$	-	2E-2	7E-12	-	-	-
			-	Bone surf (2E-2)	-	2E-14	-	-
94	Plutonium-241	W, see $^{234}\text{Pu}$	4E+1	3E-1	1E-10	-	-	-
			Bone surf (7E+1)	Bone surf (6E-1)	-	8E-13	1E-6	1E-5
		Y, see $^{234}\text{Pu}$	-	8E-1	3E-10	-	-	-
			-	Bone surf (1E+0)	-	1E-12	-	-
94	Plutonium-242	W, see $^{234}\text{Pu}$	8E-1	7E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
		Y, see $^{234}\text{Pu}$	-	2E-2	7E-12	-	-	-
			-	Bone surf (2E-2)	-	2E-14	-	-
94	Plutonium-243	W, see $^{234}\text{Pu}$	2E+4	4E+4	2E-5	5E-8	2E-4	2E-3
		Y, see $^{234}\text{Pu}$	-	4E+4	2E-5	5E-8	-	-
94	Plutonium-244	W, see $^{234}\text{Pu}$	8E-1	7E-3	3E-12	-	-	-
			Bone surf (2E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
		Y, see $^{234}\text{Pu}$	-	2E-2	7E-12	-	-	-
			-	Bone surf (2E-2)	-	2E-14	-	-
94	Plutonium-245	W, see $^{234}\text{Pu}$	2E+3	5E+3	2E-6	6E-9	3E-5	3E-4
		Y, see $^{234}\text{Pu}$	-	4E+3	2E-6	6E-9	-	-
94	Plutonium-246	W, see $^{234}\text{Pu}$	4E+2	3E+2	1E-7	4E-10	-	-
			LLI wall (4E+2)	-	-	-	6E-6	6E-5
		Y, see $^{234}\text{Pu}$	-	3E+2	1E-7	4E-10	-	-
			-	Bone surf (6E+3)	-	9E-9	-	-
95	Americium-237 <sup>2</sup>	W, all compounds	8E+4	3E+5	1E-4	4E-7	1E-3	1E-2
95	Americium-238 <sup>2</sup>	W, all compounds	4E+4	3E+3	1E-6	-	5E-4	5E-3
			-	Bone surf (6E+3)	-	9E-9	-	-
95	Americium-239	W, all compounds	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
95	Americium-240	W, all compounds	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
95	Americium-241	W, all compounds	8E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
95	Americium-242m	W, all compounds	8E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
95	Americium-242	W, all compounds	4E+3	8E+1	4E-8	-	5E-5	5E-4
				Bone surf (9E+1)	-	1E-10	-	-
95	Americium-243	W, all compounds	8E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
95	Americium-244m <sup>2</sup>	W, all compounds	6E+4	4E+3	2E-6	-	-	-
			St wall (8E+4)	Bone surf (7E+3)	-	1E-8	1E-3	1E-2
95	Americium-244	W, all compounds	3E+3	2E+2	8E-8	-	4E-5	4E-4
				Bone surf (3E+2)	-	4E-10	-	-
95	Americium-245	W, all compounds	3E+4	8E+4	3E-5	1E-7	4E-4	4E-3
95	Americium-246m <sup>2</sup>	W, all compounds	5E+4	2E+5	8E-5	3E-7	-	-
			St wall (6E+4)	-	-	-	8E-4	8E-3
95	Americium-246 <sup>2</sup>	W, all compounds	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3
96	Curium-238	W, all compounds	2E+4	1E+3	5E-7	2E-9	2E-4	2E-3
96	Curium-240	W, all compounds	6E+1	6E-1	2E-10	-	-	-
			Bone surf (8E+1)	Bone surf (6E-1)	-	9E-13	1E-6	1E-5
96	Curium-241	W, all compounds	1E+3	3E+1	1E-8	-	2E-5	2E-4
				Bone surf (4E+1)	-	5E-11	-	-
96	Curium-242	W, all compounds	3E+1	3E-1	1E-10	-	-	-
			Bone surf (5E+1)	Bone surf (3E-1)	-	4E-13	7E-7	7E-6
96	Curium-243	W, all compounds	1E+0	9E-3	4E-12	-	-	-
			Bone surf (2E+0)	Bone surf (2E-2)	-	2E-14	3E-8	3E-7
96	Curium-244	W, all compounds	1E+0	1E-2	5E-12	-	-	-
			Bone surf (3E+0)	Bone surf (2E-2)	-	3E-14	3E-8	3E-7
96	Curium-245	W, all compounds	7E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
96	Curium-246	W, all compounds	7E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
96	Curium-247	W, all compounds	8E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
96	Curium-248	W, all compounds	2E-1	2E-3	7E-13	-	-	-
			Bone surf (4E-1)	Bone surf (3E-3)	-	4E-15	5E-9	5E-8

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1 Oral Ingestion	Col. 2 Inhalation	Col. 3 DAC	Col. 1 Air	Col. 2 Water	Monthly Average
			ALI ( $\mu$ Ci)	ALI ( $\mu$ Ci)	( $\mu$ Ci/ml)	( $\mu$ Ci/ml)	( $\mu$ Ci/ml)	Concentration ( $\mu$ Ci/ml)
96	Curium-249 <sup>2</sup>	W, all compounds	5E+4	2E+4	7E-6	-	7E-4	7E-3
				Bone surf				
			-	(3E+4)	-	4E-8	-	-
96	Curium-250	W, all compounds	4E-2	3E-4	1E-13	-	-	-
			Bone surf	Bone surf				
			(6E-2)	(5E-4)	-	8E-16	9E-10	9E-9
97	Berkelium-245	W, all compounds	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4
97	Berkelium-246	W, all compounds	3E+3	3E+3	1E-6	4E-9	4E-5	4E-4
97	Berkelium-247	W, all compounds	5E-1	4E-3	2E-12	-	-	-
			Bone surf	Bone surf				
			(1E+0)	(9E-3)	-	1E-14	2E-8	2E-7
97	Berkelium-249	W, all compounds	2E+2	2E+0	7E-10	-	-	-
			Bone surf	Bone surf				
			(5E+2)	(4E+0)	-	5E-12	6E-6	6E-5
97	Berkelium-250	W, all compounds	9E+3	3E+2	1E-7	-	1E-4	1E-3
				Bone surf				
			-	(7E+2)	-	1E-9	-	-
98	Californium-244 <sup>2</sup>	W, all compounds except those given for Y	3E+4	6E+2	2E-7	8E-10	-	-
			St wall					
			(3E+4)	-	-	-	4E-4	4E-3
		Y, oxides and hydroxides	-	6E+2	2E-7	8E-10	-	-
98	Californium-246	W, see <sup>244</sup> Cf	4E+2	9E+0	4E-9	1E-11	5E-6	5E-5
		Y, see <sup>244</sup> Cf	-	9E+0	4E-9	1E-11	-	-
98	Californium-248	W, see <sup>244</sup> Cf	8E+0	6E-2	3E-11	-	-	-
			Bone surf	Bone surf				
			(2E+1)	(1E-1)	-	2E-13	2E-7	2E-6
		Y, see <sup>244</sup> Cf	-	1E-1	4E-11	1E-13	-	-
98	Californium-249	W, see <sup>244</sup> Cf	5E-1	4E-3	2E-12	-	-	-
			Bone surf	Bone surf				
			(1E+0)	(9E-3)	-	1E-14	2E-8	2E-7
		Y, see <sup>244</sup> Cf	-	1E-2	4E-12	-	-	-
				Bone surf				
			-	(1E-2)	-	2E-14	-	-
98	Californium-250	W, see <sup>244</sup> Cf	1E+0	9E-3	4E-12	-	-	-
			Bone surf	Bone surf				
			(2E+0)	(2E-2)	-	3E-14	3E-8	3E-7
		Y, see <sup>244</sup> Cf	-	3E-2	1E-11	4E-14	-	-
98	Californium-251	W, see <sup>244</sup> Cf	5E-1	4E-3	2E-12	-	-	-
			Bone surf	Bone surf				
			(1E+0)	(9E-3)	-	1E-14	2E-8	2E-7
		Y, see <sup>244</sup> Cf	-	1E-2	4E-12	-	-	-
				Bone surf				
			-	(1E-2)	-	2E-14	-	-
98	Californium-252	W, see <sup>244</sup> Cf	2E+0	2E-2	8E-12	-	-	-
			Bone surf	Bone surf				
			(5E+0)	(4E-2)	-	5E-14	7E-8	7E-7
		Y, see <sup>244</sup> Cf	-	3E-2	1E-11	5E-14	-	-



## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration ( $\mu\text{Ci/ml}$ )
			Col. 1 Oral Ingestion ALI ( $\mu\text{Ci}$ )	Col. 2 Inhalation ALI ( $\mu\text{Ci}$ )	Col. 3 DAC ( $\mu\text{Ci/ml}$ )	Col. 1 Air ( $\mu\text{Ci/ml}$ )	Col. 2 Water ( $\mu\text{Ci/ml}$ )	
98	Californium-253	W, see $^{244}\text{Cf}$	2E+2	2E+0	8E-10	3E-12	-	-
			Bone surf (4E+2)	-	-	-	5E-6	5E-5
		Y, see $^{244}\text{Cf}$	-	2E+0	7E-10	2E-12	-	-
98	Californium-254	W, see $^{244}\text{Cf}$	2E+0	2E-2	9E-12	3E-14	3E-8	3E-7
		Y, see $^{244}\text{Cf}$	-	2E-2	7E-12	2E-14	-	-
99	Einsteinium-250	W, all compounds	4E+4	5E+2	2E-7	-	6E-4	6E-3
				Bone surf (1E+3)	-	2E-9	-	-
99	Einsteinium-251	W, all compounds	7E+3	9E+2	4E-7	-	1E-4	1E-3
				Bone surf (1E+3)	-	2E-9	-	-
99	Einsteinium-253	W, all compounds	2E+2	1E+0	6E-10	2E-12	2E-6	2E-5
99	Einsteinium-254m	W, all compounds	3E+2	1E+1	4E-9	1E-11	-	-
			LLI wall (3E+2)	-	-	-	4E-6	4E-5
99	Einsteinium-254	W, all compounds	8E+0	7E-2	3E-11	-	-	-
			Bone surf (2E+1)	Bone surf (1E-1)	-	2E-13	2E-7	2E-6
100	Fermium-252	W, all compounds	5E+2	1E+1	5E-9	2E-11	6E-6	6E-5
100	Fermium-253	W, all compounds	1E+3	1E+1	4E-9	1E-11	1E-5	1E-4
100	Fermium-254	W, all compounds	3E+3	9E+1	4E-8	1E-10	4E-5	4E-4
100	Fermium-255	W, all compounds	5E+2	2E+1	9E-9	3E-11	7E-6	7E-5
100	Fermium-257	W, all compounds	2E+1	2E-1	7E-11	-	-	-
			Bone surf (4E+1)	Bone surf (2E-1)	-	3E-13	5E-7	5E-6
101	Mendelevium-257	W, all compounds	7E+3	8E+1	4E-8	-	1E-4	1E-3
				Bone surf (9E+1)	-	1E-10	-	-
101	Mendelevium-258	W, all compounds	3E+1	2E-1	1E-10	-	-	-
			Bone surf (5E+1)	Bone surf (3E-1)	-	5E-13	6E-7	6E-6
-	Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life less than 2 hours	Submersion <sup>1</sup>	-	2E+2	1E-7	1E-9	-	-
-	Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life greater than 2 hours.	...	-	2E-1	1E-10	1E-12	1E-8	1E-7

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1 Oral Ingestion	Col. 2 Inhalation	Col. 3 DAC	Col. 1 Air	Col. 2 Water	Monthly Average Concentration
			ALI ( $\mu\text{Ci}$ )	ALI ( $\mu\text{Ci}$ )	DAC ( $\mu\text{Ci/ml}$ )	( $\mu\text{Ci/ml}$ )	( $\mu\text{Ci/ml}$ )	( $\mu\text{Ci/ml}$ )
	Any single radionuclide not listed above that decays by alpha emission, or spontaneous fission, or any mixture for which either the identity or the concentration of any radionuclide in the mixture is not known.	...	-	4E-4	2E-13	1E-15	2E-9	2E-8

## FOOTNOTES:

- <sup>1</sup> "Submersion" means that values given are for submersion in a hemispherical semi-infinite cloud of airborne material.
- <sup>2</sup> These radionuclides have radiological half-lives of less than 2 hours. The total effective dose equivalent received during operations with these radionuclides might include a significant contribution from external exposure. The DAC values for all radionuclides, other than those designated Class "Submersion," are based upon the committed effective dose equivalent due to the intake of the radionuclide into the body and do NOT include potentially significant contributions to dose equivalent from external exposures. The licensee may substitute  $1\text{E-}7 \mu\text{Ci/ml}$  for the listed DAC to account for the submersion dose prospectively but shall use individual monitoring devices or other radiation-measuring instruments that measure external exposure to demonstrate compliance with the limits. (See R12-1-410)
- <sup>3</sup> For soluble mixtures of U-238, U-234, and U-235 in air, chemical toxicity may be the limiting factor (see R12-1-408(E)). If the percent by weight (enrichment) of U-235 is not greater than 5, the concentration value for a 40-hour work week is 0.2 milligrams uranium per cubic meter of air average. For any enrichment, the product of the average concentration and time of exposure during a 40-hour work week shall not exceed  $8\text{E-}3 \text{ (SA)} \mu\text{Ci-hr/ml}$ , where SA is the specific activity of the uranium inhaled. The specific activity for natural uranium is  $6.77\text{E-}7$  curies per gram U. The specific activity for other mixtures of U-238, U-235, and U-234, if not known, shall be:

$$\text{SA} = 3.6\text{E-}7 \text{ curies/gram U U-depleted}$$

$$\text{SA} = [0.4 + 0.38 (\text{enrichment}) + 0.0034 (\text{enrichment})^2] \text{E-}6, \text{ enrichment} > 0.72$$

where enrichment is the percentage by weight of U-235, expressed as percent.

## NOTE:

- If the identity of each radionuclide in a mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.
- If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in this Appendix are not present in the mixture, the inhalation ALI, DAC, and effluent and sewage concentrations for the mixture are the lowest values specified in this Appendix for any radionuclide that is not known to be absent from the mixture; or\

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1 Oral Ingestion	Col. 2 Inhalation	Col. 3 DAC	Col. 1 Air	Col. 2 Water	Monthly Average Concentration
			ALI ( $\mu\text{Ci}$ )	ALI ( $\mu\text{Ci}$ )	DAC ( $\mu\text{Ci/ml}$ )	( $\mu\text{Ci/ml}$ )	( $\mu\text{Ci/ml}$ )	( $\mu\text{Ci/ml}$ )
	If it is known that Ac-227-D and Cm-250-W are not present		-	7E-4	3E-13	-	-	-
	If, in addition, it is known that Ac-227-W,Y, Th-229-W,Y, Th-230-W, Th-232-W,Y, Pa-231-W,Y, Np-237-W, Pu-239-W, Pu-240-W, Pu-242-W, Am-241-W, Am-242m-W, Am-243-W, Cm-245-W, Cm-246-W, Cm-247-W, Cm-248-W, Bk-247-W, Cf-249-W, and Cf-251-W are not present		-	7E-3	3E-12	-	-	-

## Department of Health Services - Radiation Control

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers Monthly Average Concentration (μCi/ml)
			Col. 1 Oral Ingestion	Col. 2 Inhalation	Col. 3	Col. 1	Col. 2	
			ALI (μCi)	ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	
	If, in addition, it is known that Sm-146-W, Sm-147-W, Gd-148-D,W, Gd-152-D,W, Th-228-W,Y, Th-230-Y, U-232-Y, U-233-Y, U-234-Y, U-235-Y, U-236-Y, U-238-Y, Np-236-W, Pu-236-W,Y, Pu-238-W,Y, Pu-239-Y, Pu-240-Y, Pu-242-Y, Pu-244-W,Y, Cm-243-W, Cm-244-W, Cf-248-W, Cf-249-Y, Cf-250-W,Y, Cf-251-Y, Cf-252-WY, and Cf-254-W,Y are not present		-	7E-2	3E-11	-	-	-
	If, in addition, it is known that Pb-210-D, Bi-210m-W, Po-210-D,W, Ra-223-W, Ra-225-W, Ra-226-W, Ac-225-D,W,Y, Th-227-W,Y, U-230-D,W,Y, U-232-D,W, Pu-241-W, Cm-240-W, Cm-242-W, Cf-248-Y, Es-254-W, Fm-257-W, and Md-258-W are not present		-	7E-1	3E-10	-	-	-
	If, in addition, it is known that Si-32-Y, Ti-44-Y, Fe-60-D, Sr-90-Y, Zr-93-D, Cd-113m-D, Cd-113-D, In-115-D,W, La-138-D, Lu-176-W, Hf-178m-D,W, Hf-182-D,W, Bi-210m-D, Ra-224-W, Ra-228-W, Ac-226-D,W,Y, Pa-230-W,Y, U-233-D,W, U-234-D,W, U-235-D,W, U-236-D,W, U-238-D,W, Pu-241-Y, Bk-249-W, Cf-253-W,Y, and Es-253-W are not present		-	7E+0	3E-9	-	-	-
	If it is known that Ac-227-D,W,Y, Th-229-W,Y, Th-232-W,Y, Pa-231-W,Y, Cm-248-W, and Cm-250-W are not present		-	-	-	1E-14	-	-
	If, in addition, it is known that Sm-146-W, Gd-148-D,W, Gd-152-D, Th-228-W,Y, Th-230-W,Y, U-232-Y, U-233-Y, U-234-Y, U-235-Y, U-236-Y, U-238-Y, U-Nat-Y, Np-236-W, Np-237-W, Pu-236-W,Y, Pu-238-W,Y, Pu-239-W,Y, Pu-240-W,Y, Pu-242-W,Y, Pu-244-W,Y, Am-241-W, Am-242m-W, Am-243-W, Cm-243-W, Cm-244-W, Cm-245-W, Cm-246-W, Cm-247-W, Bk-247-W, Cf-249-W,Y, Cf-250-W,Y, Cf-251-W,Y, Cf-252-W,Y, and Cf-254-W,Y are not present		-	-	-	1E-13	-	-
	If, in addition, it is known that Sm-147-W, Gd-152-W, Pb-210-D, Bi-210m-W, Po-210-D,W, Ra-223-W, Ra-225-W, Ra-226-W, Ac-225-D,W,Y, Th-227-W,Y, U-230-D,W,Y, U-232-D,W, U-Nat-W, Pu-241-W, Cm-240-W, Cm-242-W, Cf-248-W,Y, Es-254-W, Fm-257-W, and Md-258-W are not present		-	-	-	-	1E-12	-
	If, in addition it is known that Fe-60, Sr-90, Cd-113m, Cd-113, In-115, I-129, Cs-134, Sm-145, Sm-147, Gd-148, Gd-152, Hg-194 (organic), Bi-210m, Ra-223, Ra-224, Ra-225, Ac-225, Th-228, Th-230, U-233, U-234, U-235, U-236, U-238, U-Nat, Cm-242, Cf-248, Es-254, Fm-257, and Md-258 are not present		-	-	-	-	1E-6	1E-5

3. If a mixture of radionuclides consists of Uranium and its daughters in ore dust (10  $\mu\text{m}$  AMAD particle distribution assumed) prior to chemical separation of the Uranium from the ore, the following values may be used for the DAC of the mixture: 6E-11  $\mu\text{Ci}$  of gross

## Department of Health Services - Radiation Control

alpha activity from Uranium-238, Uranium-234, Thorium-230, and Radium-226 per milliliter of air; 3E-11 µCi of natural uranium per milliliter of air; or 45 micrograms of natural uranium per cubic meter of air.

4. If the identity and concentration of each radionuclide in a mixture are known, the limiting values should be derived as follows: determine, for each radionuclide in the mixture, the ratio between the concentration present in the mixture and the concentration otherwise established in Appendix B to Article 4 for the specific radionuclide when not in a mixture. The sum of such ratios for all of the radionuclides in the mixture may not exceed "1" (i.e., "unity").

Example: If radionuclides "A," "B," and "C" are present in concentrations  $C_A$ ,  $C_B$ , and  $C_C$ , and if the applicable DACs are  $DAC_A$ ,  $DAC_B$ , and  $DAC_C$  respectively then the concentrations shall be limited so that the following relationship exists:

$$\frac{C_A}{DAC_A} + \frac{C_B}{DAC_B} + \frac{C_C}{DAC_C} \leq 1$$

**Historical Note**

New Appendix B recodified from 12 A.A.C. 1, Article 4, Appendix B, effective March 22, 2018 (Supp. 18-1).

## Department of Health Services - Radiation Control

Appendix C. Quantities<sup>1</sup> of Licensed or Registered Material Requiring Labeling

Radionuclide	Quantity (μCi)	Radionuclide	Quantity (μCi)	Radionuclide	Quantity (μCi)
Hydrogen-3	1,000	Nickel-57	100	Krypton-83m	1,000
Beryllium-7	1,000	Nickel-59	100	Krypton-85m	1,000
Beryllium-10	1	Nickel-63	100	Krypton-85	1,000
Carbon-11	1,000	Nickel-65	1,000	Krypton-87	1,000
Carbon-14	1,000	Nickel-66	10	Krypton-88	1,000
Fluorine-18	1,000	Copper-60	1,000	Rubidium-79	1,000
Sodium-22	10	Copper-61	1,000	Rubidium-81m	1,000
Sodium-24	100	Copper-64	1,000	Rubidium-81	1,000
Magnesium-28	100	Copper-67	1,000	Rubidium-82m	1,000
Aluminum-26	10	Zinc-62	100	Rubidium-83	100
Silicon-31	1,000	Zinc-63	1,000	Rubidium-84	100
Silicon-32	1	Zinc-65	10	Rubidium-86	100
Phosphorus-32	10	Zinc-69m	100	Rubidium-87	100
Phosphorus-33	100	Zinc-69	1,000	Rubidium-88	1,000
Sulfur-35	100	Zinc-71m	1,000	Rubidium-89	1,000
Chlorine-36	10	Zinc-72	100	Strontium-80	100
Chlorine-38	1,000	Gallium-65	1,000	Strontium-81	1,000
Chlorine-39	1,000	Gallium-66	100	Strontium-83	100
Argon-39	1,000	Gallium-67	1,000	Strontium-85m	1,000
Argon-41	1,000	Gallium-68	1,000	Strontium-85	100
Potassium-40	100	Gallium-70	1,000	Strontium-87m	1,000
Potassium-42	1,000	Gallium-72	100	Strontium-89	10
Potassium-43	1,000	Gallium-73	1,000	Strontium-90	0.1
Potassium-44	1,000	Germanium-66	1,000	Strontium-91	100
Potassium-45	1,000	Germanium-67	1,000	Strontium-92	100
Calcium-41	100	Germanium-68	10	Yttrium-86m	1,000
Calcium-45	100	Germanium-69	1,000	Yttrium-86	100
Calcium-47	100	Germanium-71	1,000	Yttrium-87	100
Scandium-43	1,000	Germanium-75	1,000	Yttrium-88	10
Scandium-44m	100	Germanium-77	1,000	Yttrium-90m	1,000
Scandium-44	100	Germanium-78	1,000	Yttrium-90	10
Scandium-46	10	Arsenic-69	1,000	Yttrium-91m	1,000
Scandium-47	100	Arsenic-70	1,000	Yttrium-91	10
Scandium-48	100	Arsenic-71	100	Yttrium-92	100
Scandium-49	1,000	Arsenic-72	100	Yttrium-93	100
Titanium-44	1	Arsenic-73	100	Yttrium-94	1,000
Titanium-45	1,000	Arsenic-74	100	Yttrium-95	1,000
Vanadium-47	1,000	Arsenic-76	100	Zirconium-86	100
Vanadium-48	100	Arsenic-77	100	Zirconium-88	10
Vanadium-49	1,000	Arsenic-78	1,000	Zirconium-89	100
Chromium-48	1,000	Selenium-70	1,000	Zirconium-93	1
Chromium-49	1,000	Selenium-73m	1,000	Zirconium-95	10
Chromium-51	1,000	Selenium-73	100	Zirconium-97	100
Manganese-51	1,000	Selenium-75	100	Niobium-88	1,000
Manganese-52m	1,000	Selenium-79	100	Niobium-89m	
Manganese-52	100	Selenium-81m	1,000	(66 min)	1,000
Manganese-53	1,000	Selenium-81	1,000	Niobium-89	
Manganese-54	100	Selenium-83	1,000	(122 min)	1,000
Manganese-56	1,000	Bromine-74m	1,000	Niobium-90	100
Iron-52	100	Bromine-74	1,000	Niobium-93m	10
Iron-55	100	Bromine-75	1,000	Niobium-94	1
Iron-59	10	Bromine-76	100	Niobium-95m	100
Iron-60	1	Bromine-77	1,000	Niobium-95	100
Cobalt-55	100	Bromine-80m	1,000	Niobium-96	100
Cobalt-56	10	Bromine-80	1,000	Niobium-97	1,000
Cobalt-57	100	Bromine-82	100	Niobium-98	1,000
Cobalt-58m	1,000	Bromine-83	1,000	Molybdenum-90	100
Cobalt-58	100	Bromine-84	1,000	Molybdenum-93m	100
Cobalt-60m	1,000	Krypton-74	1,000	Molybdenum-93	10
Cobalt-60	1	Krypton-76	1,000	Molybdenum-99	100
Cobalt-61	1,000	Krypton-77	1,000	Molybdenum-101	1,000
Cobalt-62m	1,000	Krypton-79	1,000	Technetium-93m	1,000
Nickel-56	100	Krypton-81	1,000	Technetium-93	1,000

## Department of Health Services - Radiation Control

## Appendix C. Continued

Radionuclide	Quantity (μCi)	Radionuclide	Quantity (μCi)	Radionuclide	Quantity (μCi)
Technetium-94m	1,000	Indium-116m	1,000	Iodine-128	1,000
Technetium-94	1,000	Indium-117m	1,000	Iodine-129	1
Technetium-96m	1,000	Indium-117	1,000	Iodine-130	10
Technetium-96	100	Indium-119m	1,000	Iodine-131	1
Technetium-97m	100	Tin-110	100	Iodine-132m	100
Technetium-97	1,000	Tin-111	1,000	Iodine-132	100
Technetium-98	10	Tin-113	100	Iodine-133	10
Technetium-99m	1,000	Tin-117m	100	Iodine-134	1,000
Technetium-99	100	Tin-119m	100	Iodine-135	100
Technetium-101	1,000	Tin-121m	100	Xenon-120	1,000
Technetium-104	1,000	Tin-121	1,000	Xenon-121	1,000
Ruthenium-94	1,000	Tin-123m	1,000	Xenon-122	1,000
Ruthenium-97	1,000	Tin-123	10	Xenon-123	1,000
Ruthenium-103	100	Tin-125	10	Xenon-125	1,000
Ruthenium-105	1,000	Tin-126	10	Xenon-127	1,000
Ruthenium-106	1	Tin-127	1,000	Xenon-129m	1,000
Rhodium-99m	1,000	Tin-128	1,000	Xenon-131m	1,000
Rhodium-99	100	Antimony-115	1,000	Xenon-133m	1,000
Rhodium-100	100	Antimony-116m	1,000	Xenon-133	1,000
Rhodium-101m	1,000	Antimony-116	1,000	Xenon-135m	1,000
Rhodium-101	10	Antimony-117	1,000	Xenon-135	1,000
Rhodium-102m	10	Antimony-118m	1,000	Xenon-138	1,000
Rhodium-102	10	Antimony-119	1,000	Cesium-125	1,000
Rhodium-103m	1,000	Antimony-120		Cesium-127	1,000
Rhodium-105	100	(16m)	1,000	Cesium-129	1,000
Rhodium-106m	1,000	Antimony-120		Cesium-130	1,000
Rhodium-107	1,000	(5.76d)	100	Cesium-131	1,000
Palladium-100	100	Antimony-122	100	Cesium-132	100
Palladium-101	1,000	Antimony-124m	1,000	Cesium-134m	1,000
Palladium-103	100	Antimony-124	10	Cesium-134	10
Palladium-107	10	Antimony-125	100	Cesium-135m	1,000
Palladium-109	100	Antimony-126m	1,000	Cesium-135	100
Silver-102	1,000	Antimony-126	100	Cesium-136	10
Silver-103	1,000	Antimony-127	100	Cesium-137	10
Silver-104m	1,000	Antimony-128		Cesium-138	1,000
Silver-104	1,000	(10.4m)	1,000	Barium-126	1,000
Silver-105	100	Antimony-128		Barium-128	100
Silver-106m	100	(9.01h)	100	Barium-131m	1,000
Silver-106	1,000	Antimony-129	100	Barium-131	100
Silver-108m	1	Antimony-130	1,000	Barium-133m	100
Silver-110m	10	Antimony-131	1,000	Barium-133	100
Silver-111	100	Tellurium-116	1,000	Barium-135m	100
Silver-112	100	Tellurium-121m	10	Barium-139	1,000
Silver-115	1,000	Tellurium-121	100	Barium-140	100
Cadmium-104	1,000	Tellurium-123m	10	Barium-141	1,000
Cadmium-107	1,000	Tellurium-123	100	Barium-142	1,000
Cadmium-109	1	Tellurium-125m	10	Lanthanum-131	1,000
Cadmium-113m	0.1	Tellurium-127m	10	Lanthanum-132	100
Cadmium-113	100	Tellurium-127	1,000	Lanthanum-135	1,000
Cadmium-115m	10	Tellurium-129m	10	Lanthanum-137	10
Cadmium-115	100	Tellurium-129	1,000	Lanthanum-138	100
Cadmium-117m	1,000	Tellurium-131m	10	Lanthanum-140	100
Cadmium-117	1,000	Tellurium-131	100	Lanthanum-141	100
Indium-109	1,000	Tellurium-132	10	Lanthanum-142	1,000
Indium-110m		Tellurium-133m	100	Lanthanum-143	1,000
(69.1m)	1,000	Tellurium-133	1,000	Cerium-134	100
Indium-110		Tellurium-134	1,000	Cerium-135	100
(4.9h)	1,000	Iodine-120m	1,000	Cerium-137m	100
Indium-111	100	Iodine-120	100	Cerium-137	1,000
Indium-112	1,000	Iodine-121	1,000	Cerium-139	100
Indium-113m	1,000	Iodine-123	100	Cerium-141	100
Indium-114m	10	Iodine-124	10	Cerium-143	100
Indium-115m	1,000	Iodine-125	1	Cerium-144	1
Indium-115	100	Iodine-126	1	Praseodymium-136	1,000

## Department of Health Services - Radiation Control

## Appendix C. Continued

Radionuclide	Quantity (μCi)	Radionuclide	Quantity (μCi)	Radionuclide	Quantity (μCi)
Praseodymium-137	1,000	Terbium-149	100	Lutetium-179	1,000
Praseodymium-138m	1,000	Terbium-150	1,000	Hafnium-170	100
Praseodymium-139	1,000	Terbium-151	100	Hafnium-172	1
Praseodymium-142m	1,000	Terbium-153	1,000	Hafnium-173	1,000
Praseodymium-142	100	Terbium-154	100	Hafnium-175	100
Praseodymium-143	100	Terbium-155	1,000	Hafnium-177m	1,000
Praseodymium-144	1,000	Terbium-156m		Hafnium-178m	0.1
Praseodymium-145	100	(5.0h)	1,000	Hafnium-179m	10
Praseodymium-147	1,000	Terbium-156m		Hafnium-180m	1,000
Neodymium-136	1,000	(24.4h)	1,000	Hafnium-181	10
Neodymium-138	100	Terbium-156	100	Hafnium-182m	1,000
Neodymium-139m	1,000	Terbium-157	10	Hafnium-182	0.1
Neodymium-139	1,000	Terbium-158	1	Hafnium-183	1,000
Neodymium-141	1,000	Terbium-160	10	Hafnium-184	100
Neodymium-147	100	Terbium-161	100	Tantalum-172	1,000
Neodymium-149	1,000	Dysprosium-155	1,000	Tantalum-173	1,000
Neodymium-151	1,000	Dysprosium-157	1,000	Tantalum-174	1,000
Promethium-141	1,000	Dysprosium-159	100	Tantalum-175	1,000
Promethium-143	100	Dysprosium-165	1,000	Tantalum-176	100
Promethium-144	10	Dysprosium-166	100	Tantalum-177	1,000
Promethium-145	10	Holmium-155	1,000	Tantalum-178	1,000
Promethium-146	1	Holmium-157	1,000	Tantalum-179	100
Promethium-147	10	Holmium-159	1,000	Tantalum-180m	1,000
Promethium-148m	10	Holmium-161	1,000	Tantalum-180	100
Promethium-148	10	Holmium-162m	1,000	Tantalum-182m	1,000
Promethium-149	100	Holmium-162	1,000	Tantalum-182	10
Promethium-150	1,000	Holmium-164m	1,000	Tantalum-183	100
Promethium-151	100	Holmium-164	1,000	Tantalum-184	100
Samarium-141m	1,000	Holmium-166m	1	Tantalum-185	1,000
Samarium-141	1,000	Holmium-166	100	Tantalum-186	1,000
Samarium-142	1,000	Holmium-167	1,000	Tungsten-176	1,000
Samarium-145	100	Erbium-161	1,000	Tungsten-177	1,000
Samarium-146	1	Erbium-165	1,000	Tungsten-178	1,000
Samarium-147	100	Erbium-169	100	Tungsten-179	1,000
Samarium-151	10	Erbium-171	100	Tungsten-181	1,000
Samarium-153	100	Erbium-172	100	Tungsten-185	100
Samarium-155	1,000	Thulium-162	1,000	Tungsten-187	100
Samarium-156	1,000	Thulium-166	100	Tungsten-188	10
Europium-145	100	Thulium-167	100	Rhenium-177	1,000
Europium-146	100	Thulium-170	10	Rhenium-178	1,000
Europium-147	100	Thulium-171	10	Rhenium-181	1,000
Europium-148	10	Thulium-172	100	Rhenium-182	
Europium-149	100	Thulium-173	100	(12.7h)	1,000
Europium-150		Thulium-175	1,000	Rhenium-182	
(12.62h)	100	Ytterbium-162	1,000	(64.0h)	100
Europium-150		Ytterbium-166	100	Rhenium-184m	10
(34.2y)	1	Ytterbium-167	1,000	Rhenium-184	100
Europium-152m	100	Ytterbium-169	100	Rhenium-186m	10
Europium-152	1	Ytterbium-175	100	Rhenium-186	100
Europium-154	1	Ytterbium-177	1,000	Rhenium-187	1,000
Europium-155	10	Ytterbium-178	1,000	Rhenium-188m	1,000
Europium-156	100	Lutetium-169	100	Rhenium-188	100
Europium-157	100	Lutetium-170	100	Rhenium-189	100
Europium-158	1,000	Lutetium-171	100	Osmium-180	1,000
Gadolinium-145	1,000	Lutetium-172	100	Osmium-181	1,000
Gadolinium-146	10	Lutetium-173	10	Osmium-182	100
Gadolinium-147	100	Lutetium-174m	10	Osmium-185	100
Gadolinium-148	0.001	Lutetium-174	10	Osmium-189m	1,000
Gadolinium-149	100	Lutetium-176m	1,000	Osmium-191m	1,000
Gadolinium-151	10	Lutetium-176	100	Osmium-191	100
Gadolinium-152	100	Lutetium-177m	10	Osmium-193	100
Gadolinium-153	10	Lutetium-177	100	Osmium-194	1
Gadolinium-159	100	Lutetium-178m	1,000	Iridium-182	1,000
Terbium-147	1,000	Lutetium-178	1,000	Iridium-184	1,000

## Department of Health Services - Radiation Control

## Appendix C. Continued

Radionuclide	Quantity (μCi)	Radionuclide	Quantity (μCi)	Radionuclide	Quantity (μCi)
Iridium-185	1,000	Lead-209	1,000	Uranium-240	100
Iridium-186	100	Lead-210	0.01	Uranium-natural	100
Iridium-187	1,000	Lead-211	100	Neptunium-232	100
Iridium-188	100	Lead-212	1	Neptunium-233	1,000
Iridium-189	100	Lead-214	100	Neptunium-234	100
Iridium-190m	1,000	Bismuth-200	1,000	Neptunium-235	100
Iridium-190	100	Bismuth-201	1,000	Neptunium-236	
Iridium-192m		Bismuth-202	1,000	(1.15E + 5)	0.001
(1.4m)	10	Bismuth-203	100	Neptunium-236	
Iridium-192		Bismuth-205	100	(22.5h)	1
(73.8d)	1	Bismuth-206	100	Neptunium-237	0.001
Iridium-194m	10	Bismuth-207	10	Neptunium-238	10
Iridium-194	100	Bismuth-210m	0.1	Neptunium-239	100
Iridium-195m	1,000	Bismuth-210	1	Neptunium-240	1,000
Iridium-195	1,000	Bismuth-212	10	Plutonium-234	10
Platinum-186	1,000	Bismuth-213	10	Plutonium-235	1,000
Platinum-188	100	Bismuth-214	100	Plutonium-236	0.001
Platinum-189	1,000	Polonium-203	1,000	Plutonium-237	100
Platinum-191	100	Polonium-205	1,000	Plutonium-238	0.001
Platinum-193m	100	Polonium-207	1,000	Plutonium-239	0.001
Platinum-193	1,000	Polonium-210	0.1	Plutonium-240	0.001
Platinum-195m	100	Astatine-207	100	Plutonium-241	0.01
Platinum-197m	1,000	Astatine-211	10	Plutonium-242	0.001
Platinum-197	100	Radon-220	1	Plutonium-243	1,000
Platinum-199	1,000	Radon-222	1	Plutonium-244	0.001
Platinum-200	100	Francium-222	100	Plutonium-245	100
Gold-193	1,000	Francium-223	100	Americium-237	1,000
Gold-194	100	Radium-223	0.1	Americium-238	100
Gold-195	10	Radium-224	0.1	Americium-239	1,000
Gold-198m	100	Radium-225	0.1	Americium-240	100
Gold-198	100	Radium-226	0.1	Americium-241	0.001
Gold-199	100	Radium-227	1,000	Americium-242m	0.001
Gold-200m	100	Radium-228	0.1	Americium-242	10
Gold-200	1,000	Actinium-224	1	Americium-243	0.001
Gold-201	1,000	Actinium-225	0.01	Americium-244m	100
Mercury-193m	100	Actinium-226	0.1	Americium-244	10
Mercury-193	1,000	Actinium-227	0.001	Americium-245	1,000
Mercury-194	1	Actinium-228	1	Americium-246m	1,000
Mercury-195m	100	Thorium-226	10	Americium-246	1,000
Mercury-195	1,000	Thorium-227	0.01	Curium-238	100
Mercury-197m	100	Thorium-228	0.001	Curium-240	0.1
Mercury-197	1,000	Thorium-229	0.001	Curium-241	1
Mercury-199m	1,000	Thorium-230	0.001	Curium-242	0.01
Mercury-203	100	Thorium-231	100	Curium-243	0.001
Thallium-194m	1,000	Thorium-232	100	Curium-244	0.001
Thallium-194	1,000	Thorium-234	10	Curium-245	0.001
Thallium-195	1,000	Thorium-natural	100	Curium-246	0.001
Thallium-197	1,000	Protactinium-227	10	Curium-247	0.001
Thallium-198m	1,000	Protactinium-228	1	Curium-248	0.001
Thallium-198	1,000	Protactinium-230	0.1	Curium-249	1,000
Thallium-199	1,000	Protactinium-231	0.001	Berkelium-245	100
Thallium-201	1,000	Protactinium-232	1	Berkelium-246	100
Thallium-200	1,000	Protactinium-233	100	Berkelium-247	0.001
Thallium-202	100	Protactinium-234	100	Berkelium-249	0.1
Thallium-204	100	Uranium-230	0.01	Berkelium-250	10
Lead-195m	1,000	Uranium-231	100	Californium-244	100
Lead-198	1,000	Uranium-232	0.001	Californium-246	1
Lead-199	1,000	Uranium-233	0.001	Californium-248	0.01
Lead-200	100	Uranium-234	0.001	Californium-249	0.001
Lead-201	1,000	Uranium-235	0.001	Californium-250	0.001
Lead-202m	1,000	Uranium-236	0.001	Californium-251	0.001
Lead-202	10	Uranium-237	100	Californium-252	0.001
Lead-203	1,000	Uranium-238	100	Californium-253	0.1
Lead-205	100	Uranium-239	1,000	Californium-254	0.001



## Department of Health Services - Radiation Control

## Appendix C. Continued

Radionuclide	Quantity (μCi)	Radionuclide	Quantity (μCi)
Einsteinium-250	100	Any alpha-emitting	
Einsteinium-251	100	radionuclide not	
Einsteinium-253	0.1	listed above or	
Einsteinium-254m	1	mixtures of alpha	
Einsteinium-254	0.01	emitters of unknown	
Fermium-252	1	composition	0.001
Fermium-253	1		
Fermium-254	10	Any radionuclide	
Fermium-255	1	other than alpha-	
Fermium-257	0.01	emitting radionuclides	
Mendelevium-257	10	not listed above, or	
Mendelevium-258	0.01	mixtures of beta	
		emitters of unknown	
		composition	0.01

\* To convert μCi to kBq, multiply the μCi value by 37.

NOTE: For purposes of R9-7-428(E), R9-7-432(A), and R9-7-443(A) where there is involved a combination of radionuclides in known amounts, the limit for the combination shall be derived as follows: determine, for each radionuclide in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific radionuclide when not in combination. The sum of such ratios for all radionuclides in the combination may not exceed "1" -- that is, unity.

<sup>1</sup> The quantities listed above were derived by taking 1/10 of the most restrictive ALI listed in Table I, Columns 1 and 2, of Appendix B to Article 4, rounding to the nearest factor of 10, and constraining the values listed between 37 Bq and 37 MBq (0.001 and 1,000 μCi). Values of 3.7 MBq (100 μCi) have been assigned for radionuclides having a radioactive half-life in excess of E+9 years, except rhenium, 37 MBq (1,000 μCi), to take into account their low specific activity.

**Historical Note**

New Appendix C recodified from 12 A.A.C. 1, Article 4, Appendix C, effective March 22, 2018 (Supp. 18-1).

## Department of Health Services - Radiation Control

## Appendix D. Classification and Characteristics of Low-level Radioactive Waste

## I. Classification of Radioactive Waste for Land Disposal

- a) Considerations. Determination of the classification of radioactive waste involves two considerations. First, consideration must be given to the concentration of long-lived radionuclides (and their shorter-lived precursors) whose potential hazard will persist long after such precautions as institutional controls, improved waste form, and deeper disposal have ceased to be effective. These precautions delay the time when long-lived radio nuclides could cause exposures. In addition, the magnitude of the potential dose is limited by the concentration and availability of the radionuclide at the time of exposure. Second, consideration must be given to the concentration of shorter-lived radionuclides for which requirements on institutional controls, waste form, and disposal methods are effective.

## b) Classes of waste.

- 1) Class A waste is waste that is usually segregated from other waste classes at the disposal site. The physical form and characteristics of Class A waste must meet the minimum requirements set forth in Section II(a). If Class A waste also meets the stability requirements set forth in Section II(b), it is not necessary to segregate the waste for disposal.
- 2) Class B waste is waste that must meet more rigorous requirements on waste form to ensure stability after disposal. The physical form and characteristics of Class B waste must meet both the minimum and stability requirements set forth in Section II.
- 3) Class C waste is waste that not only must meet more rigorous requirements on waste form to ensure stability but also requires additional measures at the disposal facility to protect against inadvertent intrusion. The physical form and characteristics of Class C waste must meet both the minimum and stability requirements set forth in Section II.

## c) Classification determined by long-lived radionuclides. If the radioactive waste contains only radionuclides listed in Table I, classification shall be determined as follows:

- 1) If the concentration does not exceed 0.1 times the value in Table I, the waste is Class A.
- 2) If the concentration exceeds 0.1 times the value in Table I but does not exceed the value in Table I, the waste is Class C.
- 3) If the concentration exceeds the value in Table I, the waste is not generally acceptable for land disposal.
- 4) For wastes containing mixtures of radionuclides listed in Table I, the total concentration shall be determined by the sum of fractions rule described in Section I(g).

## Appendix D. Table I

Radionuclide	TABLE I Concentration	
	curie/cubic meter <sup>a</sup>	nanocuries/gram <sup>b</sup>
C-14	8	
C-14 in activated metal	80	
Ni-59 in activated metal	220	
Nb-94 in activated metal	0.2	
Tc-99	3	
I-129	0.08	

Alpha-emitting transuranic radionuclides with half-life greater than five years

Pu-241	3,500
Cm-242	20,000
Ra-226	100

<sup>a</sup>To convert the Ci/m<sup>3</sup> values to gigabecquerel (GBq) per cubic meter, multiply the Ci/m<sup>3</sup> value by 37.

<sup>b</sup>To convert the nCi/g values to becquerel (Bq) per gram, multiply the nCi/g value by 37.

- d) Classification determined by short-lived radionuclides. If the waste does not contain any of the radionuclides listed in Table I, classification shall be determined based on the concentrations shown in Table II. However, as specified in Section I(f), if radioactive waste does not contain any nuclides listed in either Table I or II, it is Class A.

- 1) If the concentration does not exceed the value in Column 1, the waste is Class A.
- 2) If the concentration exceeds the value in Column 1 but does not exceed the value in Column 2, the waste is Class B.
- 3) If the concentration exceeds the value in Column 2 but does not exceed the value in Column 3, the waste is Class C.
- 4) If the concentration exceeds the value in Column 3, the waste is not generally acceptable for near-surface disposal.
- 5) For wastes containing mixtures of the radionuclides listed in Table II, the total concentration shall be determined by the sum of fractions rule described in Section I(g).

## Appendix D. Table II

Radionuclide	TABLE II Concentration, Curie/cubic meter*		
	Column 1	Column 2	Column 3
Total of all radionuclides with less than 5-year half-life	700	*	*
H-3	40	*	*
Co-60	700	*	*
Ni-63	3.5	70	700
Ni-63 in activated metal	35	700	7000
Sr-90	0.04	150	7000
Cs-137	1	44	4600

\* DEPARTMENT NOTE: To convert the Ci/m<sup>3</sup> value to gigabecquerel (GBq) per cubic meter, multiply the Ci/m<sup>3</sup> value by 37. There are no limits established for these radionuclides in Class B or C wastes. Practical considerations such as the effects of external radiation and internal heat generation on transportation, handling, and disposal will limit the concentrations for these wastes. These wastes shall be Class B unless the concentrations of other radionuclides in Table II determine the waste to be Class C independent of these radionuclides.

- e) Classification determined by both long- and short-lived radionuclides. If the radioactive waste contains a mixture of radionuclides, some of which are listed in Table I and some of which are listed in Table II, classification shall be determined as follows:

## Department of Health Services - Radiation Control

- 1) If the concentration of a radionuclide listed in Table I is less than 0.1 times the value listed in Table I, the class shall be that determined by the concentration of radionuclides listed in Table II.
  - 2) If the concentration of a radionuclide listed in Table I exceeds 0.1 times the value listed in Table I, but does not exceed the value in Table II, the waste shall be Class C, provided the concentration of radionuclides listed in Table II does not exceed the value shown in Column 3 of Table II.
- f) Classification of wastes with radionuclides other than those listed in Tables I and II. If the waste does not contain any radionuclides listed in either Table I or II, it is Class A.
- g) The sum of the fractions rule for mixtures of radionuclides. For determining classification for waste that contains a mixture of radionuclides, it is necessary to determine the sum of fractions by dividing each radionuclide's concentration by the appropriate limit and adding the resulting values. The appropriate limits shall all be taken from the same column of the same table. The sum of the fractions for the column shall be less than 1.0 if the waste class is to be determined by that column. Example: A waste contains Sr-90 in a concentration of 1.85 TBq/m<sup>3</sup> (50 Ci/m<sup>3</sup>) and Cs-137 in a concentration of 814 GBq/m<sup>3</sup> (22 Ci/m<sup>3</sup>). Since the concentrations both exceed the values in Column 1, Table II, they shall be compared to Column 2 values. For Sr-90 fraction, 50/150 = 0.33, for Cs-137 fraction, 22/44 = 0.5; the sum of the fractions = 0.83. Since the sum is less than 1.0, the waste is Class B.
- h) Determination of concentrations in wastes. The concentration of a radionuclide may be determined by indirect methods such as use of scaling factors which relate the inferred concentration of one radionuclide to another that is measured, or radionuclide material accountability, if there is reasonable assurance that the indirect methods can be correlated with actual measurements. The concentration of a radionuclide may be averaged over the volume of the waste, or weight of the waste if the units are expressed as becquerel (nanocurie) per gram.
- II. Radioactive Waste Characteristics
- a) The following are minimum requirements for all classes of waste and are intended to facilitate handling and provide protection of health and safety of personnel at the disposal site.
- 1) Wastes shall be packaged in conformance with the conditions of the license issued to the site operator to which the waste will be shipped. Where the conditions of the site license are more restrictive than the provisions of Article 4, the site license conditions shall govern.
  - 2) Wastes shall not be packaged for disposal in cardboard or fiberboard boxes.
  - 3) Liquid waste shall be packaged in sufficient absorbent material to absorb twice the volume of the liquid.
  - 4) Solid waste containing liquid shall contain as little free-standing and non-corrosive liquid as is reasonably achievable, but in no case shall the liquid exceed 1% of the volume.
- 5) Waste shall not be readily capable of detonation or of explosive decomposition or reaction at normal pressures and temperatures, or of explosive reaction with water.
  - 6) Waste shall not contain, or be capable of generating, quantities of toxic gases, vapors, or fumes harmful to persons transporting, handling, or disposing of the waste. This does not apply to radioactive gaseous waste packaged in accordance with Section II(a)(8).
  - 7) Waste shall not be pyrophoric. Pyrophoric materials contained in wastes shall be treated, prepared, and packaged to be nonflammable \*\*\*\*\*
  - 8) Wastes in a gaseous form shall be packaged at an absolute pressure that does not exceed 1.5 atmospheres at 20° C. Total activity shall not exceed 3.7 TBq (100 Ci) per container.
  - 9) Wastes containing hazardous, biological, pathogenic, or infectious material shall be treated to reduce to the maximum extent practicable the potential hazard from the non-radiological materials.
- b) The following requirements are intended to provide stability of the waste. Stability is intended to ensure that the waste does not degrade and affect overall stability of the site through slumping, collapse, or other failure of the disposal unit and thereby lead to water infiltration. Stability is also a factor in limiting exposure to an inadvertent intruder, since it provides a recognizable and nondispersible waste.
- 1) Waste shall have structural stability. A structurally stable waste form will generally maintain its physical dimensions and its form, under the expected disposal conditions such as weight of overburden and compaction equipment, the presence of moisture, and microbial activity, and internal factors such as radiation effects and chemical changes. Structural stability can be provided by the waste form itself, processing the waste to a stable form, or placing the waste in a disposal container or structure that provides stability after disposal.
  - 2) Notwithstanding the provisions in Section II(a)(3) and (4), liquid wastes, or wastes containing liquid, shall be converted into a form that contains as little free-standing and noncorrosive liquid as is reasonably achievable, but in no case shall the liquid exceed 1% of the volume of the waste when the waste is in a disposal container designed to ensure stability, or 0.5% of the volume of the waste for waste processed to a stable form.
  - 3) Void spaces within the waste and between the waste and its package shall be reduced to the extent practicable.
- III. Labeling
- Each package of waste shall be clearly labeled to identify whether it is Class A, Class B, or Class C waste, in accordance with Section I.
- \*\*\*\*\*See Section R9-7-102 for definition of pyrophoric.
- Historical Note**
- New Appendix D, including Tables 1 and 2 recodified from 12 A.A.C. 1, Article 4, Appendix D, Tables 1 and 2, effective March 22, 2018 (Supp. 18-1).

## Department of Health Services - Radiation Control

## Appendix E. Quantities for Use with Decommissioning

Material	Microcurie	Material	Microcurie	Material	Microcurie
Americium-241	0.01	Iodine-135	10	Sodium-22	1
Antimony-122	100	Iridium-192	10	Sodium-24	10
Antimony-124	10	Iridium-194	100	Strontium-85	10
Antimony-125	10	Iron-55	100	Strontium-89	1
Arsenic-73	100	Iron-59	10	Strontium-90	0.1
Arsenic-74	10	Krypton-85	100	Strontium-91	10
Arsenic-76	10	Krypton-87	10	Strontium-92	10
Arsenic-77	100	Lanthanum-140	10	Sulfur-35	100
Barium-131	10	Lutetium-177	100	Tantalum-182	10
Barium-133	10	Manganese-52	10	Technetium-96	10
Barium-140	10	Manganese-54	10	Technetium-97m	100
Bismuth-210	1	Manganese-56	10	Technetium-97	100
Bromine-82	10	Mercury-197m	100	Technetium-99m	100
Cadmium-109	10	Mercury-197	100	Technetium-99	10
Cadmium-115m	10	Mercury-203	10	Tellurium-125m	10
Cadmium-115	100	Molybdenum-99	100	Tellurium-127m	10
Calcium-45	10	Neodymium-147	100	Tellurium-127	100
Calcium-47	10	Neodymium-149	100	Tellurium-129m	10
Carbon-14	100	Nickel-59	100	Tellurium-129	100
Cerium-141	100	Nickel-63	10	Tellurium-131m	10
Cerium-143	100	Nickel-65	100	Tellurium-132	10
Cerium-144	1	Niobium-93m	10	Terbium-160	10
Cesium-131	1,000	Niobium-95	10	Thallium-200	100
Cesium-134m	100	Niobium-97	10	Thallium-201	100
Cesium-134	1	Osmium-185	10	Thallium-202	100
Cesium-135	10	Osmium-191m	100	Thallium-204	10
Cesium-136	10	Osmium-191	100	Thorium (natural)**	100
Cesium-137	10	Osmium-193	100	Thulium-170	10
Chlorine-36	10	Palladium-103	100	Thulium-171	10
Chlorine-38	10	Palladium-109	100	Tin-113	10
Chromium-51	1,000	Phosphorus-32	10	Tin-125	10
Cobalt-58m	10	Platinum-191	100	Tungsten-181	10
Cobalt-58	10	Platinum-193m	100	Tungsten-185	10
Cobalt-60	1	Platinum-193	100	Tungsten-187	100
Copper-64	100	Platinum-197m	100	Uranium (natural)**	100
Dysprosium-165	10	Platinum-197	100	Uranium-233	0.01
Dysprosium-166	100	Plutonium-239	0.01	Uranium-234	0.01
Erbium-169	100	Polonium-210	0.1	Uranium-235	0.01
Erbium-171	100	Potassium-42	10	Vanadium-48	10
Europium-152 (9.2 h)	100	Praseodymium-142	100	Xenon-131m	1,000
Europium-152 (13 yr)	1	Praseodymium-143	100	Xenon-133	100
Europium-154	1	Promethium-147	10	Xenon-135	100
Europium-155	10	Promethium-149	10	Ytterbium-175	100
Fluorine-18	1,000	Radium-226	0.01	Yttrium-90	10
Gadolinium-153	10	Rhenium-186	100	Yttrium-91	10
Gadolinium-159	100	Rhenium-188	100	Yttrium-92	100
Gallium-72	10	Rhodium-103m	100	Yttrium-93	100
Germanium-71	100	Rhodium-105	100	Zinc-65	10
Gold-198	100	Rubidium-86	10	Zinc-69m	100
Gold-199	100	Rubidium-87	10	Zinc-69	1,000
Hafnium-181	10	Ruthenium-97	100	Zirconium-93	10
Holmium-166	100	Ruthenium-103	10	Zirconium-95	10
Hydrogen-3	1,000	Ruthenium-105	10	Zirconium-97	10
Indium-113m	100	Ruthenium-106	1	Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition	0.01
Indium-114m	10	Samarium-151	10	Any radionuclide other than alpha emitting radionuclides, not listed above or mixtures of beta emitters of unknown composition	0.1
Indium-115m	100	Samarium-153	100		
Indium-115	10	Scandium-46	10		
Iodine-125	1	Scandium-47	100		
Iodine-126	1	Scandium-48	10		
Iodine-129	0.1	Selenium-75	10		
Iodine-131	1	Silicon-31	100		
Iodine-132	10	Silver-105	10		
Iodine-133	1	Silver-110m	1		
Iodine-134	10	Silver-111	100		

\* To convert  $\mu\text{Ci}$  to  $\text{kBq}$ , multiply the  $\mu\text{Ci}$  value by 37.

\*\* Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.

\*\*\* Based on alpha disintegration rate of U-238, U-234, and U-235.

NOTE: Where there is involved a combination of isotopes in known amounts, the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" - that is, unity.

#### Historical Note

New Appendix E recodified from 12 A.A.C. 1, Article 4, Appendix E, effective March 22, 2018 (Supp. 18-1).

### ARTICLE 5. SEALED SOURCE INDUSTRIAL RADIOGRAPHY

#### R9-7-501. Definitions

"Access panel" means any panel that is designed to be removed or opened for maintenance or service purposes, opened using tools, and used to provide access to the interior of the cabinet x-ray unit.

"Annual refresher safety training" means a review conducted or provided by the licensee for its employees on radiation safety aspects of industrial radiography. The review shall include, as applicable, the results of internal inspections, new procedures or equipment, new or revised state rules, accidents or errors that have occurred, and provide opportunities for employees to ask safety questions.

"Aperture" means any opening in the outside surface of the cabinet x-ray unit, other than a port, which remains open during generation of x-radiation.

"Associated equipment" means equipment used in conjunction with a radiographic exposure device that drives, guides, or comes in contact with the source.

"Certifying entity" means an independent certifying organization that complies with the requirements in Appendix A of this Article, or requirements of the NRC or another Agreement State, that are equivalent to the requirements in parts II and III of Appendix A.

"Collimator" means a radiation shield that is placed on the end of the guide tube or directly onto a radiographic exposure device to restrict the size of the radiation beam when the sealed source is positioned to make a radiographic exposure.

"Control (drive) cable" means the cable that is connected to the source assembly and used to drive the source to and from the exposure location.

"Control (drive) mechanism" means a device that enables the source assembly to be moved to and from the exposure device.

"Control tube" means a protective sheath for guiding the control cable. The control tube connects the control drive mechanism to the radiographic exposure device.

"Door" means any barrier that is designed to be movable or opened for routine operation purposes, not opened using tools, and used to provide access to the interior of the cabinet x-ray unit.

"Exposure head" means a device that places the gamma radiography sealed source in a selected working position.

"Ground fault" means an accidental electrical grounding of an electrical conductor.

"Guide tube (projection sheath)" means a flexible or rigid tube (i.e., "J" tube) for guiding the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the connections

necessary for attachment to the exposure device and to the exposure head.

"Hands-on experience" means accumulation of knowledge or skill in any area relevant to radiography.

"Independent certifying organization" means an independent organization that meets all of the requirements in Appendix A.

"Lay-barge radiography" means industrial radiography performed on any water vessel used for laying pipe.

"Port" means any opening in the outside surface of the cabinet x-ray unit that is designed to remain open, during generation of x-rays, for conveying material being irradiated into and out of the cabinet, or for partial insertion of an object for irradiation whose dimensions do not permit complete insertion into the cabinet x-ray unit.

"Practical examination" means a demonstration, through practical application of safety rules and principles of industrial radiography, including use of all radiography equipment and knowledge of radiography procedures.

"Radiographer certification" means written approval received from a certifying entity stating that an individual has satisfactorily met certain established radiation safety, testing, and experience criteria.

"Radiographic exposure device" means any x-ray machine used for purposes of making an industrial radiographic exposure or a device that contains a sealed source, and the sealed source or its shielding may be moved or otherwise changed from a shielded to an unshielded position for purposes of making an industrial radiographic exposure.

"Radiographic operations" means all activities associated with the presence of radiation sources in a radiographic exposure device during use of the device or transport (except when the device is being transported by a common or contract carrier). This includes performing surveys to confirm the adequacy of boundaries, setting up equipment, and conducting any activity inside restricted area boundaries.

"S-tube" means a tube through which a radioactive source travels when the source is inside a radiographic exposure device.

"Source assembly" means an assembly that consists of a sealed source and a connector that attaches the source to a control cable. The source assembly may also include a stop ball used to secure the source in the shielded position.

"Underwater radiography" means industrial radiography performed when a radiographic exposure device is beneath the surface of water.

#### Historical Note

New Section R9-7-501 recodified from R12-1-501 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

#### R9-7-502. License Requirements

A. The Department shall review an application for a specific license for the use of radioactive material in industrial radiography and approve the license if an applicant meets all of the following requirements:

1. The applicant satisfies the general requirements in R9-7-309 and any special requirements contained in this Article; and
2. The applicant submits a program for training radiographers and radiographers' assistants that complies with R9-7-543, except that:

## Department of Health Services - Radiation Control

- a. After the effective date of this Section, an applicant is not required to describe its initial training and examination program for radiographers;
  - b. An applicant shall affirm that an individual who is acting as an industrial radiographer is certified in radiation safety by a certifying organization, as required in R9-7-543, before permitting the individual to act as a radiographer. This affirmation substitutes for a description of the applicant's initial training and examination program for radiographers in the subjects outlined in R9-7-543(G); and
  - c. An applicant shall submit procedures for verifying and documenting the certification status of each radiographer and for ensuring that the certification remains valid.
- B.** The applicant shall submit written operating and emergency procedures as prescribed in R9-7-522.
- C.** The applicant shall submit a description of a program for review of job performance of each radiographer and radiographers' assistant at intervals that do not exceed six months as prescribed in R9-7-543(E).
- D.** The applicant shall submit a description of the applicant's overall organizational structure as it applies to radiation safety responsibilities in industrial radiography, including specified delegation of authority and responsibility.
- E.** The applicant shall submit a list of the qualifications of each individual designated as an RSO under R9-7-512 and indicate which designee is responsible for ensuring that the licensee's radiation safety program is implemented in accordance with approved procedures.
- F.** If an applicant intends to perform leak testing on any sealed source or exposure device that contains depleted uranium (DU) shielding, the applicant shall submit a description of the procedures for performing the leak testing and the qualifications of each person authorized to perform leak testing. If the applicant intends to analyze its own wipe samples, the application shall include a description of the procedures to be followed. The description shall include the:
1. Instruments to be used,
  2. Methods of performing the analysis, and
  3. Relevant experience of the person who will analyze the wipe samples.
- G.** If the applicant intends to perform "in-house" calibrations of survey instruments, the applicant shall describe each calibration method to be used and the relevant experience of each person who will perform a calibration. A licensee shall perform all calibrations according to the procedures prescribed in R9-7-504.
- H.** The applicant shall identify and describe the location of all field stations and permanent radiographic installations.
- I.** The applicant shall identify each location where records required by this Chapter will be maintained.
- incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments. This publication may be purchased from the American National Standards Institute, Inc., 25 West 43rd Street, New York, New York 10036 Telephone (212) 642-4900. A copy of the document is also on file at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html); or
2. An engineering safety analysis demonstrates the applicability of previously performed testing on similar individual radiography equipment components. Based on a review of the analysis, the Department may find that previously performed testing can be substituted for testing of the component under the standards in subsection (A)(1).
- B.** In addition to the requirements in subsection (A), the following requirements apply to each radiographic exposure device, source changer, source assembly, and sealed source:
1. A licensee shall ensure that each radiographic exposure device has attached to it a durable, legible, and clearly visible label bearing:
    - a. The chemical symbol and mass number of the radionuclide in the device;
    - b. The activity of the source and the date on which this activity was last measured;
    - c. The model (or product code) and serial number of the sealed source;
    - d. The manufacturer's description of the sealed source; and
    - e. The licensee's name, address, and telephone number.
  2. A licensee shall ensure that each radiographic exposure device intended for use as a Type B transport container meets the applicable requirements of 10 CFR 71, revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
  3. A licensee shall not modify any radiographic exposure device, source changer, source assembly, or associated equipment, unless the design of the replacement component, including source holder, source assembly, controls, or guide tubes is consistent with and does not compromise the design safety features of the system.
- C.** In addition to the requirements in subsections (A) and (B), the following requirements apply to each radiographic exposure device, source assembly, and associated equipment that allows the source to be moved out of the device for radiographic operations or to a source changer:
1. The licensee shall ensure that the coupling between the source assembly and the control cable is designed so that the source assembly does not become disconnected if it is positioned outside of the guide tube and is constructed so that an unintentional disconnect will not occur under normal and reasonably foreseeable abnormal conditions;
  2. The device automatically secures the source assembly if it is retracted into the fully shielded position within the device and the securing system is released from the exposure device only by means of a deliberate operation;
  3. The outlet fittings, lock box, and drive cable fittings on each radiographic exposure device are equipped with safety plugs or covers installed for storage and transportation to protect the source assembly from water, mud, sand, or other foreign matter;

**Historical Note**

New Section R9-7-502 recodified from R12-1-502 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-503. Performance Requirements for Equipment**

- A.** A licensee shall ensure that equipment used in industrial radiographic operations meets the following minimum criteria:
1. Each radiographic exposure device, source assembly or sealed source, and all associated equipment meet the requirements in American National Standards Institute, N432-1980 "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography" (published as NBS Handbook 136, issued January 1981) by the American National Standards Institute, which is

## Department of Health Services - Radiation Control

4. Each sealed source or source assembly has attached to it or is engraved with a durable, legible, and visible label with the words: "DANGER--RADIOACTIVE." The licensee shall ensure that the label does not interfere with safe operation of the equipment;
  5. The guide tube is able to withstand a crushing test that closely approximates the crushing forces that are likely to be encountered during use, and a kinking resistance test that closely approximates the kinking forces that are likely to be encountered during use;
  6. A guide tube is used if a person moves the source out of the device;
  7. An exposure head or similar device, designed to prevent the source assembly from passing out of the end of the guide tube, is attached to the outermost end of the guide tube during industrial radiography operations;
  8. The guide tube exposure head connection is able to withstand the tensile test for control units specified in ANSI N432-1980, incorporated by reference in subsection (A); and
  9. Source changers provide a system for ensuring that the source is not accidentally withdrawn from the changer when a person is connecting or disconnecting the drive cable to or from the source assembly.
- D.** A licensee shall ensure that radiographic exposure devices and associated equipment in use after January 10, 1996 comply with the requirements of this Section.
- E.** Notwithstanding subsection (A), a licensee with equipment used in industrial radiographic operations need not comply with Sec. 8.92(C) of the Endurance Test in American National Standards Institute N432-1980 if the prototype equipment has been tested using a torque value representative of the torque that an individual using the radiography equipment can realistically exert on the lever or crankshaft of the drive mechanism.

**Historical Note**

New Section R9-7-503 recodified from R12-1-503 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-504. Radiation Survey Instruments**

- A.** A licensee shall maintain at least two calibrated and operable radiation survey instruments at each location where sources of radiation are present to make radiation surveys required by this Article and Article 4 of this Chapter. Instrumentation required by this Section shall be capable of measuring a range from 0.02 millisieverts (2 millirems) per hour through 0.01 sievert (1 rem) per hour.
- B.** A licensee shall ensure that each radiation survey instrument required under subsection (A) is calibrated:
1. At intervals that do not exceed six months, and after instrument servicing, except for battery changes;
  2. For linear scale instruments, at two points located approximately one-third and two-thirds of full-scale on each scale; for logarithmic scale instruments, at mid-range of each decade, and at two points of at least one decade; and for digital instruments, at 3 points between 0.02 and 10 millisieverts (2 and 1000 millirems) per hour; and
  3. So that an accuracy within plus or minus 20% of the calibration source can be demonstrated at each point checked.
- C.** A licensee shall maintain calibration records for each radiation survey instrument, and maintain each record for three years after it is made.

**Historical Note**

New Section R9-7-504 recodified from R12-1-504 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-505. Leak Testing and Replacement of Sealed Sources**

- A.** A licensee shall ensure that replacement of any sealed source fastened to or contained in a radiographic exposure device and leak testing of any sealed source is performed by a person authorized to do so by the Department, the NRC, or another Agreement State.
- B.** A licensee shall ensure that opening, repairing, or modifying any sealed source is performed by a person specifically authorized to do so by the Department, the NRC, or another Agreement State.
- C.** A licensee that uses a sealed source shall have the source tested for leakage by a qualified person at intervals that do not exceed six months. The person who performs leak testing of the source shall use a method approved by the Department, the NRC, or by another Agreement State. A wipe sample shall be taken from the nearest accessible point to the sealed source where contamination might accumulate. The wipe sample shall be analyzed for radioactive contamination. The licensee shall ensure that the analysis is capable of detecting the presence of 185 Bq (0.005 microcurie) of radioactive material on the test sample and a person specifically authorized by the Department, the NRC, or another Agreement State performs the analysis. The licensee shall maintain records of the leak tests in accordance with this Section.
- D.** Unless a sealed source is accompanied by a certificate from the transferor that shows that the sealed source has been leak tested within six months before the transfer, a licensee shall not use the sealed source until it is tested for leakage. A licensee is not required to test a sealed source that is in storage, but shall test each sealed source before use or transfer to another person if the interval of storage exceeds six months.
- E.** A licensee shall immediately withdraw equipment containing a leaking source from use and have it decontaminated and repaired or dispose of the source in accordance with this Chapter. The licensee shall file a report with the Director of the Department within five days of any test with results that exceed the threshold in this subsection, and describe the equipment involved, the test results, and corrective action taken. If a leak test conducted under this Section reveals the presence of 185 Bq (0.005 microcurie) or more of removable radioactive material the Department classifies the sealed source as leaking.
- F.** A licensee shall test for DU contamination at intervals that do not to exceed 12 months a radiographic exposure device that uses depleted uranium (DU) shielding and an "S" tube configuration. The licensee shall ensure that the analysis is capable of detecting the presence of 185 Bq (0.005 microcuries) of radioactive material on the test sample and a person specifically authorized by the Department, the NRC, or another Agreement State performs the analysis. If the testing reveals the presence of 185 Bq (0.005 microcuries) or more of removable DU contamination, the licensee shall remove the exposure device from use until an evaluation of the wear on the S-tube is completed. If the evaluation reveals that the S-tube is worn through, the licensee shall ensure that the device is not used again. The licensee is not required to test for DU contamination if the radiographic exposure device is in storage. Before using or transferring the radiographic exposure device, the licensee shall test the device for DU contamination if the interval of storage exceeds 12 months. The licensee shall maintain records of the DU leak test in accordance with subsection (G).

## Department of Health Services - Radiation Control

- G. A licensee shall maintain records of leak test results for each sealed source and for each device that contains DU. The licensee shall ensure results are in Becquerels (microcuries), and retain each record for three years after it is made or until the source is removed from storage and tested, whichever is longer.

**Historical Note**

New Section R9-7-505 recodified from R12-1-505 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-506. Quarterly Inventory**

- A. A licensee shall conduct a quarterly physical inventory to account for all sealed sources and devices that contain depleted uranium.
- B. A licensee shall maintain a record of the quarterly inventory required under subsection (A) for three years after it is made.
- C. The record required in subsection (B) shall include the date of the inventory, name of the individual who conducted the inventory, radionuclide, number of becquerels (curies) or mass (for DU) in each device, location of sealed source and associated devices, and manufacturer, model, and serial number of each sealed source and device as applicable.

**Historical Note**

New Section R9-7-506 recodified from R12-1-506 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-507. Utilization Logs**

- A. A licensee shall maintain for each sealed source a utilization log that provides all of the following information:
1. A description, including the make, model, and serial number of each radiographic exposure device, and each sealed source transport and storage container that contains a sealed source;
  2. The identity and signature of the radiographer using the source; and
  3. The plant or site where the source is used and dates of use, including the date each source is removed from and returned to storage.
- B. A licensee shall retain the log required by subsection (A) for three years after the log is made.

**Historical Note**

New Section R9-7-507 recodified from R12-1-507 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-508. Inspection and Maintenance of Radiographic Exposure Devices, Transport and Storage Containers, Source Changers, Survey Instruments, and Associated Equipment**

- A. A licensee shall perform visual and operability checks on each survey instrument, radiographic exposure device, transport and storage container, source changer, and associated equipment before use on each day the equipment is to be used to ensure that the equipment is in good working condition, the source is adequately shielded, and required labeling is present. A survey instrument operability check shall be performed using a check source or other authorized means. If an equipment problem is found, the licensee shall remove the equipment from service until it is repaired.
- B. A licensee shall have written inspection and maintenance procedures to ensure that:
1. Radiographic exposure devices, source changers, transport and storage containers, survey instruments, and associated equipment that require inspection and maintenance at intervals that do not exceed three months or before first use of the equipment are functioning properly and safely. Replacement components shall meet design specifications. If an equipment problem is discovered, the licensee

shall remove the equipment from service until it is repaired; and

2. Type B packages are shipped and maintained in accordance with the certificate of compliance or other approval.
- C. A licensee shall maintain records of daily checks and quarterly inspections of radiographic exposure devices, transport and storage containers, source changers, survey instruments, and associated equipment, and retain each record for three years after it is made. The record shall include the date of the check or inspection, name of the inspector, equipment involved, any problems found, and any repair or needed maintenance performed.

**Historical Note**

New Section R9-7-508 recodified from R12-1-508 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-509. Surveillance**

During each radiographic operation, a radiographer or the radiographer's assistant, as permitted by R9-7-510, shall maintain continuous direct visual surveillance of the operation to protect against unauthorized entry into a high radiation area, except at permanent radiographic installations where all entrances are locked and the licensee is in compliance with R9-7-539.

**Historical Note**

New Section R9-7-509 recodified from R12-1-509 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-510. Radiographic Operations**

- A. If industrial radiography is performed at a location other than a permanent radiographic installation, a licensee shall ensure that the radiographer is accompanied by at least one other radiographer or radiographer's assistant, qualified under R9-7-543. The additional radiographer or radiographer's assistant shall observe the operations and be capable of providing immediate assistance to prevent unauthorized entry. Industrial radiography is prohibited if only one qualified individual is present.
- B. A licensee shall ensure that each industrial radiographic operation is conducted at a location of use authorized on the license in a permanent radiographic installation, unless another permanent location is specifically authorized by the Department.

**Historical Note**

New Section R9-7-510 recodified from R12-1-510 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-511. Reserved****Historical Note**

R9-7-511 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-512. Radiation Safety Officer (RSO)**

- A. A licensee shall have a radiation safety officer (RSO) who is responsible for implementing procedures and regulatory requirements in the daily operation of the radiation safety program.
- B. Except as provided in subsection (C), the licensee shall ensure that the RSO satisfies the following minimum requirements:
1. The training and testing requirements in R9-7-543,
  2. Two thousand hours of hands-on experience as a qualified radiographer for an industrial radiographic operation, and
  3. Formal training in the establishment and maintenance of a radiation safety program.
- C. If the licensee uses an individual in the position of RSO who does not have the training and experience required in subsection



## Department of Health Services - Radiation Control

tion (B), the licensee shall provide the Department with a description of the individual's training and experience in the field of ionizing radiation and training with respect to the establishment and maintenance of a radiation safety protection program so the Department can determine whether the individual is qualified to perform under subsection (D).

- D.** The specific duties and authorities of the RSO include, but are not limited to:
1. Establishing and overseeing operating, emergency, and ALARA procedures as required in Article 4 of this Chapter and reviewing them every year to ensure that the procedures in use conform to current Department rules and license conditions;
  2. Overseeing and approving all phases of the training program for radiographic personnel, ensuring that appropriate and effective radiation protection practices are taught;
  3. Overseeing radiation surveys, leak tests, and associated documentation to ensure that the surveys and tests are performed in accordance with the rules and taking corrective measures if levels of radiation exceed established action limits;
  4. Overseeing the personnel monitoring program to ensure that devices are calibrated and used properly by occupationally exposed personnel and ensuring that records are kept of the monitoring results and timely notifications are made as required in R9-7-444; and
  5. Overseeing operations to ensure that they are conducted safely and instituting corrective actions, which may include ceasing operations if necessary.

**Historical Note**

New Section R9-7-512 recodified from R12-1-512 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-513. Form of Records**

A licensee shall maintain records in accordance with R9-7-405.

**Historical Note**

New Section R9-7-513 recodified from R12-1-513 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-514. Limits on External Radiation Levels from Storage Containers and Source Changers**

The maximum rate limits for storage containers and source changers are 2 millisieverts (200 mRem/hr) at any exterior surface and 0.1 millisieverts (10 mRem/hr) at 1 meter from any exterior surface with the sealed source in the shielded position.

**Historical Note**

New Section R9-7-514 recodified from R12-1-514 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-515. Locking Radiographic Exposure Devices, Storage Containers, and Source Changers**

- A.** Except at permanent radiographic installations governed by R9-7-539, a licensee shall ensure that each radiographic exposure device has a lock or an outer container with a lock designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The licensee shall ensure that the exposure device or its container, if applicable, is locked (and if a keyed lock, with the key removed) if the device or container is not under the direct surveillance of a radiographer or a radiographer's assistant. During radiographic operations, the radiographer or radiographer's assistant shall secure the sealed source assembly in the shielded position each time the source is returned to the shielded position.

- B.** A licensee shall ensure that each sealed source storage container and source changer has a lock or an outer container with a lock designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The licensee shall ensure that each storage container and source changer is locked (and if a keyed lock, with the key removed) if the storage container or source changer contains a sealed source and is not under the direct surveillance of a radiographer or a radiographer's assistant.

**Historical Note**

New Section R9-7-515 recodified from R12-1-515 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-516. Records of Receipt and Transfer of Sealed Sources**

- A.** A licensee shall maintain records that show each receipt and transfer of a sealed source or device that uses DU for shielding and retain each record for three years after it is made.
- B.** The records shall contain separate entries for each transaction, including the date, name of the individual making the record, radionuclide, number of Becquerels (curies) or mass (for DU), and manufacturer, model, and serial number of each sealed source or device, as applicable.

**Historical Note**

New Section R9-7-516 recodified from R12-1-516 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-517. Posting**

A licensee shall post any area in which industrial radiography is performed as required by R9-7-429. Exceptions listed in R9-7-430 do not apply to industrial radiographic operations.

**Historical Note**

New Section R9-7-517 recodified from R12-1-517 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-518. Labeling, Storage, and Transportation**

- A.** A licensee shall not use a source changer or a storage container to store licensed material unless the source changer or the storage container has securely attached to it a durable, legible, and clearly visible label that bears the standard trefoil radiation caution symbol and the standard colors for the symbol specifically: magenta, purple, or black on a yellow background, and the label has a minimum diameter of 25 mm and the wording "CAUTION (or DANGER), RADIOACTIVE MATERIAL NOTIFY CIVIL AUTHORITIES (or "NAME OF COMPANY")"
- B.** A licensee shall not transport licensed material unless the material is packaged and the package is labeled, marked, and accompanied with appropriate shipping papers in accordance with 10 CFR 71, January 1, 2004, published by the Office of the Federal Register, National Archives and Records Administration, incorporated by reference, and on file with the Department. This incorporation by reference contains no future editions or amendments.
- C.** A licensee shall physically secure locked radiographic exposure devices and storage containers behind a locked door to prevent tampering or removal by unauthorized personnel. The licensee shall store licensed material in a manner that will minimize danger from explosion or fire.
- D.** A licensee shall lock each transport package that contains licensed material and physically secure the package behind the locked doors of the transporting vehicle to prevent accidental loss, tampering, or unauthorized removal of the licensed material from the vehicle.

## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-518 recodified from R12-1-518 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-519. Reserved****Historical Note**

R9-7-519 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-520. Reserved****Historical Note**

R9-7-520 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-521. Reserved****Historical Note**

R9-7-521 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-522. Operating and Emergency Procedures**

- A. A licensee shall ensure that the operating and emergency procedures include, at a minimum, instructions in the following, as applicable:
1. Handling and use of sealed sources or radiographic exposure devices, so that persons are not exposed to radiation that exceeds the limits in Article 4 of this Chapter;
  2. Methods and occasions for conducting radiation surveys;
  3. Methods for controlling access to radiographic areas;
  4. Methods and occasions for locking and securing radiographic exposure devices, transport and storage containers, and sealed sources;
  5. Personnel monitoring and associated equipment;
  6. Transportation of sealed sources to field locations, including packing radiographic exposure devices and storage containers in vehicles, placarding vehicles, and maintaining control of the sealed sources during transportation, as required in 49 CFR 171-173, 2002 edition, published October 1, 2002, by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, which is incorporated by reference and on file with the Department. This incorporation contains no future editions or amendments;
  7. Inspection, maintenance, and operability checks of radiographic exposure devices, survey instruments, transport containers, and storage containers;
  8. Actions to be taken immediately by radiography personnel if a pocket dosimeter is found to be off-scale or an alarm rate meter sounds an alarm;
  9. Procedures for identifying and reporting defects and non-compliance, as required by R9-7-448 and R9-7-535;
  10. Procedures for notifying the RSO and the Department in the event of an accident;
  11. Methods for minimizing exposure of persons in the event of an accident;
  12. Procedures for recovering a source if the licensee is responsible for source recovery; and
  13. Maintenance of records.
- B. The licensee shall maintain copies of current operating and emergency procedures until the Department terminates the license. Superseded procedures shall be maintained for three years after being superseded. Additionally, a copy of the procedures shall be maintained at field stations in accordance with R9-7-540.

**Historical Note**

New Section R9-7-522 recodified from R12-1-522 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-523. Personnel Monitoring**

- A. A licensee shall not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each individual wears, on the trunk of the body, a direct reading dosimeter, an operating alarm rate meter, and a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor. At permanent radiography installations where other appropriate alarming or warning devices are in routine use, the wearing of an alarm rate meter is not required. A licensee shall:
1. Use a pocket dosimeter with a range from zero to 2 millisieverts (200 millirem). The licensee shall ensure that each dosimeter is recharged at the start of each shift. Electronic personal dosimeters are permitted in place of ion-chamber pocket dosimeters.
  2. Assign a personnel dosimeter to each individual, who shall wear the assigned equipment.
  3. Replace film badges at least monthly and ensure that other personnel dosimeters are processed and evaluated by an accredited NVLAP processor and replaced at periods that do not exceed three months.
  4. After replacement, ensure that each personnel dosimeter is processed as soon as possible.
- B. A licensee shall record exposures noted from direct reading dosimeters, such as pocket dosimeters or electronic personal dosimeters, at the beginning and end of each shift. The licensee shall maintain the records for three years after the Department terminates the license.
- C. A licensee shall check pocket dosimeters and electronic personal dosimeters for correct response to radiation at periods that do not exceed 12 months. The licensee shall record the results of each check and maintain the records for three years after the dosimeter check is performed. The licensee shall discontinue use of a dosimeter if it is not accurate within plus or minus 20 percent of the true radiation exposure.
- D. If an individual's pocket dosimeter has an off-scale reading, or the individual's electronic personal dosimeter reads greater than 2 millisieverts (200 millirem), and radiation exposure cannot be ruled out as the cause, a licensee shall process the individual's dosimeter within 24 hours of the suspect exposure. The licensee shall not allow the individual to resume work associated with sources of radiation until the individual's radiation exposure has been determined. Using information from the dosimeter, the licensee's RSO or the RSO's designee shall calculate the affected individual's cumulative radiation exposure as prescribed in Article 4 of this Chapter and include the results of this determination in the personnel monitoring records maintained in accordance with subsection (B).
- E. If the personnel dosimeter that is required by subsection (A) is lost or damaged, the licensee shall ensure that the worker ceases work immediately until the licensee provides a replacement personnel dosimeter that meets the requirements in subsection (A) and the RSO or the RSO's designee calculates the exposure for the time period from issuance to discovery of the lost or damaged personnel dosimeter. The licensee shall maintain a record of the calculated exposure and the time period for which the personnel dosimeter was lost or damaged in accordance with subsection (B).
- F. The licensee shall maintain dosimetry reports received from the accredited NVLAP personnel dosimeter processor in accordance with subsection (B).
- G. For each alarm rate meter a licensee shall ensure that:

## Department of Health Services - Radiation Control

1. At the start of each shift, the alarm functions (sounds) properly before an individual uses the device;
2. Each device is set to give an alarm signal at a preset dose rate of 5 mSv/hr (500 mrem/hr); with an accuracy of plus or minus 20 percent of the true radiation dose rate;
3. A special means is necessary to change the preset alarm function on the device; and
4. Each device is calibrated at periods that do not exceed 12 months for correct response to radiation. The licensee shall maintain records of alarm rate meter calibrations in accordance with subsection (B).

**Historical Note**

New Section R9-7-523 recodified from R12-1-523 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-524. Supervision of a Radiographer's Assistant**

If a radiographer's assistant uses a radiographic exposure device, associated equipment, or a sealed source or conducts a radiation survey required by R9-7-533(B) to determine that the sealed source has returned to the shielded position after an exposure, the licensee shall ensure that the assistant is under the personal supervision of a radiographer. For purposes of this Section "personal supervision" means:

1. The radiographer is physically present at the site where the sealed source is being used,
2. The radiographer is available to give immediate assistance if required, and
3. The radiographer is able to observe the assistant's performance directly.

**Historical Note**

New Section R9-7-524 recodified from R12-1-524 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-525. Notification of Field Work**

Each day radioactive material is used for industrial radiography, a licensee shall notify the Department of any planned field radiography. The notice shall be in writing and specify the location of the field work, the name of the supervising individual at the job site, and the expected duration of the work at the job site listed in the notice. A facsimile that provides the required information is sufficient notice.

**Historical Note**

New Section R9-7-525 recodified from R12-1-525 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-526. Reserved****Historical Note**

R9-7-526 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-527. Reserved****Historical Note**

R9-7-527 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-528. Reserved****Historical Note**

R9-7-528 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-529. Reserved****Historical Note**

R9-7-529 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-530. Reserved****Historical Note**

R9-7-530 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-531. Security**

During each radiographic operation, the radiographer or radiographer's assistant shall maintain continuous direct visual surveillance of the operation to protect against unauthorized entry into a high radiation area, as defined in Article 1, unless:

1. The high radiation area is equipped with a control device or an alarm system as prescribed in R9-7-420(A), or
2. The high radiation area is locked to protect against unauthorized or accidental entry.

**Historical Note**

New Section R9-7-531 recodified from R12-1-531 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-532. Posting**

Notwithstanding any provisions in R9-7-430, areas in which radiography is being performed shall be conspicuously posted as required by R9-7-429(A) and (B).

**Historical Note**

New Section R9-7-532 recodified from R12-1-532 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-533. Radiation Surveys**

- A. A licensee shall conduct surveys with a calibrated and operable radiation survey instrument that meets the requirements of R9-7-504.
- B. Using a survey instrument that complies with subsection (A), the licensee shall conduct a survey of the radiographic exposure device and the guide tube after each exposure before approaching the device or the guide tube. The survey shall be performed to determine that the sealed source is in the shielded position before the radiographer or radiographer's assistant exchanges films, repositions the exposure head, or dismantles the equipment.
- C. The licensee shall conduct a survey of the radiographic exposure device with a calibrated radiation survey instrument any time the source is exchanged or the device is placed in a storage area, as defined in R9-7-102, to ensure that the sealed source is in the shielded position.
- D. The licensee shall maintain a record of each exposure device survey conducted before the device is placed in storage under subsection (C), if that survey is the last one performed during the workday. Each record shall be maintained for three years after the record is made.

**Historical Note**

New Section R9-7-533 recodified from R12-1-533 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-534. Reserved****Historical Note**

R9-7-534 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-535. Notifications**

- A. In addition to the reporting requirements specified in Article 4, each licensee shall provide a written report to the Department if any of the following incidents involving radiography equipment occur:
  1. Unintentional disconnection of the source assembly from the control cable;
  2. Inability to retract the source assembly to the fully shielded position or secure it in this position; or

## Department of Health Services - Radiation Control

3. Failure of any component (critical to safe operation of the device) to properly perform its intended function;
- B. A licensee shall include the following information in any report submitted under this Section, regarding radiography equipment, or Article 4, regarding an overexposure, if the report concerns the failure of safety components of radiography equipment:
  1. A description of the equipment problem;
  2. Cause of the incident, if known;
  3. Name of manufacturer and model number of the equipment involved in the incident;
  4. Place, date, and time of the incident;
  5. Actions taken to establish normal operations;
  6. Corrective actions taken or planned to prevent recurrence; and
  7. Qualifications of personnel involved in the incident.
- C. Any licensee that conducts radiographic operations, or stores radioactive material at a location not listed on the license or for a period longer than 180 days during a calendar year, shall notify the Department of these activities before the 180 days has elapsed.

**Historical Note**

New Section R9-7-535 recodified from R12-1-535 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-536. Reserved****Historical Note**

R9-7-536 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-537. Reserved****Historical Note**

R9-7-537 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-538. Reserved****Historical Note**

R9-7-538 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-539. Permanent Radiographic Installations**

- A. If a licensee maintains a permanent radiographic installation that does not fall within the definition of "enclosed radiography" in R9-7-102, the licensee shall ensure that each entrance, used for personnel access to the high radiation area, has either:
  1. An entrance control device of the type described in R9-7-420(A)(1) that reduces the radiation level upon entry into the area, or
  2. Both conspicuous visible and audible alarm signals to warn of the presence of radiation. The licensee shall ensure that the visible signal is actuated by radiation if a source is exposed and the audible signal is actuated if someone attempts to enter the installation while a source is exposed.
- B. A licensee with an alarm signal shall test the alarm signal for proper operation with a radiation source each day before the installation is used for radiographic operations. The test shall include a check of both the visible and audible signals. A licensee with an entrance control device shall test the device monthly. If an entrance control device or alarm signal is operating improperly, the licensee shall immediately label the device or signal as "defective" and repair the device or signal within seven calendar days. The licensee may continue to use the facility during this seven-day period, if the licensee implements continuous surveillance requirements of R9-7-509 and uses an alarming rate meter.

- C. A licensee shall maintain each record an alarm system or entrance control device test for three years after the record is made.

**Historical Note**

New Section R9-7-539 recodified from R12-1-539 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-540. Location of Documents and Records**

- A. A licensee shall maintain a copy of each record required by this Article and other applicable Articles of this Chapter at a location specified under R9-7-502(I).
- B. A licensee shall maintain a copy of each record listed below at each field station and temporary job site:
  1. The license that authorizes use of radioactive material;
  2. A copy of Articles 4, 5, and 10 of this Chapter;
  3. Utilization logs for each radiographic exposure device dispatched from that location, as required by R9-7-507;
  4. Records of equipment problems identified in daily checks of equipment, as required by R9-7-508(A);
  5. Records of alarm system and entrance control checks as required by R9-7-539;
  6. Records of direct-reading dosimeters, such as pocket dosimeters and electronic personnel dosimeters as required by R9-7-523;
  7. Operating and emergency procedures as required by R9-7-522;
  8. A report on the most recent calibration of the radiation survey instruments in use at the site as required by R9-7-504;
  9. A report on the most recent calibration of each alarm rate meter, and operability check of each pocket dosimeter and electronic personnel dosimeter as required in R9-7-523;
  10. Most recent survey record as required by R9-7-533;
  11. The shipping papers for the transportation of radioactive material required by 10 CFR 71.5, 2003 edition, published January 1, 2003, by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, which is incorporated by reference and on file with the Department (this incorporation contains no future editions or amendments); and
  12. If operating under reciprocity in accordance with R9-7-320, a copy of the NRC or Agreement State license authorizing the use of radioactive materials.

**Historical Note**

New Section R9-7-540 recodified from R12-1-540 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-541. Reserved****Historical Note**

R9-7-541 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-542. Reserved****Historical Note**

R9-7-542 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-543. Training**

- A. A licensee shall not allow an individual to act as a radiographer until the individual has received training in the subjects in subsection (G), has participated in a minimum of two months of on-the-job training, and is certified through a radiographer certification program by a independent certifying organization in accordance with the criteria specified in Appendix A.

## Department of Health Services - Radiation Control

1. A licensee shall provide the Department with proof of an individual's certification and a written request that the individual be added to a license as a certified radiographer.
  2. A licensee shall maintain proof of certification at the job site where a radiographer is performing field radiography.
  3. A licensee that employs certified radiographers in Arizona shall ensure that:
    - a. Each radiographer has obtained initial certification within the last five years, and
    - b. An uncertified radiographer works only as a radiographer's assistant until certified.
  4. A radiographer shall recertify every five years by:
    - a. Taking an approved radiography certification examination in accordance with this subsection; or
    - b. Providing written evidence that the radiographer is active in the practice of industrial radiography and has participated in continuing education during the previous five-year period.
  5. If an individual cannot provide the written evidence required in subsection (4)(b), the individual shall retake the certification examination.
  6. A radiographer shall provide the licensee with proof of certification in the form of a card issued by the certifying organization that contains:
    - a. A picture of the certified radiographer,
    - b. The radiographer's certification number,
    - c. The date the certification expires, and
    - d. The radiographer's signature.
- B.** A licensee shall not allow an individual to act as a radiographer until the individual:
1. Has received copies of and instruction in the requirements of this Article; applicable Sections of Articles 4 and 10 and R9-7-107; applicable DOT regulations in 10 CFR 71, January 1, 2003 edition, by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, which is incorporated by reference, contains no future editions or amendments, and is on file with Department; the Department license or licenses under which the radiographer will perform industrial radiography; and the licensee's operating and emergency procedures;
  2. Has demonstrated an understanding of the licensee's license and operating and emergency procedures by successfully completing a written or oral examination that covers the relevant material;
  3. Has received training in:
    - a. Use of the licensee's radiographic exposure devices and sealed sources,
    - b. Daily inspection of devices and associated equipment, and
    - c. Use of radiation survey instruments; and
  4. Has demonstrated an understanding of the use of radiographic exposure devices, sources, survey instruments, and associated equipment described in subsection (B)(3) by successfully completing a practical examination covering this material.
- C.** A licensee shall not allow an individual to act as a radiographer's assistant until the individual:
1. Has received copies of and instruction in the requirements of this Article; applicable Sections of Articles 4 and 10 and R9-7-107; applicable DOT regulations in 10 CFR 71, January 1, 2003 edition, by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, which is incorporated by reference, contains no future editions or amendments, and is on file with the Department; the Department license or licenses under which the radiographer's assistant will perform industrial radiography; and the licensee's operating and emergency procedures;
  2. Has developed competence to use, under the personal supervision of the radiographer, the licensee's radiographic exposure devices, sealed sources, associated equipment, and radiation survey instruments; and
  3. Has demonstrated understanding of the instructions provided under subsection (C)(1) by successfully completing a written test on the subjects covered and has demonstrated competence using the hardware described in subsection (C)(2) by successfully completing a practical examination.
- D.** A licensee shall provide refresher safety training for each radiographer and radiographer's assistant at intervals not to exceed 12 months.
- E.** Unless an individual serves as both a radiographer and an RSO, the RSO or the RSO's designee shall design and implement an inspection program to examine the job performance of each radiographer and radiographer's assistant and to ensure that the Department's rules and license requirements, and the licensee's operating and emergency procedures are followed. The inspection program shall:
1. Include observation of the performance of each radiographer and radiographer's assistant during an actual industrial radiographic operation, at intervals that do not exceed six months; and
  2. If a radiographer or a radiographer's assistant has not participated in an industrial radiographic operation for more than six months, the radiographer shall demonstrate knowledge of the training requirements in subsection (B)(3) and the radiographer's assistant shall demonstrate knowledge of the training requirements of subsection (C)(2) by a practical examination before participating in a radiographic operation.
- F.** A licensee shall maintain records of the training required in this Section including certification documents, written and practical examinations, refresher safety training documents, and inspection documents, in accordance with subsection (I).
- G.** A licensee shall include the following subjects in the training required under subsection (A):
1. Fundamentals of radiation safety, including:
    - a. Characteristics of gamma radiation,
    - b. Units of radiation dose and quantity of radioactivity,
    - c. Hazards of exposure to radiation,
    - d. Levels of radiation from licensed material, and
    - e. Methods of controlling radiation dose (time, distance, and shielding);
  2. Radiation detection instruments, including:
    - a. Use, operation, calibration, and limitations of radiation survey instruments;
    - b. Survey techniques; and
    - c. Use of personnel monitoring equipment;
  3. Equipment topics, including:
    - a. Operation and control of radiographic exposure equipment, use of remote handling equipment, and use of storage containers, using pictures or models of source assemblies (pigtailed);
    - b. Storage, control, and disposal of licensed material; and
    - c. Inspection and maintenance of equipment;
  4. The requirements of pertinent Department rules; and
  5. Case histories of accidents in radiography.

## Department of Health Services - Radiation Control

- H. A licensee shall maintain records of radiographer certification in accordance with subsection (I)(1) and provide proof of certification as required in subsection (A)(1).
- I. A licensee shall maintain the following records for three years after each record is made:
  1. Records of training for each radiographer and each radiographer's assistant. For radiographers, the records shall include radiographer certification documents and verification of certification status. All records shall include copies of written tests, dates of oral and practical examinations, and names of individuals who conducted and took the oral and practical examinations; and
  2. Records of annual refresher safety training and semi-annual inspections of job performance for each radiographer and each radiographer's assistant. The records for the annual refresher safety training shall list topics discussed during training, the date of training, and names of each instructor and attendee. For inspections of job performance, the records shall include a list of the items checked during the inspection and any non-compliance observed by the RSO.

**Historical Note**

New Section R9-7-543 recodified from R12-1-543 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Standards for Organizations that Provide Radiography Certification**

Note: For purposes of this Article an "independent certifying organization" means an organization that meets all of the criteria in this Appendix.

**I. Requirements for an Organization that Provides Radiographer Certification**

To qualify to provide radiographer certification an organization shall:

- A. Be a society or association, with members who participate in, or have an interest in, the field of industrial radiography;
- B. Not restrict membership because of race, color, religion, sex, age, national origin, or disability;
- C. Have a certification program that is open to nonmembers, as well as members;
- D. Be an incorporated, nationally recognized organization that is involved in setting national standards of practice within its fields of expertise;
- E. Have a staff comparable to other nationally recognized organizations, a viable system for financing its operations, and a policy-and decision-making review board;
- F. Have a set of written, organizational by-laws and policies that address conflicts of interest and provide a system for monitoring and enforcing the by-laws and policies;
- G. Have a committee, with members who can carry out their responsibilities impartially, review and approve the certification guidelines and procedures, and advise the organization's staff in implementing the certification program;
- H. Have a committee, with members who can carry out their responsibilities impartially, review complaints against certified individuals and determine sanctions;
- I. Have written procedures describing all aspects of the organization's certification program;
- J. Maintain records of the current status of each individual's certification and administration of the certification program;
- K. Have procedures to ensure that certified individuals are provided due process with respect to administration of the certification program, including a process for becoming certified and a process for imposing sanctions against certified individuals;
- L. Have procedures for proctoring examinations and qualifying proctors. The organization, through these procedures, shall

ensure that an individual who proctors an examination is not employed by the same company or corporation (or a wholly-owned subsidiary of the company or corporation) that employs an examinee;

- M. Exchange information about certified individuals with the Department, other independent certifying organizations, the NRC, or Agreement States and allow periodic review of its certification program and related records; and
- N. Provide a description to the Department of its procedures for choosing examination sites and providing a favorable examination environment.

**II. Requirements for a Certification Program**

An independent certifying organization shall ensure that its certification program:

- A. Requires an applicant for certification to:
  1. Obtain training in the subjects listed in R9-7-543(G) or equivalent NRC or Agreement State regulations, and
  2. Satisfactorily complete a written examination that covers these subjects;
- B. Requires an applicant for certification to provide documentation demonstrating that the applicant has:
  1. Received training in the subjects listed in R9-7-543(G) or equivalent NRC or Agreement State regulations;
  2. Satisfactorily completed the on-the-job training required in R9-7-543(A); and
  3. Received verification by an Agreement State or a NRC licensee that the applicant has demonstrated the capability of independently working as a radiographer;
- C. Provides procedures that protect examination questions from disclosure;
- D. Provides procedures for denying certification to an applicant and revoking, suspending, and reinstating a certificate;
- E. Provides a certification period that is not less than three years or more than five years, procedures for renewing certifications and, if the procedures allow renewals without examination, a system for assessing evidence of recent full-time employment and annual refresher training; and
- F. Provides a timely response to inquiries, by telephone or letter, from members of the public, about an individual's certification status.

**III. Requirements for a Written Examination**

An independent certifying organization shall ensure that its examination:

- A. Is designed to test an individual's knowledge and understanding of the subjects listed in R9-7-543(G);
- B. Is written in a multiple-choice format; and
- C. Has psychometrically valid questions drawn from a question bank and based on the material in R9-7-543(G).

**Historical Note**

New Article 5, Appendix A recodified from 12 A.A.C. 1, Article 5, Appendix A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 6. USE OF X-RAYS IN THE HEALING ARTS****R9-7-601. Reserved****Historical Note**

R9-7-601 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-602. Definitions**

The following definitions apply in this Article, unless the context otherwise requires:

"Accessible surface" means the external surface of the enclosure or housing provided by the manufacturer.

## Department of Health Services - Radiation Control

“Added filter” means the filter added to the inherent filtration.

“Aluminum equivalent” means the thickness of aluminum (type 1100 alloy) that affords equivalent attenuation, under specified conditions, as the material in question. (The nominal chemical composition of type 1100 aluminum alloy is 99.00 percent minimum aluminum, 0.12 percent copper).

“Annual” means annually within two months of the anniversary due date as determined by the original installation date, inspection date, survey date, or a reset date created by conducting a full survey before the anniversary date has arrived.

“Assembler” means any person engaged in the business of assembling, replacing, or installing one or more components into an x-ray system or subsystem.

“Attenuation block” means a block or stack, having dimensions 20 cm by 20 cm by 3.8 cm (7.9 inches by 7.9 inches by 1.5 inches) of type 1100 aluminum alloy or other materials that afford equivalent attenuation.

“Automatic exposure control” means a device that automatically controls one or more technique factors in order to obtain, at a preselected location or locations, a required quantity of radiation.

“Barrier” (See “Protective barrier”)

“Beam axis” means a line from the source through the center of the x-ray field.

“Beam-limiting device” means a device that provides a means to restrict the dimensions of the x-ray field.

“C-arm x-ray system” means an x-ray system that has the image receptor and x-ray tube housing assembly connected by a common mechanical support system to maintain a desired spatial relationship. This system is designed to allow a change in the projection of the beam through the patient without a change in the position of the patient.

“Changeable filter” means any filter, exclusive of inherent filtration, which can be removed from the useful beam by an electronic, mechanical, or physical process.

“Cinefluorography” means fluorography that uses a movie camera to record fluorograph images on film for later playback.

“Coefficient of variation” means the ratio of the standard deviation to the mean value of a population of observations.

“Collimator” means an adjustable device, generally made of lead, that is fixed to an x-ray tube housing to intercept or collimate the useful beam and, if not made of lead, has a lead equivalency of not less than that of the tube housing assembly.

“Compression device” means a device used to bring object structures closer to the image plane of a radiograph and make a part of the human body a more uniform thickness so the optical density of the radiograph will be more uniform.

“Computed tomography” means the production of a tomogram by the acquisition and computer processing of x-ray transmission data. For purposes of these rules this term has the same meaning as “CT.”

“Contact therapy system” means that the x-ray tube port is put in contact with or within 5 centimeters (2 inches) of the surface being treated.

“Control panel” means that part of the x-ray machine where switches, knobs, push-buttons, or other hardware necessary for manually setting the technique factors are located.

“Cooling curve” means the graphical relationship between heat units stored and cooling time.

“CT gantry” means the tube housing assemblies, beam-limiting devices, detectors, and the supporting structure, frame, and cover which hold or enclose these components.

“Dead-man switch” means a switch constructed so that a circuit-closing contact can be maintained only by continuous pressure on the switch by the operator.

“Diagnostic source assembly” means the tube housing assembly with a beam-limiting device attached.

“Diagnostic x-ray system” means an x-ray system designed for irradiation of any part of a human or animal body for the purpose of diagnosis or visualization.

“Direct scattered radiation” means scattered radiation that has been deviated in direction only by materials irradiated by the useful beam (see “Scattered radiation”).

“Electronic brachytherapy” means a method of radiation therapy where an electrically generated source of ionizing radiation is placed in or near the tumor or target tissue to deliver therapeutic radiation dosage.

“Entrance exposure rate” means the roentgens per unit time at the point where the center of the useful beam enters the patient.

“Equipment” (See “X-ray equipment”)

“Filter” means material placed in the useful beam to absorb undesirable radiation.

“Fluoroscopic imaging assembly” means a subsystem in which x-ray photons produce a fluoroscopic image. It includes the image receptor or receptors such as the image intensifier and spot-film device, electrical interlocks, if any, and structural material that provides a linkage between the image receptor and diagnostic source assembly.

“Fluoroscopic system” means a radiographic x-ray system used to directly visualize internal structure, the motion of internal structures, and fluids in real time, or near real-time, to aid in the treatment or diagnosis of disease, or the performance of other medical procedures.

“Focal spot” means the region of the anode target in an x-ray tube where electrons from the cathode interact to produce x-rays.

“General purpose radiographic x-ray system” means any radiographic x-ray system that, by design, is not limited to radiographic examination of a specific anatomical region.

“Gonadal shield” means a protective barrier for the testes or ovaries.

“Grid” means a device used to improve the image detail in a radiograph by reducing the intensity of x-ray scatter radiation exiting the film side of the patient.

“Half-value layer” or “HVL” means the thickness of a specified material that attenuates the beam of radiation to an exposure rate that is one-half of its original value. In this definition, the contribution of any scattered radiation, other than that which is present initially in the beam, is excluded.

## Department of Health Services - Radiation Control

"Healing arts radiography" means the application of x-radiation to human patients for diagnostic or therapeutic purposes by a licensed practitioner or a person certified in accordance with R9-7-603(B)(1), at the direction of a licensed practitioner. Healing arts radiography includes:

- Positioning the x-ray beam with respect to the patient,
- Anatomical positioning of the patient,
- Selecting exposure factors, or
- Initiating the exposure.

"Healing arts screening" means the application of radiation from an x-ray machine to a human for the detection or evaluation of health indications when the tests are not specifically and individually ordered by a licensed practitioner.

"Image intensifier" means an electronic device, installed in an x-ray system housing, which instantaneously converts an x-ray pattern into a corresponding light image of higher intensity.

"Image receptor" means any device, such as a fluorescent screen or radiographic film, which transforms incident x-ray photons either into a visible image or into another form which can be made into a visible image by further transformation.

"Inherent filtration" means the filtration of the useful beam by permanently installed components of the tube housing assembly.

"Kilovolts peak" or "kVp" (See "Peak tube potential")

"Lateral fluoroscope" means the x-ray tube and image receptor combination in a biplane system dedicated to the lateral projection. It consists of the lateral x-ray tube housing assembly and the lateral image receptor that are fixed in position relative to the table with the x-ray beam axis parallel to the plane of the table.

"Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

"Leakage radiation" means all radiation emanating from the tube housing except the useful beam and radiation produced when the exposure switch or timer is not activated.

"Leakage technique factors" means the technique factors associated with the diagnostic source assembly that are used in measuring leakage radiation. Included are:

For capacitor energy storage equipment, the maximum-rated peak tube potential and the maximum-rated number of exposures in an hour for operation at the maximum-rated peak tube potential with the quantity of charge per exposure being 10 millicoulombs (mAs) or the minimum obtainable from the unit, whichever is larger;

For field emission equipment rated for pulsed operation, the maximum-rated peak tube potential and maximum-rated number of x-ray pulses in an hour for operation at the maximum-rated peak tube potential; and

For all other source assemblies, the maximum-rated peak tube potential and maximum-rated continuous tube current for the maximum-rated peak tube potential.

"mA" means milliamperes.

"Mammographic x-ray system" means an x-ray system that is specifically engineered to image human breasts.

"mAs" means milliamperes second.

"Mobile equipment" (See "X-ray equipment")

"Peak tube potential" means the maximum value of the potential difference across the x-ray tube during an exposure.

"Phantom" means a volume of material that behaves in a manner similar to tissue with respect to the attenuation and scattering of radiation. (i.e. "Breast phantom" means an artificial test object that simulates the average composition of, and various structures in the breast.)

"Phototimer" (See "Automatic exposure control")

"Portable equipment" (See "X-ray equipment")

"Primary protective barrier" (See "Protective barrier")

"Protective apron" means an apron made of radiation-absorbing material used to reduce radiation exposure.

"Protective barrier" means a barrier of radiation-absorbing material used to reduce radiation exposure.

"Primary protective barrier" means the material, excluding filters, placed in the useful beam.

"Secondary protective barrier" means the material which attenuates stray radiation.

"Protective glove" means a glove made of radiation-absorbing material used to reduce radiation exposure.

"Radiologic physicist" means an individual who:

Is certified by the American Board of Radiology, American Board of Medical Physics, or the American Board of Health Physics;

Possesses documentation of state approval;

Holds a master's degree or higher in a physical science; and

Meets the training and certification requirements in R9-7-615(A)(1)(c).

"Scattered radiation" means radiation that, during passage through matter, has been deviated in direction. (See "Direct scattered radiation")

"Screen" or "intensifying screen" means a device that converts the energy of the x-ray beam into visible light that interacts with the radiographic film, forming a latent image, or contains photostimulable phosphor plates that upon exposure, emit visible or nonvisible light to create an image.

"Secondary protective barrier" (See "Protective barrier")

"Shutter" (See "Collimator")

"Source" means the focal spot of the x-ray tube.

"Source-to-image receptor distance" or "SID" means the distance from the source to the center of the input surface of the image receptor.

"Spot check" means an abbreviated calibration procedure which is performed to assure that a previous calibration continues to be valid. Also, a spot film may be taken to improve visualization by arresting motion and to document medical observations. Note that in some cases, a film may not be created.

"Stationary equipment" (See "X-ray equipment")

"Stray radiation" means the sum of leakage and scattered radiation.



## Department of Health Services - Radiation Control

“System” (See “X-ray system”)

“Technique chart” means a tabulation of technique factors.

“Technique factors” means the following conditions of operation:

For capacitor energy storage equipment, peak tube potential in kV and quantity of charge in mAs;

For field emission equipment rated for pulsed operation, peak tube potential in kV, and number of x-ray pulses;

For CT x-ray systems designed for pulsed operation, peak tube potential in kV, scan time in seconds, and either tube current in mA, x-ray pulse width in seconds, and number of x-ray pulses per scan, or the product of tube current, x-ray pulse width, and number of x-ray pulses in mAs;

For CT x-ray systems not designed for pulsed operation, peak tube potential in kV, and either tube current in mA and scan time in seconds, or the product of tube current, exposure time in mAs, when the scan time and exposure time are equivalent; and

For all other equipment, peak tube potential in kV, and either tube current in mA and exposure time in seconds, or the product of tube current and exposure time in mAs.

“Treatment simulator” means a diagnostic x-ray system that duplicates a medical particle accelerator or other teletherapy in terms of its geometrical, mechanical, and optical qualities; the main function of which, is to display radiation treatment fields so that the target volume may be accurately included in the area of irradiation without delivering excess radiation to surrounding normal tissue.

“Tube” means x-ray tube unless otherwise specified.

“Tube housing assembly” means the tube housing with the tube installed. It includes high-voltage or filament transformers and other elements contained within the tube housing.

“Tube rating chart” means the set of curves that specify the rated limits of operation of the tube in terms of the technique factors.

“Useful beam” means the radiation emanating from the tube housing port or the radiation head and passing through the aperture of the beam-limiting device when the exposure controls are in a mode that causes the system to produce radiation.

“Visible area” means that portion of the input surface on the image receptor over which incident x-ray photons are producing a visible image.

“X-ray equipment” means an x-ray system, subsystem, or component described further by the following terms:

“Hand-held” means x-ray equipment designed to be held by an operator while being used.

“Mobile” means x-ray equipment mounted on a permanent base with wheels or casters for moving while completely assembled.

“Portable” means x-ray equipment designed to be hand-carried, but used with a cord or delayed timer system that allows the operator to be six feet or more away from the useful beam.

“Stationary” means x-ray equipment installed in a fixed location.

“Transportable mobile” means x-ray equipment installed in a vehicle or trailer.

“X-ray system” means an assemblage of components for the controlled production of x-rays. It includes, at minimum, an x-ray high-voltage generator, an x-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components that function with the system are considered integral parts of the system.

“X-ray tube” means any electron tube that is designed for the conversion of electrical energy into x-ray energy. For purposes of the rules contained in 9 A.A.C. 7, this term is synonymous with “tube.”

### Historical Note

New Section R9-7-602 recodified from R12-1-602 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

### R9-7-603. Operational Standards, Shielding, and Darkroom Requirements

- A. A person shall not make, sell, lease, transfer, lend, or install x-ray equipment or the supplies used in connection with the equipment unless the supplies and equipment, when properly placed in operation and properly used, meets the requirements of 9 A.A.C. 7.
- B. A registrant shall direct the operation of x-ray machines under the registrant’s control and assure that all of the following provisions are met in the operation of x-ray machines:
  1. The registrant shall not permit any individual to engage in the practice of “Healing Arts Radiography” using equipment under the registrant’s control, unless the individual possesses, and displays in the primary employer’s facility, an official certificate issued by, or is exempt from, the Medical Radiologic Technology Board of Examiners that contains an original signature of its Director or designee. A copy of the certificate shall be posted at any secondary employment location with documentation that verifies that the employer has physically seen the official certificate and has annotated on the copy the location where the official certificate may be viewed by Department staff.
  2. The registrant shall maintain records documenting compliance with subsection (B)(1) for each individual practicing “Healing Arts Radiography” using equipment under the registrant’s control,
  3. The registrant shall provide safety rules to each individual operating x-ray equipment under the registrant’s control, including any restrictions in operating procedures necessary for the safe use of the equipment and require that the operator demonstrate familiarity with 9 A.A.C. 7.
- C. Shielding
  1. Each registrant shall provide each installation with primary and secondary protective barriers that are necessary to assure compliance with 9 A.A.C. 7, Article 4.
  2. A registrant shall ensure that attenuation provided by a protective barrier meets or exceeds the level of protection established in Report No. 147 Structural Shielding Design for Medical X-ray Imaging Facilities, November 19, 2004, by the National Council on Radiation Protection and Measurements, (NCRP), NCRP Publications, 7910 Woodmount Ave., Suite 400, Bethesda, MD 20814-3095. This report is incorporated by reference and available under R9-7-101. The incorporated material contains no future editions or amendments. Copies of the report are available from NCRP Publications: online at <http://www.ncrppublications.org>; toll free at (800) 229-2652 (Ext. 25); or e-mail at [NCRPpubs@NCRPonline.org](mailto:NCRPpubs@NCRPonline.org). Each registrant shall use this incorporated material to pro-

## Department of Health Services - Radiation Control

vide sufficient shielding to prevent a public exposure that exceeds the limits in R9-7-416.

3. A registrant shall:
  - a. Mount each lead barrier so that the barrier will not sag or cold flow because of its own weight and protect the barrier from damage;
  - b. Use barriers designed so that joints between different ends of protective material do not impair the overall protection of the barriers;
  - c. Use barriers designed so that joints at the floor and ceiling do not impair the overall protection of the barriers;
  - d. Use windows, window frames, doors, and door frames that have the same lead equivalence required in the adjacent walls; and
  - e. Cover holes in protective barriers so that overall attenuation is not impaired.
4. A registrant shall also meet the structural shielding requirements in R9-7-607(C), if the x-ray system in question is not a mobile fluoroscopic unit, dental panoramic, cephalometric, dental CT, or intraoral radiographic system.

**D. Film Processing and Darkroom Requirements.** A registrant shall:

1. Ensure that the darkroom is light-tight and use proper safe-lighting such that any film type in use exposed in a cassette to x-ray radiation sufficient to produce an optical density from 1 to 2 when processed shall not suffer an increase in density greater than 0.1 (0.05 for mammography) when exposed in the darkroom for two minutes with all safe-lights illuminated. (A processor with a daylight loader satisfies this requirement.);
2. Ensure that film is stored in a cool, dry place and is protected from radiation exposure; and that film located in open packages is stored in a light-tight container;
3. Ensure that film cassettes and intensifying screens are inspected annually, cleaned, and replaced as necessary;
4. Ensure that film cassettes contain film and intensifying screens that have the same sensitivity;
5. Ensure that automatic film processors develop film in accordance with time-temperature relationships recommended by the film manufacturer;
6. Ensure that manually developed film is developed in accordance with the time-temperature relationships recommended by the manufacturer, and that a timer, thermometer, and a time-temperature chart are available and used in the darkroom;
7. Ensure that film processing solutions are prepared and maintained in accordance with the directions of the manufacturer;
8. Ensure that outdated film is not used for diagnostic radiographs;
9. Follow manufacturer's recommendations for cleaning or inspection of computed radiography (CR) cassettes, but not less than annually;
10. Follow manufacturer's recommendations for preventive maintenance on digital radiography panels or cassettes, but not less than annually; and
11. Maintain documentation that demonstrates that requirements of this subsection are being met for three years for Department review from the date of inspection.

**Historical Note**

New Section R9-7-603 recodified from R12-1-603 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-604. General Procedures**

- A. Each registrant shall ensure the following procedural requirements are met in the operation of x-ray equipment:
  1. An x-ray machine which does not meet the provisions of this Chapter shall not be operated for diagnostic or therapeutic purposes, unless specifically exempted by the Department.
  2. Except for patients who cannot be moved out of the room, only the individuals required for the radiological procedure or in training may be present in the room during radiographic exposure, and all the following requirements apply:
    - a. All individuals shall be positioned such that no part of the body, including the extremities not protected by 0.5 mm lead equivalent, will be struck by the useful beam.
    - b. Staff and ancillary personnel shall be protected from the direct scatter radiation by protective aprons or whole body protective barriers of not less than 0.25 mm lead equivalent.
    - c. Individuals, other than the patient to be examined, who cannot be removed from the room during mobile or portable radiography shall be protected from the direct scatter radiation by whole body protective barriers of 0.25 millimeters lead equivalent or shall be so positioned that the nearest portion of the body is at least 2 meters (6.5 feet) from both the tube head and the nearest edge of the image receptor.
    - d. If a portion of the body of any staff or ancillary personnel is potentially subjected to stray radiation that could result in that individual receiving 10 percent of the maximum permissible dose as defined in Article 4 of this Chapter, the registrant shall provide additional protective devices as specified by the Department.
  3. An individual shall not be exposed to the useful beam except for a healing arts purpose authorized by a licensed practitioner of the healing arts. The following acts are prohibited:
    - a. Exposure of an individual without meeting the required healing art requirements and without a valid directive from a licensed practitioner;
    - b. Exposure of an individual for training, demonstration, or other non-healing arts purpose;
    - c. Exposure of an individual for the purpose of healing arts screening, except as authorized by the Department after submitting to the Department the information listed in Appendix A of this Article. (If any information submitted to the Department changes, the registrant shall immediately notify the Department of the changes.);
    - d. Routinely holding film or a patient during an exposure to x-ray radiation; or
    - e. Exposure of an individual to fluoroscopy as a positioning method for general purpose radiological procedures.
  4. All persons who are associated with the operation of an x-ray system are subject to the occupational exposure limits specified in Article 4. Exposure of a personnel monitoring device to deceptively indicate a dose delivered to an individual is prohibited.
  5. The registrant shall check radiation protective equipment for reliability and integrity defects on an annual basis, as follows:
    - a. Aprons, gloves, and shields shall be checked for holes, tears, and breaks.

## Department of Health Services - Radiation Control

- b. If defects are found in the equipment, the registrant shall replace or remove it from service. Equipment removed from service shall not be put back into service until it is repaired.
  - c. A record of the annual reliability and integrity check and any equipment replacement shall be maintained for three years.
- B.** The registrant shall maintain the following records for each x-ray machine:
1. Survey, calibration, maintenance, and modification records regarding the x-ray machine or room, which include the name of the person who performed the service; and
  2. Correspondence with the Department regarding the x-ray machine facility.

**Historical Note**

New Section R9-7-604 recodified from R12-1-604 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-605. X-ray Machine Standards**

- A.** A registrant shall prevent leakage radiation from the diagnostic source assembly measured at a distance of 1 meter in any direction from the source assembly from exceeding 25.8  $\mu\text{C}/\text{kg}$  (100 milliroentgens) in one hour when the x-ray tube is

operated at its leakage technique factors. The Department shall determine compliance by obtaining measurements averaged over an area of 100 square centimeters (15.5 square inches) with no linear dimension greater than 20 centimeters (7.9 inches).

- B.** The registrant shall prevent radiation emitted by a component other than the diagnostic source assembly from exceeding 516 nC/kg (2 milliroentgens) in one hour at 5 centimeters from any accessible surface of the component when it is operated in an assembled x-ray system under any conditions for which it was designed. The Department shall determine compliance by obtaining measurements averaged over an area of 100 square centimeters (15.5 square inches) with no linear dimension greater than 20 centimeters (7.9 inches).
- C.** Beam quality.
1. The registrant shall prevent the useful beam half-value layer (HVL) for diagnostic x-ray given x-ray tube potential from falling below the values shown in Table I. If it is necessary to determine the HVL at an x-ray tube potential that is not listed in Table I, the registrant shall use linear interpolation or extrapolation to make the determination.

**Table I**

Design operating range (kilovolts peak)	Measured potential (kilovolts peak)	HVL (millimeters of aluminum) Dental Intraoral Units manufactured after December 1, 1980	Medical X-ray Units manufactured before June 10, 2006 and Dental Intraoral Units manufactured on or before December 1, 1980	Medical X-ray Units manufactured on or after June 10, 2006
Below 51	30	1.5	0.3	0.3
	40	1.5	0.4	0.4
	50	1.5	0.5	0.5
51 to 70	51	1.5	1.2	1.3
	60	1.5	1.3	1.5
	70	1.5	1.5	1.8
Above 70	71	2.1	2.1	2.5
	80	2.3	2.3	2.9
	90	2.5	2.5	3.2
	100	2.7	2.7	3.6
	110	3.0	3.0	3.9
	120	3.2	3.2	4.3
	130	3.5	3.5	4.7
	140	3.8	3.8	5.0
	150	4.1	4.1	5.4

2. If the registrant demonstrates that the aluminum equivalent of the total filtration in the primary beam is not less than that shown in Table II, the registrant is considered to have met the criteria in subsection (C)(1).

**Table II - Filtration Required vs. Operating Voltage**

Operating Voltage (kVp)	Total Filtration (inherent plus added) (millimeters aluminum equivalent)
Below 51	0.5 millimeters
51 - 70	1.5 millimeters
Above 70	2.5 millimeters

3. The registrant shall use beryllium window tubes that have a minimum of 0.5 millimeters aluminum equivalent filtration permanently mounted in the useful beam.
  4. For capacitor energy storage equipment, the Department shall determine compliance with the maximum quantity of charge per exposure.
  5. When determining the minimum aluminum equivalent filtration, the registrant shall include the filtration contributed by all materials that are always present between the focal spot of the tube and the patient (for example, a tabletop when the tube is mounted "under the table" and inherent filtration of the tube).
- D.** Multiple tubes. If two or more radiographic tubes are controlled by one exposure switch, the operator shall clearly indi-

## Department of Health Services - Radiation Control

cate which tube or tubes have been selected before initiation of the exposure, activating one light on the x-ray control panel and a second light at or near the tube housing assembly, each indicating the tube or tubes that have been selected.

- E. Mechanical support of tube head. The registrant shall adjust the tube housing assembly supports so that the tube housing assembly will remain stable during an exposure, unless the tube housing movement is a designed function of the x-ray system.
- F. Exposure reproducibility. The coefficient of variation shall not exceed 0.10 when all technique factors are held constant. This requirement is satisfied if the value of the average exposure (E) is greater than or equal to five times the difference between the maximum exposure (E<sub>max</sub>) and minimum exposure (E<sub>min</sub>) when four exposures are made at identical technique factors,  $[E \geq 5(E_{\max} - E_{\min})]$ .
- G. Accuracy deviation. A registrant shall not use an x-ray machine if the measured technique factors for kVp and time duration are not within the limits specified by the manufacturer. In the absence of the manufacturer's specifications, a registrant shall not use an x-ray machine if the measured kVp is not within 10 percent of the indicated kVp value and the measured time duration is not within 20 percent of the indicated time.

**Historical Note**

New Section R9-7-605, including Tables I and II, recodified from R12-1-605, Tables I and II, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-606. Fluoroscopic and Fluoroscopic Treatment Simulator Systems****A. Useful beam limitation. A registrant shall:**

1. Provide beam-limiting devices that restrict the entire cross section of the useful beam to less than the area of the primary barrier at any Source-to-Image Receptor Distance (SID);
2. Ensure that the x-ray field size produced by fluoroscopic systems without image intensification does not extend beyond the visible area of the image receptor at any SID;
3. Ensure that the x-ray field size produced by fluoroscopic systems with image intensification and automatic shutter control does not exceed the diameter of the image receptor at any SID;
4. Ensure that the x-ray field size produced by fluoroscopic systems with image intensification and manual shutter control does not exceed the diameter of the image receptor with the fluoroscopic imaging assembly positioned at the maximum usable distance above the table top; and
5. Ensure that the x-ray field size produced by fluoroscopic systems with image intensification and manual shutter control, where the fluoroscopic tube is above the table top, does not exceed the diameter of the image receptor with the shutters open to the fullest extent, and at the maximum SID which the fluoroscopic tube is capable of producing radiation.

**B. Fluoroscopic primary protective barrier. A registrant shall:**

1. Provide the fluoroscopic imaging assembly with a primary protective barrier that always intercepts the entire cross section of the useful beam at any SID.
2. Ensure that the fluoroscopic tube is not capable of producing radiation unless the primary protective barrier is in a position to intercept the entire cross section of the useful beam.
3. Ensure that fluoroscopic radiation production automatically terminates if the primary protective barrier is removed from the useful beam.

**4. Ensure that the fluoroscopic primary protective barrier meets the following requirements for attenuation of the useful beam:**

- a. For equipment installed before November 15, 1967, the required lead equivalent of the barrier is not less than 1.5 millimeters for fluoroscopes that produce less than 100 kVp, 1.8 millimeters for fluoroscopes that produce at least 100 kVp but less than 125 kVp, and 2.0 millimeters for fluoroscopes that produce 125 or more kVp. (For conventional fluoroscopes, these requirements may be assumed to have been met if the exposure rate measured at the viewing surface of the fluorescent screen does not exceed 12.9 microcoulombs per kilogram (50 milliroentgens) per hour with the screen in the primary beam of the fluoroscope without a patient, under normal operating conditions.) For equipment installed or reinstalled, the required lead equivalent of the barrier is 2.0 millimeters for fluoroscopes that produce less than 125 kVp or 2.7 millimeters for fluoroscopes that produce 125 or more kVp.
- b. For fluoroscopic systems that use image intensification, the exposure rate, due to transmission through the primary protective barrier, does not exceed 516 nC/kg (2 milliroentgens) per hour at 10 centimeters (4 inches) from any accessible surface of the fluoroscopic imaging assembly, beyond the plane of the image receptor for each 258  $\mu$ C/kg (1 roentgen) per minute of entrance exposure rate.
- c. Compliance with subsections (B)(4)(a) and (b) is determined with the image receptor positioned 35.5 centimeters (14 inches) from the panel or table top, at normal operating technical factors and with the attenuation block in the useful beam for systems with image intensification.

**C. Entrance exposure rate limits. A registrant shall ensure that:**

1. The exposure rate, measured at the point where the center of the useful beam enters the patient does not exceed 2.6 mC/kg (10 roentgens) per minute at any combination of tube potential and current, except during recording of fluoroscopic images or if provided with optional high-level control.
2. If provided with optional high-level control, the equipment is not operable at any combination of tube potential and current that will result in an exposure rate in excess of 2.6 mC/kg (10 roentgens) per minute at the point where the center of the useful beam enters the patient, unless the high-level control is activated, in which case an exposure rate in excess of 5.2 mC/kg (20 roentgens) per minute is prohibited.
  - a. Special means of activation of high-level controls, such as additional pressure applied continuously by the operator, are required to avoid accidental use.
  - b. A continuous signal audible to the fluoroscopist is required to indicate that the high-level control is being employed.
3. The Department shall determine compliance with subsections (C)(1) and (2) as follows:
  - a. Remove grids and compression devices from the useful beam during the measurement;
  - b. If the source is below the table, measure the exposure rate 1 centimeter above the table top or cradle; and
  - c. If the source is above the table, measure the exposure rate 30 centimeters (11.8 inches) above the table top with the end of the beam-limiting device or

## Department of Health Services - Radiation Control

- spacer positioned as closely as possible to the point of measurement;
- d. For fluoroscopy involving a mobile C-arm x-ray system, measure the exposure rate 30 centimeters (11.8 inches) from the input surface of the fluoroscopic imaging assembly;
  - e. For fluoroscopy involving a C-arm x-ray system, measure the exposure rate 30 centimeters (11.8 inches) from the input surface of the fluoroscope imaging assembly, with the x-ray source positioned at any available SID, provided that the end of the beam-limiting device or spacer is not closer than 30 centimeters (11.8 inches) from the input surface of the fluoroscopic image assembly; and
  - f. For a lateral fluoroscope, measure the exposure rate 15 centimeters (5.9 inches) from the centerline of the x-ray table and in the direction of the x-ray source with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement. If the tabletop is movable, it shall be positioned as closely as possible to the lateral x-ray source, with the end of the beam-limiting device or spacer no closer than 15 centimeters (5.9 inches) to the centerline of the x-ray table.
- D.** The registrant shall ensure that the source-to-skin distance is not less than:
1. 38 centimeters (15 inches) on stationary fluoroscopes installed after January 2, 1996;
  2. 35.5 centimeters (14 inches) on stationary fluoroscopes which are in operation before January 2, 1996;
  3. 30 centimeters (11.8 inches) on all mobile fluoroscopes; and
  4. 20 centimeters (8 inches) for image-intensified fluoroscopes used for a specific surgical application. The registrant shall follow any precautionary measures in the users operating manual.
- E.** Each fluoroscopic system installation is subject to all of the following requirements for the control of stray radiation. A registrant shall:
1. Provide a shielding device of at least 0.25 millimeter lead equivalent for covering the Bucky-slot during fluoroscopy;
  2. Except for fluoroscopy performed using portable or mobile C-arm x-ray systems or during surgical procedures or cardiac catheterization, provide protective drapes, or hinged or sliding panels of at least 0.25 millimeters lead equivalent, between the patient and fluoroscopist to intercept scattered radiation that would otherwise reach the fluoroscopist and others near the machine, but not substitute drapes and panels for a protective apron; and
  3. Ensure that protective aprons of at least 0.25 millimeter lead equivalent are worn in the fluoroscopy room by each person, except the patient, whose body is likely to be exposed to 50  $\mu$ Sv/hr (5 mR/hr) or more.
- F.** Exposure control. A registrant shall:
1. Ensure that activation of the fluoroscopic tube is controlled by a "dead-man" switch;
  2. Provide a manual reset cumulative timing device, which is activated only during production of radiation in the fluoroscopic mode, to indicate elapsed time by an audible signal or terminate production of radiation;
  3. Provide a device for exposure control in the "spot film" mode that terminates exposure either automatically, or after a preset time interval, preset number of pulses, preset product of current and time, or preset exposure; and
  4. Ensure that the x-ray tube potential and current are continuously indicated.
- G.** A registrant shall provide systems used for mobile fluoroscopy with image intensification.
- H.** Fluoroscopic treatment simulators. Simulators are exempt from subsections (A) through (G). A registrant shall:
1. Use a beam limiting device that restricts the beam to the area of clinical interest.
  2. Include and label devices for settings or physical factors, such as kVp, mA, or exposure time on the control panel;
  3. Ensure that the fluoroscopic exposure switch or switches are of the "deadman" type;
  4. Ensure that each person whose presence is necessary is in the simulator room during exposure and protected with a lead apron of at least 0.5 millimeter lead equivalent or a portable shield. Any person who places their hands in the useful x-ray beam shall wear leaded gloves; and
  5. Ensure that the operator stands behind a barrier and is able to observe the patient during simulator exposures.

**Historical Note**

New Section R9-7-606 recodified from R12-1-606 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-607. Additional X-ray Machine Standards, Shielding Requirements, and Procedures, Except Mobile Fluoroscopic, Dental Panoramic, Cephalometric, Dental CT, or Dental Intra-oral Radiographic Systems**

- A.** Useful beam limitation. A registrant shall:
1. Provide a means to restrict the useful beam to the area of clinical interest for any combination of SID and image receptor size employed.
  2. Ensure that beam-limiting devices meet the following requirements:
    - a. Devices that project a circular radiation field restrict the diameter of the useful beam, not to exceed the diagonal dimension of the image receptor by greater than 2 percent of the SID;
    - b. Devices that project a rectangular or square radiation field restrict the useful beam to the longitudinal and transverse dimensions of the image receptor to within 2 percent of the SID;
    - c. Beam limiting devices that do not incorporate light beams to define the projected radiation field are clearly labeled, indicating the SID and image receptor size at which each device complies with the applicable requirements of subsection (A)(2)(a) or (b);
    - d. Adjustable beam-limiting devices installed after July 31, 1971, incorporate light beams to define the projected dimensions of the useful beam and provide an average illumination of not less than 100 lux (9 foot-candles) at 1 meter (3.3 feet) or at the maximum SID, whichever is less. The average illumination shall be based upon measurements made in the approximate center of each quadrant of the light field; and
    - e. All beam-limiting devices installed, on general purpose fixed and mobile radiographic systems, provide stepless means of continuous adjustment of the projected radiation field size.
  3. Provide a means to align the center of the radiation field to the center of the image receptor to within 2 percent of the SID.
- B.** Radiation exposure control. A registrant shall:
1. Provide a means to terminate the exposure at a preset time interval, preset product of current and time, preset

## Department of Health Services - Radiation Control

- number of pulses, or a preset exposure to the image receptor. The registrant shall ensure that it is not possible to make an exposure when the exposure control device is set to a "zero" or "off" position if either position is provided.
2. Ensure that the exposure switch is a "dead-man" switch, and except for those used with "spot-film" devices in fluoroscopy, is arranged so that it cannot be conveniently operated outside a shielded area.
  3. Provide x-ray systems with automatic exposure control, which indicates at the control panel when this mode is selected, and a visual and audible signal, which indicates termination of the exposure.
  4. Use a control panel that includes:
    - a. A device (usually a milliamper meter) that will give a positive indication during radiation production; and
    - b. Control setting indicators or meters that indicate the appropriate technical factors: kVp, mAs, mA, or exposure time, and any special mode selected for the exposure.
- C. Structural shielding.** A registrant shall:
1. Ensure that all wall, floor and ceiling areas struck by the useful beam have primary protective barriers. Primary protective barriers in walls shall extend from the finished floor to a minimum height of 2.13 meters (7 feet);
  2. Ensure that secondary protective barriers are provided in all wall, floor, and ceiling areas that do not have primary protective barriers or where the primary protective barrier requirements are lower than the secondary barrier requirements;
  3. Ensure that the operator's station is behind a protective barrier sufficient to ensure compliance with R9-7-408, R9-7-414, and R9-7-416, and the operator is able to communicate with the patient from the operator's station.
  4. Provide a window of transparent material equal in attenuation to that required by the adjacent barrier, or a mirror system, that is large enough and placed so that the operator can see the patient during exposure without having to leave the protected area.
- D. Operating procedures.** A registrant shall:
1. Use mechanical supporting or restraining devices, if a patient must be held in position for radiography. If the patient must be held by an individual, the registrant shall ensure that the individual is protected with appropriate shielding devices, such as protective gloves and apron, and is positioned so that no part of the body of the individual holding the patient is struck by the useful beam;
  2. Ensure that only individuals required for the radiographic procedure are in the radiographic room during exposure, and, except for the patient, all these individuals are equipped with protective devices;
  3. Restrict the useful beam to the clinical area of interest;
  4. Provide a chart in the vicinity of the diagnostic x-ray system's control panel that specifies, for all routine examinations performed with the system, the following information:
    - a. Patient's anatomical size and technique factors;
    - b. Type and size of the film or film screen combination;
    - c. Type and focal distance of the grid, if any;
    - d. X-ray source-to-image receptor distance; and
    - e. Type and location of gonad shielding.
  5. Provide documentation of the following items:
    - a. The patient's identity;
    - b. The x-ray examination, as recorded in a radiographic log;
- c. The date the examination is performed;
  - d. The number of projections (if applicable), or on-time, or dose factors depending upon the unit; and
  - e. A method of identifying the individual who performed the examination.
6. The registrant shall maintain in chronological order, the documentation required in subsection (D)(5) in written or readily available electronic form. The documentation shall be maintained for three years from the date the examination is performed.

**Historical Note**

New Section R9-7-607 recodified from R12-1-607 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-608. Mobile Diagnostic Radiographic and Mobile Fluoroscopic Systems, Except Dental Panoramic, Cephalometric, Dental CT, or Dental Intraoral Radiographic Systems****A. Equipment**

1. All requirements of R9-7-607(A) and (B) apply.
2. For mobile radiographic units the registrant shall provide a "dead-man" switch, together with an electrical cord of sufficient length so that the operator can stand out of the useful beam and at least 1.82 meters (6 feet) from the patient during all x-ray exposures.
3. A registrant shall ensure that a cone, spacer frame, or inherent provision is made so that the equipment is not operated at source-skin distances of less than 20.3 centimeters (8 inches).

**B. Structural shielding.** If a mobile unit is used routinely in one location, it is considered a fixed installation subject to the shielding requirements in R9-7-603(C), and R9-7-607(C).**C. Operating procedures**

1. All provisions of R9-7-607(D) apply.
2. An individual who operates a mobile x-ray system shall comply with R9-7-419(B).

**Historical Note**

New Section R9-7-608 recodified from R12-1-608 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-609. Chest Photofluorographic Systems**

Use of chest photofluorographic systems for diagnosis of human disease is prohibited.

**Historical Note**

New Section R9-7-609 recodified from R12-1-609 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-610. Dental Intraoral Radiographic Systems****A. Equipment.** A registrant shall:

1. Use a protective tube housing of diagnostic type;
2. Use diaphragms or cones for restricting the useful beam and to provide the same degree of protection as the housing. The diameter of the useful beam at the end of the cone or spacer frame shall not be more than 7.6 centimeters (3 inches) for intraoral radiography;
3. Ensure that a cone or spacer frame provides a source-to-skin distance of not less than 17.8 centimeters (7 inches) with apparatus operating above 50 kVp or 10 centimeters (4 inches) with apparatus operating at 50 kVp or below for intraoral radiography;
4. Provide a timer to terminate the exposure at a preset time interval, a preset product of current and time, a preset number of pulses, or a preset radiation exposure to the image receptor;
5. Ensure that it is not possible to make an exposure if the timer is set to the "zero" or "off" position;

## Department of Health Services - Radiation Control

6. Ensure that the tube head remains stationary if placed in the exposure position;
  7. Ensure that the exposure initiating device is a "dead-man" switch;
  8. Use a control panel that includes:
    - a. A means to provide visual or audible indication, detectable at or from the operator's position, during x-ray production or exposure termination; and
    - b. Indication of technique factors for kVp, mA, exposure time, and any special mode that may be selected for the exposure;
  9. Use technique factors, where deviation of measured values from indicated values for kVp and exposure time do not exceed the limits specified by the manufacturer. In the absence of the manufacturer's specifications, the deviation shall not exceed plus or minus 10 percent of the indicated value for kVp and plus or minus 20 percent for exposure time duration;
  10. For a digital system that uses an electronic sensor, use digital radiography techniques that permit reducing x-ray beam on-time to 25 percent of the exposure time required for "D" speed film or lower, reducing radiation to the patient by the same rate; and
  11. For a computed radiography (imaging plate (IP) made of photostimulable phosphor) system that uses an imaging plate, use radiography techniques that permit reducing x-ray beam on-time to 50 percent of the exposure time required for "D" speed film or lower, reducing radiation to the patient by the same rate.
- B. Structural shielding.** The registrant shall:
1. Provide dental installations with primary and secondary barriers to ensure compliance with the personnel exposure requirements in Article 4 of this Chapter; (Note: In many cases, structural materials of ordinary walls suffice as a protective barrier without addition of special shielding material.)
  2. Install primary protective barriers between rooms or areas if dental x-ray units are used in adjacent rooms or areas;
  3. Provide each installation with a protective barrier for the operator or arrange the installation so that the operator can stand at least 1.82 meters (6 feet) from the patient and well away from the useful beam;
  4. Arrange the operator's position to allow visual contact with the patient during exposure; and
  5. Comply with fixed installation requirements, if a mobile unit is used routinely in one location.
- C. Operating procedures**
1. A dentist or other persons shall not hold patients or films during exposure. Only persons required for the radiographic procedure are allowed in the radiographic room during exposures.
  2. An operator shall stand at least 1.82 meters (6 feet) from the patient or behind a protective barrier during each exposure.
  3. An operator shall ensure that only the patient is in the useful beam.
  4. The licensed practitioner or other person shall not hold the tube housing or the cone during the exposure.
  5. A registrant shall not perform dental fluoroscopy without an image intensifier.
- A. Registrants are subject to the following requirements for Intraoral dental radiographic units designed to be operated as a hand-held unit:**
1. For all uses:
    - a. Operators of hand-held intraoral dental radiographic units shall be specifically trained to operate such equipment.
    - b. A hand-held intraoral dental radiographic unit shall be held without any motion during a patient examination. A tube stand may be utilized to immobilize a hand-held intraoral dental radiographic unit during patient examination.
    - c. The operator shall ensure there are no bystanders within a radius of at least six feet from the patient being examined with a hand-held intraoral radiographic unit.
  2. Additional requirements for operatories in permanent facilities:
    - a. Hand-held intraoral dental radiographic units shall be used for patient examinations in dental operatories that meet the structural shielding requirements specified by the Department or by a qualified health or medical physicist.
    - b. Hand-held intraoral dental radiographic units shall not be used for patient examinations in hallways and waiting rooms.
- B. Hand-held units may only be used in a manner as specified on the registration issued by the Department.**

**Historical Note**

New Section R9-7-610.01 recodified from R12-1-610.01 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-611. Therapeutic X-ray Systems of Less Than 1 MeV**

- A. Equipment requirements.**
1. Leakage radiation. When the x-ray tube is operated at its maximum rated tube current for the maximum kVp, the leakage air kerma rate shall not exceed the value specified at the distance specified for that classification of therapeutic radiation machine. For each therapeutic radiation machine, the registrant shall determine, or obtain from the manufacturer, the leakage radiation existing at the positions specified:
    - a. 5-50 kVp Systems. The leakage air kerma rate measured at any position 5 centimeters from the tube housing assembly shall not exceed 1 mGy (100 mrad) in any one hour.
    - b. Greater than 50 kVp and less than 1MeV Systems. The leakage air kerma rate measured at a distance of 1 meter from the target in any direction shall not exceed 1 centigray (1 rad) in any 1 hour. This air kerma rate measurement may be averaged over areas no larger than 100 square centimeters (100 cm<sup>2</sup>). In addition, the air kerma rate at a distance of 5 centimeters from the surface of the tube housing assembly shall not exceed 30 centigray (30 rad) per hour.
  2. Permanent beam limiting devices. A registrant shall ensure that fixed diaphragms or cones used for limiting the useful beam provide the same or higher degree of attenuation as required for the tube housing assembly.
  3. Removable and adjustable beam-limiting devices. A registrant shall ensure that:
    - a. Removable and adjustable beam-limiting devices, for the portion of the useful beam to be blocked by these devices, transmit not more than 1 percent of the original x-ray beam at the maximum kilovoltage and maximum treatment filter; and

**Historical Note**

New Section R9-7-610 recodified from R12-1-610 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-610.01. Hand-held Intraoral Dental Radiographic Unit Requirements For Use**

## Department of Health Services - Radiation Control

- b. When adjustable beam limiting devices are used, the position and shape of the radiation field shall be indicated by a light beam.
  4. Filter system. A registrant shall ensure that the filter system is designed so that:
    - a. Filters cannot be accidentally displaced from the useful beam at any possible tube orientation;
    - b. For equipment installed after January 1, 2011, an interlock system prevents irradiation if the proper filter is not in place;
    - c. The air kerma rate escaping from the filter slot shall not exceed 1 centiGray (1 rad) per hour at one (1) meter under any operating conditions; and
    - d. Each filter is marked regarding its material of construction and its thickness or wedge angle for wedge filters.
  5. X-ray tube immobilization. A registrant shall ensure that the tube housing assembly is capable of being immobilized during stationary treatments and the x-ray tube shall be so mounted that it cannot accidentally turn or slide with respect to the housing aperture.
  6. Focal spot marking. A registrant shall ensure that the tube housing assembly is marked so that it is possible to determine the location of the focal spot to within 5 millimeters, and the marking is readily accessible for use during calibration procedures.
  7. Therapy treatment timers. A registrant shall:
    - a. Provide a timer that has a display at the treatment control panel. The timer shall have a preset time selector and an elapsed time indicator;
    - b. Ensure that the timer is a cumulative timer that activates with the radiation, retains its reading after irradiation is interrupted or terminated, and requires the operator to reset the preset time selector after irradiation is terminated and before irradiation can be reinitiated;
    - c. Ensure that the timer terminates irradiation when a preselected time has elapsed;
    - d. Ensure that the timer permits accurate presetting and determination of exposure times as short as one second;
    - e. Ensure that the timer does not permit an exposure if set at zero; and
    - f. Ensure that the timer does not activate until the shutter is opened if irradiation is controlled by a shutter mechanism.
  8. Control panel functions. In addition to the displays required in other provisions of this Section, a registrant shall ensure that a control panel has:
    - a. An indication of whether electrical power is available at the control panel and if activation of the x-ray tube is possible;
    - b. An indication of whether x-rays are being produced;
    - c. A means for indicating kVp and x-ray tube current;
    - d. A means for terminating an exposure at any time;
    - e. A locking device that will prevent unauthorized use of the x-ray system; and
    - f. For x-ray equipment installed after January 2, 1996, a positive display of specific filters in the beam.
  9. Multiple tubes. If one control panel is used to energize more than one x-ray tube a registrant shall ensure that:
    - a. It is possible to activate only one x-ray tube during any time interval,
    - b. There is an indication at the control panel that identifies which x-ray tube is energized, and
    - c. There is an indication at the tube housing assembly when that tube is energized.
  10. Source-to-patient distance. A registrant shall ensure that there is a means of determining the source-to-patient distance to within 1 centimeter.
  11. Shutters. Unless it is possible to bring the x-ray output to the prescribed exposure parameters within five seconds, a registrant shall ensure that the entire useful beam is automatically attenuated by a shutter with a lead equivalency not less than that of the tube housing assembly. In addition the registrant shall ensure that:
    - a. After the unit is at operating parameters, the operator controls the shutter electrically from the control panel; and
    - b. An indication of shutter position appears at the control panel.
  12. Low filtration x-ray tubes. A registrant shall ensure that each x-ray system equipped with a beryllium or other low-filtration window is clearly labeled as low-filtration equipment on the tube housing assembly and at the control panel.
- B. Facility design requirements.** In addition to shielding necessary to meet the requirements of Article 4 of this Chapter, a registrant shall ensure that:
  1. Warning lights. A treatment room to which access is possible through more than one entrance has a warning light, in a readily observable position near the outside of any access doors, which will indicate when the useful beam is "on."
  2. Voice communication. Two-way oral communication is possible between the patient and the operator at the control panel; or where excessive noise levels make oral communication impractical, another effective method of communication.
  3. Viewing systems. Windows, mirrors, closed-circuit television, or an equivalent system, permits continuous observation of the patient during irradiation and is located so that the operator can observe the patient from the control panel. If the primary viewing system is by electronic means (for example, television), the registrant shall have an alternate viewing system for use in the event of electronic failure.
  4. Systems above 150 kVp. For treatment rooms that contain an x-ray system capable of operating above 150 kVp a registrant shall ensure that:
    - a. All necessary shielding, except for any beam interceptor, is provided by fixed barriers;
    - b. The control panel is within a protective booth equipped with an interlocked door, or located outside the treatment rooms;
    - c. All doors of the treatment room are electrically connected to the control panel so that x-ray production cannot occur unless all doors are closed; and
    - d. Opening of any door to the treatment room during exposure results in automatic termination of x-ray production or reduction of radiation levels to an average of no more than 516 nC/kg (2 milliroentgens) per hour and a maximum of 2.6  $\mu$ C/kg (10 milliroentgens) per hour at a distance of 1 meter (3.3 feet) from the target in any direction, and restoration of the machine to full operation is possible only from the control panel after the termination or reduction.
- C. Surveys.** A registrant shall ensure that:
  1. All facilities, both new and existing, or not previously surveyed, are surveyed before being put into service for



## Department of Health Services - Radiation Control

- the treatment of patients by, or under the direction of, a person trained and experienced in the principles of radiation protection, and perform additional surveys of a facility after any change in the facility or a facility's equipment that might cause a significant increase in radiation hazard, before being put into service for the treatment of patients.
2. The person conducting the survey reports the survey findings in writing to the individual in charge of the facility and maintains a copy of the survey report for inspection by the Department.
  3. The installation is operated in compliance with any limitations indicated by the protection survey required by subsection (C)(1).
- D. Calibrations.** A registrant shall ensure that:
1. The calibration of a therapeutic x-ray system includes, but is not limited to, the following determinations:
    - a. Verification that the x-ray system is operating in compliance with the design specifications;
    - b. The dose rate equivalent for each combination of field size, technique factors, filter, and treatment distance used;
    - c. The degree of congruence between the radiation field and the field indicated by the localizing device if a localizing device is used; and
    - d. An evaluation of the uniformity of the radiation field symmetry for the field sizes used and any dependence upon source housing assembly orientation;
  2. The calibration of an x-ray system is performed at intervals not to exceed annually and after any change or replacement of components that could cause a change in the radiation output;
  3. The calibration of the radiation output of the x-ray system is performed by, or under the direction of, a person trained and experienced in performing calibrations, who is physically present at the facility during calibration;
  4. Calibration of the radiation output of an x-ray system is performed with a calibrated instrument. The registrant shall ensure that calibration of the instrument is directly traceable to the National Institute of Standards and Technology (NIST) and that the instrument has been calibrated within the preceding 24 months;
  5. Records of calibration performed under subsection (D)(3) are maintained for at least three years after completion of the calibration and are made available for inspection by the Department; and
  6. A copy of the most recent calibration is available for use by the operator at the control panel.
- E. Spot checks.** A registrant shall ensure that spot checks are performed on therapeutic x-ray systems capable of operation at greater than 150 kVp. The registrant shall ensure that spot checks meet the following requirements:
1. The spot-check procedures are in writing and have been developed by a qualified expert;
  2. The measurements taken during the spot checks demonstrate the degree of consistency of the operating characteristics that can affect the radiation output of the x-ray system;
  3. The written spot-check procedure specifies the frequency of the tests or measurements, made at intervals not to exceed monthly;
  4. The spot-check procedure identifies conditions that require recalibration of the system in accordance with subsection (D)(1); and
  5. Records of spot-check measurements performed as required by subsection (E)(3) are maintained, available for inspection by the Department, for three years following the measurements.
- F. Operating procedures.** A registrant shall ensure that:
1. Therapeutic x-ray systems are not left unattended unless the system is secured according to subsection (A)(8)(e);
  2. If a patient must be held in position for radiation therapy, mechanical supporting or restraining devices are used;
  3. The tube housing assembly is not held by an individual during exposures; and
  4. At 150 kVp or more the patient is the only person in the treatment room during production of radiation. At less than 150 kVp an individual may be in the room with patient, provided the individual is protected by a barrier sufficient to meet the requirements of Article 4 of this Chapter.
- G. Electronic Brachytherapy units** are exempt from the requirements of this Section.

**Historical Note**

New Section R9-7-611 recodified from R12-1-611 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-611.01. Electronic Brachytherapy to Deliver Interstitial and Intracavity Therapeutic Radiation Dosage**

- A.** Electronic brachytherapy devices used to deliver interstitial and intracavity therapeutic radiation dosage shall be subject to the requirements of this Section, and unless otherwise specified in this Section shall be exempt from the requirements of R9-7-611.
1. An electronic brachytherapy device that does not meet the requirements of this Section shall not be used for irradiation of patients; and
  2. An electronic brachytherapy device shall only be utilized for human use applications specifically approved by the U.S. Food and Drug Administration (FDA), unless participating in a research study approved by the registrant's Institutional Review Board (IRB).
- B.** Each facility location authorized to use an electronic brachytherapy device in accordance with this Section shall possess appropriately calibrated portable monitoring equipment. At a minimum, such equipment shall include a portable survey instrument capable of measuring dose rates over the range 10  $\mu$ Sv (1 mrem) per hour to 10 mSv (1000 mrem) per hour. The survey instrument shall be capable of measuring as low as 10  $\mu$ Sv (1 mrem) per hour in the energy range of the electronic brachytherapy unit for which the survey instrument is to be used. Published correction factors utilized in conjunction with the instrument's readings may be used to achieve sensitivity. The survey instrument or instruments shall be operable and calibrated before first use, at intervals not to exceed 12 months, and after survey instrument repairs.
- C.** Facility Design Requirements for Electronic Brachytherapy Devices. In addition to shielding adequate to meet requirements of R9-7-603(C), the treatment room shall meet the following design requirements:
1. If applicable, provision shall be made to prevent simultaneous operation of more than one therapeutic radiation machine in a treatment room.
  2. Access to the treatment room shall be controlled by a door at each entrance.
  3. Each treatment room shall have provisions to permit continuous oral communication and visual observation of the patient from the treatment control panel during irradiation. The electronic brachytherapy device shall not be used for patient irradiation unless the patient can be observed.

## Department of Health Services - Radiation Control

4. For electronic brachytherapy devices capable of operating below 150 kVp, radiation shielding for the staff in the treatment room may be available, either as a portable shield or as localized shielded material around the treatment site or both, in lieu of the requirements for room shielding. The shielding shall meet the requirements of R9-7-603(C).
  5. For electronic brachytherapy devices capable of operating at or greater than 150 kVp, the facility must meet the requirements of R9-7-611(B)(4).
- D. Control Panel Functions.** The control panel, in addition to the displays required by other provisions in this Section, shall:
1. Provide an indication of whether electrical power is available at the control panel and if activation of the electronic brachytherapy source is possible;
  2. Provide an indication of whether x-rays are being produced;
  3. Provide a means for indicating electronic brachytherapy source potential and current;
  4. Provide the means for terminating an exposure at any time; and
  5. Include an access control (locking) device that will prevent unauthorized use of the electronic brachytherapy device.
- E. Timer.** A suitable irradiation control device (timer) shall be provided to terminate the irradiation after a pre-set time interval or integrated charge on a dosimeter-based monitor.
1. A timer shall be provided at the treatment control panel. The timer shall indicate the planned setting and the time elapsed or remaining;
  2. The timer shall not permit an exposure if set at zero;
  3. The timer shall be a cumulative device that activates with an indication of "BEAM-ON" that retains its reading after irradiation is interrupted or terminated. After irradiation is terminated and before irradiation can be reinitiated, it shall be necessary to reset the elapsed time indicator;
  4. The timer shall terminate irradiation when a pre-selected time has elapsed, if any dose monitoring system has not previously terminated irradiation.
  5. The timer shall permit setting of exposure times as short as 0.1 second; and
  6. The timer shall be accurate to within one percent of the selected value or 0.1 second, whichever is greater.
- F. Qualified Medical Physicist Support.**
1. The services of a Qualified Medical Physicist shall be required in facilities having electronic brachytherapy devices. The Qualified Medical Physicist shall be responsible for:
    - a. Evaluation of the output from the electronic brachytherapy source;
    - b. Generation of the necessary dosimetric information;
    - c. Supervision and review of treatment calculations prior to initial treatment of any treatment site;
    - d. Establishing the periodic and day-of-use quality assurance checks and reviewing the data from those checks as required in subsection (J);
    - e. Consultation with the authorized user in treatment planning, as needed; and
    - f. Performing calculations/assessments regarding patient treatments that may constitute a medical event.
  2. If the Qualified Medical Physicist is not a full-time employee of the registrant, then the operating procedures required by subsection (G) shall also specifically address how the Qualified Medical Physicist is to be contacted for problems or emergencies, as well as the specific actions, if any, to be taken until the Qualified Medical Physicist can be contacted.
- G. Operating Procedures.**
1. Only individuals approved by the authorized user, Radiation Safety Officer, or Qualified Medical Physicist shall be present in the treatment room during treatment;
  2. Electronic brachytherapy devices shall not be made available for medical use unless the requirements of subsections (A), (H), and (I) have been met;
  3. The electronic brachytherapy device shall be inoperable, either by hardware or password, when unattended by qualified staff or service personnel;
  4. During operation, the electronic brachytherapy device operator shall monitor the position of all persons in the treatment room, and all persons entering the treatment room, to prevent entering persons from unshielded exposure from the treatment beam;
  5. If a patient must be held in position during treatment, mechanical supporting or restraining devices shall be used;
  6. Written procedures shall be developed, implemented, and maintained for responding to an abnormal situation. These procedures shall include:
    - a. Instructions for responding to equipment failures and the names of the individuals responsible for implementing corrective actions; and
    - b. The names and telephone numbers of the authorized users, the Qualified Medical Physicist, and the Radiation Safety Officer to be contacted if the device or console operates abnormally.
  7. A copy of the current operating and emergency procedures shall be physically located at the electronic brachytherapy device control console;
  8. Instructions shall be maintained with the electronic brachytherapy device control console to inform the operator of the names and telephone numbers of the authorized users, the Qualified Medical Physicist, and the Radiation Safety Officer to be contacted if the device or console operates abnormally; and
  9. The Radiation Safety Officer, or the Radiation Safety Officer's designee, and an authorized user shall be notified immediately if the patient has a medical emergency, suffers injury or dies. The Radiation Safety Officer or the Qualified Medical Physicist shall inform the manufacturer of the event.
- H. Safety Precautions for Electronic Brachytherapy Devices.**
1. Any person in the treatment room, other than the person being treated, shall wear personnel monitoring devices;
  2. An authorized user and a Qualified Medical Physicist shall be physically present during the initiation of all new patient treatments involving the electronic brachytherapy device;
  3. After the first treatment one of the following individuals shall be physically present during continuation of all patient treatments involving the electronic brachytherapy device:
    - a. A Qualified Medical Physicist, or
    - b. An authorized user, or
    - c. A certified therapy technologist (CTT) certified by the Arizona Medical Radiologic Technology Board of Examiners, under the direct supervision of an authorized user, who has been trained in the operation and emergency response for the electronic brachytherapy device;

## Department of Health Services - Radiation Control

4. When shielding is required by subsection (C)(4), surveys shall be conducted to ensure that the requirements of R9-7-408, R9-7-414, and R9-7-416 are met. Alternatively, a Qualified Medical Physicist shall designate shield locations sufficient to meet the requirements of R9-7-603(C) and R9-7-607(C) for any individual, other than the patient, in the treatment room; and
  5. All personnel in the treatment room are required to remain behind shielding during treatment. A Qualified Medical Physicist shall approve any deviation from this requirement and shall designate alternative radiation safety protocols, compatible with patient safety, to provide an equivalent degree of protection.
- I. Electronic Brachytherapy Source Calibration Measurements.**
1. Calibration of the electronic brachytherapy source output shall be performed by, or under the direct supervision of, a Qualified Medical Physicist. If the control console is integral to the electronic brachytherapy device, the required procedures shall be kept where the operator is located during electronic brachytherapy device operation;
  2. Calibration of the electronic brachytherapy source output shall be made for each electronic brachytherapy source, or after any repair affecting the x-ray beam generation, or when indicated by the electronic brachytherapy source quality assurance checks;
  3. Calibration of the electronic brachytherapy source output shall utilize a dosimetry system appropriate for the energy output of the unit and calibrated by the National Institute for Standards and Technology (NIST) or by an American Association of Physicists in Medicine (AAPM) Accredited Dosimetry Calibration Laboratory (ADCL). The calibration shall have been performed within the previous 24 months and after any servicing that may have affected system calibration;
  4. Calibration of the electronic brachytherapy source output shall include, as applicable, determination of:
    - a. The output within two percent of the expected value, if applicable, or determination of the output if there is no expected value;
    - b. Timer accuracy and linearity over the typical range of use;
    - c. Proper operation of back-up exposure control devices;
    - d. Evaluation that the relative dose distribution about the source is within five percent of that expected; and
    - e. Source positioning accuracy to within one millimeter within the applicator;
  5. Calibration of the x-ray source output required shall be in accordance with current published recommendations from a recognized national professional association with expertise in electronic brachytherapy (when available). In the absence of a calibration protocol published by a national professional association, the manufacturer's calibration protocol shall be followed.
  6. The registrant shall maintain a record of each calibration in an auditable form for the duration of the registration. The record shall include: the date of the calibration; the manufacturer's name, model number and serial number for the electronic brachytherapy device and a unique identifier for its electronic instrument or instruments brachytherapy source; the model numbers and serial numbers of the instrument or instruments used to calibrate the electronic brachytherapy device; and the name and signature of the Qualified Medical Physicist responsible for performing the calibration.
- J. Periodic and Day-of-Use Quality Assurance Checks for Electronic Brachytherapy Devices.**
1. Quality assurance checks shall be performed on each electronic brachytherapy device:
    - a. At the beginning of each day of use;
    - b. Each time the device is moved to a new room or site; and
    - c. After each x-ray tube installation.
  2. The registrant shall perform periodic quality assurance checks required in accordance with procedures established by the Qualified Medical Physicist;
  3. To satisfy the requirements of this subsection, radiation output quality assurance checks shall include at a minimum:
    - a. Verification that output of the electronic brachytherapy source falls within three percent of expected values, as appropriate for the device, as determined by:
      - i. Output as a function of time, or
      - ii. Output as a function of setting on a monitor chamber.
    - b. Verification of the consistency of the dose distribution to within three percent (or the manufacturer's or Qualified Medical Physicist's documented recommendation not to exceed five percent), observed at the source calibration required by subsection (I); and
    - c. Validation of the operation of positioning methods to ensure that the treatment dose exposes the intended location within one millimeter; and
  4. The registrant shall use a dosimetry system that has been intercompared within the previous 12 months with the dosimetry system described in this Section to make the quality assurance checks required in subsection (J)(3);
  5. The registrant shall review the results of each radiation output quality assurance check to ensure that:
    - a. An authorized user and Qualified Medical Physicist is immediately notified if any parameter is not within its acceptable tolerance, and the electronic brachytherapy device is not used until the Qualified Medical Physicist has determined that all parameters are within their acceptable tolerances;
    - b. If all radiation output quality assurance check parameters appear to be within their acceptable range, the acceptable quality assurance checklist shall be reviewed and signed by either the authorized user or Qualified Medical Physicist prior to the next patient use of the unit. In addition, the Qualified Medical Physicist shall review and sign the results of each radiation output quality assurance check at intervals not to exceed 30 days.
  6. To satisfy the requirements of subsection (J)(1), safety device quality assurance checks shall, at a minimum, assure:
    - a. Proper operation of radiation exposure indicator lights on the electronic brachytherapy device and on the control console;
    - b. Proper operation of viewing and intercom systems in each electronic brachytherapy facility, if applicable;
    - c. Proper operation of radiation monitors, if applicable;
    - d. The integrity of all cables, catheters or parts of the device that carry high voltages; and
    - e. Connecting guide tubes, transfer tubes, transfer-tube-applicator interfaces, and treatment spacers are free from any defects that interfere with proper operation.
  7. If the results of the safety device quality assurance checks required in subsection (J)(6) indicate the malfunction of

## Department of Health Services - Radiation Control

- any system, a registrant shall secure the control console in the OFF position and not use the electronic brachytherapy device except as may be necessary to repair, replace, or check the malfunctioning system.
8. The registrant shall maintain a record of each quality assurance check required by this Section in a legible form for three years.
    - a. The record shall include the date of the quality assurance check; the manufacturer's name, model number and serial number for the electronic brachytherapy device; the name and signature of the individual who performed the periodic quality assurance check and the name and signature of the Qualified Medical Physicist who reviewed the quality assurance check;
    - b. For radiation output quality assurance checks required by subsection (J)(3), the record shall also include the unique identifier for the electronic brachytherapy source and the manufacturer's name; model number and serial number for the instrument or instruments used to measure the radiation output of the electronic brachytherapy device.
- K. Therapy-related Computer Systems.** The registrant shall perform acceptance testing on the treatment planning system of electronic brachytherapy-related computer systems in accordance with current published recommendations from a recognized national professional association with expertise in electronic brachytherapy (when available). In the absence of an acceptance testing protocol published by a national professional association, the manufacturer's acceptance testing protocol shall be followed.
1. Acceptance testing shall be performed by, or under the direct supervision of a Qualified Medical Physicist. At a minimum, the acceptance testing shall include, as applicable, verification of:
    - a. The source-specific input parameters required by the dose calculation algorithm;
    - b. The accuracy of dose, dwell time, and treatment time calculations at representative points;
    - c. The accuracy of isodose plots and graphic displays;
    - d. The accuracy of the software used to determine radiation source positions from radiographic images; and
    - e. If the treatment planning system is different from the treatment delivery system, the accuracy of electronic transfer of the treatment delivery parameters to the treatment delivery unit from the treatment planning system.
  2. The position indicators in the applicator shall be compared to the actual position of the source or planned dwell positions, as appropriate, at the time of commissioning.
  3. Prior to each patient treatment regimen, the parameters for the treatment shall be evaluated for correctness and approved by the authorized user and the Qualified Medical Physicist through means independent of that used for the determination of the parameters.
- L. Training for e-brachytherapy Authorized Users.**
1. The registrant for any therapeutic radiation machine subject to this Section shall require the authorized user to be a physician who is certified in:
    - a. Radiation oncology or therapeutic radiology by the American Board of Radiology or radiology (combined diagnostic and therapeutic radiology program) by the American Board of Radiology prior to 1976; or
    - b. Radiation oncology by the American Osteopathic Board of Radiology; or
    - c. Radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or
    - d. Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; or
  2. Is in the active practice of therapeutic radiology, and has completed 200 hours of instruction in basic radiation techniques applicable to the use of an external beam radiation therapy unit, 500 hours of supervised work experience, and a minimum of three years of supervised clinical experience.
    - a. To satisfy the requirement for instruction, the classroom and laboratory training shall include:
      - i. Radiation physics and instrumentation;
      - ii. Radiation protection;
      - iii. Mathematics pertaining to the use and measurement of ionization radiation; and
      - iv. Radiation biology.
    - b. To satisfy the requirement for supervised work experience, training shall be under the supervision of an authorized user and shall include:
      - i. Review of the full calibration measurements and periodic quality assurance checks;
      - ii. Evaluation of prepared treatment plans and calculation of treatment times or patient treatment settings or both;
      - iii. Using administrative controls to prevent medical events as described in R9-7-444;
      - iv. Implementing emergency procedures to be followed in the event of the abnormal operation of an external beam radiation therapy unit or console; and
      - v. Checking and using radiation survey meters.
    - c. To satisfy the requirement for a period of supervised clinical experience, training shall include one year in a formal training program approved by the Residency Review Committee for Radiology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association and an additional two years of clinical experience in therapeutic radiology under the supervision of an authorized user. The supervised clinical experience shall include:
      - i. Examining individuals and reviewing their case histories to determine their suitability for external beam radiation therapy treatment, and any limitations or contraindications or both;
      - ii. Selecting proper dose and how it is to be administered;
      - iii. Calculating the therapeutic radiation machine doses and collaborating with the authorized user in the review of patients' progress and consideration of the need to modify originally prescribed doses or treatment plans as warranted by patients' reaction to radiation or both; and
      - iv. Post-administration follow-up and review of case histories.
  3. Notwithstanding the requirements of this subsection, the registrant for any therapeutic radiation machine subject to this Section may also submit the training of the prospective authorized user physician for Department review on a case-by-case basis if the training includes substantially

## Department of Health Services - Radiation Control

- equivalent training as that listed in subsection (L)(2) and the training includes dosimetry calculation training and experience.
4. A physician shall not act as an authorized user until such time as the physician's training has been reviewed and approved by the Department.
- M.** Training for Qualified Medical Physicist. The registrant for any therapeutic radiation machine subject to this Section shall require the Qualified Medical Physicist to:
1. Be certified with the Department, as a provider of radiation services in the area of calibration and compliance surveys of external beam radiation therapy units; and
  2. Be certified by the American Board of Radiology in:
    - a. Therapeutic radiological physics; or
    - b. Roentgen-ray and gamma-ray physics; or
    - c. X-ray and radium physics; or
    - d. Radiological physics; or
  3. Be certified by the American Board of Medical Physics in Radiation Oncology Physics; or
  4. Be certified by the Canadian College of Physicists in Medicine; or
  5. Hold a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university, and have completed one year of full-time training in medical physics and an additional year of full-time work experience under the supervision of a Qualified Medical Physicist at a medical institution. This training and work experience shall be conducted in clinical radiation facilities that provide high-energy external beam radiation therapy (photons and electrons with energies greater than or equal to one MV/one MeV). To meet this requirement, the individual shall have performed the tasks listed in this subsection under the supervision of a Qualified Medical Physicist during the year of work experience.
- N.** Qualifications of Operators. Individuals who will be operating a therapeutic radiation machine for medical use shall be certified by the Department as a CTT by the Arizona Medical Radiologic Technology Board of Examiners.
- O.** Additional training requirements.
1. A registrant shall provide instruction, initially and at least annually, to all individuals who operate the electronic brachytherapy device, as appropriate to the individual's assigned duties, in the operating procedures identified in subsection (G). If the interval between patients exceeds one year, retraining of the individuals shall be provided.
  2. In addition to the requirements of subsection (L) for therapeutic radiation machine authorized users and subsection (M) for Qualified Medical Physicists, these individuals shall also receive device-specific instruction initially from the manufacturer, and annually from either the manufacturer or other qualified trainer. The training shall be of a duration recommended by a recognized national professional association with expertise in electronic brachytherapy (when available). In the absence of any training protocol recommended by a national professional association, the manufacturer's training protocol shall be followed. The training shall include, but not be limited to:
    - a. Device-specific radiation safety requirements;
    - b. Device operation;
    - c. Clinical use for the types of use approved by the FDA;
    - d. Emergency procedures, including an emergency drill; and
    - e. The registrant's quality assurance program.
  3. A registrant shall retain a record of individuals receiving manufacturers instruction for three years. The record shall include a list of the topics covered, the date of the instruction, the name or names of the attendee or attendees, and the name or names of the individual or individuals who provided the instruction.
- P.** Mobile Electronic Brachytherapy Service. A registrant providing mobile electronic brachytherapy service shall, at a minimum:
1. Check all survey instruments before medical use at each address of use or on each day of use, whichever is more restrictive;
  2. Account for the electronic brachytherapy x-ray tube in the electronic brachytherapy device before departure from the client's address; and
  3. Perform, at each location on each day of use, all of the required quality assurance checks specified in this Section to assure proper operation of the device.
- Q.** Medical events shall be reported to the Department. For purposes of this Section "medical event" means a therapeutic radiation dose from a machine:
1. Delivered to the wrong patient;
  2. Delivered using the wrong mode of treatment;
  3. Delivered to the wrong treatment site; or
  4. Delivered in one week to the correct patient, using the correct mode, to the correct therapy site, but greater than 130 percent of the prescribed weekly dose; or
- R.** A therapeutic radiation dose from a machine with errors in the calibration, time of exposure, or treatment geometry that result in a calculated total treatment dose differing from the final, prescribed total treatment dose by more than 20 percent, except for treatments given in 1 to 3 fractions, in which case a difference of more than 10 percent constitutes a medical event.
- S.** Reports of therapy medical events:
1. Within 24 hours after discovery of a medical event, a registrant shall notify the Department by telephone by speaking to a Department staff member. The registrant shall also notify the referring physician of the affected patient and the patient or a responsible relative or guardian, unless the referring physician personally informs the registrant either that he or she will inform the patient, or that in his or her medical judgment, telling the patient or the patient's responsible relative or guardian would be harmful to one or the other, respectively. If the Department staff member, referring physician, or the patient's responsible relative or guardian cannot be reached within 24 hours, the registrant shall notify them as soon as practicable. The registrant shall not delay medical care for the patient because of notification problems.
  2. Within 15 days following the verbal notification to the Department, the registrant shall report, in writing, to the Department and individuals notified under subsection (S)(1). The written report shall include the registrant's name, the referring physician's name, a brief description of the event, the effect on the patient, the action taken to prevent recurrence, whether the registrant informed the patient or the patient's responsible relative or guardian, and if not, why not. The report shall not include the patient's name or other information that could lead to identification of the patient.
  3. Each registrant shall maintain records of all medical events for Department inspection. The records shall:
    - a. Contain the names of all individuals involved in the event, including:
      - i. The physician,
      - ii. The allied health personnel,

## Department of Health Services - Radiation Control

- iii. The patient,
  - iv. The patient's referring physician,
  - v. The patient's identification number if one has been assigned,
  - vi. A brief description of the event,
  - vii. The effect on the patient, and
  - viii. The action taken to prevent recurrence.
- b. Be maintained for three years beyond the termination date of the affected registration.

**Historical Note**

New Section R9-7-611.01 recodified from R12-1-611.01 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-611.02. Other Use of Electronically-Produced Radiation to Deliver Superficial Therapeutic Radiation Dosage**

A person shall not utilize any device which is designed to electrically generate a source of ionizing radiation to deliver superficial therapeutic radiation dosage, and which is not appropriately regulated under any existing category of therapeutic radiation machine, until:

1. The applicant or registrant has, at a minimum, provided the Department with:
  - a. A detailed description of the device and its intended application or applications;
  - b. Facility design requirements, including shielding and access control;
  - c. Documentation of appropriate training for authorized user physician or physicians and qualified medical physicist or physicists;
  - d. Methodology for measurement of dosages to be administered to patients or human research subjects;
  - e. Documentation regarding calibration, maintenance, and repair of the device, as well as instruments and equipment necessary for radiation safety;
  - f. Radiation safety precautions and instructions; and
  - g. Other information requested by the Department in its review of the application; and
2. The applicant or registrant has received written approval from the Department to utilize the device in accordance with the regulations and specific conditions the Department considers necessary for the medical use of the device; and
3. The applicant or registrant has submitted the application information and forms required by Article 2.
4. In addition to the requirements of this Section, a registrant using a device for x-ray radiation therapy shall meet the requirements of R9-7-611.01(Q), (R), and (S).

**Historical Note**

New Section R9-7-611.02 recodified from R12-1-611.02 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-612. Computed Tomography Systems****A. Definitions:**

1. "CT" means computed tomography.
2. "CT conditions of operation" means all selectable parameters governing the operation of a CT including nominal tomographic section thickness, and technique factors.
3. "CTDI" means computed tomography dose index, the integral of the dose profile along a line perpendicular to the tomographic plane divided by the product of the nominal tomographic thickness and the number of tomogram produced in a single scan.
4. "CTDI vol" means a value of a volume-weighted tomography dose index. The unit of the CTDI vol is Gray or subunits of the Gray. The value of the CTDI vol for

patient scan is used to trigger a notification when the value exceeds or will exceed a threshold value.

5. "CTN" means CT number, the number used to represent the x-ray attenuation associated with each elemental area of the CT image.
  6. "Dose profile" means the dose as a function of position along a line.
  7. "DLP" means the dose-length product. The DLP is the mathematical product of the CTDI vol and the length of the scan. The unit DLP is the Gray-cm of subunits of the Gray-cm. The DLP is used to trigger a notification when the value exceeds or will exceed a threshold value.
  8. "Elemental area" means the smallest area within a tomogram for which the x-ray attenuation properties of a body are depicted.
  9. "Multiple tomogram system" means a CT system that obtains x-ray transmissions data simultaneously during a single scan to produce more than one tomogram.
  10. "Nominal tomographic section thickness" means the full width at half-maximum of the sensitivity profile taken at the center of the cross section volume over which x-ray transmission data are collected.
  11. "Reference plane" means a plane that is displaced from and parallel to the tomographic plane.
  12. "Scan" means the complete process of collecting x-ray transmission data for the production of a tomogram. Data can be collected simultaneously during a single scan for the production of one or more tomograms.
- B. Facility:** A registrant shall ensure that a CT facility has:
1. An operable two-way communication system between the patient and the operator in each CT room.
  2. A viewing system that will allow the operator to continuously view the patient from the control panel during each examination. If the viewing system malfunctions the CT shall not be used until the viewing system is repaired.
- C. Equipment.** A registrant shall ensure that:
1. There is a means to terminate x-ray exposure automatically in the event of equipment failure by:
    - a. De-energizing the x-ray source, or
    - b. Shuttering the x-ray beam.
  2. The equipment shall provide the operator the ability to terminate the x-ray exposure at any time during the examination, provided the scan or series of scans is greater than one-half second duration.
    - a. If an operator terminates an x-ray exposure, the operator shall reset the CT conditions of operation before the initiation of another scan.
    - b. A visible signal shall indicate when an x-ray exposure has been terminated because of equipment failure.
  3. A means is provided to permit visual determination of the tomographic plane for a single tomogram system, or the location of a reference plane offset from a single tomograph or multiple tomogram system.
    - a. If a light source is used to satisfy this requirement, it shall provide illumination of the tomographic plane or reference plane under ambient light conditions.
    - b. The difference between the actual plane location and the indicated location of a tomographic plane or reference plane shall not exceed 5 millimeters.
    - c. The deviation of indicated scan increment versus actual increment shall not exceed plus or minus 1 millimeter with any mass from 0 to 100 kilograms resting on the patient support device.
  4. The control panel and gantry provides a visual indication, if x-rays are produced.

## Department of Health Services - Radiation Control

5. Emergency buttons and switches are marked by function.
  6. Parameters of CT operation used during a patient examination are visible to the operator upon initiation of the scan. If an operational parameter is not adjustable by the operator, this subsection may be met by indicating on the control panel the parameter is not adjustable by the operator.
  7. Radiation exposure does not exceed 100 mR in one hour at one meter in any direction from the tube port of an operating CT.
  8. The angular position or positions where the maximum surface CTDI occurs is identified to allow for reproducible positioning of a CT dosimetry phantom, except in those cases where the x-ray tubes are designed to move, in which case, the maximum dose and associated tube position shall be evaluated according to manufacturer recommendations.
- D. Operating Procedures.** A registrant shall ensure that:
1. Operating procedures are available at the control panel, or by electronic means, regarding the operation of a CT and evaluation of a CT's operation.
  2. The operating procedures contain the following information:
    - a. A copy of the latest evaluation of the CT's operation, to include output for each CT procedure, performed by a qualified expert;
    - b. Instructions on the use of the CT performance phantom by the qualified expert, a schedule of quality control tests with the results of the most recent quality control test, and the allowable variations for the indicated parameters;
    - c. The distance in millimeters between the tomographic plane and the reference plane if a reference plane is used; and
    - d. A current technique chart that contains the information required in R9-7-607(D)(4)(a) for both adult and pediatric patients, as applicable, is available at the CT operating console, and a procedure for determining whether a CT has been performed according to instructions of a physician.
    - e. A written or electronic log that contains the information required in R9-7-607(D)(5) as well as an entry in the record of any displayed values for the exam from either a CTDI vol or DLP measurement for each patient exam completed on equipment manufactured on or after January 1, 2011.
  3. If the evaluation of the CT's operation or quality control test identifies a parameter exceeding the tolerance established by a qualified expert, the use of a CT for patient examination is limited to those uses established in written instructions from the qualified expert.
- E. Quality control tests.** A registrant shall have a written quality control test procedure, developed by a qualified expert, and ensure that the quality control test procedure:
1. Incorporates the use of a CT performance phantom that is compatible with an approved accreditation program approved by the Medicare Improvements for Patients and Providers Act (MIPPA) or supplied by or approved for use by the manufacturer of the unit.
  2. Is followed in the evaluation of the CT's operation, that the interval between tests does not exceed those set forth in the application for accreditation or quarterly if not accredited by an organization approved by (MIPPA), and that system conditions are specified by the registrant's qualified expert.
- F. Evaluation of a CT's operation.** A registrant shall ensure that:
1. The evaluation of a CT's operation is performed by, or under the direct supervision of, a qualified expert who is physically present at the facility during the evaluation of the CT's operation.
  2. The evaluation of a CT's operation:
    - a. Is performed before initial patient use and annually (within two months of the annual due date) and after any change or replacement of components that could, in the opinion of the qualified expert, cause a change in radiation output; and
    - b. Shall measure the CTDI in a dosimetry phantom along the two axes specified in subsection (F)(4)(b).
    - c. A complete evaluation of a CT unit, performed before the annual due date shall clearly list if the new survey changes the annual due date for the unit. It shall be clearly noted on all documentation for the next three years that the survey has established a new annual due date based upon the date of the new survey.
  3. The evaluation of a CT's x-ray system is performed with a calibrated dosimetry system that:
    - a. Has been calibrated using a method that is traceable to the National Institute of Standards and Technology (NIST), and
    - b. Has been calibrated within the preceding two years.
  4. CT dosimetry phantoms used in determining radiation output are compatible with an approved accreditation program approved by (MIPPA) or supplied by or approved for use by the manufacturer of the unit; and
    - a. Are constructed in a way that the parameters used to image the most commonly imaged parts of the human body are evaluated; and
    - b. At a minimum, provide means for placement of a dosimeter along the axis of rotation and along a line parallel to the axis of rotation 1.0 centimeter from the outer surface and within the phantom.
  5. Any effects on the measured dose due to the removal of phantom material to accommodate the dosimeter are accounted for in the reported data or included in the statement of maximum deviation for the measured values.
- G. CT units designated for simulator use, veterinary use, dental use, podiatry use, and non-diagnostic use on humans** are exempt from the annual requirements in subsections (E) and (F) provided an initial evaluation is conducted by a qualified expert and the output does not exceed the manufacturers specified limits. The initial evaluation shall be maintained for Department review.

## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-612 recodified from R12-1-612 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-613. Veterinary Medicine Radiographic Systems****A. Equipment.** A registrant shall ensure that:

1. Before January 2, 1996, the total filtration permanently in the useful beam is not less than 1.5 millimeters aluminum-equivalent for equipment operating at up to 70 kVp and 2.0 millimeters aluminum-equivalent for equipment operating in excess of 70 kVp;
2. A device is provided to terminate the exposure after a preset time or exposure;
3. Each radiographic system has a "dead-man" exposure switch with an electrical cord of sufficient length to allow the operator to stand at least 1.82 meters (six feet) away from the useful beam during x-ray exposures.

**B. Procedures:** A registrant shall ensure that:

1. Unless required to restrain an animal, the operator stands at least 1.82 meters (6 feet) away from the useful beam and the animal during a radiographic exposure;
2. An individual other than the operator is not in the x-ray room or area while an exposure is being made, unless the individual's assistance is required;
3. If possible, an animal is held in position during an x-ray exposure using mechanical supporting or restraining devices;
4. An individual holding an animal during an x-ray exposure is:
  - a. Wearing protective gloves and an apron of not less than 0.5 millimeter lead equivalent or positioned behind a whole-body protective barrier;
  - b. Wearing required personnel monitoring devices; and
  - c. Positioned so that no part of the person's body, except hands and arms, will be struck by the useful beam;
5. If an individual holds or supports an animal or a film during an x-ray exposure, the name of the individual is recorded in an x-ray log that contains the animal's name, the type of x-ray procedure, the number of exposures, and the date of the procedure; and
6. As a condition of employment an individual is not required to routinely hold or support animals, or hold film during radiation exposures.

**Historical Note**

New Section R9-7-613 recodified from R12-1-613 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-614. Mammography Systems****A. Equipment.** A registrant shall ensure that:

1. Only radiation machines specifically designed for mammographic examinations are used;
2. The film processor used in the registrant's facility is maintained in accordance with the film processor's and film manufacturer's recommendations;
3. Each facility has an image development system onsite unless the Department has approved an alternate system;
4. If used with screen-film image receptors, and the contribution to filtration made by the compression device is included, the useful beam has a half-value layer between the values of: "measured kVp/100 and measured kVp/100 + L millimeters" of aluminum equivalent, where L = 0.12 for Mo/Mo, L = 0.19 for Mo/Rh, L = 0.22 for Rh/Rh, L = 0.30 for W/Rh target filtration combinations and L = 0.33 for other target filtration combinations not otherwise specified.

5. The combination of focal spot size, source-to-image distance and magnification produces a radiograph with a resolution of at least 12 line pairs per millimeter at an object-to-image receptor distance of 4.5 centimeters; or the standards in Table 3-3 of the American Association of Physicists in Medicine (AAPM), Report No. 29, Equipment Requirements and Quality Control for Mammography, August 1990, published by the American Institute of Physics, Suite 1N01, 2 Huntington Quadrangle, Melville, NY 11747 (This report is incorporated by reference and available under R9-7-101. The incorporated material contains no future editions or amendments. The report is available online at: <http://www.aapm.org/pubs/reports>; print copies may be purchased from Medical Physics Publishing, 4513 Vernon Blvd., Madison, WI 53705; toll free at (800) 442-5778.);
6. The compression device used with the mammographic unit, unless specifically manufactured otherwise, is parallel to the imaging plane, not varying at any spot by more than 1 centimeter;
7. The mammographic x-ray system with initial power drive:
  - a. Has compression paddles compatible with each size of image receptor;
  - b. Is capable of compressing the breast with a force of at least 25 pounds, but not more than 45 pounds, and maintaining the compression for at least three seconds; and
  - c. Is used in a manner so that the chest wall edge of the compression device is aligned just beyond the chest wall edge of the image receptor so that the chest wall edge of the compression device does not appear on the image receptor;
8. A mammographic x-ray system using screen-film image receptors has:
  - a. At least two different sizes of moving anti-scatter grids, including one for each size of image receptor utilized; and
  - b. Automatic exposure control;
9. All mammographic x-ray systems indicate or provide a means of determining, the mAs resulting from each exposure made with automatic exposure control;
10. The collimation provided limits the useful beam to the image receptor so that the beam does not extend beyond any edge of the image receptor at any designated source to image receptor distance by more than 2 percent of the source to image receptor distance;
11. The accuracy of the indicated kVp is within plus or minus 2kVp;
12. Mammographic x-ray systems operating with automatic exposure control are capable of maintaining a film density within plus or minus 0.15 optical density units over the clinical range of kVp used, for a breast having an equivalent phantom thickness from 2 to 6 centimeters. If a technique chart is used, the operator shall maintain the film density within plus or minus 0.15 optical density units of the mean optical density;
13. At a kVp of 28, the mammographic x-ray system is capable of generating at least 2.0  $\mu\text{C/kg/mAs}$  (8mR/mAs) and at least 200  $\mu\text{C/kg/second}$  (800 mR/second), measured at a point 4.5 centimeters above the surface of the patient support device when the Source-image receptor distance is at its maximum;
14. Screens are not used for mammography if one or more areas of greater than 1 centimeter squared of poor screen-



## Department of Health Services - Radiation Control

- film contact are seen when tested, using a 40 mesh screen test;
15. Mammographic image quality meets the minimum mammography film standards for phantom performance in Mammography Quality Control Manual, 1999 edition, published by the American College of Radiology (ACR). (This manual is incorporated by reference and available under R9-7-101. The incorporated material contains no future editions or amendments. The manual is available from ACR Publication Sales, P.O. Box 533, Annapolis Junction, MD 20701: toll free at (800) 227-7762; e-mail at: [acr@brightkey.net](mailto:acr@brightkey.net)).
  16. The mean glandular dose for one cranio-caudal view of a 4.2 centimeter (1.8 inch) compressed breast, composed of 50 percent adipose and 50 percent glandular tissue, does not exceed 300 millirads (3 milligray); and
  17. A radiologic physicist who meets the requirements in R9-7-615(A)(1)(c) evaluates the operation of a mammographic x-ray system:
    - a. When first installed and annually thereafter,
    - b. Following any major change in equipment or replacement of parts, and
    - c. When quality assurance tests indicate calibration is necessary.
- B. Operating Procedures.** A registrant shall ensure that:
1. Each mammographic facility has a quality assurance program, and that the quality assurance program includes performance and documentation of the quality control tests in subsection (B)(2), conducted at the required time intervals. Test results shall fall within the specified limits in subsection (B)(2) or the registrant shall take corrective action and maintain documentation that the results are within specified limits before performing or processing any further examinations using the system that failed. A radiologic physicist, as defined in R9-7-615(A)(1)(c), shall review the program and make any recommendations necessary for the facility to comply with this Section;
  2. The quality assurance program meets federal requirements (Contained in 21 CFR 900.12(d)(1), and (e)(1) through (e)(10), revised April 1, 2013, incorporated by reference and available under R9-7-101. This incorporated material contains no future editions or amendments.); or the following requirements:
    - a. Daily sensitometric and densitometric evaluation of the image processing system demonstrates that Base + Fog < +0.03 optical density of operating level, Mid Density  $\pm$  0.15 optical density of operating level, and Density Difference  $\pm$  0.15 optical density of operating level;
    - b. Weekly phantom image quality evaluations demonstrate the visualization of at least four fibers, three speck groups, and three masses with a background of greater than 1.40 optical density, not varying by 0.20 optical density of operating level;
    - c. Monthly technique chart evaluations demonstrate updates for all equipment changes and that all examinations are being performed according to a physicist's density control recommendation;
    - d. Quarterly fixer retention evaluations demonstrate an acceptable limit of less than or equal to 5.0 micrograms per square centimeter;
    - e. Quarterly repeat analysis demonstrates an acceptable limit of less than 2 percent increase in repeats;
    - f. Semiannual darkroom fog evaluations meet the limit of less than or equal to 0.05 optical density of fog, using the two minute exposed film method;
    - g. Semiannual screen film contact evaluations meet the limit of less than one area of poor contact of 1 centimeter squared, using a 40 mesh screen on all clinically-used screens;
    - h. Semiannual automatic compression force evaluations meet the limit of greater than or equal to 25 pounds (111 Newtons) and less than 45 pounds (200 Newtons);
    - i. A survey shall be conducted annually and whenever indicated for installation, major repairs, parts replacement, or as deemed necessary by a qualified expert when quality control test results indicate a survey is necessary; the survey shall include all of the following tests:
      - i. Automatic exposure control performance and thickness response;
      - ii. Accuracy and reproducibility of kVp;
      - iii. System resolution;
      - iv. Breast entrance air kerma and automatic exposure control reproducibility;
      - v. Average glandular dose;
      - vi. X-ray field, light field, and image receptor alignment;
      - vii. Compression paddle alignment;
      - viii. Uniformity of screen speed;
      - ix. System artifacts;
      - x. Radiation output;
      - xi. Decompression;
      - xii. Beam quality and half value layer;
    - j. For systems with image receptor modalities other than screen film:
      - i. The quality assurance and quality control program for the acquisition system meets or exceeds the recommendations by the manufacturer;
      - ii. The quality assurance and quality control program for the printer meets or exceeds the recommendations by the image receptor manufacturer. In the absence of recommendations by the image receptor manufacturer for the specified printer, the quality control and assurance program meets or exceeds the recommendations of the printer manufacturer; and
      - iii. The quality assurance and quality control program for the interpretation monitors meets or exceeds the recommendations by the image receptor manufacturer. In the absence of recommendations by the image receptor manufacturer for the specified monitor or monitors, the quality control and assurance program meets or exceeds the recommendations of the interpretation monitor or monitors manufacturer; and
    - k. The registrant maintains records documenting compliance with the provisions in this subsection for three years from the date each requirement is met. The records shall be made available for Department inspection.
- C. Mammographic films and reports.**
1. A registrant shall maintain films and reports for a minimum of five years. In those cases where no subsequent mammographic procedures are performed, the registrant shall maintain films and associated reports for 10 years. If the mammographic facility is closed, the registrant shall make arrangements for storage of the films and associated reports for five years after the closure; and

## Department of Health Services - Radiation Control

2. A registrant shall make films and reports available for comparison upon request for temporary or permanent transfer to other mammographic facilities.

**Historical Note**

New Section R9-7-614 recodified from R12-1-614 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-615. Mammography Personnel****A. Personnel.**

1. Each registrant shall require personnel who perform mammography, which includes the production, processing, and interpretation of mammograms and related quality assurance activities, to meet the following requirements:
  - a. An interpreting physician shall meet federal requirements (Contained in 21 CFR 900.12(a)(1), revised April 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.); or
    - i. Be licensed under A.R.S. Title 32, Chapters 13 or 17;
    - ii. Have initially completed 40 hours of medical education credits in mammography;
    - iii. Be certified by the American Board of Radiology or the American Osteopathic Board of Radiology or meet the requirements of the mammography quality standards act regulations for quality standards of interpreting physicians;
    - iv. Have interpreted or reviewed an average of 300 mammograms per year during the preceding two years or have completed a radiology residency that included mammogram image interpretation in the preceding two years;
    - v. Have completed 15 hours of continuing medical education credits in mammography during the preceding three years; and
    - vi. Have received at least eight hours of training specific to each mammographic modality before engaging in independent interpretation.
  - b. A mammographic technologist shall meet federal requirements (Contained in 21 CFR 900.12(a)(2), revised April 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.); or
    - i. Possess a valid mammographic technologist certificate issued by the Medical Radiologic Technology Board of Examiners, as required in A.R.S. § 32-2841, or be pursuing mammography certification by training under the direct supervision of a technologist who possesses a valid mammographic technologist certificate;
    - ii. Have performed at least 200 mammographic examinations in the preceding two years;
    - iii. Have completed 15 hours of continuing medical education credits in mammography during the preceding three years; and
    - iv. Have received at least eight hours of training specific to each mammographic modality to be used by the technologist in performing mammographic examinations.
  - c. A radiologic physicist shall meet federal requirements (Contained in 21 CFR 900.12(a)(3), revised April 1, 2013, incorporated by reference and avail-

able under R9-7-101. This incorporated material contains no future editions or amendments.); or

- i. Be certified by the American Board of Radiology, American Board of Medical Physics, or the American Board of Health Physics;
  - ii. Possess documentation of state approval;
  - iii. Hold a master's degree or higher in a physical science;
  - iv. Have, upon initial employment as a radiologic physicist, experience conducting, at least one mammographic facility survey and evaluating at least 10 mammographic units;
  - v. Have, after completing the experience requirements in subsection (A)(1)(c)(iv), continuing experience surveying two mammographic facilities and evaluating six mammographic units during the preceding two years;
  - vi. Have completed 15 hours of continuing medical education credits in mammography during the three preceding years; or
  - vii. Have received at least eight hours of training specific to any modality surveyed; and
2. Each registrant shall maintain records documenting the requirements in subsection (A)(1) for three years from the date the requirement is met and make the records available for Department inspection.

- B. Radiologic physicists shall apply for and renew their certification on Department-approved forms. In addition to the Department-approved forms, applicants must also submit documentation showing education, mammography specific training, education, and board certification. Upon renewal, an applicant must submit documentation showing current continuing education requirements are met.

**Historical Note**

New Section R9-7-614 recodified from R12-1-614 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Information Submitted to the Department According to R9-7-604(A)(3)(c)**

- A. Name and address of the applicant and, if applicable, the name and address of any person within this state that is authorized to act on behalf of the applicant;
- B. Disease or conditions to be diagnosed using the proposed x-ray examination;
- C. A detailed description of each x-ray examination that will be used in the diagnosis;
- D. A description of the population to be examined in the screening program, using characteristics such as age, sex, physical condition, and other descriptive information;
- E. An evaluation of any known alternative diagnostic modalities not involving ionizing radiation that could achieve the same diagnosis as a screening program and why these modalities have not been chosen;
- F. An evaluation by a qualified expert of the x-ray equipment used in the screening program, which demonstrates that the x-ray equipment satisfies the requirements of this Article;
- G. A description of the quality control program;
- H. A copy of the technique chart for the planned x-ray examination;
- I. The qualifications of each individual who will be operating the x-ray equipment;
- J. The qualifications of the individual who will be supervising each operator of the x-ray equipment;
- K. The name and address of the individual who will interpret each radiographic image;

## Department of Health Services - Radiation Control

- L. A description of the planned procedures for advising a screened individual and the screened individual's physician of the screening procedure results, and the need for further medical care, and
- M. A description of the procedures for retention or disposition of the radiographic images and other records pertaining to the x-ray examination.

**Historical Note**

New Appendix A, recodified from 12 A.A.C. 1, Article 6, Appendix A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 7. MEDICAL USES OF RADIOACTIVE MATERIAL****R9-7-701. License Required**

- A. A person may manufacture, produce, acquire, receive, possess, prepare, use, or transfer radioactive material for medical use only in accordance with a specific license issued by the Department, the NRC, or another Agreement State, or as allowed in subsection (B)(1) or (B)(2).
- B. A specific license is not needed for an individual who:
  1. Receives, possesses, uses, or transfers radioactive material in accordance with the rules in this Chapter under the supervision of an authorized user as provided in R9-7-706, unless prohibited by license condition; or
  2. Prepares unsealed radioactive material for medical use in accordance with the rules in this Chapter under the supervision of an authorized nuclear pharmacist or authorized user.

**Historical Note**

New Section R9-7-701 recodified from R12-1-701 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-702. Definitions**

"Authorized medical physicist" means an individual who meets the requirements in R9-7-711. For purposes of ensuring that personnel are adequately trained, an authorized medical physicist is a "qualified expert" as defined in Article 1.

"Authorized nuclear pharmacist" means a pharmacist who meets the requirements in R9-7-712.

"Authorized user" means a physician, dentist, or podiatrist who meets the requirements in R9-7-719, R9-7-721, R9-7-723, R9-7-727, R9-7-728, or R9-7-744.

"Brachytherapy" means a method of radiation therapy in which a sealed source or group of sealed sources is utilized to deliver beta or gamma radiation at a distance of up to a few centimeters, by surface, intracavitary, intraluminal, or interstitial application.

"CT" means computerized tomography.

"High dose rate afterloading brachytherapy" means the treating of human disease using the radiation from a radioactive sealed source containing more than 1 curie of radioactive material. The radioactive material is introduced into a patient's body using a device that allows the therapist to indirectly handle the radiation source during the treatment. For purposes of the requirements in this Article "pulse dose rate afterloading brachytherapy" is included in this definition.

"Human research subject" means an individual who is or becomes a participant in research overseen by an IRB, either as a recipient of the test article or as a control. A subject may be either a healthy human, in research overseen by the RDRC, or a patient.

"Institutional review board" (IRB) is defined in R9-7-704(B).

"Manual brachytherapy" means a type of brachytherapy in which the brachytherapy sources (e.g., seeds, ribbons) are manually placed topically on or inserted either into the body cavities that are in close proximity to a treatment site or directly into the tissue volume.

"Medical event" means an event that meets the criteria in R9-7-745.

"Medical institution" means an organization in which several medical disciplines are practiced.

"Medical use" means the intentional internal or external administration of radioactive material, or the radiation from it, to an individual under the supervision of an authorized user.

"Nuclear cardiology" means the diagnosis of cardiac disease using radiopharmaceuticals.

"PET" means positron emission tomography.

"Physically present" means that a supervising medical professional is in proximity to the patient during a radiation therapy procedure so that immediate emergency orders can be communicated to ancillary staff, should the occasion arise.

"Prescribed dosage" means the specified activity or range of activity of unsealed radioactive material as documented:

In a written directive; or

In accordance with the directions of the authorized user for procedures performed in accordance with the uses described in Exhibit A.

"Prescribed dose" means:

For gamma stereotactic radiosurgery, the total dose as documented in the written directive;

For teletherapy, the total dose and dose per fraction as documented in the written directive;

For manual brachytherapy, either the total source strength and exposure time or the total dose, as documented in the written directive; or

For remote brachytherapy afterloaders, the total dose and dose per fraction as documented in the written directive.

"Radiation Safety Officer" (RSO) for purposes of this Article, and in addition to the definition in Article 1 means an individual who:

Meets the requirements in R9-7-710, or

Is identified as a radiation safety officer on:

A specific medical use license issued by the NRC or Agreement State; or

A medical use permit issued by a NRC master material license.

"Radioactive drug" is defined in 21 CFR 310.3(c) and includes a "radioactive biological product" as defined in 21 CFR 600.3, April 1, 2006, both of which are incorporated by reference, published by the Office of Federal Register, National Archives and Records Administration, Washington, DC 20408, and on file with the Department. These incorporated materials contain no future editions or amendments.

"Radioactive Drug Research Committee" (RDRC) means the committee established by the licensee to review all

## Department of Health Services - Radiation Control

basic research involving the administration of a radioactive drug to human research subjects, taken from 21 CFR 361.1, April 1, 2006, which is incorporated by reference, published by the Office of Federal Register, National Archives and Records Administration, Washington, DC 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments. Research is considered basic research if it is done for the purpose of advancing scientific knowledge, which includes basic information regarding the metabolism (including kinetics, distributions, dosimetry, and localization) of a radioactive drug or regarding human physiology, pathophysiology, or biochemistry. Basic research is not intended for immediate therapeutic or diagnostic purposes and is not intended to determine the safety and effectiveness of a radioactive drug in humans.

“Radiopharmaceutical” means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any nonradioactive reagent kit or nuclide generator that is intended to be used in the preparation of any such substance. For purposes of this Article radiopharmaceutical is equivalent to radioactive drug.

“Remote afterloading brachytherapy device” means a device used in radiation therapy that allows the authorized user to insert, from a remote location, a radiation source into an applicator that has been previously inserted in an individual requiring treatment.

“Sealed Source and Device Registry” means the national registry that contains all the registration certificates, generated by both NRC and the Agreement States, that summarize the radiation safety information for the sealed sources and devices and describe the licensing and use conditions approved for the product.

“Stereotactic radiosurgery” means the use of external radiation in conjunction with a stereotactic guidance device to very precisely deliver a dose.

“Teletherapy” means therapeutic irradiation in which the sealed source of radiation is at a distance from the body.

“Therapeutic dosage” means a dosage of unsealed radioactive material that is intended to deliver a radiation dose to a patient or human research subject for palliative or curative treatment.

“Therapeutic dose” means a radiation dose delivered from a source containing radioactive material to a patient or human research subject for palliative or curative treatment.

“Treatment site” means the anatomical description of the tissue intended to receive a radiation dose, as described in a written directive.

“Unit dosage” means a dosage prepared for medical use for administration as a single dosage to a patient or human research subject without any further manipulation of the dosage after it is initially prepared.

“Written directive” means an authorized user’s written order for the administration of radioactive material or radiation from radioactive material to a specific patient or human research subject, as specified in R9-7-707.

#### Historical Note

New Section R9-7-702 recodified from R12-1-702 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

#### R9-7-703. License for Medical Use of Radioactive Material

- A. In addition to the requirements set forth in R9-7-309, the Department shall issue a specific license for medical use of radioactive material if:
  1. The applicant has appointed a radiation safety committee, meeting the requirements in R9-7-705, that will oversee the use of licensed material throughout the licensee’s facility and associated radiation safety program;
  2. The applicant possesses facilities for the clinical care of patients or human research subjects; and
  3. The individual designated on the application as an authorized user has met the training and experience requirements in R9-7-719, R9-7-721, R9-7-723, R9-7-727, R9-7-728, or R9-7-744.
- B. Specific licenses to individual authorized users for medical use of radioactive material:
  1. The Department shall approve an application by a prospective individual authorized user or prospective group of authorized users for a specific license governing the medical use of radioactive material if:
    - a. The applicant satisfies the general requirements in R9-7-309;
    - b. The application is for use in the applicant’s practice at an office outside of a medical institution;
    - c. The applicant meets the training and experience requirements in subsection (A)(3); and
    - d. The applicant has a radiation safety committee, if the criteria in R9-7-705 are applicable and a RDRC, if the use is basic research involving humans.
  2. The Department shall not approve an application by a prospective authorized user or group of prospective authorized users for a specific license to receive, possess, or use radioactive material on the premises of a medical institution unless:
    - a. The use of radioactive material is limited to:
      - i. The administration of radiopharmaceuticals for diagnostic or therapeutic purposes;
      - ii. The performance of diagnostic studies on patients or human research subjects to whom a radiopharmaceutical has been administered;
      - iii. The performance of in vitro diagnostic studies; or
      - iv. The calibration and quality control checks of radioactive assay instrumentation, radiation safety instrumentation, or diagnostic instrumentation;
    - b. The authorized user brings the radioactive material and removes the radioactive material upon departure; and
    - c. The medical institution does not hold a radioactive materials license under subsection (A).
- C. Specific licenses for certain groups of medical uses of radioactive material:
  1. The Department shall approve an application for a specific license under subsections (A) or (B), for any medical use or uses of radioactive material specified in Groups 100 through 1,000, in Exhibit A of this Article, for all of the materials within each group requested in the application if:
    - a. The applicant satisfies the requirements of subsections (A) and (B);
    - b. Each person involved in the preparation and use of the radioactive material is an authorized user, an authorized nuclear pharmacist, or certified as a nuclear medicine technologist by the Medical Radiologic Technology Board of Examiners (MRTBE);

## Department of Health Services - Radiation Control

- c. The applicant's radiation detection and measuring instrumentation is adequate for conducting the procedures involved in the authorized uses selected from Group 100 through Group 1,000; and
  - d. The applicant's radiation safety operating procedures are adequate for handling and disposal of the radioactive material involved in the authorized uses selected from Group 100 through Group 1,000.
2. Any licensee who is authorized to use radioactive material:
- a. In unsealed form under Groups 100, 200, 300 or 1,000 listed in Exhibit A of this Article, shall do so using radiopharmaceuticals prepared in accordance with R9-7-311(I); or
  - b. In sealed source form under Groups 400, 500, 600, or 1,000 listed in Exhibit A of this Article, shall do so using sealed sources that have been manufactured and distributed in accordance with R9-7-311(K);
  - c. In any form under group 1,000 listed in Exhibit A of this Article, shall do so using sealed and unsealed sources that have been manufactured and distributed in accordance with the specific license issued by the Department.
3. Any licensee who is licensed according to subsection (C)(1), for one or more of the medical use groups in Exhibit A also is authorized to use radioactive material under the general license in ) R9-7-306(E) for the specified in vitro uses without filing Form ARRA-9 as required by R9-7-306(E)(2); provided, that the licensee is subject to the other provisions of R9-7-306(E).
- D.** In addition to the other license application requirements in this Section, each applicant shall include in the radiation safety program required under subsection (A)(1) a system for ensuring that each syringe and vial that contains unsealed radioactive material is labeled in accordance with R9-7-431(D).

**Historical Note**

New Section R9-7-703 recodified from R12-1-703 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-704. Provisions for the Protection of Human Research Subjects**

- A.** A licensee may conduct basic research involving human research subjects and research involving patients receiving investigational new drugs or devices if the licensee only uses the radioactive material specified on the license for the uses authorized on the license.
- B.** If research is conducted, funded, supported, or regulated by a federal agency that has implemented the federal Policy for Protection of Human Research Subjects (45 CFR 46, June 23, 2005, which is incorporated by reference, published by the Office of Federal Register, National Archives and Records Administration, Washington, DC 20408, on file with the Department, and contains no future editions or amendments), the licensee shall:
  - 1. Obtain review and approval of the research from an Institutional Review Board (IRB); and
  - 2. Obtain informed consent from the human research subject.
- C.** If research will not be conducted, funded, supported, or regulated by a federal agency that has implemented the federal policy in subsection (B), a medical licensee shall, before conducting research, apply for and receive a specific amendment to its use license. The amendment request shall include a written commitment that the licensee will, before conducting research:

- 1. Obtain review and approval of the research from an IRB, as defined and described in the federal policy; and
  - 2. Obtain informed consent from the human research subject.
- D.** Before conducting the research described in subsection (A) the licensee shall apply to the Department for and receive a specific amendment to its medical use license. The amendment request shall include a written commitment that the licensee will, before conducting research:
- 1. Obtain any review and approval required by this Section, and
  - 2. Obtain informed consent from the human research subject if applicable.
- E.** Nothing in this Section relieves a licensee from complying with the other requirements in this Article.

**Historical Note**

New Section R9-7-704 recodified from R12-1-704 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-705. Authority and Responsibilities for the Radiation Protection Program**

- A.** A licensee's management shall appoint in writing a radiation safety officer, who agrees, in writing, to be responsible for implementing the radiation protection program. The licensee, through the RSO, shall ensure that radiation safety activities are being performed in accordance with licensee-approved procedures and regulatory requirements. Each time the RSO is changed, the licensee shall provide to the Department within 30 days an amendment request and a copy of the correspondence between the licensee's management and the candidate, accepting the position of RSO.
- B.** Licensees that are authorized for two or more different types of uses of radioactive material listed in Groups 300, 400, 600, and 1,000, or two or more types of units under group 600 or 1,000, shall establish a Radiation Safety Committee (RSC) to oversee all uses of radioactive material permitted by the license. At a minimum, the RSC shall include an authorized user of each type of use permitted by the license, the RSO, a representative of the nursing service, and a representative of management who is neither an authorized user nor a RSO.
- C.** If a licensee or applicant is not a health care institution and is unable to meet the RSC membership requirements in subsection (B), the licensee or applicant may request an exemption in accordance with A.R.S. § 30-654(B)(13). The request for exemption shall be made to the Department in writing and list the reasons why the health care institution is unable to meet the requirements.
- D.** A licensee shall ensure that the RSC meets, at a minimum, on an annual basis and maintain the RSC meeting minutes for Department review for three years after the date of the RSC meeting.

**Historical Note**

New Section R9-7-705 recodified from R12-1-705 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-706. Supervision**

- A.** For purposes of this rule, "supervision" means the exercise of control over or direction of the use of radioactive material in the practice of medicine by an authorized user named on a radioactive material license. Supervision does not require a supervising physician's constant physical presence if the supervising physician can be easily contacted by radio, telephone, or telecommunication.
- B.** A physician may use radioactive material if the person is licensed by the Arizona Medical Board or Board of Osteopathic Examiners in Medicine and Surgery and is listed as an

## Department of Health Services - Radiation Control

authorized user on the Arizona radioactive material license under which the radioactive material is obtained.

- C. A licensee that permits the receipt, possession, use, or transfer of radioactive material by an individual under the supervision of an authorized user, shall:
  - 1. Instruct the supervised individual in the licensee's written radiation protection procedures, written directive procedures, rules, and license conditions with respect to the use of radioactive material; and
  - 2. Require the supervised individual to follow the instructions of the supervising authorized user for medical uses of radioactive material, written radiation protection procedures established by the licensee, written directive procedures, rules, and license conditions with respect to the medical use of radioactive material.
- D. A licensee that permits the preparation of radioactive material for medical use by an individual who is supervised by an authorized nuclear pharmacist or a physician, who is an authorized user, shall:
  - 1. Instruct the supervised individual in the preparation of radioactive material for medical use, as appropriate to that individual's involvement with radioactive material; and
  - 2. Require the supervised individual to follow the instructions of the supervising authorized user or authorized nuclear pharmacist regarding the preparation of radioactive material for medical use, written radiation protection procedures established by the licensee, the rules, and license conditions.
- E. A licensee that permits supervised activities under subsections (C) and (D) is responsible for the acts and omissions of the supervised individual.
- F. A limited-service nuclear pharmacy licensee shall dispense radiopharmaceuticals only to a physician listed as an authorized user on a valid radioactive material license issued by the Department, an Agreement State, or the NRC. For purposes of this rule "limited-service nuclear pharmacy" is defined in R4-23-110.

**Historical Note**

New Section R9-7-706 recodified from R12-1-706 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-707. Written Directives**

- A. A licensee shall ensure that a written directive is dated and signed by an authorized user before the administration of I-131 sodium iodide greater than 1.11 MBq (30 microcuries ( $\mu\text{Ci}$ )), any therapeutic dosage of unsealed radioactive material or any therapeutic dose of radiation from radioactive material. If, because of the emergent nature of the patient's condition, a delay in order to provide a written directive would jeopardize the patient's health, an oral directive is acceptable. The information contained in the oral directive shall be documented as soon as possible in writing in the patient's record. A written directive shall be prepared within 48 hours of the oral directive.
- B. A written directive shall contain the patient or human research subject's name and the following information:
  - 1. For any administration of quantities greater than 1.11 MBq (30  $\mu\text{Ci}$ ) of sodium iodide I-131: the dosage;
  - 2. For an administration of a therapeutic dosage of unsealed radioactive material other than sodium iodide I-131: the radiopharmaceutical, dosage, and route of administration;
  - 3. For gamma stereotactic radiosurgery: the total dose, treatment site, and values for the target coordinate settings per treatment for each anatomically distinct treatment site;

- 4. For teletherapy: the total dose, dose per fraction, number of fractions, and treatment site;
- 5. For high dose-rate remote afterloading brachytherapy: the radionuclide, treatment site, dose per fraction, number of fractions, and total dose; or
- 6. For all other brachytherapy, including low, medium, and pulsed dose rate remote afterloaders:
  - a. Before implantation: treatment site, the radionuclide, and dose; and
  - b. After implantation but before completion of the procedure: the radionuclide, treatment site, number of sources, and total source strength and exposure time (or the total dose).
- C. The licensee shall retain a copy of the written directive for three years after creation of the record.

**Historical Note**

New Section R9-7-707 recodified from R12-1-707 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-708. Procedures for Administrations Requiring a Written Directive**

For any administration requiring a written directive, the licensee shall develop, implement, and maintain written procedures to provide high confidence that:

- 1. The patient's or human research subject's identity is verified before each administration; and
- 2. Each administration is in accordance with the written directive.

**Historical Note**

New Section R9-7-708 recodified from R12-1-708 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-709. Sealed Sources or Devices for Medical Use**

A licensee may only use:

- 1. Sealed sources, including teletherapy sources, or devices manufactured, labeled, packaged, and distributed in accordance with a license issued under Article 3 of this Chapter, equivalent regulations of the NRC or equivalent requirements of an Agreement State; or
- 2. Sealed sources or devices noncommercially transferred from another medical licensee; or
- 3. Teletherapy sources manufactured and distributed in accordance with a license issued by the Department, the NRC, or another Agreement State.

**Historical Note**

New Section R9-7-709 recodified from R12-1-709 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-710. Radiation Safety Officer Training**

- A. A licensee shall require an individual fulfilling the responsibilities of the radiation safety officer, described in R9-7-705, to be an individual who:
  - 1. Is certified by a specialty board whose certification process includes all of the requirements in subsection (A)(2) and whose certification has been recognized by the Department, NRC, or an Agreement State. To have its certification process recognized, a specialty board shall require all candidates for certification to:
    - a. Meet the following minimum requirements:
      - i. Hold a bachelor's or graduate degree from an accredited college or university in physical science or engineering or biological science with a minimum of 20 college credits in physical science;
      - ii. Have five or more years of professional experience in health physics (graduate training may

## Department of Health Services - Radiation Control

- be substituted for no more than two years of the required experience) including at least three years in applied health physics; and
      - iii. Pass an examination administered by diplomates of the specialty board, which evaluates knowledge and competence in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology, and radiation dosimetry; or
    - b. Meet the following minimum requirements:
      - i. Hold a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;
      - ii. Have two years of full-time practical training and/or supervised experience in medical physics:
        - (1) Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Commission or an Agreement State; or
        - (2) In clinical nuclear medicine facilities providing diagnostic and/or therapeutic services under the direction of physicians who meet the requirements for authorized users qualified under section R9-7-710(B), R9-7-721, or R9-7-723;
      - iii. Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in clinical diagnostic radiological or nuclear medicine physics and in radiation safety; or
  - 2. Has completed a structured educational program consisting of both:
    - a. 200 hours of didactic and laboratory training in the following areas:
      - i. Radiation physics and instrumentation;
      - ii. Radiation protection;
      - iii. Mathematics pertaining to the use and measurement of radioactivity;
      - iv. Radiation biology; and
      - v. Radiation dosimetry; and
    - b. One year of full-time radiation safety experience under the supervision of the individual identified as the radiation safety officer on a Department, NRC, or an Agreement State license or permit issued by a NRC master material licensee that authorizes similar type(s) of use(s) of radioactive material involving the following:
      - i. Shipping, receiving, and performing related radiation surveys;
      - ii. Using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters, and instruments used to measure radionuclides;
      - iii. Securing and controlling radioactive material;
      - iv. Using administrative controls to avoid mistakes in the administration of radioactive material;
      - v. Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;
      - vi. Using emergency procedures to control radioactive material; and
      - vii. Disposing of radioactive material; or
    - c. Has obtained written certification, signed by a preceptor radiation safety officer, that the individual has satisfactorily completed the requirements in subsection (A)(2)(a) and (A)(2)(b) and has achieved a level of radiation safety knowledge sufficient to function independently as a radiation safety officer for a medical use licensee; or
  - 3. Is an authorized user, authorized medical physicist, or authorized nuclear pharmacist identified on the licensee's license and has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has radiation safety officer responsibilities.
- B. Exceptions.**
- 1. An individual identified as a radiation safety officer on a Department, a NRC, or an Agreement State license or a permit issued by the NRC or an Agreement State broad scope licensee or master material license permit or by a master material license permittee of broad scope before the effective date of these rules need not comply with the training requirements in subsections (A)(1) through (A)(3).
  - 2. A physician, dentist, or podiatrist identified as an authorized user for the medical use of radioactive material on a license issued by the Department, NRC, or Agreement State, a permit issued by a NRC master material licensee, a permit issued by the Department, NRC, or Agreement State broad scope licensee, or a permit issued by a NRC master material license broad scope permittee before the effective date of these rules need not comply with the training requirements in this Article.
- C.** The training and experience required in this Section shall be obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.
- D.** Individuals who, under subsection (B), need not comply with training requirements described in this Section may serve as preceptors for, and supervisors of, applicants seeking authorization on Department licenses for the same uses for which these individuals are authorized.

**Historical Note**

New Section R9-7-710 recodified from R12-1-710 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-711. Authorized Medical Physicist Training**

- A.** A licensee shall require an authorized medical physicist to be an individual who:
- 1. Is certified by a specialty board whose certification process includes all of the training and experience requirements in subsection (A)(3)(b) and (A)(3)(c) and whose certification has been recognized by the Department, the NRC, or an Agreement State; or
  - 2. Training requirements.
    - a. Hold a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;
    - b. Have two years of full-time practical training and/or supervised experience in medical physics:
      - i. Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the NRC or an Agreement State; or
      - ii. In clinical radiation facilities providing high-energy, external beam therapy (photons and

## Department of Health Services - Radiation Control

electrons with energies greater than or equal to 1 million electron volts) and brachytherapy services under the direction of physicians who meet the requirements for authorized users in R9-7-710, R9-7-719, R9-7-721, R9-7-723, R9-7-727, R9-7-728, or R9-7-744; and

- c. Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in clinical radiation therapy, radiation safety, calibration, quality assurance, and treatment planning for external beam therapy, brachytherapy, and stereotactic radiosurgery; or
3. Training requirements alternative.
  - a. Holds a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university; and has completed one year of full-time training in medical physics and an additional year of full-time work experience under the supervision of an individual who meets the requirements for an authorized medical physicist for the type(s) of use for which the individual is seeking authorization. This training and work experience must be conducted in clinical radiation facilities that provide high-energy, external beam therapy (photons and electrons with energies greater than or equal to 1 million electron volts) and brachytherapy services and must include:
    - i. Performing sealed source leak tests and inventories;
    - ii. Performing decay corrections;
    - iii. Performing full calibration and periodic spot checks of external beam treatment units, stereotactic radiosurgery units, and remote afterloading units as applicable; and
    - iv. Conducting radiation surveys around external beam treatment units, stereotactic radiosurgery units, and remote afterloading units as applicable; and
  - b. Has obtained written attestation that the individual has satisfactorily completed the requirements in subsection (A)(3)(c) and (A)(2)(a) and (A)(2)(b) and (A)(3)(c), or (A)(3)(a) and (A)(3)(c); and has achieved a level of competency sufficient to function independently as an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status. The written attestation must be signed by a preceptor authorized medical physicist who meets the requirements in section, or equivalent Agreement State requirements for an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status; and
  - c. Has training for the type(s) of use for which authorization is sought that includes hands-on device operation, safety procedures, clinical use, and the operation of a treatment planning system. This training requirement may be satisfied by satisfactorily completing either a training program provided by the vendor or by training supervised by an authorized medical physicist authorized for the type(s) of use for which the individual is seeking authorization.
- B. Exceptions. An individual identified as a teletherapy or medical physicist on a Department, a NRC, or an Agreement State

license or a permit issued by the NRC or an Agreement State broad scope licensee or master material license permit or by a master material license permittee of broad scope before the effective date of these rules need not comply with the training requirements in subsection (A).

- C. The training and experience required in this Section shall be obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.
- D. Individuals who, under subsection (B), need not comply with training requirements described in this Section may serve as preceptors for, and supervisors of, applicants seeking authorization on Department licenses for the same uses for which these individuals are authorized.

**Historical Note**

New Section R9-7-711 recodified from R12-1-711 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-712. Authorized Nuclear Pharmacist Training**

- A. A licensee shall require the authorized nuclear pharmacist to be a pharmacist who:
  1. Is certified as a nuclear pharmacist by a specialty board whose certification process has been recognized by the Department, the NRC, or an Agreement State. To have its certification process recognized, a specialty board shall require all candidates for certification to:
    - a. Have graduated from a pharmacy program accredited by the American Council on Pharmaceutical Education (ACPE) or have passed the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination;
    - b. Hold a current, active license to practice pharmacy in Arizona;
    - c. Provide evidence of having acquired at least 4000 hours of training/experience in nuclear pharmacy practice. Academic training may be substituted for no more than 2000 hours of the required training and experience; and
    - d. Pass an examination in nuclear pharmacy administered by diplomates of the specialty board, that assesses knowledge and competency in procurement, compounding, quality assurance, dispensing, distribution, health and safety, radiation safety, provision of information and consultation, monitoring patient outcomes, research and development; or
  2. Has completed 700 hours in a structured educational program consisting of both:
    - a. 200 hours of classroom and laboratory training in the following areas:
      - i. Radiation physics and instrumentation;
      - ii. Radiation protection;
      - iii. Mathematics pertaining to the use and measurement of radioactivity;
      - iv. Chemistry of radioactive material for medical use; and
      - v. Radiation biology; and
    - b. Supervised practical experience in a nuclear pharmacy involving:
      - i. Shipping, receiving, and performing related radiation surveys;
      - ii. Using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters, and, if appropriate, instruments used to measure alpha- or beta-emitting radionuclides;



## Department of Health Services - Radiation Control

- iii. Calculating, assaying, and safely preparing dosages for patients or human research subjects;
  - iv. Using administrative controls to avoid medical events in the administration of radioactive material; and
  - v. Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures; and
3. Has obtained written attestation, signed by a preceptor authorized nuclear pharmacist, that the individual has satisfactorily completed the requirements in subsection (A)(2) and has achieved a level of competency sufficient to function independently as an authorized nuclear pharmacist.
- B.** Exceptions. An individual identified as a nuclear pharmacist on a Department, a NRC, or an Agreement State license or a permit issued by the NRC or an Agreement State broad scope licensee or master material license permit or by a master material license permittee of broad scope before the effective date of these rules need not comply with the training requirements in subsections (A)(1) through (A)(3).
- C.** The training and experience required in this Section shall be obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.
- D.** Individuals who, under subsection (B), need not comply with training requirements described in this Section may serve as preceptors for, and supervisors of, applicants seeking authorization on Department licenses for the same uses for which these individuals are authorized.
- Historical Note**
- New Section R9-7-712 recodified from R12-1-712 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).
- R9-7-713. Determination of Prescribed Dosages, and Possession, Use, and Calibration of Instruments**
- A.** A licensee shall determine and record the activity of each dosage before medical use.
- B.** For a unit dosage, this determination shall be made by:
- 1. Direct measurement of radioactivity; or
  - 2. Decay correction, based on the activity or activity concentration determined by:
    - a. A manufacturer or preparer licensed under R9-7-311 or equivalent NRC or Agreement State requirements; or
    - b. A Department, a NRC, or an Agreement State licensee for use in research in accordance with a Radioactive Drug Research Committee-approved protocol or an Investigational New Drug (IND) protocol accepted by FDA or;
    - c. A PET radioactive drug producer licensed under 1 R9-7-311 or equivalent NRC or Agreement State requirements.
- C.** For other than unit dosages, this determination shall be made by:
- 1. Direct measurement of radioactivity;
  - 2. Combination of measurement of radioactivity and mathematical calculations; or
  - 3. Combination of volumetric measurements and mathematical calculations based on the measurement made by a manufacturer or preparer licensed under R9-7-311, or equivalent NRC or Agreement State requirements.
- D.** Unless otherwise directed by the authorized user, a licensee may not use a dosage if the dosage does not fall within the prescribed dosage range or if the dosage differs from the prescribed dosage by more than 20 percent.
- E.** A licensee shall retain a record of the dosage determination required by this Section for Department inspection for three years.
- F.** For direct measurements performed in accordance with subsection (B)(1), a licensee shall possess and use instrumentation to measure the activity of the dosage before it is administered to each patient or human research subject.
- G.** A licensee shall calibrate the instrumentation required in subsection (F) in accordance with nationally recognized standards, the manufacturer's instructions, or the following procedures.
- 1. The procedures that may be followed are:
    - a. Check each dose calibrator for constancy with a dedicated check source at the beginning of each day of use;
    - b. Test each dose calibrator for accuracy upon installation and at least annually thereafter by assaying at least two sealed sources containing different radionuclides whose activity the manufacturer has determined within 5 percent of its stated activity, whose activity is at least 10 microcuries for radium-226 and 50 microcuries for any other photon-emitting radionuclide, and at least one of which has a principal photon energy between 100 keV and 500 keV;
    - c. Test each dose calibrator for linearity upon installation and at least quarterly thereafter over a range from the highest dosage that will be administered to a patient or human research subject to 1.1 megabecquerels (30 microcuries);
    - d. Test each dose calibrator for geometry dependence upon installation over the range of volumes and volume configurations for which it will be used. The licensee shall keep a record of this test for the duration of the use of the dose calibrator;
    - e. Perform appropriate checks and tests required by this Section following adjustment or repair of the dose calibrator; and
    - f. Mathematically correct dosage readings for any geometry or linearity error that exceeds 10 percent if the dosage is greater than 10 microcuries and shall repair or replace the dose calibrator if the accuracy or constancy error exceeds 10 percent.
  - 2. A licensee shall maintain the dose calibrator in accordance with this subsection, even though the dose calibrator is only used to "verify" a dosage prepared by a supplier authorized in subsection (B)(2).
  - 3. A licensee shall maintain on file for Department review nationally recognized standards or manufacturer's instructions used to maintain a dose calibrator and meet the requirements of subsection (G).
- H.** A licensee shall calibrate the survey instruments before first use, annually, and following a repair that affects the calibration. A licensee shall:
- 1. Calibrate all scales with readings up to 10 mSv (1000 mrem) per hour with a radiation source;
  - 2. Calibrate two separated readings on each scale or decade that will be used to show compliance; and
  - 3. Conspicuously note on the instrument the date of calibration.
- I.** A licensee may not use survey instruments if the difference between the indicated exposure rate and the calculated exposure rate is more than 20 percent.
- J.** A licensee shall retain records of instrument calibration for three years following the calibration.

## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-713 recodified from R12-1-713 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-714. Authorization for Calibration, Transmission, and Reference Sources**

Any person authorized by R9-7-703 for medical use of radioactive material may receive, possess, and use any of the following radioactive material for check, calibration, transmission, and reference use.

1. Sealed sources, not exceeding 1.11 GBq (30 mCi) each, manufactured and distributed by a person licensed under Article 3 of this Chapter or equivalent NRC or Agreement State regulations.
2. Sealed sources, not exceeding 1.11 GBq (30 mCi) each, redistributed by a licensee authorized to redistribute the sealed sources manufactured and distributed by a person licensed under Article 3 of this Chapter, providing the redistributed sealed sources are in the original packaging and shielding and are accompanied by the manufacturer's approved instructions.
3. Any radioactive material with a half-life not longer than 120 days in individual amounts not to exceed 0.56 GBq (15 mCi).
4. Any radioactive material with a half-life longer than 120 days in individual amounts not to exceed the smaller of 7.4 MBq (200  $\mu$ Ci) or 1000 times the quantities in Article 4, Appendix B of this Chapter.
5. Technetium-99m in amounts as needed.
6. A licensee is limited to five sources of radiation authorized under subsections (1) through (3), unless otherwise specified in the licensee's radioactive material license.

**Historical Note**

New Section R9-7-714 recodified from R12-1-714 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-715. Requirements for Possession of Sealed Sources and Brachytherapy Sources**

- A. A licensee in possession of any sealed source or brachytherapy source shall follow the radiation safety and handling instructions supplied by the manufacturer.
- B. A licensee in possession of a sealed source shall test the source for leakage in accordance with R9-7-417.
- C. A licensee in possession of sealed sources or brachytherapy sources, except for gamma stereotactic radiosurgery sources, shall conduct a physical inventory every six months of all sources in its possession. During the period of time between the inventories, the licensee shall add each acquired sealed source to the inventory record and remove from the inventory record each source that leaves the licensee's control.
- D. A licensee shall document the inventories conducted under subsection (C) and maintain inventory records in accordance with R9-7-450.

**Historical Note**

New Section R9-7-715 recodified from R12-1-715 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-716. Surveys of Ambient Radiation Exposure Rate, Surveys for Contamination, and PET Radiation Exposure Concerns**

- A. In addition to the surveys required in Article 4 of this Chapter, a licensee shall survey with a radiation detection survey instrument at the end of each day of use all areas where unsealed radioactive material, requiring a written directive, is prepared for use or administered. In areas of routine use, that are to be released for unrestricted use, a licensee shall perform a survey

of the area using an instrument appropriate for detecting contamination before releasing the area for unrestricted use.

- B. A licensee shall obtain the services of a person, experienced in the principles of radiation protection and installation design, to design a PET facility and perform a radiation survey when the facility is ready for patient imaging. The licensee shall provide a copy of the installation radiation survey to the Department within 30 days of imaging the first patient.
- C. The licensee shall use engineering controls or shield each PET use area with protective barriers necessary to comply with the radiation exposure limits in R9-7-408 and R9-7-416.
  1. At the time of application for a new license or amendment to an existing license, and before imaging of the first patient, the licensee shall provide to the Department a copy of the installation report signed by the contractor who installed the shielding material recommended by a person meeting the requirements in subsection (B) and a copy of the installation radiation survey required in subsection (B).
  2. The licensee shall perform shielding calculations in accordance with *AAPM Task Group 108: PET and PET/CT Shielding Requirements*, in *Medical Physics*, Vol. 33, No. 1, January 2006, which is incorporated by reference, published by the American Association of Physicists in Medicine, One Physics Ellipse, College Park, MD 20740, and on file with the Department. This incorporation by reference contains no future editions or amendments. In lieu of these procedures, the licensee may use equivalent calculations approved by the Department.
- D. As part of the annual ALARA review required in R9-7-407, the licensee shall document a review of the PET patient workload and associated change, if any, in public exposure resulting from the installed facility shielding and other public radiation exposure controls in use at the time of the review.

**Historical Note**

New Section R9-7-716 recodified from R12-1-716 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-717. Release of Individuals Containing Radioactive Material or Implants Containing Radioactive Material**

- A. A licensee may authorize the release from its control of any individual who has been administered unsealed radioactive material or implants containing radioactive material, if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 millisieverts (0.5 rem).
- B. A licensee shall provide the released individual, or the individual's parent or guardian, with instructions, including written instructions, on actions recommended to maintain doses to other individuals as low as is reasonably achievable if the total effective dose equivalent to any other individual is likely to exceed 1 millisievert (0.1 rem). If the total effective dose equivalent to a nursing infant or child could exceed 1 millisievert (0.1 rem) assuming there were no interruption of breast-feeding, the instructions shall also include:
  1. Guidance on the interruption or discontinuation of breast-feeding; and
  2. Information on the potential consequences, if any, of failure to follow the guidance.
- C. A licensee shall maintain a record of the basis for authorizing the release of an individual and instructions provided to a breast-feeding female for three years from the date of the administration performed under subsection (A). Nothing in this rule relieves the licensee from the personnel exposure requirements in Article 4.

## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-717 recodified from R12-1-717 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-718. Mobile Medical Service**

- A.** A licensee providing mobile medical service shall:
1. Obtain a letter signed by the management of each client for which services are rendered that permits the use of radioactive material at the client's address and clearly delineates the authority and responsibility of the licensee and the client;
  2. Check instruments used to measure the activity of unsealed radioactive material for proper function before medical use at each client's address or on each day of use, whichever is more frequent. At a minimum, the check for proper function required by this subsection shall include a constancy check;
  3. Check survey instruments for proper operation with a dedicated check source before use at each client's address; and
  4. Before leaving a client's address, survey all areas of use to ensure compliance with the requirements in Article 4 of this Chapter.
- B.** A mobile medical service may not have radioactive material delivered from the manufacturer or the distributor to the client unless the client has a license allowing its possession. If applicable, radioactive material delivered to the client shall be received and handled in conformance with the client's license.
- C.** A licensee providing mobile medical services shall retain the letter required in subsection (A)(1) and the record of each survey required in subsection (A)(4) for three years from the date of the survey.

**Historical Note**

New Section R9-7-718 recodified from R12-1-718 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-719. Training for Uptake, Dilution, and Excretion Studies**

- A.** Except as provided in R9-7-710, the licensee shall require an authorized user of unsealed radioactive material for the uses authorized under Group 100 to be a physician who:
1. Is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State and who meets the requirements in subsection (A)(3). To have its certification process recognized, a specialty board shall require all candidates for certification to:
    - a. Complete 60 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed radioactive material for uptake, dilution, and excretion studies as described in subsection (A)(3); and
    - b. Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in radiation safety, radionuclide handling, and quality control; or
  2. Is an authorized user under R9-7-721, R9-7-723, NRC, or equivalent Agreement State requirements; or
  3. Has completed 60 hours of training and experience, including a minimum of eight hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for uptake, dilution, and excretion studies. The training and experience must include:
    - a. Classroom and laboratory training in the following areas:
      - i. Radiation physics and instrumentation;

- ii. Radiation protection;
  - iii. Mathematics pertaining to the use and measurement of radioactivity;
  - iv. Chemistry of radioactive material for medical use; and
  - v. Radiation biology; and
- b.** Work experience, under the supervision of an authorized user who meets the requirements in this Article, NRC, or equivalent Agreement State requirements, involving:
- i. Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
  - ii. Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;
  - iii. Calculating, measuring, and safely preparing patient or human research subject dosages;
  - iv. Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
  - v. Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and
  - vi. Administering dosages of radioactive drugs to patients or human research subjects; and
- c.** Has obtained written attestation, signed by a preceptor authorized user who meets the requirements of R9-7-710, R9-7-719, R9-7-721, or R9-7-723, NRC, or equivalent Agreement State requirements; that the individual has satisfactorily completed the requirements in subsection (A)(1) or (A)(3) and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Exhibit A of this Article.

- B.** The training and experience shall have been obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.
- C.** Individuals who, under R9-7-710(B), need not comply with training requirements described in this Section may serve as preceptors for, and supervisors of, applicants seeking authorization on Department licenses for the same uses for which these individuals are authorized.

**Historical Note**

New Section R9-7-719 recodified from R12-1-719 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-720. Permissible Molybdenum-99, Strontium-82, and Strontium-85 Concentrations**

- A.** A licensee may not administer to humans a radiopharmaceutical that contains more than 0.15 kilobecquerel of molybdenum-99 per megabecquerel of technetium-99m (0.15 microcurie of molybdenum-99 per millicurie of technetium-99m) or, more than 0.02 kilobecquerel of strontium-82 per megabecquerel of rubidium-82 chloride injection (0.02 microcurie of strontium-82 per millicurie of rubidium-82 chloride); or more than 0.2 kilobecquerel of strontium-85 per megabecquerel of rubidium-82 chloride injection (0.2 microcurie of strontium-85 per millicurie of rubidium-82).
- B.** A licensee that uses molybdenum-99/technetium-99m generators for preparing a technetium-99m radiopharmaceutical shall measure the molybdenum-99 concentration of the first eluate

## Department of Health Services - Radiation Control

after receipt of a generator to demonstrate compliance with subsection (A).

- C. A licensee that uses a strontium-82/rubidium-82 generator for preparing a rubidium-82 radiopharmaceutical shall, before the first patient use of the day, measure the concentration of radionuclides strontium-82 and strontium-85 to demonstrate compliance with subsection (A).
- D. A licensee shall maintain a record of each molybdenum-99 concentration measurement or strontium-82 and strontium-85 concentrations measurements for three years following completion of the measurement.

**Historical Note**

New Section R9-7-720 recodified from R12-1-720 at 24

A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-721. Training for Imaging and Localization Studies Not Requiring a Written Directive**

- A. Except as provided in R9-7-710, the licensee shall require an authorized user of unsealed radioactive material for the uses authorized under Group 200 to be a physician who:
  - 1. Is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State and who meets the requirements in subsection (A)(3). To have its certification process recognized, a specialty board shall require all candidates for certification to:
    - a. Complete 700 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed radioactive material for imaging and localization studies as described in subsection (3); and
    - b. Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in radiation safety, radionuclide handling, and quality control; or
  - 2. Is an authorized user under this Chapter and R9-7-723, NRC, or equivalent Agreement State requirements; or
  - 3. Has completed 700 hours of training and experience, including a minimum of 80 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for imaging and localization studies. The training and experience must include:
    - a. Classroom and laboratory training in the following areas:
      - i. Radiation physics and instrumentation;
      - ii. Radiation protection;
      - iii. Mathematics pertaining to the use and measurement of radioactivity;
      - iv. Chemistry of radioactive material for medical use; and
      - v. Radiation biology; and
    - b. Work experience, under the supervision of an authorized user who meets the requirements in R9-7-710, R9-7-721, or R9-7-723 and R9-7-721(A)(3)(b)(vii), NRC, or equivalent Agreement State requirements, involving:
      - i. Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
      - ii. Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;
      - iii. Calculating, measuring, and safely preparing patient or human research subject dosages;

- iv. Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
  - v. Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and
  - vi. Administering dosages of radioactive drugs to patients or human research subjects; and
  - vii. Eluting generator systems appropriate for preparation of radioactive drugs for imaging and localization studies, measuring and testing the elate for radionuclide purity, and processing the elate with reagent kits to prepare labeled radioactive drugs; and
- c. Has obtained written attestation, signed by a preceptor authorized user who meets the requirements as an authorized user for Exhibit A group 200 nuclides, NRC, or equivalent Agreement State requirements, that the individual has satisfactorily completed the requirements in subsection (A)(1) or (A)(3) and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Exhibit A of this Article.

- B. The training and experience shall have been obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

**Historical Note**

New Section R9-7-721 recodified from R12-1-721 at 24

A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-722. Safety Instruction and Precautions for Use of Unsealed Radioactive Material Requiring a Written Directive**

- A. A licensee shall provide radiation safety instruction, initially and at least annually, for all personnel caring for the patient or human research subject receiving radiopharmaceutical therapy and hospitalized for compliance with R9-7-717. To satisfy this requirement, the instruction shall describe the licensee's procedures for:
  - 1. Patient or human research subject control;
  - 2. Visitor control;
  - 3. Contamination control;
  - 4. Waste control; and
- B. For each patient or human research subject who cannot be released under R9-7-717, a licensee shall:
  - 1. Quarter the patient or the human research subject in a private room with a private sanitary facility;
  - 2. Visibly post the patient's or the human research subject's room with a "Radioactive Materials" sign.
  - 3. Note on the door or in the patient's or human research subject's chart where and how long visitors may stay in the patient's or the human research subject's room; and
  - 4. Monitor material and items removed from the patient's or the human research subject's room to determine that their radioactivity cannot be distinguished from the natural background radiation level with a radiation detection survey instrument set on its most sensitive scale and with no interposed shielding, or handle the material and items as radioactive waste.
- C. A licensee shall notify the radiation safety officer, or his or her designee, and the authorized user as soon as possible if the patient or human research subject has a medical emergency or dies.

## Department of Health Services - Radiation Control

- D. A licensee shall retain records of instruction and safety procedures performed under this rule for three years from the date of the activity.

**Historical Note**

New Section R9-7-722 recodified from R12-1-722 at 24

A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-723. Training for Use of Unsealed Radioactive Material Requiring a Written Directive, Including Treatment of Hyperthyroidism, and Treatment of Thyroid Carcinoma**

- A. Except as provided in R9-7-710, the licensee shall require an authorized user of unsealed radioactive material for the uses authorized under Group 300 to be a physician who:

1. Is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State and who meets the requirements in subsection (A)(2). To have its certification process recognized, a specialty board shall require all candidates for certification to:

- a. Successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty. These residency training programs must include 700 hours of training and experience as described in (A)(2). Eligible training programs must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Committee on Post-Graduate Training of the American Osteopathic Association; and
- b. Pass an examination, administered by diplomates of the specialty board, which tests knowledge and competence in radiation safety, radionuclide handling, and quality assurance, and clinical use of unsealed radioactive material for which a written directive is required; or

2. Has completed 700 hours of training and experience, including a minimum of 200 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material requiring a written directive. The training and experience must include:

- a. Classroom and laboratory training in the following areas:
  - i. Radiation physics and instrumentation;
  - ii. Radiation protection;
  - iii. Mathematics pertaining to the use and measurement of radioactivity;
  - iv. Chemistry of radioactive material for medical use; and
  - v. Radiation biology; and
- b. Work experience, under the supervision of an authorized user who meets the requirements in this Article, NRC, or equivalent Agreement State requirements, involving:
  - i. Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
  - ii. Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;
  - iii. Calculating, measuring, and safely preparing patient or human research subject dosages;

- iv. Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
- v. Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
- vi. Administering dosages of radioactive drugs to patients or human research subjects involving a minimum of three cases in each of the following categories for which the individual is requesting authorized user status:

- (1) Oral administration of less than or equal to 1.22 gigabecquerels (33 millicuries) of sodium iodide I-131, for which a written directive is required (Experience with at least three cases in Category (A)(2)(b)(vi)(2) also satisfies this requirement);
- (2) Oral administration of greater than 1.22 gigabecquerels (33 millicuries) of sodium iodide I-131;
- (3) Parenteral administration of any beta emitter, or a photon-emitting radionuclide with a photon energy less than 150 keV, for which a written directive is required; and/or
- (4) Parenteral administration of any other radionuclide, for which a written directive is required; and

- c. Has obtained written attestation, signed by a preceptor authorized user who meets the requirements as an authorized user for Exhibit A group 300 nuclides, NRC, or equivalent Agreement State requirements, that the individual has satisfactorily completed the requirements in subsection (A)(1) or (A)(2) and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Exhibit A of this Article. The written attestation must be signed by a preceptor authorized user who meets the requirements in this Section, NRC, or equivalent Agreement State requirements. The preceptor authorized user, who meets the requirements in subsection (B) must have experience in administering dosages in the same dosage category or categories as the individual requesting authorized user status.

- B. Except as provided in R9-7-710, a licensee shall require an authorized user of iodine-131 for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 gigabecquerels (33 millicuries) to be a physician who has completed the training requirements in 10 CFR 35.392, January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

- C. Except as provided in R9-7-710, a licensee shall require an authorized user of iodine-131 for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 gigabecquerels (33 millicuries) to be a physician who has completed the training requirements in 10 CFR 35.394, January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

- D. Except as provided in R9-7-710, a licensee shall require an authorized user for the parenteral administration of unsealed radioactive material requiring a written directive to be a physician who has completed the training requirements in 10 CFR

## Department of Health Services - Radiation Control

35.396, January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

- E. The training and experience shall have been obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

**Historical Note**

New Section R9-7-723 recodified from R12-1-723 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-724. Surveys after Brachytherapy Source Implant and Removal; Accountability**

- A. A licensee shall make a survey to locate and account for all sources that have not been implanted immediately after implanting sources in a patient or a human research subject.
- B. A licensee shall make a survey of the patient or the human research subject with a radiation detection survey instrument immediately after removing the last temporary implant source to confirm that all sources have been removed.
- C. A licensee shall maintain accountability at all times for all sources in storage or use.
- D. A licensee shall return brachytherapy sources to a secure storage area as soon as possible after removing sources from a patient or a human research subject.
- E. A licensee shall record the procedures performed in subsections (A) through (D) and retain the records for three years following completion of the record.

**Historical Note**

New Section R9-7-724 recodified from R12-1-724 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-725. Safety Instructions and Precautions for Brachytherapy Patients that Cannot be Released Under R9-7-717**

- A. In addition to the training requirements in Article 10, a licensee shall provide radiation safety instruction, initially and at least annually, to personnel caring for patients or human research subjects who are receiving brachytherapy and cannot be released under R9-7-717. To satisfy this requirement, the instruction shall be commensurate with the duties of the personnel and include the:
1. Size and appearance of the brachytherapy sources;
  2. Safe handling and shielding instructions;
  3. Patient or human research subject control;
  4. Visitor control, including both:
    - a. Routine visitation of hospitalized individuals in accordance with Article 4 of this Chapter,
    - b. Visitation authorized in accordance with Article 4 of this Chapter, and
  5. Notification of the radiation safety officer, or his or her designee, and an authorized user if the patient or the human research subject has a medical emergency or dies.
- B. For each patient or human research subject who is receiving brachytherapy and cannot be released under R9-7-717, a licensee shall:
1. Not quarter the patient or the human research subject in the same room as an individual who is not receiving brachytherapy;
  2. Visibly post the patient's or human research subject's room with a "Radioactive Materials" sign; and
  3. Note on the door or in the patient's or human research subject's chart where and how long visitors may stay in the patient's or human research subject's room.

- C. A licensee shall have applicable emergency response equipment available near each treatment room to respond to a source:
1. Dislodged from the patient; and
  2. Lodged within the patient following removal of the source applicators.
- D. A licensee shall notify the radiation safety officer, or the RSO's designee, and an authorized user as soon as possible if the patient or human research subject has a medical emergency or dies.
- E. A licensee shall record the instructions given under subsection (A) and retain the records for three years after recording the instructions.

**Historical Note**

New Section R9-7-725 recodified from R12-1-725 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-726. Calibration Measurements of Brachytherapy Sources, Decay of Sources Used for Ophthalmic Treatments, and Computerized Treatment Planning Systems**

- A. Before the first medical use of a brachytherapy source after the effective date of this rule, a licensee shall have:
1. Determined the source output or activity using a dosimetry system that meets the requirements of R9-7-733(A);
  2. Determined source positioning accuracy within applicators; and
  3. Used published protocols currently accepted by nationally recognized bodies to meet the requirements of subsections (A)(1) and (A)(2).
- B. A licensee may use measurements provided by the source manufacturer or by a calibration laboratory accredited by the American Association of Physicists in Medicine that are made in accordance with subsection (A).
- C. A licensee shall mathematically correct the outputs or activities determined in subsection (A) for physical decay at intervals consistent with one percent physical decay.
- D. Only an authorized medical physicist shall calculate the activity of each strontium-90 source that is used to determine the treatment times for ophthalmic treatments. The decay shall be based on the activity determined under subsection (A).
- E. A licensee shall perform acceptance testing on the treatment planning system of therapy-related computer systems in accordance with published protocols accepted by nationally recognized bodies. At a minimum, the acceptance testing shall include, as applicable, verification of:
1. The source-specific input parameters required by the dose calculation algorithm;
  2. The accuracy of dose, dwell time, and treatment time calculations at representative points;
  3. The accuracy of isodose plots and graphic displays; and
  4. The accuracy of the software used to determine sealed source positions from radiographic images.
- F. A licensee shall retain records of each source activity determination and ophthalmic source decay correction, and documentation of the acceptance testing protocol required under subsection (E) for three years after the date of the procedure required in subsections (A) and (D), and for the records created in conjunction with subsection (E), the record shall be maintained for three years from the last date of the protocol's use.

**Historical Note**

New Section R9-7-726 recodified from R12-1-726 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-727. Training for Use of Manual Brachytherapy Sources and Training for the Use of Strontium-90 Sources for**

## Department of Health Services - Radiation Control

**Treatment of Ophthalmic Disease**

A. Except as provided in R9-7-710, the licensee shall require an authorized user of a manual brachytherapy source for the uses authorized under this Article to be a physician who:

1. Is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State and who meets the requirements in subsection (A)(2). To have its certification process recognized, a specialty board shall require all candidates for certification to:
  - a. Successfully complete a minimum of three years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Post-Graduate Training of the American Osteopathic Association; and
  - b. Pass an examination, administered by diplomates of the specialty board, that tests knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance, and clinical use of manual brachytherapy; or
2. Has completed a structured educational program in basic radionuclide handling techniques applicable to the use of manual brachytherapy sources that includes:
  - a. 200 hours of classroom and laboratory training in the following areas:
    - i. Radiation physics and instrumentation;
    - ii. Radiation protection;
    - iii. Mathematics pertaining to the use and measurement of radioactivity;
    - iv. Radiation biology; and
  - b. 500 hours of work experience, under the supervision of an authorized user who meets the requirements in this Section, or equivalent NRC or Agreement State requirements at a medical institution, involving:
    - i. Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
    - ii. Checking survey meters for proper operation;
    - iii. Preparing, implanting, and removing brachytherapy sources;
    - iv. Maintaining running inventories of material on hand;
    - v. Using administrative controls to prevent a medical event involving the use of radioactive material;
    - vi. Using emergency procedures to control radioactive material; and
  - c. Has completed three years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements in this Section, or equivalent Agreement State requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Post-doctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (A)(2)(b); and
  - d. Has obtained written attestation, signed by a preceptor authorized user who meets the requirements in this Section, NRC, or equivalent Agreement State

requirements, that the individual has satisfactorily completed the requirements in subsection (A)(1) or (A)(2) and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources for the medical uses authorized under Exhibit A of this Article.

- B. Except as provided in R9-7-710, a licensee shall require an authorized user of strontium-90 for ophthalmic radiotherapy to be a physician who has completed the training requirements in 10 CFR 35.491, January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- C. The training and experience shall have been obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

**Historical Note**

New Section R9-7-727 recodified from R12-1-727 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-728. Training for Use of Sealed Sources for Diagnosis**

- A. Except as provided in R9-7-710, the licensee shall require the authorized user of a diagnostic sealed source for use in a device authorized under Group 500 to be a physician, dentist, or podiatrist who is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State and who meets the requirements in subsections (A)(1) and (2); or
  1. Has completed eight hours of classroom and laboratory training in basic radionuclide handling techniques specifically applicable to the use of the device. The training must include:
    - a. Radiation physics and instrumentation;
    - b. Radiation protection;
    - c. Mathematics pertaining to the use and measurement of radioactivity;
    - d. Radiation biology; and
  2. Has completed training in the use of the device for the uses requested.
- B. The training and experience shall have been obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

**Historical Note**

New Section R9-7-728 recodified from R12-1-728 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-729. Surveys of Patients and Human Research Subjects Treated with a Remote Afterloader Unit**

- A. Before releasing a patient or a human research subject from licensee control, a licensee shall survey the patient or the human research subject and the remote afterloader unit with a portable radiation detection survey instrument to confirm that each source has been removed from the patient or human research subject and returned to the safe shielded position.
- B. A licensee shall make records of these surveys conducted under subsection (A) and retain them for three years from the date of each survey.

**Historical Note**

New Section R9-7-729 recodified from R12-1-729 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-730. Installation, Maintenance, Adjustment, and Repair of an Afterloader Unit, Teletherapy Unit, or Gamma**

## Department of Health Services - Radiation Control

**Stereotactic Radiosurgery Unit**

- A. Only a person specifically licensed by the Department, the NRC, or an Agreement State shall install, maintain, adjust, or repair a remote afterloader unit, teletherapy unit, or gamma stereotactic radiosurgery unit that involves work on any source shielding, the source's driving unit, or other electronic or mechanical component that could expose a source, reduce the shielding around a source, or compromise the radiation safety of a unit or a source.
- B. Except for low dose-rate remote afterloader units, only a person specifically licensed by the Department, the NRC, or an Agreement State shall install, replace, relocate, or remove a sealed source or source contained in other remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units.
- C. For a low dose-rate remote afterloader unit, only a person specifically licensed by the Department, the NRC, or an Agreement State or an authorized medical physicist shall install, replace, relocate, or remove a sealed source contained in the unit.
- D. A licensee shall retain a record of the installation, maintenance, adjustment, and repair of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units for three years from the completion date of the activity listed in this Section.

**Historical Note**

New Section R9-7-730 recodified from R12-1-730 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-731. Safety Procedures and Instructions for Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units**

- A. A licensee shall:
  - 1. Secure the unit, the console, the console keys, and the treatment room when not in use or unattended;
  - 2. Permit only individuals approved by the authorized user, radiation safety officer, or authorized medical physicist to be present in the treatment room during treatment with a source;
  - 3. Prevent dual operation of more than one radiation producing device in a treatment room if applicable; and
  - 4. Develop, implement, and maintain written procedures for responding to an abnormal situation when the operator is unable to place a source in the shielded position, or remove the patient or human research subject from the radiation field with controls from outside the treatment room. These procedures shall include:
    - a. Instructions for responding to equipment failures and the names of the individuals responsible for implementing corrective actions;
    - b. The process for restricting access to and posting of the treatment area to minimize the risk of inadvertent exposure; and
    - c. The names and telephone numbers of the authorized users, the authorized medical physicist, and the radiation safety officer to be contacted if the unit or console operates abnormally.
- B. A licensee shall post instructions at the unit console to inform the operator of:
  - 1. The location of the procedures required by subsection (A)(4); and
  - 2. The names and telephone numbers of the authorized users, the authorized medical physicist, and the radiation safety officer to be contacted if the unit or console operates abnormally.

- C. A licensee shall provide instruction, initially and at least annually, to all individuals who operate the unit, as appropriate to the individual's assigned duties, in:
  - 1. The procedures identified in subsection (A)(4); and
  - 2. The operating procedures for the unit.
- D. A licensee shall ensure that operators, authorized medical physicists, and authorized users participate in drills of the emergency procedures, initially and at least annually.
- E. A licensee shall retain a record of individuals receiving instruction required by subsection (C) for three years from the date of the instruction.
- F. A licensee shall maintain a copy of the procedures required by subsections (A)(4) and (C)(2) for Department review. The copy shall be maintained for three years beyond the termination date of the activities for which the procedures were written.

**Historical Note**

New Section R9-7-731 recodified from R12-1-731 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-732. Safety Precautions for Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units**

- A. A licensee shall control access at each entrance to a treatment room.
- B. A licensee shall equip each entrance to the treatment room with an electrical interlock system that will:
  - 1. Prevent the operator from initiating the treatment cycle unless each treatment room entrance door is closed;
  - 2. Cause each source to be shielded when an entrance door is opened; and
  - 3. Prevent any source from being exposed following an interlock interruption until all treatment room entrance doors are closed and the source's on-off control is reset at the console.
- C. A licensee shall require any individual entering the treatment room to assure, through the use of appropriate radiation monitors, that radiation levels have returned to ambient levels.
- D. Except for low-dose remote afterloader units, a licensee shall construct or equip each treatment room with viewing and intercom systems to permit continuous observation of the patient or the human research subject from the treatment console during irradiation.
- E. For licensed activities where sources are placed within the patient's or human research subject's body, a licensee shall only conduct treatments which allow for expeditious removal of a decoupled or jammed source.
- F. In addition to the requirements specified in subsections (A) through (E), a licensee shall:
  - 1. For medium dose-rate and pulsed dose-rate remote afterloader units, require:
    - a. An authorized medical physicist and either an authorized user or a physician, under the supervision of an authorized user, who has been trained in the operation and emergency response for the unit, to be physically present during the initiation of all patient treatments involving the unit; and
    - b. An authorized medical physicist and either an authorized user or an individual, under the supervision of an authorized user, who has been trained to remove each source applicator in the event of an emergency involving the unit, to be immediately available during continuation of all patient treatments involving the unit.
  - 2. For high dose-rate remote afterloader units, require:



## Department of Health Services - Radiation Control

- a. An authorized user and an authorized medical physicist to be physically present during the initiation of all patient treatments involving the unit; and
  - b. An authorized medical physicist and either an authorized user or a physician, under the supervision of an authorized user, who has been trained in the operation and emergency response for the unit, to be physically present during continuation of all patient treatments involving the unit.
3. For gamma stereotactic radiosurgery units, require an authorized user and an authorized medical physicist to be physically present throughout all patient treatments involving the unit. As used in this provision, physically present means to be within hearing distance of normal voice, and does not include the use of portable communication devices, intercoms, or other devices that could be used to amplify the human voice.
4. Notify the radiation safety officer, or radiation safety officer's designee, and an authorized user as soon as possible if the patient or human research subject has a medical emergency or dies.
- G.** A licensee shall have applicable emergency response equipment available near each treatment room to respond to a source:
- 1. Remaining in the unshielded position; or
  - 2. Lodged within the patient following completion of the treatment.

**Historical Note**

New Section R9-7-732 recodified from R12-1-732 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-733. Dosimetry Equipment**

- A.** Except for low dose-rate remote afterloader sources where the source output or activity is determined by the manufacturer, a licensee shall have a calibrated dosimetry system available for use. To satisfy this requirement, one of the following two conditions shall be met.
- 1. The system shall have been calibrated using a system or source traceable to the National Institute of Science and Technology (NIST) and published protocols accepted by nationally recognized bodies; or by a calibration laboratory accredited by the American Association of Physicists in Medicine (AAPM). The calibration shall have been performed within the previous two years and after any servicing that may have affected system calibration; or
  - 2. The system shall have been calibrated within the previous four years. Eighteen to 30 months after that calibration, the system shall have been intercompared with another dosimetry system that was calibrated within the past 24 months by NIST or by a calibration laboratory accredited by the AAPM. The results of the intercomparison shall indicate that the calibration factor of the licensee's system had not changed by more than two percent. The licensee may not use the intercomparison result to change the calibration factor. When intercomparing dosimetry systems to be used for calibrating sealed sources for therapeutic units, the licensee shall use a comparable unit with beam attenuators or collimators, as applicable, and sources of the same radionuclide as the source used at the licensee's facility.
- B.** The licensee shall have a dosimetry system available for use for spot-check output measurements, if applicable. To satisfy this requirement, the system may be compared with a system that has been calibrated in accordance with subsection (A). This comparison shall have been performed within the previous year and after each servicing that may have affected sys-

tem calibration. The spot-check system may be the same system used to meet the requirement in subsection (A).

- C.** The licensee shall retain, for three years from the date of the procedure, a record of each calibration, intercomparison, and comparison.

**Historical Note**

New Section R9-7-733 recodified from R12-1-733 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-734. Full Calibration Measurements on Teletherapy Units**

- A.** A licensee authorized to use a teletherapy unit for medical use shall perform full calibration measurements on each teletherapy unit:
- 1. Before the first medical use of the unit; and
  - 2. Before medical use under the following conditions:
    - a. Whenever spot-check measurements indicate that the output differs by more than 5 percent from the output obtained at the last full calibration corrected mathematically for radioactive decay;
    - b. Following replacement of the source or following reinstallation of the teletherapy unit in a new location;
    - c. Following any repair of the teletherapy unit that includes removal of the source or major repair of the components associated with the source exposure assembly; and
  - 3. At intervals not exceeding one year.
- B.** To satisfy the requirement of subsection (A), full calibration measurements shall include determination of:
- 1. The output within  $\pm 3$  percent for the range of field sizes and for the distance or range of distances used for medical use;
  - 2. The coincidence of the radiation field and the field indicated by the light beam localizing device;
  - 3. The uniformity of the radiation field and its dependence on the orientation of the useful beam;
  - 4. Timer accuracy and linearity over the range of use;
  - 5. On-off error; and
  - 6. The accuracy of all distance measuring and localization devices in medical use.
- C.** A licensee shall use the dosimetry system described in R9-7-733(A) to measure the output for one set of exposure conditions. The remaining radiation measurements required in subsection (B)(1) may be made using a dosimetry system that indicates relative dose rates.
- D.** A licensee shall make full calibration measurements required by subsection (A) in accordance with published protocols accepted by nationally recognized bodies.
- E.** A licensee shall mathematically correct the outputs determined in subsection (B)(1) for physical decay for intervals not exceeding one month for cobalt-60, six months for cesium-137, or at intervals consistent with 1 percent decay for all other nuclides.
- F.** Full calibration measurements required by subsection (A) and physical decay corrections required by subsection (E) shall be performed by an authorized medical physicist.
- G.** A licensee shall retain a record of each calibration for three years from the date it was completed.

**Historical Note**

New Section R9-7-734 recodified from R12-1-734 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-735. Full Calibration Measurements on Remote Afterloader Units**

## Department of Health Services - Radiation Control

- A. A licensee authorized to use a remote afterloader unit for medical use shall perform full calibration measurements on each unit:
  - 1. Before the first medical use of the unit;
  - 2. Before medical use under the following conditions:
    - a. Following replacement of the source or following reinstallation of the unit in a new location outside the facility; and
    - b. Following any repair of the unit that includes removal of the source or major repair of the components associated with the source exposure assembly; and
  - 3. At intervals not exceeding one quarter for high dose-rate, medium dose-rate, and pulsed dose-rate remote afterloader units with sources whose half-life exceeds 75 days; and
  - 4. At intervals not exceeding one year for low dose-rate remote afterloader units.
- B. To satisfy the requirement of subsection (A), full calibration measurements shall include, as applicable, determination of:
  - 1. The output within  $\pm 5$  percent;
  - 2. Source positioning accuracy to within  $\pm 1$  millimeter;
  - 3. Source retraction with backup battery upon power failure;
  - 4. Length of the source transfer tubes;
  - 5. Timer accuracy and linearity over the typical range of use;
  - 6. Length of the applicators; and
  - 7. Function of the source transfer tubes, applicators, and transfer tube-applicator interfaces.
- C. A licensee shall use the dosimetry system described in R9-7-733(A) to measure the output.
- D. A licensee shall make full calibration measurements required by subsection (A) in accordance with published protocols accepted by nationally recognized bodies.
- E. In addition to the requirements for full calibrations for low dose-rate remote afterloader units in subsection (B), a licensee shall perform an autoradiograph of the sources to verify inventory and source arrangement at intervals not exceeding one quarter.
- F. For low dose-rate remote afterloader units, a licensee may use measurements provided by the source manufacturer that are made in accordance with subsections (A) through (E).
- G. A licensee shall mathematically correct the outputs determined in subsection (B)(1) for physical decay at intervals consistent with 1 percent physical decay.
- H. Full calibration measurements required by subsection (A) and physical decay corrections required by subsection (G) shall be performed by an authorized medical physicist.
- I. A licensee shall retain a record of each calibration for three years from the date it was completed.
- b. Following replacement of the sources or following reinstallation of the gamma stereotactic radiosurgery unit in a new location; and
- c. Following any repair of the gamma stereotactic radiosurgery unit that includes removal of the sources or major repair of the components associated with the source assembly; and
- 3. At intervals not exceeding one year, with the exception that relative helmet factors need only be determined before the first medical use of a helmet and following any damage to a helmet.
- B. To satisfy the requirement of subsection (A), full calibration measurements shall include determination of:
  - 1. The output within  $\pm 3$  percent;
  - 2. Relative helmet factors;
  - 3. Isocenter coincidence;
  - 4. Timer accuracy and linearity over the range of use;
  - 5. On-off error;
  - 6. Trunnion centricity;
  - 7. Treatment table retraction mechanism, using backup battery power or hydraulic backups with the unit off;
  - 8. Helmet microswitches;
  - 9. Emergency timing circuits; and
  - 10. Stereotactic frames and localizing devices (trunnions).
- C. A licensee shall use the dosimetry system described in R9-7-733(A) to measure the output for one set of exposure conditions. The remaining radiation measurements required in subsection (B)(1) may be made using a dosimetry system that indicates relative dose rates.
- D. A licensee shall make full calibration measurements required by subsection (A) in accordance with published protocols accepted by nationally recognized bodies.
- E. A licensee shall mathematically correct the outputs determined in subsection (B)(1) at intervals not exceeding one month for cobalt-60 and at intervals consistent with 1 percent physical decay for all other radionuclides.
- F. Full calibration measurements required by subsection (A) and physical decay corrections required by subsection (E) shall be performed by an authorized medical physicist.
- G. A licensee shall retain a record of each calibration for three years from the date of the procedure.

**Historical Note**

New Section R9-7-736 recodified from R12-1-736 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-737. Periodic Spot-checks for Teletherapy Units**

- A. A licensee authorized to use teletherapy units for medical use shall perform output spot-checks on each teletherapy unit once in each calendar month that include determination of:
  - 1. Timer accuracy, and timer linearity over the range of use;
  - 2. On-off error;
  - 3. The coincidence of the radiation field and the field indicated by the light beam localizing device;
  - 4. The accuracy of all distance measuring and localization devices used for medical use;
  - 5. The output for one typical set of operating conditions measured with the dosimetry system described in R9-7-733(B); and
  - 6. The difference between the measurement made in subsection (A)(5) and the anticipated output, expressed as a percentage of the anticipated output.
- B. A licensee shall perform measurements required by subsection (A) in accordance with written procedures established by an authorized medical physicist. That individual need not actually perform the spot-check measurements.

**Historical Note**

New Section R9-7-735 recodified from R12-1-735 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-736. Full Calibration Measurements on Gamma Stereotactic Radiosurgery Units**

- A. A licensee authorized to use a gamma stereotactic radiosurgery unit for medical use shall perform full calibration measurements on each unit:
  - 1. Before the first medical use of the unit;
  - 2. Before medical use under the following conditions:
    - a. Whenever spot-check measurements indicate that the output differs by more than 5 percent from the output obtained at the last full calibration corrected mathematically for radioactive decay;

## Department of Health Services - Radiation Control

- C. A licensee shall have an authorized medical physicist review the results of each spot-check within 15 days. The authorized medical physicist shall notify the licensee as soon as possible in writing of the results of each spot-check.
- D. A licensee authorized to use a teletherapy unit for medical use shall perform safety spot-checks of each teletherapy facility once in each calendar month and after each source installation to assure proper operation of:
  - 1. Electrical interlocks at each teletherapy room entrance;
  - 2. Electrical or mechanical stops installed for the purpose of limiting use of the primary beam of radiation (restriction of source housing angulation or elevation, carriage or stand travel and operation of the beam on-off mechanism);
  - 3. Source exposure indicator lights on the teletherapy unit, on the control console, and in the facility;
  - 4. Viewing and intercom systems;
  - 5. Treatment room doors from inside and outside the treatment room; and
  - 6. Electrically assisted treatment room doors with the teletherapy unit electrical power turned off.
- E. If the results of the checks required in subsection (D) indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.
- F. A licensee shall retain a record of each spot-check required by subsections (A) and (D) for three years from the date of the procedure, and a copy of the procedures required by subsection (B) until licensee terminates all medical activities involving the teletherapy unit.

**Historical Note**

New Section R9-7-738 recodified from R12-1-738 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-739. Periodic Spot-checks for Gamma Stereotactic Radiosurgery Units**

- A. A licensee authorized to use a gamma stereotactic radiosurgery unit for medical use shall perform spot-checks of each gamma stereotactic radiosurgery facility and on each unit:
  - 1. Monthly;
  - 2. Before the first use of the unit on a given day; and
  - 3. After each source installation.
- B. A licensee shall:
  - 1. Perform the measurements required by subsection (A) in accordance with written procedures established by an authorized medical physicist. That individual need not actually perform the spot-check measurements.
  - 2. Have the authorized medical physicist review the results of each spot-check within 15 days. The authorized medical physicist shall notify the licensee as soon as possible in writing of the results of each spot-check.
- C. To satisfy the requirements of subsection (A)(1), spot-checks shall, at a minimum:
  - 1. Assure proper operation of:
    - a. Treatment table retraction mechanism, using backup battery power or hydraulic backups with the unit off;
    - b. Helmet microswitches;
    - c. Emergency timing circuits; and
    - d. Stereotactic frames and localizing devices (trunnions).
  - 2. Determine:
    - a. The output for one typical set of operating conditions measured with the dosimetry system described in R9-7-733(B);
    - b. The difference between the measurement made in subsection (C)(2)(a) and the anticipated output, expressed as a percentage of the anticipated output;
    - c. Source output against computer calculation;
    - d. Timer accuracy and linearity over the range of use;
    - e. On-off error; and
    - f. Trunnion centricity.
- D. To satisfy the requirements of subsections (A)(2) and (A)(3), spot-checks shall assure proper operation of:
  - 1. Electrical interlocks at each gamma stereotactic radiosurgery room entrance;
  - 2. Source exposure indicator lights on the gamma stereotactic radiosurgery unit, on the control console, and in the facility;
  - 3. Viewing and intercom systems;
  - 4. Timer termination;
  - 5. Radiation monitors used to indicate room exposures; and
  - 6. Emergency off buttons.

**Historical Note**

New Section R9-7-737 recodified from R12-1-737 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-738. Periodic Spot-checks for Remote Afterloader Units**

- A. A licensee authorized to use a remote afterloader unit for medical use shall perform spot-checks of each remote afterloader facility and on each unit:
  - 1. Before the first use of a high dose-rate, medium dose-rate, or pulsed dose-rate remote afterloader unit on a given day;
  - 2. Before each patient treatment with a low dose-rate remote afterloader unit; and
  - 3. After each source installation.
- B. A licensee shall perform the measurements required by subsection (A) in accordance with written procedures established by an authorized medical physicist. That individual need not actually perform the spot-check measurements.
- C. A licensee shall have an authorized medical physicist review the results of each spot-check within 15 days. The authorized medical physicist shall notify the licensee as soon as possible in writing of the results of each spot-check.
- D. To satisfy the requirements of subsection (A), spot-checks shall, at a minimum, assure proper operation of:
  - 1. Electrical interlocks at each remote afterloader unit room entrance;
  - 2. Source exposure indicator lights on the remote afterloader unit, on the control console, and in the facility;
  - 3. Viewing and intercom systems in each high dose-rate, medium dose-rate, and pulsed dose-rate remote afterloader facility;
  - 4. Emergency response equipment;
  - 5. Radiation monitors used to indicate the source position;

## Department of Health Services - Radiation Control

- E. A licensee shall arrange for the repair of any system identified in subsection (C) that is not operating properly as soon as possible.
- F. If the results of the checks required in subsection (D) indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.
- G. A licensee shall retain a record of each check required by subsections (C) and (D) for three years from the date of the procedure, and a copy of the procedures required by subsection (B) until licensee terminates all medical activities involving the radiosurgery unit.

**Historical Note**

New Section R9-7-739 recodified from R12-1-739 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-740. Additional Requirements for Mobile Remote Afterloader Units**

- A. A licensee providing mobile remote afterloader service shall:
  1. Check survey instruments before medical use at each address of use or on each day of use, whichever is more frequent; and
  2. Account for all sources before departure from a client's address of use.
- B. In addition to the periodic spot-checks required by R9-7-738, a licensee authorized to use mobile afterloaders for medical use shall perform checks on each remote afterloader unit before use at each address of use. At a minimum, checks shall be made to verify the operation of:
  1. Electrical interlocks on treatment area access points;
  2. Source exposure indicator lights on the remote afterloader unit, on the control console, and in the facility;
  3. Viewing and intercom systems;
  4. Applicators, source transfer tubes, and transfer tube-applicator interfaces;
  5. Radiation monitors used to indicate room exposures;
  6. Source positioning (accuracy); and
  7. Radiation monitors used to indicate whether the source has returned to a safe shielded position.
- C. In addition to the requirements for checks in subsection (B), a licensee shall ensure overall proper operation of the remote afterloader unit by conducting a simulated cycle of treatment before use at each address of use.
- D. If the results of the checks required in subsection (B) indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.
- E. A licensee shall retain a record of each check required by subsection (B) for three years from the date of the procedure.

**Historical Note**

New Section R9-7-740 recodified from R12-1-740 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-741. Additional Radiation Surveys of Sealed Sources used in Radiation Therapy**

- A. In addition to the survey requirement in Article 4 of this Chapter, a person licensed to use sealed sources in the practice of radiation therapy shall make surveys to ensure that the maximum radiation levels and average radiation levels from the surface of the main source safe with each source in the shielded position do not exceed the levels stated in the Sealed Source and Device Registry.
- B. A licensee shall make the survey required by subsection (A) at installation of a new source and following repairs to any

source shielding, a source's driving unit, or other electronic or mechanical component that could expose the source, reduce the shielding around a source, or compromise the radiation safety of the unit or the source.

- C. A licensee shall retain a record of the radiation surveys required by subsection (A) for three years from the date of each survey.

**Historical Note**

New Section R9-7-741 recodified from R12-1-741 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-742. Five-year Inspection for Teletherapy and Gamma Stereotactic Radiosurgery Units**

- A. A licensee shall have each teletherapy unit and gamma stereotactic radiosurgery unit fully inspected and serviced during source replacement or at intervals not to exceed five years, whichever comes first, to assure proper functioning of the source exposure mechanism.
- B. This inspection and servicing may only be performed by persons specifically licensed to do so by the Department, the NRC, or an Agreement State.
- C. A licensee shall keep a record of each five-year inspection for three years from the date of the inspection, if the inspection determined that service was unnecessary, and three years from the date of the completed service if the inspection determined that service was needed.

**Historical Note**

New Section R9-7-742 recodified from R12-1-742 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-743. Therapy-related Computer Systems**

The licensee shall perform acceptance testing on the treatment planning system of therapy-related computer systems in accordance with published protocols accepted by nationally recognized bodies. At a minimum, the acceptance testing shall include, as applicable, verification of:

1. The source-specific input parameters required by the dose calculation algorithm;
2. The accuracy of dose, dwell time, and treatment time calculations at representative points;
3. The accuracy of isodose plots and graphic displays;
4. The accuracy of the software used to determine sealed source positions from radiographic images; and
5. The accuracy of electronic transfer of the treatment delivery parameters to the treatment delivery unit from the treatment planning system.

**Historical Note**

New Section R9-7-743 recodified from R12-1-743 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-744. Training for Use of Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units**

- A. Except as provided in R9-7-710, a licensee shall require an authorized user of a sealed source for a use authorized under Group 600 to be a physician who:
  1. Is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State and who meets the requirements in subsection (A)(2). To have its certification process recognized, a specialty board shall require all candidates to:
    - a. Successfully complete a minimum of three years of residency training in a radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and

## Department of Health Services - Radiation Control

- Surgeons of Canada or the Committee on Post-Graduate Training of the American Osteopathic Association; and
- b. Pass an examination, administered by diplomates of the specialty board, which tests knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance, and clinical use of stereotactic radiosurgery, remote afterloaders and external beam therapy; or
2. Has completed a structured educational program in basic radionuclide techniques applicable to the use of a sealed source in a therapeutic medical unit that includes:
    - a. 200 hours of classroom and laboratory training in the following areas:
      - i. Radiation physics and instrumentation;
      - ii. Radiation protection;
      - iii. Mathematics pertaining to the use and measurement of radioactivity;
      - iv. Chemistry of radioactive material for medical use; and
      - v. Radiation biology; and
    - b. 500 hours of work experience, under the supervision of an authorized user who meets the requirements in this Section, or equivalent Agreement State or NRC requirements at a medical institution, involving:
      - i. Reviewing full calibration measurements and periodic spot-checks;
      - ii. Preparing treatment plans and calculating treatment doses and times;
      - iii. Using administrative controls to prevent a medical event involving the use of radioactive material;
      - iv. Implementing emergency procedures to be followed in the event of the abnormal operation of the medical unit or console;
      - v. Checking and using survey meters; and
      - vi. Selecting the proper dose and how it is to be administered; and
    - c. Has completed three years of supervised clinical experience in radiation therapy, under an authorized user who meets the requirements in this Section, or equivalent Agreement State or NRC requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Post-doctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (A)(2)(b); and
    - d. Has obtained written attestation that the individual has satisfactorily completed the requirements in subsection (A)(1) or (A)(2), and has achieved a level of competency sufficient to function independently as an authorized user of each type of therapeutic medical unit for which the individual is requesting authorized user status. The written attestation must be signed by a preceptor authorized user who meets the requirements in this Section, or equivalent Agreement State or NRC requirements for an authorized user for each type of therapeutic medical unit for which the individual is requesting authorized user status; and
    - e. Has received training in device operation, safety procedures, and clinical use for the type(s) of use for

which authorization is sought. This training requirement may be satisfied by satisfactory completion of a training program provided by the vendor for new users or by receiving training supervised by an authorized user or authorized medical physicist, as appropriate, who is authorized for the type(s) of use for which the individual is seeking authorization.

- B. The training and experience shall have been obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

**Historical Note**

New Section R9-7-744 recodified from R12-1-744 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-745. Report and Notification of a Medical Event**

- A. A licensee shall report any "medical" event, except for an event that results from patient intervention, in which the administration of radioactive material or radiation from radioactive material results in:
  1. A dose that differs from the prescribed dose or dose that would have resulted from the prescribed dosage by more than 0.05 Sv (5 rem) effective dose equivalent, 0.5 Sv (50 rem) to an organ or tissue, or 0.5 Sv (50 rem) shallow dose equivalent to the skin; and
    - a. The total dose delivered differs from the prescribed dose by 20 percent or more;
    - b. The total dosage delivered differs from the prescribed dosage by 20 percent or more or falls outside the prescribed dosage range; or
    - c. The fractionated dose delivered differs from the prescribed dose, for a single fraction, by 50 percent or more.
  2. A dose that exceeds 0.05 Sv (5 rem) effective dose equivalent, 0.5 Sv (50 rem) to an organ or tissue, or 0.5 Sv (50 rem) shallow dose equivalent to the skin from any of the following:
    - a. An administration of a wrong radiopharmaceutical containing radioactive material;
    - b. An administration of a radiopharmaceutical containing radioactive material by the wrong route of administration;
    - c. An administration of a dose or dosage to the wrong individual or human research subject;
    - d. An administration of a dose or dosage delivered by the wrong mode of treatment; or
    - e. A leaking sealed source.
  3. A dose to the skin or an organ or tissue other than the treatment site that exceeds by 0.5 Sv (50 rem) to an organ or tissue and 50 percent or more of the dose expected from the administration defined in the written directive (excluding, for permanent implants, seeds that were implanted in the correct site but migrated outside the treatment site).
- B. A licensee shall report any event resulting from intervention of a patient or human research subject in which the administration of radioactive material or radiation from radioactive material results or will result in unintended permanent functional damage to an organ or a physiological system, as determined by a physician.
- C. The licensee shall notify by telephone the Department no later than the next calendar day after discovery of the medical event.
- D. The licensee shall submit a written report to the Department within 15 days after discovery of the medical event.

## Department of Health Services - Radiation Control

1. The written report shall include:
    - a. The licensee's name;
    - b. The name of the prescribing physician;
    - c. A brief description of the event;
    - d. Why the event occurred;
    - e. The effect, if any, on each individual who received the administration;
    - f. What actions, if any, have been taken or are planned to prevent recurrence; and
    - g. Certification that the licensee notified each individual (or the individual's responsible relative or guardian), and if not, why not.
  2. The report may not contain an individual's name or any other information that could lead to identification of the individual.
- E.** The licensee shall provide notification of the event to the referring physician and also notify the individual who is the subject of the medical event no later than 24 hours after its discovery, unless the referring physician personally informs the licensee either that he or she will inform the individual or that, based on medical judgment, telling the individual would be harmful. The licensee is not required to notify the individual without first consulting the referring physician. If the referring physician or the affected individual cannot be reached within 24 hours, the licensee shall notify the individual as soon as possible thereafter. The licensee may not delay any appropriate medical care for the individual, including any necessary remedial care as a result of the medical event, because of any delay in notification. To meet the requirements of this subsection, the notification of the individual who is the subject of the medical event may be made instead to that individual's responsible relative or guardian. If a verbal notification is made, the licensee shall inform the individual, or appropriate responsible relative or guardian, that a written description of the event can be obtained from the licensee upon request. The licensee shall provide such a written description if requested.
- F.** Aside from the notification requirement, nothing in this Section affects any rights or duties of licensees and physicians in relation to each other, to individuals affected by the medical event, or to that individual's responsible relatives or guardians.
- G.** A licensee shall:
1. Annotate a copy of the report provided to the Department with the:
    - a. Name of the individual who is the subject of the event; and
    - b. Social Security number or other identification number, if one has been assigned, of the individual who is the subject of the event; and
  2. Provide a copy of the annotated report to the referring physician, if other than the licensee, no later than 15 days after the discovery of the event.
- Historical Note**
- New Section R9-7-745 recodified from R12-1-745 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).
- R9-7-746. Report and Notification of a Dose to an Embryo, Fetus, or Nursing Child**
- A.** A licensee shall report any dose to an embryo/fetus that is greater than 50 mSv (5 rem) dose equivalent that is a result of an administration of radioactive material or radiation from radioactive material to a pregnant individual unless the dose to the embryo/fetus was specifically approved, in advance, by the authorized user.
- B.** A licensee shall report any dose to a nursing child that is a result of an administration of radioactive material to a breast-feeding individual that:
1. Is greater than 50 mSv (5 rem) total effective dose equivalent; or
  2. Has resulted in unintended permanent functional damage to an organ or a physiological system of the child, as determined by a physician.
- C.** The licensee shall notify the Department by telephone no later than the next calendar day after discovery of a dose to the embryo, fetus, or nursing child that requires a report in subsections (A) or (B).
- D.** The licensee shall submit a written report to the Department within 15 days after discovery of a dose to the embryo, fetus, or nursing child that requires a report in subsections (A) or (B). The written report shall include:
1. The licensee's name;
  2. The name of the prescribing physician;
  3. A brief description of the event;
  4. Why the event occurred;
  5. The effect, if any, on the embryo/fetus or the nursing child;
  6. What actions, if any, have been taken or are planned to prevent recurrence; and
  7. Certification that the licensee notified the pregnant individual or mother (or the mother's or child's responsible relative or guardian), and if not, why not.
- E.** The report, required in subsection (D), shall not contain the individual's or child's name or any other information that could lead to identification of the individual or child.
- F.** The licensee shall provide notification of the event to the referring physician and also notify the pregnant individual or mother, both hereafter referred to as the mother, no later than 24 hours after discovery of an event that would require reporting under subsections (A) or (B), unless the referring physician personally informs the licensee either that he or she will inform the mother or that, based on medical judgment, telling the mother would be harmful. The licensee is not required to notify the mother without first consulting with the referring physician. If the referring physician or mother cannot be reached within 24 hours, the licensee shall make the appropriate notifications as soon as possible thereafter. The licensee shall not delay any appropriate medical care for the embryo, fetus, or for the nursing child, including any necessary remedial care as a result of the event, because of any delay in notification. To meet the requirements of this subsection, the notification may be made to the mother's or child's responsible relative or guardian instead of the mother. If a verbal notification is made, the licensee shall inform the mother, or the mother's or child's responsible relative or guardian, that a written description of the event can be obtained from the licensee upon request. The licensee shall provide the written description upon request.
- G.** A licensee shall:
1. Make a copy of the report provided to the Department and include with it the:
    - a. Name of the pregnant individual or the nursing child who is the subject of the event; and
    - b. Social Security number or other identification number, if one has been assigned, of the pregnant individual or the nursing child who is the subject of the event; and
  2. Provide the copy of the information required in subsection (G)(1) to the referring physician, if other than the licensee, no later than 15 days after the discovery of the event.

## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-746 recodified from R12-1-746 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Exhibit A. Medical Use Groups****Group 100**

Included is the use of any unsealed radioactive material for use in uptake, dilution, or excretion studies and not requiring a written directive: The radioactive material in this group shall be:

1. Obtained from a manufacturer or preparer licensed under R9-7-703(C)(2)(a), or equivalent NRC or Agreement State requirements; or
2. Obtained from a PET radioactive drug producer licensed under R9-7-703 or equivalent NRC or an Agreement State license excluding production of PET radionuclides prepared by an authorized nuclear pharmacist who meets the requirements in R9-7-712, a physician who is an authorized user and who meets the requirements specified in R9-7-721, or R9-7-723 and R9-7-721(A)(3)(b)(vii), or an individual under the supervision of either as specified in R9-7-706; or
3. If a research protocol:
  - a. Obtained from and prepared by an Agreement State or NRC licensee for use in research in accordance with a Radioactive Drug Research Committee-approved protocol or an Investigational New Drug (IND) protocol accepted by FDA; or
  - b. Prepared by the licensee for use in research in accordance with a Radioactive Drug Research Committee-approved application or an Investigational New Drug (IND) protocol accepted by FDA.

**Group 200**

Included is the use of any unsealed radioactive material for use in imaging and localization not requiring a written directive. PET radiopharmaceuticals may be used if the licensee meets the requirements in R9-7-716. The radioactive material in this group shall be:

1. Obtained from a manufacturer or preparer licensed under R9-7-703(C)(2)(a), or equivalent NRC or Agreement State requirements; or
2. Obtained from a PET radioactive drug producer licensed under R9-7-703 or equivalent NRC or an Agreement State license excluding production of PET radionuclides prepared by an authorized nuclear pharmacist who meets the requirements in R9-7-712, a physician who is an authorized user and who meets the requirements specified in R9-7-721 or R9-7-723 and R9-7-721(A)(3)(b)(vii), or an individual under the supervision of either as specified in R9-7-706; or
3. If a research protocol:
  - a. Obtained from and prepared by an Agreement State or NRC licensee for use in research in accordance with a Radioactive Drug Research Committee-approved application or an Investigational New Drug (IND) protocol accepted by FDA; or
  - b. Prepared by the licensee for use in research in accordance with a Radioactive Drug Research Committee-approved application or an Investigational New Drug (IND) protocol accepted by FDA.

**Group 300**

Included is the use of any unsealed radioactive material for medical use (radiopharmaceutical) for which a written directive is required. The radioactive material in this group shall be:

1. Obtained from a manufacturer or preparer licensed under R9-7-703(C)(2)(a) or equivalent NRC or Agreement State requirements; or

2. Obtained from a PET radioactive drug producer licensed under R9-7-703 or equivalent NRC or an Agreement State license excluding production of PET radionuclides prepared by an authorized nuclear pharmacist who meets the requirements in R9-7-712, a physician who is an authorized user and who meets the requirements specified in R9-7-721 or R9-7-723, or an individual under the supervision of either as specified in R9-7-706; or
3. If a research protocol:
  - a. Obtained from and prepared by an Agreement State or NRC licensee for use in research in accordance with an Investigational New Drug (IND) protocol accepted by FDA; or
  - b. Prepared by the licensee for use in research in accordance with an Investigational New Drug (IND) protocol accepted by FDA.

**Group 400**

Included is the use of any brachytherapy source for therapeutic medical use that is manufactured in accordance with R9-7-703(C)(2)(b) and:

1. Approved for therapeutic use in the Sealed Source and Device Registry; or
2. Part of a research protocol that is approved for therapeutic use under an active Investigational Device Exemption (IDE) application accepted by the FDA, and meets the requirements of R9-7-709.

**Group 500**

Included is the use of any sealed source that is manufactured in accordance with R9-7-703(C)(2)(b), and is approved for diagnostic use in the Sealed Source and Device Registry.

**Group 600**

Included is the use of sealed sources in photon emitting remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units that are manufactured in accordance with R9-7-703(C)(2)(b) and:

1. Approved for therapeutic use in the Sealed Source and Device Registry; or
2. Part of a research protocol that is approved for therapeutic use under an active Investigational Device Exemption (IDE) application accepted by the FDA and meets the requirements of R9-7-709.

**Group 1000**

A licensee may use radioactive material or a radiation source approved for medical use which is not specifically addressed in R9-7-309(A)(4) if:

1. The applicant or licensee has submitted the information required by this Article; and
2. The applicant or licensee has received written approval from the Department in a license or license amendment and uses the material in accordance with the rules and specific conditions the Department considers necessary for the medical use of the material.

**Historical Note**

New Article 7, Exhibit A recodified from 12 A.A.C. 1., Article 7, Exhibit A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 8. RADIATION SAFETY REQUIREMENTS FOR ANALYTICAL X-RAY OPERATIONS****R9-7-801. Scope**

The rules in this Article establish requirements for the use of analytical x-ray equipment by persons registered under R9-7-204. The

## Department of Health Services - Radiation Control

provisions of this Article supplement other applicable provisions of this Chapter.

**Historical Note**

New Section R9-7-801 recodified from R12-1-801 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-802. Definitions**

“Analytical x-ray equipment” means devices or machines used for x-ray diffraction or x-ray induced fluorescence analysis.

“Analytical x-ray system” means a group of components utilizing x-rays to determine the elemental composition or to examine the microstructure of materials.

“Enclosed beam x-ray system” means an analytical x-ray system constructed in such a way that access to the interior of the enclosure housing the x-ray source is precluded during operation except through bypassing of interlocks or other safety devices to perform maintenance or servicing.

“Fail-safe characteristic” means a design feature which causes beam port shutters to close, or otherwise prevents emergence of the primary beam, upon the failure of a safety or warning device.

“Local component” means part of an analytical x-ray system and includes each area that is struck by x-rays, such as radiation source housings, port and shutter assemblies, collimators, sample holders, cameras, goniometers, detectors and shielding, but does not include power supplies, transformers, amplifiers, readout devices, and control panels.

“Normal operating procedures” means instructions or procedures including, but not limited to, sample insertion and manipulation, equipment alignment, routine maintenance by the registrant, and data recording procedures which are related to radiation safety.

“Open beam x-ray system” means an analytical x-ray system which permits an individual to place some body part in the primary beam path during normal operation.

“Primary beam” means radiation which passes through an aperture of the source housing on a direct path from the x-ray tube.

**Historical Note**

New Section R9-7-802 recodified from R12-1-802 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-803. Enclosed-beam X-ray Systems**

- A. Enclosed beam x-ray systems are exempt from other equipment requirements contained in this Article provided the enclosed beam x-ray systems are designed and constructed so that radiation levels measured at 5 cm from any accessible surface of the enclosure housing the x-ray source do not exceed 5  $\mu$ Sv (0.5 mrem) in one hour.
- B. A registrant using enclosed beam x-ray systems shall comply with applicable provisions R9-7-804(A), R9-7-805(B), and 9 A.A.C. 7, Article 4.
- C. A person who maintains or services analytical x-ray systems, shall:
  1. Obtain permission in advance from the radiation safety officer before bypassing interlocks or other safety devices,
  2. Label equipment as “out of service” until maintenance or service is completed,
  3. Wear extremity personnel monitoring devices, and

4. Ensure that interlocks or other safety devices are operating upon completion of maintenance or service.

**Historical Note**

New Section R9-7-803 recodified from R12-1-803 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-804. Open-beam X-ray Systems**

- A. A registrant shall label open beam x-ray systems with a readily discernible sign or signs bearing the radiation symbol and the words:
  1. “CAUTION -- HIGH INTENSITY X-RAY BEAM,” or a similar warning, on the x-ray source housing; and
  2. “CAUTION RADIATION -- THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED” or a similar warning, near any switch that energizes an x-ray tube if the radiation source is an x-ray tube.
- B. A registrant shall ensure that an open beam x-ray system has all of the following warning devices:
  1. X-ray tube status (On-Off) indicator in systems where the primary beam is controlled in this fashion;
  2. Shutter status (Open-Closed) indicators near each port on the radiation housing for systems which control the primary beam; and
  3. A clearly visible warning light labeled with the words “X-RAY ON,” or a similar warning located near any switch that energizes an x-ray tube, illuminated only when the tube is energized; and
  4. The warning devices in subsections (B)(1) through (3) shall be labeled so that their purpose is easily identified.
- C. A registrant shall ensure that any apparatus utilized in beam alignment procedures is designed in such a way that excessive radiation will not strike the operator. Particular attention shall be given to viewing devices, in order to ascertain that lenses and other transparent components attenuate the beam to an acceptable level.
- D. A registrant shall provide an interlock device which prevents entry of any portion of an individual’s body into the primary beam or causes the primary beam to be shut off upon entry into its path on all open-beam x-ray systems. A registrant may apply to the Department for an exemption from the requirements of a safety device. An application for exemption shall include:
  1. A description of the various safety devices that have been evaluated;
  2. The reason each device cannot be used; and
  3. A description of the alternative methods that will be used to minimize accidental exposure, including procedures to assure that operators and others in the area will be informed of the absence of safety devices.
- E. A registrant shall use only systems constructed so that:
  1. Each x-ray tube housing is equipped with an interlock that automatically shuts off the tube if the tube is removed from the radiation source housing or the housing is disassembled; and
  2. With all shutters closed, radiation measured at a distance of 5 centimeters from the surface of the system is not capable of producing a dose that exceeds 25 Sv (2.5 mRem) in one hour for the specified tube rating of the x-ray tube.
- F. A registrant shall supply each x-ray generating system with a protective cabinet that limits leakage radiation measured at a distance of 5 cm (2 in) from the cabinet surface, so that the system is not capable of producing a dose equivalent that exceeds 25  $\mu$ Sv (2.5 mrem) in one hour.
- G. A registrant shall ensure that the local components of an analytical x-ray system are located and arranged and have suffi-



## Department of Health Services - Radiation Control

cient shielding or access control for the specified tube rating to prevent the radiation level in any area adjacent to the local component group from exceeding the dose limits in R9-7-416.

- H. A registrant shall perform a radiation survey of the local component group of each analytical x-ray system to demonstrate compliance with subsection (G) upon:
  1. Installation,
  2. Change in configuration, or
  3. Maintenance that affects the radiation level in any area adjacent to the local component group.
- I. A registrant shall maintain a record of each survey for three years or until the analytical x-ray system is no longer used, whichever period is shorter.

**Historical Note**

New Section R9-7-804 recodified from R12-1-804 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-805. Administrative Responsibilities**

- A. A registrant shall designate a radiation safety officer who shall:
  1. Establish and maintain operational procedures so that the radiation exposure of each worker is kept ALARA;
  2. Instruct all personnel who work with or near radiation producing machines in safety practices;
  3. Maintain a system of personnel monitoring;
  4. Establish radiation control areas, including placement of appropriate radiation warning signs or devices;
  5. Provide a radiation safety inspection of radiation producing machines on a routine basis;
  6. Review modifications to x-ray systems, including x-ray tube housing, cameras, diffractometers, shielding, and safety interlocks;
  7. Investigate and report proper authorities any case of excessive exposure to personnel and take remedial action; and,
  8. Be familiar with all applicable rules for control of ionizing radiation.
- B. An individual shall not be permitted to operate or maintain an open beam analytical x-ray system unless the individual has received instruction in and demonstrated competence in all of the following:
  1. Identification of radiation hazards associated with the use of the equipment;
  2. Significance of all radiation warning and safety devices, interlocks incorporated into the equipment, or the reasons that devices or interlocks have not been installed on certain pieces of equipment and the extra precautions required in lieu of these precautions;
  3. Proper operating procedures for the equipment;
  4. Recognition of symptoms of acute localized radiation exposure; and
  5. Proper procedure for reporting an actual or suspected exposure.
- C. A registrant shall maintain records of instruction and competence for Department inspection for three years from the date of course completion or demonstration.

**Historical Note**

New Section R9-7-805 recodified from R12-1-805 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-806. Operating Requirements**

- A. A radiation safety officer shall establish written emergency procedures and post the procedures in a conspicuous location. The procedures shall include the telephone number of the radiation safety officer.

- B. A registrant shall ensure that written operating procedures are available for all analytical x-ray equipment workers. An individual shall not operate analytical x-ray equipment in any manner other than that specified in the procedures unless the individual obtains the radiation safety officer's written approval.
- C. An individual shall not bypass a safety device or interlock unless the individual has obtained Radiation Safety Officer approval. The approval shall be for a specific period of time. When a safety device or interlock has been bypassed, the Radiation Safety Officer shall place a readily discernible sign on the radiation source housing, warning the reader of the unsafe condition. A registrant shall maintain the written record of the bypass approval for three years after the approval expires.
- D. Except as authorized in subsection (C), an individual shall not perform an operation involving removal of covers, shielding materials, or tube housings or modification of shutters, collimators, or beam stops without ascertaining that the tube is off and that it will remain off until all protective devices have been restored to the normal operating condition. An individual repairing analytical x-ray equipment shall use the main switch, rather than interlocks, for routine shutdown in preparation for repairs.
- E. A registrant shall ensure that unused ports on radiation source housings are closed and secured against unauthorized access to the radiation source.
- F. Finger or wrist personnel monitoring devices shall be used by:
  1. Operators of open beam analytical x-ray equipment not equipped with a safety device; and
  2. Personnel performing maintenance procedures that require the presence of a primary x-ray beam when any local component is disassembled or removed.
- G. A registrant shall ensure that each safety and warning device is tested for proper operation at intervals that do not exceed one month and maintain a record of each test for three years from the date the test is completed.

**Historical Note**

New Section R9-7-806 recodified from R12-1-806 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-807. Surveys**

- A. To ensure that personnel exposure does not result in a dose to an individual that exceeds the dose limits specified in Article 4, a registrant shall perform a radiation survey upon:
  1. Installation of the equipment and at least once each year after installation;
  2. Change in the initial arrangement, number, or type of local components in the system;
  3. Maintenance that involves disassembly or removal of a local component in the system;
  4. Maintenance that involves alignment, if alignment requires the generation of the primary x-ray beam while any local component of the system is disassembled or removed;
  5. A visual inspection of the local components in the system that reveals an abnormal condition; or
  6. Determination that personnel are being exposed to radiation in excess of established levels recorded in monitoring records for personnel during previous monitoring periods or the occupational dose limits specified in Article 4.
- B. The radiation surveys in subsection (A) are not required if the registrant demonstrates that the local components of an analytical x-ray system are located and arranged, and have sufficient shielding or access control, to limit personnel exposure to a

## Department of Health Services - Radiation Control

level that is ALARA and below the occupational dose limits in Article 4. The Department shall determine ALARA radiation levels based on the specified x-ray tube rating.

**Historical Note**

New Section R9-7-807 recodified from R12-1-807 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-808. Posting**

A registrant shall conspicuously post each area or room that contains analytical x-ray equipment with a sign or signs that bear the radiation symbol and the words "CAUTION – X-RAY EQUIPMENT" or words with a similar meaning.

**Historical Note**

New Section R9-7-808 recodified from R12-1-808 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-809. Training**

A registrant shall not be allow an individual to operate or maintain analytical x-ray equipment unless the individual has received training and demonstrated competence in:

1. Identifying radiation hazards associated with use of the equipment;
2. Recognizing and using radiation warning and safety devices, including interlocks that are incorporated into the equipment, and understanding why these devices are sometimes not installed;
3. Taking precautions associated with use of the equipment;
4. Recognizing symptoms of an acute localized exposure; and
5. Following proper procedure for reporting a suspected personnel exposure.

**Historical Note**

New Section R9-7-809 recodified from R12-1-809 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 9. PARTICLE ACCELERATORS****R9-7-901. Purpose and Scope**

- A. This Article establishes procedures and requirements for the registration and the use of particle accelerators.
- B. In addition to the requirements of this Article, all registrants are subject to the requirements of Articles 1, 2, 4 and 10. Registrants engaged in industrial radiographic operations are subject to the requirements of Article 11, and registrants engaged in the healing arts are subject to the requirements of Article 6 of this Chapter. Registrants using a particle accelerator for the production of radioactive material are subject to the requirements of Article 3, and if the radioactive material is used for medical purposes, Article 7.

**Historical Note**

New Section R9-7-901 recodified from R12-1-901 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-902. Definitions**

The following definitions apply in this Article, unless the context otherwise requires:

"Added filter" (See Article 6)

"Arc therapy" means radiation therapy that uses electrons to treat large, superficial volumes that follow curved surfaces, as in postmastectomy patients.

"Authorized medical physicist" means an individual who meets the requirements in R9-7-711. For purposes of ensuring that personnel are adequately trained, an authorized medical physicist is a "qualified expert" as defined in Article 1.

"Beam-limiting device" (See Article 6)

"Beam-monitoring system" means a system of devices that will monitor the useful beam during irradiation and terminate irradiation when a preselected number of monitor units has been accumulated.

"Control panel" (See Article 6)

"Full beam detector" means a radiation detector of such size that the total cross section of the maximum size useful beam is intercepted.

"Gantry" means that part of a linear accelerator that supports the radiation source so that it can rotate about a horizontal axis.

"Interlock" (See Article 1)

"Isocenter" means the point of intersection of the collimator axis and the axis of rotation of the gantry.

"Monitor unit" means a unit response from the beam monitoring system from which the absorbed dose can be calculated.

"Moving beam therapy" means radiation therapy in which there is displacement of the useful beam relative to the patient. Moving beam therapy includes arc therapy, skip therapy, and rotational beam therapy.

"Rotational beam therapy" means radiation therapy that is administered to a patient from a radiation source that rotates around the patient's body or the patient is rotated while the beam is held fixed.

"Skip therapy" means rotational beam therapy that is administered in a way that maximizes the dose to an area of interest and minimizes the dose to surrounding healthy tissue.

"Spot check" (See Article 6)

"Stationary beam therapy" means radiation therapy that involves a beam from a radiation source that is aimed at the patient from different directions. The distance of the source from the isocenter remains constant irrespective of the beam direction.

"Virtual source" means a point from which radiation appears to originate.

**Historical Note**

New Section R9-7-902 recodified from R12-1-902 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-903. General Registration Requirements**

- A. The requirements in this Section supplement the registration requirements in 9 A.A.C. 7, Article 2.
- B. The Department shall approve a registration application for use of a particle accelerator only if the Department determines that:
  1. The applicant is qualified by training and experience to use the accelerator for the purpose in the application submitted to the Department under Article 2;
  2. The applicant's proposed equipment, facilities, and operating and emergency procedures are adequate to protect public health;
  3. The applicant satisfies any other applicable requirements in this Section; and 4. The applicant has appointed a radiation safety officer.

**Historical Note**

New Section R9-7-903 recodified from R12-1-903 at 24  
A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-904. Registration of Particle Accelerators Used in the Practice of Medicine**

## Department of Health Services - Radiation Control

- A. The requirements in this Section supplement the registration requirements in R9-7-903.
- B. An applicant that is a "medical institution," as defined in 9 A.A.C. 7, Article 7, and performing human research shall appoint a radiation safety committee that meets the following requirements:
1. The committee shall consist of at least four individuals and shall include:
    - a. An authorized user of each type of use permitted by the registration,
    - b. The Radiation Safety Officer,
    - c. A representative of the nursing service, and
    - d. A representative of management who is neither an authorized user nor a Radiation Safety Officer, and
    - e. Any other members the registrant selects;
  2. The committee shall meet at least once in each 12-month period, unless otherwise specified by registration condition;
  3. To conduct business at least 50 percent of the membership of the committee shall be present including the Radiation Safety Officer and the management representative;
  4. The minutes of each radiation safety committee meeting shall include a reference of any discussion or documents related to the review required in R9-7-407(C);
  5. Review the radiation safety program for all sources of radiation as required in R9-7-407(C);
  6. Establish a table that contains investigational levels for occupational and public dose that, when exceeded, will initiate an investigation and consideration of actions by the Radiation Safety Officer; and
  7. Establish the safety objectives of the quality management program required by subsection (E).
- C. The applicant shall ensure that an individual designated as an authorized user is an Arizona licensed physician; approved by the radiation safety committee, if applicable; and is:
1. Certified in:
    - a. Radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; or
    - b. Radiation oncology by the American Osteopathic Board of Radiology; or
    - c. Radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or
    - d. Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; or
  2. Engaged in the active practice of therapeutic radiology, and has completed 200 hours of instruction in basic techniques applicable to the use of a particle accelerator, 500 hours of supervised work experience, and a minimum of three years of supervised clinical experience.
    - a. To satisfy the requirement for instruction, the classroom and laboratory training shall include all of the following subjects:
      - i. Radiation physics and instrumentation,
      - ii. Radiation protection,
      - iii. Mathematics pertaining to the use and measurement of radiotherapy, and
      - iv. Radiation biology.
    - b. To satisfy the requirement for supervised work experience, training shall occur under the supervision of an authorized user at a medical institution and shall include:
      - i. Reviewing full calibration measurements and periodic spot checks,
      - ii. Preparing treatment plans and calculating treatment times,
      - iii. Using administrative controls to prevent misadministration,
      - iv. Implementing emergency procedures to be followed in the event of the abnormal operation of a particle accelerator, and
      - v. Checking and using survey meters.
- c. To satisfy the requirement for a period of supervised clinical experience, training shall include one year in a formal training program approved by the Residency Review Committee for Radiology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association and an additional two years of clinical experience in therapeutic radiology under the supervision of an authorized user at a medical institution. The supervised clinical experience shall include:
- i. Examining individuals and reviewing their case histories to determine their suitability for treatment, noting any limitations or contraindications;
  - ii. Selecting the proper dose and how it is to be administered;
  - iii. Calculating the therapy doses and collaborating with the authorized user in the review of patients' or human research subjects' progress and consideration of the need to modify originally prescribed doses, as warranted by patients' or human research subjects' reaction to radiation; and
  - iv. Post-administration follow up and review of case histories.
- D. With the application the applicant shall provide the name of each authorized user to the Department so the names can be listed on the registration form, and so that the Department can determine whether the authorized user's training and experience satisfies the requirements in subsection (C).
- E. Each registrant shall establish and maintain a written quality management program to provide high confidence that the radiation produced by the particle accelerator will be administered as directed by an authorized user. The quality management program shall include, at minimum, the tests and checks listed in Appendix A.
- F. Each registrant shall ensure that a particle accelerator is calibrated by an authorized medical physicist who meets the training and experience qualifications in R9-7-711.
- G. At the time of application for registration or when a therapy program is expanded to multiple sites, each applicant or registrant shall provide the Department with a description of the quality management program, a listing of the professional staff assigned to the facility, and the expected ratio of patient workload to staff member for programs involving multiple therapy sites. If the staffing ratio exceeds the recommended levels in Radiation Oncology in Integrated Cancer Management, Report of the Inter-Society Council for Radiation Oncology, December 1991, the applicant shall provide to the Department for approval the justification for the larger ratio and the safety considerations that have been addressed in establishing the program. This report is incorporated by reference and available under R9-7-101. The incorporated material contains no future editions or amendments. The report is available from the American Association of Physicists in Medicine: online at <http://www.aapm.org/pubs/reports>; print copies may be purchased from Medical Physics Publishing, 4513 Vernon Blvd., Madison, WI 53705; toll free at (800) 442-5778.

## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-904 recodified from R12-1-904 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-905. Medical Particle Accelerator Equipment, Facility and Shielding, and Spot Checks**

**A. Equipment**

1. Leakage radiation
  - a. X-ray leakage radiation from the source housing assembly shall not exceed 0.1 percent of the maximum dose equivalent rate of the unattenuated useful beam.
  - b. Neutron leakage radiation from the source housing assembly shall not exceed 0.5 percent of the maximum dose equivalent rate of the unattenuated useful beam.
  - c. Leakage radiation measurements made at any point 1 meter from the path of the charged particle between its point of origin and the target, window or scattering foil shall meet the requirements of subsection (A)(1)(a) and (b) when computed as a percentage of the dose rate equivalent of the unattenuated useful beam measured at 1 meter from the virtual source. Leakage radiation measurements at each point shall be averaged over an area up to but not exceeding 100 square centimeters (15.5 square inches).
  - d. The registrant shall maintain, for inspection by the Department, records that show leakage radiation measurements for the life of the operation.
2. Beam limiting devices (not to include blocks or wedges). Adjustable or interchangeable beam limiting devices shall be provided and shall transmit no more than 2 percent of the useful beam for the portion of the useful beam that is to be attenuated by the beam limiting device. The neutron component of the useful beam shall not be included in this requirement. Measurements shall be averaged over an area up to but not exceeding 100 square centimeters (15.5 square inches) at the normal treatment distance.
3. Filters. The following requirements apply to systems that use a system of wedge filters, interchangeable field flattening filters, or interchangeable beam scattering filters:
  - a. Irradiation shall not be possible until a selection of a filter has been made at the treatment control panel;
  - b. An interlock system shall be provided to prevent irradiation if the filter selected is not in the correct position;
  - c. An indication of the wedge filter orientation with respect to the treatment field shall be provided at the control panel, by direct observation, or by electronic means, when wedge filters are used;
  - d. A display shall be provided at the treatment control panel showing the filter or filters in use;
  - e. Each filter that is removable from the system shall be clearly identified as to that filter's material of construction, thickness, and the nominal wedge angle for wedge filters, or a record tracing these factors for each filter shall be maintained at the system console; and
  - f. An interlock shall be provided to prevent irradiation if any filter selection operation carried out in the treatment room does not agree with the filter selection operation carried out at the treatment control panel.
4. Beam monitor. Equipment installed after the effective date of this Section shall be provided with at least one radiation detector in the radiation head. This detector shall be incorporated into a primary system so that all of the following criteria are met:
  - a. Each primary system shall have a detector that is a transmission detector and a full beam detector and that is placed on the patient side of any fixed added filters other than a wedge filter;
  - b. The detectors shall be removable only with tools and shall be interlocked to prevent incorrect positioning;
  - c. Each detector shall be capable of independently monitoring and controlling the useful beam;
  - d. Each detector shall form part of a dose-monitoring system from which the absorbed dose can be calculated at a reference point in the treatment volume;
  - e. Each dose monitoring system shall have a legible display at the treatment control panel that:
    - i. Maintains a reading until intentionally reset to zero;
    - ii. Has only one scale and no scale multiplying factors in replacement equipment; and
    - iii. Utilizes a design such that increasing dose is displayed by increasing numbers and is designed so that, in the event of an overdosage of radiation, the absorbed dose may be accurately determined under all nominal conditions of use or foreseeable failures;
  - f. In the event of power failure, the dose monitoring information required in subsection (A)(4) displayed at the control panel at the time of failure shall be retrievable in at least one system; and
  - g. Selection and display of dose monitor units:
    - i. Irradiation shall not be possible until a selection of dose monitor units has been made at the treatment control panel.
    - ii. Each primary system shall terminate irradiation when the preselected number of dose monitor units has been detected by the system.
    - iii. Each secondary system shall terminate irradiation when 110 percent of the preselected number of dose monitor units has been detected by the system.
    - iv. It shall be possible to interrupt irradiation and equipment movements at any time from the operator's position at the treatment control panel. Following an interruption, it shall be possible to restart irradiation by operator action without any reselection of operating conditions. If any change is made of a preselected value during an interruption the equipment shall go to termination condition.
    - v. It shall be possible to terminate irradiation and equipment movements, or go from an interruption condition to termination conditions at any time from the operator's position at the treatment control panel.
5. Beam monitoring system. All accelerator systems shall be provided with a beam monitoring system in the radiation head capable of monitoring and terminating irradiation.
  - a. Each beam monitoring system shall have a display at the treatment control panel that registers the accumulated monitor units.
  - b. The beam monitoring system shall terminate irradiation if the preselected number of monitor units has been detected by the system.

## Department of Health Services - Radiation Control

- c. For units with a secondary beam monitoring system, the primary beam monitoring system shall terminate irradiation if the preselected number of monitor units has been detected. The secondary beam monitoring system shall terminate irradiation if the primary system fails.
  - d. In the event of a power failure, the display information required in subsection (A)(5)(a) shall be retained in at least one system following the power failure.
  - e. An interlock device shall prevent irradiation if any beam monitoring system is inoperable.
  - f. For purposes of this rule:
    - i. "Beam monitoring system" means a system of devices that will monitor the useful beam during irradiation and will terminate irradiation if a preselected number of monitor units is accumulated.
    - ii. "Monitor unit" means a unit response from the beam monitoring system from which the absorbed dose can be calculated.
6. Treatment beam mode selection. In equipment capable of both x-ray and electron therapy:
- a. Irradiation shall not be possible until a selection of radiation type is made at the treatment control panel;
  - b. An interlock system shall be provided to prevent irradiation if any selected operations carried out in the treatment room do not agree with the selected operations indicated at the treatment control panel;
  - c. An interlock system shall be available and in operating condition on a therapy machine, and shall be used to prevent unwanted x-ray or electron irradiation when preparing for, or performing radiation therapy procedures. The interlock system need not be available for use, if the therapy machine is only used to make an image of an inanimate object; and
  - d. The radiation type selected shall be displayed at the treatment control panel before and during irradiation.
7. Treatment beam energy selection. Equipment capable of generating radiation beams of different energies shall meet all of the following requirements:
- a. Irradiation shall not be possible until a selection of energy is made at the treatment control panel;
  - b. An interlock system shall be provided to ensure that the equipment can emit only the energy of radiation that is selected;
  - c. An interlock system shall be provided to prevent irradiation if any selected operations carried out in the treatment room do not agree with the selected operations indicated at the treatment control panel; and
  - d. The energy selected shall be displayed at the treatment control panel before and during irradiation.
8. Selection of stationary or moving beam therapy. Equipment capable of both stationary and moving beam therapy modes shall meet all of the following requirements:
- a. Irradiation shall not be possible until a selection of stationary beam therapy or moving beam therapy is made at the treatment control panel;
  - b. An interlock system shall be provided to ensure that the equipment can operate only in the mode that is selected;
  - c. An interlock system shall be provided to prevent irradiation if any selected operations carried out in the treatment room do not agree with the selected operations indicated at the treatment control panel;
  - d. An interlock system shall be provided to terminate irradiation if the movement stops during moving beam therapy;
  - e. Moving beam therapy shall be so controlled that the required relationship between the number of dose monitor units and movement is obtained; and
  - f. The mode of operation shall be displayed at the treatment control panel.
9. Focal spot location and beam orientation. The registrant shall determine, or obtain from the manufacturer, the location in reference to an accessible point on the radiation head of all of the following:
- a. The x-ray target or the virtual source of x-rays,
  - b. The electron window or the scattering foil, and
  - c. All possible orientations of the useful beam.
10. System checking facilities. Capabilities shall be provided for checking of all safety interlock systems.
- B. Facility and shielding requirements.**
1. In addition to protective barriers sufficient to ensure compliance with R9-7-907, all of the following design requirements apply:
    - a. Except for entrance doors or beam interceptors, all the required barriers shall be fixed barriers;
    - b. The treatment control panel shall be located outside the treatment room;
    - c. Windows, mirrors, operable closed-circuit television, or other equivalent viewing systems shall be provided to permit continuous observation of the patient during irradiation and shall be so located that the operator may observe the patient from the treatment control panel;
    - d. Provision shall be made for two-way oral communication between the patient and the operator at the treatment control panel;
    - e. Each point of entry into the treatment room shall be provided with warning lights that will indicate when the useful beam is "on" in a readily observable position outside of the room; and
    - f. Interlocks shall be provided and shall result in all entrance doors being closed before treatment can be initiated or continued. If the radiation beam is interrupted by any door opening, it shall be possible to restore the machine to operation only by closing the door and reinitiating exposure by manual action at the control panel.
  2. An authorized medical physicist, trained and experienced in the principles of radiation protection, shall perform a radiation protection survey on all installations before human use and after any change in an installation that might produce a radiation hazard. The authorized medical physicist shall provide the survey results in writing to the individual in charge of the installation and transmit a copy of the survey results to the Department.
  3. Calibrations.
    - a. Calibration of the therapy system, including radiation output calibration, shall be performed before placing new installations into operation for the purpose of irradiation of patients. Subsequent calibrations shall be made at intervals not to exceed 12 months, and after any change that may cause the calibration of the therapy system to change.
    - b. Calibration of the radiation output of the therapy beam shall be performed with an instrument that has been calibrated using a method that is traceable to

## Department of Health Services - Radiation Control

the National Institute of Standards and Technology (NIST), within the preceding two years.

- c. Calibration of a particle accelerator shall be performed by, or under the supervision of an authorized medical physicist who meets the qualification requirements specified in R9-7-711, and a copy of the calibration report shall be maintained by the registrant for inspection by the Department.
- d. Calibration of the therapy beam shall include, but not necessarily be limited to, all of the following determinations:
  - i. Verification that the equipment is operating within the design specifications concerning the light localizer, the side light and back pointer alignment with the isocenter, when applicable, variation in the axis of rotation for the table, gantry and jaw system, and beam flatness and symmetry at specific depths;
  - ii. The exposure rate or dose rate in air or at various depths of water for the range of field sizes used for each effective energy, and for each treatment distance used for radiation therapy;
  - iii. The congruence between the radiation field and the field defined by the localizing device;
  - iv. The uniformity of the radiation field and its dependency upon the direction of the useful beam; and
  - v. The calibration determinations above shall be provided in sufficient detail, to allow the absorbed dose to tissue in the useful beam to be calculated to within plus or minus 5 percent.
- e. Records of calibrations shall be maintained for three years following the date the calibration was performed.
- f. A copy of the current calibration report shall be available in the therapy facility for use by the operator, and the report shall contain the following information:
  - i. The action taken by the authorized medical physicist performing the calibration if it indicates a change has occurred since the last calibration,
  - ii. A listing of the persons informed of the change in calibration results, and
  - iii. A statement as to the effect the change in calibration has had on the therapy doses prior to the current calibration finding.

**C. Spot checks.**

1. The spot check procedures shall be in writing and shall have been developed by an authorized medical physicist trained and experienced in performing calibrations.
2. The measurements taken during spot checks shall demonstrate the degree of consistency of the operating characteristics which can affect the radiation output of the system or the radiation dose delivered to a patient during a therapy procedure.
3. The written spot check procedure shall indicate the frequency at which tests or measurements are to be performed, not to exceed monthly.
4. The spot check procedure shall note conditions that require recalibration of the therapy system before further human irradiation.
5. Records of spot checks shall be maintained and available for inspection by the Department for three years following the spot check measurements. Records of spot checks not performed by an authorized medical physicist shall be

signed by an authorized medical physicist within 15 days of the spot check.

**D. Operating procedures.**

1. Only the patient shall be in the treatment room during irradiation.
2. If a patient must be held in position during treatment only, mechanical supporting or restraining devices shall be used for this purpose.

**Historical Note**

New Section R9-7-905 recodified from R12-1-905 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-906. Limitations**

**A. A registrant shall not permit an individual to act as:**

1. A particle accelerator operator of any type unless the individual:
  - a. Has received copies of and instruction in this Article and the registrant's operating and emergency procedures,
  - b. Demonstrates an understanding of the material, and
  - c. Has demonstrated competence in the use the particle accelerator, related equipment, and survey instruments that will be employed during the operation of the particle accelerator;
2. A medical particle accelerator operator unless the individual is certified as required in A.R.S. § 32-2811 or the operator meets the requirements in R9-7-603(B); or
3. An industrial particle accelerator operator unless the individual has been instructed in radiation safety.

**B. A registrant shall provide either the Radiation Safety Committee or the Radiation Safety Officer with the authority to terminate operations at a particle accelerator facility if this is necessary to protect health and safety or property.**

**C. If equipment is capable of both stationary and moving beam therapy, the registrant shall ensure that:**

1. Irradiation is not possible unless either stationary or moving beam therapy has been selected at the control panel,
2. An interlock is provided to ensure that the machine will operate only in the mode that has been selected,
3. An interlock is provided that terminates irradiation if the gantry fails to move properly during moving beam therapy,
4. A means is provided to prevent movement during stationary therapy, and
5. The mode of operation is displayed at the control panel.

**Historical Note**

New Section R9-7-906 recodified from R12-1-906 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-907. Shielding and Safety Design**

**A. An authorized medical physicist experienced in the principles of radiation protection and installation design shall be consulted in the design of a particle accelerator installation and called upon to perform a radiation survey when the accelerator is first capable of producing radiation. The registrant shall provide a copy of the installation radiation survey to the Department before a Department inspection conducted according to R9-7-914.**

**B. The registrant shall shield each particle accelerator installation with the primary and secondary protective barriers necessary to comply with R9-7-408 and R9-7-416.**

**C. At the time of application for registration and before treatment of the first patient, the applicant shall provide to the Department a copy of an installation report, signed by the contractor who installed required shielding material recommended by the**

## Department of Health Services - Radiation Control

authorized medical physicist who performed the shielding calculations for the particle accelerator facility.

- D.** As part of the annual radiation protection program review required in R9-7-407(C), the registrant shall document installed facility shielding and other radiation exposure controls, review patient workload, and note associated changes, if any, in public exposure that are the result of installed facility shielding, increased workload, and other radiation exposure controls in use at the time of the review.

**Historical Note**

New Section R9-7-907 recodified from R12-1-907 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-908. Particle Accelerator Controls and Interlock Systems**

A registrant shall ensure that:

1. Instrumentation, readouts and controls on the particle accelerator control panel are clearly identified and easily discernible;
2. All entrances into the area that contains the particle accelerator room, target room, or other high radiation area, are provided with interlocks that shut down the machine if an entrance door is opened;
3. If an interlock system connected to an entrance door that provides access to the therapy suite has been tripped, it is not possible to resume operation of the particle accelerator by resetting the interlock switch at the entrance where it had been tripped;
4. Each safety interlock is on a circuit that allows it to operate independently of all other safety interlocks;
5. If possible, the interlock system is fail-safe in design, so that any defect or component failure in the interlock system prevents operation of the particle accelerator; and
6. A scram button or other emergency power cutoff switch is located and easily identifiable in the area that contains the particle accelerator. The registrant shall ensure that the scram button prevents persons from restarting the particle accelerator at the accelerator control panel without resetting the button or switch.

**Historical Note**

New Section R9-7-908 recodified from R12-1-908 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-909. Warning Systems**

A registrant shall ensure that:

1. High radiation areas and entrances to the high radiation areas in medical facilities are equipped with a continuously-operating warning light system that operates when, and only when, radiation is produced;
2. High radiation areas and entrances to the high radiation areas in nonmedical facilities are equipped with an easily-observable flashing or rotating warning light system that operates when, and only when, radiation is produced;
3. High radiation areas associated with nonmedical particle accelerators have an audible warning device that is activated for 15 seconds before creation of the high radiation area; and the warning device is clearly discernible in all high radiation areas and all radiation areas; and
4. High radiation areas associated with any particle accelerator are posted according to R9-7-428 and R9-7-429.

**Historical Note**

New Section R9-7-909 recodified from R12-1-909 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-910. Operating Procedures**

- A.** A registrant shall secure from use a particle accelerator when it is not being used to prevent unauthorized use.
- B.** A particle accelerator operator shall use the switch on the control panel to turn the accelerator beam on and off during normal operations. The safety interlock system may be used to turn off the accelerator beam in emergencies.
- C.** A registrant shall ensure that all safety and warning systems, including interlocks, are tested for proper operation at intervals not to exceed three months, and maintain a record of each test for Department inspection for at least three years from the date of the test.
- D.** A registrant shall keep current electrical circuit diagrams of a particle accelerator and the associated interlock systems, and maintain the diagrams for inspection by the Department.
- E.** A registrant shall not bypass an interlock unless the by-pass is:
  1. Authorized in writing by the Radiation Safety Committee or Radiation Safety Office,
  2. Recorded in a permanent log with a notice of the by-pass posted at any affected interlock and at the control panel, and
  3. Terminated as soon as possible.
- F.** A registrant shall maintain a copy of the current operating and emergency procedures at the particle accelerator control panel.

**Historical Note**

New Section R9-7-910 recodified from R12-1-910 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-911. Radiation Surveys**

- A.** The registrant shall ensure that a portable survey instrument is available at all times in a particle accelerator facility.
- B.** An authorized medical physicist shall:
  1. Check the operation of the portable survey instrument required in subsection (A), using a known radiation source, before each use;
  2. Perform and document a radiation protection survey when changes have been made in shielding, operation, equipment, or occupancy of adjacent areas;
  3. For particle accelerator facilities greater than 30 Mev, establish a program of radiation protection surveys that will evaluate the airborne radiation hazards, and ensure that the particulate radioactivity present in the accelerator facility will not result in personnel exposure that exceeds the limits in Article 4; and
  4. Perform radiation protection surveys, including smear surveys of the particle accelerator facility, as prescribed in the written procedures established by the Radiation Safety Officer of the particle accelerator facility and approved by the Department at the time of application for registration.
- C.** The registrant shall maintain the following records:
  1. Radiation protection surveys required in subsection (B)(2), and the associated facility description, required in R9-7-202, until the registration is terminated; and
  2. Records of the surveys required in subsections (B)(3) and (4) for three years following the measurement.

**Historical Note**

New Section R9-7-911 recodified from R12-1-911 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-912. Reserved****Historical Note**

Section R9-7-912 reserved when this Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-913. Misadministration**

- A.** For purposes of this rule "misadministration" means:

## Department of Health Services - Radiation Control

1. A therapeutic radiation dose from a machine:
  - a. Delivered to the wrong patient;
  - b. Delivered using the wrong mode of treatment;
  - c. Delivered to the wrong treatment site; or
  - d. Delivered in one week to the correct patient, using the correct mode, to the correct therapy site, but greater than 130 percent of the prescribed weekly dose; or
2. A therapeutic radiation dose from a machine with errors in the calibration, time of exposure, or treatment geometry that result in a calculated total treatment dose differing from the final, prescribed total treatment dose by more than 20 percent, except for treatments given in 1 to 3 fractions, in which case a difference of more than 10 percent constitutes a misadministration.

**B. Reports of therapy misadministration**

1. Within 24 hours after discovery of a misadministration, a registrant shall notify the Department by telephone. The registrant shall also notify the referring physician of the affected patient and the patient or a responsible relative or guardian, unless the referring physician personally informs the registrant either that he or she will inform the patient, or that in his or her medical judgment, telling the patient or the patient's responsible relative or guardian would be harmful to one or the other, respectively. If the referring physician or the patient's responsible relative or guardian cannot be reached within 24 hours, the registrant shall notify them as soon as practicable. The registrant shall not delay medical care for the patient because of notification problems.
2. Within 15 days following the verbal notification to the Department, the registrant shall report, in writing, to the Department and individuals notified under subsection (B)(1). The written report shall include the registrant's name, the referring physician's name, a brief description of the event, the effect on the patient, the action taken to prevent recurrence, whether the registrant informed the patient or the patient's responsible relative or guardian, and if not, why not. The report shall not include the patient's name or other information that could lead to identification of the patient.
3. Each registrant shall maintain records of all misadministrations for Department inspection. The records shall:
  - a. Contain the names of all individuals involved in the event, including:
    - i. The physician,
    - ii. The allied health personnel,
    - iii. The patient,
    - iv. The patient's referring physician,
    - v. The patient's identification number if one has been assigned,
    - vi. A brief description of the event,
    - vii. The effect on the patient, and
    - viii. The action taken to prevent recurrence.
  - b. Be maintained for three years beyond the termination date of the affected registration.

**Historical Note**

New Section R9-7-913 recodified from R12-1-913 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-914. Initial Inspections of Particle Accelerators Used in the Practice of Medicine**

The Department shall inspect a particle accelerator, used in the practice of medicine, before its initial use to treat human disease.

**Historical Note**

New Section R9-7-914 recodified from R12-1-914 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Quality Control Program****A. Mechanical Tests**

1. Patient support assembly motions,
2. Gantry angle indicators,
3. Optical distance indicators,
4. Alignment lights,
5. Congruence of radiation beam and light field,
6. Accuracy of field size indicators,
7. Mechanical isocenter-gantry and collimator,
8. Mechanical interlocks.

**B. Radiation Beam Tests**

1. Machine operating parameters,
2. Dose per monitor unit for x-ray and electron beams,
3. Dose per degree for moving beam therapy,
4. Radiation isocenter,
5. Flatness and symmetry,
6. Wedge transmission factors,
7. Shadow tray transmission factors,
8. Energy check on central axis,
9. Radiation output versus field size.

**C. Control Panel Checks**

1. Radiation "ON" condition,
2. Indicator lamp check,
3. Computer control of accelerator,
4. Interlock display,
5. Digital display,
6. Analog display,
7. Status display,
8. Reset display.

**D. Facility Checks**

1. Patient audio-visual communication,
2. Entrance door interlock,
3. Warning lights,
4. Emergency off button.

**E. Dose Output Check**

1. Each registrant shall use the services of a third party authorized medical physicist or third party TLD system to verify the accelerator's radiation output every two years.
2. If the output check is not within plus or minus 5 percent of the calibrated output, the accelerator shall be recalibrated and the discrepancy investigated.
3. Records of output checks shall be maintained for three years.

**F. Patient Dosimetry Calculation Checks**

1. Calculation of patient treatment times,
2. Computer calculation of patient treatment times.

**Historical Note**

New Article 9, Appendix A recodified from 12 A.A.C. 1, Article 9, Appendix A, 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 10. NOTICES, INSTRUCTIONS, AND REPORTS TO RADIATION WORKERS; INSPECTIONS****R9-7-1001. Purpose and Scope**

This Article establishes requirements for notices, instructions, and reports by licensees or registrants to individuals working for a licensee or registrant. This Article explains the options available to these individuals in connection with Department inspections of licensees or registrants regarding radiological working conditions. The rules in this Article apply to all persons who receive, possess, use, own, or transfer sources of radiation licensed or registered by the Department.



## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-1001 recodified from R12-1-1001 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1002. Posting of Notices for Workers**

- A. Each licensee or registrant shall post current copies of the following documents:
1. The rules in this Chapter;
  2. The license, certificate of registration, conditions, or documents incorporated into the license or registration by reference, and any amendments to the license or registration;
  3. The operating procedures applicable to work under the license or registration;
  4. Any notice of violation involving radiological working conditions, proposed imposition of a civil penalty, or order issued under 9 A.A.C. 7, Article 12, and any response from the licensee or registrant.
- B. If posting of a document specified in subsections (A)(1), (2) and (3) is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.
- C. Form ARRA-6 (shown following R9-7-1008), "Notice to Employees" shall be posted by each licensee or registrant wherever individuals work in or frequent any portion of a restricted area.
- D. Each licensee or registrant shall post documents, notices, or forms, as required by this Section, so that they are conspicuous and appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies and shall replace any document if it is defaced or altered.
- E. Department documents posted as required in subsection (A)(4) shall be posted within two working days after receipt of the documents from the Department; the licensee's or registrant's response, if any, shall be posted within two working days after dispatch from the licensee or registrant. The documents shall remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.

**Historical Note**

New Section R9-7-1002 recodified from R12-1-1002 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1003. Instructions for Workers**

- A. A licensee or registrant shall ensure that each individual who, in the course of employment, is likely to receive in a year an occupational dose in excess of 1 mSv (100 mrem), receives instruction in all of the following subjects:
1. Storage, transfer, or use of radiation and radioactive material;
  2. Health protection problems associated with exposure to radiation or radioactive material, precautions or procedures to minimize exposure, and purposes and functions of protective devices;
  3. Applicable provisions in Department rules, licenses, and registrations that protect of personnel from exposure to radiation or radioactive material, with an emphasis on the duties of workers;
  4. The duty to promptly report to the licensee or registrant any condition that may lead to or cause a violation of a provision in a Department rule, license, or registration or unnecessary exposure to radiation or radioactive material;
  5. Correct response to warnings in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and

6. Radiation exposure reports that a worker may request according to R9-7-1004.

- B. In determining whether subsection (A) applies to an individual, a licensee or registrant shall take into consideration assigned activities during normal and abnormal situations that involve exposure to radiation or radioactive material and could reasonably be expected to occur during the life of a facility. The licensee or registrant shall provide instruction that is commensurate with potential radiological health protection problems present in the work place.

**Historical Note**

New Section R9-7-1003 recodified from R12-1-1003 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1004. Notifications and Reports to Individuals**

- A. A licensee or registrant shall report radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body to the individual as specified in this Section. The information reported shall include data and results obtained under Department rules, orders, or license conditions, as shown in records maintained by the licensee or registrant. Each notification and report shall be in writing; include appropriate identifying data, such as the name of the licensee or registrant, the name of the individual, and the individual's Social Security number; include the individual's exposure information; and contain the following statement:
- "This report is furnished to you under the provisions of 9 A.A.C. 7. You should preserve this report for future reference."
- B. Each licensee or registrant shall make dose information available to workers as shown in records maintained by the licensee or registrant under the provisions of Article 4. Each licensee or registrant shall provide annual notification of exposure to radiation or radioactive material for each worker, as shown in records maintained by the licensee or registrant under R9-7-419(E) if:
1. The individual's occupational dose exceeds 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or tissue; or
  2. The individual requests his or her annual dose report.
- C. At the request of a worker formerly engaged in work controlled by the licensee or the registrant, each licensee or registrant shall furnish to the worker a report of the worker's exposure to radiation or radioactive material. The report shall be furnished within 30 days from the time the request is made, or within 30 days after the exposure of the individual has been determined by the licensee or registrant, whichever is later; the report shall cover, within the period of time specified in the request, each calendar quarter in which the worker's activities involved exposure to radiation from radioactive material licensed by, or radiation machines registered with, the Department; and the report shall include the dates and locations of work under the license or registration in which the worker participated during this period.
- D. Reports to individuals of their exposure to radiation shall be made according to R9-7-446.

**Historical Note**

New Section R9-7-1004 recodified from R12-1-1004 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1005. Licensee, Registrant, and Worker Representation During Department Inspection**

- A. As a condition of licensure or registration, each licensee or registrant shall afford to the Department, at all reasonable

## Department of Health Services - Radiation Control

times and without undue delay, an opportunity to inspect materials, machines, activities, facilities, premises, and records.

- B. During an inspection, the licensee or registrant shall permit Department inspectors to consult privately with workers as specified in R9-7-1006. The licensee or registrant may accompany Department inspectors during other phases of an inspection.
- C. A worker authorized to consult with an Department inspector under R9-7-1006 may authorize another individual to represent the worker's interests during the Department inspection. The licensee or registrant shall notify the inspectors of the worker's authorization and give the worker's representative an opportunity to accompany the inspectors during the inspection of physical working conditions.
- D. Each worker's representative shall be routinely engaged in work under control of the licensee or registrant or shall have received instructions under R9-7-1003.
- E. Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the inspection. However, only one worker's representative at a time may accompany the inspectors.
- F. With the approval of the licensee or registrant and the worker's representative an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the worker's representative, shall be afforded the opportunity to accompany Department inspectors during the inspection of physical working conditions.
- G. Notwithstanding the other provisions of this Section, Department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to any area containing proprietary information the worker's representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, any individual who accompanies an inspector may have access to such information only if authorized by the classifying agency.

**Historical Note**

New Section R9-7-1005 recodified from R12-1-1005 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1006. Consultation with Workers During Inspections**

- A. A licensee or registrant shall afford Department inspectors talking to a licensee or registrant representative the opportunity to consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of Department rules, licenses, and registrations to the extent the inspectors deem consultation necessary for conducting an effective and thorough inspection.
- B. During the course of an inspection, any worker may privately bring to the attention of the inspectors, either orally or in writing, any past or present condition which the worker has reason to believe may have contributed to or caused any violation of the Act, these rules, or a license or registration condition, or

any unnecessary exposure of an individual to radiation from licensed radioactive material or a registered radiation machine under the licensee's or registrant's control. If this notification is in writing, the worker shall comply with the requirements of R9-7-1007(A).

- C. The provisions of ) R9-7-1006(B) shall not be interpreted as authorization to disregard instructions required by R9-7-1003.

**Historical Note**

New Section R9-7-1006 recodified from R12-1-1006 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1007. Inspection Requests by Workers**

- A. Any worker or representative of workers who believes that a violation of the Act, these rules, license, or registration conditions exists, or has occurred with regard to radiological working conditions in which the worker is engaged, may request an inspection of the facility by the Department. Any request shall be in writing, addressed to the Director, set forth the specific grounds for the request, and be signed by the worker or representative of the workers. The Department shall provide a copy to the licensee or registrant no later than at the time of inspection except that, upon the request of the worker, the Department shall protect the worker's name and the name of individuals referred to in the request to the extent authorized by law, except for good cause shown.
- B. If, upon receipt of a request for inspection, the Department Director determines that there are reasonable grounds to believe that the alleged violation exists or has occurred, the Director shall initiate an inspection as soon as practicable, to determine if the alleged violation exists or has occurred. Inspections performed under this subsection need not be limited to matters referred to in the complaint.
- C. A licensee or registrant shall not discharge or in any manner discriminate against any worker because the worker has filed any complaint or caused to be instituted any proceeding under these rules or has testified or is about to testify in the instituted proceeding or because the worker exercises on behalf of the worker or others, any option afforded by this Article.

**Historical Note**

New Section R9-7-1007 recodified from R12-1-1007 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1008. Inspection not Warranted; Review**

If the Department determines, with respect to a complaint under R9-7-1007, that an inspection is not warranted or there are no reasonable grounds to believe that a violation exists or has occurred, the Department shall notify the complainant in writing of the determination. The complainant may obtain review of the determination by submitting a written request for hearing to the Department. The Department shall provide for a hearing before the Radiation Regulatory Hearing Board under 9 A.A.C. 7, Article 12 and A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section R9-7-1008 recodified from R12-1-1008 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Exhibit A. Form ARRA-6 (2012) Notice to Employees****ARRA-6 (2012) Arizona Department of Health Services, Bureau of Radiation Control****NOTICE TO EMPLOYEES****STANDARDS FOR PROTECTION AGAINST RADIATION;  
NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS;  
INSPECTIONS**

In Article 4 of the Arizona Department of Health Services, Bureau of Radiation Control rules for the Control of Radiation, the Arizona Department of Health Services, Bureau of Radiation Control has established standards for your protection against radiation hazards. In Article 10 of the rules for the Control of Radiation, the Arizona Department of Health Services, Bureau of Radiation Control has established certain provisions for the options of workers engaged in work under a license or registration issued by the Arizona Department of Health Services, Bureau of Radiation Control.

**YOUR EMPLOYER'S RESPONSIBILITY**

Your employer is required to -

1. Apply these rules to work involving sources of radiation.
2. Post or otherwise make available to you a copy of the Arizona Department of Health Services, Bureau of Radiation Control rules, licenses, and operating procedures which apply to work you are engaged in, and explain their provisions to you.
3. Post notice of violation involving radiological working conditions, proposed imposition of civil penalties, and orders.

**YOUR RESPONSIBILITY AS A WORKER**

You should familiarize yourself with those provisions of the Arizona Department of Health Services, Bureau of Radiation Control rules and the operating procedures which apply to the work you are engaged in. You should observe their provisions for your own protection and protection of your co-workers.

**WHAT IS COVERED BY THESE RULES**

1. Limits on exposure to radiation and radioactive material in restricted and unrestricted areas;
2. Measures to be taken after accidental exposure;
3. Personnel monitoring, surveys, and equipment;
4. Caution signs, labels, and safety interlock equipment;
5. Exposure records and reports;
6. Options for workers regarding inspections by the Arizona Department of Health Services, Bureau of Radiation Control; and
7. Related matters.

**REPORTS ON YOUR RADIATION EXPOSURE HISTORY**

1. The Arizona Department of Health Services, Bureau of Radiation Control rules require that your employer give you a written report if you receive an exposure in excess of any applicable limit set forth in the rules or in the

license. The basic limits for exposure to employees are set forth in Article 4 of the rules. These Sections specify limits on exposure to radiation and exposure to concentrations of radioactive material in air and water.

2. If you work where personnel monitoring is required, and if you request information on your radiation exposures,
  - a. Your employer must give you a written report, upon termination of your employment, of your radiation exposures; and
  - b. Your employer must advise you annually of your exposure to radiation.

**INSPECTIONS**

All licensed or registered activities are subject to inspection by representatives of the Arizona Department of Health Services, Bureau of Radiation Control. In addition, any worker or representative of workers who believes that there is a violation of the regulations issued thereunder, or the terms of the employer's license or rules with regard to radiological working conditions in which the worker is engaged, may request an inspection by sending a notice of the alleged violation to the Arizona Department of Health Services, Bureau of Radiation Control. The request must set forth the specific grounds for the notice and must be signed by the worker on his own behalf or as a representative of the workers. During inspections, inspectors of the Arizona Department of Health Services, Bureau of Radiation Control may confer privately with workers, and any worker may bring to the attention of the inspectors any past or present condition which he believes contributed to or caused any violation as described above.

**INQUIRIES**

Inquiries dealing with the matters outlined above can be sent to the:  
**ARIZONA DEPARTMENT OF HEALTH SERVICES,  
BUREAU OF RADIATION CONTROL**

**POSTING REQUIREMENT**

IN ACCORDANCE WITH A.A.C. R9-7-1002, COPIES OF THIS NOTICE SHALL BE POSTED IN SUCH A MANNER TO PERMIT EMPLOYEES WORKING IN OR FREQUENTING ANY PORTION OF A RESTRICTED AREA, USED FOR ACTIVITIES LICENSED OR REGISTERED PURSUANT TO ARTICLE 2 OR ARTICLE 3 OF THE ARIZONA DEPARTMENT OF HEALTH SERVICES, BUREAU OF RADIATION CONTROL'S RULES, TO OBSERVE A COPY OR COPIES ON THE WAY TO OR FROM THEIR WORK AREA.

**Historical Note**

New Article 10, Exhibit A recodified from 12 A.A.C.1, Article 10, Exhibit A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 11. INDUSTRIAL USES OF X-RAYS, NOT INCLUDING ANALYTICAL X-RAY SYSTEMS****R9-7-1101. Reserved****Historical Note**

Section R9-7-1101 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1102. Definitions**

"Access point" means any door or cover that is designed to be removed or opened for maintenance or service purposes, opened using tools, and used to provide access to the interior of a cabinet x-ray unit.

"Annual refresher safety training" means a review provided by the registrant for its employees on radiation safety aspects of industrial radiography. The review shall include, as applicable, the results of internal inspections, new procedures or equipment, new or revised statutes or rules, accidents, or errors that have occurred, and provide opportunities for employees to ask safety questions.

## Department of Health Services - Radiation Control

“Aperture” means any opening in the outside surface of a cabinet x-ray unit, other than a port, which remains open during generation of x-radiation.

“Door” means any barrier that is designed to be movable or opened for routine operation purposes, rather than opened using tools, and used to provide access to the interior of the cabinet x-ray unit.

“Ground fault” means an accidental electrical grounding of an electrical conductor.

“Hands-on experience” means the accumulation of knowledge or skill in any area relevant to radiography.

“Port” means any opening in the outside surface of a cabinet x-ray unit that is designed to remain open, during generation of x-rays, for conveying material that is being irradiated into and out of the cabinet, or for partial insertion of an object for irradiation if the dimensions of the object do not permit complete insertion into the cabinet x-ray unit.

“Practical examination” means a demonstration, through practical application of safety rules and principles of industrial radiography, which includes use of all radiography equipment and tests knowledge of radiography procedures.

“Radiographic operations” means all activities associated with use of a radiographic x-ray system. This includes performing surveys to confirm the adequacy of boundaries, setting up equipment, and conducting any activity inside restricted area boundaries.

**Historical Note**

New Section R9-7-1102 recodified from R12-1-1102 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1103. Reserved****Historical Note**

Section R9-7-1103 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1104. Registration Requirements**

- A.** The Department shall review an application for registration of a radiation machine for use in industrial radiography and approve the registration if an applicant meets all of the following requirements:
  1. The applicant satisfies the general requirements in Article 2 and any special requirements contained in this Article,
  2. The applicant submits a program for training radiographer’s assistants that complies with R9-7-1146, and
  3. The applicant submits procedures for verifying and documenting the certification status of each radiographer and for ensuring that the certification remains valid.
- B.** An applicant shall submit written operating and emergency procedures, as prescribed in R9-7-1128.
- C.** An applicant shall submit a description of a program for review of job performance of each radiographer and radiographer’s assistant at intervals that do not exceed six months, as prescribed in R9-7-1146(E).
- D.** An applicant shall submit a description of the applicant’s overall organizational structure as it applies to radiation safety responsibilities in industrial radiography, including specified delegation of authority and responsibility.
- E.** An applicant shall submit and list the qualifications of each individual designated as an RSO under R9-7-1120 and indicate which designee is responsible for ensuring that the registrant’s radiation safety program is implemented.

- F.** If an applicant intends to perform “in-house” calibrations of survey instruments, the applicant shall describe each calibration method to be used, the relevant experience of each person who will perform a calibration, and procedures to ensure that all calibrations are performed according to the procedures prescribed in R9-7-1108.
- G.** An applicant shall identify and describe the location of all field stations and permanent radiographic installations.
- H.** An applicant shall identify each location where records required by this Chapter will be maintained.

**Historical Note**

New Section R9-7-1104 recodified from R12-1-1104 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1105. Reserved****Historical Note**

Section R9-7-1105 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1106. Equipment Performance**

A registrant shall ensure that each x-ray machine has a lock or other security system designed to prevent unauthorized use or accidental production of radiation and is secured against unauthorized use at all times, except when under the direct surveillance of a radiographer or radiographer’s assistant.

**Historical Note**

New Section R9-7-1106 recodified from R12-1-1106 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1107. Reserved****Historical Note**

Section R9-7-1107 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1108. Radiation Survey Instruments**

- A.** A registrant shall maintain at least two calibrated and operable radiation survey instruments at each location where sources of radiation are present to make radiation surveys required by this Article and Article 4 of this Chapter. Instrumentation required by this Section shall be capable of measuring a range from 0.02 millisieverts (2 millirems) per hour through 0.01 sievert (1 rem) per hour.
- B.** A registrant shall ensure that each radiation survey instrument required under subsection (A) is calibrated:
  1. At intervals that do not exceed six months, and after instrument servicing, except for battery changes;
  2. For linear scale instruments, at two points located approximately one-third and two-thirds of full-scale on each scale; for logarithmic scale instruments, at mid-range of each decade, and at two points of at least one decade; and for digital instruments, at 3 points between 0.02 and 10 millisieverts (2 and 1000 millirems) per hour; and
  3. So that an accuracy within plus or minus 20% of the calibration source can be demonstrated at each point checked.
- C.** A registrant shall make a record each time a radiation survey instrument is calibrated, and maintain each record for three years after it is made.

**Historical Note**

New Section R9-7-1108 recodified from R12-1-1108 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1109. Reserved**

## Department of Health Services - Radiation Control

**Historical Note**

Section R9-7-1109 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1110. Quarterly Inventory**

- A. A registrant shall conduct a quarterly physical inventory to account for all x-ray machines received and possessed under the registration.
- B. A registrant shall maintain a record of the quarterly inventory required under subsection (A) for three years after it is made.
- C. The record required by subsection (B) shall include the date of the inventory, name of the individual who conducted the inventory, location of each x-ray machine, and manufacturer, model, and serial number of each x-ray machine.

**Historical Note**

New Section R9-7-1110 recodified from R12-1-1110 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1111. Reserved****Historical Note**

Section R9-7-1111 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1112. Utilization Logs**

- A. A registrant shall maintain for each x-ray machine a utilization log that provides all of the following information:
  - 1. A description, including the make, model, and serial number of each x-ray machine;
  - 2. The identity and signature of the radiographer using the machine; and
  - 3. The plant or site where the machine is used and dates of use, including each date when the machine is removed from or returned to storage.
- B. A registrant shall retain a log required by subsection (A) for three years after the log is made.

**Historical Note**

New Section R9-7-1112 recodified from R12-1-1112 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1113. Reserved****Historical Note**

Section R9-7-1113 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1114. Inspection and Maintenance of Radiation Machines, Survey Instruments, and Associated Equipment**

- A. A registrant shall perform visual and operability checks on survey instruments and radiation machines before use on each day the equipment is to be used to ensure that the equipment is in good working condition and required labeling is present. Survey instrument operability checks shall be performed using check sources or other authorized means. If equipment problems are found, the registrant shall remove the equipment from service until it is repaired.
- B. A registrant shall have written inspection and maintenance procedures for radiation machines and survey instruments that require inspection and maintenance, at intervals that do not exceed three months or before first use of the equipment and to ensure the proper functioning of components important to safety. Replacement components shall meet design specifications. If equipment problems are discovered, the registrant shall remove the equipment from service until the equipment is repaired.
- C. A registrant shall maintain records of equipment problems found in daily checks and quarterly inspections and retain each record for three years after it is made. The record shall include

the date of the check or inspection, name of the inspector, equipment involved, any problems found, and any repair or needed maintenance performed.

**Historical Note**

New Section R9-7-1114 recodified from R12-1-1114 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1115. Reserved****Historical Note**

Section R9-7-1115 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1116. Surveillance**

During each radiographic operation a radiographer, or the radiographer's assistant as permitted by R9-7-1118, shall maintain continuous direct visual surveillance of the operation to protect against unauthorized entry into a high radiation area, except at permanent radiographic installations where all entrances are locked and the registrant is in compliance with R9-7-1136.

**Historical Note**

New Section R9-7-1116 recodified from R12-1-1116 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1117. Reserved****Historical Note**

Section R9-7-1117 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1118. Industrial Radiographic Operations**

- A. If industrial radiography is performed at a location other than a permanent radiographic installation, a registrant shall ensure that the radiographer is accompanied by at least one other radiographer or radiographer's assistant, qualified under R9-7-1146. The additional radiographer or radiographer's assistant shall observe the operations and be capable of providing immediate assistance to prevent unauthorized entry. The registrant shall not allow industrial radiography if only one qualified individual is present.
- B. A registrant shall ensure that each industrial radiographic operation is conducted at a location of use authorized on the registration of a permanent radiographic installation, unless another permanent location is specifically authorized by the Department.

**Historical Note**

New Section R9-7-1118 recodified from R12-1-1118 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1119. Reserved****Historical Note**

Section R9-7-1119 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1120. Radiation Safety Officer (RSO)**

- A. A registrant shall have a radiation safety officer (RSO) who is responsible for implementing procedures and regulatory requirements in the daily operation of the radiation safety program.
- B. A registrant shall ensure that the RSO has satisfied the following minimum requirements:
  - 1. The training and testing requirements in R9-7-1146;
  - 2. Two thousand hours of hands-on experience as a qualified radiographer for an industrial radiographic operation; and
  - 3. Formal training in the establishment and maintenance of a radiation safety program.

## Department of Health Services - Radiation Control

- C. A registrant may use an individual in the position of RSO who does not have the training and experience required in subsection (B), if the registrant provides the Department with a description of the individual's training and experience in the field of ionizing radiation and training with respect to the establishment and maintenance of a radiation safety protection program.
- D. The specific duties and authorities of the RSO include, but are not limited to:
1. Establishing and overseeing operating, emergency, and ALARA procedures as required in Article 4 of this Chapter, and reviewing the procedures every year to ensure that they conform to current Department rules and registration conditions;
  2. Overseeing and approving all phases of the training program for radiographic personnel, ensuring that appropriate and effective radiation protection practices are taught;
  3. Overseeing radiation surveys and associated documentation to ensure that the surveys are performed in accordance with the rules and taking corrective measures if levels of radiation exceed established action limits;
  4. Overseeing the personnel monitoring program to ensure that monitoring devices are calibrated and used properly by occupationally exposed personnel and ensuring that records are kept of the monitoring results and timely notifications are made as required in R9-7-444; and
  5. Overseeing operations to ensure that they are conducted safely and instituting corrective actions, which may include ceasing operations if necessary.

**Historical Note**

New Section R9-7-1120 recodified from R12-1-1120 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1121. Reserved****Historical Note**

Section R9-7-1121 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1122. Form of Records**

A registrant shall maintain records in accordance with R9-7-405.

**Historical Note**

New Section R9-7-1122 recodified from R12-1-1122 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1123. Reserved****Historical Note**

Section R9-7-1123 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1124. Reserved****Historical Note**

Section R9-7-1124 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1125. Reserved****Historical Note**

Section R9-7-1125 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1126. Posting**

A registrant shall post any area in which industrial radiography is being performed as required by R9-7-429. Exceptions listed in R9-7-430 do not apply to industrial radiographic operations.

**Historical Note**

New Section R9-7-1126 recodified from R12-1-1126 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1127. Reserved****Historical Note**

Section R9-7-1127 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1128. Operating and Emergency Procedures**

- A. A registrant shall have operating and emergency procedures that include, at minimum, instructions in the following, as applicable:

1. Use of radiation machines, so that persons are not exposed to radiation that exceeds the limits in Article 4 of this Chapter;
2. Methods and occasions for conducting radiation surveys;
3. Methods for controlling access to radiographic areas;
4. Methods and occasions for locking and securing a radiation machine;
5. Personnel monitoring and associated equipment;
6. Inspection, maintenance, and operability checks of a radiation machine and survey instruments;
7. Actions to be taken immediately by radiography personnel if a pocket dosimeter is found to be off-scale or an alarm rate meter sounds an alarm;
8. Procedures for identifying and reporting defects and non-compliance, as required by R9-7-448;
9. The procedure for notifying the RSO and the Department in the event of an accident;
10. Minimizing exposure of persons in the event of an accident, and
11. Maintenance of records.

- B. The registrant shall maintain copies of current operating and emergency procedures until the Department terminates the registration. Superseded procedures shall be maintained for three years after a change is made. Additionally, records shall be maintained in accordance with R9-7-1138.

**Historical Note**

New Section R9-7-1128 recodified from R12-1-1128 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1129. Reserved****Historical Note**

Section R9-7-1129 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1130. Personnel Monitoring**

- A. An individual shall not act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, the individual wears, on the trunk of the body, a direct reading dosimeter, an operating alarm rate meter, and either a film badge, a TLD, or an optically stimulated luminescence (OSL) dosimeter. At permanent radiography installations where other required alarm or warning devices are in routine use, an alarm rate meter is not required.

1. A registrant shall provide pocket dosimeters that have a range from zero to 2 millisieverts (200 millirems) and ensure that the dosimeters are recharged at the start of each shift. Electronic personnel dosimeters are permitted in place of ion-chamber pocket dosimeters.
2. The registrant shall assign a film badge, TLD, or OSL dosimeter to one individual, who shall wear the assigned equipment.
3. The registrant shall replace film badges at least monthly and replace TLDs or OSL dosimeters at least quarterly.

## Department of Health Services - Radiation Control

4. After replacement, the registrant shall ensure that each film badge or TLD is processed as soon as possible.
- B. A radiographer or radiographer's assistant shall record exposures noted from direct reading dosimeters, such as pocket dosimeters or electronic personnel dosimeters, at the beginning and end of each shift.
- C. A registrant shall check each pocket dosimeter or electronic personnel dosimeter at least yearly for correct response to radiation, and discontinue use of a dosimeter if it is not accurate within plus or minus 20% of the true radiation exposure.
- D. If an individual's pocket dosimeter has an off-scale reading, or the electronic personnel dosimeter reads greater than 2 millisieverts (200 millirems), and radiation exposure cannot be ruled out as the cause, a registrant shall send the individual's film badge, TLD, or OSL dosimeter for processing within 24 hours. The registrant shall not allow the individual to work with a radiation machine until the individual's radiation exposure is determined. Using the information from the badge or dosimeter, the RSO or the RSO's designee shall calculate the affected individual's cumulative radiation exposure, as prescribed in Article 4 of this Chapter and include the results in records maintained in accordance with subsection (G).
- E. If an individual's monitoring device is lost or damaged, the individual shall cease work immediately until the registrant provides a replacement film badge, TLD, or OSL dosimeter and the RSO or the RSO's designee calculates the exposure for the time period from issuance to discovery of a lost or damaged film badge, TLD, or OSL dosimeter. The registrant shall include the calculated exposure and the time period for which the film badge, TLD, or OSL dosimeter was lost or damaged in the records maintained in accordance with subsection (G).
- F. For each alarm rate meter a registrant shall ensure that:
  1. At the start of a shift each individual with an alarm rate meter checks that the alarm functions (sounds) before using the device;
  2. Each device is set to give an alarm signal at a preset dose rate of 5 mSv/hr (500 mrem/hr) with an accuracy of plus or minus 20% of the true radiation dose rate;
  3. A special means is necessary to change the preset alarm function on the device; and
  4. Each device is calibrated at periods that do not to exceed 12 months for correct response to radiation
- G. Each registrant shall maintain the following personnel monitoring records:
  1. Each dosimeter reading and the yearly operability check required by subsections (B) and (C) for three years after each record is made;
  2. A record of each alarm rate meter calibration for three years after the record is made;
  3. Any report received from the film badge, TLD, or OSL processor. The registrant shall maintain these records until the Department terminates the registration; and
  4. Any estimation of an exposure evidenced by an off-scale personnel direct-reading dosimeter or a lost or damaged film badge, TLD, or OSL dosimeter. The records shall be maintained until the Department terminates the registration.

**Historical Note**

New Section R9-7-1130 recodified from R12-1-1130 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1131. Reserved****Historical Note**

Section R9-7-1131 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1132. Supervision of a Radiographer's Assistant**

If a radiographer's assistant uses a radiation machine or conducts a radiation survey required by R9-7-1134(B), the registrant shall ensure that the assistant is under the personal supervision of a radiographer. For purposes of this Section "personal supervision" means:

1. The radiographer is physically present at the site where the radiation machine is being used;
2. The radiographer is available to give immediate assistance if required; and
3. The radiographer is able to observe directly the assistant's performance.

**Historical Note**

New Section R9-7-1132 recodified from R12-1-1132 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1133. Reserved****Historical Note**

Section R9-7-1133 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1134. Radiation Surveys**

- A. A registrant shall conduct surveys with a calibrated and operable radiation survey instrument that meets the requirements of R9-7-1108.
- B. A registrant shall conduct a survey of a radiographic machine any time the machine is placed in storage to ensure that the machine will not expose personnel to radiation.
- C. A registrant shall maintain a record of each exposure survey conducted before a machine is placed in storage under subsection (B), if that survey is the last one performed during the workday. Each record shall be maintained for three years after it is made.

**Historical Note**

New Section R9-7-1134 recodified from R12-1-1134 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1135. Reserved****Historical Note**

Section R9-7-1135 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1136. Permanent Radiographic Installations**

- A. If a registrant maintains a permanent radiographic installation that does not fall within the definition of "enclosed radiography" in R9-7-102, the registrant shall ensure that each entrance used for personnel access to the high radiation area has either:
  1. An entrance control device of the type described in R9-7-420(A)(1), which reduces the radiation level upon entry into the area, or
  2. Both conspicuous visible and audible alarm signals to warn of the presence of radiation. The registrant shall ensure that the visible signal is actuated by radiation if the x-ray tube is energized and the audible signal is actuated if a person attempts to enter the installation while the x-ray tube is energized.
- B. A registrant shall test the alarm system for proper operation with a radiation source each day before the installation is used for radiographic operations. The test shall include a check of both the visible and audible signals. The registrant shall test each device referenced in subsection (A)(1) monthly. If an

## Department of Health Services - Radiation Control

entrance control device or alarm signal is operating improperly, the registrant shall immediately label the device or signal as “defective” and repair the device or signal within seven calendar days. The registrant may continue to use the facility during this seven-day period, if the registrant implements continuous surveillance requirements of R9-7-1116 and uses an alarm rate meter.

- C. A registrant shall maintain each record of alarm system and entrance control device tests for three years after the record is made.

**Historical Note**

New Section R9-7-1136 recodified from R12-1-1136 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1137. Reserved****Historical Note**

Section R9-7-1137 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1138. Location of Documents and Records**

- A. A registrant shall maintain a copy of each record required by this Article and other applicable Articles of this Chapter at the location specified on the registration application.
- B. A registrant shall maintain a copy of the following at each field station and temporary job site:
1. The registration that authorizes use of a radiation machines;
  2. A copy of Articles 4, 10, and 11 of this Chapter;
  3. Utilization logs for each radiation machine dispatched from that location, as required by R9-7-1112;
  4. Records of equipment problems identified in daily checks of equipment, as required by R9-7-1114;
  5. Records of alarm system and entrance control device checks, as required by R9-7-1136;
  6. Records of direct-reading dosimeters such as pocket dosimeters and electronic personnel dosimeters, as required by R9-7-1130;
  7. Operating and emergency procedures, as required by R9-7-1128;
  8. A report on the most recent calibration of the radiation survey instruments in use at the site, as required by R9-7-1108;
  9. A report on the most recent calibration of each alarm rate meter and operability check of each pocket dosimeter, or electronic personnel dosimeter, as required by R9-7-1130;
  10. Most recent survey record, as required by R9-7-1134; and
  11. If a registrant is operating in the state under R9-7-207, a copy of the out-of-state machine registration and a written authorization from the Department to operate in the state.

**Historical Note**

New Section R9-7-1138 recodified from R12-1-1138 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1139. Reserved****Historical Note**

Section R9-7-1139 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1140. Enclosed Radiography**

- A. The Department has determined that any certified or certifiable cabinet x-ray system, as defined in Article 1, is exempt from the requirements of Article 11, provided that both of the following conditions are met:
6. Perform radiation surveys to determine exposure with an

1. The registrant makes, or causes to be made, an evaluation of each certified and certifiable cabinet x-ray system, at intervals that do not exceed 12 months, to determine whether the system conforms to the standards for certified and certifiable cabinet x-ray systems defined in Article 1. Records of each evaluation shall be maintained for three years from the date the record is created; and
  2. The registrant performs a physical radiation survey with a survey instrument calibrated within the preceding 12 months and designed for the energy range and levels of radiation that will be assessed.
- B. A registrant with a cabinet x-ray system that is not exempt under subsection (A) shall comply with the recordkeeping requirements of this Article and the following special requirements. The registrant shall:
1. Ensure that radiation levels measured at 5 centimeters (2 inches) from any accessible exterior surface of the enclosure do not exceed 50 microsievert (0.5 milliroentgen) in one hour for any combination of technical factors (i.e., mA, kVp);
  2. Ensure that access to the interior of the enclosure is possible only through interlocked doors or panels that prevent production of radiation unless all interlocked doors or panels are securely closed. The registrant shall ensure that opening a door or panel results in immediate termination of radiation production and subsequent reactivation of the x-ray tube is only possible at the control panel;
  3. Provide visible warning signals, activated only during production of radiation, at the control panel and at each access point to the interior of the enclosure;
  4. Before using an x-ray system make, or cause to be made, an initial evaluation of the x-ray system to determine compliance with this Article, and subsequently evaluate the x-ray system at intervals that do not exceed three months. The registrant shall maintain a record of each evaluation for two years, and
  5. Using instrumentation that complies with R9-7-1108, perform a physical radiation survey to satisfy the requirements of subsection (B)(4).
- C. A registrant with a shielded room x-ray systems shall comply with the recordkeeping requirements of this Article and the following special requirements. The registrant shall:
1. Shield each x-ray room so that every location on the exterior meets the requirements for an “unrestricted area” as specified in R9-7-416;
  2. Provide access to the interior of a shielded x-ray room only through doors or panels that are interlocked. The registrant shall ensure that radiation production is possible only when all interlocked doors and panels are securely closed, opening of any interlocked door or panel results in immediate termination of radiation production; and subsequent reactivation of the x-ray tube is only possible at the control panel;
  3. Provide each access point with two interlocks, each on a separate circuit, so that failure of one interlock will not affect the performance of the other interlock;
  4. Provide visible warning signals, activated only during production of radiation at the control panel and each access point to the shielded room;
  5. Make, or cause to be made, an initial evaluation of each shielded room x-ray system to determine compliance with this Article, and subsequently evaluate the x-ray system at intervals that do not exceed three months. The registrant shall maintain a record of each evaluation for two years;
- instrument that meets the requirements of R9-7-1108;



## Department of Health Services - Radiation Control

7. Inspect electrical interlocks and warning devices for correct operation before each use, and maintain a record of each inspection for two years;
  8. Not permit an individual to operate an x-ray machine for shielded room radiography unless the individual has received a copy of, and instruction in, the operating procedures and demonstrated competence in the safe use of the equipment;
  9. Ensure that an individual does not occupy the interior of any shielded room x-ray system during production of radiation;
  10. Provide personnel monitoring devices that meet the requirements of R9-7-1130 to each shielded room x-ray machine operator, and require that each operator use the devices;
  11. Maintain records of:
    - a. Quarterly inventories for mobile systems, as prescribed in R9-7-1110; and
    - b. Utilization logs for all systems, as prescribed in R9-7-1112; and
  12. Maintain records for three years from the date of the quarterly inventory or utilization log.
- D.** A registrant shall connect an enclosed radiography machine to the electrical system in a manner that will prevent a ground fault from generating x-radiation.

**Historical Note**

New Section R9-7-1140 recodified from R12-1-1140 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1141. Reserved****Historical Note**

Section R9-7-1141 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1142. Baggage and Package Inspection Systems**

- A.** For x-ray systems designed to screen carry-on baggage or packages at airlines, railroads, bus terminals, package inspection facilities, or similar facilities, a registrant shall ensure the x-ray system has an operator present at the control area in a position that permits surveillance of the ports and doors during generation of x-radiation to prevent exposure to passengers and other members of the public.
- B.** For an exposure or preset succession of exposures of one-half second or greater duration, a registrant shall use a system that enables the operator to terminate the exposure or preset succession of exposures at any time.
- C.** For an exposure or preset succession of exposures of less than one-half second duration, a registrant shall use a system that allows the operator to complete the exposure in progress, but prevent additional exposures.
- D.** A registrant shall operate a baggage or package inspection system according to the manufacturer's instructions.
- E.** A registrant shall not disconnect or otherwise tamper with the safety systems of a baggage or package inspection system, except for maintenance purposes.
- F.** In addition to the requirements in this Section, a registrant using a baggage or package inspection system shall meet the requirements in R9-7-1140(A), (B), and (D).

**Historical Note**

New Section R9-7-1142 recodified from R12-1-1142 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1143. Reserved****Historical Note**

Section R9-7-1143 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1144. Reserved****Historical Note**

Section R9-7-1144 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1145. Reserved****Historical Note**

Section R9-7-1145 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1146. Training**

- A.** A registrant shall not allow an individual to act as a radiographer until the individual has received training in the subjects in subsection (G), has participated in a minimum of two months of on-the-job training, and is certified through a radiographer certification program by a independent certifying organization in accordance with the criteria specified in Appendix A.
1. A registrant shall provide the Department with proof of an individual's certification upon request.
  2. A registrant shall maintain proof of an individual's certification at the job site where the individual is performing field radiography.
  3. A registrant that employs a certified radiographer in Arizona shall ensure that:
    - a. The radiographer has obtained initial certification or recertification within the last five years; and
    - b. An uncertified radiographer works only as a radiographer's assistant until certified.
  4. A radiographer shall recertify every five years by:
    - a. Taking an approved radiography certification examination in accordance with this subsection; or
    - b. Providing written evidence that the radiographer is active in the practice of industrial radiography and has participated in continuing education during the previous five-year period.
  5. If an individual cannot provide the written evidence required in subsection (4)(b), the individual shall retake the certification examination.
  6. A radiographer shall provide the registrant with proof of certification in the form of a card issued by the certifying organization that contains:
    - a. A picture of the certified radiographer,
    - b. The radiographer's certification number,
    - c. The date the certification expires, and
    - d. The radiographer's signature.
- B.** A registrant shall not allow an individual to act as a radiographer until the individual:
1. Receives copies of and instruction in the requirements of this Article, applicable Sections of Articles 4 and 10 and R9-7-107, the Department registration or registrations under which the individual will perform industrial radiography, and the registrant's operating and emergency procedures;
  2. Demonstrates an understanding of the registrant's registration and operating and emergency procedures by successful completion of a written or oral examination that covers the relevant material;
  3. Receives training in:
    - a. Use of the registrant's radiation machine,
    - b. Daily inspection of the radiation machine, and
    - c. Use of radiation survey instruments; and

## Department of Health Services - Radiation Control

4. Demonstrates an understanding of the use of the radiation machines and survey instruments described in subsection (B)(3) by successful completion of a practical examination covering this material.
- C. A registrant shall not allow an individual to act as a radiographer's assistant until the individual:
  1. Receives copies of and instruction in the requirements of this Article, applicable Sections of Articles 4 and 10 and R9-7-107, the Department registration or registrations under which the radiographer will perform industrial radiography, and the registrant's operating and emergency procedures;
  2. Develops competence to use, under the personal supervision of the radiographer, the registrant's radiation machine and radiation survey instruments; and
  3. Demonstrates understanding of the instructions provided under subsection (C)(1) by successfully completing a written test on the subjects covered and demonstrates competence using the hardware described in subsection (C)(2) by successfully completing a practical examination.
- D. A registrant shall provide refresher safety training for each radiographer and radiographer's assistant at intervals that do not exceed 12 months.
- E. Except where an individual serves both as a radiographer and an RSO, the RSO or the RSO's designee shall design and implement an inspection program to examine the job performance of each radiographer and radiographer's assistant and ensure that the Department's rules and registration requirements, and the registrant's operating and emergency procedures, are followed. The inspection program shall:
  1. Include observation of the performance of each radiographer and radiographer's assistant during an actual industrial radiographic operation, at intervals that do not exceed six months; and
  2. Provide that, if a radiographer or a radiographer's assistant has not participated in an industrial radiographic operation for more than six months since the last inspection, each radiographer shall demonstrate knowledge of the training requirements in subsection (B)(3) and each radiographer's assistant shall demonstrate knowledge of the training requirements of subsection (C)(2) by a practical examination before these workers can participate in a radiographic operation.
- F. A registrant shall maintain records of the training required in this Section, including certification documents, written and practical examinations, refresher safety training documents, and inspection documents, in accordance with subsection (I).
- G. A registrant shall include the following subjects in the training required under subsection (A):
  1. Fundamentals of radiation safety, including:
    - a. Characteristics of x-ray radiation;
    - b. Units of radiation dose and quantity of radioactivity;
    - c. Hazards of exposure to radiation;
    - d. Levels of radiation from x-ray machines; and
    - e. Methods of controlling radiation dose (time, distance, and shielding);
  2. Radiation detection instruments, including:
    - a. Use, operation, calibration, and limitations of radiation survey instruments;
    - b. Survey techniques; and
    - c. Use of personnel monitoring equipment;
  3. Equipment topics, including:
    - a. Operation and control of radiation machines; and
    - b. Inspection and maintenance of each radiation machine and survey instrument;
4. The requirements of pertinent Department rules; and
5. Case histories of accidents in radiography.
- H. A registrant shall maintain records of radiographer certification in accordance with subsection (I)(1) and provide proof of certification as required in subsection (A)(1).
- I. A registrant shall maintain the following records for three years after each record is made:
  1. Records of training for each radiographer and each radiographer's assistant. For radiographers, the records shall include radiographer certification documents and verification of certification status. All records shall include copies of written tests, dates of oral and practical examinations, and names of individuals who conducted and took the oral and practical examinations; and
  2. Records of annual refresher safety training and semi-annual inspections of job performance for each radiographer and each radiographer's assistant. The records for the annual refresher safety training shall list topics discussed during training, the date of training, and names of each instructor and attendee. For inspections of job performance, the records shall include a list of items checked during the inspection and any non-compliance observed by the RSO.

**Historical Note**

New Section R9-7-1146 recodified from R12-1-1146 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Standards for Organizations that Provide Radiography Certification**

Note: For purposes of this Article an "independent certifying organization" means an organization that meets all of the criteria in this Appendix.

I. Requirements for an Organization that Provides  
Radiographer Certification

To qualify to provide radiography certification, an organization shall:

- A. Be a society or association, with members who participate in, or have an interest in, the field of industrial radiography;
- B. Not restrict membership because of race, color, religion, sex, age, national origin, or disability;
- C. Have a certification program that is open to nonmembers, as well as members;
- D. Be an incorporated, nationally recognized organization that is involved in setting national standards of practice within its fields of expertise;
- E. Have a staff comparable to other nationally recognized organizations, a viable system for financing its operations, and a policy-and decision-making review board;
- F. Have a set of written, organizational by-laws and policies that address conflicts of interest and provide a system for monitoring and enforcing the by-laws and policies;
- G. Have a committee, with members who can carry out their responsibilities impartially, review and approve the certification guidelines and procedures, and advise the organization's staff in implementing the certification program;
- H. Have a committee, with members who can carry out their responsibilities impartially, review complaints against certified individuals, and determine sanctions;
- I. Have written procedures that describe all aspects of the organization's certification program;
- J. Maintain records of the current status of each individual's certification and administration of the certification program;
- K. Have procedures to ensure that certified individuals are provided due process with respect to administration of the certification program, including a process for becoming certified and a process for imposing sanctions against certified individuals;

## Department of Health Services - Radiation Control

- L. Have procedures for proctoring examinations and qualifying proctors. The organization, through these procedures, shall ensure that an individual who proctors an examination is not employed by the same company or corporation (or a wholly-owned subsidiary of the company or corporation) that employs an examinee;
- M. Exchange information about certified individuals with the Department, other independent certifying organizations, the NRC, or Agreement States and allow periodic review of its certification program and related records; and
- N. Provide a description to the Department of its procedures for choosing examination sites and providing a favorable examination environment.

## II. Requirements for a Certification Program

An independent certifying organization shall ensure that its certification program:

- A. Requires an applicant for certification to:
  - 1. Obtain training in the subjects listed in R9-7-1146(G), and
  - 2. Satisfactorily complete a written examination that covers these subjects;
- B. Require an applicant for certification to provide documentation demonstrating that the applicant has:
  - 1. Received training in the subjects listed in R9-7-1146(G);
  - 2. Satisfactorily completed the on-the-job training required in R9-7-1146(A); and
  - 3. Received verification from a registrant that the applicant has demonstrated the capability of independently working as a radiographer;
- C. Provides procedures that protect examination questions from disclosure;
- D. Provides procedures for denying certification to an applicant and revoking, suspending, and reinstating a certificate;
- E. Provides a certification period that is not less than three years or more than five years, procedures for renewing certifications and, if the procedures allow renewals without examination, a system for assessing evidence of recent full-time employment and annual refresher training; and
- F. Provides a timely response to inquiries, by telephone or letter, from members of the public, about an individual's certification status.

## III. Requirements for a Written Examination

An independent certifying organization shall ensure that its examination:

- A. Is designed to test an individual's knowledge and understanding of the subjects listed in R9-7-1146(G) or equivalent NRC or Agreement State requirements;
- B. Is written in a multiple-choice format; and
- C. Has psychometrically valid questions drawn from a question bank and based on the material in R9-7-1146(G).

**Historical Note**

New Article 11, Appendix A, recodified from 12 A.A.C. 1, Article 11, Appendix A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 12. ADMINISTRATIVE PROVISIONS****R9-7-1201. Timeliness**

- A. Any application, request, response, or report required by any rule, order, application, or letter shall be considered timely if it is postmarked on or before the due date, or hand-delivered to the Department office before 5:00 p.m. on the due date. If the due date falls on a Saturday, a Sunday, or a legal holiday, the due date is extended to the end of the next day that is not a Saturday, a Sunday, or legal holiday.

- B. As used in this Article, "working days" are all days other than Saturdays, Sundays, or legal holidays prescribed in A.R.S. § 1-301.

**Historical Note**

New Section R9-7-1201 recodified from R12-1-1201 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1202. Administrative Hearings**

- A. All hearings shall be governed by Title 41, Chapter 6, Article 10.
- B. If the Radiation Regulatory Hearing Board is conducting a hearing, all motions and rulings shall be in writing, except those made during the hearing may be oral. The Board shall ensure that any agreements reached during a conference are incorporated in the record, and that all hearings are recorded.
- C. If it is necessary for an administrative law judge or the Board to visit the site of an alleged violation or activity that is regulated by the Department in order to supplement testimonial or documentary evidence presented at the hearing, the party that proposed the visit shall enter the purpose of the visit and all pertinent observations into the record.

**Historical Note**

New Section R9-7-1202 recodified from R12-1-1202 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1203. Procedures for Rulemaking Public Hearings**

- A. Hearings on proposed rulemaking by the Department shall be held before the Director or another person designated by the Director to act as the hearing officer.
- B. All hearings shall be governed by the Administrative Procedure Act, A.R.S. §§ 41-1021, 41-1021.01 through 41-1025, 41-1028, 41-1029, and 41-1031.
- C. The hearing shall be recorded and shall be retained as part of the record of the rulemaking.
- D. A written summary of the comments presented shall be prepared along with a written response to the comments by the Department staff and retained with the record of the rulemaking.
- E. The request for hearing shall identify the rule involved or propose a new rule.

**Historical Note**

New Section R9-7-1203 recodified from R12-1-1203 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1204. Initiation of Administrative Hearings**

- A. An administrative hearing shall be initiated by the Director or commenced in response to the request of any person directly affected by an order of the Director or a proposed licensing or registration action by the Department.
- B. If the Director initiates an administrative hearing pursuant to R9-7-1220, the order may incorporate a notice of hearing; otherwise a notice of any hearing and the notice of violation shall be issued separately.
- C. For any hearing on a proposed licensing or registration action, only a notice of hearing shall be issued.
- D. A notice of hearing shall specify the time, place, and nature of the hearing and may include specification of the legal authority and jurisdiction under which the hearing is to be held; the particular sections of the statutes, rules, or license conditions involved; the amount of the penalty and other sanctions proposed, if appropriate; and a statement of matters asserted and issues involved.
- E. A hearing may be requested by filing a written request for hearing with the Director within the time limit specified in the pertinent order or notice. A request for hearing on a regulatory action not subject to public notice requirements may be filed at

## Department of Health Services - Radiation Control

any time, provided that a request to reconsider a licensing or registration action shall be filed within 30 days of the issuance of the licensing or registration action.

1. The request for a hearing to appeal an order shall identify the order which the person desires to appeal and include a statement reciting the matters asserted, issues involved, and the applicable statutes or rules. The Department shall respond within 30 calendar days to the person and forward the request and response to the Chairperson of the Board.
2. The request for a hearing to appeal a licensing or registration action shall identify the action appealed. The Department shall respond within 30 calendar days to the person and forward the request and response to the Chairperson of the Board.
3. The request for hearing shall include a statement identifying the interest claimed to be affected by the action. If a statement is not provided or is clearly insufficient, the Chairperson may deny the request and notify the person of that action.
4. If the request for hearing is denied for insufficiency, the requestor shall have five days from the notice of denial within which to file an amended request for hearing. The amended request shall refer back to the original request for hearing.

**Historical Note**

New Section R9-7-1204 recodified from R12-1-1204 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1205. Intervention in Administrative Hearings; Director as a Party**

- A. Any person may submit a timely motion to intervene in a proceeding if an unconditional right to intervene is granted by law or the applicant claims an interest to any property or transaction affected by the proceeding.
- B. A motion to intervene shall be in writing and shall state the reason why the applicant should be allowed to intervene. If the applicant claims an interest in property or in a transaction affected by the proceeding, the applicant shall demonstrate that the result of the proceeding may as a practical matter impair or impede protection of that interest.
- C. The applicant shall serve the motion upon the administrative law judge or the Board, as appropriate, and the Director as a party at least five working days before the hearing. An application for leave to intervene shall not be granted, if by doing so, the issues will be unduly broadened.
- D. If two or more persons have substantially similar positions, the administrative law judge may declare them a class of interested persons for purposes of the hearing. The members of a class shall designate one person to be spokesperson for the class. More than one class may be established for a hearing.
- E. The Director is party to all administrative hearings.

**Historical Note**

New Section R9-7-1205 recodified from R12-1-1205 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1206. Reserved****Historical Note**

Section R9-7-1206 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1207. Rehearing or Review**

- A. The Board may grant a rehearing or review of a decision for any of the following reasons, materially affecting a party's rights:
  1. Irregularity in the administrative proceedings or any order or abuse of discretion, that deprived a party of a fair hearing;
  2. Misconduct of the Board, an administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the proceedings;
  7. That the decision is not justified by the evidence or is contrary to law.

- B. The Board may affirm or modify a decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons listed in subsection (A). An order modifying a decision or granting a rehearing shall specify with particularity the ground or grounds for the order. A rehearing shall cover only the subject matters specified in the order.
- C. No later than 15 working days after the date on the decision the Board may, on its own initiative, order a rehearing or review of its decision for any reason for which it might have granted a rehearing on motion of a party. After giving the parties notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion.
- D. If a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 30 calendar days after service, serve opposing affidavits. This period of time may be extended by the Board if good cause is shown or a written stipulation is received from both parties. The Board may permit reply affidavits.

**Historical Note**

New Section R9-7-1207 recodified from R12-1-1207 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1208. Reserved****Historical Note**

Section R9-7-1208 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1209. Notice of Violation**

- A. Except as provided in R9-7-1220, the Department shall issue a notice of violation and provide time, as specified in R9-7-1210, for the registrant or licensee to respond before the Director issues any order to modify, suspend, or revoke a license or registration, or to impose a civil penalty.
- B. The notice shall specify:
  1. The severity level and circumstances of the alleged violation;
  2. The particular statute, rule, or registration or license condition violated; and
  3. The division of the registration or license.
- C. The notice shall specify a civil penalty if one is proposed by the Department.

**Historical Note**

New Section R9-7-1209 recodified from R12-1-1209 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1210. Response to Notice of Violation**

- A. Except as provided in subsection (D), within 30 calendar days of the date of the notice, or longer time period specified in the

## Department of Health Services - Radiation Control

notice, the person charged with the violation shall submit a written response that includes a description of:

1. The actions taken to achieve compliance and the results of the actions;
  2. The actions that are proposed and the date when full compliance is expected to be achieved; and
  3. If the violation is a repeat violation, why corrective actions taken previously did not prevent the violation from recurring and why the new actions will be effective.
- B.** If the person charged with a violation submits a timely response, the Director, in consideration of the answer and the severity level of the violation, shall do one of the following:
1. Issue an initial order conditionally imposing the full amount of the proposed civil penalty and any other sanctions proposed;
  2. Issue an initial order conditionally mitigating or waiving the proposed civil penalty under R9-7-1214(B);
  3. Waive the penalty as authorized under R9-7-1216(C);
  4. Enter into a consent agreement as authorized under R9-7-1222.
- C.** If the Department does not receive an adequate and timely response to the notice, the Director shall issue an initial order conditionally imposing any or all sanctions and civil penalties proposed in the notice of violation. If no civil penalty was proposed, the initial order may impose the base civil penalty listed in R9-7-1216.
- D.** Response to the notice of violation as otherwise required in this Section may be waived by the Department, if the Department determines that a response is not required.

**Historical Note**

New Section R9-7-1210 recodified from R12-1-1210 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1211. Initial Orders**

- A.** Initial orders are valid for 30 calendar days after the date of the order, or until the other time specified in the order, during which time the person charged may:
1. Pay the civil penalty proposed and accept any proposed sanction, or
  2. Request a hearing before the Board.
- B.** If a timely request for a hearing is not received, the order shall become final.

**Historical Note**

New Section R9-7-1211 recodified from R12-1-1211 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1212. Request for Hearing in Response to an Initial Order**

- A.** In a request for a hearing, a person charged with a violation shall include a statement of the issues and the explanations and the arguments supporting denial of the violation or demonstrating extenuating circumstances, errors in notice, or any other reasons for not imposing the civil penalty, sanction, or both.
- B.** The statement shall identify all issues. The failure to include an issue may, at the option of the Board, foreclose consideration of that issue. If a statement is not provided or is insufficient, the Board may summarily determine the issues.
- C.** The person charged may admit the violation and request a reduction of the proposed civil penalty based on extenuating circumstances.
- D.** The person charged may waive oral proceedings and request dismissal of any or all of the charged violations, reduction of the civil penalties, or modification of any other imposed sanction based on consideration by the Board of the written statement.

**Historical Note**

New Section R9-7-1212 recodified from R12-1-1212 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1213. Severity Levels of Violations**

- A.** The following violations are classified as severity level I violations:
1. Any failure, malfunction, or insufficiency of a safety system which may result in
    - a. Radiation exposure to a person,
    - b. A concentration of radionuclides; or
    - c. A radiation level, in excess of 10 times the limits specified in 9 A.A.C. 7, or 10 times the prescribed therapeutic patient dose.
  2. Any inaccurate or incomplete information that is intentionally provided by a licensee or registrant official, and if the information had been complete and accurate at the time it was provided, would have likely resulted in action such as an immediate order required to protect the public health and safety.
  3. Any information that the Department requires be kept by a licensee or registrant that is incomplete or inaccurate because of falsification by or with the knowledge of a licensee or registrant official, and if the information had been complete and accurate at the time it was reviewed by the Department, would have likely resulted in action such as an immediate order required to protect the public health and safety.
  4. Any concealment or attempted concealment of a severity level I violation of the Act, 9 A.A.C. 7, or a license condition. This is a separate violation in addition to the original violation.
  5. Any concealment or attempted concealment of a severity level II violation of the Act, 9 A.A.C. 7, or a license condition. This violation shall increase the severity level of the original violation by one level.
  6. For the purposes of subsections (A)(2) and (3) above the term "licensee or registrant official" means the owner, a partner, a corporate officer, a radiation safety officer, the individual signing an application for a license or registration, or the chairman of any radiation safety committee supervising the radiation safety program of the licensee or registrant.
- B.** The following violations are classified as severity level II violations:
1. Any failure, malfunction, or insufficiency of a safety system which may result in:
    - a. Radiation exposure to a person,
    - b. A concentration of radionuclides, or
    - c. A radiation level, in excess of two times the limits specified in 9 A.A.C. 7, or two times the prescribed therapeutic patient dose.
  2. Any attempt to prevent a Department inspection.
  3. Any concealment or attempted concealment of a severity level III violation of the Act, 9 A.A.C. 7, or a license condition by a licensee or registrant official as defined in subsection (A)(6). This violation shall increase the severity level of the original violation by one level.
  4. Significant information provided and designated by a licensee or registrant and not previously provided to the Department because of careless disregard on the part of a licensee official or registrant.
- C.** The following violations are classified as severity level III violations:
1. Any failure, malfunction, or insufficiency of a safety system, or loss of control over a radiation source, which may result in:

## Department of Health Services - Radiation Control

- a. Radiation exposure to a person,
    - b. A concentration of radionuclides, or
    - c. A radiation level in excess of the limits specified in 9 A.A.C. 7, or 20% higher than the prescribed therapeutic patient dose.
  - 2. Any concealment or attempted concealment of a severity level IV or V violation of the Act, 9 A.A.C. 7, or a registration or license condition. This violation shall increase the severity level of the original violation by one level.
  - 3. Any violation of the safety requirements for the use, storage, disposal, or the preparation for transportation of sources of radiation, as prescribed in the Act, 9 A.A.C. 7, or in a license or registration condition, provided the violation does not meet the criteria for a severity level I or II violation and the licensee or registrant does not maintain a radiation protection program meeting the requirements of R9-7-407.
  - 4. Any factually incorrect statement upon which the Department relied or would have relied in consideration of any action.
  - 5. Any unlawful attempt to interfere with the progress of an inspection by the Department.
  - 6. The acquisition of any source of radiation without the applicable current registration or license, unless otherwise authorized by these rules; or use of the source outside the scope of the current registration or license.
  - 7. The continued use of sources of radiation after April 1, if the annual fee has not been paid for the current year.
- D.** The following violations are classified as severity level IV violations:
- 1. Any violation of R9-7-407;
  - 2. Any violation of the safety requirements for the use, storage, disposal, or preparation for transportation of sources of radiation, prescribed in the Act, 9 A.A.C. 7, or in a license or registration condition, provided the violation does not meet the criteria for a severity level I, II or III violation;
  - 3. Failure to maintain records of mammography quality control tests required in R9-7-614.
  - 4. Any failure to comply with the reporting requirements in the Act or 9 A.A.C. 7.
- E.** The following violations are classified as severity level V violations:
- 1. Failure of a registrant or a licensee to comply with the recordkeeping requirements of:
    - a. The Act;
    - b. 9 A.A.C. 7; or
    - c. A registration or facility certification, or license condition, provided that all safety requirements prescribed in the Act, 9 A.A.C. 7, or in a license or registration condition are met or otherwise demonstrated.
  - 2. If compliance with all safety requirements cannot be demonstrated by the registrant or licensee the failure to comply with the recordkeeping requirements is classified as a level IV violation.

**Historical Note**

New Section R9-7-1213 recodified from R12-1-1213 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1214. Mitigating Factors**

- A.** The Department may refrain from issuing a Notice of Violation for Severity Level IV or V violations identified by the registrant or licensee provided the severity level IV or V violations are identified in an inspection report, the report

includes a brief description of the corrective action, and the violation meets all of the following criteria:

- 1. It was identified by the licensee, as a result of an event discovered by the licensee or registrant;
  - 2. It was not a violation that could reasonably be expected to have been prevented by the licensee's or registrant's corrective action for a previous violation or a previous licensee or registrant finding;
  - 3. It was or will be corrected within a reasonable time, by specific corrective action committed to by the registrant or licensee by the end of the inspection. The corrective action shall include comprehensive measures that will prevent reoccurrence;
  - 4. It was not a willful violation or, if it was willful:
    - a. The violation was reported to the Department;
    - b. The violation appears to be the isolated action of an employee without management involvement and the violation was not caused by lack of management oversight;
    - c. Significant remedial action was taken by the licensee or registrant, demonstrating the seriousness of the violation to all affected personnel.
- B.** The Director may:
- 1. Reduce the scheduled civil penalty, including any augmentation, by 50% for the discovery, remedy, and voluntary reporting of a severity level I or II violation by the registrant or licensee; or
  - 2. Waive the scheduled civil penalty, including augmented civil penalties, for the discovery, remedy, and voluntary reporting of a severity level III, IV, or V violation by the registrant or licensee. For the purposes of this rule, "voluntary reporting" means that the registrant or licensee has notified the Department of a violation, the reporting of which may or may not be required under 9 A.A.C. 7.

**Historical Note**

New Section R9-7-1214 recodified from R12-1-1214 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1215. License and Registration Divisions**

- A.** Each registrant or license type is classified into one of three administrative sanction divisions.
- 1. Division I licenses and registrations:
    - a. Broad Academic Class A,
    - b. Broad Academic Class B,
    - c. Broad Academic Class C,
    - d. Broad Industrial Class A,
    - e. Broad Medical,
    - f. Class C Laser Facility,
    - g. Distribution,
    - h. Fixed Gauge Class A,
    - i. Industrial Radiography Class A,
    - j. Low Level Radioactive Waste Disposal Site,
    - k. Major Accelerator Facility,
    - l. Medical Materials Class A,
    - m. Medical Teletherapy,
    - n. NORM Commercial Disposal Site,
    - o. Nuclear Laundry,
    - p. Nuclear Pharmacy,
    - q. Open Field Irradiator,
    - r. Secondary Uranium Recovery,
    - s. Waste Processor Class A,
    - t. Well Logging,
    - u. X-Ray Machine Class A.
  - 2. Division II licenses and registrations:
    - a. Broad Industrial Class B,
    - b. Broad Industrial Class C,

## Department of Health Services - Radiation Control

- c. Class B Industrial Radiofrequency Facility,
  - d. Class B Laser Facility,
  - e. Class C Industrial Radiofrequency Facility,
  - f. Fixed Gauge Class B,
  - g. Health Physics Class A,
  - h. Industrial Radiation Machine,
  - i. Industrial Radiography Class B,
  - j. Laser Light Show,
  - k. Limited Academic,
  - l. Medical Imaging Facility,
  - m. Medical Laser,
  - n. Medical Materials Class B,
  - o. Medical Radiofrequency Device Facility,
  - p. NORM Commercial Disposal Site,
  - q. Research and Development,
  - r. Self Shielded Irradiator,
  - s. Tanning Facility,
  - t. Waste Processor Class B,
  - u. X-Ray Machine Class B.
3. Division III licenses and registrations:
- a. Class A Industrial Radiofrequency Facility,
  - b. Class A Laser Facility,
  - c. Gas Chromatograph,
  - d. General Depleted Uranium,
  - e. General Industrial,
  - f. General Medical,
  - g. General Veterinary Medicine,
  - h. Health Physics Class B,
  - i. Laboratory,
  - j. Leak Detector,
  - k. Limited Industrial,
  - l. Medical Materials Class C,
  - m. Other Ionizing Radiation Machine,
  - n. Other Nonionizing Radiation Machine,
  - o. Portable Gauge,
  - p. Possession Only,
  - q. Radioactive waste transfer-for-disposal,
  - r. Unclassified,
  - s. Veterinary Medicine,
  - t. X-ray Machine Class C,
  - u. Class A Medical (non-cosmetic) Radiofrequency Facility,
  - v. Class B Medical (non-cosmetic) Radiofrequency Facility,
  - w. Class C Medical (non-cosmetic) Radiofrequency Facility,
  - x. Class D Medical (non-cosmetic) Radiofrequency Facility.
- B.** Any person required by the Act to register the use of a general license with the Department, or to obtain a specific license from the Department, is considered a licensee of the appropriate type notwithstanding the failure of the person to register or obtain a license.
- C.** The Department shall classify each person that possesses an out-of-state specific license for the use of radioactive material and operates in Arizona under reciprocal recognition, as prescribed in R9-7-320 and authorized in R9-7-1302(D)(16), by placing the person into the administrative sanction division listed in subsection (A) that best defines the out-of-state, licensed activities.
- D.** For administrative purposes, the following persons are classified with the Division III licensees and registrants in subsection (A)(3):
- 1. Any person not required to register the use of a general license,
  - 2. Any person not required to obtain a specific license,
  - 3. Any person not required to register a source of radiation who violates the Act or 9 A.A.C. 7, and
  - 4. Any person registered to provide x-ray machine service.
- Historical Note**  
New Section R9-7-1215 recodified from R12-1-1215 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).
- R9-7-1216. Civil Penalties**
- A.** Except as augmented by R9-7-1217, the schedule of civil penalties is as follows:
- 1. Severity level I violations:
    - a. Division I registration or license -- \$4,000;
    - b. Division II registration or license -- \$3,000;
    - c. Division III registration or license -- \$2,000.
  - 2. Severity level II violations:
    - a. Division I registration or license -- \$3,000;
    - b. Division II registration or license -- \$2,000;
    - c. Division III registration or license -- \$1,000.
  - 3. Severity level III violations:
    - a. Division I registration or license -- \$2,000;
    - b. Division II registration or license -- \$1,000;
    - c. Division III registration or license -- \$500.
  - 4. Severity level IV violations:
    - a. Division I registration or license -- \$1,000;
    - b. Division II registration or license -- \$500;
    - c. Division III registration or license -- \$250.
  - 5. Severity level V violations:
    - a. Division I registration or license -- \$500,
    - b. Division II registration or license -- \$250,
    - c. Division III registration or license -- \$125.
- B.** Payment of civil penalties for severity level I and severity level II violations may not be avoided merely by rectifying the condition; however, the Board may mitigate or waive the penalty upon determining a violation meets all of the following:
- 1. It was not a violation that could reasonably be expected to have been prevented by the licensee's or registrant's corrective action for a previous violation or a previous licensee or registrant finding;
  - 2. It was or will be corrected within the time given for corrections, by specific corrective action committed to by the licensee or registrant by the end of the inspection, which includes immediate and comprehensive measures to prevent recurrence;
  - 3. It was not a willful violation.
- C.** The Director or Board shall waive payment of penalties for severity level III through severity level V violations provided:
- 1. The violation is not subject to augmentation under R9-7-1217; and
  - 2. The registrant or licensee submits a timely and adequate response to the notice; rectifies the conditions which appear to have caused the violation; and complies with the Act, 9 A.A.C. 7, registration, and license conditions.
- Historical Note**  
New Section R9-7-1216 recodified from R12-1-1216 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).
- R9-7-1217. Augmentation of Civil Penalties**
- A.** A continuing violation, for the purposes of calculating the proposed civil penalty, is considered a separate violation for each day it continues. The second (or successive) day of a continuing violation is not considered a repeat violation of the violation occurring on the first day.
- B.** If a second severity level I violation is committed within five years, the Department shall increase the base civil penalty by 100%, provided the registration or license is not revoked under R9-7-1219.

## Department of Health Services - Radiation Control

- C. If a second severity level II violation is committed within a period of five years, the Department shall increase the base civil penalty by 50%, provided the registration or license is not revoked under R9-7-1219.
- D. If a severity level III violation is repeated within five years, the Department shall increase the base civil penalty by 50%. If the same severity level III violation is repeated a second time within five years, the base civil penalty shall be increased by 100%, provided the registration or license is not revoked under R9-7-1219.
- E. If a severity level IV violation is repeated within five years, the Department shall propose the base civil penalty.
  1. If the same violation occurs three times within five years, the Department shall increase the base civil penalty by 50%.
  2. If the same violation occurs four times within five years, the Department shall increase the base civil penalty by 100%, provided the registration or license is not revoked under R9-7-1219.
- F. If more than three severity level V violations are observed during two consecutive inspections, the Department shall impose a civil penalty for each violation. The base civil penalty for each violation is the base civil penalty assessed for a severity level V violation. If the inspection shows repetition of a violation the base civil penalty for each repeat violation is the base civil penalty assessed for a severity level IV violation. Subsection (E) does not apply to penalties under this subsection.
- G. Other rights and procedures are not affected by the repeat nature of a violation.
- H. A person may avoid the penalties in subsections (D) and (E) by demonstrating to the Director in the response to the penalty that the violation meets all of the following criteria:
  1. It was not a violation that could reasonably be expected to have been prevented by the licensee's or registrant's corrective action for a previous violation or a previous licensee or registrant finding;
  2. It was or will be corrected within the time given for correction, by specific corrective action committed to by the licensee or registrant by the end of the inspection, which includes immediate and comprehensive measures to prevent recurrence;
  3. It was not a willful violation.
- I. Notwithstanding any other provision of this Section, the Department shall not impose a penalty that exceeds a maximum of \$5,000 for each violation for each day up to a maximum of \$25,000 for any 30-day period.

**Historical Note**

New Section R9-7-1217 recodified from R12-1-1217 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1218. Payment of Civil Penalties**

- A. A person shall pay civil penalties imposed under this Article by certified check or money order payable to the Department and mailed or delivered to the Department at the address shown on the notice of violation.
- B. Payment of a civil penalty is due 30 calendar days after the effective date of the final order imposing the civil penalties, unless an alternate payment schedule is agreed upon before that date. A payment schedule shall not extend beyond one year after the due date.

**Historical Note**

New Section R9-7-1218 recodified from R12-1-1218 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1219. Additional Sanctions-Show Cause**

- A. If a severity level I violation is repeated or if any second severity level I violation is committed within 10 years, the Department shall require the registrant or licensee to show cause why the registration or license should not be suspended or revoked.
- B. If any second severity level II violation is committed within five years, or if a severity level II violation involving radioactive effluent releases, excessive radiation levels, or radiation overexposure to an individual is committed within five years of a similar severity level I violation, the Department shall require the registrant or licensee to show cause why the registration or license should not be suspended or revoked.
- C. If repeated or different severity level III violations are committed on three separate occasions within any five year period, the Department may require the registrant or licensee to show cause why the registration or license should not be suspended or revoked.

**Historical Note**

New Section R9-7-1219 recodified from R12-1-1219 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1220. Escalated Enforcement**

- A. The Director may issue an order to suspend, revoke, or modify a registration or license, or impound a radiation source for:
  1. Any severity level I violation; or
  2. Any of the following occurring within a five-year period:
    - a. A repeat severity level II violation,
    - b. A different second severity level II violation, or
    - c. A severity level II violation after a severity level I violation.
- B. The Director may issue an order impounding the radiation source or suspending, revoking, or modifying the registration or license upon determining that conditions exist which cause a potential for a severity level I or severity level II violation.
- C. The Department shall hold hearings according to A.R.S. § 30-688.
- D. An order to impound a radiation source, or an order to suspend, revoke, or modify a registration or a license shall remain in effect until the order is suspended or modified by the Board according to A.R.S. § 30-688.

**Historical Note**

New Section R9-7-1220 recodified from R12-1-1220 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1221. Reserved****Historical Note**

Section R9-7-1221 reserved when this Chapter was recodified (Supp. 18-1).

**R9-7-1222. Enforcement Conferences**

- A. An enforcement conference consists of a meeting in person between management personnel of the registrant or licensee and the Department.
- B. The enforcement conference is informal; however, the Department shall make a record of items discussed and decisions reached. Statements made at the conference shall not be introduced in evidence at a formal hearing unless all parties have consented.
- C. Based on the results of the conference, the Department may:
  1. Dismiss the notice of violation;
  2. Enter into a consent agreement; or
  3. Continue with, or initiate, formal proceedings.

**Historical Note**

New Section R9-7-1222 recodified from R12-1-1222 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1223. Registration and Licensing Time-frames**



## Department of Health Services - Radiation Control

The Department shall perform an administrative completeness review and substantive review of an application for a new or renewal license or registration; or an amendment to a license or registration within the time-frames in Table A. The Department shall review an application for an amendment to an existing license or registration that changes the license category listed in R9-7-1306, using the time-frames specified for the requested category.

**Historical Note**

New Section R9-7-1223 recodified from R12-1-1223 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Table A. Registration and Licensing Time-frames****REGISTRATION AND LICENSING TIME-FRAMES**

License or Registration category in R9-7-1306	Administrative Completeness Review Time-frame, in days	Substantive Review Time-frame, in days	Overall Time-frame, in days
A1	90	30	120
A2	90	30	120
A3	90	30	120
A4	60	30	90
B1	90	30	120
B2	90	30	120
B3	90	30	120
B4	90	30	120
B5	90	30	120
B6	40	20	60
C1	60	30	90
C2	60	30	90
C3	60	30	90
C4	60	30	90
C5	60	30	90
C6	60	30	90
C7	60	30	90
C8	90	30	120
C9	60	30	90
C10	40	20	60
C11	90	30	120
C12	90	30	120
C13	90	30	120
C14	90	30	120
C15	90	30	120
C16	90	30	120
C17	90	30	120
D1	90	30	120
D2	90	30	120
D3	90	30	120
D4	40	20	60
D5	40	20	60
D6	90	30	120
D7	40	20	60
D8	60	30	90
D9	90	30	120
D10	90	30	120
D11	1095	365	1460
D12	730	180	910

## Department of Health Services - Radiation Control

D13	365	90	455
D14	90	30	120
D15	40	20	60
D16	20	10	30
D17	40	20	60
D18	90	30	120
D19	365	120	485
E1	40	20	60
E2	40	20	60
E3	40	20	60
E4	40	20	60
E5	90	30	120
E6	90	30	120
F1	40	20	60
F2	40	20	60
F3	40	20	60
F4	40	20	60
F5	20	10	30
F6	40	20	60
F7	40	20	60
F8	40	20	60
F9	40	20	60
F10	40	20	60
F11	40	20	60
F12	40	20	60
F13	40	20	60
F14	40	20	60
F15	40	20	60
F16	90	30	120

Footnote: “administrative completeness review time-frame”; “substantive review time-frame,” and “overall time-frame” are defined in A.R.S. § 41-1072.

**Historical Note**

New Article 12, Table 1, recodified from 12 A.A.C. 1, Article 12, Table 1 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 13. LICENSE AND REGISTRATION FEES****R9-7-1301. Definition**

“Combined” means the Department has granted authorized activities contained in two or more license types in a single license document, requiring the payment of a single license fee for the more expensive license of the planned combination.

**Historical Note**

New Section R9-7-1301 recodified from R12-1-1301 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1302. License and Registration Categories**

**A.** Category A licenses are those specific licenses which authorize a school, college, university, or other teaching facility to possess and use radioactive materials for instructional or research purposes.

1. A broad academic class A license is any category A license which meets the specifications of R9-7-310(A)(1).
2. A broad academic class B license is any category A license other than a broad academic class A license which meets the specifications of R9-7-310(A)(2).

3. A broad academic class C license is any category A license other than a broad academic class A or B license which meets the specifications of R9-7-310(A)(3).

4. A limited academic license is any category A license which authorizes only those radioisotopes, forms, and quantities individually specified in the license.

**B.** Category B licenses are those specific or general licenses which authorize the application of radioactive material or the radiation from it to a human being for medical diagnostic, therapeutic, or research purposes, or the use of radioactive material in medical laboratory testing. Except for a type B6, general medical license, the Department shall not combine a category B license with a license of any other category.

1. A broad medical license is any category B license which meets the specifications of R9-7-310(A)(1) and meets the requirements of 9 A.A.C. 7, Article 7. A broad medical license may authorize any medical use other than teletherapy.
2. A medical materials class A license is any specific category B license other than a broad medical license, which authorizes the use of radiopharmaceuticals and sealed sources containing radioactive materials for a therapeutic purpose in quantities which require hospitalization of the

## Department of Health Services - Radiation Control

- patient for radiation safety purposes. The license may authorize other radioactive materials and other medical uses, except teletherapy.
3. A medical materials class B license is any specific category B license which authorizes the diagnostic or therapeutic use, other than teletherapy, of radioactive materials only in limited quantities such that the patient need not be hospitalized for radiation safety purposes.
  4. A medical materials class C license is any specific category B license which authorizes possession of specified radioisotopes only in the form of sealed sources for treatment of the eye or skin or for use in diagnostic medical imaging devices.
  5. A medical teletherapy license is a specific category B license which solely authorizes radioisotopes in the form of multi-curie sealed sources for use in external beam therapy. The Department shall not combine a medical teletherapy license with any other type of category B license.
  6. A general medical license is a registration of the use of radioactive material pursuant to R9-7-306(D) or R9-7-306(E). A general medical license may be combined into a broad medical, medical materials class A, or medical materials class B license.
- C. Category C licenses are those specific or general licenses authorizing the use of radioactive materials in any activity other than those authorized by a category A, B, or D license. Except as specifically authorized in this Section, the Department shall not combine a category C license with any other type of license.
1. A broad industrial class A license is any category C license which meets the specifications of R9-7-310(A)(1). The Department may combine a broad industrial class A license with any other category C license except industrial radiography, open field irradiator, or well logging licenses.
  2. A broad industrial class B license is any category C license other than a broad industrial class A license which meets the specifications of R9-7-310(A)(2). The Department may combine a broad industrial class B license with any other category C license except industrial radiography, open field irradiator, or well logging licenses.
  3. A broad industrial class C license is any category C license other than a broad industrial class A or B license which meets the specifications of R9-7-310(A)(3). The Department may combine a broad industrial class C license with any other category C license except industrial radiography, open field irradiator, or well logging licenses.
  4. A limited industrial license is a specific category C license authorizing the possession of the radioactive materials authorized in R9-7-305(A), or R9-7-306(A), (C), or (F) for uses authorized in those subsections, but in quantities greater than authorized by those subsections.
  5. A portable gauge license is a specific category C license which authorizes radioactive materials in the form of sealed sources for use in measuring or gauging devices designed and manufactured to be transported to the location of use. The Department may combine a portable gauge license with any broad scope industrial license or a fixed gauge class A license.
  6. A fixed gauge class A license is a specific category C license which authorizes the possession of 50 or more measuring or gauging devices containing radioactive materials, where each device is permanently mounted for use at a single location.
  7. A fixed gauge class B license is a specific category C license which authorizes the possession of 1 through 49 measuring or gauging devices containing radioactive materials, where each device is permanently mounted for use at a single location.
  8. A leak detector license is a specific category C license which authorizes the use of radioisotopes in the form of a gas to test hermetic seals on electronic packages.
  9. A gas chromatograph license is a specific category C license which authorizes the use of radioactive materials as ionization sources in gas chromatography or electron capture devices.
  10. A general industrial license means a registration of the use of a material, source, or device generally licensed pursuant to R9-7-305 or R9-7-306, except R9-7-305(B), R9-7-306(D), or R9-7-306(E).
  11. An industrial radiography class A license is a specific category C license which authorizes industrial radiography using sealed radioisotope sources at specific facilities identified in the license conditions or at temporary field job sites.
  12. An industrial radiography class B license is a specific category C license which authorizes industrial radiography using sealed radioisotope sources only at specific facilities identified in the license conditions.
  13. An open field irradiator license is a specific category C license authorizing the use of radioisotopes in the form of sealed sources not permanently mounted within a shielding container, for irradiation of materials.
  14. A self-shielded irradiator license is a specific category C license authorizing the use of radioisotopes in the form of sealed sources for irradiation of materials in a shielding device from which the sources are not removed during irradiation. The Department may combine a self-shielded irradiator license with any broad license.
  15. A well logging license is a specific category C license which authorizes the use of radioactive material in sealed or unsealed sources for wireline services or field tracer studies.
  16. A research and development license is a specific category C license which authorizes a licensee to utilize radioactive material in unsealed and sealed form for industrial, scientific, or biomedical research, not including administration of radiation or radioactive material to human beings.
  17. A laboratory license is a specific category C license which authorizes a licensee to perform specific in-vitro or in-vivo medical or veterinary testing, while possessing quantities of radioactive material greater than the general license quantities authorized in R9-7-306.
- D. Category D licenses are the following specific radioactive material licenses. Except for type D4, general industrial; type D5, depleted uranium; type D8 and D9, health physics; and type D14, additional facilities licenses, the Department shall not combine a category D license with any other license.
1. A distribution license is one which authorizes the commercial distribution of radioactive materials or radioisotopes in products to persons holding an appropriate general or specific license. The Department shall ensure that a distribution license does not:
    - a. Authorize distribution of radiopharmaceuticals or distribution to persons exempt from regulatory control, or
    - b. Authorize any other use of the radioactive material. An appropriate category C license is required for

## Department of Health Services - Radiation Control

- possession of radioisotopes and their incorporation into products.
2. A nuclear pharmacy license is one which authorizes the preparation, compounding, packaging, or dispensing of radiopharmaceuticals for use by other licensees.
  3. A nuclear laundry license is one authorizing the collection and cleaning of items contaminated with radioactive materials.
  4. A general industrial license is a registration of a gauging device in accordance with R9-7-306(A). The Department may combine a general industrial license with a Class A, B, or C broad industrial, limited industrial, portable gauge, or Class A or B fixed gauge license.
  5. A depleted uranium general license is a registration of the use of the general license authorized pursuant to R9-7-305(C) or the use of depleted uranium as a concentrated mass or as shielding for another radiation source within a device or machine. The Department may combine a depleted uranium general license with a medical teletherapy; Class A, B, or C broad industrial; portable gauge; Class A or B fixed gauge; Class A or B industrial radiography; or self-shielded irradiator license. For registration purposes an applicant shall follow the registration instructions in R9-7-305(C).
  6. A veterinary medicine license is one which authorizes the use of radioactive materials for specific applications in veterinary medicine as authorized in the license.
  7. A general veterinary medicine license is a registration of the use of the general license authorized in R9-7-306(E) in veterinary medicine.
  8. A health physics class A license is one which authorizes the use of radioactive materials for performing instrument calibrations, processing leak test or environmental samples, or providing radiation dosimetry services.
  9. A health physics class B license is one which authorizes only the collection, possession, and transfer of radioactive materials in the form of leak test samples for processing by others.
  10. A secondary uranium recovery license is one which authorizes the extraction of natural uranium or thorium from an ore stream or tailing which is being or has been processed primarily for the extraction of another mineral. The Department shall not combine a secondary uranium recovery license with any other license.
  11. A low-level, radioactive waste disposal facility license is a license that is issued for a "disposal facility," as that term is used in R9-7-439 and R9-7-442, which has a closure or long-term care plan and is constructed and operated according to the requirements in 10 CFR 61, revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
  12. A waste processor class A license is one authorizing the incineration, compaction, repackaging, or any other treatment or processing of low-level radioactive waste prior to transfer to another person authorized to receive or dispose of the waste. The Department shall not combine a waste processor class A license with any other license.
  13. A waste processor class B license is one which authorizes a waste broker to receive prepackaged, low-level radioactive waste from other licensees; combine the waste into shipments; and transfer the waste without treating or processing the waste in any manner and without repackaging except to place damaged or leaking packages into overpacks. The Department shall not combine a waste processor class B license with any other license.
  14. An additional facility license is an endorsement, by license condition to an existing specific license, authorizing one or more additional separate facilities where radioactive material may be stored or used for a period exceeding six months.
  15. A possession-only license is a license of any other category which authorizes only the possession in storage, but no use of, the authorized materials. A license which has been suspended as an enforcement action is not considered a possession-only license.
  16. A reciprocal license is the registration of the general license authorized by R9-7-320. This license is subject to a special fee as provided by R9-7-1307 but is exempt from annual fees.
  17. Reserved
  18. An "unclassified" radioactive material license is one authorizing radioisotopes, physical or chemical forms, possession limits, or uses not included in any other type of license specified in this Section.
  19. A NORM commercial disposal site license is one that authorizes the receipt of waste material contaminated with naturally occurring radioactive material from other licensees for permanent disposal, provided the concentration of the radioactive material does not exceed 74kBq (2,000 picocuries)/gram.
- E.** Category E registrations are those that register the possession of x-ray machine(s) under 9 A.A.C. 7, Article 2. The Department shall not combine Category E registrations with any other registration.
1. An X-ray machine class A registration is one authorizing the possession of X-ray machines in a hospital or other facility offering inpatient care.
  2. An X-ray machine class B registration is one authorizing the possession of X-ray machines in a medical, osteopathic, or chiropractic office or clinic not offering inpatient care; or the possession of X-ray machines in a school, college, university, or other teaching facility.
  3. An X-ray machine class C registration is one authorizing the possession of X-ray machines in dental, podiatry, and veterinarian offices or clinics.
  4. An industrial radiation machine registration is one authorizing the possession of X-ray machines, or the possession of particle accelerators not capable of producing a high radiation area, in a nonmedical facility.
  5. An accelerator facility registration is one authorizing the possession and operation of one or more particle accelerators of any kind capable of accelerating any particle and producing a high radiation area.
  6. A radiation machine, "other," is one authorizing possession or use of an ionizing radiation machine not included in any other category specified in subsection (E).
- F.** Category F registrations are those that register nonionizing radiation producing sources regulated under 9 A.A.C. 7, Article 14. The Department shall not combine Category F registrations with any other registration categories that have a difference in fee per unit.
1. A tanning registration authorizes the commercial operation of any number of tanning booths, beds, cabinets, or other devices in a single establishment.
  2. A Class A laser registration authorizes the operation of one to 10 laser devices subject to R9-7-1433.
  3. A Class B laser registration authorizes the operation of 11 to 49 laser devices subject to R9-7-1433.
  4. A Class C laser registration authorizes operation of 50 or more laser devices subject to R9-7-1433.

## Department of Health Services - Radiation Control

5. A laser light show registration authorizes the operation of a laser device subject to R9-7-1441.
6. A medical laser registration authorizes the operation of one or more laser devices subject to R9-7-1440.
7. A Class II surgical device registration authorizes the operation of one or more Class II surgical devices subject to R9-7-1438. A device is designated as a Class II surgical device by the USFDA and is labeled as such by the manufacturer.
8. A medical radiofrequency device registration authorizes the operation of one or more medical radiofrequency devices.
9. A class A industrial radiofrequency device registration authorizes the operation of one to five radiofrequency heat sealers or industrial microwave ovens.
10. A class B industrial radiofrequency device registration authorizes the operation of six to 20 radiofrequency heat sealers or industrial microwave ovens.
11. A class C industrial radiofrequency device registration authorizes the operation more than 20 radiofrequency heat sealers or industrial microwave ovens.
12. A class A medical radiofrequency device registration authorizes the operation of one or two radiofrequency diathermy or electrocoagulation units not used in non-ionizing cosmetic procedures.
13. A class B medical radiofrequency device registration authorizes the operation of three to nine radiofrequency diathermy or electrocoagulation units not used in non-ionizing cosmetic procedures.
14. A class C medical radiofrequency device registration authorizes the operation of 10 to 19 radiofrequency diathermy or electrocoagulation units not used in non-ionizing cosmetic procedures.
15. A class D medical radiofrequency device registration authorizes the operation of 20 or more radiofrequency diathermy or electrocoagulation units not used in non-ionizing cosmetic procedures.
16. An "other" nonionizing radiation device authorizes the operation of a nonionizing radiation device or other device not included in any other category specified in subsection (F).

**Historical Note**

New Section R9-7-1302 recodified from R12-1-1302 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1303. Fee for Initial License and Initial Registration**

An applicant shall remit for a new license or new registration the appropriate fee as prescribed in R9-7-1306.

**Historical Note**

New Section R9-7-1303 recodified from R12-1-1303 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1304. Annual Fees for Licenses and Registrations**

- A. Each license or registration issued by the Department shall identify the category by a letter and number corresponding to the appropriate subsection of R9-7-1302 or category type listed in R9-7-1306.
- B. Except for types D16 and D17, each licensee or registrant shall submit payment of the annual fee in the amount prescribed in R9-7-1306(A) on or before January 1 of each year. This single annual fee will cover any and all renewals, amendments, and regular inspections of the license during the forthcoming calendar year.
- C. If a licensee or registrant fails to pay the annual fee by January 1, the license is not current.

- D. If a licensee or registrant fails to pay the annual fee by April 1, the Department shall apply administrative sanction provisions of 9 A.A.C. 7, Article 12.
- E. A licensee who is required to pay an annual fee under this Article may qualify as a small entity. If a licensee qualifies as a small entity and provides the Department with proper certification along with its annual fee payment, the licensee may pay reduced annual fees as shown in Table 1 to this Article. Failure to file a small entity certification in a timely manner may result in the denial of any refund.

**Historical Note**

New Section R9-7-1304 recodified from R12-1-1304 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1305. Method of Payment**

- A. An applicant licensee or registrant shall pay fees by check or money order, payable to the "State of Arizona" at the address shown on the application, license, registration, or renewal notice.
- B. Once a license or registration has been issued, no portion of the application fee or any annual fee will be refunded.

**Historical Note**

New Section R9-7-1305 recodified from R12-1-1305 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1306. Table of Fees**

- A. The application and annual fee for each category and type are shown in Table 13-1.

Table 13-1

Category	Type	Annual Fee
A1	Broad academic Class A	\$5,800
A2	Broad academic Class B	\$5,800
A3	Broad academic Class C	\$5,800
A4	Limited academic	\$1,000
B1	Broad medical	\$11,000
B2	Medical materials class A	\$1,900
B3	Medical materials class B	\$1,900
B4	Medical materials class C	\$1,900
B5	Medical teletherapy	\$5,200
B6	General medical	\$250
C1	Broad industrial class A	\$11,400
C2	Broad industrial class B	\$11,400
C3	Broad industrial class C	\$3,200
C4	Limited industrial	\$700
C5	Portable gauge	\$1,000
C6	Fixed gauge class A	\$1,000
C7	Fixed gauge class B	\$1,000
C8	Leak detector	\$1,330
C9	Gas chromatograph	\$1,000
C10	General industrial	No Fee
C11	Industrial Radiography class A	\$5,500
C12	Industrial Radiography class B	\$5,500
C13	Open field irradiator	\$3,000
C14	Self-shielded irradiator	\$1,500
C15	Well logging	\$2,000
C16	Research and development	\$2,100
C17	Laboratory	\$1,000

## Department of Health Services - Radiation Control

D1	Distribution	\$2,600
D2	Nuclear Pharmacy	\$4,600
D3	Nuclear laundry	\$10,300
D4	General industrial (with fee)	\$300
D5	General depleted uranium	\$200
D6	Veterinary medicine	\$1,000
D7	General veterinary medicine	\$200
D8	Health physics class A	\$3,200
D9	Health physics class B	\$1,000
D10	Secondary uranium recovery	\$5,100
D11	Low-level radioactive waste disposal site	(3)
D12	Waste processor class A	\$4,600
D13	Waste processor class B	\$3,600
D14	Additional storage and use site	(1)
D15	Possession only	(2)
D16	Reciprocal	(3)
D17	Reserved	
D18	Unclassified	Full Cost
D19	NORM commercial disposal site	\$600,000
E1	X-ray machine class A (per tube)	\$75
E2	X-ray machine class B (per tube)	\$51
E3	X-ray machine class C (per tube)	\$42
E4	Industrial radiation machine (per device)	\$42
E5	Accelerator facility	\$750
E6	Other ionizing radiation machine	Full Cost
F1	Tanning device (per device)	\$28
F2	Class A (1 to 10 laser devices)	\$175
F3	Class B (11 to 49 laser devices)	\$408
F4	Class C (50 or more laser devices)	\$699
F5	Laser light show or laser demonstration	\$408
F6	Medical laser (per laser device)	\$47
F7	Class II surgical (per device)	\$47
F8	Medical RF surgical and cosmetic (per device)	\$47
F9	Class A industrial (1 to 5 radiofrequency devices)	\$70
F10	Class B industrial (6 to 20 radiofrequency devices)	\$210
F11	Class C industrial (more than 20 radiofrequency devices)	\$349
F12	Class A medical (1 or 2 non-cosmetic radiofrequency devices) (per device)	\$0
F13	Class B medical (3 to 9 non-cosmetic radiofrequency devices) (per device)	\$0

F14	Class C medical (10 to 19 non-cosmetic radiofrequency devices) (per device)	\$0
F15	Class D medical (20 or more non-cosmetic radiofrequency devices) (per device)	\$0
F16	Other nonionizing radiation device or other device	Full Cost

- Notes: (1) An additional 30% of the annual base fee is added to the annual base fee for each additional site.  
 (2) The fee is 50% of the annual base fee for the category under which the radioactive material will be stored.  
 (3) See R9-7-1307.

- B.** The application fee for a licensee or registrant is the annual fee as shown in R9-7-1306. "Full Cost" is based on professional personnel time for preparation, travel, onsite inspection, any reports, review of findings, and preparation of the license or registration or denial charged at \$99 per hour and mileage charged at 44.5¢ per mile. The Department shall assess the licensee or registrant 90% of the estimated full cost of issuing the license or registration. The Department will assess for any remaining costs when it is prepared to issue the license, registration, denial, or if Department costs for the requested activity exceed \$10,000.
- C.** The annual fee for a licensee or registrant for which the scheduled fee is "Full Cost" is based on professional personnel time for preparation, travel, onsite inspection, preparation of reports, review of findings, and preparation for any inspections or completion of any amendments to the license, registration or denials charged at \$99 per hour and mileage charged at 44.5¢ per mile for the preceding 12 months.

**Historical Note**

New Section R9-7-1306 and Table 13.1 recodified from R12-1-1306 and Table 13.1 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1307. Special License Fees**

- A.** The fee for a Type D16 license providing reciprocal recognition under R9-7-320 of a radioactive materials license issued by the U.S. NRC or another state is half of the annual fee for an Arizona license of the appropriate type. The fee is due and payable at the time reciprocity is requested, and the general license does not become current until the fee is paid.
- B.** For a low-level radioactive waste disposal site the initial application fee is \$6,000,000. The annual fee for the second through fifth years is \$6,000,000. The Department shall promulgate a new fee rule for years subsequent to year five. Based on data gathered during the first five years, the Department shall set a reasonable fee after consideration of the following factors:
1. Unrecovered costs which the Department may charge under A.R.S. § 30-654(B)(18).
  2. Actual costs incurred by the Department.

**Historical Note**

New Section R9-7-1307 recodified from R12-1-1307 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1308. Fee for Requested Inspections**

- A.** A licensee or registrant may request an inspection of its facility at any time. The Department shall assess the licensee or registrant the full cost of the inspection, based on personnel time for preparation, travel, onsite inspection, review of findings, and preparation of a report, charged at \$99 per hour and mileage charged at 44.5¢ per mile.
- B.** The fee specified in this Section does not apply to:

## Department of Health Services - Radiation Control

1. Regular inspections as scheduled by the Department,
2. Enforcement reinspections conducted to ensure the correction of violations or safety hazards, or
3. Inspections requested by workers pursuant to R9-7-1007.

**Historical Note**

New Section R9-7-1308 recodified from R12-1-1308 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1309. Abandonment of License or Registration Application**

- A. Any license or registration application for which the applicant has been provided a written notification of deficiencies in the application and for which the applicant does not make a written attempt to supply the requested information or request an extension in writing within 90 days of the date of the written notice of deficiencies, is considered abandoned and will not be processed.
- B. If an applicant does not act in the time-frame specified in subsection (A), the applicant shall submit a new application with the appropriate fee.

**Historical Note**

New Section R9-7-1309 recodified from R12-1-1309 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Table 1. Small Entity Fees<sup>1</sup>**

Small Businesses Not Engaged in Manufacturing and Small Not-for-profit Organizations (Gross Annual Receipts, three-year average):

>\$6.5 million	Pay the fee listed in R9-7-1306
\$350,000 to \$6.5 million	\$2,200
<\$350,000	\$500

Manufacturing Entities that Have an Annual Average of 500 Employees or Less:

>500 employees	Pay the fee listed in R9-7-1306
35 to 500 employees	\$2,200
<35 employees	\$500

Small Government Jurisdictions (including publicly supported educational institutions) (Population in Jurisdiction):

>50,000	Pay the fee listed in R9-7-1306
20,000 to 50,000	\$2,200
<20,000	\$500

Educational Institutions that Are Not State or Publicly Supported, and Have 500 Employees or Less:

>500 employees	Pay the fee listed in R9-7-1306
35 to 500 employees	\$2,200
<35 employees	\$500

<sup>1</sup>A licensee who seeks to establish status as a small entity for the purpose of paying the annual fees required under R9-7-1304 as shown in R9-7-1306 must file a certification statement with the Department each year. The licensee must file the required certification on Department Form 333 for each license under which it was billed. Department Form 333 can be accessed through the Department website at <http://www.azdhs.gov/licensing/radiation-regulatory/index.php>. For licensees who cannot access the Department website, Department Form 333 may be obtained by writing to the Department or by telephoning the Department at (602) 255-4845.

**Historical Note**

New Article 13, Table 1, recodified from 12 A.A.C. 1, Article 13, Table 1 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 14. REGISTRATION OF NONIONIZING RADIATION SOURCES AND STANDARDS FOR PROTECTION AGAINST NONIONIZING RADIATION****R9-7-1401. Registration of Nonionizing Radiation Sources and Service Providers**

- A. A person shall not use a nonexempt nonionizing radiation source, unless the source is registered by the Department.
- B. A person who possesses a nonexempt nonionizing source shall submit to the Department an application for registration within 30 days of its first use.
  1. A person who possesses a nonexempt source listed in R9-7-1302(F) shall register the source with the Department.
  2. A person applying for the registration of a nonexempt source shall use an application form provided by the Department.
  3. An applicant shall provide the information identified in Appendix B of this Article.
- C. A registrant shall notify the Department within 30 days of any change to the information contained in the registration, or sale of a source that results in termination of the activities conducted under the registration.
- D. In addition to the application form, an applicant shall remit the applicable registration fee, specified in R9-7-1306.
- E. A person who is operating more than one facility, where one or more nonexempt nonionizing sources are used, shall apply for a separate registration for each facility.
- F. A person in the business of installing or servicing nonexempt nonionizing sources shall apply to the Department for registration 30 days before furnishing the service. The person shall apply for registration on a form furnished by the Department and shall provide the information required by A.R.S. § 30-672.01.

**Historical Note**

New Section R9-7-1401 recodified from R12-1-1401 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1402. Definitions**

General definitions:

“Controlled area” means any area to which human access is restricted for the purpose of protection from nonionizing radiation.

“Direct supervision” means that a licensed practitioner supervises the use of a source for medical purposes while the practitioner is present inside the facility where the source is being used.

“Indirect supervision” means: for lasers or IPL devices used for hair removal procedures, there is at a minimum, responsible supervision and control by a licensed practitioner who is easily accessible by telecommunication.

“Licensed practitioner” (See R9-7-102)

“Medical director” means a licensed practitioner, as defined in R9-7-102, who delegates a laser, IPL, or other light-emitting medical device procedure to a non-physician and is qualified to perform the procedure within the scope of practice of the license.

“Nonexempt nonionizing source” means any system or device that contains a nonionizing source listed in R9-7-1302(F).

## Department of Health Services - Radiation Control

“Operator” means a person who is trained in accordance with this Article and knowledgeable about the control and function of a nonionizing device regulated under this Article.

“Other cosmetic procedure” means a method of using medical lasers or intense pulse light (IPL) devices approved by the Federal Food and Drug Administration (FDA), for the cosmetic purpose of spider vein removal, skin rejuvenation, non-ablative skin resurfacing, skin resurfacing, port wine stain removal, epidermal pigmented skin lesion removal, or tattoo removal; and does not include hair removal.

## Laser definitions:

“Accessible emission limit (AEL)” means the maximum accessible emission level of laser or collateral radiation permitted within a particular class.

“Accessible radiation” means laser or collateral radiation to which human access is possible.

“Angular subtense” means the apparent visual angle,  $\alpha$ , as calculated from the source size and distance from the eye.

“Aperture” means an opening in the protective housing or other enclosure of a laser product, through which laser or collateral radiation is emitted, allowing human access to the radiation.

“Aperture stop” means an opening serving to limit the size and to define the shape of the area over which radiation is measured.

“Certified laser product” means that the product is certified by a manufacturer in accordance with the requirements of 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.

“CDRH” means the Center for Devices and Radiological Health.

“Classes of lasers” means the following categories of lasers, defined in 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department: Class 1, Class 2, Class 2a, Class 3, Class 3a, Class 3b, and Class 4. This incorporation by reference contains no future editions or amendments.

“Collateral radiation” means any electronic product radiation, except laser radiation, emitted by a laser product as a result of operation of the laser or any component of the laser product that is physically necessary for operation of the laser. The accessible emission limits for collateral radiation are specified in 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.

“Continuous wave” (cw) means the output of a laser that is operated in a continuous rather than a pulsed mode. For purposes of this Article, a laser operating with a continuous output for a period  $\geq 0.25$  seconds, is regarded as a cw laser.

“Cosmetic procedure protocol” means a delegated written authorization to select specific laser or IPL settings, initiate a laser or IPL procedure, and conduct necessary follow-up procedures.

“Demonstration laser” means any laser manufactured, designed, intended, or used for purposes of demonstration, entertainment, advertising display, or artistic composition.

“Embedded laser” means an enclosed laser with an assigned class number higher than the inherent capability of the laser system in which it is incorporated, where the system’s lower classification is due to engineering features that limit accessible emission.

“Enclosed laser” means a laser that is contained within its own protective housing or the protective housing of a laser or laser system in which it is incorporated. Opening or removing the protective housing provides more access to laser radiation above the applicable MPE than is possible with the protective housing in place. (An embedded laser is a type of enclosed laser.)

“Federal performance standards for light-emitting products” means the regulations in 21CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives, and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.

“Human access” means the capacity to intercept laser or collateral radiation by any part of the human body.

“Incident” means an event or occurrence that results in actual or suspected accidental exposure to laser radiation that has caused or is likely to cause biological damage.

“Integrated radiance” means radiant energy per unit area of a radiating surface per unit solid angle of emission, expressed in joules per square centimeter per steradian.

“Irradiance” means the time-averaged radiant power incident on an element of a surface divided by the area of that element, expressed in watts per square centimeter.

“Laser” See the definition in Article 1.

“Laser energy source” means any device intended for use in conjunction with a laser to supply energy for the operation of the laser. General energy sources, such as electrical supply mains or batteries, are not considered laser energy sources by the Department.

“Laser facility” means a facility where one or more lasers are used. For purposes of this definition a Class 1 facility is a facility that has one or more Class 1 lasers; a Class 2 facility is a facility that has one or more Class 2 or 2a lasers; a Class 3 facility is a facility that has one or more Class 3, 3a, or 3b lasers, and a Class 4 facility is a facility that has one or more Class 4 lasers. Facilities that contain more than one laser class are classified according to the highest laser class in use at the facility.

“Laser product” means any manufactured product or assemblage of components that constitutes, incorporates, or is intended to incorporate a laser or laser system. A laser or laser system that is intended for use as a component of an electronic product is itself considered a laser product.

“Laser protective device” means any device used to reduce or prevent exposure of personnel to laser radiation. This includes: protective eyewear, garments, engineering controls, and operational controls.

“Laser radiation” means all electromagnetic radiation emitted by a laser product, within the spectral range specified in the definition of “laser,” which is produced as a result of con-



## Department of Health Services - Radiation Control

trolled stimulated emission or that is detectable with radiation so produced through the appropriate aperture stop and within the appropriate solid angle of acceptance.

“Laser Safety Officer (LSO)” - means any individual, qualified by training and experience in the evaluation and control of laser hazards, who is designated by the registrant and has the authority and responsibility to establish and administer the laser radiation protection program for a particular class of facility.

“Laser system” means a laser in combination with an appropriate laser energy source with or without additional incorporated components.

“Limited exposure duration ( $T_{\max}$ )” means an exposure duration that is specifically limited by design or intended use.

“Maintenance” means performance of those adjustments or procedures specified in operator information provided by the manufacturer with the laser product, which are to be performed by the operator to ensure the intended performance of the product. The term does not include operation or service as defined in this Section.

“Maximum permissible exposure (MPE)” means the level of laser radiation to which a person may be exposed without hazardous effect or adverse biological changes in the eye or skin. MPE values for eye and skin exposure are listed in ANSI Z136.1-2000, American National Standard for Safe Use of Lasers, 2000 edition, which is incorporated by reference, published by the Laser Institute of America, 13501 Ingenuity Drive, Suite 128, Orlando, FL 32826, and on file with the Department. This incorporation by reference contains no future editions or amendments.

“Medical laser product” means any laser product that is a medical device defined in 21 U.S.C. 321(h) and is manufactured, designed, intended, or promoted for in vivo laser irradiation of any part of the human body for the purpose of: diagnosis, surgery, therapy, or relative positioning of the human body.

“Operation” means the performance of the laser product over the full range of its function. It does not include maintenance or service as defined in this Section.

“Protective housing” means those portions of a laser product that are designed to prevent human access to laser or collateral radiation in excess of the prescribed accessible emission limits under conditions specified in this Article.

“Pulse duration” means the time increment measured between the half-peak-power points at the leading and trailing edges of a pulse.

“Pulse interval” means the period of time between identical points on two successive pulses.

“Radiance” means the time-averaged radiant power per unit area of a radiating surface per unit solid angle of emission, expressed in watts per square centimeter per steradian.

“Radiant energy” means energy emitted, transferred, or received in the form of radiation, expressed in joules.

“Radiant exposure” means the radiant energy incident on an element of a surface divided by the area of that element, expressed in joules per square centimeter.

“Radiant power” means the time-averaged power emitted, transferred, or received in the form of radiation, expressed in watts.

“Rule of nines” means a method for estimating the extent of burns, expressed as a percentage of total body surface. In this method the body is divided into sections of 9 percent or multiples of 9 percent, each: head and neck, 9 percent; anterior trunk, 18 percent; posterior trunk, 18 percent; upper limbs, 18 percent; lower limbs, 36 percent; and genitalia and perineum, 1 percent.

“Safety interlock” means a device associated with the protective housing of a laser product to prevent human access to excessive radiation.

“Sampling interval” means the time interval during which the level of accessible laser or collateral radiation is sampled by a measurement process. The magnitude of the sampling interval in units of seconds is represented by the symbol “t”.

“Secured enclosure” means an area to which casual access is impeded by various means, such as a door secured by a lock, latch, or screws.

“Service” means the performance of those procedures or adjustments described in the manufacturer’s service instructions that may affect any aspect of the product’s performance. The term does not include maintenance or operation as defined in this Section.

“ $T_{\max}$ ” See limited exposure duration.

“Uncertified laser product” means any laser that has not been certified in accordance with the requirements of 21CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.

Radio frequency and microwave radiation definitions:

“Accessible emission level” means the level of radio frequency radiation emitted from any source, expressed in terms of power density in milliwatts per square centimeter or electric and magnetic field strength, as applicable, and to which human access is normally possible.

“Far field region” means the area in which locally uniform distribution of electric and magnetic field strengths exists in planes transverse to the direction of propagation. The far field region is presumed to exist at distances greater than  $2D^2/\lambda$  from the antenna, where  $\lambda$  is the wavelength and  $D$  is the largest antenna aperture dimension.

“Maximum permissible exposure MPE” means the rms and peak electric and magnetic field strengths, their squares, or the plane-wave equivalent power densities associated with these fields and the induced and contact currents to which a person may be exposed without harmful effect and with an acceptable safety factor.

“Near field region” means the area near an antenna in which the electric and magnetic field components vary considerably in strength from point to point. For most antennas the outer boundary of the region is presumed to exist at a distance  $\lambda/2\pi$  from the antenna surface, where  $\lambda$  is the wavelength.

“Radio frequency controlled area” means any location to which access is controlled for the purpose of protection from radio frequency radiation.

“Radio frequency source” means a source or system that produces electromagnetic radiation in the radio frequency spectrum.

## Department of Health Services - Radiation Control

“Radio frequency radiation” means electromagnetic radiation (including microwave radiation) with frequencies in the range of 0.3 megahertz to 100 gigahertz.

“Root-mean-square (rms)” means the effective value, or the value associated with joule heating, of a periodic electromagnetic wave. The rms is obtained by taking the square root of the mean of the squared value of a function.

“Safety device” means any mechanism incorporated into a radio frequency source that is designed to prevent human access to excessive levels of radio frequency radiation.

Ultraviolet, high intensity light, and intense pulsed light source definitions:

“EPA” means the United States Environmental Protection Agency.

“FDA” means the United States Food and Drug Administration.

“High intensity mercury vapor discharge (HID) lamp” means any lamp, including a mercury vapor or metal halide lamp that incorporates a high-pressure arc discharge tube with a fill that consists primarily of mercury and is contained within an outer envelope, except the tungsten filament self-ballasted mercury vapor lamp.

“Intense pulsed light device (IPL)” means, for purposes of R9-7-1438, any lamp-based device that produces an incoherent, filtered, and intense light.

“Maximum exposure time” means the greatest continuous exposure time interval recommended by the manufacturer of a product.

“Protective sunlamp eyewear” means any device designed to be worn by a user of a product to reduce exposure of the eyes to radiation emitted by the product.

“Sanitize” means treat the surfaces of equipment and devices using an EPA or FDA registered product that provides a specified concentration of chemicals, for a specified period of time, to reduce the bacterial count, including pathogens, to a safe level.

“Self-extinguishing lamp” means any HID lamp that ceases operation in conformance with the requirements of the performance standard in 21 CFR 1040.30(d), April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.

“Sunlamp product” means any electronic product designed to incorporate one or more ultraviolet lamps and intended for irradiation of any part of the living human body, by ultraviolet radiation with wavelengths in air between 200 and 400 nanometers, to induce skin tanning.

“Timer” means any device incorporated into a product that terminates radiation emission after a preset time interval.

“Ultraviolet lamp” means any light source that produces ultraviolet radiation and that is intended for use in any sunlamp product.

“Ultraviolet radiation” means electromagnetic radiation in the wavelength interval from 200 to 400 nanometers in air.

“User” means any member of the public who is provided access to a tanning device in exchange for a fee or other compensation, or any individual who, in exchange for a fee or

other compensation, is afforded use of a tanning device as a condition or benefit of membership or access.

**Historical Note**

New Section R9-7-1402 recodified from R12-1-1402 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1403. General Safety Provisions and Exemptions**

- A.** Based on consideration of the following factors, the Department may waive compliance with specific requirements of this Article:
- Whether compliance requires product replacement or substantial modification of a product's current installation, and
  - Whether the registrant provided information requested by the Department to determine if there are alternative methods of achieving the same or a greater level of radiation protection.
- B.** The registrant shall:
- Ensure that any nonionizing source is operated by an individual who is trained and has demonstrated competence in the safe use of the source.
  - Provide safety rules to each individual who operates a nonionizing radiation source and determine whether the individual is aware of operating restrictions and procedures associated with the safe use of the source.
  - Make, or cause to be made, any physical radiation surveys required by this Article.
  - Maintain the following records for three years for Department review:
    - Results of any physical survey or calibration required by this Article;
    - Radiation source inventories;
    - Maintenance, service, and modification records; and
    - Incident reports of known or suspected exposure to nonionizing radiation that exceeds any MPE specified in this Article.
- C.** A registrant shall not operate a nonionizing radiation source unless the source complies with all of the applicable requirements of this Article.

**Historical Note**

New Section R9-7-1403 recodified from R12-1-1403 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1404. Radio Frequency Equipment**

- A.** A registrant shall operate a radiation source that emits radio frequency radiation in a radio frequency controlled area, in a manner that will prevent human exposure that exceeds the MPE specified in IEEE Std C95.1-1999, Institute of Electrical and Electronics Engineers Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3kHz to 300 GHz, 1999 edition, which is incorporated by reference, published by the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, NY 10017, and on file with the Department. This incorporation by reference contains no future editions or amendments. The registrant shall post each point of access into a radio frequency controlled area according to R9-7-1406.
- B.** If a registrant is required to operate a radio frequency source in a controlled area, the registrant shall employ visual or audible emission indicators that function only during production of radiation.
- C.** If a source of radio frequency emissions is physically separate from the source's means of activation by a distance greater than 2 meters, the registrant shall place a visual or an audible emission indicator at the source and the point of activation.

## Department of Health Services - Radiation Control

- D. A registrant shall place each visual emission indicator so that the location of the indicator does not require human exposure to radio frequency radiation that exceeds the applicable MPE.
- E. A registrant shall inspect each safety device designed to prevent human exposure to excessive radio frequency radiation for proper operation at intervals that do not exceed one month.
- F. If a machine emits mechanically scanned radio frequency radiation, a registrant shall ensure that the machine cannot, as the result of scan failure or any other malfunction, cause a change in angular velocity or amplitude, allowing human exposure that exceeds the applicable MPE.
- G. A registrant shall physically secure each radio frequency sources to prevent unauthorized use and tampering.

**Historical Note**

New Section R9-7-1404 recodified from R12-1-1404 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1405. Radio Frequency Radiation: Maximum Permissible Exposure**

- A. A registrant shall not expose a person to radio frequency radiation that exceeds the applicable MPE specified in IEEE Std C95.1-1999, Institute of Electrical and Electronics Engineers Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3kHz to 300 GHz, 1999 edition, which is incorporated by reference, published by the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, NY 10017, and on file with the Department. This incorporation by reference contains no future editions or amendments.
- B. At frequencies between 300 kHz and 100 GHz a registrant may exceed the applicable MPE if exposure conditions can be shown by laboratory procedures to produce specific absorption rates (SARs) above 0.4 watts per kilogram, averaged over the whole body, and spatial peak SAR values above 8 watts per kilogram, averaged over 1 gram of tissue.
- C. At frequencies between 300 kHz and 1 GHz, a registrant may exceed the applicable MPE, if the radio frequency input power to the radiating device is seven watts or less.

**Historical Note**

New Section R9-7-1405 recodified from R12-1-1405 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1406. Radio Frequency Hazard Caution Signs, Symbols, Labeling, and Posting**

- A. A registrant shall post each point of access to a controlled area with caution signs of the type designated in Figure 1.



- B. A registrant shall post operating procedure restrictions or limitations, used to prevent unnecessary or excessive exposure to radio frequency radiation, in a location visible to the operator.
- C. A registrant shall place each warning sign or label so that an observer is not exposed to radio frequency radiation that exceeds the applicable MPE.

**Historical Note**

New Section R9-7-1406 recodified from R12-1-1406 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1407. Microwave Ovens**

A person shall register with the Department any microwave oven that does not meet the requirements in 21 CFR 1030.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.

**Historical Note**

New Section R9-7-1407 recodified from R12-1-1407 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1408. Reporting of Radio Frequency Radiation Incidents**

- A. A registrant shall report in writing to the Department within 15 days of a known or suspected personnel exposure to radiation that exceeds the applicable MPE incorporated by reference in R9-7-1405.
- B. A registrant shall report to the Department within 24 hours of a known or suspected personnel exposure to radiation that exceeds 150% of an applicable MPE incorporated by reference in R9-7-1405.
- C. A registrant shall immediately report to the Department a known or suspected personnel exposure to radiation that exceeds 500% of an applicable MPE incorporated by reference in R9-7-1405.

**Historical Note**

New Section R9-7-1408 recodified from R12-1-1408 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1409. Medical Surveillance for Workers Who May Be Exposed to Radio Frequency Radiation**

- A. Upon request by the Department, a registrant shall provide a medical examination to an individual exposed to radiation reported to the Department according to R9-7-1408.
- B. A registrant shall provide a copy of the results to the Department if an individual undergoes a medical examination, requested under subsection (A).

**Historical Note**

New Section R9-7-1409 recodified from R12-1-1409 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1410. Radio Frequency Compliance Measurements**

- A. For obtaining measurements to determine compliance with R9-7-1405, the Department shall use an instrument capable of measuring the field strength and frequency of radiation.
- B. The Department shall ensure that each instrument used for compliance measurements is calibrated every 12 months. The calibration shall be performed in a manner that meets the standards in IEEE Std C95.1-1999, incorporated by reference in R9-7-1404(A).
- C. For compliance measurements of exposure conditions in the near field, the Department shall obtain measurements of both the electric and magnetic field components. The applicable protection standards for near field measurements are the mean

## Department of Health Services - Radiation Control

squared electric and magnetic field strengths (using the applicable MPE) referenced in R9-7-1405.

- D. If the Department is obtaining measurements to determine compliance in far field exposure conditions, the Department may use measurements of power density in milliwatts per square centimeter or the calculated equivalent plane wave power density, based on measurement of either the electric or magnetic field strength. The applicable protection standards are the power density values (using the applicable MPE) referenced in R9-7-1405.
- E. In obtaining measurements in accordance with this Section, the Department shall measure the electric and magnetic field strength:
  1. Obtained at an emission frequency of 300 megahertz or less; and
  2. Expressed in terms of power density.
- F. For mixed or broadband fields at frequencies for which there are different protection standards, the Department shall determine the fraction of the applicable MPE incurred within each frequency interval. To achieve compliance the sum of all the fractions shall not exceed unity (1).
- G. The Department shall obtain compliance measurements at a distance of five centimeters or greater from any object.
- H. A registrant shall obtain measurements that are averaged over a six-minute period for pulsed and non-pulsed modes of radio frequency emission and make a correction for duty cycle in determining the average field strength.

**Historical Note**

New Section R9-7-1410 recodified from R12-1-1410 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1411. Reserved****Historical Note**

Section R9-7-1411 reserved when this Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1412. Tanning Operations**

A registrant shall establish and maintain written policies and procedures that are part of a radiation safety program to assure compliance with the requirements in R9-7-1412 through R9-7-1416.

**Historical Note**

New Section R9-7-1412 recodified from R12-1-1412 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1413. Tanning Equipment Standards**

- A. A registrant operating a tanning facility shall use sunlamp products that are certified by the manufacturer to comply with 21 CFR 1040.20, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments. For sunlamp products in use before the effective date of this Article, the Department shall determine compliance based on the standard in effect at the time of manufacture, as shown on the equipment identification label.
- B. A registrant shall replace burned-out or defective lamps or filters, before any use of a tanning device.
- C. A registrant shall replace a burned-out or defective lamp or filter with a lamp or filter intended for use in that equipment, as specified on the sunlamp product label, or that is equivalent to a lamp or filter specified on the sunlamp product label under the FDA regulations and policies applicable to the sunlamp product at the time of manufacture. If an equivalent lamp or filter is used instead of the Original Equipment Manufacturer (OEM) lamp or filter specified on the product label, the regis-

trant shall maintain a copy of the equivalency certification, provided by the lamp supplier, on file for review by Department inspectors.

- D. A registrant shall ensure that each sunlamp product has a timer and control system that complies with 21 CFR 1040.20(c), April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments. In addition the registrant shall ensure that:
  1. The timer interval does not exceed the manufacturer's maximum, recommended exposure time;
  2. The timer is functional and accurate to within +/- 10% of the maximum timer interval of the product;
  3. The timer does not automatically reset and cause radiation emission to resume for a period greater than the unused portion of the timer cycle;
  4. The timer is tested annually for accuracy;
  5. For a new facility (including existing facilities with change of ownership) a remote timer control system is installed before operation of sunlamp products. For an existing facility that has sunlamp products not equipped with a remote timer control system, a remote timer control system (outside of the sunlamp product room) is installed no later than 6 months after the effective date of this Section; and
  6. Each sunlamp product is equipped with an emergency shutoff mechanism that allows manual termination of the UV exposure by the user.
- E. A registrant shall provide physical barriers between each sunlamp product to protect users from injury caused by touching or breaking a lamp.
- F. A registrant that employs a stand-up sunlamp product shall:
  1. Use physical barriers, handrails, floor markings, or other methods to indicate the proper exposure distance between the ultraviolet lamps and the user's skin;
  2. Construct each tanning booth so that it can withstand the stress of use and the impact of a falling person;
  3. Provide access to a tanning booth with doors of rigid construction that open outward, handrails, and non-slip floors; and
  4. Control the interior temperature of a sunlamp product so that it never exceeds 100 degrees Fahrenheit (38 degrees Centigrade).

**Historical Note**

New Section R9-7-1413 recodified from R12-1-1413 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1414. Tanning Equipment Operators**

- A. A registrant shall ensure that at least one operator is present during operating hours. The operator shall:
  1. Limit the occupancy of the tanning room to one person when the tanning equipment is in use;
  2. Prevent use of the tanning equipment by anyone under 18 years of age unless the person has written permission from a parent or guardian;
  3. Limit exposure time to the manufacturer's recommendation on the equipment label or in the operator's manual;
  4. Limit exposure time during a 24-hour period to the maximum recommended for a 24-hour period by the manufacturer; and
  5. Maintain a record of each user's total number of tanning visits and exposure times for Department inspection. The registrant shall maintain the records for three years from the date on the record.

## Department of Health Services - Radiation Control

- B.** Before use of tanning equipment, an operator shall:
1. Provide the user sanitized protective sunlamp eyewear and directions for its use;
  2. Demonstrate the use of any physical aids, necessary to maintain correct exposure distance for the user, as recommended by the manufacturer of the tanning equipment;
  3. Set the exposure timer so that the user is not exposed to excess radiation;
  4. Instruct the user on the maximum exposure time and correct distance from the radiation source as recommended by the manufacturer of the tanning equipment; and
  5. Instruct the user about the location and correct operation of the emergency shutoff switch.
- C.** An operator shall control a sunlamp's timer. A registrant shall:
1. Provide training to operators that covers:
    - a. The requirements of this Section;
    - b. Facility operating procedures, including:
      - i. Determination of skin type and associated duration of exposure;
      - ii. Procedures for use of minor and adult user consent forms;
      - iii. Potential harm associated with photosensitizing foods, cosmetics, and medications;
      - iv. Requirements for use of protective eyewear by users of the equipment; and
      - v. Proper sanitizing procedures for the facility, equipment, and eyewear;
    - c. The manufacturer's procedures for operation and maintenance of tanning equipment;
    - d. Recognition of injury or overexposure; and
    - e. Emergency procedures used in the case of an injury.
  2. Maintain records of training for Department review, which include dates and material covered, for three years from the date the training is provided.
3. Post a list of operators at the facility.
- D.** Before the first use of a tanning facility in each calendar year by a user:
1. An operator shall request that the user read a copy of the warnings in R9-7-1415(A);
  2. The operator shall obtain the user's signature on a statement as an acknowledgment that the user has heard or read and understands the warnings in R9-7-1415(A); and
  3. For illiterate or visually handicapped persons, the operator shall read the warnings in R9-7-1415(A) in the presence of a witness. Both the witness and the operator shall sign the statement described in subsection (D)(2).

**Historical Note**

New Section R9-7-1414 recodified from R12-1-1414 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1415. Tanning Facility Warning Signs**

- A.** A registrant shall post the warning sign shown in this subsection within 1 meter (39.37 inches) of each tanning device, ensuring that the sign is clearly visible and easily viewed by the user before the tanning device is operated.
- B.** A registrant shall post a warning sign, which contains the statement shown, at or near the reception area.
- PERSONS UNDER AGE 18 ARE REQUIRED TO HAVE PARENT OR LEGAL GUARDIAN SIGN AN AUTHORIZATION TO TAN IN THE PRESENCE OF A TANNING FACILITY OPERATOR
- C.** The lettering on each warning sign shall be at least 10 millimeters high for all words shown in capital letters and at least 5 millimeters high for all lower case letters.

\*\*\*\*\*

**DANGER - ULTRAVIOLET RADIATION**

1. Follow instructions.
2. Avoid overexposure. As with natural sunlight, exposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin, dryness, wrinkling, and skin cancer.
3. Wear protective eyewear.

**FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG TERM INJURY TO THE EYES.**

4. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications or have a history of skin problems or believe you are especially sensitive to sunlight.
5. If you do not tan in the sun, you are unlikely to tan from use of this device.

**Historical Note**

New Section R9-7-1415 recodified from R12-1-1415 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1416. Reporting of Tanning Injuries**

- A.** A registrant shall report any incident involving an eye injury; skin burn; fall injury, if the fall occurs within the tanning device or while entering or exiting the device; laceration; infection believed to have been transmitted by use of the tanning device; or any other injury reasonably related to the use of the tanning device.
- B.** A registrant shall provide a written report of an incident to the Department within 10 working days of its occurrence or within 10 working days of the date the registrant became aware of the incident.
- C.** The report shall include:
1. The name of the user;
  2. The name and location of the tanning facility;
  3. A description of and the circumstances associated with the injury;
  4. The name and address of the health care provider treating the user, if any; and
  5. Any other information the registrant considers relevant to the incident.

**Historical Note**

New Section R9-7-1416 recodified from R12-1-1416 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1417. Reserved**

## Department of Health Services - Radiation Control

**Historical Note**

Section R9-7-1417 reserved when this Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1418. High Intensity Mercury Vapor Discharge (HID) Lamps**

A person shall register with the Department any HID lamp that does not meet the requirements in 21 CFR 1040.30, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.

**Historical Note**

New Section R9-7-1418 recodified from R12-1-1418 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1419. Reserved****Historical Note**

Section R9-7-1419 reserved when this Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1420. Reserved****Historical Note**

Section R9-7-1420 reserved when this Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1421. Laser Safety**

- A.** The requirements contained in this Section apply to laser products that are used in accordance with the manufacturer's classification and instructions. If certain engineering controls are impractical during manufacture or research and development activities, the LSO shall specify alternate requirements to obtain equivalent laser safety protection.
- B.** A registrant shall establish and maintain a laser radiation safety program.
- C.** If R9-7-1433 is applicable, a registrant shall conduct a laser radiation protection survey to ensure compliance with R9-7-1433 before initial use, following system modifications, and at intervals that do not exceed six months. During a survey the registrant shall:
  1. Determine whether each laser protective device is labeled correctly, functioning within the design specifications, and meets required standards for the type and class of laser in use;
  2. Determine whether each warning device is functioning within design specifications;
  3. Determine whether each controlled area is identified, controlled, and posted with accurate warning signs in accordance with this Article;
  4. Reevaluate potential hazards from surfaces that are associated with Class 3 and Class 4 beam paths; and
  5. Evaluate the laser and collateral radiation hazard incident to the use of lasers.
- D.** The registrant shall maintain records of:
  1. Results of all physical surveys made to determine compliance with this Article;
  2. Any restriction in operating procedures necessary to prevent unnecessary or excessive exposure to laser or collateral radiation;
  3. Any incident for which reporting to the Department is required pursuant to R9-7-1436;
  4. Results of medical surveillance to determine extent of injury resulting from exposure to laser or collateral radiation;
  5. Inventory to account for all sources of radiation possessed by the licensee.

- E.** A registrant shall provide the Laser Safety Officer with training that covers the subjects listed in Appendix D.

**Historical Note**

New Section R9-7-1421 recodified from R12-1-1421 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1422. Laser Protective Devices**

- A.** A registrant shall ensure that each laser product has a protective housing that prevents access to laser and collateral radiation if it exceeds the exposure limits for Class 1 lasers in R9-7-1426. If a laser's accessible emission levels must exceed the limits for Class 1 lasers, the registrant shall use a laser from the lowest class that will enable the registrant to perform the intended function.
- B.** To prevent access to radiation above the applicable MPE, a registrant shall ensure that each laser has a safety interlock, which prevents operation of the laser if a person has removed any portion of the protective housing that can be removed or displaced without the use of tools during normal operation or maintenance. The registrant shall ensure that:
  1. Service, testing, or maintenance of a laser does not render the interlocks inoperative or increase radiation outside the protective housing to levels that exceed the applicable MPE, unless a controlled area is established as specified in R9-7-1433;
  2. For pulsed lasers, interlocks are designed to prevent the laser from firing;
  3. For Class 3b and 4 continuous wave (cw) lasers, interlocks turn off the power supply or interrupt the beam.
  4. An interlock does not allow automatic accessibility to radiation emission above the applicable MPE when the interlock is closed; and
  5. Multiple safety interlocks or a means to preclude removal or displacement of the interlocked portion of the protective housing is provided if failure of a single interlock could result in:
    - a. Human access to levels of laser radiation that exceed the radiant power accessible emission limit for Class 3a laser radiation, or
    - b. Laser radiation that exceeds the accessible emission limit for Class 2, emitted directly through the opening created by removal or displacement of a portion of the protective housing.
- C.** A registrant shall ensure that a laser with viewing ports, viewing optics, or display screens, included as an integral part of the enclosed laser or laser system has:
  1. A suitable means to attenuate laser and collateral radiation transmitted through the optical system to less than the accessible emission limit for collateral radiation required by 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments; and
  2. Specific written administrative procedures developed by the LSO, and use controls, such as interlocks or filters, if there is increased hazard to the eye or skin associated with the use of optical systems such as lenses, telescopes, or microscopes.
- D.** A registrant shall ensure that each Class 3 or 4 laser product provides a visual or audible indication before the emission of accessible laser radiation that exceeds the limits for Class 1, as follows:
  1. For Class 3, except for laser products that allow access to less than 5 milliwatts peak visible laser radiation, and

## Department of Health Services - Radiation Control

Class 4 lasers, the indication occurs before the emission of the radiation and allows enough time for action to avoid exposure;

2. Any visual indicator is clearly visible through protective eyewear designed specifically for the wavelength of the emitted laser radiation;
  3. If the laser and laser energy source are housed separately and can be operated at a separation distance of greater than 2 meters, both the laser and laser energy source incorporate visual or audible indicators; and
  4. Any visual indicators are positioned so that viewing does not require human access to laser radiation that exceeds the applicable MPE.
- E. In addition to the information signs, symbols, and labels prescribed in R9-7-1427, R9-7-1428, and R9-7-1429, each registrant shall provide, near the signs, symbols, and labels within the laser facility, operating procedure restrictions and any other safety information required to ensure compliance with this Article and minimize exposure to laser and collateral radiation.

**Historical Note**

New Section R9-7-1422 recodified from R12-1-1422 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1423. Laser Prohibitions**

- A. A registrant shall not require or permit an individual to look directly into a laser beam or directly at specular reflections of a laser beam, or align a laser by eye while looking along the axis of the laser beam if the intensity of the beam or the beam's reflections exceeds the applicable MPE.
- B. A registrant shall not permit an individual to enter a controlled area if the skin exposure exceeds the applicable MPE, unless the registrant provides and requires the use of protective clothing, gloves, and shields.
- C. A registrant shall ensure that any laser product, emitting spatially scanned laser radiation, does not, as a result of scan failure or any other failure that causes a change in angular velocity or amplitude, permit human access to laser radiation that exceeds the accessible emission limits applicable to that class of product.

**Historical Note**

New Section R9-7-1423 recodified from R12-1-1423 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1424. Reserved****Historical Note**

Section R9-7-1424 reserved when this Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1425. Laser Product Classification**

- A. Each laser product is classified on the basis of emission level, emission duration, and wavelength of accessible laser radiation emitted over the full range of resulting operational capability, any time during the useful life of the product, according to the federal performance standards for light-emitting products contained in 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.
- B. Any person that modifies a certified laser product in a manner that affects any aspect of performance or intended functions of the product, shall recertify and reidentify the product in accordance with 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register

National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.

- C. Any laser system that is incorporated into a laser product that is subject to the requirements of this Article, and capable, without modification, of producing laser radiation when removed from the laser product, is considered a laser product, subject to the applicable requirements of this Article. Upon removal of the laser system described in this subsection, the laser product is classified on the basis of accessible laser radiation emission.

**Historical Note**

New Section R9-7-1425 recodified from R12-1-1425 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1426. Laser and Collateral Radiation Exposure Limits**

- A. A registrant shall not use, or permit the use of a laser product that will result in a human exposure that exceeds the applicable MPE or accessible emission limit (AEL) listed in ANSI Z136.1-2000, American National Standard for Safe Use of Lasers, 2000 edition, which is incorporated by reference, published by the Laser Institute of America, 13501 Ingenuity Drive, Suite 128, Orlando, FL 32826, and on file with the Department. Accessible emission limits are listed in 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. These incorporations by reference contain no future editions or amendments.
- B. A registrant shall not allow exposure to collateral radiation that exceeds any accessible emission limit in 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.

**Historical Note**

New Section R9-7-1426 recodified from R12-1-1426 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1427. Laser Caution Signs, Symbols, and Labels**

- A. Except as otherwise authorized by the Department, a registrant shall use signs, symbols, and labels prescribed by this Section and the design and colors specified in ANSI Z136.1-2000, American National Standard for Safe Use of Lasers, 2000 edition, which is incorporated by reference, published by the Laser Institute of America, 13501 Ingenuity Drive, Suite 128, Orlando, FL 32826, and on file with the Department. This incorporation by reference contains no future editions or amendments.
- B. A registrant shall ensure that the word "invisible" immediately precedes the word "radiation" on labels and signs required by this Section for lasers that only produce wavelengths of laser and collateral radiation that are outside of the range of 400 to 710 nanometers.
- C. A registrant shall ensure that the words "visible and invisible" immediately precede the word "radiation" on labels and signs required by this Section for lasers that produce wavelengths of laser and collateral radiation that are both within and outside the range of 400 to 710 nanometers.
- D. A registrant shall position any label placed on lasers or signs posted in laser facilities so that the reader of the label or sign is not exposed to laser or collateral radiation that exceeds the applicable MPE or accessible emission limit while reading the label or sign.

## Department of Health Services - Radiation Control

- E. A registrant shall use labels and signs that are clearly visible, legible, and permanently attached to the laser or facility.
- F. A registrant shall ensure that a permanent and legible label is affixed to each laser, identifying the classification of the laser in accordance with 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.
- G. For a Class 3 or Class 4 laser a registrant shall ensure that a permanent and legible label is affixed to each laser, specifying the maximum output of laser radiation, the pulse duration if applicable, and the laser medium or emitted wavelength.
- H. For a Class 3 or Class 4 laser, used in the practice of medicine, a registrant shall ensure that a permanent and legible label is affixed to each laser providing one or more of the following warnings near each aperture that emits laser radiation or collateral radiation that exceeds the applicable MPE, as follows:
  1. "AVOID EXPOSURE - Laser radiation is emitted from this aperture" if the radiation emitted through the aperture is laser radiation;
  2. "AVOID EXPOSURE - Hazardous electromagnetic radiation is emitted from this aperture" if the radiation emitted through the aperture is collateral radiation; or
  3. "AVOID EXPOSURE - Hazardous x-rays are emitted from this aperture" if the radiation emitted through the aperture is collateral x-ray radiation.
- I. A registrant shall ensure that there is a label on each non-interlocked or defeatable interlocked portion of the protective housing or enclosure that permits human access to laser or collateral radiation. The label shall include one or more of the following warnings, as applicable:
  1. For laser radiation that exceeds the applicable accessible emission limit for a Class 1 or Class 2 laser, but does not exceed the applicable accessible emission limit for a Class 3 laser, the warning: "DANGER - Laser radiation when open, AVOID DIRECT EXPOSURE TO THE BEAM."
  2. For laser radiation that exceeds the applicable accessible emission limit for a Class 3 laser, the warning: "DANGER - Laser radiation when open, AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION."
  3. For collateral radiation that exceeds an applicable accessible emission limit:
    - a. If the applicable limit for collateral laser radiation is exceeded, the warning: "CAUTION - Hazardous electromagnetic radiation when open"; and
    - b. If the applicable limit for collateral x-ray radiation is exceeded, the warning: "CAUTION - Hazardous x-ray radiation".
  4. For a protective housing or an enclosure that has a defeatable interlock, the warning "and interlock defeated" in addition to the warnings in subsections (1) through (3).

**Historical Note**

New Section R9-7-1427 recodified from R12-1-1427 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1428. Reserved****Historical Note**

Section R9-7-1428 reserved when this Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1429. Posting of Laser Facilities**

Unless other methods are approved by the Department, a registrant shall post each laser facility in accordance with ANSI Z136.1-2000, American National Standard for Safe Use of Lasers, 2000 edition, which is incorporated by reference, published by the Laser Institute of America, 13501 Ingenuity Drive, Suite 128, Orlando, FL 32826, and on file with the Department. This incorporation by reference contains no future editions or amendments.

**Historical Note**

New Section R9-7-1429 recodified from R12-1-1429 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1430. Reserved****Historical Note**

Section R9-7-1430 reserved when this Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1431. Reserved****Historical Note**

Section R9-7-1431 reserved when this Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1432. Reserved****Historical Note**

Section R9-7-1432 reserved when this Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1433. Laser Use Areas that are Controlled**

- A. A registrant shall establish a controlled area for a laser if it is possible for a person to be exposed to laser radiation from a Class 3b laser, except a Class 3b laser of less than 5 milliwatts visible peak power, or a Class 4 laser that exceeds the applicable MPE or AEL in R9-7-1426.
- B. A registrant shall ensure that a controlled area associated with a Class 3b laser is:
  1. The responsibility of a LSO;
  2. Posted in accordance with this Article; and
  3. Access controlled by the LSO or a trained, designated representative.
- C. A registrant shall ensure that a controlled area associated with a Class 4 laser is:
  1. The responsibility of a LSO;
  2. Posted in accordance with this Article;
  3. Access controlled by the LSO or a trained, designated representative; and
  4. If an indoor controlled area:
    - a. Equipped with latches, interlocks, or another means of preventing unexpected entry into the controlled area;
    - b. Equipped with a control-disconnect switch, panic button, or an equivalent device for deactivating the laser during an emergency;
    - c. Operated so that the person in charge of the controlled area can momentarily override the safety interlocks during tests that require continuous operation to provide access to other personnel if there is no optical radiation hazard at the point of entry and the entering personnel are wearing required protective devices; and
    - d. Controlled in a way that reduces the transmitted values of laser radiation through optical paths such as windows, to levels at or below the applicable ocular MPE and AEL in R9-7-1426. If a laser beam with an irradiance or radiant-exposure above the applicable MPE or AEL will exit the indoor controlled area (as in the case of exterior atmospheric beam paths), the registrant and the operator are responsible for ensur-



## Department of Health Services - Radiation Control

ing that the beam path is limited to controlled air space or controlled ground space.

- D.** If a panel or protective cover is removed or an interlock bypassed for service, testing, or maintenance, a registrant shall establish an accessible controlled area. The registrant, through a LSO or a designated representative, shall comply with laser safety requirements for all potentially-exposed individuals.

**Historical Note**

New Section R9-7-1433 recodified from R12-1-1433 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1434. Laser Safety Officer (LSO)**

- A.** Each registrant shall designate a Laser Safety Officer (LSO).
- B.** The LSO shall administer the laser radiation protection program and shall:
1. Ensure that maintenance or service for Class 3b and Class 4 lasers is performed only by technicians trained to provide the maintenance or service by either the manufacturer's service organization or the registrant;
  2. Approve or reject written service, maintenance, and operating procedures;
  3. Investigate, document, and report all incidents as required by R9-7-1436;
  4. Select protective eyewear as required by R9-7-1435, along with any other protective equipment;
  5. For health care facilities, establish authorization and operating procedures, including preoperative and postoperative checklists, for use by operating room personnel;
  6. Ensure that authorized personnel are trained in the assessment and control of laser hazards;
  7. Select signs, symbols, and labels as required by R9-7-1427;
  8. Perform laser radiation protection surveys as required by R9-7-1421 and R9-7-1441;
  9. Classify or verify the classification of lasers and laser systems used under the LSO's jurisdiction;
  10. Evaluate the hazard of laser use areas, treatment areas, and controlled areas, as required by R9-7-1421(C).

**Historical Note**

New Section R9-7-1434 recodified from R12-1-1434 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1435. Laser Protective Eyewear**

- A.** A registrant shall require that protective eyewear, as specified by the LSO, be worn by an individual who has access to:
1. Class 4 laser radiation; or
  2. Class 3b laser radiation.
- B.** A registrant shall, through the LSO, provide protective eyewear that is:
1. Marked with a label that indicates the optical density protection afforded for the relevant laser wavelength;
  2. Maintained so that the protective properties of the eyewear are preserved;
  3. Inspected at intervals that do not exceed six months to ensure integrity of the protective properties; and
  4. Removed from service if the protective properties of the eyewear fall below the optical density on the label.
- C.** A registrant shall maintain records of protective eyewear maintenance, inspection, and removal from service for five years.

**Historical Note**

New Section R9-7-1435 recodified from R12-1-1435 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1436. Reporting Laser Incidents**

- A.** A registrant shall notify the Department by telephone within 24 hours of any incident that has caused or may have caused:
1. Permanent loss of sight in either eye; or
  2. Third-degree burns of the skin involving more than 5 percent of the body surface as estimated by the rule of nines.
- B.** A registrant shall notify the Department by telephone within five working days of any incident that has or may have caused:
1. Any second-degree burn of the skin larger than one inch (2.54 centimeter) in greatest diameter; or
  2. Any third-degree burn of the skin; or
  3. An eye injury with any potential loss of sight.
- C.** Each registrant shall file a written report with the Department of any known exposure of an individual to laser radiation or collateral radiation within 30 days of its discovery, describing:
1. Each exposure of the individual to laser or collateral radiation that exceeds the applicable MPE; and
  2. Any incident that triggered a notice requirement in subsections (A) or (B).
- D.** Each report required by subsection (C) shall describe the extent of exposure to each individual including:
1. An estimate of the individual's exposure;
  2. The level of laser or collateral radiation involved;
  3. The cause of the exposure; and
  4. The corrective steps taken or planned to prevent a recurrence.
- E.** A registrant shall not operate or permit the operation of any laser product or system that does not meet the applicable requirements in this Article.

**Historical Note**

New Section R9-7-1436 recodified from R12-1-1436 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1437. Special Lasers**

A registrant operating a laser system with an unenclosed beam path shall:

1. Conduct an evaluation before operating the laser to determine the expected beam path and the potential hazards from reflective surfaces. Based on the evaluation the registrant shall exclude reflective surfaces from the beam path at all points where the laser radiation exceeds an applicable MPE;
2. Evaluate the stability of the laser platform to determine the constraints placed upon the beam traverse and the extent of the range of control; and
3. Refrain from operating or making a laser ready for operation until the area along all points of the beam path, where the laser radiation will exceed the applicable MPE, is clear of individuals, unless the individuals are wearing the correct protective devices.

**Historical Note**

New Section R9-7-1437 recodified from R12-1-1437 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1438. Hair Reduction and Other Cosmetic Procedures Using Laser and Intense Pulsed Light**

- A.** Registration. A person who seeks to perform hair reduction or other cosmetic procedures shall apply for registration of any medical laser or IPL device that is a Class II surgical device, certified as complying with the labeling standards in 21 CFR 801.109, revised April 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments. The applicant shall provide all of the following information to the Department with the application for registration:
1. Documentation demonstrating that the health professional is qualified in accordance with A.R.S. § 32-516 or

## Department of Health Services - Radiation Control

32-3233, has 24 hours of didactic training on the subjects listed in Appendix C, and has passed an Department-approved exam on subjects covered with a minimum grade of 80%;

2. For any health professional in practice prior to October 1, 2010, proof of 24 hours of training on the subjects listed in Appendix C;
3. Documentation endorsed by the prescribing health professional, acknowledging responsibility for the minimum level of supervision required for hair reduction procedures as defined in R9-7-1402 under "indirect supervision";
4. Procedures to ensure that the registrant has a written order from a prescribing health professional before the application of radiation;
5. If authorized, procedures to ensure that, in the absence of a prescribing health professional at the facility, the registrant has established a method for emergency medical care and assumed legal liability for the service rendered by an indirectly-supervised certified laser technician; and
6. Documentation that the indirectly-supervised certified laser technician has participated in the supervised training required by A.R.S. § 32-516 or 32-3233.

**B. Hair Reduction Procedures**

1. If a registrant is using a medical laser or an IPL device that is a Class II surgical device, certified in accordance with the labeling standards in subsection (A), for hair reduction procedures, the registrant shall:
  - a. Ensure that the device is only used by a health professional described in A.R.S. §§ 32-516(F)(3) and 32-3233(D)(1) or by a certified laser technician who is working under the indirect supervision of a health professional described in A.R.S. §§ 32-516(C)(1) and 32-3233(D) and (H)(1), and
  - b. Ensure that a prescribing health professional purchases or orders the Class II surgical device that will be used for hair reduction procedures.
2. A registrant shall:
  - a. Not permit an individual to use a medical laser or IPL device for hair reduction procedures unless the individual:
    - i. Completes an approved laser technician didactic training program of at least 40 hours duration. To successfully complete the training program, the individual shall pass a test that consists of at least 50 multiple choice questions on subjects covered with a minimum grade of 80%. The training program shall be provided by an individual who is a health professional acting within the health professional's scope of practice, or a certified laser technician with a minimum of 100 hours of hands-on experience per procedure being taught;
    - ii. Is present in the room for at least 24 hours of hands-on training, conducted by a health professional or a certified laser technician as described in subsection (B)(2)(a)(i);
    - iii. Performs or assists in at least 10 hair reduction procedures; and
    - iv. Has the qualified health professional or qualified supervising certified laser technician certify that the laser technician has completed the training and supervision as described in subsection (B)(2)(a).
  - b. Ensure that the laser technician follows written procedure protocols established by a prescribing health professional; and
  - c. Ensure that the laser technician follows any written order, issued by a prescribing health professional, which describes the specific site of hair reduction.
3. A registrant shall maintain a record of each hair reduction procedure protocol that is approved and signed by a prescribing health professional, and ensure that each protocol is reviewed by a prescribing health professional, at least annually.
4. A registrant shall:
  - a. Maintain each procedure protocol onsite, and ensure that the protocol contains instructions for the patient concerning follow-up monitoring; and
  - b. Design each protocol to promote the exercise of professional judgment by the laser technician commensurate with the individual's education, experience, and training. The protocol need not describe the exact steps that a qualified laser technician should take with respect to a hair reduction procedure.
5. A registrant shall require that a prescribing health professional observe the performance of each laser technician during procedures at intervals that do not exceed six months. The registrant shall maintain a record of the observation for three years from the date of the observation.
6. A registrant shall verify that a health professional is qualified to perform hair reduction procedures by obtaining evidence that the health professional has received relevant training specified in subsection (A)(1) and in physics, safety, surgical techniques, pre-operative and post-operative care and can perform these procedures within the relevant scope of practice, as defined by the health professional's licensing board.
7. A registrant shall provide radiation safety training to all personnel involved with hair reduction procedures, designing each training program so that it matches an individual's involvement in hair reduction procedures. The registrant shall maintain records of the training program and make them available to the Department for three years from the date of the program, during and after the individual's period of employment.

**C. Other Cosmetic Procedures**

1. If a registrant is using a medical laser or an IPL device that is a Class II surgical device, certified in accordance with the labeling standards in subsection (A), for other cosmetic procedures, the registrant shall:
  - a. Ensure that the device is only used by a health professional described in A.R.S. §§ 32-516(F)(3) and 32-3233(D)(1) or by a certified laser technician who is directly supervised by a health professional as described in A.R.S. §§ 32-516(C)(2) and 32-3233(D) and (H)(2); and
  - b. Ensure that a prescribing health professional purchases or orders the Class II surgical device that will be used for other cosmetic procedures.
2. A registrant shall not permit an individual to use a medical laser or IPL device for other cosmetic procedures unless the individual:
  - a. Completes an approved laser technician didactic training program of at least 40 hours duration. To successfully complete the training program the individual shall pass a test that consists of at least 50 multiple choice questions on subjects covered with a minimum grade of 80%. The training program shall

## Department of Health Services - Radiation Control

be provided by an individual who is a health professional acting within the health professional's scope of practice, or a certified laser technician with a minimum of 100 hours of hands-on experience per procedure being taught;

- b. Is present in the room for at least 24 hours of hands-on training, conducted by a health professional or a certified laser technician as described in subsection (C)(2)(a); and
  - c. Performs or assists in at least 10 cosmetic procedures governed by subsection (C), for each type of procedure (for example: spider vein reduction, skin rejuvenation, non-ablative skin resurfacing); and
  - d. Has the qualified health professional or qualified supervising certified laser technician certify that the laser technician has completed the training and supervision as described in subsection (C)(2).
3. A registrant shall maintain a record of each protocol for a cosmetic procedure governed by subsection (C) that is approved and signed by a prescribing health professional, and ensure that each protocol is reviewed by a prescribing health professional, at least annually. The registrant shall:
- a. Maintain each protocol onsite, and ensure that the protocol contains instructions for the patient concerning follow-up monitoring; and
  - b. Design each protocol to promote the exercise of professional judgment by the laser technician commensurate with the individual's education, experience, and training. The protocol need not describe the exact steps that a qualified laser technician should take with respect to a cosmetic procedure governed by subsection (C).
4. A registrant shall verify that a health professional is qualified to perform laser, IPL, and related procedures, by obtaining evidence that the health professional has received relevant training specified in subsection (A)(1) and in physics, safety, surgical techniques, pre-operative and post-operative care and can perform these procedures within the relevant scope of practice, as defined by the health professional's licensing board.
5. A registrant shall provide radiation safety training to all personnel involved with cosmetic procedures governed by subsection (C), designing each training program so that it matches an individual's involvement in each procedure. The registrant shall maintain records of the training program and make them available to the Department for three years from the date of the program, during and after the individual's period of employment.
- D.** Persons governed by this Section shall also comply with other applicable licensing and safety laws.
- E.** A laser shall be secured so that the laser cannot be removed from the facility and the on/off switch is turned to the "off" position with the key removed when a certified laser technician or a health professional is not present in the room where the laser is located.
- B.** The applicant shall pay a nonrefundable fee of \$30.00. A duplicate certificate may be requested at the time of initial application or renewal at a fee of \$10.00 per certificate. To obtain a duplicate certificate at other times a laser technician shall pay \$20.00 per certificate.
- C.** Initial certificates are issued for 12 months and expire on the last day of the month. A renewal application shall be accompanied by a renewal fee of \$30.00 each year in addition to \$10.00 per duplicate certificate requested.
- D.** Under A.R.S. § 32-3233(I) and (J), the Department may take appropriate disciplinary action, including revocation of the certificate of a certified laser technician. The Department may discipline a certified laser technician who has had a relevant professional license suspended or revoked, or been otherwise disciplined by a health professional board or the Board of Cosmetology. The Department may also discipline the certified laser technician for falsifying documentation related to training, prescriptions, or other required documentation. As provided in Article 12 of this Chapter, the Department may assess civil penalties, suspend, revoke, deny, or put on probation a certified laser technician.
- E.** A laser technician who has been using laser and IPL devices prior to November 24, 2009 may continue to do so if the technician applies for and receives a certificate from the Department before October 1, 2010.
- F.** Certification may be issued for one or more of the following procedures:
- 1. Hair Reduction,
  - 2. Skin Rejuvenation,
  - 3. Non-Ablative Skin Resurfacing,
  - 4. Spider Vein Reduction,
  - 5. Skin Tightening,
  - 6. Wrinkle Reduction,
  - 7. Laser Peel,
  - 8. Telangiectasia Reduction,
  - 9. Acquired Adult Hemangioma Reduction,
  - 10. Facial Erythema Reduction,
  - 11. Solar Lentigo Reduction (Age Spots),
  - 12. Ephelis Reduction (Freckles),
  - 13. Acne Scar Reduction,
  - 14. Photo Facial, or
  - 15. Additional procedures as approved by the Department after consultation with other health professional boards as defined in A.R.S. § 32-516(F)(3) or 32-3233(D)(1).
- G.** For any application relating to the certification of laser technicians, as described in A.R.S. § 41-1072, there is an administrative completeness review time-frame of 30 days and a substantive review time-frame of 30 days with an overall time-frame of 60 days.
- H.** Certified laser technicians shall display a valid original certificate as issued by the Department in a location that is viewable by the public.

**Historical Note**

New Section R9-7-1438.01 recodified from R12-1-1438.01 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1438.01. Certification and Revocation of Laser Technician Certificate**

- A.** An applicant for a laser technician certificate shall submit a completed application and certification that the applicant has received the training specified in A.R.S. §§ 32-516(A) or 32-3233(E).

**R9-7-1439. Laser and IPL Laser Technician and Laser Safety Training Programs**

- A.** A person seeking to initiate a medical laser or IPL laser technician training program shall submit an application to the Department for certification that contains a description of the training program. In addition, the person shall submit a syllabus and a test that consists of at least 50 multiple choice questions on subjects covered. In the program materials, the person

## Department of Health Services - Radiation Control

shall address the subjects in R9-7-1438 through this Section, and Appendix C.

- B. The Department shall review the application and other documents required by subsections (A) and (E) in a timely manner, using an administrative completeness review time-frame of 40 days and a substantive review time-frame of 20 days with an overall time-frame of 60 days.
- C. The Department shall maintain a list of certified laser or IPL training programs.
- D. Applicants for approval as a certified laser or IPL training program shall pay a nonrefundable \$100.00 fee.
- E. Initial certification shall be issued for 12 months and shall expire on the last day of the month. A renewal application shall be accompanied by a renewal fee of \$100.00 each year.
- F. A person seeking to initiate a medical laser or IPL laser technician safety training program shall submit an application to the Department for certification that contains a description of the training program. In addition, the person shall submit a syllabus and a test that consists of at least 50 multiple choice questions on subjects covered. In the program materials, the person shall address the subjects in R9-7-1421 through R9-7-1444, Appendix C, and Appendix D, with emphasis on personal and public safety. The program shall also contain the training required by A.R.S. § 32-3233(E) or clearly state the portions of the training that are not provided or met if didactic certification is to take place in another program. The applicant shall conduct training in accordance with the program submitted to the Department and certified by the Department.

**Historical Note**

New Section R9-7-1439 recodified from R12-1-1439 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1440. Medical Lasers**

- A. A registrant shall ensure that a Class 3 and Class 4 laser product used in the practice of medicine has a means for measuring the level of laser radiation with an error in measurement of no greater than +20%, when calibrated in accordance with the laser product manufacturer's calibration procedure.
- B. A registrant shall calibrate a laser used in the practice of medicine according to the manufacturer's specified calibration procedure, at intervals that do not exceed those specified by the manufacturer.
- C. In a medical facility where several medical disciplines or a number of different practitioners use Class 3b and Class 4 lasers, a registrant shall form a Laser Safety Committee to govern laser activity, establish use criteria, and approve operating procedures, as follows:
  - 1. With regard to membership of the committee the registrant shall include at least one representative of the Nursing staff, the LSO, one management representative, and one representative of each medical discipline that uses the lasers;
  - 2. The committee shall review actions by the LSO related to hazard evaluation and the monitoring and control of laser hazards; and
  - 3. The committee shall approve or deny requests by potential operators and ancillary personnel to operate or assist in the operation of a laser under the direction of a licensed practitioner.
- D. A registrant shall use Class 3b and Class 4 Lasers that have a guard mechanism on the switch to control patient exposure and prevent inadvertent exposure.
- E. A registrant shall establish a written laser safety training program that provides a thorough understanding of established procedures for each type of laser in use and the medical procedures associated with use of the laser. The registrant shall

make program documentation available for Department review and, at minimum, address all of the following in the documentation:

- 1. Regulatory requirements and the laser classification system;
- 2. Fundamentals of laser operation and the significance of specular and diffuse reflections;
- 3. Biological effects of laser radiation on the eye and skin;
- 4. Non-beam hazards (for example: electrical, chemical, and reaction by-product hazards) and ionizing radiation hazards (for example: x-rays from power sources and target interactions, if applicable) of lasers; and
- 5. Responsibilities of management and employees regarding control measures.

**Historical Note**

New Section R9-7-1440 recodified from R12-1-1440 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1441. Laser Light Shows and Demonstrations**

- A. Before a conducting laser light show or laser demonstration, a registrant shall provide documentation to the Department that a variance from 21 CFR 1040.10 has been obtained from the FDA.
- B. A registrant shall notify the Department in writing, at least three working days in before a proposed laser light show or demonstration, and include all of the following information:
  - 1. The location, time, and date of the light show or demonstration;
  - 2. Sketches showing the locations of each laser, operator, performer, laser beam path, viewing screen, wall, mirror ball, or any other reflective or diffuse surface that could be hit by or reflect the laser beam;
  - 3. Scanning beam patterns, scan velocity, and frequency in occupied areas; and
  - 4. Physical surveys and calculations made to comply with this Article.
- C. A registrant shall supply any additional information required by the Department for the safety evaluation of the proposed activity.
- D. Before an outdoor laser light show, a registrant shall notify the Federal Aviation Administration of the proposed show.
- E. If a light show or demonstration involves laser radiation emissions outside the spectral range of 400 to 700 nanometers, a registrant shall prevent the emissions from exceeding the applicable Class 1 accessible emission limit.
- F. If it is likely that an audience member or any operator, performer, or employee will view laser or collateral radiation, a registrant shall prevent the radiation from exceeding the applicable Class 1 accessible emission limit.
- G. Even if it is unlikely that an individual, including any operator, performer, or employee in the vicinity of a laser light show or demonstration will view or be exposed to laser or collateral radiation, a registrant shall prevent the radiation from exceeding the applicable Class 2 accessible emission limit.
- H. A registrant shall identify any area where levels of laser radiation exceed the applicable Class 2 accessible emission limit by posting warning signs and using barriers or guards to prevent entry.
- I. If a registrant uses a scanning device, the registrant shall not use a device which, as a result of scan failure or any other failure, can change its angular velocity or amplitude, permitting audience exposure to laser radiation that exceeds the applicable Class 1 accessible emission limit.
- J. If a mirror ball is used with a scanning laser, a registrant shall meet the requirements of subsections (F) and (G) when the

## Department of Health Services - Radiation Control

mirror ball is stationary or during any failure mode that results in a change in the rotational speed of the mirror ball.

- K. A registrant shall ensure that an operator is at all times directly and personally supervising a laser light show or demonstration, except in cases where the maximum laser power output level is less than 5 milliwatts (all spectral lines) and the laser beam path is located at all times at least 6 meters above any surface upon which an individual in the audience is permitted to stand, and at any point, more than 2.5 meters in lateral separation from any position where an individual in the audience is permitted during the performance.
- L. A registrant shall prevent laser radiation levels from exceeding the applicable Class 2 accessible emission limit at any point less than three meters above any surface upon which an individual in the audience is permitted to stand and 2.5 meters in lateral separation from any position where an individual in the audience is permitted, unless physical barriers are present that prevent human access to the radiation.
- M. A registrant shall limit the maximum power output of any laser to a level sufficient to produce the desired effect.
- N. If a registrant is required to limit output power to a level less than the available power to meet the requirements of this Article, the registrant shall adjust, measure, and record the laser output power before the laser light show or demonstration.
- O. A registrant shall functionally test and evaluate all safety devices and procedures necessary to comply with this Article after setup, and before a laser light show or demonstration.
- P. A registrant shall secure a laser system, when not in use, against unauthorized operation or tampering.
- Q. A registrant shall perform laser alignment procedures with the laser output power reduced to the lowest practicable level, and ensure that any operator, performer, or other employee wears protective eyewear as necessary to prevent exposure to radiation levels that exceed the applicable MPE. The registrant shall only allow individuals who are performing the alignment be present during alignment procedures.
- R. A registrant shall not conduct a laser light show or demonstration unless the Department has specifically exempted the show or demonstration from the requirements of 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.

**Historical Note**

New Section R9-7-1441 recodified from R12-1-1441 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1442. Measurements and Calculations to Determine MPE Limits for Lasers**

A registrant shall take measurements to determine MPE values in a manner consistent with the procedures contained in ANSI Z136.1-2000, American National Standard for Safe Use of Lasers, 2000 edition, which is incorporated by reference, published by the Laser Institute of America, 13501 Ingenuity Drive, Suite 128, Orlando, FL 32826, and on file with the Department. This incorporation by reference contains no future editions or amendments.

**Historical Note**

New Section R9-7-1442 recodified from R12-1-1442 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1443. Laser Compliance Measurement Instruments**

A registrant shall ensure that the radiation output measurement is performed with an instrument that is calibrated and designed for use with the laser that is being evaluated for compliance. The registrant shall specify the date of calibration, accuracy of calibration, wave-

length range, and power or energy of calibration on a legible, clearly visible label attached to the instrument.

**Historical Note**

New Section R9-7-1443 recodified from R12-1-1443 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1444. Laser Classification Measurements**

- A. A registrant shall measure accessible emission for classification:
  1. Under the operational conditions and procedures that maximize accessible emission levels, including start-up, stabilized operation, and shutdown of the laser or laser facility;
  2. With all controls and adjustments listed in the operating and service instructions adjusted for the maximum accessible emission level of laser radiation that is not expected to be detrimental to the functional integrity of the laser or enclosure;
  3. At points in space to which human access is possible for a given laser configuration. If operations include the defeat of safety interlocks or removal of portions of the protective housing or enclosure, the registrant shall measure accessible emission at points accessible in that configuration;
  4. With the measuring instrument detector positioned so that the maximum possible radiation is measured by the instrument; and
  5. With the laser coupled to the type of laser energy source specified as compatible by the laser manufacturer and producing the maximum emission of accessible laser radiation.
- B. A registrant shall perform measurements of accessible emission levels, used to classify laser and collateral radiation in accordance with 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.

**Historical Note**

New Section R9-7-1444 recodified from R12-1-1444 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Radio Frequency Devices (Include, but are not limited to, the following)**

Dielectric heaters and sealers  
 Medical diathermy units  
 Radar  
 R.F. activated alarm systems  
 Sputter devices  
 R.F. activated lasers  
 Edge gluers  
 Industrial microwave ovens and dryers  
 Asher-etcher equipment  
 R.F. welding equipment  
 Medical surgical coagulators

**Historical Note**

New Article 14, Appendix A recodified from 12 A.A.C. 1, Article 14, Appendix A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix B. Application Information**

The Department shall issue a registration if an applicant provides the following information and fee as required in R9-7-1401(D). The Department shall provide an application form to the applicant with

## Department of Health Services - Radiation Control

a guide and upon request, assist the applicant to ensure that correct information is provided on the application form.

Name and mailing address of applicant  
 Person responsible for radiation safety program  
 Type of facility  
 Legal structure and ownership  
 Radiation source information  
 Shielding information  
 Equipment operator instructions and restrictions  
 Classification of professional in charge  
 Type of request: amendment, new, or renewal  
 Protection survey results, if applicable  
 Radiation Safety Officer name, if applicable  
 Laser class and type, if applicable  
 Information required by Article 14 for the specific source  
 Use location  
 Telephone number  
 Facility subtype  
 Signature of certifying agent  
 Equipment identifiers  
 Scale drawing  
 Physicist name and training, if applicable  
 Contact person  
 Applicable fee listed in Article 13 schedule

**Historical Note**

New Article 14, Appendix B recodified from 12 A.A.C. 1, Article 14, Appendix B at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix C. Hair Removal and Other Cosmetic Laser or IPL Operator Training Program**

1. General Considerations. An applicant shall ensure that:
  - a. The training program is specific to the medical laser or IPL device in use and the clinical procedures to be performed;
  - b. Program content is consistent with facility policy and procedure and applicable federal and state law; and
  - c. The training program addresses hazards associated with laser or IPL device use.
2. Technical Considerations. The applicant's training program shall cover all of the following technical subjects:
  - a. Laser and IPL device descriptions
  - b. Definitions
  - c. Laser and IPL device radiation fundamentals
  - d. Laser mediums, types of lasers, and other light-emitting devices – solid, liquid, gas, and IPL devices
  - e. Biological effects of laser or IPL device light
  - f. Damage mechanisms
    - i. Eye hazard
    - ii. Skin hazard (includes information regarding skin type and skin anatomy)
    - iii. Absorption and wavelength effects
    - iv. Thermal effects
  - g. Photo chemistry
  - h. Criteria for setting the Maximum Permissible Exposure (MPE) for eye and skin associated hazards
  - i. Explosive, electrical, and chemical hazards
  - j. Photosensitive medications
  - k. Fire, ionizing radiation, cryogenic hazards, and other hazards, as applicable
3. Medical Considerations. The applicant's training program shall cover all of the following medical subjects:
  - a. Local anesthesia techniques, including ice, EMLA® cream, and other applicable topical treatments

- b. Typical laser and IPL device settings for hair removal and cosmetic procedures
  - c. Expected patient response to treatment
  - d. Potential adverse reactions to treatment
  - e. Anatomy and physiology of skin areas to be treated
  - f. Indications and contraindications for use of pigment and vascular-specific lasers for cutaneous procedures
4. General Laser or IPL device safety. The applicant's training program shall cover the following general safety subjects:
    - a. Laser and IPL device classifications
    - b. Control measures (includes information regarding protective equipment)
    - c. Manager and operator responsibilities
    - d. Medical surveillance practices
    - e. Federal and state legal requirements
    - f. Related safety issues
      - i. Controlled access
      - ii. Plume management
      - iii. Equipment testing, aligning, and troubleshooting

**Historical Note**

New Article 14, Appendix C recodified from 12 A.A.C. 1, Article 14, Appendix C at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix D. Laser Operator and Laser Safety Officer Training**

1. Operators and personnel that work around lasers:
  - a. Fundamentals of laser operation (for example: physical principles, construction, and other basic information)
  - b. Bioeffects of laser radiation on the eye and skin
  - c. Significance of specular and diffuse reflections
  - d. Non-beam hazards of lasers (for example: electrical, chemical, and reaction byproducts)
  - e. Ionizing radiation hazards (includes information regarding x-rays from power sources and target interactions, if applicable)
  - f. Laser and laser system classifications
  - g. Control measures
  - h. Responsibilities of managers and operators
  - i. Medical surveillance practices (if applicable)
  - j. CPR for personnel servicing lasers with exposed high voltages, the capability of producing potentially lethal electrical currents, or both.
2. The LSO or other individual responsible for the safety program, evaluation of hazards, and implementation of control measures, or any others, if directed by management to obtain a thorough knowledge of laser safety:
  - a. The subjects covered in subsection (1)
  - b. Laser terminology
  - c. Laser types, wavelengths, pulse shapes, modes, power and energy
  - d. Basic radiometric units and measurement devices
  - e. MPE levels for eye and skin under all conditions
  - f. Laser hazard evaluations, range equations, and other calculations
3. Technical Considerations
  - a. Laser and IPL device descriptions
  - b. Definitions
  - c. Laser and IPL device radiation fundamentals
  - d. Laser mediums, types of lasers, and other light-emitting devices (includes information regarding diodes and solid, liquid, gas, and IPL devices)

## Department of Health Services - Radiation Control

- e. Biological effects of laser or IPL device light
- f. Damage mechanisms
  - i. Eye hazard
  - ii. Skin hazard (includes information regarding skin type and skin anatomy)
  - iii. Absorption and wavelength effects
  - iv. Thermal effects
- g. Photo chemistry
- h. Photosensitive medications
- i. Criteria for setting the Maximum Permissible Exposure (MPE) levels for eye and skin associated hazards
- j. Explosive, electrical, and chemical hazards
- k. Fire, ionizing radiation, cryogenic hazards, and other hazards as applicable.

**Historical Note**

New Article 14, Appendix D recodified from 12 A.A.C. 1, Article 14, Appendix D at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 15. TRANSPORTATION****R9-7-1501. Requirement for License**

- A. A person shall not transport radioactive material or deliver radioactive material to a carrier for transport unless the person is authorized in a general or specific license issued by the Department or exempt under R9-7-103(A).
- B. This Article applies to any licensee to transfer licensed material if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the license, or transports that material on public highways. No provision of this Article authorizes possession of licensed material.

**Historical Note**

New Section R9-7-1501 recodified from R12-1-1501 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1502. Definitions**

Terms defined in Article 1 have the same meaning when used in this Article.

**Historical Note**

New Section R9-7-1502 recodified from R12-1-1502 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1503. Transportation of Licensed Material**

Each licensee that transports licensed material outside the site of usage, as specified in a Department license, or where transport is on public highways, or that delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the U.S. Department of Transportation regulations listed in 10 CFR 71.5, revised January 1, 2008, incorporated by reference and available under R9-7-101. This incorporated material contains no future editions or amendments.

**Historical Note**

New Section R9-7-1503 recodified from R12-1-1503 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1504. Intrastate Transportation and Storage of Radioactive Materials**

- A. A general license is issued to:
  - 1. Any common or contract carrier not exempt under R9-7-103 to receive, possess, transport, and store radioactive material in the regular course of carriage for others or to store radioactive material incident to the transport activities, provided the transportation or storage is in accor-

dance with applicable requirements for the mode of transport of the U.S. Department of Transportation, 49 CFR 171 through 180, revised October 1, 2007, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

- 2. Any private carrier or licensee who transports and stores radioactive material, provided the transportation and storage are in accordance with the requirements applicable to the mode of transport, of the U.S. Department of Transportation, 49 CFR 171 through 180, revised October 1, 2007, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- B. Any notification of incidents required under federal regulations in subsection (A) shall also be filed with, or made to, the Department.
- C. A person who transports or stores radioactive material according to the general license in this Section is exempt from the requirements of Article 4 and Article 10 of this Chapter to the extent that this Section applies to transportation of the radioactive material.

**Historical Note**

New Section R9-7-1504 recodified from R12-1-1504 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1505. Storage of Radioactive Material in Transport**

- A. A carrier shall not store, for any period in excess of 72 hours, any package that contains radioactive material bearing a Department of Transportation Yellow II or Yellow III label, unless the radioactive material is stored in an area other than, and not adjacent to, any food storage area or area that is normally occupied by an individual.
- B. A carrier shall not store a package that contains radioactive material with other hazardous materials, except as authorized by U.S. Department of Transportation regulations in 49 CFR 177.848, revised October 1, 2007, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- C. Whenever a package containing radioactive material is stored in excess of 48 hours, the storage area shall be conspicuously posted according to the requirements of Article 4.
- D. When transit is interrupted and storage is required for an extended period, the following requirements apply:
  - 1. When radioactive materials are stored for longer than 48 hours during transit, the carrier shall notify the local fire department and provide the following information:
    - a. Warehouse location and carrier name and telephone number;
    - b. Radionuclide(s);
    - c. Activity per package in curies or becquerels and number of packages;
    - d. Form (solid, metallic, liquid, gas);
    - e. Flammability (if flammable);
    - f. Specific location in warehouse;
    - g. Estimated date of departure;
    - h. Toxicity (if toxic).
  - 2. If the radioactive material will be, or has been in storage for longer than 90 days, the carrier shall notify the Department in writing and include the information required in subsection (D)(1).
  - 3. The licensee or carrier shall immediately notify the Department of Public Safety of an accident involving radioactive material.

## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-1505 recodified from R12-1-1505 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1506. Preparation of Radioactive Material for Transport**

A licensee shall not deliver any package that contains radioactive material to a carrier for transport or transport radioactive material, unless the licensee:

1. Complies with the U.S. Department of Transportation packaging, monitoring, manifesting, marking, and labeling regulations applicable to the mode of transport, (Contained in 49 CFR 171 through 180, revised October 1, 2007, or 39 CFR 111.1, revised July 1, 2007, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.); and
2. Establishes procedures for safely opening and closing packages in which radioactive material is transported; and
3. Prior to delivery of a package to a carrier for transport, assures that:
  - a. The package is properly closed, and
  - b. Any special instructions needed to safely open the package are made available to the consignee.

**Historical Note**

New Section R9-7-1506 recodified from R12-1-1506 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1507. Packaging Quality Assurance**

- A. A licensee that transports radioactive material in the course of business or delivers radioactive material to a carrier for transport in a package for which a license, certificate of compliance, or other approval has been issued by the Nuclear Regulatory Commission, or meets the applicable criteria (10 CFR 71, Subpart H, revised January 1, 2008, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.), shall establish, maintain, and execute the quality assurance program specified in 10 CFR 71, Subpart H.
- B. In addition to the requirements in subsection (A) for a quality assurance program, a licensee shall verify by procedures such as checking or inspection, that deficiencies or defective material or equipment relative to the shipment of packages containing radioactive material are promptly identified and corrected.
- C. Before the first use of any Type B packaging, a licensee shall obtain approval of its quality assurance program by the Department.
- D. A licensee shall maintain sufficient written records to demonstrate compliance with the quality assurance program. Records of quality assurance pertaining to the use of a Type B package for shipment of radioactive material shall be maintained for three years after the package is used for a shipment.

**Historical Note**

New Section R9-7-1507 recodified from R12-1-1507 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1508. Advance Notification of Nuclear Waste Transportation**

- A. Prior to the transport of any nuclear waste, as defined in Article 1, outside of the confines of the licensee's facility or other place of use or storage, or prior to the delivery of any nuclear waste to a carrier for transport, each licensee shall provide advance notification of such transport to the Department.
- B. Each advance notification required in subsection (A) above shall contain the following information:

1. The name, address, and telephone number of the shipper, carrier, and receiver of the shipment;
  2. A description of the nuclear waste contained in the shipment as required by 49 CFR 172.202 and 172.203(d) (Revised October 1, 2007, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.);
  3. The point of origin of the shipment and the seven-day period during which departure of the shipment will occur;
  4. The seven-day period during which arrival of the shipment at state boundaries will occur;
  5. The destination of the shipment, and the seven-day period during which arrival of the shipment will occur; and
  6. A point of contact with a telephone number for current shipment information.
- C. The licensee shall make the notification required by subsection (A) in writing to the Department. A notification delivered by mail must be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. The licensee shall maintain a copy of the notification for one year.
- D. The licensee shall notify the Department of any changes in shipment plans, including cancellations, rerouting, or rescheduling, provided pursuant to subsection (A). Such notification shall be by telephoning the Department. The licensee shall maintain for one year a record of the name of the individual contacted.

**Historical Note**

New Section R9-7-1508 recodified from R12-1-1508 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1509. General License: Plutonium-Beryllium Special Form Material**

- A. A general license is issued to any licensee of the Department to transport fissile material in the form of plutonium-beryllium (Pu-Be) special form sealed sources, or to deliver Pu-Be sealed sources to a carrier for transport, if the material is shipped in accordance with this Article. This material must be contained in a Type A package. The Type A package must also meet the DOT requirements of 49 CFR 173.417(a), revised October 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- B. The general license applies only to a licensee who has a quality assurance program approved by the Department as satisfying the provisions of R9-7-1507.
- C. The general license applies only when a package's contents:
  1. Contain no more than a Type A quantity of radioactive material; and
  2. Contain less than 1000 g of plutonium, provided that: plutonium-239, plutonium-241, or any combination of these radionuclides, constitutes less than 240 g of the total quantity of plutonium in the package.
- D. The general license applies only to packages labeled with a CSI which:
  1. Has been determined in accordance with subsection (E);
  2. Has a value less than or equal to 100; and
  3. For a shipment of multiple packages containing Pu-Be sealed sources, the sum of the CSIs must be less than or equal to 50 (for shipment on a nonexclusive use conveyance) and less than or equal to 100 (for shipment on an exclusive use conveyance).
- E. The value for the CSI must be greater than or equal to the number calculated by the following equation:
  1.  $CSI = 10[(\text{grams of } ^{239}\text{Pu} + \text{grams of } ^{241}\text{Pu})/24]$ ,



## Department of Health Services - Radiation Control

2. The calculated CSI must be rounded up to the first decimal place.

**Historical Note**

New Section R9-7-1509 recodified from R12-1-1509 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1510. Packaging**

- A. A general license is issued to any licensee to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance, or other approval has been issued by the NRC.
  1. This general license applies only to a licensee that has a quality assurance program approved by the Department as satisfying R9-7-1507;
  2. This general license applies only to a licensee that:
    - a. Has a copy of the license, certificate of compliance, or other approval of the package, and has the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken before shipment;
    - b. Complies with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of this Article; and
    - c. Before the licensee's first use of the package, submits in writing to the Department the licensee's name, license number, and the package identification number specified in the package approval.
  3. This general license applies only when the package approval authorizes use of the package under this general license.
  4. For a Type B or fissile material package, the design of which was approved by NRC before April 1, 1996, the general license is subject to the additional restrictions of subsection (B).
- B. Type B packages.
  1. A Type B package previously approved by NRC but not designated as B(U) or B(M) in the identification number of the NRC Certificate of Compliance, may be used under the general license of subsection (A) with the following additional conditions:
    - a. Fabrication of the packaging is satisfactorily completed by August 31, 1986, as demonstrated by application of its model number in accordance with 10 CFR 71.85(c) (Revised January 1, 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.);
    - b. A package that is used for a shipment to a location outside the United States is subject to multilateral approval, as defined in 49 CFR 173.403 (Revised October 1, 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.); and
    - c. A serial number that uniquely identifies each package which conforms to the approved design and is assigned to, and legibly and durably marked on, the outside of each package.
    - d. The licensee shall ascertain that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging;
    - e. Where the maximum normal operating pressure will exceed 35 kPa (5 lbf/in<sup>2</sup>) gauge, the licensee shall test the containment system at an internal pressure at least 50 percent higher than the maximum normal operating pressure, to verify the capability of that system to maintain its structural integrity at that pressure; and
  2. A Type B(U) package, a Type B(M) package, a low specific activity (LSA) material package or a fissile material package, previously approved by the NRC but without the "-85" designation in the identification number of the NRC certificate of compliance, may be used under the general license of subsection (A) with the following additional conditions:
    - a. Fabrication of the packaging is satisfactorily completed by April 1, 1999 as demonstrated by application of its model number in accordance with 10 CFR 71.85(c) (Revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.);
    - b. A package that is used for a shipment to a location outside the United States is subject to multilateral approval as defined in 49 CFR 173.403 (Revised October 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.); and
    - c. A serial number which uniquely identifies each package which conforms to the approved design and is assigned to, and legibly and durably marked on, the outside of each package.
  3. A licensee may modify the design and authorized contents of a Type B package, or a fissile material package, previously approved by NRC, provided:
    - a. The modifications of a Type B package are not significant with respect to the design, operating characteristics, or safe performance of the containment system, when the package is subjected to the tests specified in 10 CFR 71.71 and 71.73 (Revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.);
    - b. The modifications of a fissile material package are not significant, with respect to the prevention of criticality, when the package is subjected to the tests specified in 10 CFR 71.71 and 71.73 (Revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.); and
    - c. The modifications to the package satisfy the requirements of this Section.
  4. The NRC will revise the package identification number to designate previously approved package designs as B(U), B(M), AF, BF, or A as applicable, and with the identification number suffix "-85" after receipt of an application demonstrating that the design meets the requirements of this Section.
  5. For purposes of this Section, package types are defined in 10 CFR 71.4, revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- C. A general license is issued to any licensee of the Department to transport fissile material, or to deliver to a carrier for transport, licensed material in a specification container for fissile material or for a Type B quantity of radioactive material as specified in 49 CFR 173 and 178 (Revised October 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.), if the following requirements are met:
  1. The licensee shall maintain a quality assurance program approved by the Department as satisfying R9-7-1507.

## Department of Health Services - Radiation Control

2. The licensee shall:
    - a. Maintain a copy of the specification; and
    - b. Comply with the terms and conditions of the specification and the applicable requirements in 10 CFR 71, Subparts A, G, and H, revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
  3. The licensee may not use the specification container for a shipment to a location outside the United States, except by multilateral approval, as defined in 49 CFR 173.403, revised October 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
  4. The general license applies only when a package's contents:
    - a. Contain no more than a Type A quantity of radioactive material; and
    - b. Contain less than 500 total grams of beryllium, graphite, or hydrogenous material enriched in deuterium.
  5. The general license applies only to packages containing fissile material that are labeled with a CSI which:
    - a. Has been determined in accordance with subsection (E);
    - b. Has a value less than or equal to 10; and
    - c. For a shipment of multiple packages containing fissile material, the sum of the CSIs must be less than or equal to 50 (for shipment on a nonexclusive use conveyance) and less than or equal to 100 (for shipment on an exclusive use conveyance).
  6. The CSI value must meet the following requirements:
    - a. The value for the CSI must be greater than or equal to the number calculated by the following equation:  $CSI = 10[(\text{grams of } ^{235}\text{U}/X) + (\text{grams of } ^{235}\text{U}/Y) + (\text{grams of } ^{235}\text{U}/Z)]$ ;
    - b. The calculated CSI must be rounded up to the first decimal place;
    - c. The values of X, Y, and Z used in the CSI equation must be taken from Tables 71-1 or 71-2 as appropriate located in 10 CFR 71.22, (revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.);
    - d. If Table 71-2 is used to obtain the value of X, then the values for the terms in the equation for uranium-233 and plutonium must be assumed to be zero; and
    - e. Table 71-1 values for X, Y, and Z must be used to determine the CSI if:
      - i. Uranium-233 is present in the package;
      - ii. The mass of plutonium exceeds 1 percent of the mass of uranium-235;
      - iii. The uranium is of unknown uranium-235 enrichment or greater than 24 weight percent enrichment; or
      - iv. Substances having a moderating effectiveness (i.e., an average hydrogen density greater than  $\text{H}_2\text{O}$ ) (e.g., certain hydrocarbon oils or plastics) are present in any form, except as polyethylene used for packing or wrapping.
- D. Foreign packaging.**
1. A general license is issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package the design of which has been approved in a foreign national competent authority certificate that has been revalidated by the Federal Department of Transportation as meeting the applicable requirements of 49 CFR 171.12, revised October 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
  2. Except as otherwise provided in this Section, the general license applies only to a licensee who has a quality assurance program approved by the Department as satisfying the applicable provisions of R9-7-1507.
  3. This general license applies only to:
    - a. Shipments made to or from locations outside the United States.
    - b. A licensee that:
      - i. Has a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and
      - ii. Complies with the terms and conditions of the certificate and revalidation, and with the applicable requirements in 10 CFR 71, Subparts A, G, and H, revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments. With respect to the quality assurance provisions of Subpart H of the regulations, the licensee is exempt from design, construction, and fabrication requirements.
- E. Assumptions as to unknown properties.** When the isotopic abundance, mass, concentration, degree of irradiation, degree of moderation, or other pertinent property of fissile material in any package is not known, the licensee shall package the fissile material as if the unknown properties have credible values that will cause the maximum neutron multiplication.
- F. Routine determination before each shipment of licensed material shall ensure that the package with its contents satisfies the applicable requirements of this Article and of the license. The licensee shall determine that:**
1. The package is proper for the contents to be shipped;
  2. The package is in unimpaired physical condition except for superficial defects such as marks or dents;
  3. Each closure device of the packaging, including any required gasket, is properly installed and secured and free of defects;
  4. Any system for containing liquid is adequately sealed and has adequate space or other specified provision for expansion of the liquid;
  5. Any pressure relief device is operable and set in accordance with written procedures;
  6. The package has been loaded and closed in accordance with written procedures;
  7. For fissile material, any moderator or neutron absorber, if required, is present and in proper condition;
  8. Any structural part of the package that could be used to lift or tie down the package during transport is rendered inoperable for that purpose, unless it satisfies the design requirements of 10 CFR 71.45 (revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.);
  9. The level of non-fixed (removable) radioactive contamination on the external surfaces of each package offered for shipment is as low as reasonably achievable, and within the limits specified in DOT regulations in 49 CFR 173.443 (revised October 1, 2010, incorporated by reference).

## Department of Health Services - Radiation Control

ence, and available under R9-7-101. This incorporated material contains no future editions or amendments.);

10. External radiation levels around the package and around the vehicle, if applicable, will not exceed the limits specified in 10 CFR 71.47 (revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.), at any time during transportation; and
11. Accessible package surface temperatures will not exceed the limits specified in 10 CFR 71.43(g) (revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.), at any time during transportation.

**Historical Note**

New Section R9-7-1510 recodified from R12-1-1510 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1511. Air Transport of Plutonium**

- A.** Notwithstanding the provisions of any general licenses and notwithstanding any exemptions stated directly in this Section or included indirectly by citation of 49 CFR 107, and 171 through 180, previously incorporated in this Article, as may be applicable, the licensee shall ensure that plutonium in any form, whether for import, export, or domestic shipment, is not transported by air or delivered to a carrier for air transport unless:

1. The plutonium is contained in a medical device designed for individual human application; or
2. The plutonium is contained in a material in which the specific activity is less than or equal to the activity concentration values for Plutonium specified in 10 CFR 71, Appendix A, Table A-2 (Revised January 1, 2008, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.), and in which the radioactivity is essentially uniformly distributed; or
3. The plutonium is shipped in a single package containing no more than an A2 quantity of plutonium in any isotope or form, and is shipped in accordance with R9-7-1503 and 10 CFR 71.5 (Revised January 1, 2008, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.); or
4. The plutonium is shipped in a package specifically authorized for the shipment of plutonium by air in the Certificate of Compliance for that package issued by the NRC.

- B.** Nothing in subsection (A) is to be interpreted as removing or diminishing the requirements of 10 CFR 73.24, January 1, 2008, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

- C.** For a shipment of plutonium by air that is subject to subsection (A)(4), the licensee shall, through special arrangement with the carrier, require compliance with 49 CFR 175.704, revised October 1, 2007, incorporated by reference, and available under R9-7-101. This U.S. Department of Transportation regulation is applicable to the air transport of plutonium. This incorporated material contains no future editions or amendments.

**Historical Note**

New Section R9-7-1511 recodified from R12-1-1511 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1512. Advance Notification of Shipment of Irradiated Reactor Fuel and Nuclear Waste**

A licensee shall provide advance notification to the Governor, or the Director of the Department, of the shipment of licensed material as specified in 10 CFR 71.97, revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

**Historical Note**

New Section R9-7-1512 recodified from R12-1-1512 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1513. Opening Instructions**

Before delivery of a package to a carrier for transport, the licensee shall ensure that any special instructions needed to safely open the package have been sent to, or otherwise made available to, the consignee for the consignee's use in accordance with 10 CFR 20.1906(e) revised January 1, 2010, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

**Historical Note**

New Section R9-7-1513 recodified from R12-1-1513 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1514. Reserved****Historical Note**

Section R9-7-1514 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1515. Exemption for Low-level Radioactive Materials**

A licensee is exempt from all the requirements of 10 CFR 71 with respect to shipment or carriage of the low-level materials listed in 10 CFR 71.14(a), revised January 1, 2008, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

**Historical Note**

New Section R9-7-1515 recodified from R12-1-1515 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 16. RESERVED****ARTICLE 17. WIRELINE SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES****R9-7-1701. Definitions**

"Energy compensation source (ECS)" means a small sealed source, with activity that does not exceed 3.7 Mbq (100 microcuries), contained within a logging tool or other tool component.

"Tritium neutron generator target source" means a tritium source contained within a tritium neutron generator tube that produces neutrons for use in well logging applications.

**Historical Note**

New Section R9-7-1701 recodified from R12-1-1701 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

## Department of Health Services - Radiation Control

**R9-7-1702. Agreement with Well Owner or Operator**

- A.** A licensee that performs wireline service (well logging) with a sealed source shall enter into a written agreement with the employing well owner or operator that identifies the party responsible for complying with each of the following requirements. The responsible party shall:
1. Make a reasonable effort to recover any sealed source that may be lodged in the well;
  2. Not attempt to recover a sealed source in a manner which, in the licensee's opinion, is likely to result in its rupture;
  3. Perform the radiation monitoring required in R9-7-1723(A);
  4. Decontaminate anyone or anything contaminated with licensed material before releasing personnel or equipment from the site or releasing the site for unrestricted use; and
  5. If a source is classified by the Department as irretrievable after reasonable efforts at recovery, implement the following requirements within 30 days:
    - a. Immobilize the irretrievable well logging source and seal it in place with a cement plug;
    - b. Provide a means to prevent inadvertent intrusion that could damage the source, unless the site is rendered inaccessible to subsequent drilling operations; and
    - c. Mount a permanent identification plaque, constructed of long-lasting material, such as stainless steel, brass, bronze, or Monel, in a conspicuous location adjacent to the well. The responsible party shall ensure that the plaque size is at least 17 cm (7 inches) square and 3 mm (1/8 inch) thick and the following information is written on the plaque:
      - i. The word "CAUTION,"
      - ii. The radiation symbol (the color requirement in R9-7-428(A) does not apply),
      - iii. The date the source was abandoned,
      - iv. The name of the well owner or operator that employed the licensee;
      - v. The well name and identification number or other designation,
      - vi. An identification of each source by radionuclide and quantity of radionuclide,
      - vii. The depth of the source and depth to the top of the plug, and
      - viii. The following warning, "DO NOT RE-ENTER THIS WELL," and
    - d. Notify the Oil and Gas Conservation Commission, Department of Water Resources, or Department of Environmental Quality of the abandoned source, as required by law.
- B.** A licensee shall maintain a copy of the agreement at the field station during logging operations. The licensee shall retain a copy of the written agreement for three years after completion of the well logging operation.
- C.** A licensee may apply in accordance with A.R.S. § 30-654(B)(13) for Department approval, on a case-by-case basis, of proposed procedures to abandon an irretrievable well logging source in a manner not otherwise authorized in subsection (A)(5).
- D.** A written agreement between the licensee and the well owner or operator is not required if the licensee and the well owner or operator are employed by the same corporation or other business entity. If so, the licensee shall comply with the requirements in subsections (A)(1) through (A)(5).

**Historical Note**

New Section R9-7-1702 recodified from R12-1-1702 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1703. Limits on Levels of Radiation**

A person in possession of any source of radiation shall transport the source according to 9 A.A.C. 7, Article 15, and use or store the source in a manner that is consistent with the dose limits in 9 A.A.C. 7, Article 4.

**Historical Note**

New Section R9-7-1703 recodified from R12-1-1703 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1704. Reserved****Historical Note**

Section R9-7-1704 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1705. Reserved****Historical Note**

Section R9-7-1705 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1706. Reserved****Historical Note**

Section R9-7-1706 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1707. Reserved****Historical Note**

Section R9-7-1707 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1708. Reserved****Historical Note**

Section R9-7-1708 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1709. Reserved****Historical Note**

Section R9-7-1709 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1710. Reserved****Historical Note**

Section R9-7-1710 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1711. Reserved****Historical Note**

Section R9-7-1711 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1712. Storage Precautions**

- A.** A person storing or transporting a source of radiation shall place the source in an approved storage container, transport container, or both. The container or combination of containers shall have a lock, or tamper-proof seal for calibration sources, to prevent unauthorized removal of the source and exposure to radiation.
- B.** A person storing or transporting a source of radiation shall store the source in a manner that will minimize danger from explosion or fire.

## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-1712 recodified from R12-1-1712 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1713. Transportation Precautions**

Each licensee shall ensure that transport containers are physically secured in the transporting vehicle to prevent accidental movement, loss, tampering, or unauthorized removal.

**Historical Note**

New Section R9-7-1713 recodified from R12-1-1713 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1714. Radiation Survey Instruments**

- A. A licensee shall maintain at each field station and temporary job site a calibrated and operable radiation survey instrument capable of detecting beta and gamma radiation. The licensee shall ensure that the radiation survey instrument is capable of measuring 1.0 microsievert (0.1 millirem) per hour through 500 microsievert (50 millirem) per hour.
- B. A licensee shall ensure that additional calibrated and operable radiation detection instruments are available as needed and that the instruments are sensitive enough to detect the low radiation and contamination levels that could be encountered if a sealed source is ruptured.
- C. A licensee shall ensure that the radiation survey instrument required in subsection (A) is calibrated
  1. At intervals not to exceed six months and after each instrument servicing;
  2. At energies comparable to the energies of the radiation sources used;
  3. For linear scale instruments, at two points located approximately 1/3 and 2/3 of full-scale on each scale or for logarithmic scale instruments, at mid-range of each decade, and at two points of at least one decade; and
  4. So that accuracy within plus or minus 20 percent of the true radiation level can be demonstrated on each scale.
- D. A licensee shall retain calibration records for a period of three years from the date of calibration.

**Historical Note**

New Section R9-7-1714 recodified from R12-1-1714 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1715. Leak Testing of Sealed Sources**

- A. A licensee that uses a sealed source shall ensure that the source is tested for leakage according to subsection (C). The licensee shall maintain a record of leak test results in units of Becquerels (Bq) or microcuries, for inspection by the Department for three years after the leak test is performed.
- B. A person authorized under R9-7-417(C) shall wipe a sealed source using a leak test kit or a similar method approved by the Department, the NRC, or another Agreement State. The authorized person shall take the wipe sample from the nearest accessible point to the sealed source where contamination might accumulate, and ensure the wipe sample is analyzed for radioactive contamination. The authorized person shall use a method of analysis capable of detecting the presence of 185 Bq (0.005 microcuries) of radioactive material on the test sample.
- C. Test frequency.
  1. A licensee shall ensure that each sealed source (except an energy compensation source (ECS)) is tested in accordance with R9-7-417. In the absence of a certificate from a transferor that a test has been performed within six months before transfer, a licensee shall not use the sealed source until it is tested.

2. A licensee shall ensure that each ECS that is not exempt from testing under subsection (E) is tested at intervals that do not exceed three years. In the absence of a certificate from a transferor that a test has been performed within three years before transfer, a licensee shall not use the ECS until it is tested.

**D. Removal of leaking source from service.**

1. If a test conducted according to this Section reveals the presence of 185 Bq (0.005 microcuries) or more of removable radioactive material, a licensee shall remove the sealed source from service immediately and have it decontaminated, repaired, or disposed of by a Department, a NRC, or an Agreement State licensee that is authorized to perform these functions. The licensee shall check the equipment associated with the leaking source for radioactive contamination and, if the equipment is contaminated, have it decontaminated or disposed of by a Department, a NRC, or an Agreement State licensee that is authorized to perform the chosen function.
2. A licensee shall submit a report to the Department, within five days of receiving positive test results. The report shall describe the equipment involved in the leak, the test results, any contamination that resulted from the leaking source, and each corrective action taken up to the date on the report.

**E. The following sealed sources are exempt from the periodic leak test requirements in subsections (A) through (D):**

1. Hydrogen-3 (tritium) sources;
2. Sources that contain licensed material with a half-life of 30 days or less;
3. Sealed sources that contain licensed material in gaseous form;
4. Sources of beta- or gamma-emitting radioactive material with an activity of 3.7 MBq [100 microcuries] or less; and
5. Sources of alpha- or neutron-emitting radioactive material with an activity of 0.37 MBq [10 microcuries] or less.

**Historical Note**

New Section R9-7-1715 recodified from R12-1-1715 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1716. Inventory**

A licensee shall conduct a physical inventory every six months to account for all licensed material received and possessed under the license. The licensee shall maintain records of the inventory for three years from the date of the inventory for inspection by the Department. The inventory shall indicate the quantity and kind of licensed material, the location of the licensed material, the date of the inventory, and the name of each individual who conducted the inventory. Physical inventory records may be combined with leak test records.

**Historical Note**

New Section R9-7-1716 recodified from R12-1-1716 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1717. Utilization Records**

Each licensee shall maintain records of use for three years from the date of the recorded event, that contain the following information for each source of radiation:

1. Make, model number, and serial number or a description of each source of radiation used;
2. The identity of the well-logging supervisor or the field unit to which the source is assigned;
3. Locations and dates of use; and

## Department of Health Services - Radiation Control

4. In the case of tracer materials and radioactive markers, the radionuclide and activity undertaken in a particular well.

**Historical Note**

New Section R9-7-1717 recodified from R12-1-1717 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1718. Design and Performance Criteria for Sealed Sources**

- A. A licensee shall use a sealed source for well logging applications if the sealed source:
  1. Is doubly encapsulated;
  2. Contains licensed material in a chemical and physical form that is insoluble and nondispersible; and
  3. Meets the requirements of subsection (B), (C), or (D).
- B. For a sealed source manufactured on or before July 14, 1989, a licensee may use a sealed source in well logging applications that meets the requirements of USASI N5.4-1968, Classification of Sealed Radioactive Sources, available from the American National Standards Institute at 25 West 43rd Street, 4th floor, New York, NY 10036, which is incorporated by reference and on file with the Department, or the requirements in subsection (C) or (D). This incorporation by reference contains no future editions or amendments.
- C. For a sealed source manufactured after July 14, 1989, a licensee may use a sealed source in well logging applications that meets the oil-well logging requirements of ANSI/HPS N43.6-1997, Sealed Radioactive Sources--Classification, available from the American National Standards Institute at 25 West 43rd Street, 4th floor, New York, NY 10036, which is incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
- D. For a sealed source manufactured after July 14, 1989, a licensee may use a sealed source in well logging applications if the sealed source's prototype has been tested and found to maintain its integrity after each of the following required tests:
  1. Temperature. The test source is held at -40° C for 20 minutes and 600° C for one hour, and then subjected to a thermal shock with a temperature drop from 600° C to 20° C within 15 seconds.
  2. Impact. A 5 kg steel hammer, 2.5 cm in diameter, is dropped from a height of 1 m onto the test source.
  3. Vibration. The test source is subjected to vibration in the 25 Hz to 500 Hz range at 5 g amplitude for 30 minutes.
  4. Puncture. A 1 gram hammer with a pin, 0.3 cm in diameter, is dropped from a height of 1 m onto the test source.
  5. Pressure. The test source is subjected to an external pressure of  $1.695 \times 10^7$  pascals (24,600 pounds per square inch absolute).
- E. The requirements in subsections (A), (B), (C), and (D) do not apply to a sealed source that contains licensed material in gaseous form.
- F. The requirements in subsections (A), (B), (C), and (D) do not apply to an energy compensation source (ECS).

**Historical Note**

New Section R9-7-1718 recodified from R12-1-1718 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1719. Labeling**

- A. A licensee shall mark each source, source holder, or logging tool that contains radioactive material with a durable, legible, and clearly visible marking or label, consisting at minimum of the standard radiation caution symbol, without the conventional color requirement, and the following wording:

DANGER (or: CAUTION)

**RADIOACTIVE**

This labeling is required for each component transported as a separate piece of equipment regardless of size.

- B. A licensee shall permanently attach to each transport container a durable, legible, and a clearly visible label consisting at minimum, of the standard radiation caution symbol and the following wording:

DANGER (or: CAUTION)

RADIOACTIVE

NOTIFY CIVIL AUTHORITIES (or name of company)

**Historical Note**

New Section R9-7-1719 recodified from R12-1-1719 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1720. Inspection, Maintenance, and Opening of a Source or Source Holder**

- A. Each licensee shall visually check source holders, logging tools, and source handling tools for defects before each use to ensure that the equipment is in good working condition and that required labeling is present. If defects are found, the licensee shall remove equipment from service until it is repaired, and make a record listing: date of check, name of inspector, equipment involved, each defect found, and repairs made. The licensee shall maintain each record for three years after a defect is found.
- B. Each licensee shall have a program for semiannual visual inspection and routine maintenance of source holders, logging tools, injection tools, source handling tools, storage containers, transport containers, and uranium sinker bars to ensure that the required labeling is legible and that no physical damage is visible. If any defect is found, the licensee shall remove the equipment from service until it is repaired, and make a record listing: date of inspection, equipment involved, inspection and maintenance operations performed, each defect found, and each action taken to correct a defect. The licensee shall maintain each record for three years after a defect is found.
- C. A licensee shall not remove a sealed source from a source holder or logging tool, or perform maintenance on a sealed source or source holder that contains a sealed source without written permission from the Department.
- D. If a sealed source is stuck in the source holder, a licensee shall not perform any operation, such as drilling, cutting, or chiseling, on the source holder unless the licensee is specifically authorized to perform the operation by the Department.
- E. The opening, repair, or modification of any sealed source is prohibited, unless authorized by the Department, the NRC, or an Agreement State.

**Historical Note**

New Section R9-7-1720 recodified from R12-1-1720 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1721. Training**

- A. A licensee shall not permit an individual to act as a logging supervisor until that person has:
  1. Completed training in the subjects outlined in subsection (E);
  2. Received copies of, and instruction in:
    - a. The applicable rules contained in 9 A.A.C. 7;
    - b. The Department license under which the logging supervisor will perform well logging; and
    - c. The licensee's operating and emergency procedures, required by R9-7-1722;
  3. Completed on-the-job training and demonstrated competence during a field evaluation in the use of licensed

## Department of Health Services - Radiation Control

- materials, remote handling tools, and radiation survey instruments; and
4. Demonstrated understanding of the requirements in subsections (A)(1) and (A)(2) by successfully completing a written test.
- B.** The licensee shall not permit an individual to act as a logging assistant until that person has:
1. Received instruction in applicable rules of 9 A.A.C. 7;
  2. Received copies of, and instruction in, the licensee's operating and emergency procedures required by R9-7-1722;
  3. Demonstrated understanding of the materials listed in subsections (B)(1) and (B)(2) by successfully completing a written or oral test; and
  4. Received instruction in the use of licensed materials, remote handling tools, and radiation survey instruments that is related to the logging assistant's intended job responsibilities.
- C.** A licensee shall provide a safety training review for logging supervisors and logging assistants at least once during each calendar year. Each logging supervisor and logging assistant shall attend a safety training review at least once during the current calendar year.
- D.** A licensee shall maintain a record of each logging supervisor's and logging assistant's initial training and annual safety training review. The training records shall include copies of written tests and dates of oral tests given after the effective date of this Section. The licensee shall maintain the initial training records for three years following termination of employment, and maintain records of each annual safety training review, including a list of subjects covered during the review, for three years.
- E.** A licensee shall provide instruction in the following subjects in the training required by subsection (A)(1):
1. Fundamentals of radiation safety, including:
    - a. Characteristics of radiation;
    - b. Units of radiation dose and quantity of radioactivity;
    - c. Hazards of exposure to radiation;
    - d. Levels of radiation from licensed material;
    - e. Methods of controlling radiation dose (time, distance, and shielding); and
    - f. Radiation safety practices, including prevention of contamination and methods of decontamination;
  2. Radiation detection instruments, including:
    - a. Use, operation, calibration, and limitations of radiation survey instruments;
    - b. Survey techniques; and
    - c. Use of personnel monitoring equipment;
  3. Equipment, including:
    - a. Operation of equipment, including source handling equipment and remote handling tools;
    - b. Storage, control, and disposal of licensed material; and
    - c. Maintenance of equipment;
  4. The requirements of pertinent federal and state law, and
  5. Case histories of accidents in well logging.

**Historical Note**

New Section R9-7-1721 recodified from R12-1-1721 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1722. Operating and Emergency Procedures**

Each licensee shall develop operating and emergency procedures on the following subjects:

1. Procedures designed to prevent individuals from being exposed to radiation in excess of the limits in Article 4 of this Chapter. This subject includes:
  - a. Use of a sealed source in a well without a surface casing for the purposes of protecting a fresh water aquifer, as appropriate;
  - b. Methods employed to minimize exposure from inhalation or ingestion of licensed tracer materials; and
  - c. Methods for minimizing exposure of individuals in the event of an accident;
2. Use of remote handling tools for manipulating a radioactive sealed source or tracer;
3. Methods and occasions for conducting a radiation survey;
4. Methods and occasions for locking and securing a source of radiation;
5. Personnel monitoring and the use of personnel monitoring equipment;
6. Transportation of a source to a temporary job site or field station, including packaging and placing the source of radiation in a vehicle, placarding the vehicle, and securing the source of radiation during transportation;
7. Procedure for notifying the Department if there is an accident;
8. Maintenance of records;
9. Inspection and maintenance of source holders, logging tools, source handling tools, storage containers, transport containers, and injection tools;
10. Procedure required if a sealed source is:
  - a. Lost or lodged downhole; or
  - b. Ruptured, including safeguards to prevent job site and personnel contamination, inhalation; and ingestion;
11. Procedures required for picking up, receiving, and opening packages that contain radioactive material; and
12. Procedures required for site and equipment surveys and decontamination following tracer studies.

**Historical Note**

New Section R9-7-1722 recodified from R12-1-1722 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1723. Personnel Monitoring**

- A.** A licensee shall not permit an individual to act as a logging supervisor or logging assistant unless that person wears, at all times during the handling of licensed radioactive materials, a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor.
- B.** A licensee shall assign a personnel dosimeter to each individual, who shall wear the assigned equipment.
- C.** A licensee shall replace film badges at least monthly and replace other personnel dosimeters at least quarterly. After replacement, a licensee shall promptly process each personnel dosimeter.
- D.** A licensee shall provide bioassay services to each individual who uses licensed materials in subsurface tracer studies if required by the license.
- E.** A licensee shall record exposures noted from personnel dosimeters required by subsection (A) and bioassay results and maintain these records for three years after the Department terminates the radioactive material license.

**Historical Note**

New Section R9-7-1723 recodified from R12-1-1723 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1724. Radioactive Contamination Control**

- A.** If a licensee detects evidence that a sealed source has ruptured or licensed materials have caused contamination, the licensee shall immediately initiate the emergency procedures required by R9-7-1722.

## Department of Health Services - Radiation Control

- B. If contamination results from the use of licensed material in well logging, the licensee shall decontaminate all affected areas, equipment, and personnel.
- C. During efforts to recover a source lodged in a well, the licensee shall continuously monitor, with a radiation detection instrument that complies with R9-7-1714 or a logging tool with a radiation detector, the well and any circulating fluids from the well to check for contamination resulting from damage to the source.

**Historical Note**

New Section R9-7-1724 recodified from R12-1-1724 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1725. Uranium Sinker Bars**

A licensee may use a uranium sinker bar for a well logging application only if it is legibly impressed with the words "Caution Radioactive-Depleted Uranium" and "Notify Civil Authorities (or company name) if Found."

**Historical Note**

New Section R9-7-1725 recodified from R12-1-1725 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1726. Energy Compensation Source**

- A. A licensee may use an energy compensation source (ECS) in a logging tool, or other tool component, if the ECS contains a quantity of radioactive material that does not exceed 3.7 MBq (100 microcuries).
- B. If used in a well with a surface casing, an ECS is subject to all Sections of this Article except R9-7-1702, R9-7-1728, and R9-7-1751.
- C. If used in a well logging hole without a surface casing, an ECS is subject to all Sections of this Article.

**Historical Note**

New Section R9-7-1726 recodified from R12-1-1726 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1727. Neutron Generator Source**

- A. A licensee may use a tritium neutron generator source to produce neutrons for well logging applications.
- B. If the activity of a tritium neutron generator source does not exceed 1.11 TBq (30 Curies) and the source is used in a well with a surface casing, the source is subject to all Sections of this Article except R9-7-1702 and R9-7-1751.
- C. If the activity of a neutron generator source is equal to or exceeds 1.11 TBq (30 Curies) or the source is used in a well without a surface casing, the source is subject to all Sections of this Article.

**Historical Note**

New Section R9-7-1727 recodified from R12-1-1727 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1728. Use of a Sealed Source in a Well Without a Surface Casing**

A licensee may use a sealed source in a well without a surface casing if the licensee follows a procedure for reducing the probability that the source will be lodged in the well. The procedure shall be separately approved by the Department or in a license issued by the Department, the NRC, or another Agreement State.

**Historical Note**

New Section R9-7-1728 recodified from R12-1-1728 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1729. Reserved****Historical Note**

Section R9-7-1729 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1730. Reserved****Historical Note**

Section R9-7-1730 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1731. Security**

- A. A logging supervisor shall be physically present at a temporary job site whenever licensed material is being handled or is not stored and locked in a vehicle or storage place. The logging supervisor may leave the job site to obtain assistance if a source becomes lodged in a well.
- B. During well logging, except when a radiation source is below ground or in a shipping or storage container, the logging supervisor or other individual designated by the logging supervisor shall maintain direct surveillance of the operation to prevent unauthorized entry into a restricted area, as defined in R9-7-102.

**Historical Note**

New Section R9-7-1731 recodified from R12-1-1731 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1732. Handling Tools**

The licensee shall provide and require the use of tools that will assure remote handling of sealed sources other than low-activity calibration sources.

**Historical Note**

New Section R9-7-1732 recodified from R12-1-1732 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1733. Subsurface Tracer Studies**

- A. Any person who handles radioactive tracer material shall wear protective gloves and other appropriate protective clothing and equipment. Precautions shall be taken to avoid ingestion or inhalation of radioactive material.
- B. A licensee shall not inject radioactive material into potable aquifers without authority granted in a radioactive material license issued by the Department.
- C. A licensee shall dispose of tracer study waste contaminated with radioactive material in accordance with R9-7-434.

**Historical Note**

New Section R9-7-1733 recodified from R12-1-1733 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1734. Use of a Sealed Source in a Well Without a Surface Casing and Particle Accelerators**

- A. A licensee or registrant may use a sealed source in a well without a surface casing to protect a fresh water aquifer if the licensee follows the correct procedure for reducing the probability that the source will become lodged in the well.
- B. A licensee or registrant shall not begin well logging operations in a well without a surface casing unless the Department has approved the licensee's procedure for logging in an uncased hole.
- C. A licensee or registrant shall not permit above-ground testing of a particle accelerator, designed for use in well-logging, which results in the production of radiation, unless the area or facility affected is controlled or shielded in a manner consistent with applicable requirements in Article 4 of this Chapter.



## Department of Health Services - Radiation Control

**Historical Note**

New Section R9-7-1734 recodified from R12-1-1734 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1735. Reserved****Historical Note**

Section R9-7-1735 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1736. Reserved****Historical Note**

Section R9-7-1736 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1737. Reserved****Historical Note**

Section R9-7-1737 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1738. Reserved****Historical Note**

Section R9-7-1738 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1739. Reserved****Historical Note**

Section R9-7-1739 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1740. Reserved****Historical Note**

Section R9-7-1740 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1741. Radiation Surveys**

- A. A licensee shall perform and make a record of a radiation survey using instruments or calculations of radiation levels in each area where radioactive material is stored.
- B. A licensee shall make and record a radiation survey using instruments or calculations of radiation levels in occupied positions and on the exterior of each vehicle used to transport radioactive material. The survey or calculation shall include each source of radiation or combination of sources to be transported in the vehicle.
- C. After removal of the sealed source from the logging tool and before departing the job site, a licensee shall ensure that the logging tool detector is energized, or a survey meter is used to test the logging tool for contamination. The licensee shall record the test for contamination.
- D. The licensee shall make and record each survey using an appropriate survey instrument for the radionuclide being used, at the job site or wellhead for each tracer operation, except those using Hydrogen-3, Carbon-14 and Sulfur-35. Each survey shall include measurements of radiation levels before and after each tracer operation.
- E. Records of surveys conducted according to subsections (A) through (D) shall include the date of each survey, the identification of each individual making the survey, identification of each survey instrument used, each radiation measurement in millirem or microsievert per hour, and an exact description of the location of the survey. A licensee shall retain records of a survey for three years after completion of the survey.

**Historical Note**

New Section R9-7-1741 recodified from R12-1-1741 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1742. Documents and Records Required at Field Stations**

Each licensee shall maintain the following documents and records at the field station:

1. A copy of 9 A.A.C. 7;
2. The license, authorizing use of licensed material;
3. Operating and emergency procedures required by R9-7-1722;
4. The record of radiation survey instrument calibrations required by R9-7-1714;
5. The record of leak test results required by R9-7-1715;
6. Physical inventory records required by R9-7-1716;
7. Utilization records required by R9-7-1717;
8. Records of inspection and maintenance required by R9-7-1720;
9. Training records required by R9-7-1721; and
10. Survey records required by R9-7-1741.

**Historical Note**

New Section R9-7-1742 recodified from R12-1-1742 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1743. Documents and Records Required at Temporary Job Sites**

Each licensee that conducts operations at a temporary job site shall maintain the following documents and records at the temporary job site until the well logging operation is completed:

1. Operating and emergency procedures required by R9-7-1722;
2. The most current calibration records for the radiation survey instruments in use at the site required by R9-7-1714;
3. The most current survey records required by R9-7-1741.
4. The shipping papers for transportation of radioactive materials required by license condition; and
5. If operating under reciprocity in accordance with R9-7-320, a copy of the Department authorization for use of radioactive material in Arizona.

**Historical Note**

New Section R9-7-1743 recodified from R12-1-1743 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1744. Reserved****Historical Note**

Section R9-7-1744 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1745. Reserved****Historical Note**

Section R9-7-1745 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1746. Reserved****Historical Note**

Section R9-7-1746 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1747. Reserved****Historical Note**

Section R9-7-1747 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1748. Reserved**

## Department of Health Services - Radiation Control

**Historical Note**

Section R9-7-1748 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1749. Reserved****Historical Note**

Section R9-7-1749 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1750. Reserved****Historical Note**

Section R9-7-1750 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1751. Notification of Incidents and Lost Sources; Abandonment Procedures for Irretrievable Sources**

A. If, after making a reasonable effort to recover a sealed source or device that contains radioactive material using methods that are not likely to result in damage or rupture and contamination, a licensee determines that the source or device is lodged in a well, the licensee shall:

1. Immediately notify the Department by telephone of the circumstances that resulted in the inability to retrieve the source and, if there is no evidence of contamination, obtain the following from the Department:
  - a. A determination that the source is irretrievable and abandonment is necessary because further efforts to recover the source are likely to result in an immediate threat to public health and safety, and
  - b. An approval to implement abandonment procedures;
2. Advise the well owner or operator, as applicable, of the abandonment procedures implemented under R9-7-1702(A) and (C); and
3. Either ensure that abandonment procedures are implemented within 30 days after the Department classifies the source as irretrievable or request an extension of time if unable to complete abandonment procedures.

B. A licensee shall immediately notify the Department by telephone and subsequently, within 30 days, by confirmatory letter if the licensee knows or has reason to believe that a sealed source has been ruptured or the well has otherwise been contaminated. The letter shall describe the well location, the magnitude and extent of radioactive contamination, the consequences of the rupture, and the efforts planned or initiated to mitigate the consequences.

C. A licensee shall notify the Department of the theft or loss of any radioactive material, radiation overexposure, excessive levels and concentrations of radiation, and incidents as required by R9-7-443, R9-7-444, and R9-7-445.

D. A licensee shall, within 30 days after a sealed source has been classified as irretrievable, report in writing to the Department. The licensee shall send a copy of the report to each state or federal agency that issued permits or otherwise approved of the drilling operation. The report shall contain the following information:

1. Date of occurrence;
2. A description of the irretrievable well logging source involved, including the name of the radionuclide and its quantity, and the chemical and physical form of the radionuclide;
3. Surface location and identification of the well;
4. Results of efforts to immobilize and seal the source in place;
5. A brief description of the attempted recovery effort;
6. Depth of the source;
7. Depth of the top of the cement plug;

8. Depth of the well;
9. The reasons why further efforts to recover the source are likely to result in an immediate threat to public health and safety, necessitating abandonment;
10. Information contained on the permanent identification plaque; and
11. State and federal agencies receiving a copy of the report.

**Historical Note**

New Section R9-7-1751 recodified from R12-1-1751 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 18. RESERVED****ARTICLE 19. PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL****R9-7-1901. Purpose**

This Article has been established to provide the requirements for the physical protection program for any licensee that possesses an aggregated category 1 or category 2 quantity of radioactive material listed in Appendix A to this Article. These requirements provide reasonable assurance of the security of category 1 or category 2 quantities of radioactive material by protecting these materials from theft or diversion. Specific requirements for access to material, use of material, transfer of material, and transport of material are included. No provision of this Article authorizes possession of licensed material.

**Historical Note**

New Section R9-7-1901 recodified from R12-1-1901 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1902. Reserved****Historical Note**

Section R9-7-1902 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1903. Scope**

A. R9-7-1921 through R9-7-1957 of this Article apply to any person who, under the rules in this chapter, possesses or uses at any site, an aggregated category 1 or category 2 quantity of radioactive material.

B. R9-7-1971 through R9-7-1981 of this Article applies to any person who, under the rules of this chapter:

1. Transports or delivers to a carrier for transport in a single shipment, a category 1 or category 2 quantity of radioactive material; or
2. Imports or exports a category 1 or category 2 quantity of radioactive material; the provisions only apply to the domestic portion of the transport.

**Historical Note**

New Section R9-7-1903 recodified from R12-1-1903 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1904. Reserved****Historical Note**

Section R9-7-1904 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1905. Definitions**

The following definitions apply in this Article, unless the context otherwise requires:

“Access control means a system for allowing only approved individuals to have unescorted access to the security zone and for ensuring that all other individuals are subject to escorted access.

## Department of Health Services - Radiation Control

“Act” means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto.

“Aggregated” means accessible by the breach of a single physical barrier that would allow access to radioactive material in any form, including any devices that contain the radioactive material, when the total activity equals or exceeds a category 2 quantity of radioactive material.

“Agreement State” means any state with which the Atomic Energy Commission or the U.S. Nuclear Regulatory Commission has entered into an effective agreement under subsection 274b. of the Act. Non-agreement State means any other State.

“Approved individual” means an individual whom the licensee has determined to be trustworthy and reliable for unescorted access in accordance with R9-7-1921 through R9-7-1933 of this Article and who has completed the training required by R9-7-1943(C).

“Background investigation” means the investigation conducted by a licensee or applicant to support the determination of trustworthiness and reliability.

“Becquerel (Bq)” means one disintegration per second.

“Byproduct material” means the same as in R9-7-102.

“Category 1 quantity of radioactive material” means a quantity of radioactive material meeting or exceeding the category 1 threshold in Table 1 of Appendix A to this Article. This quantity is determined by calculating the ratio of the total activity of each radionuclide to the category 1 threshold for that radionuclide and adding the ratios together. If the sum is equal to or exceeds 1, the quantity would be considered a category 1 quantity. Category 1 quantities of radioactive material do not include the radioactive material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet.

“Category 2 quantity of radioactive material” means a quantity of radioactive material meeting or exceeding the category 2 threshold but less than the category 1 threshold in Table 1 of Appendix A to this Article. This quantity is determined by calculating the ratio of the total activity of each radionuclide to the category 2 threshold for that radionuclide and adding the ratios together. If the sum is equal to or exceeds 1, the quantity would be considered a category 2 quantity. Category 2 quantities of radioactive material do not include the radioactive material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet.

“Commission” means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

“Curie” means the same as in R9-7-102.

“Diversion” means the unauthorized movement of radioactive material subject to this Article to a location different from the material’s authorized destination inside or outside of the site at which the material is used or stored.

“Escorted access” means accompaniment while in a security zone by an approved individual who maintains continuous direct visual surveillance at all times over an individual who is not approved for unescorted access.

“Fingerprint orders” means the orders issued by the U.S. Nuclear Regulatory Commission or the legally binding requirements issued by Agreement States that require fingerprints and criminal history records checks for individuals with unescorted access to category 1 and category 2

quantities of radioactive material or safeguards information-modified handling.

“Government agency” means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

“License”, except where otherwise specified, means a license for byproduct material issued pursuant to the rules in Articles 3, 5, 7, and 15 of this chapter.

“License issuing authority” means the licensing agency that issued the license, i.e. the Department, the U.S. Nuclear Regulatory Commission, or the appropriate agency of an Agreement State.

“Local law enforcement agency (LLEA)” means a public or private organization that has been approved by a federal, state, or local government to carry firearms and make arrests, and is authorized and has the capability to provide an armed response in the jurisdiction where the licensed category 1 or category 2 quantity of radioactive material is used, stored, or transported.

“Lost or missing licensed material” means licensed material whose location is unknown. It includes material that has been shipped but has not reached its destination and whose location cannot be readily traced in the transportation system.

“Mobile device” means a piece of equipment containing licensed radioactive material that is either mounted on wheels or casters, or is otherwise equipped for moving without a need for disassembly or dismounting; or designed to be hand carried. Mobile devices do not include stationary equipment installed in a fixed location.

“Movement control center” means an operations center that is remote from transport activity and that maintains position information on the movement of radioactive material, receives reports of attempted attacks or thefts, provides a means for reporting these and other problems to appropriate agencies and can request and coordinate appropriate aid.

“No-later-than arrival time” means the date and time that the shipping licensee and receiving licensee have established as the time at which an investigation will be initiated if the shipment has not arrived at the receiving facility. The no-later-than arrival time may not be more than 6 hours after the estimated arrival time for shipments of category 2 quantities of radioactive material.

“Person” means:

Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission or the DOE (except that the DOE shall be considered a person within the meaning of the rules in 10 CFR chapter I to the extent that its facilities and activities are subject to the licensing and related regulatory authority of the Commission under section 202 of the Energy Reorganization Act of 1974 (88 Stat. 1244), the Uranium Mill Tailings Radiation Control Act of 1978 (92 Stat. 3021), the Nuclear Waste Policy Act of 1982 (96 Stat. 2201), and section 3(b)(2) of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (99 Stat. 1842)),

## Department of Health Services - Radiation Control

any State or any political subdivision of or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and

Any legal successor, representative, agent, or agency of the foregoing.

“Reviewing official” means the individual who shall make the trustworthiness and reliability determination of an individual to determine whether the individual may have, or continue to have, unescorted access to the category 1 or category 2 quantities of radioactive materials that are possessed by the licensee.

“Sabotage” means deliberate damage, with malevolent intent, to a category 1 or category 2 quantity of radioactive material, a device that contains a category 1 or category 2 quantity of radioactive material, or the components of the security system.

“Safe haven” means a readily recognizable and readily accessible site at which security is present or from which, in the event of an emergency, the transport crew can notify and wait for the local law enforcement authorities.

“Security zone” means any temporary or permanent area determined and established by the licensee for the physical protection of category 1 or category 2 quantities of radioactive material.

“State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“Telemetric position monitoring system” means a data transfer system that captures information by instrumentation and/or measuring devices about the location and status of a transport vehicle or package between the departure and destination locations.

“Trustworthiness and reliability” means characteristics of an individual considered dependable in judgment, character, and performance, such that unescorted access to category 1 or category 2 quantities of radioactive material by that individual does not constitute an unreasonable risk to the public health and safety or security. A determination of trustworthiness and reliability for this purpose is based upon the results from a background investigation.

“Unescorted access” means solitary access to an aggregated category 1 or category 2 quantity of radioactive material or the devices that contain the material.

“United States” when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States.

**Historical Note**

New Section R9-7-1905 recodified from R12-1-1905 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1906. Reserved****Historical Note**

Section R9-7-1906 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1907. Communications**

Except where otherwise specified or covered under licensing program as provided in this chapter, all communications and reports concerning the rules in this Article may be sent as follows:

1. By mail addressed to: ATTN: Arizona Department of Health Services; Bureau of Radiation Control ; Radioac-

tive Materials Program; 4814 South 40th Street, Phoenix, Arizona 85040;

2. By hand delivery to the Department’s offices at 4814 South 40th Street, Phoenix, Arizona 85040;
3. Where practicable, by electronic submission, for example, Electronic Information Exchange, or CD-ROM. Electronic submissions shall be made in a manner that enables the Department to receive, read, authenticate, distribute, and archive the submission, and process and retrieve it a single page at a time. Electronic submissions can be made by visiting the Department’s website at <http://www.azdhs.gov/licensing/radiation-regulatory/index.php> and selecting specific RAM (Radioactive Material) Staff contact information or by email to [ram@azdhs.gov](mailto:ram@azdhs.gov).

**Historical Note**

New Section R9-7-1907 recodified from R12-1-1907 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1908. Reserved****Historical Note**

Section R9-7-1908 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1909. Interpretations**

Except as specifically authorized by the Department in writing, no interpretations of the meaning of the rules in this Article by any officer or employee of the Department other than a written interpretation by the Arizona Assistant Attorney General counsel assigned to the Department will be recognized as binding upon the Department.

**Historical Note**

New Section R9-7-1909 recodified from R12-1-1909 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1910. Reserved****Historical Note**

Section R9-7-1910 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1911. Specific Exemptions**

- A. The Department may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the rules in this Article as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.
- B. Any licensee’s NRC-licensed activities are exempt from the requirements of R9-7-1921 through R9-7-1957 of this Article to the extent that its activities are included in a security plan required by 10 CFR part 73 revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.
- C. A licensee that possesses radioactive waste that contains category 1 or category 2 quantities of radioactive material is exempt from the requirements of R9-7-1921 through R9-7-1981 of this Article, except that any radioactive waste that contains discrete sources, ion-exchange resins, or activated material that weighs less than 2,000 kg (4,409 lbs.) is not exempt from the requirements of this Article. The licensee shall implement the following requirements to secure the radioactive waste:
  1. Use continuous physical barriers that allow access to the radioactive waste only through established access control points;

## Department of Health Services - Radiation Control

2. Use a locked door or gate with monitored alarm at the access control point;
3. Assess and respond to each actual or attempted unauthorized access to determine whether an actual or attempted theft, sabotage, or diversion occurred; and
4. Immediately notify the LLEA and request an armed response from the LLEA upon determination that there was an actual or attempted theft, sabotage, or diversion of the radioactive waste that contains category 1 or category 2 quantities of radioactive material.

**Historical Note**

New Section R9-7-1911 recodified from R12-1-1911 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1912. Reserved****Historical Note**

Section R9-7-1912 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1913. Reserved****Historical Note**

Section R9-7-1913 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1914. Reserved****Historical Note**

Section R9-7-1914 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1915. Reserved****Historical Note**

Section R9-7-1915 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1916. Reserved****Historical Note**

Section R9-7-1916 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1917. Reserved****Historical Note**

Section R9-7-1917 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1918. Reserved****Historical Note**

Section R9-7-1918 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1919. Reserved****Historical Note**

Section R9-7-1919 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1920. Reserved****Historical Note**

Section R9-7-1920 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1921. Personnel Access Authorization Requirements for Category 1 or Category 2 Quantities of Radioactive Material**

**A. General:**

1. Each licensee that possesses an aggregated quantity of radioactive material at or above the category 2 threshold

shall establish, implement, and maintain its access authorization program in accordance with the requirements of this Article.

2. An applicant for a new license and each licensee that would become newly subject to the requirements of this Article upon application for modification of its license shall implement the requirements of this Article, as appropriate, before taking possession of an aggregated category 1 or category 2 quantity of radioactive material.
  3. Any licensee that has not previously implemented the Security Orders or been subject to the provisions of R9-7-1921 through R9-7-1933 shall implement the provisions of R9-7-1921 through R9-7-1933 before aggregating radioactive material to a quantity that equals or exceeds the category 2 threshold.
- B. General performance objective:** The licensee's access authorization program shall ensure that the individuals specified in subsection (C)(1) are trustworthy and reliable.
- C. Applicability:**
1. Licensees shall subject the following individuals to an access authorization program:
    - a. Any individual whose assigned duties require unescorted access to category 1 or category 2 quantities of radioactive material or to any device that contains the radioactive material; and
    - b. Reviewing officials.
  2. Licensees need not subject the categories of individuals listed in R9-7-1929(A) to the investigation elements of the access authorization program.
  3. Licensees shall approve for unescorted access to category 1 or category 2 quantities of radioactive material only those individuals with job duties that require unescorted access to category 1 or category 2 quantities of radioactive material.
  4. Licensees may include individuals in the access authorization program under R9-7-1921 through R9-7-1933 and needing access to safeguards information-modified handling under 10 CFR part 73 revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

**Historical Note**

New Section R9-7-1921 recodified from R12-1-1921 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1922. Reserved****Historical Note**

Section R9-7-1922 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1923. Access Authorization Program Requirements**

**A. Granting unescorted access authorization:**

1. Licensees shall implement the requirements of this Article for granting initial or reinstated unescorted access authorization.
2. Individuals who have been determined to be trustworthy and reliable shall also complete the security training required by R9-7-1943(C) before being allowed unescorted access to category 1 or category 2 quantities of radioactive material.

**B. Reviewing officials:**

1. Reviewing officials are the only individuals who may make trustworthiness and reliability determinations that allow individuals to have unescorted access to category 1 or category 2 quantities of radioactive materials possessed by the licensee.

## Department of Health Services - Radiation Control

2. Each licensee shall name one or more individuals to be reviewing officials. After completing the background investigation on the reviewing official, the licensee shall provide under oath or affirmation, a certification that the reviewing official is deemed trustworthy and reliable by the licensee. The fingerprints of the named reviewing official shall be taken by a law enforcement agency, Federal or State agencies that provide fingerprinting services to the public, or commercial fingerprinting services authorized by a State to take fingerprints. The licensee shall recertify that the reviewing official is deemed trustworthy and reliable every 10 years in accordance with R9-7-1925(C).
  3. Reviewing officials shall be permitted to have unescorted access to category 1 or category 2 quantities of radioactive materials or access to safeguards information or safeguards information-modified handling, if the licensee possesses safeguards information or safeguards information-modified handling. Reviewing officials permitted unescorted access to category 1 or category 2 quantities of radioactive materials shall receive appropriate radiation safety training initially and at a frequency not to exceed 12 months. The licensee shall maintain records of the initial and refresher training for three years from the date of training for Department review.
  4. Reviewing officials cannot approve other individuals to act as reviewing officials.
  5. A reviewing official does not need to undergo a new background investigation before being named by the licensee as the reviewing official if:
    - a. The individual has undergone a background investigation that included fingerprinting and an FBI criminal history records check and has been determined to be trustworthy and reliable by the licensee; or
    - b. The individual is subject to a category listed in R9-7-1929(A).
- C. Informed consent:**
1. Licensees may not initiate a background investigation without the informed and signed consent of the subject individual. This consent shall include authorization to share personal information with other individuals or organizations as necessary to complete the background investigation. Before a final adverse determination, the licensee shall provide the individual with an opportunity to correct any inaccurate or incomplete information that is developed during the background investigation. Licensees do not need to obtain signed consent from those individuals that meet the requirements of R9-7-1925(B). A signed consent shall be obtained prior to any reinvestigation.
  2. The subject individual may withdraw his or her consent at any time. Licensees shall inform the individual that:
    - a. If an individual withdraws his or her consent, the licensee may not initiate any elements of the background investigation that were not in progress at the time the individual withdrew his or her consent; and
    - b. The withdrawal of consent for the background investigation is sufficient cause for denial or termination of unescorted access authorization.
- D. Personal history disclosure:** Any individual who is applying for unescorted access authorization shall disclose the personal history information that is required by the licensee's access authorization program for the reviewing official to make a determination of the individual's trustworthiness and reliability. Refusal to provide, or the falsification of, any personal history information required by this Article is sufficient cause for denial or termination of unescorted access.
- E. Determination basis:**
1. The reviewing official shall determine whether to permit, deny, unfavorably terminate, maintain, or administratively withdraw an individual's unescorted access authorization based on an evaluation of all of the information collected to meet the requirements of this Article.
  2. The reviewing official may not permit any individual to have unescorted access until the reviewing official has evaluated all of the information collected to meet the requirements of this Article and determined that the individual is trustworthy and reliable. The reviewing official may deny unescorted access to any individual based on information obtained at any time during the background investigation.
  3. The licensee shall document the basis for concluding whether or not there is reasonable assurance that an individual is trustworthy and reliable.
  4. The reviewing official may terminate or administratively withdraw an individual's unescorted access authorization based on information obtained after the background investigation has been completed and the individual granted unescorted access authorization.
  5. Licensees shall maintain a list of persons currently approved for unescorted access authorization. When a licensee determines that a person no longer requires unescorted access or meets the access authorization requirement, the licensee shall remove the person from the approved list as soon as possible, but no later than 7 working days, and take prompt measures to ensure that the individual is unable to have unescorted access to the material.
- F. Procedures:** Licensees shall develop, implement, and maintain written procedures for implementing the access authorization program. The procedures shall include provisions for the notification of individuals who are denied unescorted access. The procedures shall include provisions for the review, at the request of the affected individual, of a denial or termination of unescorted access authorization. The procedures shall contain a provision to ensure that the individual is informed of the grounds for the denial or termination of unescorted access authorization and allow the individual an opportunity to provide additional relevant information.
- G. Right to correct and complete information:**
1. Prior to any final adverse determination, licensees shall provide each individual subject to this Article with the right to complete, correct, and explain information obtained as a result of the licensee's background investigation. Confirmation of receipt by the individual of this notification shall be maintained by the licensee for a period of 1 year from the date of the notification.
  2. If, after reviewing his or her criminal history record, an individual believes that it is incorrect or incomplete in any respect and wishes to change, correct, update, or explain anything in the record, the individual may initiate challenge procedures. These procedures include direct application by the individual challenging the record to the law enforcement agency that contributed the questioned information or a direct challenge as to the accuracy or completeness of any entry on the criminal history record to the Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306 as set forth in 28 CFR 16.30 through 16.34. In the latter case, the Federal Bureau of Investigation (FBI) will for-

## Department of Health Services - Radiation Control

ward the challenge to the agency that submitted the data, and will request that the agency verify or correct the challenged entry. Upon receipt of an official communication directly from the agency that contributed the original information, the FBI Identification Division makes any changes necessary in accordance with the information supplied by that agency. Licensees shall provide at least 10 days for an individual to initiate action to challenge the results of an FBI criminal history records check after the record being made available for his or her review. The licensee may make a final adverse determination based upon the criminal history records only after receipt of the FBI's confirmation or correction of the record.

**H. Records:**

1. The licensee shall retain documentation regarding the trustworthiness and reliability of individual employees for 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material.
2. The licensee shall retain a copy of the current access authorization program procedures as a record for 3 years after the procedure is no longer needed. If any portion of the procedure is superseded, the licensee shall retain the superseded material for 3 years after the record is superseded.
3. The licensee shall retain the list of persons approved for unescorted access authorization for 3 years after the list is superseded or replaced.

**Historical Note**

New Section R9-7-1923 recodified from R12-1-1923 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1924. Reserved****Historical Note**

Section R9-7-1924 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1925. Background Investigations**

- A.** Initial investigation: Before allowing an individual unescorted access to category 1 or category 2 quantities of radioactive material or to the devices that contain the material, licensees shall complete a background investigation of the individual seeking unescorted access authorization. The scope of the investigation shall encompass at least the 7 years preceding the date of the background investigation or since the individual's eighteenth birthday, whichever is shorter. The background investigation shall include at a minimum:

1. Fingerprinting and an FBI identification and criminal history records check in accordance with R9-7-1927;
2. Verification of true identity. Licensees shall verify the true identity of the individual who is applying for unescorted access authorization to ensure that the applicant is who he or she claims to be. A licensee shall review official identification documents (e.g., driver's license; passport; government identification; certificate of birth issued by the state, province, or country of birth) and compare the documents to personal information data provided by the individual to identify any discrepancy in the information. Licensees shall document the type, expiration, and identification number of the identification document, or maintain a photocopy of identifying documents on file in accordance with R9-7-1931. Licensees shall certify in writing that the identification was properly reviewed, and shall maintain the certification and all related documents for review upon inspection;

3. Employment history verification. Licensees shall complete an employment history verification, including military history. Licensees shall verify the individual's employment with each previous employer for the most recent 7 years before the date of application;
4. Verification of education. Licensees shall verify that the individual participated in the education process during the claimed period;
5. Character and reputation determination. Licensees shall complete reference checks to determine the character and reputation of the individual who has applied for unescorted access authorization. Unless other references are not available, reference checks may not be conducted with any person who is known to be a close member of the individual's family, including but not limited to the individual's spouse, parents, siblings, or children, or any individual who resides in the individual's permanent household. Reference checks under this section shall be limited to whether the individual has been and continues to be trustworthy and reliable;
6. The licensee shall also, to the extent possible, obtain independent information to corroborate that provided by the individual (e.g., seek references not supplied by the individual); and
7. If a previous employer, educational institution, or any other entity with which the individual claims to have been engaged fails to provide information or indicates an inability or unwillingness to provide information within a time frame deemed appropriate by the licensee but at least after 10 business days of the request or if the licensee is unable to reach the entity, the licensee shall document the refusal, unwillingness, or inability in the record of investigation; and attempt to obtain the information from an alternate source.

**B. Grandfathering:**

1. Individuals who have been determined to be trustworthy and reliable for unescorted access to category 1 or category 2 quantities of radioactive material under the Fingerprint Orders may continue to have unescorted access to category 1 and category 2 quantities of radioactive material without further investigation. These individuals shall be subject to the reinvestigation requirement.
2. Individuals who have been determined to be trustworthy and reliable under the provisions of 10 CFR part 73 revised January 1, 2015, incorporated by reference, available under R9-7-101, and containing no future editions or amendments; or the security orders for access to safeguards information, safeguards information-modified handling, or risk-significant material may have unescorted access to category 1 and category 2 quantities of radioactive material without further investigation. The licensee shall document that the individual was determined to be trustworthy and reliable under the provisions of 10 CFR part 73 revised January 1, 2015, incorporated by reference, available under R9-7-101, and containing no future editions or amendments; or a security order. Security order, in this context, refers to any order that was issued by the NRC that required fingerprints and an FBI criminal history records check for access to safeguards information, safeguards information-modified handling, or risk significant material such as special nuclear material or large quantities of uranium hexafluoride. These individuals shall be subject to the reinvestigation requirement.

- C.** Re-investigations: Licensees shall conduct a reinvestigation every 10 years for any individual with unescorted access to

## Department of Health Services - Radiation Control

category 1 or category 2 quantities of radioactive material. The reinvestigation shall consist of fingerprinting and an FBI identification and criminal history records check in accordance with R9-7-1927. The re-investigations shall be completed within 10 years of the date on which these elements were last completed.

**Historical Note**

New Section R9-7-1925 recodified from R12-1-1925 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1926. Reserved****Historical Note**

Section R9-7-1926 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1927. Requirements for Criminal History Records Checks of Individuals Granted Unescorted Access to Category 1 or Category 2 Quantities of Radioactive Material****A. General performance objective and requirements:**

1. Except for those individuals listed in R9-7-1929 and those individuals grandfathered under R9-7-1925(B), each licensee subject to the provisions of this Article shall fingerprint each individual who is to be permitted unescorted access to category 1 or category 2 quantities of radioactive material. Licensees shall transmit all collected fingerprints to the Department for transmission to the FBI. The licensee shall use the information received from the FBI as part of the required background investigation to determine whether to grant or deny further unescorted access to category 1 or category 2 quantities of radioactive materials for that individual.
2. The licensee shall notify each affected individual that his or her fingerprints will be used to secure a review of his or her criminal history record, and shall inform him or her of the procedures for revising the record or adding explanations to the record.
3. Fingerprinting is not required if a licensee is reinstating an individual's unescorted access authorization to category 1 or category 2 quantities of radioactive materials if:
  - a. The individual returns to the same facility that granted unescorted access authorization within 365 days of the termination of his or her unescorted access authorization; and
  - b. The previous access was terminated under favorable conditions.
4. Fingerprints do not need to be taken if an individual who is an employee of a licensee, contractor, manufacturer, or supplier has been granted unescorted access to category 1 or category 2 quantities of radioactive material, access to safeguards information, or safeguards information-modified handling by another licensee, based upon a background investigation conducted under this Article, the Fingerprint Orders, or 10 CFR part 73 revised January 1, 2015, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments. An existing criminal history records check file may be transferred to the licensee asked to grant unescorted access in accordance with the provisions of R9-7-1931(C).
5. Licensees shall use the information obtained as part of a criminal history records check solely for the purpose of determining an individual's suitability for unescorted access authorization to category 1 or category 2 quantities of radioactive materials, access to safeguards information, or safeguards information-modified handling.

**B. Prohibitions:**

1. Licensees may not base a final determination to deny an individual unescorted access authorization to category 1 or category 2 quantities of radioactive material solely on the basis of information received from the FBI involving:
    - a. An arrest more than 1 year old for which there is no information of the disposition of the case; or
    - b. An arrest that resulted in dismissal of the charge or an acquittal.
  2. Licensees may not use information received from a criminal history records check obtained under this section in a manner that would infringe upon the rights of any individual under the First Amendment to the Constitution of the United States, nor shall licensees use the information in any way that would discriminate among individuals on the basis of race, religion, national origin, gender, or age.
- C. Procedures for processing of fingerprint checks:**
1. For the purpose of complying with this Article, licensees shall use an appropriate method listed in 10 CFR 37.7 revised January 1, 2015, incorporated by reference, available under R9-7-101, and containing no future editions or amendments; to submit to the U.S. Nuclear Regulatory Commission, Director, Division of Facilities and Security, 11545 Rockville Pike, ATTN: Criminal History Program/Mail Stop TWB-05 B32M, Rockville, Maryland 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to category 1 or category 2 quantities of radioactive material. Copies of these forms may be obtained by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by calling 1-630-829-9565, or by email to [FORMS.Resource@nrc.gov](mailto:FORMS.Resource@nrc.gov). Guidance on submitting electronic fingerprints can be found at <http://www.nrc.gov/site-help/e-submittals.html>.
  2. Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment with the application for the processing of fingerprints through corporate check, certified check, cashier's check, money order, or electronic payment, made payable to "U.S. NRC." (For guidance on making electronic payments, contact the Security Branch, Division of Facilities and Security at 301-492-3531.) Combined payment for multiple applications is acceptable. The Commission publishes the amount of the fingerprint check application fee on the NRC's public website. (To find the current fee amount, go to the Electronic Submittals page at <http://www.nrc.gov/site-help/e-submittals.html> and see the link for the Criminal History Program under Electronic Submission Systems.)
  3. The U.S. Nuclear Regulatory Commission will forward to the submitting licensee all data received from the FBI as a result of the licensee's application(s) for criminal history records checks.

**Historical Note**

New Section R9-7-1927 recodified from R12-1-1927 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1928. Reserved****Historical Note**

Section R9-7-1928 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1929. Relief From Fingerprinting, Identification, and Criminal History Records Checks and Other Elements of Back-**



## Department of Health Services - Radiation Control

**ground Investigations for Designated Categories of Individuals Permitted Unescorted Access to Certain Radioactive Materials**

**A.** Fingerprinting, and the identification and criminal history records checks required by section 149 of the Atomic Energy Act of 1954, as amended, and other elements of the background investigation are not required for the following individuals prior to granting unescorted access to category 1 or category 2 quantities of radioactive materials:

1. An employee of the U.S. Nuclear Regulatory Commission or of the Executive Branch of the U.S. Government who has undergone fingerprinting for a prior U.S. Government criminal history records check;
2. A Member of Congress;
3. An employee of a member of Congress or Congressional committee who has undergone fingerprinting for a prior U.S. Government criminal history records check;
4. The Governor of a State or his or her designated State employee representative;
5. Federal, State, or local law enforcement personnel;
6. State Radiation Control Program Directors and State Homeland Security Advisors or their designated State employee representatives;
7. Agreement State employees conducting security inspections on behalf of the NRC under an agreement executed under section 274.i. of the Atomic Energy Act;
8. Representatives of the International Atomic Energy Agency (IAEA) engaged in activities associated with the U.S./IAEA Safeguards Agreement who have been certified by the NRC;
9. Emergency response personnel who are responding to an emergency;
10. Commercial vehicle drivers for road shipments of category 1 and category 2 quantities of radioactive material;
11. Package handlers at transportation facilities such as freight terminals and railroad yards;
12. Any individual who has an active Federal security clearance, provided that he or she makes available the appropriate documentation. Written confirmation from the agency/employer that granted the Federal security clearance or reviewed the criminal history records check shall be provided to the licensee. The licensee shall retain this documentation for a period of 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material; and
13. Any individual employed by a service provider licensee for which the service provider licensee has conducted the background investigation for the individual and approved the individual for unescorted access to category 1 or category 2 quantities of radioactive material. Written verification from the service provider shall be provided to the licensee. The licensee shall retain the documentation for a period of 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material.

**B.** Fingerprinting, and the identification and criminal history records checks required by section 149 of the Atomic Energy Act of 1954, as amended, are not required for an individual who has had a favorably adjudicated U.S. Government criminal history records check within the last 5 years, under a comparable U.S. Government program involving fingerprinting and an FBI identification and criminal history records check provided that he or she makes available the appropriate documentation. Written confirmation from the agency/employer that reviewed the criminal history records check shall be provided to the licensee. The licensee shall retain this documenta-

tion for a period of 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material. These programs include, but are not limited to:

1. National Agency Check;
2. Transportation Worker Identification Credentials (TWIC) under 49 CFR part 1572;
3. Bureau of Alcohol, Tobacco, Firearms, and Explosives background check and clearances under 27 CFR part 555;
4. Health and Human Services security risk assessments for possession and use of select agents and toxins under 42 CFR part 73;
5. Hazardous Material security threat assessment for hazardous material endorsement to commercial driver's license under 49 CFR part 1572; and
6. Customs and Border Protection's Free and Secure Trade (FAST) Program.

**Historical Note**

New Section R9-7-1929 recodified from R12-1-1929 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1930. Reserved****Historical Note**

Section R9-7-1930 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1931. Protection of Information**

- A.** Each licensee who obtains background information on an individual under this Article shall establish and maintain a system of files and written procedures for protection of the record and the personal information from unauthorized disclosure.
- B.** The licensee may not disclose the record or personal information collected and maintained to persons other than the subject individual, his or her representative, or to those who have a need to have access to the information in performing assigned duties in the process of granting or denying unescorted access to category 1 or category 2 quantities of radioactive material, safeguards information, or safeguards information-modified handling. No individual authorized to have access to the information may disseminate the information to any other individual who does not have a need to know.
- C.** The personal information obtained on an individual from a background investigation may be provided to another licensee:
1. Upon the individual's written request to the licensee holding the data to disseminate the information contained in his or her file; and
  2. The recipient licensee verifies information such as name, date of birth, social security number, gender, and other applicable physical characteristics.
- D.** The licensee shall make background investigation records obtained under this Article available for examination by an authorized representative of the Department to determine compliance with the rules and laws.
- E.** The licensee shall retain all fingerprint and criminal history records (including data indicating no record) received from the FBI, or a copy of these records if the individual's file has been transferred, on an individual for 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material.

**Historical Note**

New Section R9-7-1931 recodified from R12-1-1931 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1932. Reserved**

## Department of Health Services - Radiation Control

**Historical Note**

Section R9-7-1932 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1933. Access Authorization Program Review**

- A. Each licensee shall be responsible for the continuing effectiveness of the access authorization program. Each licensee shall ensure that access authorization programs are reviewed to confirm compliance with the requirements of this Article and that comprehensive actions are taken to correct any noncompliance that is identified. The review program shall evaluate all program performance objectives and requirements. Each licensee shall periodically (at least annually) review the access program content and implementation.
- B. The results of the reviews, along with any recommendations, shall be documented. Each review report shall identify conditions that are adverse to the proper performance of the access authorization program, the cause of the condition(s), and, when appropriate, recommend corrective actions, and corrective actions taken. The licensee shall review the findings and take any additional corrective actions necessary to preclude repetition of the condition, including reassessment of the deficient areas where indicated.
- C. Review records shall be maintained for 3 years.

**Historical Note**

New Section R9-7-1933 recodified from R12-1-1933 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1934. Reserved****Historical Note**

Section R9-7-1934 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1935. Reserved****Historical Note**

Section R9-7-1935 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1936. Reserved****Historical Note**

Section R9-7-1936 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1937. Reserved****Historical Note**

Section R9-7-1937 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1938. Reserved****Historical Note**

Section R9-7-1938 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1939. Reserved****Historical Note**

Section R9-7-1939 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1940. Reserved****Historical Note**

Section R9-7-1940 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1941. Security Program****A. Applicability:**

1. Each licensee that possesses an aggregated category 1 or category 2 quantity of radioactive material shall establish, implement, and maintain a security program in accordance with the requirements of this Article.
  2. An applicant for a new license and each licensee that would become newly subject to the requirements of this Article upon application for modification of its license shall implement the requirements of this Article, as appropriate, before taking possession of an aggregated category 1 or category 2 quantity of radioactive material.
  3. Any licensee that has not previously implemented the Security Orders or been subject to the provisions of R9-7-1941 through R9-7-1957 shall provide written notification to the Department, as specified in R9-7-1907, at least 90 days before aggregating radioactive material to a quantity that equals or exceeds the category 2 threshold.
- B. General performance objective:** Each licensee shall establish, implement, and maintain a security program that is designed to monitor and, without delay, detect, assess, and respond to an actual or attempted unauthorized access to category 1 or category 2 quantities of radioactive material.
- C. Program features:** Each licensee's security program shall include the program features, as appropriate, described in R9-7-1943, R9-7-1945, R9-7-1947, R9-7-1949, R9-7-1951, R9-7-1953, and R9-7-1955.

**Historical Note**

New Section R9-7-1941 recodified from R12-1-1941 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1942. Reserved****Historical Note**

Section R9-7-1942 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1943. General Security Program Requirements****A. Security plan:**

1. Each licensee identified in R9-7-1941(A) shall develop a written security plan specific to its facilities and operations. The purpose of the security plan is to establish the licensee's overall security strategy to ensure the integrated and effective functioning of the security program required by this Article. The security plan shall, at a minimum:
  - a. Describe the measures and strategies used to implement the requirements of this Article; and
  - b. Identify the security resources, equipment, and technology used to satisfy the requirements of this Article.
2. The security plan shall be reviewed and approved by the individual with overall responsibility for the security program.
3. A licensee shall revise its security plan as necessary to ensure the effective implementation of Department requirements. The licensee shall ensure that:
  - a. The revision has been reviewed and approved by the individual with overall responsibility for the security program; and
  - b. The affected individuals are instructed on the revised plan before the changes are implemented.
4. The licensee shall retain a copy of the current security plan as a record for 3 years after the security plan is no longer required. If any portion of the plan is superseded, the licensee shall retain the superseded material for 3 years after the record is superseded.

**B. Implementing procedures:**

## Department of Health Services - Radiation Control

1. The licensee shall develop and maintain written procedures that document how the requirements of this Article and the security plan will be met.
  2. The implementing procedures and revisions to these procedures shall be approved in writing by the individual with overall responsibility for the security program.
  3. The licensee shall retain a copy of the current procedure as a record for 3 years after the procedure is no longer needed. Superseded portions of the procedure shall be retained for 3 years after the record is superseded.
- C. Training:**
1. Each licensee shall conduct training to ensure that those individuals implementing the security program possess and maintain the knowledge, skills, and abilities to carry out their assigned duties and responsibilities effectively. The training shall include instruction in:
    - a. The licensee's security program and procedures to secure category 1 or category 2 quantities of radioactive material, and in the purposes and functions of the security measures employed;
    - b. The responsibility to report promptly to the licensee any condition that causes or may cause a violation of Department requirements;
    - c. The responsibility of the licensee to report promptly to the local law enforcement agency and licensee any actual or attempted theft, sabotage, or diversion of category 1 or category 2 quantities of radioactive material; and
    - d. The appropriate response to security alarms.
  2. In determining those individuals who shall be trained on the security program, the licensee shall consider each individual's assigned activities during authorized use and response to potential situations involving actual or attempted theft, diversion, or sabotage of category 1 or category 2 quantities of radioactive material. The extent of the training shall be commensurate with the individual's potential involvement in the security of category 1 or category 2 quantities of radioactive material.
  3. Refresher training shall be provided at a frequency not to exceed 12 months and when significant changes have been made to the security program. This training shall include:
    - a. Review of the training requirements of subsection (c) and any changes made to the security program since the last training;
    - b. Reports on any relevant security issues, problems, and lessons learned;
    - c. Relevant results of Department inspections; and
    - d. Relevant results of the licensee's program review and testing and maintenance.
  4. The licensee shall maintain records of the initial and refresher training for 3 years from the date of the training. The training records shall include dates of the training, topics covered, a list of licensee personnel in attendance, and related information.
- D. Protection of information:**
1. Licensees authorized to possess category 1 or category 2 quantities of radioactive material shall limit access to and unauthorized disclosure of their security plan, implementing procedures, and the list of individuals that have been approved for unescorted access.
  2. Efforts to limit access shall include the development, implementation, and maintenance of written policies and procedures for controlling access to, and for proper handling and protection against unauthorized disclosure of, the security plan and implementing procedures.
3. Before granting an individual access to the security plan or implementing procedures, licensees shall:
    - a. Evaluate an individual's need to know the security plan or implementing procedures; and
    - b. If the individual has not been authorized for unescorted access to category 1 or category 2 quantities of radioactive material, safeguards information, or safeguards information-modified handling, the licensee shall complete a background investigation to determine the individual's trustworthiness and reliability. A trustworthiness and reliability determination shall be conducted by the reviewing official and shall include the background investigation elements contained in R9-7-1925(A)(2) through (A)(7).
  4. Licensees need not subject the following individuals to the background investigation elements for protection of information:
    - a. The categories of individuals listed in R9-7-1929(A); or
    - b. Security service provider employees, provided written verification that the employee has been determined to be trustworthy and reliable, by the required background investigation in R9-7-1925(A)(2) through (A)(7), has been provided by the security service provider.
  5. The licensee shall document the basis for concluding that an individual is trustworthy and reliable and should be granted access to the security plan or implementing procedures.
  6. Licensees shall maintain a list of persons currently approved for access to the security plan or implementing procedures. When a licensee determines that a person no longer needs access to the security plan or implementing procedures or no longer meets the access authorization requirements for access to the information, the licensee shall remove the person from the approved list as soon as possible, but no later than 7 working days, and take prompt measures to ensure that the individual is unable to obtain the security plan or implementing procedures.
  7. When not in use, the licensee shall store its security plan and implementing procedures in a manner to prevent unauthorized access. Information stored in non-removable electronic form shall be password protected.
  8. The licensee shall retain as a record for 3 years after the document is no longer needed:
    - a. A copy of the information protection procedures; and
    - b. The list of individuals approved for access to the security plan or implementing procedures.

**Historical Note**

New Section R9-7-1943 recodified from R12-1-1943 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1944. Reserved****Historical Note**

Section R9-7-1944 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1945. Local Law Enforcement Agency (LLEA) Coordination**

- A.** A licensee subject to this Article shall coordinate, to the extent practicable, with an LLEA for responding to threats to the licensee's facility, including any necessary armed response. The information provided to the LLEA shall include:
1. A description of the facilities and the category 1 and category 2 quantities of radioactive materials along with a

## Department of Health Services - Radiation Control

description of the licensee's security measures that have been implemented to comply with this Article; and

2. A notification that the licensee will request a timely armed response by the LLEA to any actual or attempted theft, sabotage, or diversion of category 1 or category 2 quantities of material.
- B.** The licensee shall notify the Department as listed in R9-7-1907 of this Article within 3 business days if:
1. The LLEA has not responded to the request for coordination within 60 days of the coordination request; or
  2. The LLEA notifies the licensee that the LLEA does not plan to participate in coordination activities.
- C.** The licensee shall document its efforts to coordinate with the LLEA. The documentation shall be kept for 3 years.
- D.** The licensee shall coordinate with the LLEA at least every 12 months, or when changes to the facility design or operation adversely affect the potential vulnerability of the licensee's material to theft, sabotage, or diversion.

**Historical Note**

New Section R9-7-1945 recodified from R12-1-1945 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1946. Reserved****Historical Note**

Section R9-7-1946 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1947. Security Zones**

- A.** Licensees shall ensure that all aggregated category 1 and category 2 quantities of radioactive material are used or stored within licensee established security zones. Security zones may be permanent or temporary.
- B.** Temporary security zones shall be established as necessary to meet the licensee's transitory or intermittent business activities, such as periods of maintenance, source delivery, and source replacement.
- C.** Security zones shall, at a minimum, allow unescorted access only to approved individuals through:
1. Isolation of category 1 and category 2 quantities of radioactive materials by the use of continuous physical barriers that allow access to the security zone only through established access control points. A physical barrier is a natural or man-made structure or formation sufficient for the isolation of the category 1 or category 2 quantities of radioactive material within a security zone; or
  2. Direct control of the security zone by approved individuals at all times; or
  3. A combination of continuous physical barriers and direct control.
- D.** For category 1 quantities of radioactive material during periods of maintenance, source receipt, preparation for shipment, installation, or source removal or exchange, the licensee shall, at a minimum, provide sufficient individuals approved for unescorted access to maintain continuous surveillance of sources in temporary security zones and in any security zone in which physical barriers or intrusion detection systems have been disabled to allow such activities.
- E.** Individuals not approved for unescorted access to category 1 or category 2 quantities of radioactive material shall be escorted by an approved individual when in a security zone.

**Historical Note**

New Section R9-7-1947 recodified from R12-1-1947 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1948. Reserved****Historical Note**

Section R9-7-1948 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1949. Monitoring, Detection, and Assessment**

- A.** Monitoring and detection:
1. Licensees shall establish and maintain the capability to continuously monitor and detect without delay all unauthorized entries into its security zones. Licensees shall provide the means to maintain continuous monitoring and detection capability in the event of a loss of the primary power source, or provide for an alarm and response in the event of a loss of this capability to continuously monitor and detect unauthorized entries.
  2. Monitoring and detection shall be performed by:
    - a. A monitored intrusion detection system that is linked to an onsite or offsite central monitoring facility; or
    - b. Electronic devices for intrusion detection alarms that will alert nearby facility personnel; or
    - c. A monitored video surveillance system; or
    - d. Direct visual surveillance by approved individuals located within the security zone; or
    - e. Direct visual surveillance by a licensee designated individual located outside the security zone.
  3. A licensee subject to this Article shall also have a means to detect unauthorized removal of the radioactive material from the security zone. This detection capability shall provide:
    - a. For category 1 quantities of radioactive material, immediate detection of any attempted unauthorized removal of the radioactive material from the security zone. Such immediate detection capability shall be provided by:
      - i. Electronic sensors linked to an alarm; or
      - ii. Continuous monitored video surveillance; or
      - iii. Direct visual surveillance.
    - b. For category 2 quantities of radioactive material, weekly verification through physical checks, tamper indicating devices, use, or other means to ensure that the radioactive material is present.
- B.** Assessment: Licensees shall immediately assess each actual or attempted unauthorized entry into the security zone to determine whether the unauthorized access was an actual or attempted theft, sabotage, or diversion.
- C.** Personnel communications and data transmission: For personnel and automated or electronic systems supporting the licensee's monitoring, detection, and assessment systems, licensees shall:
1. Maintain continuous capability for personnel communication and electronic data transmission and processing among site security systems; and
  2. Provide an alternative communication capability for personnel, and an alternative data transmission and processing capability, in the event of a loss of the primary means of communication or data transmission and processing. Alternative communications and data transmission systems may not be subject to the same failure modes as the primary systems.
- D.** Response: Licensees shall immediately respond to any actual or attempted unauthorized access to the security zones, or actual or attempted theft, sabotage, or diversion of category 1 or category 2 quantities of radioactive material at licensee facilities or temporary job sites. For any unauthorized access involving an actual or attempted theft, sabotage, or diversion of category 1 or category 2 quantities of radioactive material,

## Department of Health Services - Radiation Control

the licensee's response shall include requesting, without delay, an armed response from the LLEA.

**Historical Note**

New Section R9-7-1949 recodified from R12-1-1949 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1950. Reserved****Historical Note**

Section R9-7-1950 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1951. Maintenance and Testing**

- A. Each licensee subject to this R9-7-1941 through R9-7-1957 shall implement a maintenance and testing program to ensure that intrusion alarms, associated communication systems, and other physical components of the systems used to secure or detect unauthorized access to radioactive material are maintained in operable condition and are capable of performing their intended function when needed. The equipment relied on to meet the security requirements of this part shall be inspected and tested for operability and performance at the manufacturer's suggested frequency. If there is no suggested manufacturer's suggested frequency, the testing shall be performed at least annually, not to exceed 12 months.
- B. The licensee shall maintain records on the maintenance and testing activities for 3 years. The record shall include:
1. The date of activity;
  2. Type of activity performed;
  3. A list of the equipment involved;
  4. The results of the activity;
  5. The name of the individual that conducted the activity;
  6. The repair or maintenance (if applicable) that was performed.

**Historical Note**

New Section R9-7-1951 recodified from R12-1-1951 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1952. Reserved****Historical Note**

Section R9-7-1952 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1953. Requirements for Mobile Devices**

Each licensee that possesses mobile devices containing category 1 or category 2 quantities of radioactive material shall:

- A. Have two independent physical controls that form tangible barriers to secure the material from unauthorized removal when the device is not under direct control and constant surveillance by the licensee; and
- B. For devices in or on a vehicle or trailer, unless the health and safety requirements for a site prohibit the disabling of the vehicle, the licensee shall utilize a method to disable the vehicle or trailer when not under direct control and constant surveillance by the licensee. Licensees shall not rely on the removal of an ignition key to meet this requirement.

**Historical Note**

New Section R9-7-1953 recodified from R12-1-1953 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1954. Reserved****Historical Note**

Section R9-7-1954 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1955. Security Program Review**

- A. Each licensee shall be responsible for the continuing effectiveness of the security program. Each licensee shall ensure that the security program is reviewed to confirm compliance with the requirements of this Article and that comprehensive actions are taken to correct any noncompliance that is identified. The review shall include the radioactive material security program content and implementation. Each licensee shall periodically (at least annually) review the security program content and implementation.
- B. The results of the review, along with any recommendations, shall be documented. Each review report shall identify conditions that are adverse to the proper performance of the security program, the cause of the condition(s), and, when appropriate, recommend corrective actions, and corrective actions taken. The licensee shall review the findings and take any additional corrective actions necessary to preclude repetition of the condition, including reassessment of the deficient areas where indicated.
- C. The licensee shall maintain the review documentation for 3 years.

**Historical Note**

New Section R9-7-1955 recodified from R12-1-1955 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1956. Reserved****Historical Note**

Section R9-7-1956 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1957. Reporting of Events**

- A. The licensee shall immediately notify the LLEA after determining that an unauthorized entry resulted in an actual or attempted theft, sabotage, or diversion of a category 1 or category 2 quantity of radioactive material. As soon as possible after initiating a response, but not at the expense of causing delay or interfering with the LLEA response to the event, the licensee shall notify the Department. Notification shall be to a live person, a voice mail is not considered adequate notification. In no case shall the notification to the Department be later than 4 hours after the discovery of any attempted or actual theft, sabotage, or diversion.
- B. The licensee shall assess any suspicious activity related to possible theft, sabotage, or diversion of category 1 or category 2 quantities of radioactive material and notify the LLEA as appropriate. As soon as possible but not later than 4 hours after notifying the LLEA, the licensee shall notify the Department.
- C. The initial telephonic notification required by subsection (A) shall be followed within a period of 30 days by a written report submitted to the Department by an appropriate method listed in R9-7-1907. The report shall include sufficient information for Department analysis and evaluation, including identification of any necessary corrective actions to prevent future instances.

**Historical Note**

New Section R9-7-1957 recodified from R12-1-1957 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1958. Reserved****Historical Note**

Section R9-7-1958 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1959. Reserved**

## Department of Health Services - Radiation Control

**Historical Note**

Section R9-7-1959 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1960. Reserved****Historical Note**

Section R9-7-1960 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1961. Reserved****Historical Note**

Section R9-7-1961 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1962. Reserved****Historical Note**

Section R9-7-1962 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1963. Reserved****Historical Note**

Section R9-7-1963 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1964. Reserved****Historical Note**

Section R9-7-1964 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1965. Reserved****Historical Note**

Section R9-7-1965 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1966. Reserved****Historical Note**

Section R9-7-1966 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1967. Reserved****Historical Note**

Section R9-7-1967 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1968. Reserved****Historical Note**

Section R9-7-1968 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1969. Reserved****Historical Note**

Section R9-7-1969 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1970. Reserved****Historical Note**

Section R9-7-1970 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1971. Additional Requirements for Transfer of Category 1 and Category 2 Quantities of Radioactive Material**

A licensee transferring a category 1 or category 2 quantity of radioactive material to a licensee of the Department, the NRC, or an Agreement State shall meet the license verification provisions listed below instead of those listed in sections of this chapter:

1. Any licensee transferring category 1 quantities of radioactive material to a licensee of the Department, the NRC, or an Agreement State, prior to conducting such transfer, shall verify with the Department's license verification system or the license issuing authority that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred and that the licensee is authorized to receive radioactive material at the location requested for delivery. If the verification is conducted by contacting the license issuing authority, the transferor shall document the verification. For transfers within the same organization, the licensee does not need to verify the transfer.
2. Any licensee transferring category 2 quantities of radioactive material to a licensee of the Department, the NRC, or an Agreement State, prior to conducting such transfer, shall verify with the Department's license verification system or the license issuing authority that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred. If the verification is conducted by contacting the license issuing authority, the transferor shall document the verification. For transfers within the same organization, the licensee does not need to verify the transfer.
3. In an emergency where the licensee cannot reach the license issuing authority and the license verification system is nonfunctional, the licensee may accept a written certification by the transferee that it is authorized by license to receive the type, form, and quantity of radioactive material to be transferred. The certification shall include the license number, current revision number, issuing agency, expiration date, and for a category 1 shipment the authorized address. The licensee shall keep a copy of the certification. The certification shall be confirmed by use of the NRC's license verification system or by contacting the license issuing authority by the end of the next business day.
4. The transferor shall keep a copy of the verification documentation as a record for 3 years.

**Historical Note**

New Section R9-7-1971 recodified from R12-1-1971 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1972. Reserved****Historical Note**

Section R9-7-1972 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1973. Applicability of Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material During Transit**

- A. For shipments of category 1 quantities of radioactive material, each shipping licensee shall comply with the requirements for physical protection contained in Sections R9-7-1975(A) and (E); R9-7-1977; R9-7-1979(A)(1), (B)(1), and (C); and R9-7-1981(A), (C), (E), (G) and (H).
- B. For shipments of category 2 quantities of radioactive material, each shipping licensee shall comply with the requirements for physical protection contained in R9-7-1975(B) through (E); R9-7-1979(A)(2), (A)(3), (B)(2), and (C); and R9-7-1981(B), (D), (F), (G), and (H). For those shipments of category 2 quantities of radioactive material that meet the criteria of Article 15 of this Chapter, the shipping licensee shall also comply with the advance notification provisions of R9-7-1508 or R9-7-1512 as appropriate.

## Department of Health Services - Radiation Control

- C. The shipping licensee shall be responsible for meeting the requirements of R9-7-1971 through R9-7-1981 unless the receiving licensee has agreed in writing to arrange for the in-transit physical protection required under R9-7-1971 through R9-7-1981.
- D. Each licensee that imports or exports category 1 quantities of radioactive material shall comply with the requirements for physical protection during transit contained in R9-7-1975(A)(2) and (E); R9-7-1977; R9-7-1979(A)(1), (B)(1), and (C); and R9-7-1981(A), (C), (E), (G), and (H) for the domestic portion of the shipment.
- E. Each licensee that imports or exports category 2 quantities of radioactive material shall comply with the requirements for physical protection during transit contained in R9-7-1979(A)(2), (A)(3), and (B)(2); and R9-7-1981(B), (D), (F), (G), and (H) for the domestic portion of the shipment.

**Historical Note**

New Section R9-7-1973 recodified from R12-1-1973 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1974. Reserved****Historical Note**

Section R9-7-1974 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1975. Preplanning and Coordination of Shipment of Category 1 or Category 2 Quantities of Radioactive Material**

- A. Each licensee that plans to transport, or deliver to a carrier for transport, licensed material that is a category 1 quantity of radioactive material outside the confines of the licensee's facility or other place of use or storage shall:
  - 1. Preplan and coordinate shipment arrival and departure times with the receiving licensee;
  - 2. Preplan and coordinate shipment information with the governor or the governor's designee of any State through which the shipment will pass to:
    - a. Discuss the State's intention to provide law enforcement escorts; and
    - b. Identify safe havens; and
  - 3. Document the preplanning and coordination activities.
- B. Each licensee that plans to transport, or deliver to a carrier for transport, licensed material that is a category 2 quantity of radioactive material outside the confines of the licensee's facility or other place of use or storage shall coordinate the shipment no-later-than arrival time and the expected shipment arrival with the receiving licensee. The licensee shall document the coordination activities.
- C. Each licensee who receives a shipment of a category 2 quantity of radioactive material shall confirm receipt of the shipment with the originator. If the shipment has not arrived by the no-later-than arrival time, the receiving licensee shall notify the originator.
- D. Each licensee, who transports or plans to transport a shipment of a category 2 quantity of radioactive material, and determines that the shipment will arrive after the no-later-than arrival time provided pursuant to paragraph (B), shall promptly notify the receiving licensee of the new no-later-than arrival time.
- E. The licensee shall retain a copy of the documentation for preplanning and coordination and any revision thereof, as a record for 3 years.

**Historical Note**

New Section R9-7-1975 recodified from R12-1-1975 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1976. Reserved****Historical Note**

Section R9-7-1976 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1977. Advance Notification of Shipment of Category 1 Quantities of Radioactive Material**

As specified in subsections (A) and (B), each licensee shall provide advance notification to the Department and the governor of a State, or the governor's designee, of the shipment of licensed material in a category 1 quantity, through or across the boundary of the State, before the transport, or delivery to a carrier for transport of the licensed material outside the confines of the licensee's facility or other place of use or storage.

## 1. Procedures for submitting advance notification:

- a. The notification shall be made to the Department and to the office of each appropriate governor or governor's designee. The contact information, including telephone and mailing addresses, of governors and governors' designees, is available on the NRC's website at <http://nrc-stp.ornl.gov/special/designee.pdf>. A list of the contact information is also available upon request from the Director, Division of Material Safety, State, Tribal, and Rulemaking Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Notifications to the Department shall be to the Department Director or their designee. The notification to the Department may be made by email to [ram@azdhs.gov](mailto:ram@azdhs.gov) or by fax to (602) 437-0705.
  - b. A notification delivered by mail shall be postmarked at least 7 days before transport of the shipment commences at the shipping facility.
  - c. A notification delivered by any means other than mail shall reach the Department at least 4 days before the transport of the shipment commences and shall reach the office of the governor or the governor's designee at least 4 days before transport of a shipment within or through the State.
2. Information to be furnished in advance notification of shipment: Each advance notification of shipment of category 1 quantities of radioactive material shall contain the following information, if available at the time of notification:
- a. The name, address, and telephone number of the shipper, carrier, and receiver of the category 1 radioactive material;
  - b. The license numbers of the shipper and receiver;
  - c. A description of the radioactive material contained in the shipment, including the radionuclides and quantity;
  - d. The point of origin of the shipment and the estimated time and date that shipment will commence;
  - e. The estimated time and date that the shipment is expected to enter each State along the route;
  - f. The estimated time and date of arrival of the shipment at the destination; and
  - g. A point of contact, with a telephone number, for current shipment information.
3. Revision notice:
- a. The licensee shall provide any information not previously available at the time of the initial notification, as soon as the information becomes available but not later than commencement of the shipment, to the governor of the State or the governor's designee and to the Department Director at the contact information available in R9-7-1907.

## Department of Health Services - Radiation Control

- b. A licensee shall promptly notify the governor of the state or the governor's designee of any changes to the information provided in accordance with subsections (B) and (C)(1). The licensee shall also immediately notify the Department Director at the contact information available in R9-7-1907 of any such changes.
- 4. Cancellation notice: Each licensee who cancels a shipment for which advance notification has been sent shall send a cancellation notice to the governor of each State or to the governor's designee previously notified and to the Department Director at the contact information available in R9-7-1907. The licensee shall send the cancellation notice before the shipment would have commenced or as soon thereafter as possible. The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being cancelled.
- 5. Records: The licensee shall retain a copy of the advance notification and any revision and cancellation notices as a record for 3 years.
- 6. Protection of information: State officials, State employees, and other individuals, whether or not licensees of the Department, the NRC, or an Agreement State, who receive schedule information of the kind specified R9-7-1977 shall protect that information against unauthorized disclosure as specified in R9-7-1943(D) of this Article.

**Historical Note**

New Section R9-7-1977 recodified from R12-1-1977 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1978. Reserved****Historical Note**

Section R9-7-1978 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1979. Requirements for Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material During Shipment****A. Shipments by road:**

- 1. Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a category 1 quantity of radioactive material shall:
  - a. Ensure that movement control centers are established that maintain position information from a remote location. These control centers shall monitor shipments 24 hours a day, 7 days a week, and have the ability to communicate immediately, in an emergency, with the appropriate law enforcement agencies.
  - b. Ensure that redundant communications are established that allow the transport to contact the escort vehicle (when used) and movement control center at all times. Redundant communications may not be subject to the same interference factors as the primary communication.
  - c. Ensure that shipments are continuously and actively monitored by a telemetric position monitoring system or an alternative tracking system reporting to a movement control center. A movement control center shall provide positive confirmation of the location, status, and control over the shipment. The movement control center shall be prepared to promptly implement preplanned procedures in response to deviations from the authorized route or a notification of actual, attempted, or suspicious activities related to the theft, loss, or diversion of a ship-

ment. These procedures will include, but not be limited to, the identification of and contact information for the appropriate LLEA along the shipment route.

- d. Provide an individual to accompany the driver for those highway shipments with a driving time period greater than the maximum number of allowable hours of service in a 24-hour duty day as established by the Department of Transportation Federal Motor Carrier Safety Administration. The accompanying individual may be another driver.
- e. Develop written normal and contingency procedures to address:
  - i. Notifications to the communication center and law enforcement agencies;
  - ii. Communication protocols. Communication protocols shall include a strategy for the use of authentication codes and duress codes and provisions for refueling or other stops, detours, and locations where communication is expected to be temporarily lost;
  - iii. Loss of communications; and
  - iv. Responses to an actual or attempted theft or diversion of a shipment.
- f. Each licensee who makes arrangements for the shipment of category 1 quantities of radioactive material shall ensure that drivers, accompanying personnel, and movement control center personnel have access to the normal and contingency procedures.
- 2. Each licensee that transports category 2 quantities of radioactive material shall maintain constant control and/or surveillance during transit and have the capability for immediate communication to summon appropriate response or assistance.
- 3. Each licensee who delivers to a carrier for transport, in a single shipment, a category 2 quantity of radioactive material shall:
  - a. Use carriers that have established package tracking systems. An established package tracking system is a documented, proven, and reliable system routinely used to transport objects of value. In order for a package tracking system to maintain constant control and/or surveillance, the package tracking system shall allow the shipper or transporter to identify when and where the package was last and when it should arrive at the next point of control.
  - b. Use carriers that maintain constant control and/or surveillance during transit and have the capability for immediate communication to summon appropriate response or assistance; and
  - c. Use carriers that have established tracking systems that require an authorized signature prior to releasing the package for delivery or return.
- B. Shipments by rail:**
  - 1. Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a category 1 quantity of radioactive material shall:
    - a. Ensure that rail shipments are monitored by a telemetric position monitoring system or an alternative tracking system reporting to the licensee, third-party, or railroad communications center. The communications center shall provide positive confirmation of the location of the shipment and its status. The communications center shall implement preplanned procedures in response to deviations from the authorized route or to a notification of actual,



## Department of Health Services - Radiation Control

attempted, or suspicious activities related to the theft or diversion of a shipment. These procedures will include, but not be limited to, the identification of and contact information for the appropriate LLEA along the shipment route.

- b. Ensure that periodic reports to the communications center are made at preset intervals.
2. Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a category 2 quantity of radioactive material shall:
  - a. Use carriers that have established package tracking systems. An established package tracking system is a documented, proven, and reliable system routinely used to transport objects of value. In order for a package tracking system to maintain constant control and/or surveillance, the package tracking system shall allow the shipper or transporter to identify when and where the package was last and when it should arrive at the next point of control.
  - b. Use carriers that maintain constant control and/or surveillance during transit and have the capability for immediate communication to summon appropriate response or assistance; and
  - c. Use carriers that have established tracking systems that require an authorized signature prior to releasing the package for delivery or return.
- C. Investigations: Each licensee who makes arrangements for the shipment of category 1 quantities of radioactive material shall immediately conduct an investigation upon the discovery that a category 1 shipment is lost or missing. Each licensee who makes arrangements for the shipment of category 2 quantities of radioactive material shall immediately conduct an investigation, in coordination with the receiving licensee, of any shipment that has not arrived by the designated no-later-than arrival time.

**Historical Note**

New Section R9-7-1979 recodified from R12-1-1979 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1980. Reserved****Historical Note**

Section R9-7-1980 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1981. Reporting of Events**

- A. Within one hour of its determination that a shipment of category 1 quantities of radioactive material is lost or missing, a shipping licensee shall notify the appropriate LLEA and the Department. The Department shall be notified by calling (602) 255-4845 during business hours, or by calling the after-hours emergency Department of Public Safety dispatch line, at (602) 223-2212. The appropriate LLEA is the law enforcement agency in the area of the shipment's last confirmed location. During the investigation required by R9-7-1979(C), the shipping licensee shall provide agreed upon updates to the Department on the status of the investigation.
- B. Within four (4) hours of its determination that a shipment of category 2 quantities of radioactive material is lost or missing, a shipping licensee shall notify the appropriate LLEA and the Department. The Department shall be notified by calling (602) 255-4845 during business hours, or by calling the after-hours emergency Department of Public Safety dispatch line, at (602) 223-2212. If, after 24 hours of its determination that the shipment is lost or missing, the radioactive material has not been located and secured, the licensee shall immediately notify the Department.

- C. The shipping licensee shall notify the designated LLEA along the shipment route as soon as possible upon discovery of any actual or attempted theft or diversion of a shipment or suspicious activities related to the theft or diversion of a shipment of a category 1 quantity of radioactive material. As soon as possible after notifying the LLEA, the licensee shall notify the Department upon discovery of any actual or attempted theft or diversion of a shipment, or any suspicious activity related to the shipment of category 1 radioactive material. The Department shall be notified by calling (602) 255-4845 during business hours, or by calling the after-hours emergency Department of Public Safety dispatch line, at (602) 223-2212.
- D. The shipping licensee shall notify the Department as soon as possible upon discovery of any actual or attempted theft or diversion of a shipment, or any suspicious activity related to the shipment, of a category 2 quantity of radioactive material. The Department shall be notified by calling (602) 255-4845 during business hours, or by calling the after-hours emergency Department of Public Safety dispatch line, at (602) 223-2212.
- E. The shipping licensee shall notify the Department and the LLEA as soon as possible upon recovery of any lost or missing category 1 quantities of radioactive material. The Agency shall be notified by calling (602) 255-4845 during business hours, or by calling the after-hours emergency Department of Public Safety dispatch line, at (602) 223-2212.
- F. The shipping licensee shall notify the Department as soon as possible upon recovery of any lost or missing category 2 quantities of radioactive material. The Department shall be notified by calling (602) 255-4845 during business hours, or by calling the after-hours emergency Department of Public Safety dispatch line, at (602) 223-2212.
- G. The initial telephonic notification required by subsections (A) through (D) shall be followed within a period of 30 days by a written report submitted to the Department by an appropriate method listed in R9-7-1907. A written report is not required for notifications on suspicious activities required by subsections (C) and (D). The report shall set forth the following information:
  1. A description of the licensed material involved, including kind, quantity, and chemical and physical form;
  2. A description of the circumstances under which the loss or theft occurred;
  3. A statement of disposition, or probable disposition, of the licensed material involved;
  4. Actions that have been taken, or will be taken, to recover the material; and
  5. Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed material.
- H. Subsequent to filing the written report, the licensee shall also report any additional substantive information on the loss or theft within 30 days after the licensee learns of such information.

**Historical Note**

New Section R9-7-1981 recodified from R12-1-1981 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-1982. Reserved****Historical Note**

Section R9-7-1982 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1983. Reserved**

## Department of Health Services - Radiation Control

**Historical Note**

Section R9-7-1983 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1984. Reserved****Historical Note**

Section R9-7-1984 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1985. Reserved****Historical Note**

Section R9-7-1985 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1986. Reserved****Historical Note**

Section R9-7-1986 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1987. Reserved****Historical Note**

Section R9-7-1987 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1988. Reserved****Historical Note**

Section R9-7-1988 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1989. Reserved****Historical Note**

Section R9-7-1989 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1990. Reserved****Historical Note**

Section R9-7-1990 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1991. Reserved****Historical Note**

Section R9-7-1991 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1992. Reserved****Historical Note**

Section R9-7-1992 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1993. Reserved****Historical Note**

Section R9-7-1993 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1994. Reserved****Historical Note**

Section R9-7-1994 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1995. Reserved****Historical Note**

Section R9-7-1995 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1996. Reserved****Historical Note**

Section R9-7-1996 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1997. Reserved****Historical Note**

Section R9-7-1997 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1998. Reserved****Historical Note**

Section R9-7-1998 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-1999. Reserved****Historical Note**

Section R9-7-1999 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-19100. Reserved****Historical Note**

Section R9-7-19100 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-19101. Form of Records**

Each record required by this Article shall be legible throughout the retention period specified by each Department rule. The record may be the original or a reproduced copy or a microform, provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications, shall include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

**Historical Note**

New Section R9-7-19101 recodified from R12-1-19101 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-19102. Reserved****Historical Note**

Section R9-7-19102 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-19103. Record Retention**

Licensees shall maintain the records that are required by the rules in this Article for the period specified by the appropriate rule. If a retention period is not otherwise specified, these records shall be retained until the Department terminates the facility's license. All records related to this Article may be destroyed upon Department termination of the facility's license.

**Historical Note**

New Section R9-7-19103 recodified from R12-1-19103 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-19104. Reserved****Historical Note**

Section R9-7-19104 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-19105. Inspections**

A. Each licensee shall afford to the Department, at all reasonable times, opportunity to inspect category 1 or category 2 quanti-

## Department of Health Services - Radiation Control

ties of radioactive material and the premises and facilities wherein the nuclear material is used, produced, or stored.

- B.** Each licensee shall make available to the Department for inspection, upon reasonable notice, records kept by the licensee pertaining to its receipt, possession, use, acquisition, import, export, or transfer of category 1 or category 2 quantities of radioactive material.

**Historical Note**

New Section R9-7-19105 recodified from R12-1-19105 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-19106. Reserved****Historical Note**

Section R9-7-19106 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-19107. Violations**

- A.** The Department may obtain an injunction or other court order to prevent a violation of the provisions of:
1. A.R.S. § 30-685, as amended;
  2. A.A.C. Title 9, Chapter 7; or
  3. A rule or order issued by the Department pursuant to Statute or the rules under A.A.C. Title 9, Chapter 7.
- B.** The Department may obtain a court order for the payment of a civil penalty imposed under A.R.S. § 30-687, as amended:
1. For violations of:
    - a. The rules in A.A.C. Title 9, Chapter 7, as amended;

- b. Nonpayment of fees listed in A.A.C. Title 9, Chapter 7, Article 13;
- c. Any rule, or order issued pursuant to the sections specified in subsection (B)(1)(a);
- d. Any term, condition, or limitation of any license issued under the sections specified in subsection (B)(1)(a).

2. For any violation for which a license may be revoked.

**Historical Note**

New Section R9-7-19107 recodified from R12-1-19107 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R9-7-19108. Reserved****Historical Note**

Section R9-7-19108 reserved when the Chapter was recodified from 12 A.A.C. 1 (Supp. 18-1).

**R9-7-19109. Criminal Penalties**

Arizona Revised Statutes § 30-673, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any rule issued under A.A.C. Title 9, Chapter 7. For purposes of this section, all the rules in this Article are issued under A.R.S. § 30-673 or the rules of the Department.

**Historical Note**

New Section R9-7-19109 recodified from R12-1-19109 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. - Table 1 - Category 1 and Category 2 Threshold**

The terabecquerel (TBq) values are the regulatory standard. The curie (Ci) values specified are obtained by converting from the TBq value. The curie values are provided for practical usefulness only.

Radioactive Material	Category 1 (TBq)	Category 1 (Ci)	Category 2 (TBq)	Category 2 (Ci)
Americium-241	60	1,620	0.6	16.2
Americium-241/Be	60	1,620	0.6	16.2
Californium-252	20	540	0.2	5.40
Cobalt-60	30	810	0.3	8.10
Curium-244	50	1,350	0.5	13.5
Cesium-137	100	2,700	1	27.0
Gadolinium-153	1,000	27,000	10	270
Iridium-192	80	2,160	0.8	21.6
Plutonium-238	60	1,620	0.6	16.2
Plutonium-239/Be	60	1,620	0.6	16.2
Promethium-147	40,000	1,080,000	400	10,800
Radium-226	40	1,080	0.4	10.8
Selenium-75	200	5,400	2	54.0
Strontium-90	1,000	27,000	10	270
Thulium-170	20,000	540,000	200	5,400
Ytterbium-169	300	8,100	3	81.0

**Note:** Calculations Concerning Multiple Sources or Multiple Radionuclides

The “sum of fractions” methodology for evaluating combinations of multiple sources or multiple radionuclides is to be used in determining whether a location meets or exceeds the threshold and is thus subject to the requirements of this part.

1. If multiple sources of the same radionuclide and/or multiple radionuclides are aggregated at a location, the sum of the ratios of the total activity of each of the radionuclides shall be determined to verify whether the activity at the location is less than the category 1 or category 2 thresholds of Table 1, as appropriate. If the calculated sum of the ratios, using the equation below, is greater than or equal to 1.0, then the applicable requirements of this part apply.
2. First determine the total activity for each radionuclide from Table 1. This is done by roadding the activity of each individual source, material in any device, and any loose or bulk material that contains the radionuclide. Then use the equation below to calculate the sum of the ratios by inserting the total activity of the applicable radionuclides from Table 1 in the numerator of the equation and the corresponding threshold activity from Table 1 in the denominator of the equation.

## Department of Health Services - Radiation Control

Calculations shall be performed in metric values (i.e., TBq) and the numerator and denominator values shall be in the same units.

R1 = total activity for radionuclide 1

R2 = total activity for radionuclide 2

RN = total activity for radionuclide n

AR1 = activity threshold for radionuclide 1

AR2 = activity threshold for radionuclide 2

ARN = activity threshold for radionuclide n

$$\sum_{i=1}^n \left[ \frac{R1}{AR1} + \frac{R2}{AR2} + \frac{RN}{ARN} \right] \geq 1.0$$

**Historical Note**

New Article 19, Appendix A, Table 1 recodified from 12 A.A.C. 1, Article 19, Appendix A, Table 1 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 9. HEALTH SERVICES

### CHAPTER 8. DEPARTMENT OF HEALTH SERVICES - FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

<a href="#">R9-8-201.</a>	<a href="#">Definitions .....</a>	<a href="#">14</a>	<a href="#">R9-8-304.</a>	<a href="#">Inspections .....</a>	<a href="#">17</a>
<a href="#">R9-8-203.</a>	<a href="#">Application for an Approval of a Source .....</a>	<a href="#">15</a>	<a href="#">R9-8-306.</a>	<a href="#">Repealed .....</a>	<a href="#">17</a>
<a href="#">R9-8-205.</a>	<a href="#">Quality Testing Requirements .....</a>	<a href="#">15</a>	<a href="#">R9-8-307.</a>	<a href="#">Repealed .....</a>	<a href="#">17</a>
<a href="#">R9-8-206.</a>	<a href="#">Labeling Requirements .....</a>	<a href="#">16</a>	<a href="#">R9-8-401.</a>	<a href="#">Definitions .....</a>	<a href="#">17</a>
<a href="#">R9-8-301.</a>	<a href="#">Definitions .....</a>	<a href="#">16</a>	<a href="#">R9-8-402.</a>	<a href="#">Initial and Renewal License Application Process ..</a>	<a href="#">18</a>
<a href="#">R9-8-302.</a>	<a href="#">General Requirements .....</a>	<a href="#">17</a>			
<a href="#">R9-8-303.</a>	<a href="#">Public Portable Toilet Requirements .....</a>	<a href="#">17</a>			

#### Questions about these rules? Contact:

Department: Arizona Department of Health Services  
Division of Public Health Services, Public  
Health Preparedness, Office of Environmental  
Health

Name: Eric Thomas, Chief

Address: 150 N. 18th Ave., Suite 140  
Phoenix, AZ 85007-3248

Telephone: (602) 364-0929

Fax: (602) 364-3146

E-mail: [Eric.Thomas@azdhs.gov](mailto:Eric.Thomas@azdhs.gov)

or

Name: Robert Lane, Chief

Address: Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: [Robert.Lane@azdhs.gov](mailto:Robert.Lane@azdhs.gov)

<https://azdhs.gov/director/administrative-counsel-rules/rules/>

#### The release of this Chapter in supplement 18-1 replaces supplement 11-4, 1-33 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 9. HEALTH SERVICES****CHAPTER 8. DEPARTMENT OF HEALTH SERVICES - FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION****ARTICLE 1. FOOD AND DRINK**

R9-8-101.	Definitions .....	5	R9-8-157.	Reserved .....	13
R9-8-102.	Applicability .....	5	R9-8-158.	Reserved .....	13
R9-8-103.	Food Establishment License Application .....	6	R9-8-159.	Reserved .....	13
R9-8-104.	Time-frames .....	6	R9-8-160.	Repealed .....	13
Table 1.	Time-frames (in days) .....	7	R9-8-161.	Repealed .....	13
R9-8-105.	Issuance of License .....	8	R9-8-162.	Repealed .....	13
R9-8-106.	License Suspension or Revocation .....	8	R9-8-163.	Repealed .....	13
R9-8-107.	Food Safety Requirements .....	8	R9-8-164.	Repealed .....	13
R9-8-108.	Inspection Standardization and Documentation .....	10	R9-8-165.	Repealed .....	13
R9-8-109.	Cease and Desist and Abatement .....	11	R9-8-166.	Reserved .....	13
R9-8-110.	Reserved .....	11	R9-8-167.	Reserved .....	13
R9-8-111.	Repealed .....	11	R9-8-168.	Reserved .....	13
R9-8-112.	Repealed .....	11	R9-8-169.	Reserved .....	13
R9-8-113.	Repealed .....	11	R9-8-170.	Reserved .....	13
R9-8-114.	Repealed .....	11	R9-8-171.	Repealed .....	13
R9-8-115.	Repealed .....	11	R9-8-172.	Repealed .....	13
R9-8-116.	Repealed .....	11	R9-8-173.	Repealed .....	13
R9-8-117.	Repealed .....	12	R9-8-174.	Repealed .....	13
R9-8-118.	Repealed .....	12	R9-8-175.	Repealed .....	13
R9-8-119.	Repealed .....	12	R9-8-176.	Repealed .....	13
R9-8-120.	Reserved .....	12	R9-8-177.	Repealed .....	13
R9-8-121.	Repealed .....	12	R9-8-178.	Repealed .....	13
R9-8-122.	Repealed .....	12	R9-8-179.	Reserved .....	13
R9-8-123.	Repealed .....	12	R9-8-180.	Reserved .....	13
R9-8-124.	Repealed .....	12	R9-8-181.	Repealed .....	13
R9-8-125.	Repealed .....	12	R9-8-182.	Repealed .....	13
R9-8-126.	Repealed .....	12	R9-8-183.	Repealed .....	14
R9-8-127.	Repealed .....	12	R9-8-184.	Repealed .....	14
R9-8-128.	Reserved .....	12	R9-8-185.	Repealed .....	14
R9-8-129.	Reserved .....	12	R9-8-186.	Repealed .....	14
R9-8-130.	Reserved .....	12	R9-8-187.	Repealed .....	14
R9-8-131.	Repealed .....	12	R9-8-188.	Repealed .....	14
R9-8-132.	Repealed .....	12	R9-8-189.	Repealed .....	14
R9-8-133.	Repealed .....	12	R9-8-190.	Reserved .....	14
R9-8-134.	Repealed .....	12	R9-8-191.	Repealed .....	14
R9-8-135.	Repealed .....	12			
R9-8-136.	Repealed .....	12			
R9-8-137.	Repealed .....	12			
R9-8-138.	Repealed .....	12			
R9-8-139.	Repealed .....	12			
R9-8-140.	Repealed .....	12			
R9-8-141.	Reserved .....	12			
R9-8-142.	Reserved .....	12			
R9-8-143.	Reserved .....	12			
R9-8-144.	Reserved .....	12			
R9-8-145.	Reserved .....	12			
R9-8-146.	Reserved .....	13			
R9-8-147.	Reserved .....	13			
R9-8-148.	Reserved .....	13			
R9-8-149.	Reserved .....	13			
R9-8-150.	Reserved .....	13			
R9-8-151.	Repealed .....	13			
R9-8-152.	Reserved .....	13			
R9-8-153.	Reserved .....	13			
R9-8-154.	Reserved .....	13			
R9-8-155.	Reserved .....	13			
R9-8-156.	Repealed .....	13			

**ARTICLE 2. BOTTLED WATER**

*New Article 2, consisting of Sections R9-8-201 through R9-8-209, adopted effective August 6, 1990 (Supp. 90-3).*

*Former Article 2 renumbered to Title 18, Chapter 4, Article 2.*

Section		
R9-8-201.	Definitions .....	14
R9-8-202.	General Requirements .....	15
R9-8-203.	Application for an Approval of a Source .....	15
R9-8-204.	Time-frames .....	15
R9-8-205.	Quality Testing Requirements .....	15
R9-8-206.	Labeling Requirements .....	16
R9-8-207.	Repealed .....	16
R9-8-208.	Repealed .....	16
R9-8-209.	Repealed .....	16

**ARTICLE 3. PUBLIC PORTABLE TOILETS**

*New Article 3, consisting of Sections R9-8-301 thru R9-8-308, adopted effective April 10, 1997 (Supp. 97-2).*

*Article 3, renumbered to Title 18, Chapter 9, Article 8 (Supp. 87-3).*

## Department of Health Services - Food, Recreational, and Institutional Sanitation

Section	
R9-8-301.	Definitions ..... 16
R9-8-302.	General Requirements ..... 17
R9-8-303.	Public Portable Toilet Requirements ..... 17
R9-8-304.	Inspections ..... 17
R9-8-305.	Expired ..... 17
R9-8-306.	Repealed ..... 17
R9-8-307.	Repealed ..... 17
R9-8-308.	Expired ..... 17

**ARTICLE 4. CHILDREN'S CAMPS**

*Article 4, consisting of Sections R9-8-401 through R9-8-403, made by final rulemaking at 8 A.A.R. 3716, effective August 9, 2002 (Supp. 02-3).*

*Article 4, consisting of Sections R9-8-411 through R9-8-416, R9-8-421, R9-8-426 through R9-8-428, and R9-8-431 through R9-8-433 renumbered as Article 5, Sections R18-8-501 through R18-8-513 (Supp. 87-3).*

Section	
R9-8-401.	Definitions ..... 17
R9-8-402.	Initial and Renewal License Application Process ..... 18
R9-8-403.	Time-frames ..... 18

**ARTICLE 5. TRAILER COACH PARKS**

Section	
R9-8-501.	Reserved ..... 19
R9-8-502.	Reserved ..... 19
R9-8-503.	Reserved ..... 19
R9-8-504.	Reserved ..... 19
R9-8-505.	Reserved ..... 19
R9-8-506.	Reserved ..... 19
R9-8-507.	Reserved ..... 19
R9-8-508.	Reserved ..... 19
R9-8-509.	Reserved ..... 19
R9-8-510.	Reserved ..... 19
R9-8-511.	Expired ..... 19
R9-8-512.	Definitions ..... 19
R9-8-513.	Reserved ..... 19
R9-8-514.	Reserved ..... 19
R9-8-515.	Reserved ..... 19
R9-8-516.	Reserved ..... 19
R9-8-517.	Reserved ..... 19
R9-8-518.	Reserved ..... 19
R9-8-519.	Reserved ..... 19
R9-8-520.	Reserved ..... 19
R9-8-521.	Plans and specifications ..... 19
R9-8-522.	Application ..... 19
R9-8-523.	Park plan ..... 19
R9-8-524.	Reserved ..... 19
R9-8-525.	Reserved ..... 19
R9-8-526.	Reserved ..... 19
R9-8-527.	Reserved ..... 19
R9-8-528.	Reserved ..... 19
R9-8-529.	Reserved ..... 19
R9-8-530.	Reserved ..... 19
R9-8-531.	Water supply ..... 19
R9-8-532.	Reserved ..... 19
R9-8-533.	Sewage disposal system ..... 19
R9-8-534.	Reserved ..... 20
R9-8-535.	Reserved ..... 20
R9-8-536.	Reserved ..... 20
R9-8-537.	Reserved ..... 20
R9-8-538.	Reserved ..... 20
R9-8-539.	Reserved ..... 20

R9-8-540.	Reserved ..... 20
R9-8-541.	Sanitation facilities ..... 20
R9-8-542.	Service buildings ..... 20
R9-8-543.	Toilet facilities ..... 20
R9-8-544.	Community kitchens; recreational facilities ..... 20
R9-8-545.	Reserved ..... 20
R9-8-546.	Reserved ..... 20
R9-8-547.	Reserved ..... 20
R9-8-548.	Reserved ..... 20
R9-8-549.	Reserved ..... 20
R9-8-550.	Reserved ..... 20
R9-8-551.	Waste disposal ..... 20
R9-8-552.	Reserved ..... 20
R9-8-553.	Reserved ..... 20
R9-8-554.	Reserved ..... 20
R9-8-555.	Reserved ..... 20
R9-8-556.	Reserved ..... 20
R9-8-557.	Reserved ..... 21
R9-8-558.	Reserved ..... 21
R9-8-559.	Reserved ..... 21
R9-8-560.	Reserved ..... 21
R9-8-561.	Expired ..... 21

**ARTICLE 6. CAMP GROUNDS**

Section	
R9-8-601.	Reserved ..... 21
R9-8-602.	Reserved ..... 21
R9-8-603.	Reserved ..... 21
R9-8-604.	Reserved ..... 21
R9-8-605.	Reserved ..... 21
R9-8-606.	Reserved ..... 21
R9-8-607.	Reserved ..... 21
R9-8-608.	Reserved ..... 21
R9-8-609.	Reserved ..... 21
R9-8-610.	Reserved ..... 21
R9-8-611.	Scope ..... 21
R9-8-612.	Supervision ..... 21
R9-8-613.	Water supply ..... 21
R9-8-614.	Protection against fires ..... 21
R9-8-615.	Sewage and refuse disposal ..... 21
R9-8-616.	Toilets ..... 21
R9-8-617.	Construction and maintenance of buildings ..... 21

**ARTICLE 7. PUBLIC SCHOOLS**

Section	
R9-8-701.	Definitions ..... 22
R9-8-702.	General Provisions ..... 23
R9-8-703.	Restroom, Bathroom, and Shower Room Requirements ..... 23
R9-8-704.	Cafeterias and Food Service ..... 23
R9-8-705.	Indoor Areas ..... 23
R9-8-706.	Water Supply ..... 23
Table 1.	Kindergarten to Eighth Grade ..... 24
Table 2.	Ninth Grade to Twelfth Grade ..... 24
R9-8-707.	Sewage Disposal ..... 24
R9-8-708.	Refuse Management ..... 24
R9-8-709.	Animal Standards ..... 24
R9-8-710.	Pest Control ..... 25
R9-8-711.	Inspections ..... 25
R9-8-712.	Repealed ..... 25
R9-8-713.	Repealed ..... 25
R9-8-714.	Repealed ..... 25
R9-8-715.	Repealed ..... 25
R9-8-716.	Repealed ..... 25
R9-8-717.	Repealed ..... 25



## Department of Health Services – Food, Recreational, and Institutional Sanitation

**ARTICLE 8. PUBLIC AND SEMIPUBLIC SWIMMING POOLS AND BATHING PLACES**

Section	
R9-8-801.	Definitions ..... 25
R9-8-802.	Applicability ..... 26
R9-8-803.	Public and Semipublic Swimming Pool and Spa Water Quality and Disinfection Standards ..... 26
R9-8-804.	Public and Semipublic Swimming Pool and Spa Water Circulation Requirements ..... 26
R9-8-805.	Public and Semipublic Swimming Pool and Spa Maximum Bathing Loads ..... 26
R9-8-806.	Posting Requirements ..... 26
R9-8-807.	Public and Semipublic Swimming Pool and Spa and Bathing Place Facility Sanitation ..... 27
R9-8-808.	Bathing Place Towels ..... 27
R9-8-809.	Disposal of Sewage, Filter Backwash, and Wasted Swimming Pool or Spa Water ..... 27
R9-8-810.	Fecal Contamination in Public and Semipublic Swimming Pools and Spas ..... 27
R9-8-811.	Natural and Semi-artificial Bathing Place and Artificial Lake Water Quality Standards ..... 27
R9-8-812.	Inspections ..... 27
R9-8-813.	Cease and Desist and Abatement ..... 27
R9-8-814.	Repealed ..... 28
R9-8-815.	Repealed ..... 28
R9-8-816.	Repealed ..... 28
R9-8-817.	Repealed ..... 28
R9-8-818.	Reserved ..... 28
R9-8-819.	Reserved ..... 28
R9-8-820.	Reserved ..... 28
R9-8-821.	Repealed ..... 28
R9-8-822.	Repealed ..... 28
R9-8-823.	Repealed ..... 28
R9-8-824.	Repealed ..... 28
R9-8-825.	Reserved ..... 28
R9-8-826.	Reserved ..... 28
R9-8-827.	Reserved ..... 28
R9-8-828.	Reserved ..... 28
R9-8-829.	Reserved ..... 28
R9-8-830.	Reserved ..... 28
R9-8-831.	Repealed ..... 28
R9-8-832.	Repealed ..... 28
R9-8-833.	Repealed ..... 28
R9-8-834.	Repealed ..... 28
R9-8-835.	Repealed ..... 29
R9-8-836.	Repealed ..... 29
R9-8-837.	Repealed ..... 29
R9-8-838.	Repealed ..... 29
R9-8-839.	Repealed ..... 29
R9-8-840.	Reserved ..... 29
R9-8-841.	Repealed ..... 29
Exhibit A.	Repealed ..... 29
R9-8-842.	Repealed ..... 29
R9-8-843.	Repealed ..... 29
R9-8-844.	Repealed ..... 29
R9-8-845.	Repealed ..... 29
R9-8-846.	Repealed ..... 29
R9-8-847.	Repealed ..... 29
R9-8-848.	Reserved ..... 29
R9-8-849.	Reserved ..... 29
R9-8-850.	Reserved ..... 29
R9-8-851.	Repealed ..... 29
R9-8-852.	Repealed ..... 29

**ARTICLE 9. EXPIRED**

*Article 9, consisting of Sections R9-8-901 through R9-8-917, expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).*

*Article 9, consisting of Sections R9-8-901 thru R9-8-917, adopted effective October 30, 1998 (Supp. 98-4).*

Section	
R9-8-901.	Expired ..... 30
R9-8-902.	Expired ..... 30
R9-8-903.	Expired ..... 30
R9-8-904.	Expired ..... 30
R9-8-905.	Expired ..... 30
R9-8-906.	Expired ..... 30
R9-8-907.	Expired ..... 30
R9-8-908.	Expired ..... 30
R9-8-909.	Expired ..... 30
R9-8-910.	Expired ..... 30
R9-8-911.	Expired ..... 30
R9-8-912.	Expired ..... 30
R9-8-913.	Expired ..... 30
R9-8-914.	Expired ..... 30
R9-8-915.	Expired ..... 30
R9-8-916.	Expired ..... 30
R9-8-917.	Expired ..... 30

**ARTICLE 10. RENUMBERED**

*See Title 18, Chapter 5, Article 4.*

**ARTICLE 11. PRESERVATION, TRANSPORTATION, AND DISPOSITION OF HUMAN REMAINS**

*Article 11, consisting of Section R9-8-1111, repealed effective April 10, 1997 (Supp. 97-2).*

Section	
R9-8-1101.	Reserved ..... 30
R9-8-1102.	Expired ..... 30
R9-8-1103.	Expired ..... 30
R9-8-1104.	Expired ..... 30
R9-8-1105.	Expired ..... 31
R9-8-1106.	Expired ..... 31
R9-8-1107.	Expired ..... 31
R9-8-1108.	Expired ..... 31
R9-8-1109.	Reserved ..... 31
R9-8-1110.	Reserved ..... 31
R9-8-1111.	Repealed ..... 31

**ARTICLE 12. RENUMBERED**

*See Title 18, Chapter 8, Article 6.*

**ARTICLE 13. HOTELS, MOTELS, AND TOURIST COURTS**

Section	
R9-8-1301.	Reserved ..... 31
R9-8-1302.	Reserved ..... 31
R9-8-1303.	Reserved ..... 31
R9-8-1304.	Reserved ..... 31
R9-8-1305.	Reserved ..... 31
R9-8-1306.	Reserved ..... 31
R9-8-1307.	Reserved ..... 31
R9-8-1308.	Reserved ..... 31
R9-8-1309.	Reserved ..... 31
R9-8-1310.	Reserved ..... 31
R9-8-1311.	Expired ..... 31
R9-8-1312.	Definitions ..... 31
R9-8-1313.	Expired ..... 31
R9-8-1314.	Inspection ..... 31

## Department of Health Services - Food, Recreational, and Institutional Sanitation

R9-8-1315.	Expired .....	31
R9-8-1316.	Reserved .....	31
R9-8-1317.	Reserved .....	31
R9-8-1318.	Reserved .....	31
R9-8-1319.	Reserved .....	31
R9-8-1320.	Reserved .....	31
R9-8-1321.	Dwelling units .....	31
R9-8-1322.	Grounds .....	32
R9-8-1323.	Reserved .....	32
R9-8-1324.	Reserved .....	32
R9-8-1325.	Reserved .....	32
R9-8-1326.	Reserved .....	32
R9-8-1327.	Reserved .....	32
R9-8-1328.	Reserved .....	32
R9-8-1329.	Reserved .....	32
R9-8-1330.	Reserved .....	32
R9-8-1331.	Bedding .....	32
R9-8-1332.	Food service .....	32
R9-8-1333.	Drinking water; ice .....	32
R9-8-1334.	Refuse .....	32
R9-8-1335.	Water supply .....	32
R9-8-1336.	Toilet; lavatory .....	32
R9-8-1337.	Sewage disposal .....	32
R9-8-1338.	Plumbing .....	32

**ARTICLE 14. REPEALED**

*Article 14, consisting of Sections R9-8-1411 thru R9-8-1413, repealed effective April 10, 1997 (Supp. 97-2).*

Section		
R9-8-1411.	Repealed .....	33
R9-8-1412.	Repealed .....	33
R9-8-1413.	Repealed .....	33

**ARTICLE 15. REPEALED****ARTICLE 16. REPEALED**

Section		
R9-8-1601.	Reserved .....	33
R9-8-1602.	Reserved .....	33
R9-8-1603.	Reserved .....	33
R9-8-1604.	Reserved .....	33
R9-8-1605.	Reserved .....	33
R9-8-1606.	Reserved .....	33
R9-8-1607.	Reserved .....	33
R9-8-1608.	Reserved .....	33
R9-8-1609.	Reserved .....	33
R9-8-1610.	Reserved .....	33
R9-8-1611.	Repealed .....	33
R9-8-1612.	Repealed .....	33

R9-8-1613.	Reserved .....	33
R9-8-1614.	Repealed .....	33
R9-8-1615.	Repealed .....	33
R9-8-1616.	Repealed .....	33
R9-8-1617.	Repealed .....	33
R9-8-1618.	Repealed .....	33
R9-8-1619.	Repealed .....	33
R9-8-1620.	Repealed .....	33
R9-8-1621.	Repealed .....	33
R9-8-1622.	Repealed .....	33
R9-8-1623.	Reserved .....	33
R9-8-1624.	Repealed .....	33
R9-8-1625.	Repealed .....	33
R9-8-1626.	Repealed .....	33
R9-8-1627.	Repealed .....	33
R9-8-1628.	Repealed .....	33
R9-8-1629.	Repealed .....	33
R9-8-1630.	Repealed .....	33
R9-8-1631.	Repealed .....	34
R9-8-1632.	Repealed .....	34
R9-8-1633.	Repealed .....	34
R9-8-1634.	Repealed .....	34
R9-8-1635.	Repealed .....	34
R9-8-1636.	Repealed .....	34
R9-8-1637.	Repealed .....	34
R9-8-1638.	Repealed .....	34
R9-8-1639.	Repealed .....	34
R9-8-1640.	Repealed .....	34
R9-8-1641.	Repealed .....	34
R9-8-1642.	Repealed .....	34
R9-8-1643.	Repealed .....	34
R9-8-1644.	Repealed .....	34
R9-8-1645.	Repealed .....	34
R9-8-1646.	Repealed .....	34
R9-8-1647.	Repealed .....	34
R9-8-1648.	Repealed .....	34
R9-8-1649.	Repealed .....	34

**ARTICLE 17. RENUMBERED**

*See Title 18, Chapter 8, Article 4.*

**ARTICLE 18. RENUMBERED**

*See Title 18, Chapter 8, Article 2.*

**ARTICLE 19. EMERGENCY EXPIRED**

*Article 19 consisting of Sections R9-8-1901 through R19-8-1905 adopted as an emergency effective June 18, 1984, pursuant to A.R.S. § 1-1003, valid for only 90 days (Supp. 84-3). Emergency expired. Language deleted (Supp. 87-2).*

## Department of Health Services – Food, Recreational, and Institutional Sanitation

**ARTICLE 1. FOOD AND DRINK****R9-8-101. Definitions**

In addition to the terms defined in the material incorporated by reference in R9-8-107, which are designated by all capital letters, the following definitions apply in this Article, unless otherwise specified:

1. “Agency” means any board, commission, department, office, or other administrative unit of the federal government, the state, or a political subdivision of the state.
2. “Applicant” means the following PERSON requesting a LICENSE:
  - a. If an individual, the individual who owns the FOOD ESTABLISHMENT;
  - b. If a corporation, any officer of the corporation;
  - c. If a limited liability company, the designated manager or, if no manager is designated, any member of the limited liability company;
  - d. If a partnership, any two of the partners;
  - e. If a joint venture, any two individuals who signed the joint venture agreement;
  - f. If a trust, the trustee of the trust;
  - g. If a religious or nonprofit organization, the individual in the senior leadership position within the organization.
  - h. If a school district, the superintendent of the district;
  - i. If an agency, the individual in the senior leadership position within the agency; or
  - j. If a county, municipality, or other political subdivision of the state, the individual in the senior leadership position within the county, municipality, or political subdivision.
3. “Department” means the Arizona Department of Health Services.
4. “Developmental disability” means the same as in A.R.S. § 36-551.
5. “FC” means the United States Food and Drug Administration publication, Food Code: 1999 Recommendations of the United States Public Health Service, Food and Drug Administration (1999), as modified and incorporated by reference in R9-8-107.
6. “Incongruous” means inconsistent with the inspection reports of other inspectors or the REGULATORY AUTHORITY as a whole because significantly more or fewer violations of individual CRITICAL ITEMS are documented.
7. “Prepare” means to process commercially for human consumption by manufacturing, packaging, labeling, cooking, or assembling.
8. “Public health control” means a method to prevent transmission of foodborne illness to the CONSUMER.
9. “Remodel” means to change the PHYSICAL FACILITIES or PLUMBING FIXTURES in a FOOD ESTABLISHMENT’S FOOD preparation, storage, or cleaning areas through construction, replacement, or relocation, but does not include the replacement of old EQUIPMENT with new EQUIPMENT of the same type.
10. “Requester” means a PERSON who requests an approval from the REGULATORY AUTHORITY, but who is not an applicant or a LICENSE HOLDER.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Amended by final rulemaking at 17 A.A.R. 2608, effective February 4, 2012 (Supp. 11-4).

**R9-8-102. Applicability**

- A. Except as provided in subsection (B), this Article applies to any FOOD ESTABLISHMENT.
- B. This Article does not apply to the following, which are not subject to routine inspection or other regulatory activities by a REGULATORY AUTHORITY:
  1. The beneficial use of wildlife meat authorized in A.R.S. § 17-240 and 12 A.A.C. 4, Article 1;
  2. Group homes, as defined in A.R.S. Title 36, Chapter 5.1, Article 1;
  3. Child care group homes, as defined in A.R.S. Title 36, Chapter 7.1, Article 4;
  4. Residential group care facilities, as defined in 6 A.A.C. 5, Article 74, that have 20 or fewer clients;
  5. Assisted living homes, as defined in 9 A.A.C. 10, Article 7;
  6. Adult day health care services, as defined in 9 A.A.C. 10, Article 7, that have 15 or fewer clients;
  7. Behavioral health service agencies, licensed under 9 A.A.C. 20, that provide residential or partial care services for 10 or fewer clients;
  8. Hospice inpatient facilities, licensed under 9 A.A.C. 10, Article 8, that have 20 or fewer patients.
  9. Food or drink that is:
    - a. Served at a noncommercial social event that takes place at a workplace, such as a potluck;
    - b. Prepared at a cooking school if:
      - i. The cooking school is conducted in the kitchen of an owner-occupied home,
      - ii. Only one meal per day is prepared and served by students of the cooking school,
      - iii. The meal prepared at the cooking school is served to not more than 15 students of the cooking school, and
      - iv. The students of the cooking school are provided with written notice that the food is prepared in a kitchen that is not regulated or inspected by a REGULATORY AUTHORITY;
    - c. Not potentially hazardous and prepared in a kitchen of a private home for occasional sale or distribution for noncommercial purposes;
    - d. Prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled, such as an employee recognition, an employee fund-raising, or an employee social event;
    - e. Offered at a child care facility and limited to commercially prepackaged food that is not potentially hazardous and whole fruits and vegetables that are washed and cut onsite for immediate consumption; or
    - f. Offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous and that is displayed in an area of less than 10 linear feet; and
  10. Baked or confectionary goods that are:
    - a. Not potentially hazardous;
    - b. Prepared in the kitchen of a private home for commercial purposes by or under the supervision of an individual who has obtained a food handler’s card, if issued by the county in which the individual resides, and is registered with the Department, as required in A.R.S. § 36-136(H)(4)(g); and
    - c. Labeled with:
      - i. The name, address, and telephone number of the individual registered with the Department;
      - ii. A list of the ingredients in the baked or confectionary goods;

## Department of Health Services - Food, Recreational, and Institutional Sanitation

- iii. A statement that the baked or confectionary goods are prepared in a private home; and
  - iv. If applicable, a statement that the baked or confectionary goods are prepared in a facility for individuals with developmental disabilities.
- C. A kitchen in a private home in which baked or confectionary goods are prepared that meets the requirements in A.R.S. § 36-136(H)(4)(g) and (H)(13) and subsection (B)(10) is an approved source of baked or confectionary goods for retail sale.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 317, effective March 14, 2003 (Supp. 03-1). Amended by final rulemaking at 12 A.A.R. 2768, effective September 9, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 2608, effective February 4, 2012 (Supp. 11-4).

**R9-8-103. Food Establishment License Application**

- A. To obtain a FOOD ESTABLISHMENT LICENSE, an applicant shall complete and submit to the REGULATORY AUTHORITY a FOOD ESTABLISHMENT LICENSE application form supplied by the REGULATORY AUTHORITY that indicates all of the following:
1. The full name, telephone number, and mailing address of the applicant;
  2. The name, telephone number, and street address of the FOOD ESTABLISHMENT;
  3. Whether the FOOD ESTABLISHMENT is mobile or stationary;
  4. Whether the FOOD ESTABLISHMENT is temporary or permanent;
  5. Whether the FOOD ESTABLISHMENT facility is one of the following:
    - a. A new construction that is not yet completed,
    - b. An existing structure that is being converted for use as a FOOD ESTABLISHMENT, or
    - c. An existing FOOD ESTABLISHMENT facility that is being remodeled;
  6. Whether the FOOD ESTABLISHMENT prepares, offers for sale, or serves POTENTIALLY HAZARDOUS FOOD;
  7. Whether the FOOD ESTABLISHMENT does any of the following:
    - a. Prepares, offers for sale, or serves POTENTIALLY HAZARDOUS FOOD only to order upon CONSUMER request;
    - b. Prepares, offers for sale, or serves POTENTIALLY HAZARDOUS FOOD in advance, in quantities based on projected CONSUMER demand;
    - c. Prepares, offers for sale, or serves POTENTIALLY HAZARDOUS FOOD using time alone, rather than time and temperature, as the public health control as described in FC § 3-501.19;
    - d. Prepares POTENTIALLY HAZARDOUS FOOD in advance using a multiple stage FOOD preparation method that may include the following:
      - i. Combining POTENTIALLY HAZARDOUS FOOD ingredients,
      - ii. Cooking,
      - iii. Cooling,
      - iv. Reheating,
      - v. Hot or cold holding,
      - vi. Freezing, or
      - vii. Thawing;

- e. Prepares FOOD as specified under subsection (A)(7)(d) for delivery to and consumption at a location off of the PREMISES where prepared;
- f. Prepares FOOD as specified under subsection (A)(7)(d) for service to a HIGHLY SUSCEPTIBLE POPULATION; or
- g. Does not prepare FOOD, but offers for sale only pre-PACKAGED FOOD that is not POTENTIALLY HAZARDOUS FOOD; and

8. The applicant's signature and the date signed.

- B. An applicant who operates FOOD ESTABLISHMENTS at multiple locations shall submit a completed LICENSE application for each location.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-104. Time-frames**

- A. This Section applies to the Department and to a local health department or public health services district to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 7.1 has been delegated by the Department.
- B. The overall time-frame described in A.R.S. § 41-1072 for each type of approval granted by the REGULATORY AUTHORITY is provided in Table 1. The applicant, LICENSE HOLDER, or requester and the REGULATORY AUTHORITY may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- C. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the REGULATORY AUTHORITY is provided in Table 1 and begins on the date that the REGULATORY AUTHORITY receives an application or request for approval.
1. The REGULATORY AUTHORITY shall mail a notice of administrative completeness or deficiencies to the applicant, LICENSE HOLDER, or requester within the administrative completeness review time-frame.
    - a. A notice of deficiencies shall list each deficiency and the information and documentation needed to complete the application or request for approval.
    - b. If the REGULATORY AUTHORITY issues a notice of deficiencies within the administrative completeness review time-frame, the administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice is issued until the date that the REGULATORY AUTHORITY receives the missing information from the applicant, LICENSE HOLDER, or requester.
    - c. If the applicant, LICENSE HOLDER, or requester fails to submit to the REGULATORY AUTHORITY all of the information and documents listed in the notice of deficiencies within 180 days from the date that the REGULATORY AUTHORITY mailed the notice of deficiencies, the REGULATORY AUTHORITY shall consider the application or request for approval withdrawn.
  2. If the REGULATORY AUTHORITY issues a LICENSE or other approval to the applicant, LICENSE HOLDER, or requester during the administrative completeness review time-frame, the REGULATORY AUTHORITY shall not issue a separate written notice of administrative completeness.

## Department of Health Services – Food, Recreational, and Institutional Sanitation

- D.** The substantive review time-frame described in A.R.S. § 41-1072 is provided in Table 1 and begins as of the date on the notice of administrative completeness.
1. The REGULATORY AUTHORITY shall mail written notification of approval or denial of the application or other request for approval to the applicant, LICENSE HOLDER, or requester within the substantive review time-frame.
  2. As part of the substantive review for a FOOD ESTABLISHMENT LICENSE, the REGULATORY AUTHORITY may complete an inspection that may require more than one visit to the FOOD ESTABLISHMENT.
  3. During the substantive review time-frame, the REGULATORY AUTHORITY may make one comprehensive written request for additional information, unless the REGULATORY AUTHORITY and the applicant, LICENSE HOLDER, or requester have agreed in writing to allow the REGULATORY AUTHORITY to submit supplemental requests for information.
    - a. The comprehensive written request regarding a FOOD ESTABLISHMENT LICENSE application may include a request for submission of plans and specifications, as described in FC § 8-201.11.
    - b. The comprehensive written request regarding a request for a VARIANCE under FC § 8-103.10 may include a request for a HACCP PLAN, as described in FC § 8-201.13(A), if the REGULATORY AUTHORITY determines that a HACCP PLAN is required.
    - c. If the REGULATORY AUTHORITY issues a comprehensive written request or a supplemental request for information, the substantive review time-frame and the overall time-frame are suspended from the date that the REGULATORY AUTHORITY issues the request until the date that the REGULATORY AUTHORITY receives all of the information requested.
  4. The REGULATORY AUTHORITY shall issue a license or an approval unless:
    - a. For a FOOD ESTABLISHMENT LICENSE application, the REGULATORY AUTHORITY determines that the application for a FOOD ESTABLISHMENT LICENSE or the FOOD ESTABLISHMENT does not satisfy all of the requirements of this Article;
    - b. For a VARIANCE, the REGULATORY AUTHORITY determines that the request for a VARIANCE fails to demonstrate that the VARIANCE will not result in a health HAZARD or nuisance;
    - c. For approval of plans and specifications, the REGULATORY AUTHORITY determines that the plans and specifications do not satisfy all of the requirements of this Article;
    - d. For approval of a HACCP PLAN, the REGULATORY AUTHORITY determines that the HACCP PLAN does not satisfy all of the requirements of this Article;
    - e. For approval of an inspection form, the Department determines that the inspection form does not satisfy all of the requirements of R9-8-108(B)-(C); or
    - f. For approval of a quality assurance program, the Department determines that the quality assurance program does not satisfy all of the requirements of R9-8-108(E)(1).
  5. If the REGULATORY AUTHORITY denies an application or request for approval, the REGULATORY AUTHORITY shall send to the applicant, LICENSE HOLDER, or requester a written notice of denial setting forth the reasons for the denial and all other information required by A.R.S. § 41-1076.
- E.** For the purpose of computing time-frames in this Section, the day of the act, event, or default from which the designated period of time begins to run is not included. Intermediate Saturdays, Sundays, and legal holidays are included in the computation. The last day of the period so computed is included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**Table 1. Time-frames (in days)**

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Review Time-frame	Substantive Review Time-frame
FOOD ESTABLISHMENT LICENSE	A.R.S. § 36-136(H)(4)	60	30	30
Approval of VARIANCE under FC § 8-103.10	A.R.S. § 36-136(H)(4)	90	30	60
Approval of Plans and Specifications under FC § 8-201.11	A.R.S. § 36-136(H)(4)	90	30	60
Approval of HACCP PLAN under FC § 8-201.13	A.R.S. § 36-136(H)(4)	90	30	60
Approval of Inspection Form	A.R.S. § 36-136(H)(4)	90	30	60
Approval of Quality Assurance Program	A.R.S. § 36-136(H)(4)	90	30	60

## Department of Health Services - Food, Recreational, and Institutional Sanitation

## Historical Note

New Table made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-105. Issuance of License**

A FOOD ESTABLISHMENT LICENSE issued by the REGULATORY AUTHORITY shall bear the following information:

1. The name of the FOOD ESTABLISHMENT,
2. The street address of the FOOD ESTABLISHMENT,
3. The full name of the LICENSE HOLDER,
4. The mailing address of the LICENSE HOLDER, and
5. A unique identification number assigned by the REGULATORY AUTHORITY.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-106. License Suspension or Revocation**

A. The REGULATORY AUTHORITY may suspend or revoke a FOOD ESTABLISHMENT LICENSE if the LICENSE HOLDER:

1. Violates this Article or A.R.S. § 36-601, or
2. Provides false information on a LICENSE application.

B. A LICENSE revocation or suspension hearing shall be conducted as follows:

1. If the REGULATORY AUTHORITY is the Department, the hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings;
2. If the REGULATORY AUTHORITY is a local health department or public health services district to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 10 has been delegated, the hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings; and
3. For all other REGULATORY AUTHORITIES, a LICENSE revocation or suspension hearing shall be conducted in accordance with the procedures adopted by a county board of supervisors as required by A.R.S. § 36-183.04(E).

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-107. Food Safety Requirements**

A. A LICENSE HOLDER shall comply with the United States Food and Drug Administration publication, Food Code: 1999 Recommendations of the United States Public Health Service, Food and Drug Administration (1999), as modified, which is incorporated by reference. This incorporation by reference contains no future editions or amendments. The incorporated material is on file with the Department and is available for purchase from the United States Department of Commerce, Technology Administration, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, as report number PB99-115925, or from the United States Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, as ISBN 0-16-050028-1; and is available on the Internet at <http://www.fda.gov>.

B. The material incorporated by reference in subsection (A) is modified as follows:

1. Where the term "permit" appears, it is replaced with "license";

2. Subparagraph 1-201.10(B)(2)(a) is modified to read: "'Food additive' has the meaning stated in A.R.S. § 36-901(7).";
3. Subparagraph 1-201.10(B)(2)(b) is modified to read: "'Color additive' has the meaning stated in A.R.S. § 36-901(2).";
4. Subparagraph 1-201.10(B)(3) is modified to read: "'Adulterated' means possessing one or more of the conditions enumerated in A.R.S. § 36-904(A).";
5. Subparagraph 1-201.10(B)(4) is modified to read: "'Approved' means acceptable to the REGULATORY AUTHORITY or to the FOOD regulatory agency that has jurisdiction based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.";
6. Subparagraph 1-201.10(B)(14) is modified by deleting "or FOOD PROCESSING PLANT";
7. Subparagraph 1-201.10(B)(31)(c)(iii) is deleted;
8. Subparagraph 1-201.10(B)(32) is modified to read: "'Food processing plant' means a FOOD ESTABLISHMENT that manufactures, packages, labels, or stores FOOD for human consumption and does not provide FOOD directly to a CONSUMER.";
9. Subparagraph 1-201.10(B)(50)(a) is modified to read: "'Packaged' means bottled, canned, cartoned, securely bagged, or securely wrapped.";
10. Subparagraph 1-201.10(B)(54) is modified to read: "'Person in charge' means the individual present at a FOOD ESTABLISHMENT who is responsible for the management of the operation at the time of inspection.";
11. Subparagraph 1-201.10(B)(69) is modified to read: "'Regulatory authority' means the Department or a local health department or public health services district operating under a delegation of authority from the Department.";
12. Paragraph 3-202.11(C) is modified to read: "POTENTIALLY HAZARDOUS FOOD that is cooked to a temperature and for a time specified under §§ 3-401.11 - 3-401.13 and received hot shall be at a temperature of 54° C (130° F) or above.";
13. Paragraph 3-202.14(B) is modified to read: "All milk and milk products sold at the retail level in Arizona shall comply with the requirements in A.A.C. Title 3, Chapter 2, Article 8.";
14. Paragraph 3-202.17(B) is deleted;
15. Paragraph 3-202.18(B) is deleted;
16. Paragraph 3-203.11(A) is modified to read: "Except as specified in ¶¶ (B) and (C) of this Section, MOLLUSCAN SHELLFISH may not be removed from the container in which they are received other than immediately before sale, preparation for service, or preparation in a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY.";
17. Paragraph 3-203.12(B) is modified to read: "(B) The identity of the source of SHELLSTOCK that are prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY, sold, or served shall be maintained by retaining SHELLSTOCK tags or labels for 90 calendar days from the date the container is emptied by:

- (1) Using an APPROVED record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the SHELLSTOCK are prepared by a FOOD PRO-

## Department of Health Services – Food, Recreational, and Institutional Sanitation

- CESSING PLANT licensed by the REGULATORY AUTHORITY, sold, or served; and
- (2) If SHELLSTOCK are removed from their tagged or labeled container:
- (a) Using only one tagged or labeled container at a time, or
  - (b) Using more than one tagged or labeled container at a time and obtaining a VARIANCE from the REGULATORY AUTHORITY as specified in § 8-103.10 based on a HACCP PLAN that:
    - (i) Is submitted by the LICENSE HOLDER and APPROVED as specified under § 8-103.11,
    - (ii) Preserves source identification by using a record keeping system as specified under Subparagraph (B)(1) of this Section, and
    - (iii) Ensures that SHELLSTOCK from one tagged or labeled container are not commingled with SHELLSTOCK from another container before being ordered by the CONSUMER or prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY.”;
18. Paragraph 3-301.11(B) is modified by replacing “SINGLE-USE gloves” with “non-latex SINGLE-USE gloves”;
  19. Paragraph 3-304.12(F) is modified to read: “In a container of water if the water is maintained at a temperature of at least 54° C (130° F) and the container is cleaned at a frequency specified under Subparagraph 4-602.11(D)(7).”;
  20. Section 3-304.15 is modified by adding a new Paragraph (E):  
“(E) Latex gloves may not be used in direct contact with FOOD.”;
  21. Section 3-401.13 is modified to read: “Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 54° C (130° F).”;
  22. Paragraph 3-403.11(C) is modified to read: “READY-TO-EAT FOOD taken from a commercially processed, HERMETICALLY SEALED CONTAINER, or from an intact package from a FOOD PROCESSING PLANT that is inspected by the FOOD regulatory agency that has jurisdiction over the plant, shall be heated to a temperature of at least 54° C (130° F) for hot holding.”;
  23. Subparagraph 3-501.14(A)(1) is modified to read: “Within 2 hours, from 54° C (130° F) to 21° C (70° F); and”;
  24. Paragraph 3-501.16(A) is modified to read: “At 54° C (130° F) or above; or”;
  25. Subparagraph 3-501.16(C)(2) is modified to read: “Within 10 years of the adoption of this Code, the EQUIPMENT is upgraded or replaced to maintain FOOD at a temperature of 5° C (41° F) or less.”;
  26. Section 3-502.11 is modified by deleting “custom processing animals that are for personal use as FOOD and not for sale or service in a FOOD ESTABLISHMENT.”;
  27. Paragraph 3-701.11(C) is modified by replacing “who has been restricted or excluded as specified under § 2-201.12” with “who has any of the conditions that require reporting to the PERSON IN CHARGE under § 2-201.11 or who has been excluded by the REGULATORY AUTHORITY under the communicable disease rules at 9 A.A.C. 6”;
  28. Subparagraph 4-602.11(D)(7) is modified by replacing “60° C (140° F)” with “54° C (130° F)”;
  29. Section 5-101.13 is modified to read: “BOTTLED DRINKING WATER used or sold in a FOOD ESTABLISHMENT shall be obtained from APPROVED sources, in accordance with LAW.”;
  30. Paragraph 5-501.116(A) is modified by replacing “§ 5-402.14” with “§§ 5-402.13 and 5-403.11”;
  31. Section 6-501.116 is added to read:  
“6-501.116 Vending Machine Signs.  
The LICENSE HOLDER for a VENDING MACHINE shall affix to the VENDING MACHINE a permanent sign that includes:
    1. A unique identifier for the VENDING MACHINE, and
    2. A telephone number for CONSUMERS to contact the LICENSE HOLDER.”;
  32. Paragraph 8-101.10(A) is modified by deleting “, as specified in § 1-102.10.”;
  33. Paragraph 8-201.11(C) is modified by replacing “as specified under ¶ 8-302.14(C)” with “as described in R9-8-103(A)(6)-(7)”;
  34. Paragraph 8-304.11(D) is modified to read: “Require FOOD EMPLOYEE applicants to whom a conditional offer of employment is made and FOOD EMPLOYEES to report to the PERSON IN CHARGE the information required under § 2-201.11”;
  35. Paragraph 8-304.11(H) is modified by replacing “5 years” with “10 years”;
  36. Section 8-304.20 is modified by replacing “as specified under ¶ 8-302.14(C)” with “as described in R9-8-103(A)(6)-(7)”;
  37. Section 8-402.11 is modified by adding the following at the end of the Section: “The Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department shall comply with A.R.S. § 41-1009 when performing inspections.”;
  38. Section 8-403.50 is modified by deleting “Except as specified in § 8-202.10,” and capitalizing “the”;
  39. Section 8-404.12 is modified by adding the following at the end of the Section: “The REGULATORY AUTHORITY shall approve or deny resumption of operations within five days after receipt of the LICENSE HOLDER’S request to resume operations.”;
  40. Section 8-405.11 is modified by adding the following at the end of the Section:  
“(C) The Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department shall not provide the LICENSE HOLDER an opportunity to correct critical Code violations or HACCP PLAN deviations after the date of inspection if the Department or the local health department or public health services district determines that the deficiencies are:
    - (1) Committed intentionally;
    - (2) Not correctable within a reasonable period of time;
    - (3) Evidence of a pattern of noncompliance; or
    - (4) A risk to any PERSON; the public health, safety, or welfare; or the environment.
 (D) If the Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department allows the LICENSE HOLDER an opportunity to

## Department of Health Services - Food, Recreational, and Institutional Sanitation

correct violations or deviations after the date of inspection, the Department, local health department, or public health services district shall inspect the FOOD ESTABLISHMENT within 24 hours after the deadline for correction has expired. If the Department, local health department, or public health services district determines that the violations or deviations have not been corrected, the Department, local health department, or public health services district may take any enforcement action authorized by LAW, based upon those violations or deviations. (E) A decision made under subparagraph 8-405.11(C) or subparagraph 8-405.11(D) by the Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department is not an appealable agency action, as defined by A.R.S. § 41-1092.”;

## 41. The following FC Sections are deleted:

- a. Section 1-102.10,
- b. Section 1-103.10,
- c. Section 2-201.12,
- d. Section 2-201.13,
- e. Section 2-201.14,
- f. Section 2-201.15,
- g. Section 8-102.10,
- h. Section 8-202.10,
- i. Section 8-302.11,
- j. Section 8-302.12,
- k. Section 8-302.13,
- l. Section 8-302.14,
- m. Section 8-303.10,
- n. Section 8-303.20,
- o. Section 8-303.30,
- p. Section 8-402.20,
- q. Section 8-402.30,
- r. Section 8-402.40,
- s. Section 8-403.10,
- t. Section 8-501.10,
- u. Section 8-501.20,
- v. Section 8-501.30, and
- w. Section 8-501.40; and

## 42. The annexes are excluded.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 2768, effective September 9, 2006 (Supp. 06-3).

**R9-8-108. Inspection Standardization and Documentation****A.** At each inspection, the REGULATORY AUTHORITY shall, at a minimum, inspect for compliance with each of the applicable CRITICAL ITEMS in the following categories:

1. Temperature control of POTENTIALLY HAZARDOUS FOODS, as required by FC §§ 3-401.11, 3-401.12, 3-403.11, 3-501.14, and 3-501.16;
2. EMPLOYEE health and hygienic practices, as required by FC §§ 2-201.11, 2-301.11, 2-301.12, 2-301.14, 2-401.11, 2-401.12, 2-403.11, 3-301.11, 3-301.12, and 5-203.11;
3. Time as a public health control, as required by FC § 3-501.19;
4. FOOD condition and source, as required by FC §§ 3-101.11, 3-201.11, 3-201.12, 3-201.14, 3-201.15, 3-201.16, 3-201.17, 3-202.11, 3-202.13, 3-202.14, 3-202.15, 3-202.16, 3-202.18, 3-203.12, 5-101.11, and 5-101.13;
5. CONSUMER advisories, as required by FC § 3-603.11;

6. Contamination prevention, as required by FC §§ 3-302.11, 3-302.13, 3-302.14, 3-304.11, 3-306.13, 3-306.14, 4-601.11, 4-602.11, 4-702.11, 4-703.11, 5-101.12, 5-201.11, and 5-202.11;
7. Date marking and disposal of READY-TO-EAT FOODS, as required by FC §§ 3-501.17 and 3-501.18;
8. Responsibility and knowledge of the PERSON IN CHARGE, as required by FC §§ 2-101.11 and 2-102.11; and
9. Compliance with a HACCP PLAN or VARIANCE, as required by FC § 8-103.12;

**B.** The REGULATORY AUTHORITY shall document its inspection results on an inspection report form provided or approved by the Department. The inspection report form shall include the following:

1. The name and address of the FOOD ESTABLISHMENT inspected;
2. The LICENSE number of the FOOD ESTABLISHMENT inspected;
3. The date of inspection;
4. The type of inspection;
5. A rating for each of the observed CRITICAL ITEMS listed in subsection (A), using a rating scheme that indicates whether the CRITICAL ITEM is met;
6. Space for comments, including observed violations of non-CRITICAL ITEMS;
7. Signature and date lines for the PERSON IN CHARGE of the FOOD ESTABLISHMENT; and
8. Signature and date lines for the inspector conducting the inspection.

**C.** The REGULATORY AUTHORITY shall also document on the inspection form the applicable CRITICAL ITEMS listed in subsection (A) that were not observed during the inspection, unless the REGULATORY AUTHORITY has a quality assurance program that has been approved by the Department under subsection (E).**D.** If a REGULATORY AUTHORITY desires to create its own inspection form, the REGULATORY AUTHORITY may request approval of its inspection form by submitting a written request to the Department along with a copy of the inspection form for which approval is sought. The Department shall approve an inspection form if it determines that the inspection form satisfies all of the requirements of subsections (B) and (C).**E.** A REGULATORY AUTHORITY may request approval of a quality assurance program by submitting a written request to the Department along with a description of the quality assurance program for which approval is sought.

1. The quality assurance program shall include the following:
  - a. A system for monitoring the inspection reports completed by each inspector every six months and comparing them to the reports of other inspectors and the REGULATORY AUTHORITY as a whole with respect to the number and types of violations documented during the same period;
  - b. Identification of each inspector whose inspection reports are incongruous;
  - c. Reinspection of a representative sample of an inspector's FOOD ESTABLISHMENTS for which inspection reports are incongruous by a quality assurance inspector within 30 days of identification of an inspector under subsection (E)(1)(b) to determine whether the incongruous reports indicate a misapplication of the rules by the inspector;



## Department of Health Services – Food, Recreational, and Institutional Sanitation

- d. Follow-up with each inspector determined by a quality assurance inspector to have misapplied the rules:
    - i. If the inspector has not previously required follow-up, additional training by a quality assurance inspector regarding any misapplication of the rules by the inspector;
    - ii. If the inspector has previously received additional training under subsection (E)(1)(d)(i), formal counseling by the inspector's direct supervisor and a quality assurance inspector; or
    - iii. If the inspector has previously been formally counseled under subsection (E)(1)(d)(ii), disciplinary action; and
  - e. Consideration by the REGULATORY AUTHORITY of any misapplication of the rules by the inspector when completing the inspector's performance evaluations.
2. The Department shall approve a quality assurance program if it determines that the quality assurance program satisfies all of the requirements of subsection (E)(1).

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-109. Cease and Desist and Abatement**

- A. Engaging in any practice in violation of this Article is a public nuisance.
- B. If the REGULATORY AUTHORITY has reasonable cause to believe that any FOOD ESTABLISHMENT is creating or maintaining a nuisance, the REGULATORY AUTHORITY shall order the LICENSE HOLDER for the FOOD ESTABLISHMENT to cease and desist the activity and to abate the nuisance as follows:
  - 1. The REGULATORY AUTHORITY shall serve upon the LICENSE HOLDER for the FOOD ESTABLISHMENT a written cease and desist and abatement order requiring the LICENSE HOLDER to cease and desist the activity and to remove the nuisance at the LICENSE HOLDER's expense within 24 hours after service of the order. The order shall contain the following:
    - a. A reference to the statute or rule that is alleged to have been violated or on which the order is based,
    - b. A description of the LICENSE HOLDER's right to request a hearing, and
    - c. A description of the LICENSE HOLDER's right to request an informal settlement conference.
  - 2. The REGULATORY AUTHORITY shall serve the order and any subsequent notices by personal delivery or certified mail, return receipt requested, to the LICENSE HOLDER's or other party's last address of record with the REGULATORY AUTHORITY or by any other method reasonably calculated to effect actual notice on the LICENSE HOLDER or other party.
  - 3. The LICENSE HOLDER or another party whose rights are determined by the order may obtain a hearing to appeal the order by filing a written notice of appeal with the REGULATORY AUTHORITY within 30 days after service of the order. The LICENSE HOLDER or other party appealing the order shall serve the notice of appeal upon the REGULATORY AUTHORITY by personal delivery or certified mail, return receipt requested, to the office of the REGULATORY AUTHORITY or by any other method reasonably calculated to effect actual notice on the REGULATORY AUTHORITY.
  - 4. If a notice of appeal is timely filed, the REGULATORY AUTHORITY shall do one of the following:

- a. If the REGULATORY AUTHORITY is the Department or a local health department or public health services district to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 10 has been delegated, the notification and hearing shall comply with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings.
- b. For all other regulatory authorities, the notification and hearing shall comply with the procedures adopted by a county board of supervisors as required by A.R.S. § 36-183.04(E).

- 5. If no written notice of appeal is timely filed, the order shall become final without further proceedings.

- C. The REGULATORY AUTHORITY shall inspect the FOOD ESTABLISHMENT 24 hours after service of the order to determine whether the LICENSE HOLDER has complied with the order. If the REGULATORY AUTHORITY determines upon inspection that the LICENSE HOLDER has not ceased the activity and abated the nuisance, the REGULATORY AUTHORITY shall cause the nuisance to be removed, regardless of whether the LICENSE HOLDER is appealing the order.
- D. If the LICENSE HOLDER fails or refuses to comply with the order after a hearing has upheld the order or after the time to appeal the order has expired, the REGULATORY AUTHORITY may file an action against the LICENSE HOLDER in the superior court of the county in which the violation occurred, requesting that a permanent injunction be issued to restrain the LICENSE HOLDER from engaging in further violations as described in the order.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-110. Reserved****R9-8-111. Repealed****Historical Note**

Amended effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-112. Repealed****Historical Note**

Former Section R9-8-112 repealed, new Section R9-8-112 adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-113. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-114. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-115. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-116. Repealed**

## Department of Health Services - Food, Recreational, and Institutional Sanitation

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-117. Repealed****Historical Note**

Corrected Article reference (Supp. 77-3). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-118. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-119. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-120. Reserved****R9-8-121. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-122. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-123. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-124. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-125. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-126. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-127. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-128. Reserved****R9-8-129. Reserved****R9-8-130. Reserved****R9-8-131. Repealed****Historical Note**

Former Section R9-8-131 repealed, new Section R9-8-131 adopted effective July 10, 1979 (Supp. 79-4). Section

repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-132. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-133. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-134. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-135. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-136. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Amended effective August 6, 1990 (Supp. 90-3). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-137. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-138. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-139. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-140. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-141. Reserved****R9-8-142. Reserved****R9-8-143. Reserved****R9-8-144. Reserved****R9-8-145. Reserved**

## Department of Health Services – Food, Recreational, and Institutional Sanitation

R9-8-146. Reserved  
 R9-8-147. Reserved  
 R9-8-148. Reserved  
 R9-8-149. Reserved  
 R9-8-150. Reserved  
 R9-8-151. Repealed

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-152. Reserved  
 R9-8-153. Reserved  
 R9-8-154. Reserved  
 R9-8-155. Reserved  
 R9-8-156. Repealed

**Historical Note**

Correction of reference from R9-1-415(B) to R9-1-415(A) (Supp. 83-3). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-157. Reserved  
 R9-8-158. Reserved  
 R9-8-159. Reserved  
 R9-8-160. Repealed

**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-161. Repealed

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-162. Repealed

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-163. Repealed

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-164. Repealed

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-165. Repealed

**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-166. Reserved  
 R9-8-167. Reserved  
 R9-8-168. Reserved

R9-8-169. Reserved  
 R9-8-170. Reserved  
 R9-8-171. Repealed

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-172. Repealed

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-173. Repealed

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-174. Repealed

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-175. Repealed

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-176. Repealed

**Historical Note**

Correction, subsection (A), reference R9-1-412(D) should read R9-1-415(B) (Supp. 83-3). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-177. Repealed

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-178. Repealed

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-179. Reserved

R9-8-180. Reserved

R9-8-181. Repealed

**Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-181 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-182. Repealed

**Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws

## Department of Health Services - Food, Recreational, and Institutional Sanitation

1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-182 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-183. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-183 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-184. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-184 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-185. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-185 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-186. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-186 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-187. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection

returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-187 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-188. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-188 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-189. Repealed****Historical Note**

Adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-190. Reserved****R9-8-191. Repealed****Historical Note**

Repealed effective August 6, 1990 (Supp. 90-3).

**ARTICLE 2. BOTTLED WATER****R9-8-201. Definitions**

In this Article, unless the context otherwise requires:

1. "Applicant" has the same meaning as in R9-8-101.
2. "Aquifer" means a layer of underground sand, gravel or porous rock where water collects.
3. "Artesian well" means a drilled well that accesses an aquifer with a water level that stands above the bottom of the confining bed of the aquifer.
4. "Bottled water" has the same meaning as in 21 CFR 165.110(a)(1) (2016), incorporated by reference, on file with the Department, including no future editions or amendments, and available from the U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401-001.
5. "Bottled water plant" means a food establishment that processes and sells bottled water.
6. "CFR" means the Code of Federal Regulations.
7. "Confining bed" means a layer of ground that resists water penetration.
8. "Department" means the Arizona Department of Health Services.
9. "Drilled well" means a hole bored into the ground to reach underground water.
10. "Food establishment" has the same meaning as in A.A.C. Title 9, Chapter 8, Article 1.
11. "Licensed laboratory" means a laboratory licensed by the Department under A.R.S. Title 36, Chapter 4.3, Article 1.
12. "Plant operator" means an individual designated by the applicant to operate a specific bottled water plant.
13. "Processes" means the steps taken to ensure source water meets the quality standards for bottled water in 21 CFR 165.110(b) (2016), incorporated by reference, on file with the Department, including no future editions or amend-

## Department of Health Services – Food, Recreational, and Institutional Sanitation

ments, and available from the U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401-001.

14. "Public water system" has the same meaning as in A.R.S. § 49-352(B)(1).
15. "Source" means an artesian well, drilled well, public water system, or spring.
16. "Source water" means water from an artesian well, drilled well, public water system, or spring.
17. "Spring" has the same meaning as "spring water" in 21 CFR 165.110(a)(2)(vi) (2016), incorporated by reference, on file with the Department, including no future editions or amendments, and available from the U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401-001.

**Historical Note**

Adopted effective August 6, 1990 (Supp. 90-3). Amended by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3). Section R9-8-201(4), (13) and (17) corrected to include the incorporated by reference material date (Supp. 07-2). Section amended by final expedited rulemaking at 24 A.A.R. 263, effective January 10, 2018 (Supp. 18-1).

**R9-8-202. General Requirements**

A food establishment that processes and sells bottled water in Arizona shall use a source approved by the Department.

**Historical Note**

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

**R9-8-203. Application for an Approval of a Source**

- A. An applicant shall complete and submit to the Department, an application for an approval of a source on a form provided by the Department that includes:
  1. The name, mailing address, and telephone number of the applicant;
  2. The name, street address, and telephone number of the bottled water plant;
  3. The location of the source used at the bottled water plant;
  4. The applicant's signature; and
  5. The date the application is signed.
- B. With the completed application, an applicant shall include test results from a licensed laboratory that has tested the bottled water according to the quality requirements for bottled water in 21 CFR 165.110(b) (2016), incorporated by reference, on file with the Department, including no future editions or amendments, and available from the U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401-001.
- C. An applicant shall comply with subsections (A) and (B) for each source used at the bottled water plant.

**Historical Note**

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3). Section R9-8-203(B) corrected to include the incorporated by reference material date (Supp. 07-2). Section amended by final expedited rulemaking at 24 A.A.R. 263, effective January 10, 2018 (Supp. 18-1).

**R9-8-204. Time-frames**

- A. The overall time-frame described in A.R.S. § 41-1072 for the Department to act on an application for an approval of a source is 60 days. The applicant and the Department may agree in

writing to extend the substantive review time-frame and the overall time-frame by no more than 25% of the overall time-frame.

- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for an application for an approval of a source is 30 days and begins on the date the application is received.
  1. The Department shall mail notice of administrative completeness or deficiencies to the applicant within the administrative completeness review time-frame.
    - a. A notice of deficiencies shall list each deficiency and the information and documentation needed to complete the application.
    - b. If the Department issues a notice of deficiencies within the administrative completeness review time-frame, the administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice is issued until the date the Department receives the missing information from the applicant.
    - c. If the applicant fails to submit to the Department all the information and documents listed in the notice of deficiencies within 60 days of the date the Department mailed the notice of deficiencies, the Department deems the application for approval of a source withdrawn.
  2. If the Department issues an approval of a source to the applicant during the administrative completeness review time-frame, the Department does not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072 is 30 days and begins on the date the notice of administrative completeness is mailed to the applicant.
  1. The Department shall mail an approval of a source or a written notification of denial of approval to the applicant within the substantive review time-frame.
  2. If the Department issues a comprehensive written request or supplemental request for information, the substantive review time-frame and the overall time-frame are suspended from the date the Department issues the request until the date the Department receives all of the information.
  3. If the Department denies approval of a source, the Department shall send the applicant a written notice of disapproval that lists the reasons for disapproval and all other information required in A.R.S. § 41-1076.
- D. If a time-frame's last day is on a Saturday, Sunday, or legal holiday, the Department considers the next business day as the time-frame's last day.

**Historical Note**

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

**R9-8-205. Quality Testing Requirements**

- A. To maintain approval of its source, a plant operator shall have a licensed laboratory test the quality of the bottled water at the times stated in 21 CFR 129.80(g) (2016), incorporated by reference, on file with the Department, including no future editions or amendments, and available from the U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401-001.
- B. A plant operator shall maintain records of the quality testing of the bottled water on the bottled water plant premises for two years from the date the bottled water is tested and ensure that

## Department of Health Services - Food, Recreational, and Institutional Sanitation

the records are readily available for inspection by the Department.

**Historical Note**

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3). Section R9-8-205(A) corrected to include the incorporated by reference material date (Supp. 07-2). Section amended by final expedited rulemaking at 24 A.A.R. 263, effective January 10, 2018 (Supp. 18-1).

**R9-8-206. Labeling Requirements**

In addition to the labeling requirements in 9 A.A.C. 8, Article 1, a plant operator shall ensure the bottled water processed and sold is labeled according to 21 CFR 129.80(e) (2016), incorporated by reference, on file with the Department, including no future editions or amendments, and available from the U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401-001.

**Historical Note**

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3). Section R9-8-206 corrected to include the incorporated by reference material date (Supp. 07-2). Section amended by final expedited rulemaking at 24 A.A.R. 263, effective January 10, 2018 (Supp. 18-1).

**R9-8-207. Repealed****Historical Note**

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

**R9-8-208. Repealed****Historical Note**

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

**R9-8-209. Repealed****Historical Note**

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

**ARTICLE 3. PUBLIC PORTABLE TOILETS**

*Editor's Note: Former Article 3 renumbered to Title 18, Chapter 9, Article 8 (Supp. 87-3).*

**R9-8-301. Definitions**

In this Article:

1. "Clean" means free of dirt, litter, and the remains of something that has broken or torn into pieces.
2. "Complaint" means information indicating the need for inspection due to possible violations of this Article.
3. "Durable" means capable of withstanding expected use and remaining easily cleanable.
4. "Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.
5. "Human excreta" means fecal and urinary discharges and includes any waste that contains this material.
6. "Leakproof" means designed and constructed to prevent a substance from escaping.

7. "Non-absorbent" means incapable of being penetrated by liquid, such as a material coated or treated with rubber, plastic, or other sealing surface.
8. "Portable hand-wash station" means a transportable sink or basin with a faucet for cleaning hands that supplies water and is:
  - a. Not connected to a sewage collection system,
  - b. Connected to a leakproof tank to receive and store waste water, and
  - c. Located in a public place.
9. "Portable toilet enclosure" means a structure that is capable of being moved and that houses a public portable toilet.
10. "Public nuisance" means activities or conditions that may be subject to A.R.S. § 36-601.
11. "Public place" means all or any portion of an area, land, or structure that is open to or may be accessed by any individual.
12. "Public portable toilet" means a toilet seat and toilet, or toilet seat, toilet, and urinal that is:
  - a. Not connected to a sewage collection system,
  - b. Connected to a leakproof tank to receive and store sewage temporarily,
  - c. Located in a public place, and
  - d. Housed in a portable toilet enclosure.
13. "Public restroom" means a structure or room that:
  - a. Is not connected to living or sleeping quarters;
  - b. Contains a lavatory and water closet or a lavatory, water closet, and urinal connected to a sewage collection system; and
  - c. Is located in a public place.
14. "Refuse" means the same as in A.A.C. R18-13-302.
15. "Regular basis" means at recurring, fixed, or uniform intervals.
16. "Regulatory authority" means:
  - a. The Arizona Department of Health Services; or
  - b. One of the following entities as specified in A.R.S. § 36-136(E):
    - i. A local health department;
    - ii. A county environmental department; or
    - iii. A public health services district.
17. "Responsible person" means an individual, partnership, corporation, association, governmental subdivision, state agency, or a public or private organization of any character that owns or manages the direct use of a public portable toilet within the state.
18. "Sanitary" means free from filth, bacteria, viruses, mold, and fungi.
19. "Sewage" means the waste from a toilet, urinal, sink, and portable hand-wash station.
20. "Sewage collection system" has the same meaning as in A.A.C. R18-9-101.
21. "Sewage storage tank" means a receptacle for the collection and holding of the waste from a portable toilet.
22. "Toilet" means a water-flushed, chemical-flushed, or no-flush bowl for the disposal of human excreta.
23. "Toilet seat" means a detachable, split or U-shaped seat made of non-absorbent material hinged to the top of a toilet and used for sitting.
24. "Urinal" means a water-flushed, chemical-flushed, or no-flush upright basin used for urination only.
25. "Vent pipe" means a hollow cylinder of metal, plastic, or other material that allows gas to escape from a sewage storage tank.
26. "Water closet" means the same as in A.R.S. § 45-311.

## Department of Health Services – Food, Recreational, and Institutional Sanitation

**Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2). Amended by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).

**R9-8-302. General Requirements**

- A. A responsible person or the responsible person's designee shall comply with the requirements in this Article and with federal and state laws and rules and local codes and ordinances governing public portable toilets.
- B. A violation of this Article shall constitute a public nuisance under A.R.S. § 36-601.

**Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2). Section repealed; new Section made by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).

**R9-8-303. Public Portable Toilet Requirements**

- A. A responsible person or the responsible person's designee shall ensure that:
  - 1. A public portable toilet:
    - a. Is clean;
    - b. Is sanitary;
    - c. Is maintained to avoid odors and insect or vermin infestation;
    - d. Has a non-absorbent, durable, smooth, leakproof, and rustproof floor, wall, ceiling, and door materials;
    - e. Has a vent pipe connected to a sewage storage tank that:
      - i. Is wide enough in diameter to prevent the build up of gasses, and
      - ii. Extends upwards from the sewage storage tank through the roof of the portable toilet enclosure;
    - f. Has a supply of toilet paper that is replenished before running out; and
    - g. Has a self-closing door and privacy latch on the door;
  - 2. Except as provided in subsection (B), one public portable toilet is deployed for the first 100 individuals using or expected to use public portable toilet facilities and one additional public portable toilet is deployed for each additional 100 individuals;
  - 3. Each public portable toilet's sewage storage tank is pumped out on a regular basis to keep the public portable toilet operating as designed;
  - 4. Facilities for washing or sanitizing hands are provided as follows:
    - a. Except as provided in subsection (B), working portable hand-wash stations are deployed at a minimum rate of one per 10 public portable toilets;
    - b. Soap, water, and single use towels are continuously provided at each portable hand-wash station; and
    - c. Where conditions make the use of soap and water impractical, the regulatory authority may allow sanitizing gel in place of soap and water; and
  - 5. Public portable toilets are located a minimum of 100 feet from any food establishment.
- B. A responsible person or the responsible person's designee shall ensure that sewage, human excreta, and refuse produced in a public portable toilet:
  - 1. Does not create a public nuisance; and
  - 2. Is disposed of according to 18 A.A.C. 13, Article 3 or 18 A.A.C. 13, Article 11.
- C. The regulatory authority may adjust the number of public portable toilets required in subsection (A)(2) and portable hand-

wash stations required in (A)(5)(a) provided based on the estimated number of users, the duration of use, and the availability of public restrooms within 200 feet of the public portable toilet.

**Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2967, effective June 17, 2002 (Supp. 02-2). New Section made by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).

**R9-8-304. Inspections**

- A. If a regulatory authority receives a complaint regarding a public portable toilet, the regulatory authority may conduct an inspection.
- B. If a regulatory authority conducts an inspection, the regulatory authority's inspector shall conduct the inspection according to A.R.S. § 41-1009.

**Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2). Section repealed; new Section made by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).

**R9-8-305. Expired****Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2). Section expired under A.R.S. § 41-1056(E) at 13 A.A.R. 2169, effective May 31, 2007 (Supp. 07-2).

**R9-8-306. Repealed****Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2). Section repealed by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).

**R9-8-307. Repealed****Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2). Section repealed by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).

**R9-8-308. Expired****Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2967, effective June 17, 2002 (Supp. 02-2).

**ARTICLE 4. CHILDREN'S CAMPS**

*Article 4, consisting of Sections R9-8-401 through R9-8-403, made by final rulemaking at 8 A.A.R. 3716, effective August 9, 2002 (Supp. 02-3).*

**R9-8-401. Definitions**

In this Article, unless otherwise requires:

- 1. "Applicant" means an individual requesting a license from the Department or a county to operate a children's camp.
- 2. "Bathing place" has the same meaning as in 9 A.A.C. 8, Article 8.
- 3. "Camp director" means an individual who runs, maintains, or otherwise controls or directs the functions of a children's camp.
- 4. "Children's camp" has the same meaning as in A.R.S. § 36-3901.

## Department of Health Services - Food, Recreational, and Institutional Sanitation

5. "County" means a governmental entity that has a delegation agreement with the Department as prescribed in A.R.S. § 36-3915.
6. "Delegation agreement" has the same meaning as in A.R.S. § 41-1001.
7. "Department" means the Arizona Department of Health Services.
8. "Food establishment" has the same meaning as in 9 A.A.C. 8, Article 1.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3716, effective August 9, 2002 (Supp. 02-3). Section amended by final expedited rulemaking at 24 A.A.R. 266, effective January 10, 2018 (Supp. 18-1).

**R9-8-402. Initial and Renewal License Application Process**

- A. An applicant shall submit a completed license application form in subsection (B) to:
  1. The county in which the children's camp is located, if the county has a delegation agreement with the Department under A.R.S. § 36-3915; or
  2. The Department, if there is no delegation agreement.
- B. An applicant shall submit a completed license application form provided by the Department or a county that contains:
  1. The name, mailing address, and telephone number of the children's camp;
  2. The county in which the children's camp is located;
  3. The name, telephone number, and mailing address of the applicant;
  4. The name, telephone number, and if applicable, e-mail address of the camp director;
  5. The dates of operation of the children's camp;
  6. The number of individuals the children's camp can accommodate;
  7. Whether there is a food establishment in the children's camp;
  8. Whether there is a bathing place in the children's camp;
  9. The potable water supply source at the children's camp;
  10. The type of sewage disposal system;
  11. Whether the application is for an initial or a renewal license; and
  12. The signature of the applicant.
- C. With the completed license application, an applicant shall include a map that specifies the location of the children's camp, and:
  1. For an initial license:
    - a. If applying to the Department, a fee of \$100, or
    - b. If applying to a county, a fee established according to A.R.S. § 36-3903.
  2. For a renewal license:
    - a. If applying to the Department, a fee of \$25 or
    - b. If applying to a county, a fee established according to A.R.S. § 36-3903.
- D. The Department or a county begins reviewing applications on May 1 of each year.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3716, effective August 9, 2002 (Supp. 02-3). Section amended by final expedited rulemaking at 24 A.A.R. 266, effective January 10, 2018 (Supp. 18-1).

**R9-8-403. Time-frames**

- A. The overall time-frame described in A.R.S. § 41-1072 for an initial or a renewal license granted by the Department or county is 60 days. The applicant and the Department or a county may agree in writing to extend the substantive review

time-frame and the overall time-frame. An extension of the substantive time-frame and the overall time-frame shall not exceed 25% of the overall time-frame.

- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for an initial or a renewal license granted by the Department or a county is 30 days and begins on May 1 of each year or on the date the application is received if after May 1.
  1. The Department or a county shall mail notice of administrative completeness or deficiencies to the applicant within the administrative completeness review time-frame.
    - a. A notice of deficiencies shall list each deficiency and the information and documentation needed to complete the license application.
    - b. If the Department or a county issues a notice of deficiencies within the administrative completeness review time-frame, the administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice is issued until the date the Department or a county receives the missing information from the applicant.
    - c. If the applicant fails to submit to the Department or a county all the information and documents listed in the notice of deficiencies within 60 days of the date the Department or a county mailed the notice of deficiencies, the Department or county deems the license application withdrawn.
  2. If the Department or a county issues a license to the applicant during the administrative completeness review time-frame, the Department or a county does not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072 is 30 days and begins on the date the notice of administrative completeness is mailed to the applicant.
  1. The Department or a county shall mail a children's camp license or a written notification of denial of the license application to the applicant within the substantive review time-frame.
  2. As part of the substantive-review time-frame for a children's camp license, the Department or a county may conduct an inspection of the children's camp to determine whether the children's camp has complied with the applicable requirements in subsection (C)(4) or (C)(5).
  3. If the Department or a county issues a comprehensive written request or supplemental request for information, the substantive review time-frame and the overall time-frame are suspended from the date the Department or a county issues the request until the date the Department or a county receives all of the information.
  4. If an applicant applying to the Department meets all the requirements under A.R.S. Title 8, Chapter 6, Article 1, and these rules, the Department shall issue a license to the applicant.
  5. If an applicant applying to a county meets all the requirements under A.R.S. Title 8, Chapter 6, Article 1, these rules, and county requirements consistent with A.R.S. Title 8, Chapter 6, Article 1, a county shall issue a license to the applicant.
  6. If the Department or a county disapproves a license application, the Department or a county shall send the applicant a written notice of disapproval setting forth the reasons for disapproval and all other information required in A.R.S. § 41-1076.



## Department of Health Services – Food, Recreational, and Institutional Sanitation

- D. If a time-frame's last day is on a Saturday, Sunday, or legal holiday, the Department or a county considers the next business day as the time-frame's last day.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3716, effective August 9, 2002 (Supp. 02-3).

**ARTICLE 5. TRAILER COACH PARKS**

- R9-8-501. Reserved  
 R9-8-502. Reserved  
 R9-8-503. Reserved  
 R9-8-504. Reserved  
 R9-8-505. Reserved  
 R9-8-506. Reserved  
 R9-8-507. Reserved  
 R9-8-508. Reserved  
 R9-8-509. Reserved  
 R9-8-510. Reserved  
 R9-8-511. Expired

**Historical Note**

Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 3256, effective June 17, 2002 (Supp. 02-3).

**R9-8-512. Definitions**

- A. "Department" means the Arizona Department of Health Services.  
 B. "Dependent trailer coach" means a trailer coach which does not have a flush toilet, bathtub, or shower.  
 C. "Independent trailer coach" means a trailer which has a flush toilet, bathtub or shower, and lavatory.  
 D. "Park" means a trailer coach park.  
 E. "Person" means any individual, firm, trust, partnership, company, society, association, corporation, or political subdivision.  
 F. "Trailer coach" means any vehicle including mobile homes having no foundation other than wheels, jacks, or skirtings, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. Removal of the wheels shall not change the meaning of the term.  
 G. "Trailer coach park" means any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation. This does not apply where all trailers are occupied by the owner of the plot and his immediate family, nor does it include areas provided for recreational purposes or overnight parking by agencies of the local, state and federal governments, where posted restrictions for use of such areas are provided.  
 H. "Trailer coach space" means a plot of ground within a trailer coach park designed for the accommodation of one trailer coach.

- R9-8-513. Reserved  
 R9-8-514. Reserved  
 R9-8-515. Reserved  
 R9-8-516. Reserved  
 R9-8-517. Reserved  
 R9-8-518. Reserved  
 R9-8-519. Reserved

**R9-8-520. Reserved****R9-8-521. Plans and specifications**

- A. No construction on or at a trailer coach park shall commence until the Department has approved the plans and specifications for the public water supply and sewage disposal system.  
 B. No person shall maintain or operate a trailer coach park without the written approval of the local health department.  
 C. A park plan showing all building locations and trailer coach spaces shall be provided as part of the plans and specifications.  
 D. No change or modification of water supply or sewage disposal in any existing trailer coach park shall be made until plans and specifications have been submitted to and approved by the Department.  
 E. All plans and specifications shall be submitted to the Department in quadruplicate.

**R9-8-522. Application**

- A. An application for approval by the Department, prepared in duplicate on forms furnished by the Department, shall be filed at the time the plans are submitted for approval. The form shall be completely filled out unless otherwise indicated.  
 B. The distance to the nearest public water supply main and to a sewer main of a municipal or community system shall be given.

**R9-8-523. Park plan**

- A. The minimum size of trailer coach spaces shall be in compliance with regulations of local planning boards and other official agencies.  
 B. The park shall be located on a site which is properly graded to ensure rapid drainage and the elimination of standing pools of water.

**R9-8-524. Reserved****R9-8-525. Reserved****R9-8-526. Reserved****R9-8-527. Reserved****R9-8-528. Reserved****R9-8-529. Reserved****R9-8-530. Reserved****R9-8-531. Water supply**

- A. The public water supply and distribution systems to the trailer spaces and service building shall comply with all provisions of Article 2 of this Chapter.  
 B. The water supply system shall be so designed, constructed and maintained to provide a minimum supply demand of six fixture units at a residual pressure of not less than twenty pounds per square inch at each trailer site requiring water in addition to the water requirements of the service building.  
 C. Each independent trailer coach space shall be provided with a cold water tap at least four inches above the ground.  
 D. Hot water, a minimum of 120° F, shall be provided at all times in the service building for all bathing, washing, cleaning and laundry facilities.

**R9-8-532. Reserved****R9-8-533. Sewage disposal system**

- A. The sewage disposal system shall comply with all provisions of Article 3 of this Chapter.  
 B. Where a public sewerage system is to be used and is already in existence, or if sewers are proposed and have been approved by the Department, it will only be necessary to show the location and size of the sewer lines within the park. Approval to construct the sewers serving the trailer park will not be given

## Department of Health Services - Food, Recreational, and Institutional Sanitation

unless the capacity of the receiving sewers and the treatment facility which will receive the wastes is determined to have adequate capacity for the increased load resulting from the installation of the trailer park.

**R9-8-534. Reserved**

**R9-8-535. Reserved**

**R9-8-536. Reserved**

**R9-8-537. Reserved**

**R9-8-538. Reserved**

**R9-8-539. Reserved**

**R9-8-540. Reserved**

**R9-8-541. Sanitation facilities**

Toilets, bathing, laundry and other sanitation facilities shall be housed in a service building which shall present easy access from all trailer coach spaces by means of walkways or roadways.

**R9-8-542. Service buildings**

A. Service buildings shall be permanent structures, complying with all applicable ordinances and statutes regulating building construction.

B. Service buildings shall meet the following requirements:

1. All facilities shall be well lighted.
2. They shall be ventilated with screened openings.
3. They shall be constructed of such moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing.
4. Properly vented heating facilities shall be provided.
5. The floors of the service buildings shall be of water-imperious material and sloped to properly located floor drains.

C. Service buildings containing toilet and bathing facilities shall not be located farther than 200 feet from any dependent trailer coach space.

D. Existing parks serving dependent trailer coaches shall meet the requirements of this Section within six months from the effective date.

**R9-8-543. Toilet facilities**

A. All parks accommodating dependent trailer coaches shall be provided with the following number of toilets, showers and other sanitation facilities:

*Number of Trailer Parking Spaces	NUMBER OF FACILITIES REQUIRED IN SERVICE BUILDINGS							**Other
	TOILETS		URINALS	LAVATORIES		SHOWERS		
	Men	Women	Men	Men	Women	Men	Women	
1-15	1	1	1	1	1	1	1	
16-30	1	2	1	2	2	1	1	1 service sink
31-45	2	2	1	3	3	1	1	with a flush-
46-60	2	3	2	3	3	2	2	ing rim
61-80	3	4	2	4	4	2	2	
81-100	3	4	2	4	4	3	3	1 utility sink

For parking areas having more than 100 trailer spaces there shall be provided: one additional toilet and lavatory for each sex per each additional 30 trailer spaces; one additional shower for each sex per each additional 40 trailer spaces; and one additional men’s urinal per each additional 100 trailer spaces.

\*Parking spaces for dependent trailers, i.e., number of facilities required per number of dependent parking trailer spaces.

\*\*Additional fixtures including laundry trays, clothes washing machines (one for every 30 sites) and an ice making machine may be provided.

B. Where a trailer coach park is designed for and exclusively limited to use by independent trailers, emergency sanitary facilities are not required.

C. When a park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule for trailer spaces and shall be based on the total number of persons using such facilities.

**R9-8-544. Community kitchens; recreational facilities**

Trailer coach parks which provide a community kitchen or other recreational facilities shall comply with these rules and regulations relating to campgrounds and Article 2 of this Chapter relating to eating and drinking establishments.

**R9-8-545. Reserved**

**R9-8-546. Reserved**

**R9-8-547. Reserved**

**R9-8-548. Reserved**

**R9-8-549. Reserved**

**R9-8-550. Reserved**

**R9-8-551. Waste disposal**

A. The storage, collection, transportation and disposal of garbage, trash, rubbish, manure and other objectionable wastes shall be in accordance with the provisions of Article 4 of this Chapter.

B. Each trailer coach space shall be provided with a trapped sewer, at least three inches in diameter, which shall be connected to receive all liquid waste from the trailer coach located in such space. Except that a trapped sewer is not required in parks restricted to trailer coaches in which all fixtures discharge through a trap located in the trailer plumbing system.

**R9-8-552. Reserved**

**R9-8-553. Reserved**

**R9-8-554. Reserved**

**R9-8-555. Reserved**

**R9-8-556. Reserved**

## Department of Health Services – Food, Recreational, and Institutional Sanitation

- R9-8-557. Reserved
- R9-8-558. Reserved
- R9-8-559. Reserved
- R9-8-560. Reserved
- R9-8-561. Expired

**Historical Note**

Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 3256, effective June 17, 2002 (Supp. 02-3).

**ARTICLE 6. CAMP GROUNDS**

- R9-8-601. Reserved
- R9-8-602. Reserved
- R9-8-603. Reserved
- R9-8-604. Reserved
- R9-8-605. Reserved
- R9-8-606. Reserved
- R9-8-607. Reserved
- R9-8-608. Reserved
- R9-8-609. Reserved
- R9-8-610. Reserved

**R9-8-611. Scope**

The regulations in this Article shall apply to any city, county, city and county, village, community, institution, person, firm or corporation operating, maintaining or offering for public use within the state of Arizona any tract of land on which persons may camp or picnic either free of charge or by payment of a fee. Each and every owner and lessee of any public camp or picnic ground shall be held responsible for full compliance with these regulations.

**R9-8-612. Supervision**

- A. The management of every public camp or picnic ground shall assume responsibility for maintaining in good repair all sanitary appliances on said ground and shall promptly bring such action as may be necessary to prosecute or eject from such ground any person who willfully or maliciously damages such appliances or any person who in any way fails to comply with these regulations.
- B. At least one caretaker shall be employed by the management to visit said camp or picnic ground every day that campers or picnickers occupy said ground. Such caretaker shall do whatever may be necessary to keep said ground and its equipment in a clean and sanitary condition.
- C. Each camping party shall be allotted usable space of not less than 350 square feet.

**R9-8-613. Water supply**

- A. The water supply system shall be in accordance with Article 2 of this Chapter and shall be provided in ample quantity to meet all requirements of the maximum number of persons using such ground at any time. Said water supply shall be easily obtained from its source or on a pipe distribution system from faucets which shall be located not more than 300 feet from a camp or picnic spot within such ground. If water supply is obtained direct from above-ground source, said source must be covered properly and water withdrawn by means of open pipe or faucet as approved by the Department. In no case can dipping from open springs, seeps or wells be permitted.
- B. Any water considered unsafe for human consumption in the vicinity of such ground, to which campers or picnickers may have access, shall be either eliminated or purified or shall be

kept posted with placards definitely warning persons against its use.

**R9-8-614. Protection against fires**

No fires shall at any time be so located as to endanger automobiles or other property in the camp ground. No fires shall be left unattended at any time, and all fires shall be completely extinguished before leaving.

**R9-8-615. Sewage and refuse disposal**

- A. Supervision and equipment: Supervision and equipment sufficient to prevent littering of the ground with rubbish, garbage or other refuse shall be provided and maintained. Fly-tight depositories for such materials shall be provided and conspicuously located. Each and every camp or picnic spot on said ground shall be within a distance of not over 200 feet from such a depository. These depositories shall not be permitted to become foul smelling or unsightly or breeding places for flies.
- B. The method of final sewage or refuse disposal utilized in connection with the operation of any camp or picnic ground shall be such as to create no nuisance.
- C. Basins: A sufficient number of basins, iron hoppers or sinks shall be provided and each shall be connected with a sewerage system; these are to be used for the disposal of domestic waste waters.

**R9-8-616. Toilets**

Fly-tight privies or water-flushed toilets shall be provided and shall be maintained in a clean and sanitary condition. Separate toilets for men and women shall be provided, one for each 25 men and one for each 25 women or fraction thereof of the maximum number of persons occupying such ground at any time. No camp or picnic spot within such ground shall be at a greater distance than 400 feet from both a women's and men's toilet. The location of all toilets shall be plainly indicated by signs.

**R9-8-617. Construction and maintenance of buildings**

If cottages, cabins, tent houses, dwelling houses or other structures to be used for human habitation are erected in any public camping ground, the following requirements in their construction shall be observed: (Note: All local building ordinances must be complied with in addition to observing the following requirements.)

1. All wood floors shall be raised at least 18 inches above the ground and space underneath such floors shall be left open and free from obstruction on at least two opposite sides. All floors shall be constructed of tongue and groove material.
2. Interior walls shall be of surfaced lumber or other material that may easily be kept clean and shall be constructed so that they may always be kept in a thoroughly clean condition.
3. No room for sleeping purposes shall have less than 500 cubic feet of air space for each occupant.
4. The area of window space in each sleeping room shall be equal to at least one-eighth of the floor area of the room.
5. Windows of sleeping rooms shall be so constructed that at least half of each window can be opened.
6. Cooking, including the preparation and storing of food must not be allowed in any room used for sleeping. Partitions and doors between cooking and sleeping rooms must be tight.
7. If kitchen is provided, it must be equipped with running water and a sink connected with a sewerage system or septic tank. Kitchen must be screened against flies and mosquitoes.
8. If inside toilet is provided it must be water flushed and connected with a sewerage system or septic tank. Room containing such toilets must have window opening to the

## Department of Health Services - Food, Recreational, and Institutional Sanitation

outside air. Bath and lavatory must be connected with sewerage system or septic tank.

10. Covered metal garbage containers must be provided, at least one for every two buildings.
11. Buildings shall be cleaned daily and after each occupancy shall be thoroughly cleaned. If bedding is provided it must be kept in a clean condition.

**ARTICLE 7. PUBLIC SCHOOLS****R9-8-701. Definitions**

In this Article, unless otherwise specified:

1. "Ample water supply" means sufficient water quantity and water pressure to operate all of a school's drinking fountains, bathtubs, showers, lavatories, water closets, and urinals at all times from:
  - a. A public water system that complies with 18 A.A.C. 4; or
  - b. An underground water source that complies with 18 A.A.C. 11, Articles 4 and 5 or with A.R.S. § 45-811.01.
2. "Animal" means a mammal, bird, reptile, amphibian, fish or invertebrate, such as an insect, spider, worm, snail, clam, crab, or starfish.
3. "Aquifer" means the same as in A.R.S. § 49-201.
4. "Bathroom" means a restroom that contains a shower head or bathtub.
5. "Bathtub" means a receptacle, in which a user sits, with a faucet that supplies hot and cold water, or warm water, for filling the receptacle and a drain connected to a sanitary sewer.
6. "Bottled water" means the same as in R9-8-201.
7. "Bottled water cooler" means a device that is not connected to a plumbing system and provides a vertically falling stream of drinking water from a source approved by the Department under 9 A.A.C. 8, Article 2, or that complies with 18 A.A.C. 4; 18 A.A.C. 11, Articles 4 and 5, or A.R.S. § 45-811.01.
8. "Calendar year" means January 1 through December 31.
9. "Classroom" means an interior area of a school used primarily for instruction of students.
10. "Clean" means free of dirt or debris.
11. "Cold water" means water with a temperature from 33° F to 74° F.
12. "Common drinking cup" means a hand-held container not connected to a plumbing system that:
  - a. Holds liquid for human consumption,
  - b. Comes into contact with a user's mouth, and
  - c. Is used by more than one individual.
13. "Complaint" means information indicating the need for inspection due to possible violations of this Article.
14. "Constructed underground storage facility" means the same as in A.R.S. § 45-802.01.
15. "Debris" means litter or the remains of something that has been broken or torn into pieces.
16. "Department" means the Arizona Department of Health Services.
17. "Device" means a piece of equipment that performs a specific function.
18. "Drinking fountain" means a fixture connected to a plumbing system that provides a non-vertical stream of drinking water from an opening and drains into a sanitary sewer.
19. "Drinking water" means water for human consumption that meets the requirements of 18 A.A.C. 4, or 18 A.A.C. 11, Article 4.
  - b. For a charter school defined in A.R.S. § 15-101, the
20. "Dumpster" means a container designed for mechanical lifting and dumping by a refuse collection vehicle that transports the container's contents.
21. "Faucet" means a fixture connected to a plumbing system that provides and regulates the flow of drinking water from the plumbing system.
22. "Fixture" means a permanent attachment to a structure.
23. "Floor drain" means an opening in a floor surface that leads to a sanitary sewer.
24. "Food establishment" means an entity that stores, prepares, packages, serves, or otherwise provides food for human consumption directly to a consumer or indirectly through a delivery service.
25. "Habitat" means a place where an animal is kept while on school grounds.
26. "Hot water" means water with a temperature from 95° F to 120° F.
27. "Human consumption" means an individual's use of water for activities such as drinking, bathing, showering, handwashing, cooking, dishwashing, laundering, cleaning, or using a water closet.
28. "Hydration" means the process of replacing fluids lost by a human body.
29. "Lavatory" means a sink or a basin with a faucet that supplies hot and cold water, or warm water, and with a drain connected to a sanitary sewer.
30. "Local health department" means:
  - a. The administrative division of an Arizona county, city, or town that manages environmental and health-related issues; or
  - b. A public health services district under A.R.S. Title 48, Chapter 33.
31. "Managed underground storage facility" means the same as in A.R.S. § 45-802.01.
32. "Non-absorbent" means not capable of absorbing or soaking up liquids.
33. "Non-classroom" means an indoor area in a school, such as the school office, nurse's office, library, or cafeteria, that are not used primarily for instruction of students.
34. "Overflow rim" means the raised edge around a drinking fountain's basin.
35. "Participant" means:
  - a. A member of the staff or a student of a school, or
  - b. A member of the staff or a student from another school, when the individual is present on the grounds of the school specified in subsection (a) for a school-organized activity.
36. "Plumbing system" means fixtures, pipes, and related parts assembled to carry drinking water into a structure and carry sewage out of the structure.
37. "Portable water container" means any type of device, not connected to a plumbing system, provided by a school, such as a bottle, cup, pitcher, or insulated cylindrical cooler, in which drinking water is held or carried.
38. "Private school" means the same as in A.R.S. § 15-101.
39. "Public water system" means the same as in A.R.S. § 49-352.
40. "Refuse" means the same as in A.A.C. R18-13-302.
41. "Refuse container" means a portable receptacle used for refuse storage until the refuse is placed into a dumpster.
42. "Responsible person" means:
  - a. For an accommodation school defined in A.R.S. § 15-101, the county school superintendent with the powers and duties prescribed in A.R.S. Title 15, Chapter 3, Article 1; governing board defined in A.A.C. R7-2-1401;

## Department of Health Services – Food, Recreational, and Institutional Sanitation

- c. For the Arizona State Schools for the Deaf and the Blind, the board of directors for the Arizona State Schools for the Deaf and the Blind established under A.R.S. Title 15, Chapter 11, Article 2;
  - d. For a school operated by a school district, the school district's governing board defined in A.R.S. § 15-101.
43. "Restroom" means a structure or room that contains at least one lavatory and water closet or at least one lavatory, water closet, and urinal.
44. "Sanitary sewer" means the same as in A.R.S. § 45-101.
45. "Sanitize" means the same as in A.A.C. R9-5-101.
46. "School" means an institution offering instruction:
- a. That is:
    - i. An accommodation school defined in A.R.S. § 15-101;
    - ii. The Arizona State Schools for the Deaf and the Blind established under A.R.S. Title 15, Chapter 11, Article 1;
    - iii. A charter school defined in A.R.S. § 15-101; or
    - iv. A school operated by a school district defined in A.R.S. § 15-101; and
  - b. That is not a private school.
47. "Sewage" means the same as in A.A.C. R18-13-1102.
48. "Shower head" means a fixture connected to a plumbing system that allows drinking water to fall on a user's body.
49. "Shower room" means a structure or room that contains at least one shower head and one floor drain, but does not contain a bathtub, lavatory, water closet, or urinal.
50. "Underground water source" means:
- a. An aquifer,
  - b. A constructed underground storage facility, or
  - c. A managed underground storage facility.
51. "Urinal" means the same as in A.R.S. § 45-311.
52. "Warm water" means water with a temperature from 75° F to 94° F.
53. "Water closet" means the same as in A.R.S. § 45-311.
54. "Water cooler" means a fixture connected to a plumbing system for cooling water and dispensing a vertically falling stream of drinking water.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-702. General Provisions**

- A. A responsible person shall ensure that a school complies with the provisions of this Article and with federal and state statutes and rules and local ordinances governing subjects included in A.R.S. § 36-136(H)(9).
- B. A violation of this Article is a public nuisance under A.R.S. § 36-601.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-703. Restroom, Bathroom, and Shower Room Requirements**

- A. A responsible person shall ensure that a school provides restrooms or bathrooms that:
  - 1. Are clean; and
  - 2. Have:
    - a. Floors of a non-absorbent material;
    - b. Floors that slope to a drain connected to a sanitary sewer;
    - c. Water closets with seats of the split or U-shaped type made of non-absorbent material;

- d. Interior surfaces that are clean, washable, and free from gaps;
- e. Toilet paper at all water closets; and
- f. Soap and single-use paper towels or air hand dryers at all lavatories.

- B. If a school provides a shower room, the responsible person shall ensure that the shower room:
  - 1. Is clean;
  - 2. Does not have a school-provided cloth towel unless, after each use, the cloth towel is machine washed with detergent and machine dried; and
  - 3. Has:
    - a. Hot and cold, or warm water from all shower heads;
    - b. Floors of a non-absorbent material;
    - c. Floors that slope to a drain connected to a sanitary sewer; and
    - d. Interior surfaces that are clean, washable, and free of gaps.
- C. A responsible person shall ensure that restrooms, bathrooms, and shower rooms are maintained to avoid odors.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-704. Cafeterias and Food Service**

- A. A responsible person for a school that stores, prepares, or serves food on the premises shall ensure that the school complies with 9 A.A.C. 8, Article 1, except when the food is brought to the school by staff or a student for personal consumption.
- B. If a school contracts with a food establishment to prepare and deliver food to the school, the responsible person shall:
  - 1. Ensure that the food establishment has a current license or permit issued under 9 A.A.C. 8, Article 1; and
  - 2. Retain a copy of the food establishment's current license or permit, required in subsection (B)(1), for inspection.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-705. Indoor Areas**

A responsible person shall ensure that:

- 1. Indoor classroom and non-classroom areas are clean; and
- 2. If a classroom has a lavatory in it, the lavatory has soap and single-use paper towels or air hand dryers.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-706. Water Supply**

- A. A responsible person shall ensure that a school has an ample water supply.
- B. A responsible person shall ensure that a school's drinking water is dispensed from:
  - 1. A clean drinking fountain that:
    - a. Provides, from an opening, a stream of water that does not touch anything before reaching a user's mouth;
    - b. Has an opening that is higher than the overflow rim to prevent the opening's submersion; and
    - c. Has a device to prevent a user's mouth from touching the opening from which the water streams;
  - 2. A clean and sanitized water cooler;
  - 3. A clean and sanitized bottled water cooler;
  - 4. A clean and sanitized lavatory faucet; or
  - 5. A clean and sanitized portable water container.

## Department of Health Services - Food, Recreational, and Institutional Sanitation

- C. If a portable water container or the bottle from a school's bottled water cooler is to be refilled, a responsible person shall ensure that the portable water container or the bottle is:
1. Washed, rinsed, and sanitized, as specified in 9 A.A.C. 8, Article 1;
  2. Stored in a clean area; and
  3. Refilled with drinking water from any of the sources of drinking water specified in subsection (B).
- D. A responsible person shall ensure that a school does not provide a common drinking cup unless the common drinking cup is washed, rinsed, and sanitized, as specified in 9 A.A.C. 8, Article 1, after each use.
- E. A responsible person shall ensure that a school provides:
1. Drinking fountains, water coolers, or bottled water coolers according to Tables 1 and 2; and
  2. At least one drinking fountain, water cooler, or bottled water cooler on each floor of the school that contains a classroom, regardless of the number of students.
2. Lavatories, showers, bathtubs, and other plumbing fixtures drain sewage to a sanitary sewer; and
  3. Sanitary sewer lines are maintained in accordance with the recommendations of the local health department.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-708. Refuse Management**

A responsible person shall ensure that a school:

1. Stores refuse in durable, non-absorbent, and washable containers;
2. Provides:
  - a. Indoor refuse containers in each classroom and in each non-classroom area; and
  - b. Accessible outdoor refuse containers;
3. Maintains refuse containers so that refuse does not accumulate in school buildings or on school grounds; and
4. Disposes of refuse according to 18 A.A.C. 13, Article 3.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-709. Animal Standards**

A. A responsible person shall ensure that an animal in a school:

1. Is kept in a habitat that:
  - a. Has water free of algae, insects, and particulate matter;
  - b. Is maintained to avoid odors from rotting food or excess animal wastes; and
  - c. Is not in the same room as food preparation areas, as specified in 9 A.A.C. 8, Article 1;
2. May be removed from the animal's habitat at the direction of a teacher;
3. When out of the animal's habitat, is under the control of a teacher or a student of the school, if the animal is:
  - a. A bird, reptile, amphibian, or invertebrate;
  - b. A large mammal, such as a horse, sheep, pig, goat, or cow;
  - c. A rabbit or hare; or
  - d. A rodent, such as a mouse, rat, hamster, guinea pig, or gerbil;
4. Has a current immunization against rabies, if the animal is a dog, cat or ferret, as documented by:
  - a. A dog license issued by a state or county agency;
  - b. A rabies immunization certificate from a veterinarian licensed under 3 A.A.C. 11;
  - c. A receipt for veterinary services, showing the administration of a rabies vaccine; or
  - d. A written statement attesting to the current immunization of the animal against rabies; and
5. Is not:
  - a. A non-human primate;
  - b. A deer mouse, or other wild mouse of the genus *Peromyscus*; and
  - c. A bat, skunk, raccoon, fox, wolf-hybrid or coyote, except when brought into a classroom for an educational display, as defined in R12-4-401, by a person who has complied with provisions in 12 A.A.C. 4, Article 4, obtained a permit or license issued by the Arizona Game and Fish Department, and is experienced in handling the animal.

B. A responsible person shall ensure that a room, in which an animal in a school is kept:

1. Is free of animal waste, except in the habitat; and
2. Has:

**Table 1. Kindergarten to Eighth Grade**

Number of Students	Minimum Number of Drinking Fountains, Water Coolers, or Bottled Water Coolers*
1-50	1
51-100	2
101-150	3
151-200	4
201-250*	5

\* For each additional 1-50 students, another drinking fountain, water cooler, or bottled water cooler is required.

**Table 2. Ninth Grade to Twelfth Grade**

Number of Students	Minimum Number of Drinking Fountains, Water Coolers, or Bottled Water Coolers*
1-100	1
101-200	2
201-300	3
301-400	4
401-500*	5

\* For each additional 1-100 students, another drinking fountain, water cooler, or bottled water cooler is required.

- F. A responsible person shall ensure a school provides drinking water that is:
1. Accessible from the school grounds; and
  2. Sufficient to maintain the hydration of all participants at school-organized outdoor activities.

**Historical Note**

New Section, including Tables 1 and 2, made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-707. Sewage Disposal**

A responsible person shall ensure that a school's:

1. Water closets and urinals flush sewage to a sanitary sewer;

## Department of Health Services – Food, Recreational, and Institutional Sanitation

- a. A lavatory with soap and single-use paper towels or air hand dryers; or
- b. A product to sanitize the hands of an individual who touches an animal or its habitat.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-710. Pest Control**

A responsible person shall ensure that indoor classroom and non-classroom areas are kept free of insects and rodents, except when the insects or rodents are being kept as specified in R9-8-709 or are food for animals being kept as specified in R9-8-709.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-711. Inspections**

The Department shall inspect:

1. A school for compliance with this Article at least once each calendar year, and
2. Areas of a school pertinent to the details of a complaint upon receipt of the complaint.

**Historical Note**

Section repealed; new Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-712. Repealed****Historical Note**

Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-713. Repealed****Historical Note**

Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-714. Repealed****Historical Note**

Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-715. Repealed****Historical Note**

Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-716. Repealed****Historical Note**

Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-717. Repealed****Historical Note**

Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

## ARTICLE 8. PUBLIC AND SEMIPUBLIC SWIMMING POOLS AND BATHING PLACES

**R9-8-801. Definitions**

In this Article, unless otherwise specified:

1. “Artificial lake” has the same meaning as in A.A.C. R18-5-201.
2. “Backwash” has the same meaning as in A.A.C. R18-5-201.

3. “Bathing place” means a volume of water that is used for water contact recreation.
4. “Clean” means free from slime, scum, dirt, or other debris.
5. “Deck” has the same meaning as in A.A.C. R18-5-201.
6. “Department” means the Arizona Department of Health Services.
7. “Incontinent” means unable to restrain a bowel movement.
8. “Local health department” has the same meaning as in R9-18-101.
9. “Maximum bathing load” has the same meaning as in A.A.C. R18-5-201.
10. “Natural bathing place” has the same meaning as in A.A.C. R18-5-201.
11. “Operate” has the same meaning as in A.A.C. R18-5-201.
12. “Operator” means an individual who owns, runs, maintains, or otherwise controls or directs the functioning of a bathing place.
13. “Oxidation-reduction potential” means the measurement in millivolts of the potential for transfer of electrons from one atom or molecule to another in water.
14. “Potable water” has the same meaning as in A.A.C. R18-5-201.
15. “Ppm” means parts per million.
16. “Private residential spa” has the same meaning as in A.A.C. R18-5-201.
17. “Private residential swimming pool” has the same meaning as in A.A.C. R18-5-201.
18. “Public health services district” has the same meaning as “district” in A.R.S. § 48-5801.
19. “Public spa” has the same meaning as in A.A.C. R18-5-201.
20. “Public swimming pool” has the same meaning as in A.A.C. R18-5-201.
21. “Regulatory authority” means the Department or a local health department or public health services district operating under a delegation of authority from the Department.
22. “Sanitary facility” means a designated area that includes a toilet, urinal, sink, or shower.
23. “Scum” means a film that forms on the surface of water.
24. “Semi-artificial bathing place” means a lake, pond, river, stream, swimming hole, or hot spring that is modified to be used for water contact recreation.
25. “Semipublic spa” has the same meaning as in A.A.C. R18-5-201.
26. “Semipublic swimming pool” has the same meaning as in A.A.C. R18-5-201.
27. “Shallow area” has the same meaning as in A.A.C. R18-5-201.
28. “Shock treatment” means adding chlorine to water to elevate the free chlorine residual to 20 ppm and destroy ammonia and nitrogenous and organic contaminants in the water.
29. “Slime” means a glutinous or viscous liquid matter.
30. “Spa” has the same meaning as in A.A.C. R18-5-201.
31. “Surface water” has the same meaning as in A.A.C. R18-11-101.
32. “Swimming pool” has the same meaning as in A.A.C. R18-5-201.
33. “Turnover rate” has the same meaning as in A.A.C. R18-5-201.
34. “Wading pool” has the same meaning as in A.A.C. R18-5-201.

## Department of Health Services - Food, Recreational, and Institutional Sanitation

35. "Water circulation system" has the same meaning as in A.A.C. R18-5-201.
36. "Water circulation system components" has the same meaning as in A.A.C. R18-5-201.
37. "Water fountain" means a bathing place that functions by using mechanical means to propel a stream of water out of an opening or structure.
38. "Water contact recreation" means an activity for enjoyment in which an individual wets all or part of the individual's body with water.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-802. Applicability**

This Article does not apply to:

1. A private residential swimming pool,
2. A private residential spa,
3. A bathing place used for medical treatment or physical therapy supervised by licensed medical personnel, or
4. A body of water that is not used as a bathing place.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-803. Public and Semipublic Swimming Pool and Spa Water Quality and Disinfection Standards**

- A. An operator of a public or semipublic swimming pool or spa shall ensure that:
  1. The swimming pool or spa is filled only with potable water;
  2. The water in the swimming pool or spa:
    - a. Complies with the water quality standards in this Section when the swimming pool or spa is open for water contact recreation;
    - b. Maintains a pH of between 7.2 and 7.8;
    - c. Maintains a total alkalinity of between 60 and 100 ppm; and
    - d. Is sufficiently clear so that the main drain in the swimming pool or spa is visible from the deck of the swimming pool or spa;
  3. The surface of the water in the swimming pool or spa is free from scum and floating debris;
  4. The bottom and sides of the swimming pool or spa are free from sediment, dirt, slime, and algae;
  5. The chemical disinfection level, pH, total alkalinity, and temperature of the water is tested at least once daily; and
  6. A daily operating log that includes the results of the tests in subsection (A)(5) is maintained for 12 months from the date of the test and is available to a regulatory authority or a member of the public upon request.
- B. An operator of a public or semipublic swimming pool or spa:
  1. Shall not use chloramine as a primary disinfectant in the swimming pool or spa;
  2. Shall not add gaseous disinfectant directly into the swimming pool;
  3. Shall not add dry or liquid disinfectant directly into the swimming pool or spa for routine disinfection; and
  4. May add dry or liquid disinfectant directly into the swimming pool or spa for shock treatment.
- C. An operator of a public or semipublic swimming pool or spa using chlorinated isocyanurates or cyanuric acid stabilizer for disinfection and stabilization in the swimming pool or spa shall ensure that the water in the swimming pool or spa maintains an oxidation-reduction potential equal to or greater than 650 millivolts and that cyanuric acid levels, whether from

chlorinated isocyanurates or from the separate addition of cyanuric acid stabilizer, do not exceed 150 ppm.

- D. An operator of a public or semipublic swimming pool shall ensure that the water in the swimming pool meets one of the following chemical disinfection standards:
  1. A free chlorine residual between 1.0 and 3.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test,
  2. A free bromine residual between 2.0 and 4.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test, or
  3. An oxidation-reduction potential equal to or greater than 650 millivolts.
- E. An operator of a public or semipublic spa shall ensure that:
  1. A chlorine gas disinfection system is not used in the spa;
  2. The water temperature in the spa does not exceed 40EC; and
  3. The water in the spa meets one of the following chemical disinfection standards:
    - a. A free chlorine residual between 3.0 and 5.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test,
    - b. A free bromine residual between 3.0 and 5.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test, or
    - c. An oxidation-reduction potential equal to or greater than 650 millivolts.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-804. Public and Semipublic Swimming Pool and Spa Water Circulation Requirements**

- A. An operator of a public or semipublic swimming pool or spa shall ensure that:
  1. The swimming pool or spa water circulation system complies with the water circulation requirements in 18 A.A.C. 5, Article 2; and
  2. The swimming pool or spa is equipped with:
    - a. A flow meter as specified in 18 A.A.C. 5, Article 2; and
    - b. A vacuum cleaning system as specified in 18 A.A.C. 5, Article 2.
- B. An operator may draw water from a swimming pool for a water slide or a water fountain without filtering or disinfecting the water.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-805. Public and Semipublic Swimming Pool and Spa Maximum Bathing Loads**

An operator of a public or semipublic swimming pool or spa shall ensure that the maximum bathing load, as specified in 18 A.A.C. 5, Article 2, is not exceeded.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-806. Posting Requirements**

An operator of a public or semipublic swimming pool or spa shall ensure that a sign is posted within 50 feet of the swimming pool or spa, that includes the following instructions:

1. Use the toilet before entering the pool or spa;
2. Take a shower before entering the pool or spa;
3. Do not enter the pool with a cold, skin or other body infection, open wound, diarrhea, or any other contagious condition;



## Department of Health Services – Food, Recreational, and Institutional Sanitation

4. If incontinent, wear tight fitting rubber or plastic pants or a swim diaper; and
5. Observe all safety regulations.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-807. Public and Semipublic Swimming Pool and Spa and Bathing Place Facility Sanitation**

- A. An operator of a public or semipublic swimming pool or spa shall ensure that a sanitary facility at the public or semipublic swimming pool is maintained in a clean condition.
- B. An operator of a public or semipublic swimming pool or bathing place shall provide a soap dispenser with liquid or powdered soap at each sink in a sanitary facility.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-808. Bathing Place Towels**

If a towel is provided by a bathing place to an individual using the bathing place, an operator of the bathing place shall ensure that the towel is washed with soap or detergent and hot water and thoroughly dried after each individual use.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-809. Disposal of Sewage, Filter Backwash, and Wasted Swimming Pool or Spa Water**

An operator of a public or semipublic swimming pool or spa shall ensure that sewage, filter backwash, and swimming pool or spa water are disposed of according to A.A.C. R18-5-236.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-810. Fecal Contamination in Public and Semipublic Swimming Pools and Spas**

- A. If solid feces are found in a public or semipublic swimming pool or spa, an operator of the swimming pool or spa shall ensure that:
  1. Each individual in the swimming pool or spa exits the swimming pool or spa and the swimming pool or spa is closed,
  2. The feces in the swimming pool or spa are removed and disposed of in a toilet,
  3. The chemical disinfection level of the water in the swimming pool or spa is tested to determine whether the water complies with the water quality and disinfection standards in R9-8-803, and
  4. The swimming pool or spa is not reopened until a test conducted under subsection (A)(3) indicates that the water complies with the water quality and disinfection standards in R9-8-803.
- B. If liquid feces are found in a public or semipublic swimming pool or spa, an operator of the swimming pool or spa shall ensure that:
  1. Each individual in the swimming pool or spa exits the swimming pool or spa and the swimming pool or spa is closed;
  2. The swimming pool or spa is closed for at least 24 hours;
  3. As much of the liquid feces as possible in the swimming pool or spa is removed and disposed of in a toilet;
  4. The swimming pool or spa is chemically treated with a shock treatment;

5. The water in the swimming pool or spa is tested 24 hours after applying the shock treatment to determine whether the water complies with the water quality and disinfection standards in R9-8-803; and
6. The swimming pool or spa is not reopened until a test conducted under subsection (B)(5) indicates that the water complies with the water quality and disinfection standards in R9-8-803.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-811. Natural and Semi-artificial Bathing Place and Artificial Lake Water Quality Standards**

An operator of a public or semipublic natural bathing place, a semi-artificial bathing place, or an artificial lake shall ensure that the public or semipublic natural bathing place, semi-artificial bathing place, or artificial lake meets the narrative and numeric water quality standards in 18 A.A.C. 11, Article 1 when the public or semi-public natural bathing place, semi-artificial bathing place, or artificial lake is open for water contact recreation.

**Historical Note**

Section repealed; new Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-812. Inspections**

- A. A regulatory authority shall inspect a bathing place to determine whether the bathing place complies with this Article.
- B. A regulatory authority shall inspect a public swimming pool at least once each month that the swimming pool is open for water contact recreation.

**Historical Note**

Section repealed; new Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-813. Cease and Desist and Abatement**

- A. Engaging in any practice in violation of this Article is a public nuisance.
- B. If a regulatory authority has reasonable cause to believe that an operator of a public or semipublic swimming pool or bathing place is creating or maintaining a public nuisance at the public or semipublic swimming pool or bathing place, the regulatory authority shall order the operator to discontinue the activity and to abate the public nuisance as follows:
  1. The regulatory authority shall serve on the operator a written cease and desist and abatement order requiring the operator to discontinue the activity and to remove the public nuisance at the operator's expense within 24 hours after service of the order. The order shall contain:
    - a. A reference to the statute or rule that is alleged to have been violated or on which the order is based,
    - b. A description of the operator's right to request a hearing, and
    - c. A description of the operator's right to request an informal settlement conference.
  2. The regulatory authority shall serve the order and any subsequent notices by personal delivery or certified mail, return receipt requested, to the operator or other party's last address of record with the regulatory authority or by any other method reasonably calculated to effect actual notice to the operator or other party.
  3. The operator or another party whose rights are determined by the order may obtain a hearing to appeal the order by filing a written notice of appeal with the regulatory authority within 30 days after service of the order. The operator or other party appealing the order shall

## Department of Health Services - Food, Recreational, and Institutional Sanitation

serve the notice of appeal upon the regulatory authority by personal delivery or certified mail, return receipt requested, to the office of the regulatory authority or by any other method reasonably calculated to effect actual notice on the regulatory authority. Appealing an order does not release the operator from the obligation to comply with the order.

4. If a notice of appeal is timely filed, the regulatory authority shall do one of the following:
  - a. If the regulatory authority is the Department or a local health department or public health services district to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 10 is delegated, the notification and hearing shall comply with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings.
  - b. For all other regulatory authorities, the notification and hearing shall comply with the procedures adopted by a county board of supervisors as required by A.R.S. § 36-183.04(E).
5. If a written notice of appeal is not timely filed, the order becomes final.
6. A regulatory authority shall inspect the public or semi-public swimming pool or bathing place 24 hours after service of the order to determine whether the operator has complied with the order. If the regulatory authority determines upon inspection that the operator has not ceased the activity and abated the public nuisance, the regulatory authority shall cause the public nuisance to be removed.

**Historical Note**

Section repealed; new Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-814. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-815. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-816. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-817. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-818. Reserved****R9-8-819. Reserved****R9-8-820. Reserved****R9-8-821. Repealed****Historical note**

R9-8-821 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date

(Supp. 98-4).

**R9-8-822. Repealed****Historical note**

R9-8-822 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-823. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-824. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-825. Reserved****R9-8-826. Reserved****R9-8-827. Reserved****R9-8-828. Reserved****R9-8-829. Reserved****R9-8-830. Reserved****R9-8-831. Repealed****Historical Note**

R9-8-831 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-832. Repealed****Historical Note**

R9-8-832 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-833. Repealed****Historical Note**

R9-8-833 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-834. Repealed****Historical Note**

R9-8-834 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date

## Department of Health Services – Food, Recreational, and Institutional Sanitation

(Supp. 98-4).

**R9-8-835. Repealed****Historical Note**

R9-8-835 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-836. Repealed****Historical Note**

R9-8-836 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-837. Repealed****Historical Note**

R9-8-837 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-838. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-839. Repealed****Historical Note**

R9-8-839 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-840. Reserved****R9-8-841. Repealed****Historical Note**

R9-8-841 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**Exhibit A. Repealed****Historical Note**

Exhibit A repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-842. Repealed****Historical Note**

R9-8-842 repealed by summary action with an interim

effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-843. Repealed****Historical Note**

R9-8-843 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-844. Repealed****Historical Note**

R9-8-844 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-845. Repealed****Historical Note**

R9-8-845 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-846. Repealed****Historical Note**

R9-8-846 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-847. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-848. Reserved****R9-8-849. Reserved****R9-8-850. Reserved****R9-8-851. Repealed****Historical Note**

Editorial correction, spelling of “political” (Supp. 89-2). Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-852. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**ARTICLE 9. EXPIRED****R9-8-901. Expired**

## Department of Health Services - Food, Recreational, and Institutional Sanitation

**Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-902. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-903. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-904. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-905. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-906. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-907. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-908. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-909. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-910. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-911. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-912. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-913. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-914. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-915. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-916. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-917. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**ARTICLE 10. RENUMBERED**

*See Title 18, Chapter 5, Article 4.*

**ARTICLE 11. PRESERVATION, TRANSPORTATION, AND DISPOSITION OF HUMAN REMAINS**

*Article 11, consisting of Sections R9-8-1111, repealed effective April 10, 1997 (Supp. 97-2).*

**R9-8-1101. Reserved****R9-8-1102. Expired****Historical Note**

New Section recodified from R9-19-312 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1103. Expired****Historical Note**

New Section recodified from R9-19-314 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1104. Expired****Historical Note**

New Section recodified from R9-19-326 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1105. Expired**

## Department of Health Services – Food, Recreational, and Institutional Sanitation

**Historical Note**

New Section recodified from R9-19-321 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1106. Expired****Historical Note**

New Section recodified from R9-19-327 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1107. Expired****Historical Note**

New Section recodified from R9-19-330 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1108. Expired****Historical Note**

New Section recodified from R9-19-333 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1109. Reserved****R9-8-1110. Reserved****R9-8-1111. Repealed****Historical Note**

Repealed effective April 10, 1997 (Supp. 97-2).

**ARTICLE 12. RENUMBERED**

*See Title 18, Chapter 8, Article 6.*

**ARTICLE 13. HOTELS, MOTELS, AND TOURIST COURTS****R9-8-1301. Reserved****R9-8-1302. Reserved****R9-8-1303. Reserved****R9-8-1304. Reserved****R9-8-1305. Reserved****R9-8-1306. Reserved****R9-8-1307. Reserved****R9-8-1308. Reserved****R9-8-1309. Reserved****R9-8-1310. Reserved****R9-8-1311. Expired****Historical Note**

Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 3256, effective June 17, 2002 (Supp. 02-3).

**R9-8-1312. Definitions**

- A. "Approved" means acceptable to the Department.
- B. "Department" means the Arizona Department of Health Services or a local health department designated by the Arizona Department of Health Services.
- C. "Dwelling unit" means any suite, room, cottage, bedroom, or other unit established or maintained by a transient dwelling establishment for temporary occupancy.

D. "Person" means the state, a municipality, district, or other political subdivision, a cooperative, institution, corporation, company, firm, partnership, or individual.

E. "Plumbing or plumbing system" means and includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste, and vent pipes; and the building drains with their devices, appurtenances and connections either within or adjacent to the transient dwelling establishment.

F. "Transient" means any member of the public who occupies a dwelling unit on a temporary basis in a transient dwelling establishment as defined above.

G. "Transient dwelling establishment" means and includes any place where sleeping accommodations are available to transients or tourists on a temporary basis such as a hotel, motel, motor hotel, tourist court, tourist camp, rooming house, boarding house, inn, and similar facilities by whatever name called, consisting of two or more dwelling units; provided, however, that the term shall not be construed to include apartments, clubs, boarding houses, rooming houses, and similar facilities where occupancy of all dwelling units is on a permanent or semi-permanent basis.

**R9-8-1313. Expired****Historical Note**

Section expired under A.R.S. § 41-1056(E) at 13 A.A.R. 2930, effective June 30, 2007 (Supp. 07-3).

**R9-8-1314. Inspection**

Representatives of the local health department shall make such inspections of any transient dwelling establishment as are necessary to assure compliance with these regulations, but not less than once each year. A copy of the report of the inspection shall be furnished the owner, lessee, or operator of the transient dwelling establishment indicating the degree of compliance or non-compliance with the provisions of these regulations. Failure to correct any discrepancies noticed within the time limit specified shall be cause for denial, revocation, or suspension of the permit to operate.

**R9-8-1315. Expired****Historical Note**

Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 3256, effective June 17, 2002 (Supp. 02-3).

**R9-8-1316. Reserved****R9-8-1317. Reserved****R9-8-1318. Reserved****R9-8-1319. Reserved****R9-8-1320. Reserved****R9-8-1321. Dwelling units**

- A. Dwelling units shall be of sufficient size to afford ample circulation of air and freedom of movement, but not less than 100 square feet of floor area shall be provided for each unit, exclusive of bathrooms, closets, kitchens, and similar ancillary facilities.
- B. Floors of all rooms shall be of such construction as to be easily cleaned and shall be kept clean and in good repair.
- C. The walls and ceilings of all rooms shall be of a finish that will permit easy cleaning and shall be kept clean and in good repair.
- D. Where windows are relied on to provide light and ventilation, the area of the windows for each dwelling unit shall be equal to at least 20% of the floor area.
- E. Not less than 25% of the window area furnished shall be capable of being opened unless other satisfactory means of ventilation.

## Department of Health Services - Food, Recreational, and Institutional Sanitation

tion is provided. Windows capable of being opened shall be effectively screened.

- F. Furniture, drapes, carpets, and other accessories shall be kept clean and in good repair.
- G. Dwelling units shall be maintained free of insects, rodents, and other vermin.
- H. The provisions of A.R.S. Title 36, Chapter 13, Article 2 relating to gas appliances shall be met.

**R9-8-1322. Grounds**

- A. Grounds of a transient dwelling establishment shall be properly graded and drained.
- B. Grounds shall be kept clean and free of accumulations of refuse and other debris. There shall be no evidence of fly, mosquito, or rodent breeding or infestation.

**R9-8-1323. Reserved****R9-8-1324. Reserved****R9-8-1325. Reserved****R9-8-1326. Reserved****R9-8-1327. Reserved****R9-8-1328. Reserved****R9-8-1329. Reserved****R9-8-1330. Reserved****R9-8-1331. Bedding**

- A. The beds, mattresses, pillows, and bed linen, including sheets, pillow slips, blankets, etc., used in all transient dwelling establishments shall be maintained in good repair, shall be kept clean and free of vermin, and shall be properly stored when not in use.
- B. Each bed, bunk, cot, or other sleeping place shall be provided with pillow slips, under and top sheets for the use of guests. Sheets and pillow slips shall be adequately sized to completely cover the mattress and pillow.
- C. Clean linen shall be provided to each new guest and shall be changed at least once each week when occupancy exceeds this period.

**R9-8-1332. Food service**

The storage, preparation and serving of food and drink shall comply with the requirements of Article 1 of this Chapter.

**R9-8-1333. Drinking water; ice**

- A. Where drinking fountains are provided, the fountain shall be constructed so that the drinking is from a free jet projected at an angle from the vertical and provided with a guard to prevent the mouth being placed directly against the orifice. There shall be no possibility of the orifice becoming submerged. The fountain bowl shall be constructed of nonabsorbent, easily cleanable material.
- B. All glasses and other multi-use utensils furnished to each dwelling unit shall be cleaned and sanitized in an approved manner after each occupancy. Single-service paper cups with suitable dispenser may be substituted for glasses.
- C. The use of a common drinking cup is prohibited.
- D. Ice shall be obtained from an approved source and shall be stored and handled in such a manner as to prevent contamination.

**R9-8-1334. Refuse**

- A. All refuse shall be stored and disposed of in accordance with Article 4 of these regulations.
- B. Garbage cans shall be thoroughly washed after emptying and shall be maintained free of odors and other objectionable conditions.

- C. All containers for rubbish shall be cleaned as often as necessary to prevent a nuisance.
- D. All refuse containers shall be maintained in good repair.

**R9-8-1335. Water supply**

Each transient dwelling establishment shall be provided with an adequate and safe water supply from an approved source. Whenever a transient dwelling establishment finds it necessary to develop a source or sources of supply, complete plans and specifications of the proposed water system shall be submitted to the Department and approval received prior to the start of construction. The design, construction, and operation of all such water supply systems shall comply with Article 2 of this Chapter.

**R9-8-1336. Toilet; lavatory**

- A. Adequate and convenient toilet, lavatory, and bathing facilities shall be provided at all transient dwelling establishments and shall be available to the guests at all times.
- B. Where private or connecting toilet rooms are not available for each dwelling unit, separate and plainly marked central toilet rooms for each sex shall be provided, located within 200 feet of such units.
- C. Central toilet rooms shall provide not less than one toilet, one lavatory, and one tub or shower for each sex for each 10 dwelling units, or major fraction thereof, not having private or connecting baths. At least one urinal shall be provided in each central toilet room designated for men.
- D. Hot and cold water and soap shall be provided in all toilet rooms. Clean, individual sanitary towels shall be furnished for each guest.
- E. Toilet rooms shall be well lighted and ventilated. Where gravity or mechanical ventilation is provided, the ventilation ducts for the toilet rooms shall not be connected into ventilation ducts from or to any dwelling unit.
- F. Floors of all toilet rooms shall be of easily cleanable construction, shall be kept clean and in good repair, and where necessary shall slope to properly located drains.
- G. Walls and ceilings of all toilet rooms shall be of easily cleanable construction and shall be kept clean and in good repair.

**R9-8-1337. Sewage disposal**

- A. The liquid wastes from all transient dwelling establishments shall be discharged into a public sewer system in compliance with applicable local ordinances or codes or into separate sewage disposal facilities approved by the Department.
- B. Separate sewage disposal facilities will not be approved where in the opinion of the Department connection to a public sewer is practicable.
- C. Where separate sewage disposal facilities are proposed the design, construction and operation of such systems shall be in accordance with Article 3 of this Chapter. Plans and specifications for such systems shall be submitted to the Department and approval received prior to the start of construction.
- D. Recommendations are found in the Engineering Bulletins of the Department to assist in compliance with these regulations regarding the design of sewage disposal systems. Copies of these Bulletins may be obtained from the Department.
- E. No sewage treatment effluent or other wastewater shall be deposited on the surface of the ground except in a manner approved by the Department.

**R9-8-1338. Plumbing**

All plumbing shall be installed in accordance with any local ordinance or code. Where a local ordinance or code does not exist, plumbing shall be installed in accordance with the requirements adopted by reference in R9-1-412(D).

## Department of Health Services – Food, Recreational, and Institutional Sanitation

**ARTICLE 14. REPEALED**

*Article 14, consisting of Sections R9-8-1411 thru R9-8-1413, repealed effective April 10, 1997 (Supp. 97-2).*

**R9-8-1411. Repealed****Historical Note**

Repealed effective April 10, 1997 (Supp. 97-2).

**R9-8-1412. Repealed****Historical Note**

Repealed effective April 10, 1997 (Supp. 97-2).

**R9-8-1413. Repealed****Historical Note**

Repealed effective April 10, 1997 (Supp. 97-2).

**ARTICLE 15. REPEALED**

*Article 15, consisting of Sections R9-8-1511 and R9-8-1512, repealed effective August 15, 1989 (Supp. 89-3).*

**ARTICLE 16. REPEALED****R9-8-1601. Reserved****R9-8-1602. Reserved****R9-8-1603. Reserved****R9-8-1604. Reserved****R9-8-1605. Reserved****R9-8-1606. Reserved****R9-8-1607. Reserved****R9-8-1608. Reserved****R9-8-1609. Reserved****R9-8-1610. Reserved****R9-8-1611. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1612. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1613. Reserved****R9-8-1614. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1615. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1616. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1617. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1618. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1619. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1620. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1621. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1622. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1623. Reserved****R9-8-1624. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1625. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1626. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1627. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1628. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1629. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1630. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1631. Repealed**

## Department of Health Services - Food, Recreational, and Institutional Sanitation

**Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1632. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-6-1633. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1634. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1635. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1636. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1637. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1638. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1639. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1640. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1641. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).

Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1642. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1643. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1644. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1645. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1646. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1647. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1648. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1649. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**ARTICLE 17. RENUMBERED**

*See Title 18, Chapter 8, Article 4.*

**ARTICLE 18. RENUMBERED**

*See Title 18, Chapter 8, Article 2.*

**ARTICLE 19. EMERGENCY EXPIRED**

*Article 19 consisting of Sections R9-8-1901 through R19-8-1905 adopted as an emergency effective June 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Emergency expired. Language deleted (Supp. 87-2).*

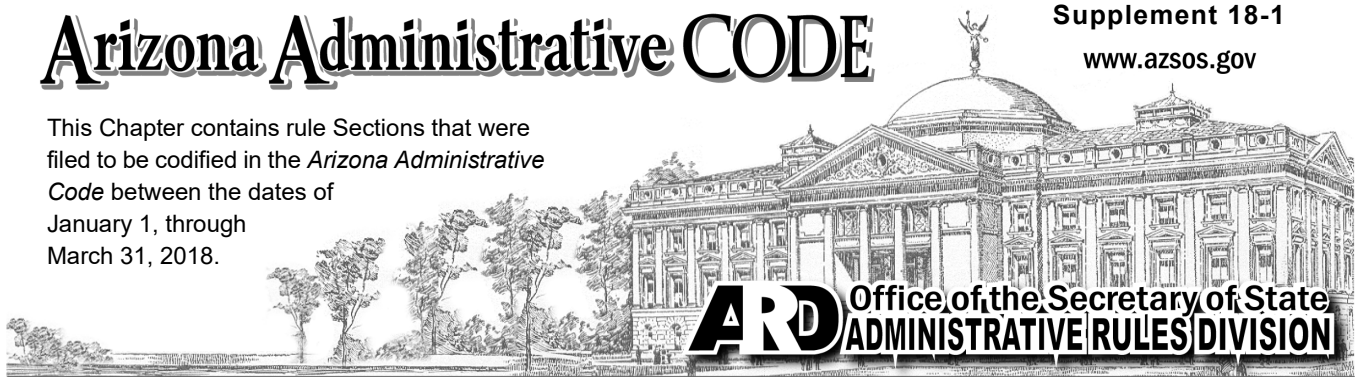


# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 9. HEALTH SERVICES

### CHAPTER 10. DEPARTMENT OF HEALTH SERVICES - HEALTH CARE INSTITUTIONS: LICENSING

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

[R9-10-120.](#)     [Opioid Prescribing and Treatment ..... 30](#)

#### Questions about these rules? Contact:

Department: Arizona Department of Health Services  
Name: Colby Bower, Assistant Director  
Address: Public Health Licensing Services  
150 N. 18th Ave., Suite 510  
Phoenix, AZ 85007

Telephone: (602) 542-6383

Fax: (602) 364-4808

E-mail: [Colby.Bower@azdhs.gov](mailto:Colby.Bower@azdhs.gov)

or

Name: Robert Lane, Chief  
Address: Arizona Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: [Robert.Lane@azdhs.gov](mailto:Robert.Lane@azdhs.gov)

<https://azdhs.gov/director/administrative-counsel-rules/rules/>

#### The release of this Chapter in supplement 18-1 replaces supplement 17-3, 1-263 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

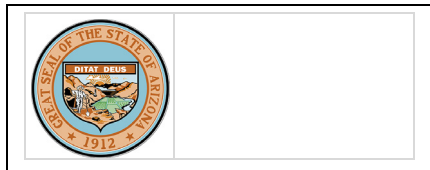
### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 9. HEALTH SERVICES****CHAPTER 10. DEPARTMENT OF HEALTH SERVICES - HEALTH CARE INSTITUTIONS: LICENSING**

*Editor's Note: The heading for 9 A.A.C. 10 changed from "Licensure" to "Licensing" per a request from the Department of Health Services (Supp. 03-4).*

*Editor's Note: The Office of the Secretary of State publishes all Chapters on white paper (Supp. 01-2).*

*Editor's Note: This Chapter contains rules which were adopted, amended, and repealed under exemptions from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to Laws 1993, Ch. 163, § 3(B); Laws 1996, Ch. 329, § 5; Laws 1998, Ch. 178 § 17, and Laws 1999, Ch. 311. Exemption from A.R.S. Title 41, Chapter 6 means that the Department of Health Services did not submit these rules to the Governor's Regulatory Review Council for review; the Department may not have submitted notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

**ARTICLE 1. GENERAL**

Section		
R9-10-101.	Definitions .....	7
R9-10-102.	Health Care Institution Classes and Subclasses; Requirements .....	13
R9-10-103.	Licensing Exceptions .....	14
R9-10-104.	Approval of Architectural Plans and Specifications .....	14
R9-10-105.	Initial License Application .....	16
R9-10-106.	Fees .....	17
R9-10-107.	Renewal License Application .....	18
R9-10-108.	Time-frames .....	19
R9-10-110.	Modification of a Health Care Institution .....	21
R9-10-111.	Enforcement Actions .....	22
R9-10-112.	Denial, Revocation, or Suspension of License ..	22
R9-10-113.	Tuberculosis Screening .....	22
R9-10-114.	Clinical Practice Restrictions for Hemodialysis Technician Trainees .....	23
R9-10-115.	Behavioral Health Paraprofessionals; Behavioral Health Technicians .....	24
R9-10-116.	Nutrition and Feeding Assistant Training Programs .....	25
R9-10-117.	Repealed .....	26
R9-10-118.	Collaborating Health Care Institution .....	26
R9-10-119.	Abortion Reporting .....	27
R9-10-120.	Opioid Prescribing and Treatment .....	28
R9-10-122.	Repealed .....	31
R9-10-123.	Repealed .....	31
R9-10-124.	Repealed .....	31

**ARTICLE 2. HOSPITALS**

*Article 2, consisting of Sections R9-10-201 through R9-10-233, adopted effective February 23, 1979.*

*Former Article 2, consisting of Sections R9-10-201 through R9-10-250, renumbered as Sections R9-10-301 through R9-10-335 as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days.*

Section		
R9-10-201.	Definitions .....	31
R9-10-202.	Supplemental Application Requirements .....	32
R9-10-203.	Administration .....	33
R9-10-204.	Quality Management .....	34
R9-10-205.	Contracted Services .....	35
R9-10-206.	Personnel .....	35
R9-10-207.	Medical Staff .....	35
R9-10-208.	Admission .....	36

R9-10-209.	Discharge Planning; Discharge .....	36
R9-10-210.	Transport .....	37
R9-10-211.	Transfer .....	38
R9-10-212.	Patient Rights .....	38
R9-10-213.	Medical Records .....	39
R9-10-214.	Nursing Services .....	40
R9-10-215.	Surgical Services .....	41
R9-10-216.	Anesthesia Services .....	41
R9-10-217.	Emergency Services .....	42
R9-10-218.	Pharmaceutical Services .....	42
R9-10-219.	Clinical Laboratory Services and Pathology Services .....	43
R9-10-220.	Radiology Services and Diagnostic Imaging Services .....	43
R9-10-221.	Intensive Care Services .....	44
R9-10-222.	Respiratory Care Services .....	44
R9-10-223.	Perinatal Services .....	44
R9-10-224.	Pediatric Services .....	45
R9-10-225.	Psychiatric Services .....	46
R9-10-226.	Behavioral Health Observation/Stabilization Services .....	49
R9-10-227.	Rehabilitation Services .....	49
R9-10-228.	Multi-organized Service Unit .....	49
R9-10-229.	Social Services .....	49
R9-10-230.	Infection Control .....	50
R9-10-231.	Dietary Services .....	50
R9-10-232.	Disaster Management .....	51
R9-10-233.	Environmental Standards .....	51
R9-10-234.	Physical Plant Standards .....	51
R9-10-235.	Administrative Separation .....	52

**ARTICLE 3. BEHAVIORAL HEALTH INPATIENT FACILITIES**

*Article 3, consisting of Sections R9-10-311 through R9-10-333, repealed at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).*

*Article 3, consisting of Sections R9-10-301 through R9-10-333, adopted effective February 4, 1981.*

*Former Article 3, consisting of Sections R9-10-301 through R9-10-335, repealed effective February 4, 1981.*

Section		
R9-10-301.	Definitions .....	52
R9-10-302.	Supplemental Application Requirements .....	52
R9-10-303.	Administration .....	52
R9-10-304.	Quality Management .....	54
R9-10-305.	Contracted Services .....	55

## Department of Health Services - Health Care Institutions: Licensing

R9-10-306.	Personnel .....	55	R9-10-428.	Repealed .....	89
R9-10-307.	Admission; Assessment .....	56	R9-10-429.	Repealed .....	89
R9-10-308.	Treatment Plan .....	57	R9-10-430.	Repealed .....	89
R9-10-309.	Discharge .....	57	R9-10-431.	Repealed .....	89
R9-10-310.	Transport; Transfer .....	58	R9-10-432.	Repealed .....	89
R9-10-311.	Patient Rights .....	59	R9-10-433.	Repealed .....	90
R9-10-312.	Medical Records .....	60	R9-10-434.	Repealed .....	90
R9-10-313.	Transportation; Patient Outings .....	61	R9-10-435.	Repealed .....	90
R9-10-314.	Physical Health Services .....	61	R9-10-436.	Repealed .....	90
R9-10-315.	Behavioral Health Services .....	62	R9-10-437.	Repealed .....	90
R9-10-316.	Seclusion; Restraint .....	62	R9-10-438.	Repealed .....	90
R9-10-317.	Behavioral Health Observation/Stabilization Services .....	64	R9-10-439.	Repealed .....	90
R9-10-318.	Child and Adolescent Residential Treatment Services .....	65			
R9-10-319.	Detoxification Services .....	66			
R9-10-320.	Medication Services .....	66			
R9-10-321.	Food Services .....	67			
R9-10-322.	Emergency and Safety Standards .....	68			
R9-10-323.	Environmental Standards .....	69			
R9-10-324.	Physical Plant Standards .....	70			
R9-10-325.	Repealed .....	72			
R9-10-326.	Repealed .....	72			
R9-10-327.	Repealed .....	72			
R9-10-328.	Repealed .....	72			
R9-10-329.	Repealed .....	72			
R9-10-330.	Repealed .....	72			
R9-10-331.	Repealed .....	72			
R9-10-332.	Repealed .....	72			
R9-10-333.	Repealed .....	72			
R9-10-334.	Repealed .....	72			
R9-10-335.	Repealed .....	72			

**ARTICLE 4. NURSING CARE INSTITUTIONS**

*Article 4, consisting of Sections R9-10-411 through R9-10-438, repealed at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).*

Section		
R9-10-401.	Definitions .....	73
R9-10-402.	Supplemental Application Requirements .....	73
R9-10-403.	Administration .....	73
R9-10-404.	Quality Management .....	75
R9-10-405.	Contracted Services .....	76
R9-10-406.	Personnel .....	76
R9-10-407.	Admission .....	77
R9-10-408.	Discharge .....	77
R9-10-409.	Transport; Transfer .....	78
R9-10-410.	Resident Rights .....	78
R9-10-411.	Medical Records .....	79
R9-10-412.	Nursing Services .....	80
R9-10-413.	Medical Services .....	81
R9-10-414.	Comprehensive Assessment; Care Plan .....	81
R9-10-415.	Behavioral Health Services .....	82
R9-10-416.	Clinical Laboratory Services .....	82
R9-10-417.	Dialysis Services .....	83
R9-10-418.	Radiology Services and Diagnostic Imaging Services .....	83
R9-10-419.	Respiratory Care Services .....	83
R9-10-420.	Rehabilitation Services .....	83
R9-10-421.	Medication Services .....	84
R9-10-422.	Infection Control .....	84
R9-10-423.	Food Services .....	85
R9-10-424.	Emergency and Safety Standards .....	86
R9-10-425.	Environmental Standards .....	87
R9-10-426.	Physical Plant Standards .....	87
R9-10-427.	Quality Rating .....	88

**ARTICLE 5. RECOVERY CARE CENTERS**

*Article 5, consisting of Sections R9-10-501 through R9-10-514, adopted effective April 4, 1994 (Supp. 94-2).*

*Article 5, consisting of Sections R9-10-501 through R9-10-518, repealed effective April 4, 1994 (Supp. 94-2).*

*Article 5, consisting of Sections R9-10-501 through R9-10-518, adopted as permanent rules effective October 30, 1989.*

*Article 5, consisting of Sections R9-10-501 through R9-10-518, readopted as an emergency effective July 31, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days.*

*Article 5, consisting of Sections R9-10-501 through R9-10-518, readopted as an emergency effective April 27, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days.*

*Article 5, consisting of Sections R9-10-501 through R9-10-518, readopted as an emergency effective January 27, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days.*

*New Article 5, consisting of Sections R9-10-501 through R9-10-518, adopted as an emergency effective October 26, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.*

*Former Article 5, consisting of Sections R9-10-501 through R9-10-574, repealed effective October 20, 1982.*

Section		
R9-10-501.	Definitions .....	90
R9-10-502.	Administration .....	90
R9-10-503.	Quality Management .....	91
R9-10-504.	Contracted Services .....	91
R9-10-505.	Personnel .....	92
R9-10-506.	Medical Staff .....	93
R9-10-507.	Admission .....	93
R9-10-508.	Discharge .....	94
R9-10-509.	Transfer .....	94
R9-10-510.	Patient Rights .....	94
R9-10-511.	Medical Records .....	95
R9-10-512.	Nursing Services .....	96
R9-10-513.	Medication Services .....	97
R9-10-514.	Ancillary Services .....	98
R9-10-515.	Food Services .....	98
R9-10-516.	Emergency and Safety Standards .....	98
R9-10-517.	Environmental Standards .....	99
R9-10-518.	Physical Plant Standards .....	100

**ARTICLE 6. HOSPICES**

*Article 6, consisting of Sections R9-10-601 through R9-10-618, made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).*

*Article 6, consisting of Sections R9-10-611 through R9-10-624, repealed effective November 1, 1998, under an exemption from the Administrative Procedure Act; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4).*

## Department of Health Services - Health Care Institutions: Licensing

Section	
R9-10-601.	Definitions ..... 100
R9-10-602.	Supplemental Application Requirements ..... 100
R9-10-603.	Administration ..... 101
R9-10-604.	Quality Management ..... 102
R9-10-605.	Contracted Services ..... 102
R9-10-606.	Personnel ..... 102
R9-10-607.	Admission ..... 103
R9-10-608.	Care Plan ..... 103
R9-10-609.	Transfer ..... 104
R9-10-610.	Patient Rights ..... 104
R9-10-611.	Medical Records ..... 104
R9-10-612.	Hospice Services ..... 105
R9-10-613.	Medication Services ..... 106
R9-10-614.	Infection Control ..... 107
R9-10-616.	Emergency and Safety Standards for a Hospice Inpatient Facility ..... 108
R9-10-617.	Environmental Standards for a Hospice Inpatient Facility ..... 108
R9-10-618.	Physical Plant Standards for a Hospice Inpatient Facility ..... 109
R9-10-619.	Repealed ..... 110
R9-10-620.	Repealed ..... 110
R9-10-621.	Repealed ..... 110
R9-10-622.	Repealed ..... 110
R9-10-623.	Repealed ..... 110
R9-10-624.	Repealed ..... 110

**ARTICLE 7. BEHAVIORAL HEALTH RESIDENTIAL FACILITIES**

*Article 7, consisting of Sections R9-10-701 through R9-7-710, repealed; New Article 7, consisting of Sections R9-10-701 through R9-7-724 adopted; both actions effective November 1, 1998 under an exemption from the Administrative Procedure Act; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4).*

*Article 7, consisting of Sections R9-10-701 through R9-10-710, adopted as permanent rules effective October 30, 1989.*

*Article 7, consisting of Sections R9-10-701 through R9-10-710, readopted as an emergency effective July 31, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days.*

*Article 7, consisting of Sections R9-10-701 through R9-10-710, readopted as an emergency effective April 27, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days.*

*Article 7, consisting of Sections R9-10-701 through R9-10-710, readopted as an emergency effective January 27, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days.*

*New Article 7, consisting of Sections R9-10-701 through R9-10-710, adopted as an emergency effective October 26, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.*

*Former Article 7, consisting of Sections R9-10-701 through R9-10-737, repealed effective October 20, 1982.*

Section	
R9-10-701.	Definitions ..... 110
R9-10-702.	Supplemental Application Requirements ..... 111
R9-10-703.	Administration ..... 111
R9-10-704.	Quality Management ..... 114
R9-10-705.	Contracted Services ..... 114
R9-10-706.	Personnel ..... 114
R9-10-707.	Admission; Assessment ..... 116
R9-10-708.	Treatment Plan ..... 117
R9-10-709.	Discharge ..... 118
R9-10-710.	Transport; Transfer ..... 119
R9-10-711.	Resident Rights ..... 119

R9-10-712.	Medical Records ..... 120
R9-10-713.	Transportation; Resident Outings ..... 121
R9-10-714.	Resident Time Out ..... 122
R9-10-715.	Physical Health Services ..... 122
R9-10-716.	Behavioral Health Services ..... 123
R9-10-718.	Medication Services ..... 125
R9-10-719.	Food Services ..... 126
R9-10-720.	Emergency and Safety Standards ..... 127
R9-10-721.	Environmental Standards ..... 128
R9-10-722.	Physical Plant Standards ..... 129
R9-10-723.	Repealed ..... 130
R9-10-724.	Repealed ..... 130

**ARTICLE 8. ASSISTED LIVING FACILITIES**

*Article 8 (Sections R9-10-801 through R9-10-812) adopted as permanent rules effective October 30, 1989.*

*Article 8, consisting of Sections R9-10-801 through R9-10-812, readopted as an emergency effective July 31, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days.*

*Article 8, consisting of Sections R9-10-801 through R9-10-812, readopted as an emergency effective April 27, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days.*

*Article 8, consisting of Sections R9-10-801 through R9-10-812, readopted as an emergency effective January 27, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days.*

*New Article 8, consisting of Sections R9-10-801 through R9-10-812, adopted as an emergency effective October 26, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.*

*Former Article 8, consisting of Sections R9-10-801 through R9-10-867, repealed effective October 20, 1982.*

Section	
R9-10-801.	Definitions ..... 130
R9-10-802.	Supplemental Application Requirements ..... 131
R9-10-803.	Administration ..... 131
R9-10-804.	Quality Management ..... 133
R9-10-805.	Contracted Services ..... 133
R9-10-806.	Personnel ..... 134
R9-10-807.	Residency and Residency Agreements ..... 135
R9-10-808.	Service Plans ..... 136
R9-10-809.	Transport; Transfer ..... 137
R9-10-810.	Resident Rights ..... 138
R9-10-811.	Medical Records ..... 139
R9-10-812.	Behavioral Care ..... 140
R9-10-813.	Behavioral Health Services ..... 140
R9-10-814.	Personal Care Services ..... 141
R9-10-815.	Directed Care Services ..... 141
R9-10-816.	Medication Services ..... 142
R9-10-817.	Food Services ..... 143
R9-10-818.	Emergency and Safety Standards ..... 144
R9-10-819.	Environmental Standards ..... 145
R9-10-820.	Physical Plant Standards ..... 146

**ARTICLE 9. OUTPATIENT SURGICAL CENTERS**

*Article 9, consisting of Sections R9-10-901 through R9-10-917 adopted effective February 17, 1995 (Supp. 95-1).*

*Article 9, consisting of Sections R9-10-911 through R9-10-925, repealed effective February 17, 1995 (Supp. 95-1).*

*Article 9, consisting of Sections R9-10-911 through R9-10-925, adopted effective October 20, 1982 (Supp. 82-5).*

Section	
R9-10-901.	Definitions ..... 147
R9-10-902.	Administration ..... 147

## Department of Health Services - Health Care Institutions: Licensing

R9-10-904.	Contracted Services .....	148
R9-10-905.	Personnel .....	149
R9-10-906.	Medical Staff .....	150
R9-10-907.	Admission .....	150
R9-10-908.	Transfer .....	150
R9-10-909.	Patient Rights .....	150
R9-10-910.	Medical Records .....	151
R9-10-911.	Surgical Services .....	152
R9-10-912.	Nursing Services .....	152
R9-10-913.	Behavioral Health Services .....	152
R9-10-914.	Medication Services .....	153
R9-10-915.	Infection Control .....	153
R9-10-916.	Emergency and Safety Standards .....	154
R9-10-917.	Environmental Standards .....	154
R9-10-918.	Physical Plant Standards .....	155
R9-10-919.	Repealed .....	155
R9-10-920.	Repealed .....	155
R9-10-921.	Repealed .....	155
R9-10-922.	Repealed .....	155
R9-10-923.	Repealed .....	155
R9-10-924.	Repealed .....	155
R9-10-925.	Repealed .....	155
Attachment 1.	.....	156
Attachment 2.	.....	156

**ARTICLE 10. OUTPATIENT TREATMENT CENTERS**

*Article 10, consisting of Sections R9-10-1001 through R9-10-1017, made new by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1).*

*Article 10, consisting of Sections R9-10-1011 through R9-10-1030, repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2).*

*The proposed summary action repealing R9-10-1011 through R9-10-1030 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rules. Sections in effect before the proposed summary action have been restored (Supp. 97-1).*

*Article 10, consisting of R9-10-1011 through R9-10-1030, repealed by summary action, interim effective date of July 21, 1995.*

Section		
R9-10-1001.	Definitions .....	156
R9-10-1002.	Supplemental Application Requirements .....	156
R9-10-1003.	Administration .....	156
R9-10-1004.	Quality Management .....	158
R9-10-1005.	Contracted Services .....	158
R9-10-1006.	Personnel .....	158
R9-10-1007.	Transport; Transfer .....	159
R9-10-1008.	Patient Rights .....	160
R9-10-1009.	Medical Records .....	160
R9-10-1010.	Medication Services .....	161
R9-10-1011.	Behavioral Health Services .....	163
R9-10-1012.	Behavioral Health Observation/Stabilization Services .....	164
R9-10-1013.	Court-ordered Evaluation .....	166
R9-10-1014.	Court-ordered Treatment .....	166
R9-10-1015.	Clinical Laboratory Services .....	166
R9-10-1017.	Diagnostic Imaging Services .....	167
R9-10-1018.	Dialysis Services .....	167
R9-10-1019.	Emergency Room Services .....	171
R9-10-1020.	Opioid Treatment Services .....	172
R9-10-1021.	Pain Management Services .....	173
R9-10-1022.	Physical Health Services .....	174
R9-10-1023.	Pre-petition Screening .....	174
R9-10-1024.	Rehabilitation Services .....	174

R9-10-1025.	Respite Services .....	174
Table 10.1	Meal Pattern Requirements for Children .....	182
R9-10-1026.	Sleep Disorder Services .....	183
R9-10-1027.	Urgent Care Services Provided in a Freestanding Urgent Care Setting .....	184
R9-10-1028.	Infection Control .....	184
R9-10-1029.	Emergency and Safety Standards .....	185
R9-10-1030.	Physical Plant, Environmental Services, and Equipment Standards .....	186
R9-10-1031.	Colocation Requirements .....	187

**ARTICLE 11. ADULT DAY HEALTH CARE FACILITIES**

*Article 11, consisting of Sections R9-10-1101 through R9-10-1109 adopted effective July 22, 1994 (Supp. 94-3).*

*Article 11, consisting of Sections R9-10-1111 through R9-10-1127 repealed effective July 22, 1994 (Supp. 94-3).*

Section		
R9-10-1101.	Definitions .....	189
R9-10-1102.	Supplemental Application Requirements .....	189
R9-10-1103.	Administration .....	189
R9-10-1104.	Quality Management .....	190
R9-10-1105.	Contracted Services .....	191
R9-10-1106.	Personnel .....	191
R9-10-1107.	Enrollment .....	192
R9-10-1108.	Care Plan .....	192
R9-10-1109.	Discharge .....	193
R9-10-1110.	Participant Rights .....	193
R9-10-1111.	Medical Records .....	194
R9-10-1112.	Participant's Council .....	195
R9-10-1113.	Adult Day Health Services .....	195
R9-10-1114.	Food Services .....	196
R9-10-1115.	Emergency and Safety Standards .....	197
R9-10-1116.	Environmental Standards .....	198
R9-10-1117.	Physical Plant Standards .....	198
R9-10-1118.	Repealed .....	199
R9-10-1119.	Repealed .....	199
R9-10-1120.	Repealed .....	199
R9-10-1121.	Repealed .....	199
R9-10-1122.	Repealed .....	199
R9-10-1123.	Repealed .....	199
R9-10-1124.	Repealed .....	199
R9-10-1125.	Repealed .....	199
R9-10-1126.	Repealed .....	199
R9-10-1127.	Repealed .....	200

**ARTICLE 12. HOME HEALTH AGENCIES**

*Article 12, consisting of Sections R9-10-1201 through R9-10-1230, repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).*

*Article 12, consisting of Sections R9-10-1201 through R9-10-1230, adopted effective February 4, 1981.*

Section		
R9-10-1201.	Definitions .....	200
R9-10-1202.	Supplemental Application Requirements .....	200
R9-10-1204.	Quality Management .....	201
R9-10-1205.	Contracted Services .....	201
R9-10-1206.	Personnel .....	202
R9-10-1207.	Care Plan .....	202
R9-10-1208.	Patient Rights .....	203
R9-10-1209.	Medical Records .....	203
R9-10-1210.	Home Health Services .....	204
R9-10-1211.	Supportive Services .....	205
R9-10-1212.	Repealed .....	206
R9-10-1213.	Repealed .....	206



## Department of Health Services - Health Care Institutions: Licensing

R9-10-1214.	Repealed .....	206
R9-10-1215.	Repealed .....	206
R9-10-1216.	Repealed .....	206
R9-10-1217.	Repealed .....	206
R9-10-1218.	Repealed .....	206
R9-10-1219.	Repealed .....	206
R9-10-1220.	Repealed .....	206
R9-10-1221.	Repealed .....	206
R9-10-1222.	Repealed .....	206
R9-10-1223.	Repealed .....	206
R9-10-1224.	Repealed .....	206
R9-10-1225.	Reserved .....	206
R9-10-1226.	Repealed .....	206
R9-10-1227.	Repealed .....	206
R9-10-1228.	Repealed .....	206
R9-10-1229.	Reserved .....	206
R9-10-1230.	Repealed .....	206

**ARTICLE 13. BEHAVIORAL HEALTH SPECIALIZED TRANSITIONAL FACILITY**

*New Article 13, consisting of Sections R9-10-1301 through R9-10-1317, made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).*

*Article 13, consisting of Sections R9-10-1301 through R9-10-1314, repealed effective November 1, 1998, under an exemption from the Administrative Procedure Act; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4).*

*Article 13, consisting of Sections R9-10-1301 through R9-10-1314, adopted as permanent rules effective November 25, 1992 (Supp. 92-4).*

*Article 13, consisting of Sections R9-10-1301 through R9-10-1314, adopted again as an emergency effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3).*

*Article 13, consisting of Sections R9-10-1301 through R9-10-1314, adopted again as an emergency effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).*

*Article 13, consisting of Sections R9-10-1301 through R9-10-1314, adopted again as an emergency effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).*

*Article 13, consisting of Sections R9-10-1301 through R9-10-1314, adopted as an emergency effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).*

*Article 13, consisting of Sections R9-10-1301 through R9-10-1306, adopted as an emergency effective March 29, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency expired.*

Section		
R9-10-1301.	Definitions .....	206
R9-10-1302.	Administration .....	207
R9-10-1303.	Quality Management .....	209
R9-10-1304.	Contracted Services .....	209
R9-10-1305.	Personnel Requirements and Records .....	209
R9-10-1306.	Admission Requirements .....	211
R9-10-1307.	Discharge or Conditional Release to a Less Restrictive Alternative .....	211
R9-10-1308.	Transportation .....	212
R9-10-1309.	Patient Rights .....	212
R9-10-1310.	Behavioral Health Services .....	213
R9-10-1312.	Medical Records .....	213
R9-10-1314.	Food Services .....	216
R9-10-1315.	Emergency and Safety Standards .....	217
R9-10-1316.	Environmental Standards .....	218

R9-10-1317.	Physical Plant Standards .....	218
-------------	--------------------------------	-----

**ARTICLE 14. SUBSTANCE ABUSE TRANSITIONAL FACILITIES**

*Article 14, consisting of Sections R9-10-1401 through R9-10-1412, adopted effective February 1, 1994 (Supp. 94-1).*

Section		
R9-10-1401.	Definitions .....	219
R9-10-1402.	Administration .....	219
R9-10-1403.	Quality Management .....	221
R9-10-1404.	Contracted Services .....	221
R9-10-1405.	Personnel .....	221
R9-10-1406.	Admission; Assessment .....	223
R9-10-1408.	Transfer .....	224
R9-10-1409.	Participant Rights .....	224
R9-10-1410.	Medical Records .....	225
R9-10-1411.	Behavioral Health Services .....	226
R9-10-1412.	Medication Services .....	226
R9-10-1413.	Food Services .....	227
R9-10-1414.	Emergency and Safety Standards .....	228
R9-10-1415.	Environmental Standards .....	228
R9-10-1416.	Physical Plant Standards .....	229
R9-10-1417.	Renumbered .....	230

**ARTICLE 15. ABORTION CLINICS**

*Article 15, consisting of Sections R9-10-1501 through R9-10-1514, adopted under an exemption from the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311, filed in the Office of the Secretary of State December 23, 1999 (Supp. 99-4).*

*Article 15, consisting of Sections R9-10-1501 through R9-10-1514, repealed effective November 1, 1998, under an exemption from the Administrative Procedure Act; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4).*

Section		
R9-10-1501.	Definitions .....	230
R9-10-1502.	Application Requirements .....	231
R9-10-1503.	Administration .....	231
R9-10-1504.	Incident Reporting .....	232
R9-10-1505.	Personnel Qualifications and Records .....	232
R9-10-1506.	Staffing Requirements .....	233
R9-10-1507.	Patient Rights .....	233
R9-10-1508.	Abortion Procedures .....	234
R9-10-1509.	Patient Transfer and Discharge .....	235
R9-10-1510.	Medications and Controlled Substances .....	235
R9-10-1512.	Environmental and Safety Standards .....	237
R9-10-1513.	Equipment Standards .....	238
R9-10-1514.	Physical Facilities .....	238
R9-10-1515.	Enforcement .....	238

**ARTICLE 16. BEHAVIORAL HEALTH RESPITE HOMES**

*Article 16, consisting of Sections R9-10-1601 through R9-10-1611, made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).*

Section		
R9-10-1601.	Definitions .....	239
R9-10-1602.	Supplemental Application Requirements .....	239
R9-10-1603.	Administration .....	239
R9-10-1604.	Recipient Rights .....	240
R9-10-1605.	Providing Services .....	241
R9-10-1606.	Assistance in the Self-Administration of Medication .....	241
R9-10-1607.	Medical Records .....	241
R9-10-1608.	Food Services .....	242
R9-10-1609.	Emergency and Safety Standards .....	242

## Department of Health Services - Health Care Institutions: Licensing

R9-10-1610.	Environmental Standards .....	242
R9-10-1611.	Adult Behavioral Health Respite Services .....	243
R9-10-1612.	Children's Behavioral Health Respite Services .....	243

#### ARTICLE 17. UNCLASSIFIED HEALTH CARE INSTITUTIONS

*Article 17, consisting of Sections R9-10-1701 through R9-10-1713, adopted effective July 6, 1994 (Supp. 94-3).*

*Article 17, consisting of Sections R9-10-1711 through R9-10-1713, R9-10-1715 through R9-10-1723, and R9-10-1731 through R9-10-1734, repealed effective July 6, 1994 (Supp. 94-3).*

Section		
R9-10-1701.	Definitions .....	244
R9-10-1702.	Administration .....	244
R9-10-1703.	Quality Management .....	245
R9-10-1704.	Contracted Services .....	246
R9-10-1705.	Personnel .....	246
R9-10-1706.	Transport; Transfer .....	247
R9-10-1708.	Medical Records .....	248
R9-10-1709.	Medication Services .....	249
R9-10-1710.	Food Services .....	250
R9-10-1711.	Emergency and Safety Standards .....	250
R9-10-1712.	Physical Plant, Environmental Services, and Equipment Standards .....	251
R9-10-1713.	Repealed .....	251
R9-10-1714.	Reserved .....	251
R9-10-1715.	Repealed .....	251
R9-10-1716.	Repealed .....	251
R9-10-1717.	Repealed .....	251
R9-10-1718.	Repealed .....	251
R9-10-1719.	Repealed .....	251
R9-10-1720.	Repealed .....	251
R9-10-1721.	Repealed .....	251
R9-10-1722.	Repealed .....	252
R9-10-1723.	Repealed .....	252
R9-10-1724.	Reserved .....	252
R9-10-1725.	Reserved .....	252
R9-10-1726.	Reserved .....	252
R9-10-1727.	Reserved .....	252
R9-10-1728.	Reserved .....	252
R9-10-1729.	Reserved .....	252
R9-10-1730.	Reserved .....	252

R9-10-1731.	Repealed .....	252
R9-10-1732.	Repealed .....	252
R9-10-1733.	Repealed .....	252
R9-10-1734.	Repealed .....	252

#### ARTICLE 18. ADULT BEHAVIORAL HEALTH THERAPEUTIC HOMES

*Article 18, consisting of Sections R9-10-1801 through R9-10-1810, made by exempt rulemaking, pursuant to Laws 2013, Ch. 10, § 13 effective July 1, 2014 (Supp. 14-2).*

Section		
R9-10-1801.	Definitions .....	252
R9-10-1802.	Supplemental Application Requirements .....	252
R9-10-1803.	Administration .....	252
R9-10-1804.	Resident Rights .....	253
R9-10-1805.	Providing Services .....	254
R9-10-1806.	Assistance in the Self-Administration of Medication .....	254
R9-10-1807.	Medical Records .....	254
R9-10-1808.	Food Services .....	255
R9-10-1809.	Emergency and Safety Standards .....	255
R9-10-1810.	Physical Plant, Environmental Services, and Equipment Standards .....	255

#### ARTICLE 19. COUNSELING FACILITIES

*Article 19, consisting of Sections R9-10-1901 through R9-10-1911, made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).*

Section		
R9-10-1901.	Definitions .....	256
R9-10-1902.	Supplemental Application Requirements .....	256
R9-10-1903.	Administration .....	257
R9-10-1904.	Quality Management .....	258
R9-10-1905.	Contracted Services .....	258
R9-10-1906.	Personnel .....	258
R9-10-1907.	Patient Rights .....	259
R9-10-1908.	Medical Records .....	260
R9-10-1909.	Counseling .....	260
R9-10-1910.	Physical Plant, Environmental Services, and Equipment Standards .....	261
R9-10-1911.	Integrated Information .....	262



## Department of Health Services - Health Care Institutions: Licensing

**ARTICLE 1. GENERAL****R9-10-101. Definitions**

In addition to the definitions in A.R.S. § 36-401(A), the following definitions apply in this Chapter unless otherwise specified:

1. "Abortion clinic" has the same meaning as in A.R.S. § 36-449.01.
2. "Abuse" means:
  - a. The same:
    - i. For an individual 18 years of age or older, as in A.R.S. § 46-451; and
    - ii. For an individual less than 18 years of age, as in A.R.S. § 8-201;
  - b. A pattern of ridiculing or demeaning a patient;
  - c. Making derogatory remarks or verbally harassing a patient; or
  - d. Threatening to inflict physical harm on a patient.
3. "Accredited" has the same meaning as in A.R.S. § 36-422.
4. "Activities of daily living" means ambulating, bathing, toileting, grooming, eating, and getting in or out of a bed or a chair.
5. "Adjacent" means not intersected by:
  - a. Property owned, operated, or controlled by a person other than the applicant or licensee; or
  - b. A public thoroughfare.
6. "Administrative completeness review time-frame" has the same meaning as in A.R.S. § 41-1072.
7. "Administrative office" means a location used by personnel for recordkeeping and record retention but not for providing medical services, nursing services, or health-related services.
8. "Admission" means, after completion of an individual's screening or registration by a health care institution, the individual begins receiving physical health services or behavioral health services and is accepted as a patient of the health care institution.
9. "Adult" has the same meaning as in A.R.S. § 1-215.
10. "Adult behavioral health therapeutic home" means a residence that provides room and board, assists in acquiring daily living skills, coordinates transportation to scheduled appointments, monitors behaviors, assists in the self-administration of medication, and provides feedback to a case manager related to behavior for an individual 18 years of age or older based on the individual's behavioral health issue and need for behavioral health services and may provide behavioral health services under the clinical oversight of a behavioral health professional.
11. "Adverse reaction" means an unexpected outcome that threatens the health or safety of a patient as a result of a medical service, nursing service, or health-related service provided to the patient.
12. "Ancillary services" means services other than medical services, nursing services, or health-related services provided to a patient.
13. "Anesthesiologist" means a physician granted clinical privileges to administer anesthesia.
14. "Applicant" means a governing authority requesting:
  - a. Approval of a health care institution's architectural plans and specifications, or
  - b. A health care institution license.
15. "Application packet" means the information, documents, and fees required by the Department for the:
  - a. Approval of a health care institution's modification or construction, or
  - b. Licensing of a health care institution.
16. "Assessment" means an analysis of a patient's need for physical health services or behavioral health services to determine which services a health care institution will provide to the patient.
17. "Assistance in the self-administration of medication" means restricting a patient's access to the patient's medication and providing support to the patient while the patient takes the medication to ensure that the medication is taken as ordered.
18. "Attending physician" means a physician designated by a patient to participate in or coordinate the medical services provided to the patient.
19. "Authenticate" means to establish authorship of a document or an entry in a medical record by:
  - a. A written signature;
  - b. An individual's initials, if the individual's written signature appears on the document or in the medical record;
  - c. A rubber-stamp signature; or
  - d. An electronic signature code.
20. "Authorized service" means specific medical services, nursing services, or health-related services provided by a specific health care institution class or subclass for which the health care institution is required to obtain approval from the Department before providing the medical services, nursing services, or health-related services.
21. "Available" means:
  - a. For an individual, the ability to be contacted and to provide an immediate response by any means possible;
  - b. For equipment and supplies, physically retrievable at a health care institution; and
  - c. For a document, retrievable by a health care institution or accessible according to the applicable time-frames in this Chapter.
22. "Behavioral care":
  - a. Means limited behavioral health services, provided to a patient whose primary admitting diagnosis is related to the patient's need for physical health services, that include:
    - i. Assistance with the patient's psychosocial interactions to manage the patient's behavior that can be performed by an individual without a professional license or certificate including:
      - (1) Direction provided by a behavioral health professional, and
      - (2) Medication ordered by a medical practitioner or behavioral health professional; or
    - ii. Behavioral health services provided by a behavioral health professional on an intermittent basis to address the patient's significant psychological or behavioral response to an identifiable stressor or stressors; and
  - b. Does not include court-ordered behavioral health services.
23. "Behavioral health facility" means a behavioral health inpatient facility, a behavioral health residential facility, a substance abuse transitional facility, a behavioral health specialized transitional facility, an outpatient treatment center that only provides behavioral health services, an adult behavioral health therapeutic home, a behavioral health respite home, or a counseling facility.
24. "Behavioral health inpatient facility" means a health care institution that provides continuous treatment to an individual experiencing a behavioral health issue that causes the individual to:

## Department of Health Services - Health Care Institutions: Licensing

- a. Have a limited or reduced ability to meet the individual's basic physical needs;
  - b. Suffer harm that significantly impairs the individual's judgment, reason, behavior, or capacity to recognize reality;
  - c. Be a danger to self;
  - d. Be a danger to others;
  - e. Be persistently or acutely disabled as defined in A.R.S. § 36-501; or
  - f. Be gravely disabled.
25. "Behavioral health issue" means an individual's condition related to a mental disorder, a personality disorder, substance abuse, or a significant psychological or behavioral response to an identifiable stressor or stressors.
26. "Behavioral health observation/stabilization services" means crisis services provided, in an outpatient setting, to an individual whose behavior or condition indicates that the individual:
- a. Requires nursing services,
  - b. May require medical services, and
  - c. May be a danger to others or a danger to self.
27. "Behavioral health paraprofessional" means an individual who is not a behavioral health professional who provides, under supervision by a behavioral health professional, the following services to a patient to address the patient's behavioral health issue:
- a. Services that, if provided in a setting other than a health care institution would be required to be provided by an individual licensed under A.R.S., Title 32, Chapter 33; or
  - b. Health-related services.
28. "Behavioral health professional" means:
- a. An individual licensed under A.R.S. Title 32, Chapter 33, whose scope of practice allows the individual to:
    - i. Independently engage in the practice of behavioral health as defined in A.R.S. § 32-3251; or
    - ii. Except for a licensed substance abuse technician, engage in the practice of behavioral health as defined in A.R.S. § 32-3251 under direct supervision as defined in A.A.C. R4-6-101;
  - b. A psychiatrist as defined in A.R.S. § 36-501;
  - c. A psychologist as defined in A.R.S. § 32-2061;
  - d. A physician;
  - e. A behavior analyst as defined in A.R.S. § 32-2091;
  - f. A registered nurse practitioner licensed as an adult psychiatric and mental health nurse; or
  - g. A registered nurse.
29. "Behavioral health residential facility" means a health care institution that provides treatment to an individual experiencing a behavioral health issue that:
- a. Limits the individual's ability to be independent, or
  - b. Causes the individual to require treatment to maintain or enhance independence.
30. "Behavioral health respite home" means a residence where respite care services, which may include assistance in the self-administration of medication, are provided to an individual based on the individual's behavioral health issue and need for behavioral health services.
31. "Behavioral health specialized transitional facility" means a health care institution that provides inpatient behavioral health services and physical health services to an individual determined to be a sexually violent person according to A.R.S. Title 36, Chapter 37.
32. "Behavioral health staff" means a:
- a. Behavioral health paraprofessional,
  - b. Behavioral health technician, or
  - c. Personnel member in a nursing care institution or assisted living facility who provides behavioral care.
33. "Behavioral health technician" means an individual who is not a behavioral health professional who provides, with clinical oversight by a behavioral health professional, the following services to a patient to address the patient's behavioral health issue:
- a. Services that, if provided in a setting other than a health care institution would be required to be provided by an individual licensed under A.R.S., Title 32, Chapter 33; or
  - b. Health-related services.
34. "Biohazardous medical waste" has the same meaning as in A.A.C. R18-13-1401.
35. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
36. "Case manager" means an individual assigned by an entity other than a health care institution to coordinate the physical health services or behavioral health services provided to a patient at the health care institution.
37. "Certification" means, in this Article, a written statement that an item or a system complies with the applicable requirements incorporated by reference in A.A.C. R9-1-412.
38. "Certified health physicist" means an individual recognized by the American Board of Health Physics as complying with the health physics criteria and examination requirements established by the American Board of Health Physics.
39. "Change in ownership" means conveyance of the ability to appoint, elect, or otherwise designate a health care institution's governing authority from an owner of the health care institution to another person.
40. "Chief administrative officer" or "administrator" means an individual designated by a governing authority to implement the governing authority's direction in a health care institution.
41. "Clinical laboratory services" means the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of a disease or impairment of a human being, or for the assessment of the health of a human being, including procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body.
42. "Clinical oversight" means:
- a. Monitoring the behavioral health services provided by a behavioral health technician to ensure that the behavioral health technician is providing the behavioral health services according to the health care institution's policies and procedures,
  - b. Providing on-going review of a behavioral health technician's skills and knowledge related to the provision of behavioral health services,
  - c. Providing guidance to improve a behavioral health technician's skills and knowledge related to the provision of behavioral health services, and

## Department of Health Services - Health Care Institutions: Licensing

- d. Recommending training for a behavior health technician to improve the behavioral health technician's skills and knowledge related to the provision of behavioral health services.
43. "Clinical privileges" means authorization to a medical staff member to provide medical services granted by a governing authority or according to medical staff bylaws.
44. "Collaborating health care institution" means a health care institution licensed to provide outpatient behavioral health services that has a written agreement with an adult behavioral health therapeutic home or a behavioral health respite home to:
  - a. Coordinate behavioral health services provided to a resident at the adult behavioral health therapeutic home or a recipient at a behavioral health respite home, and
  - b. Work with the provider to ensure a resident at the adult behavioral health therapeutic home or a recipient at a behavioral health respite home receives behavioral health services according to the resident's treatment plan.
45. "Communicable disease" has the same meaning as in A.R.S. § 36-661.
46. "Conspicuously posted" means placed:
  - a. At a location that is visible and accessible; and
  - b. Unless otherwise specified in the rules, within the area where the public enters the premises of a health care institution.
47. "Consultation" means an evaluation of a patient requested by a medical staff member or personnel member.
48. "Contracted services" means medical services, nursing services, health-related services, ancillary services, or environmental services provided according to a documented agreement between a health care institution and the person providing the medical services, nursing services, health-related services, ancillary services, or environmental services.
49. "Contractor" has the same meaning as in A.R.S. § 32-1101.
50. "Controlled substance" has the same meaning as in A.R.S. § 36-2501.
51. "Counseling" has the same meaning as "practice of professional counseling" in A.R.S. § 32-3251.
52. "Counseling facility" means a health care institution that only provides counseling, which may include:
  - a. DUI screening, education, or treatment according to the requirements in 9 A.A.C. 20, Article 1; or
  - b. Misdemeanor domestic violence offender treatment according to the requirements in 9 A.A.C. 20, Article 2.
53. "Court-ordered evaluation" has the same meaning as "evaluation" in A.R.S. § 36-501.
54. "Court-ordered pre-petition screening" has the same meaning as in A.R.S. § 36-501.
55. "Court-ordered treatment" means treatment provided according to A.R.S. Title 36, Chapter 5.
56. "Crisis services" means immediate and unscheduled behavioral health services provided to a patient to address an acute behavioral health issue affecting the patient.
57. "Current" means up-to-date, extending to the present time.
58. "Daily living skills" means activities necessary for an individual to live independently and include meal preparation, laundry, housecleaning, home maintenance, money management, and appropriate social interactions.
59. "Danger to others" has the same meaning as in A.R.S. § 36-501.
60. "Danger to self" has the same meaning as in A.R.S. § 36-501.
61. "Detoxification services" means behavioral health services and medical services provided to an individual to:
  - a. Reduce or eliminate the individual's dependence on alcohol or other drugs, or
  - b. Provide treatment for the individual's signs or symptoms of withdrawal from alcohol or other drugs.
62. "Diagnostic procedure" means a method or process performed to determine whether an individual has a medical condition or behavioral health issue.
63. "Dialysis" means the process of removing dissolved substances from a patient's body by diffusion from one fluid compartment to another across a semi-permeable membrane.
64. "Dialysis services" means medical services, nursing services, and health-related services provided to a patient receiving dialysis.
65. "Dialysis station" means a designated treatment area approved by the Department for use by a patient receiving dialysis or dialysis services.
66. "Dialyzer" means an apparatus containing semi-permeable membranes used as a filter to remove wastes and excess fluid from a patient's blood.
67. "Disaster" means an unexpected occurrence that adversely affects a health care institution's ability to provide services.
68. "Discharge" means a documented termination of services to a patient by a health care institution.
69. "Discharge instructions" means documented information relevant to a patient's medical condition or behavioral health issue provided by a health care institution to the patient or the patient's representative at the time of the patient's discharge.
70. "Discharge planning" means a process of establishing goals and objectives for a patient in preparation for the patient's discharge.
71. "Discharge summary" means a documented brief review of services provided to a patient, current patient status, and reasons for the patient's discharge.
72. "Disinfect" means to clean in order to prevent the growth of or to destroy disease-causing microorganisms.
73. "Documentation" or "documented" means information in written, photographic, electronic, or other permanent form.
74. "Drill" means a response to a planned, simulated event.
75. "Drug" has the same meaning as in A.R.S. § 32-1901.
76. "Electronic" has the same meaning as in A.R.S. § 44-7002.
77. "Electronic signature" has the same meaning as in A.R.S. § 44-7002.
78. "Emergency" means an immediate threat to the life or health of a patient.
79. "Emergency medical services provider" has the same meaning as in A.R.S. § 36-2201.
80. "Environmental services" means activities such as housekeeping, laundry, facility maintenance, or equipment maintenance.
81. "Equipment" means, in this Article, an apparatus, a device, a machine, or a unit that is required to comply with the specifications incorporated by reference in A.A.C. R9-1-412.
82. "Exploitation" has the same meaning as in A.R.S. § 46-451.

## Department of Health Services - Health Care Institutions: Licensing

83. "Factory-built building" has the same meaning as in A.R.S. § 41-2142.
84. "Family" or "family member" means an individual's spouse, sibling, child, parent, grandparent, or another individual designated by the individual.
85. "Food services" means the storage, preparation, serving, and cleaning up of food intended for consumption in a health care institution.
86. "Garbage" has the same meaning as in A.A.C. R18-13-302.
87. "General consent" means documentation of an agreement from an individual or the individual's representative to receive physical health services to address the individual's medical condition or behavioral health services to address the individual's behavioral health issues.
88. "General hospital" means a subclass of hospital that provides surgical services and emergency services.
89. "Gravely disabled" has the same meaning as in A.R.S. § 36-501.
90. "Hazard" or "hazardous" means a condition or situation where a patient or other individual may suffer physical injury.
91. "Health care directive" has the same meaning as in A.R.S. § 36-3201.
92. "Hemodialysis" means the process for removing wastes and excess fluids from a patient's blood by passing the blood through a dialyzer.
93. "Home health agency" has the same meaning as in A.R.S. § 36-151.
94. "Home health aide" means an individual employed by a home health agency to provide home health services under the direction of a registered nurse or therapist.
95. "Home health aide services" means those tasks that are provided to a patient by a home health aide under the direction of a registered nurse or therapist.
96. "Home health services" has the same meaning as in A.R.S. § 36-151.
97. "Hospice inpatient facility" means a subclass of hospice that provides hospice services to a patient on a continuous basis with the expectation that the patient will remain on the hospice's premises for 24 hours or more.
98. "Hospital" means a class of health care institution that provides, through an organized medical staff, inpatient beds, medical services, continuous nursing services, and diagnosis or treatment to a patient.
99. "Immediate" means without delay.
100. "Incident" means an unexpected occurrence that harms or has the potential to harm a patient, while the patient is:
  - a. On the premises of a health care institution, or
  - b. Not on the premises of a health care institution but directly receiving physical health services or behavioral health services from a personnel member who is providing the physical health services or behavioral health services on behalf of the health care institution.
101. "Infection control" means to identify, prevent, monitor, and minimize infections.
102. "Informed consent" means:
  - a. Advising a patient of a proposed treatment, surgical procedure, psychotropic drug, or diagnostic procedure; alternatives to the treatment, surgical procedure, psychotropic drug, or diagnostic procedure; and associated risks and possible complications; and
  - b. Obtaining documented authorization for the proposed treatment, surgical procedure, psychotropic drug, or diagnostic procedure from the patient or the patient's representative.
103. "In-service education" means organized instruction or information that is related to physical health services or behavioral health services and that is provided to a medical staff member, personnel member, employee, or volunteer.
104. "Interval note" means documentation updating a patient's:
  - a. Medical condition after a medical history and physical examination is performed, or
  - b. Behavioral health issue after an assessment is performed.
105. "Isolation" means the separation, during the communicable period, of infected individuals from others, to limit the transmission of infectious agents.
106. "Leased facility" means a facility occupied or used during a set time period in exchange for compensation.
107. "License" means:
  - a. Written approval issued by the Department to a person to operate a class or subclass of health care institution at a specific location; or
  - b. Written approval issued to an individual to practice a profession in this state.
108. "Licensed occupancy" means the total number of individuals for whom a health care institution is authorized by the Department to provide crisis services in a unit providing behavioral health observation/stabilization services.
109. "Licensee" means an owner approved by the Department to operate a health care institution.
110. "Manage" means to implement policies and procedures established by a governing authority, an administrator, or an individual providing direction to a personnel member.
111. "Medical condition" means the state of a patient's physical or mental health, including the patient's illness, injury, or disease.
112. "Medical director" means a physician who is responsible for the coordination of medical services provided to patients in a health care institution.
113. "Medical history" means an account of a patient's health, including past and present illnesses, diseases, or medical conditions.
114. "Medical practitioner" means a physician, physician assistant, or registered nurse practitioner.
115. "Medical record" has the same meaning as "medical records" in A.R.S. § 12-2291.
116. "Medical staff" means physicians and other individuals licensed pursuant to A.R.S. Title 32 who have clinical privileges at a health care institution.
117. "Medical staff by-laws" means standards, approved by the medical staff and the governing authority, that provide the framework for the organization, responsibilities, and self-governance of the medical staff.
118. "Medical staff member" means an individual who is part of the medical staff of a health care institution.
119. "Medication" means one of the following used to maintain health or to prevent or treat a medical condition or behavioral health issue:
  - a. Biologicals as defined in A.A.C. R18-13-1401,
  - b. Prescription medication as defined in A.R.S. § 32-1901, or
  - c. Nonprescription medication as defined in A.R.S. § 32-1901.
120. "Medication administration" means restricting a patient's access to the patient's medication and providing the med-

## Department of Health Services - Health Care Institutions: Licensing

- ication to the patient or applying the medication to the patient's body, as ordered by a medical practitioner.
121. "Medication error" means:
- The failure to administer an ordered medication;
  - The administration of a medication not ordered; or
  - The administration of a medication:
    - In an incorrect dosage,
    - More than 60 minutes before or after the ordered time of administration unless ordered to do so, or
    - By an incorrect route of administration.
122. "Mental disorder" means the same as in A.R.S. § 36-501.
123. "Mobile clinic" means a movable structure that:
- Is not physically attached to a health care institution's facility;
  - Provides medical services, nursing services, or health related service to an outpatient under the direction of the health care institution's personnel; and
  - Is not intended to remain in one location indefinitely.
124. "Monitor" or "monitoring" means to check systematically on a specific condition or situation.
125. "Neglect" has the same meaning:
- For an individual less than 18 years of age, as in A.R.S. § 8-201; and
  - For an individual 18 years of age or older, as in A.R.S. § 46-451.
126. "Nephrologist" means a physician who is board eligible or board certified in nephrology by a professional credentialing board.
127. "Nurse" has the same meaning as "registered nurse" or "practical nurse" as defined in A.R.S. § 32-1601.
128. "Nursing personnel" means individuals authorized according to A.R.S. § Title 32, Chapter 15 to provide nursing services.
129. "Observation chair" means a physical piece of equipment that:
- Is located in a designated area where behavioral health observation/stabilization services are provided,
  - Allows an individual to fully recline, and
  - Is used by the individual while receiving crisis services.
130. "Occupational therapist" has the same meaning as in A.R.S. § 32-3401.
131. "Occupational therapist assistant" has the same meaning as in A.R.S. § 32-3401.
132. "Ombudsman" means a resident advocate who performs the duties described in A.R.S. § 46-452.02.
133. "On-call" means a time during which an individual is available and required to come to a health care institution when requested by the health care institution.
134. "Opioid treatment" means providing medical services, nursing services, health-related services, and ancillary services to a patient receiving an opioid agonist treatment medication for opiate addiction.
135. "Opioid agonist treatment medication" means a prescription medication that is approved by the U.S. Food and Drug Administration under 21 U.S.C. § 355 for use in the treatment of opiate addiction.
136. "Order" means instructions to provide
- Physical health services to a patient from a medical practitioner or as otherwise provided by law; or
  - Behavioral health services to a patient from a behavioral health professional.
137. "Orientation" means the initial instruction and information provided to an individual before the individual starts work or volunteer services in a health care institution.
138. "Outing" means a social or recreational activity that:
- Occurs away from the premises,
  - Is not part of a behavioral health inpatient facility's or behavioral health residential facility's daily routine, and
  - Lasts longer than four hours.
139. "Outpatient surgical center" means a class of health care institution that has the facility, staffing, and equipment to provide surgery and anesthesia services to a patient whose recovery, in the opinions of the patient's surgeon and, if an anesthesiologist would be providing anesthesia services to the patient, the anesthesiologist, does not require inpatient care in a hospital.
140. "Outpatient treatment center" means a class of health care institution without inpatient beds that provides physical health services or behavioral health services for the diagnosis and treatment of patients.
141. "Overall time-frame" means the same as in A.R.S. § 41-1072.
142. "Owner" means a person who appoints, elects, or designates a health care institution's governing authority.
143. "Participant" means a patient receiving physical health services or behavioral health services from an adult day health care facility or a substance abuse transitional facility.
144. "Participant's representative" means the same as "patient's representative" for a participant.
145. "Patient" means an individual receiving physical health services or behavioral health services from a health care institution.
146. "Patient follow-up instructions" means information relevant to a patient's medical condition or behavioral health issue that is provided to the patient, the patient's representative, or a health care institution.
147. "Patient's representative" means:
- A patient's legal guardian;
  - If a patient is less than 18 years of age and not an emancipated minor, the patient's parent;
  - If a patient is 18 years of age or older or an emancipated minor, an individual acting on behalf of the patient with the written consent of the patient or patient's legal guardian; or
  - A surrogate as defined in A.R.S. § 36-3201.
148. "Person" means the same as in A.R.S. § 1-215 and includes a governmental agency.
149. "Personnel member" means, except as defined in specific Articles in this Chapter and excluding a medical staff member, a student, or an intern, an individual providing physical health services or behavioral health services to a patient.
150. "Pest control program" means activities that minimize the presence of insects and vermin in a health care institution to ensure that a patient's health and safety is not at risk.
151. "Pharmacist" has the same meaning as in A.R.S. § 32-1901.
152. "Physical examination" means to observe, test, or inspect an individual's body to evaluate health or determine cause of illness, injury, or disease.
153. "Physical health services" means medical services, nursing services, health-related services, or ancillary services provided to an individual to address the individual's medical condition.

## Department of Health Services - Health Care Institutions: Licensing

154. "Physical therapist" has the same meaning as in A.R.S. § 32-2001.
155. "Physical therapist assistant" has the same meaning as in A.R.S. § 32-2001.
156. "Physician assistant" has the same meaning as in A.R.S. § 32-2501.
157. "Premises" means property that is designated by an applicant or licensee and licensed by the Department as part of a health care institution where physical health services or behavioral health services are provided to a patient.
158. "Professional credentialing board" means a non-governmental organization that designates individuals who have met or exceeded established standards for experience and competency in a specific field.
159. "Progress note" means documentation by a medical staff member, nurse, or personnel member of:
  - a. An observed patient response to a physical health service or behavioral health service provided to the patient,
  - b. A patient's significant change in condition, or
  - c. Observed behavior of a patient related to the patient's medical condition or behavioral health issue.
160. "PRN" means *pro re nata* or given as needed.
161. "Project" means specific construction or modification of a facility stated on an architectural plans and specifications approval application.
162. "Provider" means an individual to whom the Department issues a license to operate an adult behavioral health therapeutic home or a behavioral health respite home in the individual's place of residence.
163. "Provisional license" means the Department's written approval to operate a health care institution issued to an applicant or licensee that is not in substantial compliance with the applicable laws and rules for the health care institution.
164. "Psychotropic medication" means a chemical substance that:
  - a. Crosses the blood-brain barrier and acts primarily on the central nervous system where it affects brain function, resulting in alterations in perception, mood, consciousness, cognition, and behavior; and
  - b. Is provided to a patient to address the patient's behavioral health issue.
165. "Quality management program" means ongoing activities designed and implemented by a health care institution to improve the delivery of medical services, nursing services, health-related services, and ancillary services provided by the health care institution.
166. "Recovery care center" has the same meaning as in A.R.S. § 36-448.51.
167. "Referral" means providing an individual with a list of the class or subclass of health care institution or type of health care professional that may be able to provide the behavioral health services or physical health services that the individual may need and may include the name or names of specific health care institutions or health care professionals.
168. "Registered dietitian" means an individual approved to work as a dietitian by the American Dietetic Association's Commission on Dietetic Registration.
169. "Registered nurse" has the same meaning as in A.R.S. § 32-1601.
170. "Registered nurse practitioner" has the same meaning as A.R.S. § 32-1601.
171. "Regular basis" means at recurring, fixed, or uniform intervals.
172. "Research" means the use of a human subject in the systematic study, observation, or evaluation of factors related to the prevention, assessment, treatment, or understanding of a medical condition or behavioral health issue.
173. "Resident" means an individual living in and receiving physical health services or behavioral health services from a nursing care institution, a behavioral health residential facility, an assisted living facility, or an adult behavioral health therapeutic home.
174. "Resident's representative" means the same as "patient's representative" for a resident.
175. "Respiratory care services" has the same meaning as "practice of respiratory care" as defined in A.R.S. § 32-3501.
176. "Respiratory therapist" has the same meaning as in A.R.S. § 32-3501.
177. "Respite services" means respite care services provided to an individual who is receiving behavioral health services.
178. "Restraint" means any physical or chemical method of restricting a patient's freedom of movement, physical activity, or access to the patient's own body.
179. "Risk" means potential for an adverse outcome.
180. "Room" means space contained by a floor, a ceiling, and walls extending from the floor to the ceiling that has at least one door.
181. "Rural general hospital" means a subclass of hospital having 50 or fewer inpatient beds and located more than 20 surface miles from a general hospital or another rural general hospital that requests to be and is licensed as a rural general hospital rather than a general hospital.
182. "Satellite facility" has the same meaning as in A.R.S. § 36-422.
183. "Scope of services" means a list of the behavioral health services or physical health services the governing authority of a health care institution has designated as being available to a patient at the health care institution.
184. "Seclusion" means the involuntary solitary confinement of a patient in a room or an area where the patient is prevented from leaving.
185. "Self-administration of medication" means a patient having access to and control of the patient's medication and may include the patient receiving limited support while taking the medication.
186. "Sexual abuse" means the same as in A.R.S. § 13-1404(A).
187. "Sexual assault" means the same as in A.R.S. § 13-1406(A).
188. "Shift" means the beginning and ending time of a continuous work period established by a health care institution's policies and procedures.
189. "Signature" means:
  - a. A handwritten or stamped representation of an individual's name or a symbol intended to represent an individual's name, or
  - b. An electronic signature.
190. "Significant change" means an observable deterioration or improvement in a patient's physical, cognitive, behavioral, or functional condition that may require an alteration to the physical health services or behavioral health services provided to the patient.
191. "Speech-language pathologist" means an individual licensed according A.R.S. Title 35, Chapter 17, Article 4

## Department of Health Services - Health Care Institutions: Licensing

- to engage in the practice of speech-language pathology, as defined in A.R.S. § 36-1901.
192. "Special hospital" means a subclass of hospital that:
- Is licensed to provide hospital services within a specific branch of medicine; or
  - Limits admission according to age, gender, type of disease, or medical condition.
193. "Student" means an individual attending an educational institution and working under supervision in a health care institution through an arrangement between the health care institution and the educational institution.
194. "Substantial" when used in connection with a modification means:
- A change in a health care institution's licensed capacity, licensed occupancy, or the number of dialysis stations;
  - An addition or deletion of an authorized service;
  - A change in the physical plant, including facilities or equipment, that costs more than \$300,000; or
  - A change in the building where a health care institution is located that affects compliance with applicable physical plant codes and standards incorporated by reference in A.A.C. R9-1-412.
195. "Substance abuse" means an individual's misuse of alcohol or other drug or chemical that:
- Alters the individual's behavior or mental functioning;
  - Has the potential to cause the individual to be psychologically or physiologically dependent on alcohol or other drug or chemical; and
  - Impairs, reduces, or destroys the individual's social or economic functioning.
196. "Substance abuse transitional facility" means a class of health care institution that provides behavioral health services to an individual over 18 years of age who is intoxicated or may have a substance abuse problem.
197. "Supportive services" has the same meaning as in A.R.S. § 36-151.
198. "Substantive review time-frame" means the same as in A.R.S. § 41-1072.
199. "Surgical procedure" means the excision or incision of a patient's body for the:
- Correction of a deformity or defect,
  - Repair of an injury, or
  - Diagnosis, amelioration, or cure of disease.
200. "Swimming pool" has the same meaning as "semipublic swimming pool" in A.A.C. R18-5-201.
201. "System" means interrelated, interacting, or interdependent elements that form a whole.
202. "Tax ID number" means a numeric identifier that a person uses to report financial information to the United States Internal Revenue Service.
203. "Telemedicine" has the same meaning as in A.R.S. § 36-3601.
204. "Therapeutic diet" means foods or the manner in which food is to be prepared that are ordered for a patient.
205. "Therapist" means an occupational therapist, a physical therapist, a respiratory therapist, or a speech-language pathologist.
206. "Time out" means providing a patient a voluntary opportunity to regain self-control in a designated area from which the patient is not physically prevented from leaving.
207. "Transfer" means a health care institution discharging a patient and sending the patient to another licensed health care institution as an inpatient or resident without intending that the patient be returned to the sending health care institution.
208. "Transport" means a licensed health care institution:
- Sending a patient to a receiving licensed health care institution for outpatient services with the intent of the patient returning to the sending licensed health care institution, or
  - Discharging a patient to return to a sending licensed health care institution after the patient received outpatient services from the receiving licensed health care institution.
209. "Treatment" means a procedure or method to cure, improve, or palliate an individual's medical condition or behavioral health issue.
210. "Treatment plan" means a description of the specific physical health services or behavioral health services that a health care institution anticipates providing to a patient.
211. "Unclassified health care institution" means a health care institution not classified or subclassified in statute or in rule.
212. "Vascular access" means the point on a patient's body where blood lines are connected for hemodialysis.
213. "Volunteer" means an individual authorized by a health care institution to work for the health care institution on a regular basis without compensation from the health care institution and does not include a medical staff member who has clinical privileges at the health care institution.
214. "Working day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state and federal holiday or a statewide furlough day.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2). Amended by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4). Amended by exempt rulemaking at 22 A.A.R. 1035, pursuant to Laws 2015, Ch. 158, § 3; effective May 1, 2016 (Supp. 16-2).

**R9-10-102. Health Care Institution Classes and Subclasses; Requirements**

- A. A person may apply for a license as a health care institution class or subclass in A.R.S. Title 36, Chapter 4 or this Chapter, or one of the following classes or subclasses:
- General hospital,
  - Rural general hospital,
  - Special hospital,
  - Behavioral health inpatient facility,
  - Nursing care institution,
  - Recovery care center,
  - Hospice inpatient facility,
  - Hospice service agency,
  - Behavioral health residential facility,
  - Assisted living center,
  - Assisted living home,
  - Adult foster care home,
  - Outpatient surgical center,
  - Outpatient treatment center,
  - Abortion clinic,
  - Adult day health care facility,
  - Home health agency,
  - Substance abuse transitional facility,

## Department of Health Services - Health Care Institutions: Licensing

- 19. Behavioral health specialized transitional facility,
  - 20. Counseling facility,
  - 21. Adult behavioral health therapeutic home,
  - 22. Behavioral health respite home, or
  - 23. Unclassified health care institution.
- B.** A person shall apply for a license for the class or subclass that authorizes the provision of the highest level of physical care services or behavioral health services the proposed health care institution plans to provide. The Department shall review the proposed health care institution's scope of services to determine whether the requested health care institution class or subclass is appropriate.
- C.** A health care institution shall comply with the requirements in Article 17 of this Chapter if:
- 1. There are no specific rules in another Article of this Chapter for the health care institution's class or subclass, or
  - 2. The Department determines that the health care institution is an unclassified health care institution.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-103. Licensing Exceptions**

- A.** A health care institution license is required for each health care institution facility except:
- 1. A facility exempt from licensing under A.R.S. § 36-402, or
  - 2. A health care institution's administrative office.
- B.** The Department does not require a separate health care institution license for:
- 1. A satellite facility of a hospital under A.R.S. § 36-422(F);
  - 2. An accredited facility of an accredited hospital under A.R.S. § 36-422(G);
  - 3. A facility operated by a licensed health care institution that is:
    - a. Adjacent to and contiguous with the licensed health care institution premises; or
    - b. Not adjacent to or contiguous with the licensed health care institution but connected to the licensed health care institution facility by an all-weather enclosure and:
      - i. Owned by the health care institution, or
      - ii. Leased by the health care institution with exclusive rights of possession;
  - 4. A mobile clinic operated by a licensed health care institution; or
  - 5. A facility located on grounds that are not adjacent to or contiguous with the health care institution premises where only ancillary services are provided to a patient of the health care institution.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-104. Approval of Architectural Plans and Specifications**

- A.** For approval of architectural plans and specifications for the construction or modification of a health care institution that is required by this Chapter to comply with any of the physical plant codes and standards incorporated by reference in A.A.C. R9-1-412, an applicant shall submit to the Department an application packet including:
- 1. An application in a format provided by the Department that contains:
    - a. For construction of a new health care institution:
      - i. The health care institution's name, street address, city, state, zip code, telephone number, and e-mail address;
      - ii. The name and address of the health care institution's governing authority;
      - iii. The requested health care institution class or subclass; and
      - iv. If applicable, the requested licensed capacity, licensed occupancy, and dialysis stations for the health care institution;
    - b. For modification of a licensed health care institution:
      - i. The health care institution's license number,
      - ii. The name and address of the licensee,
      - iii. The health care institution's class or subclass, and
      - iv. The health care institution's existing licensed capacity, licensed occupancy, or dialysis stations; and the requested licensed capacity, licensed occupancy, or dialysis stations for the health care institution;
    - c. The health care institution's contact person's name, street address, city, state, zip code, telephone number, and e-mail address;
    - d. The name, street address, city, state, zip code, telephone number, and e-mail address of:
      - i. The project architect; or
      - ii. If the construction or modification of the health care institution does not require a project architect, the project engineer or other individual responsible for the completion of the construction or modification;
    - e. A narrative description of the project;
    - f. If providing or planning to provide medical services, nursing services, or health-related services that require compliance with specific physical plant codes and standards incorporated by reference in A.A.C. R9-1-412, the number of rooms or inpatient beds designated for providing the medical services, nursing services, or health-related services;
    - g. If providing or planning to provide behavioral health observation/stabilization services, the number of behavioral health observation/stabilization chairs designated for providing the behavioral health observation/stabilization services;
    - h. For construction of a new health care institution and if modification of a health care institution requires a project architect, a statement signed and sealed by the project architect, according to the requirements in 4 A.A.C. 30, Article 3, that the:
      - i. Project architect has complied with A.A.C. R4-30-301; and
      - ii. Architectural plans and specifications comply with applicable licensing requirements in A.R.S. Title 36, Chapter 4 and this Chapter;
    - i. If construction or modification of a health care institution requires a project engineer, a statement signed



## Department of Health Services - Health Care Institutions: Licensing

- and sealed by the project engineer, according to the requirements in 4 A.A.C. 30, Article 3, that the project engineer has complied with A.A.C. R4-30-301; and
- j. A statement signed by the governing authority or the licensee that the architectural plans and specifications comply with applicable licensing requirements in A.R.S. Title 36, Chapter 4 and this Chapter;
2. If the health care institution is located on land under the jurisdiction of a local governmental agency, one of the following:
    - a. A building permit for the construction or modification issued by the local governmental agency; or
    - b. If a building permit issued by the local governmental agency is not required, zoning clearance issued by the local governmental agency that includes:
      - i. The health care institution's name, street address, city, state, zip code, and county;
      - ii. The health care institution's class or subclass and each type of medical services, nursing services, or health-related services to be provided; and
      - iii. A statement signed by a representative of the local governmental agency stating that the address listed is zoned for the health care institution's class or subclass;
  3. The following information that is necessary to demonstrate that the project described on the application complies with applicable codes and standards incorporated by reference in A.A.C. R9-1-412:
    - a. A table of contents containing:
      - i. The architectural plans and specifications submitted;
      - ii. The physical plant codes and standards incorporated by reference in A.A.C. R9-1-412 that apply to the project;
      - iii. The physical plant codes and standards that are required by a local governmental agency, if applicable;
      - iv. An index of the abbreviations and symbols used in the architectural plans and specifications; and
      - v. The facility's specific International Building Code construction type and International Building Code occupancy type;
    - b. If the facility is larger than 3,000 square feet and is or will be occupied by more than 20 individuals, the seal of an architect on the architectural plans and specifications according to the requirements in A.R.S. Title 32, Chapter 1 and 4 A.A.C. 30, Article 3;
    - c. A site plan, drawn to scale, of the entire premises showing streets, property lines, facilities, parking areas, outdoor areas, fences, swimming pools, fire access roads, fire hydrants, and access to water mains;
    - d. For each facility, on architectural plans and specifications:
      - i. A floor plan, drawn to scale, for each level of the facility, showing the layout and dimensions of each room, the name and function of each room, means of egress, and natural and artificial lighting sources;
      - ii. A diagram of a section of the facility, drawn to scale, showing the vertical cross-section view from foundation to roof and specifying construction materials;
  - iii. Building elevations, drawn to scale, showing the outside appearance of each facility;
  - iv. The materials used for ceilings, walls, and floors;
  - v. The location, size, and fire rating of each door and each window and the materials and hardware used, including safety features such as fire exit door hardware and fireproofing materials;
  - vi. A ceiling plan, drawn to scale, showing the layout of each light fixture, each fire protection device, and each element of the mechanical ventilation system;
  - vii. An electrical floor plan, drawn to scale, showing the wiring diagram and the layout of each lighting fixture, each outlet, each switch, each electrical panel, and electrical equipment;
  - viii. A mechanical floor plan, drawn to scale, showing the layout of heating, ventilation, and air conditioning systems;
  - ix. A plumbing floor plan, drawn to scale, showing the layout and materials used for water, sewer, and medical gas systems, including the water supply and plumbing fixtures;
  - x. A floor plan, drawn to scale, showing the communication system within the health care institution including the nurse call system, if applicable;
  - xi. A floor plan, drawn to scale, showing the automatic fire extinguishing, fire detection, and fire alarm systems; and
  - xii. Technical specifications or drawings describing installation of equipment or medical gas and the materials used for installation in the health care institution;
4. The estimated total project cost including the costs of:
    - a. Site acquisition,
    - b. General construction,
    - c. Architect fees,
    - d. Fixed equipment, and
    - e. Movable equipment;
  5. The following, as applicable:
    - a. If the health care institution is located on land under the jurisdiction of a local governmental agency, one of the following provided by the local governmental agency:
      - i. A copy of the certificate of occupancy for the facility,
      - ii. Documentation that the facility was approved for occupancy, or
      - iii. Documentation that a certificate of occupancy for the facility is not available;
    - b. A certification and a statement that the construction or modification of the facility is in substantial compliance with applicable licensing requirements in A.R.S. Title 36, Article 4 and this Chapter signed by the project architect, the contractor, and the owner;
    - c. A written description of any work necessary to complete the construction or modification submitted by the project architect;
    - d. If the construction or modification affects the health care institution's fire alarm system, a contractor certification and description of the fire alarm system in a format provided by the Department;

## Department of Health Services - Health Care Institutions: Licensing

- e. If the construction or modification affects the health care institution's automatic fire extinguishing system, a contractor certification of the automatic fire extinguishing system in a format provided by the Department;
  - f. If the construction or modification affects the health care institution's heating, ventilation, or air conditioning system, a copy of the heating, ventilation, air conditioning, and air balance tests and a contractor certification of the heating, ventilation, or air conditioning system;
  - g. If draperies, cubicle curtains, or floor coverings are installed or replaced, a copy of the manufacturer's certification of flame spread for the draperies, cubicle curtains, or floor coverings;
  - h. For a health care institution using inhalation anesthetics or nonflammable medical gas, a copy of the Compliance Certification for Inhalation Anesthetics or Nonflammable Medical Gas System required in the National Fire Codes incorporated by reference in A.A.C. R9-1-412;
  - i. If a generator is installed, a copy of the installation acceptance required in the National Fire Codes incorporated by reference in A.A.C. R9-1-412;
  - j. If equipment is installed, a certification from an engineer or from a technical representative of the equipment's manufacturer that the equipment has been installed according to the manufacturer's recommendations and, if applicable, calibrated;
  - k. For a health care institution providing radiology, a written report from a certified health physicist of the location, type, and amount of radiation protection; and
  - l. If a factory-built building is used by a health care institution:
    - i. A copy of the installation permit and the copy of a certificate of occupancy for the factory-built building from the Office of Manufactured Housing; or
    - ii. A written report from an individual registered as an architect or a professional structural engineer under 4 A.A.C. 30, Article 2, stating that the factory-built building complies with applicable design standards;
6. For construction of a new health care institution and for a modification of a health care institution that requires a project architect, a statement signed by the project architect that final architectural plans and specifications have been submitted to the person applying for a health care institution license or the licensee of the health care institution;
7. For modification of a health care institution that does not require a project architect, a statement signed by the project engineer or other individual responsible for the completion of the modification that final architectural plans and specifications have been submitted to the person applying for a health care institution license or the licensee of the health care institution; and
8. The applicable fee required by R9-10-106.
- B.** Before an applicant submits an application for approval of architectural plans and specifications for the construction or modification of a health care institution, an applicant may request an architectural evaluation by submitting the documents in subsection (A)(3) to the Department.
- C.** The Department may conduct on-site facility reviews during the construction or modification of a health care institution.
- D.** The Department shall approve or deny an application for approval of architectural plans and specifications of a health care institution in this Section according to R9-10-108.
- E.** In addition to obtaining an approval of a health care institution's architectural plans and specifications, a person shall obtain a health care institution license before operating the health care institution.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-105. Initial License Application**

- A.** A person applying for an initial health care institution license shall submit to the Department an application packet that contains:
1. An application in a format provided by the Department including:
    - a. The health care institution's:
      - i. Name, street address, mailing address, telephone number, and e-mail address;
      - ii. Tax ID number; and
      - iii. Class or subclass listed in R9-10-102 for which licensing is requested;
    - b. Except for a home health agency, hospice service agency, or behavioral health facility, whether the health care institution is located within 1/4 mile of agricultural land;
    - c. Whether the health care institution is located in a leased facility;
    - d. Whether the health care institution is ready for a licensing inspection by the Department;
    - e. If the health care institution is not ready for a licensing inspection by the Department, the date the health care institution will be ready for a licensing inspection;
    - f. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-10-108;
    - g. Owner information including:
      - i. The owner's name, address, telephone number, and e-mail address;
      - ii. Whether the owner is a sole proprietorship, a corporation, a partnership, a limited liability partnership, a limited liability company, or a governmental agency;
      - iii. If the owner is a partnership or a limited liability partnership, the name of each partner;
      - iv. If the owner is a limited liability company, the name of the designated manager or, if no manager is designated, the names of any two members of the limited liability company;
      - v. If the owner is a corporation, the name and title of each corporate officer;
      - vi. If the owner is a governmental agency, the name and title of the individual in charge of the governmental agency or the name of an individual in charge of the health care institution designated in writing by the individual in charge of the governmental agency;
      - vii. Whether the owner or any person with 10% or more business interest in the health care institution has had a license to operate a health care

## Department of Health Services - Health Care Institutions: Licensing

- institution denied, revoked, or suspended; the reason for the denial, suspension, or revocation; the date of the denial, suspension, or revocation; and the name and address of the licensing agency that denied, suspended, or revoked the license;
- viii. Whether the owner or any person with 10% or more business interest in the health care institution has had a health care professional license or certificate denied, revoked, or suspended; the reason for the denial, suspension, or revocation; the date of the denial, suspension, or revocation; and the name and address of the licensing agency that denied, suspended, or revoked the license or certificate; and
  - ix. The name, title, address, and telephone number of the owner's statutory agent or the individual designated by the owner to accept service of process and subpoenas;
  - h. The name and address of the governing authority;
  - i. The chief administrative officer's:
    - i. Name,
    - ii. Title,
    - iii. Highest educational degree, and
    - iv. Work experience related to the health care institution class or subclass for which licensing is requested; and
  - j. Signature required in A.R.S. § 36-422(B);
2. If the health care institution is located in a leased facility, a copy of the lease showing the rights and responsibilities of the parties and exclusive rights of possession of the leased facility;
  3. If applicable, a copy of the owner's articles of incorporation, partnership or joint venture documents, or limited liability documents;
  4. If applicable, the name and address of each owner or lessee of any agricultural land regulated under A.R.S. § 3-365 and a copy of the written agreement between the applicant and the owner or lessee of agricultural land as prescribed in A.R.S. § 36-421(D);
  5. Except for a home health agency or a hospice service agency, one of the following:
    - a. If the health care institution or a part of the health care institution is required by this Chapter to comply with any of the physical plant codes and standards incorporated by reference in A.A.C. R9-1-412, documentation of the health care institution's architectural plans and specifications approval in R9-10-104; or
    - b. If a health care institution or a part of the health care institution is not required by this Chapter to comply with any of the physical plant codes and standards incorporated by reference in A.A.C. R9-1-412:
      - i. One of the following:
        - (1) Documentation from the local jurisdiction of compliance with applicable local building codes and zoning ordinances; or
        - (2) If documentation from the local jurisdiction is not available, documentation of the unavailability of the local jurisdiction compliance and documentation of a general contractor's inspection of the facility that states the facility is safe for occupancy as the applicable health care institution class or subclass;
      - ii. The licensed capacity requested by the applicant for the health care institution;
      - iii. If applicable, the licensed occupancy requested by the applicant for the health care institution;
      - iv. A site plan showing each facility, the property lines of the health care institution, each street and walkway adjacent to the health care institution, parking for the health care institution, fencing and each gate on the health care institution premises, and, if applicable, each swimming pool on the health care institution premises; and
      - v. A floor plan showing, for each story of a facility, the room layout, room usage, each door and each window, plumbing fixtures, each exit, and the location of each fire protection device;
  6. The health care institution's proposed scope of services; and
  7. The applicable application fee required by R9-10-106.
- B.** In addition to the initial application requirements in this Section, an applicant shall comply with the supplemental application requirements in specific rules in this Chapter for the health care institution class or subclass for which licensing is requested.
- C.** The Department shall approve or deny an application in this Section according to R9-10-108.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-106. Fees**

- A.** An applicant who submits to the Department architectural plans and specifications for the construction or modification of a health care institution shall also submit an architectural drawing review fee as follows:
1. Fifty dollars for a project with a cost of \$100,000 or less;
  2. One hundred dollars for a project with a cost of more than \$100,000 but less than \$500,000; or
  3. One hundred fifty dollars for a project with a cost of \$500,000 or more.
- B.** An applicant submitting an initial application or a renewal application for a health care institution license shall submit to the Department an application fee of \$50.
- C.** Except as provided in subsection (D) or (E), an applicant submitting an initial application or a renewal application for a health care institution license shall submit to the Department a licensing fee as follows:
1. For an adult day health care facility, assisted living home, or assisted living center:
    - a. For a facility with no licensed capacity, \$280;
    - b. For a facility with a licensed capacity of one to 59 beds, \$280, plus the licensed capacity times \$70;
    - c. For a facility with a licensed capacity of 60 to 99 beds, \$560, plus the licensed capacity times \$70;
    - d. For a facility with a licensed capacity of 100 to 149 beds, \$840, plus the licensed capacity times \$70; or
    - e. For a facility with a licensed capacity of 150 beds or more, \$1,400, plus the licensed capacity times \$70;
  2. For a behavioral health facility:
    - a. For a facility with no licensed capacity, \$375;
    - b. For a facility with a licensed capacity of one to 59 beds, \$375, plus the licensed capacity times \$94;

## Department of Health Services - Health Care Institutions: Licensing

- c. For a facility with a licensed capacity of 60 to 99 beds, \$750, plus the licensed capacity times \$94;
  - d. For a facility with a licensed capacity of 100 to 149 beds, \$1,125, plus the licensed capacity times \$94; or
  - e. For a facility with a licensed capacity of 150 beds or more, \$1,875, plus the licensed capacity times \$94;
  - 3. For a behavioral health facility providing behavioral health observation/stabilization services, in addition to the applicable fee in subsection (C)(2), the licensed occupancy times \$94;
  - 4. For a nursing care institution:
    - a. For a facility with a licensed capacity of one to 59 beds, \$290, plus the licensed capacity times \$73;
    - b. For a facility with a licensed capacity of 60 to 99 beds, \$580, plus the licensed capacity times \$73;
    - c. For a facility with a licensed capacity of 100 to 149 beds, \$870, plus the licensed capacity times \$73; or
    - d. For a facility with a licensed capacity of 150 beds or more, \$1,450, plus the licensed capacity times \$73;
  - 5. For a hospital, a home health agency, a hospice service agency, a hospice inpatient facility, an abortion clinic, a recovery care center, an outpatient surgical center, an outpatient treatment center that is not a behavioral health facility, or an unclassified health care institution:
    - a. For a facility with no licensed capacity, \$365;
    - b. For a facility with a licensed capacity of one to 59 beds, \$365, plus the licensed capacity times \$91;
    - c. For a facility with a licensed capacity of 60 to 99 beds, \$730, plus the licensed capacity times \$91;
    - d. For a facility with a licensed capacity of 100 to 149 beds, \$1,095, plus the licensed capacity times \$91; or
    - e. For a facility with a licensed capacity of 150 beds or more, \$1,825, plus the licensed capacity times \$91;
  - 6. For a hospital providing behavioral health observation/stabilization services, in addition to the applicable fee in subsection (C)(5), the licensed occupancy times \$91; and
  - 7. For an outpatient treatment center that is not a behavioral health facility and provides:
    - a. Dialysis services, in addition to the applicable fee in subsection (C)(5), the number of dialysis stations times \$91; and
    - b. Behavioral health observation/stabilization services, in addition to the applicable fee in subsection (C)(5), the licensed occupancy times \$91.
  - D. In addition to the applicable fees in subsections (C)(5) and (C)(6), an applicant submitting an initial application or a renewal application for a single group hospital license shall submit to the Department an additional fee of \$365 for each of the hospital's satellite facilities and, if applicable, the fees required in subsection (C)(7).
  - E. Subsections (C) and (D) do not apply to a health care institution operated by a state agency according to state or federal law or to an adult foster care home.
  - F. All fees are nonrefundable except as provided in A.R.S. § 41-1077.
- Historical Note**
- New Section R9-10-106 renumbered from R9-10-122 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- R9-10-107. Renewal License Application**
- A. A licensee applying to renew a health care institution license shall submit an application packet to the Department at least 60 calendar days but not more than 120 calendar days before the expiration date of the current license that contains:
    - 1. A renewal application in a format provided by the Department including:
      - a. The health care institution's:
        - i. Name, license number, mailing address, telephone number, and e-mail address; and
        - ii. Class or subclass;
      - b. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-10-108;
      - c. Owner information including:
        - i. The owner's name, address, telephone number, and e-mail address;
        - ii. Whether the owner is a sole proprietorship, a corporation, a partnership, a limited liability partnership, a limited liability company, or a governmental agency;
        - iii. If the owner is a partnership or a limited liability partnership, the name of each partner;
        - iv. If the owner is a limited liability company, the name of the designated manager or, if no manager is designated, the names of any two members of the limited liability company;
        - v. If the owner is a corporation, the name and title of each corporate officer;
        - vi. If the owner is a governmental agency, the name and title of the individual in charge of the governmental agency or the individual designated in writing by the individual in charge of the governmental agency;
        - vii. Whether the owner or any person with 10% or more business interest in the health care institution has had a license to operate a health care institution denied, revoked, or suspended since the previous license application was submitted; the reason for the denial, suspension, or revocation; the date of the denial, suspension, or revocation; and the name and address of the licensing agency that denied, suspended, or revoked the license;
        - viii. Whether the owner or any person with 10% or more business interest in the health care institution has had a health care professional license or certificate denied, revoked, or suspended since the previous license application was submitted; the reason for the denial, suspension, or revocation; the date of the denial, suspension, or revocation; and the name and address of the licensing agency that denied, suspended, or revoked the license or certificate; and
        - ix. The name, title, address, and telephone number of the owner's statutory agent or the individual designated by the owner to accept service of process and subpoenas;
      - d. The name and address of the governing authority;
      - e. The chief administrative officer's:
        - i. Name,
        - ii. Title,
        - iii. Highest educational degree, and
        - iv. Work experience related to the health care institution class or subclass for which licensing is requested; and
      - f. Signature required in A.R.S. § 36-422(B);

## Department of Health Services - Health Care Institutions: Licensing

2. The health care institution's scope of services;
  3. If the health care institution is located in a leased facility, a copy of the lease showing the rights and responsibilities of the parties and exclusive rights of possession of the leased facility; and
  4. The applicable application and licensing fees required by R9-10-106.
- B.** A licensee may submit a health care institution's current accreditation report from a nationally recognized accrediting organization as part of the application packet in subsection (A).
- C.** If a licensee submits a health care institution's current accreditation report from a nationally recognized accrediting organization, the Department shall not conduct an onsite compliance inspection of the health care institution during the time the accreditation report is valid.
- D.** The Department shall approve or deny a renewal license according to R9-10-108.
- E.** The Department shall issue a renewal license for:
1. One year; or
  2. Three years, if:
    - a. A licensee's health care institution is a hospital accredited by a nationally recognized accreditation organization, and
    - b. The licensee submits a copy of the hospital's current accreditation report.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-108. Time-frames**

- A.** The overall time-frame for each type of approval granted by the Department is listed in Table 1.1. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. The substantive review time-frame and the overall time-frame may not be extended by more than 25% of the overall time-frame.
- B.** The administrative completeness review time-frame for each type of approval granted by the Department as prescribed in this Article is listed in Table 1.1. The administrative completeness review time-frame begins on the date the Department receives an application packet or a written request for a change in a health care institution license according to R9-10-109(F):
1. The application packet for an initial health care institution license is not complete until the applicant provides the Department with written notice that the health care institution is ready for a licensing inspection by the Department.
  2. If the application packet or written request is incomplete, the Department shall provide a written notice to the applicant specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice until the date the Department receives the missing document or information from the applicant.
  3. When an application packet or written request is complete, the Department shall provide a written notice of administrative completeness to the applicant.
  4. For an initial health care institution application, the Department shall consider the application withdrawn if the applicant fails to supply the missing documents or information included in the notice described in subsection (B)(2) within 180 calendar days after the date of the notice described in subsection (B)(2).
- 5.** If the Department issues a license or grants an approval during the time provided to assess administrative completeness, the Department shall not issue a separate written notice of administrative completeness.
- C.** The substantive review time-frame is listed in Table 1.1 and begins on the date of the notice of administrative completeness.
1. The Department may conduct an onsite inspection of the facility:
    - a. As part of the substantive review for approval of architectural plans and specifications;
    - b. As part of the substantive review for issuing a health care institution initial or renewal license; or
    - c. As part of the substantive review for approving a modification in a health care institution's license.
  2. During the substantive review time-frame, the Department may make one comprehensive written request for additional information or documentation. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation. The time-frame for the Department to complete the substantive review is suspended from the date of a written request for additional information or documentation until the Department receives the additional information or documentation.
  3. The Department shall send a written notice of approval or a license to an applicant who is in substantial compliance with applicable requirements in A.R.S. Title 36, Chapter 4 and this Chapter.
  4. After an applicant for an initial health care institution license receives the written notice of approval in subsection (C)(3), the applicant shall submit the applicable license fee in R9-10-106 to the Department within 60 calendar days after the date of the written notice of approval.
  5. The Department shall provide a written notice of denial that complies with A.R.S. § 41-1076 to an applicant who does not:
    - a. For an initial health care institution application, submit the information or documentation in subsection (C)(2) within 120 calendar days after the Department's written request to the applicant;
    - b. Comply with the applicable requirements in A.R.S. Title 36, Chapter 4 and this Chapter; or
    - c. Submit the fee required in R9-10-106.
  6. An applicant may file a written notice of appeal with the Department within 30 calendar days after receiving the notice described in subsection (C)(5). The appeal shall be conducted according to A.R.S. Title 41, Chapter 6, Article 10.
  7. If a time-frame's last day falls on a Saturday, a Sunday, or an official state holiday, the Department shall consider the next working day to be the time-frame's last day.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 859, effective April 2, 2005 (Supp. 05-1). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

## Department of Health Services - Health Care Institutions: Licensing

Table 1.1.

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Approval of architectural plans and specifications R9-10-104	A.R.S. §§ 36-405, 36-406(1)(b), and 36-421	105 calendar days	45 calendar days	60 calendar days
Health care institution initial license R9-10-105	A.R.S. §§ 36-405, 36-407, 36-421, 36-422, 36-424, and 36-425	120 calendar days	30 calendar days	90 calendar days
Health care institution renewal license R9-10-107	A.R.S. §§ 36-405, 36-407, 36-422, 36-424, and 36-425	90 calendar days	30 calendar days	60 calendar days
Approval of a modification of a health care institution R9-10-110	A.R.S. §§ 36-405, 36-407, and 36-422	75 calendar days	15 calendar days	60 calendar days

**Historical Note**

New Table 1 made by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 859, effective April 2, 2005 (Supp. 05-1). Table 1 title and contents amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Table 1.1 amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-109. Changes Affecting a License**

**A.** A licensee shall ensure that the Department is notified in writing at least 30 calendar days before the effective date of:

1. A change in the name of:
  - a. A health care institution, or
  - b. The licensee; or
2. A change in the address of a health care institution that does not provide medical services, nursing services, or health-related services on the premises.

**B.** If a licensee intends to terminate the operation of a health care institution either during or at the expiration of the health care institution's license, the licensee shall ensure that the Department is notified in writing of:

1. The termination of the health care institution's operations, as required in A.R.S. § 36-422(D), at least 30 calendar days before the termination, and
2. The address and contact information for the location where the health care institution's medical records will be retained as required in A.R.S. § 12-2297.

**C.** If a licensee is an adult behavioral health therapeutic home or a behavioral health respite home, the licensee shall ensure that:

1. The Department is notified in writing if the licensee does not have a written agreement with a collaborating health care institution, as required in R9-10-1603(A)(4) or R9-10-1803(A)(5) as applicable; and
2. The adult behavioral health therapeutic home or behavioral health respite home does not accept an individual as a resident or recipient, as applicable, or provide services to a resident or recipient, as applicable, until:
  - a. The adult behavioral health therapeutic home or behavioral health respite home has a written agreement with a collaborating health care institution;
  - b. The collaborating health care institution has approved the adult behavioral health therapeutic home's or behavioral health respite home's:
    - i. Scope of services, and
    - ii. Policies and procedures; and

c. The collaborating health care institution has verified the provider's skills and knowledge.

**D.** If a licensee is an affiliated outpatient treatment center, the licensee shall ensure that if the affiliated outpatient treatment center:

1. Plans to begin providing administrative support to a counseling facility at a time other than during the affiliated outpatient treatment center's initial or renewal license application process, the following information for each counseling facility is submitted to the Department before the affiliated outpatient treatment center begins providing administrative support:
  - a. The counseling facility's name,
  - b. The license number assigned to the counseling facility by the Department, and
  - c. The date the affiliated outpatient treatment center will begin providing administrative support to the counseling facility; or
2. No longer provides administrative support to a counseling facility previously identified by the affiliated outpatient treatment center as receiving administrative support from the affiliated outpatient treatment center, at a time other than during the initial or renewal license application process, the following information for each counseling facility is submitted to the Department within 30 calendar days after the affiliated outpatient treatment center no longer provides administrative support:
  - a. The counseling facility's name,
  - b. The license number assigned to the counseling facility by the Department, and
  - c. The date the affiliated outpatient treatment center stopped providing administrative support to the counseling facility.

**E.** If a licensee is a counseling facility, the licensee shall ensure that if the counseling facility:

1. Plans to begin receiving administrative support from an affiliated outpatient treatment center at a time other than during the counseling facility's initial or renewal license

## Department of Health Services - Health Care Institutions: Licensing

application process, the following information for the affiliated outpatient treatment center is submitted to the Department before the counseling facility begins receiving administrative support:

- a. The affiliated outpatient treatment center's name,
  - b. The license number assigned to the affiliated outpatient treatment center by the Department, and
  - c. The date the counseling facility will begin receiving administrative support; or
2. No longer receives administrative support from an affiliated outpatient treatment center previously identified by the counseling facility as providing administrative support to the counseling facility, at a time other than during the counseling facility's initial or renewal license application process, the following information for the affiliated outpatient treatment center is submitted to the Department within 30 calendar days after the counseling facility no longer receives administrative support from the affiliated outpatient treatment center:
    - a. The affiliated outpatient treatment center's name,
    - b. The license number assigned to the affiliated outpatient treatment center by the Department, and
    - c. The date the counseling facility stopped receiving administrative support from the affiliated outpatient treatment center.
  3. Plans to begin sharing administrative support with an affiliated counseling facility at a time other than during the counseling facility's initial or renewal license application process, the following information for each affiliated counseling facility sharing administrative support with the counseling facility is submitted to the Department before the counseling facility and affiliated counseling facility begin sharing administrative support:
    - a. The affiliated counseling facility's name,
    - b. The license number assigned to the affiliated counseling facility by the Department, and
    - c. The date the counseling facility and the affiliated counseling facility will begin sharing administrative support; or
  4. No longer shares administrative support with an affiliated counseling facility previously identified by the counseling facility as sharing administrative support with the counseling facility at a time other than during the counseling facility's initial or renewal license application process, the following information is submitted for each affiliated counseling facility within 30 calendar days after the counseling facility and affiliated counseling facility no longer share administrative support:
    - a. The affiliated counseling facility's name,
    - b. The license number assigned to the affiliated counseling facility by the Department, and
    - c. The date the counseling facility and affiliated counseling facility will no longer be sharing administrative support.
- F.** A governing authority shall submit an initial license application required in R9-10-105 for:
1. A change in ownership of a health care institution;
  2. A change in the address or location of a health care institution that provides medical services, nursing services, health-related services, or behavioral health services on the premises; or
  3. A change in a health care institution's class or subclass.
- G.** A governing authority is not required to submit documentation of a health care institution's architectural plans and specifications required in R9-10-105(A)(5) for an initial license application if:

1. The health care institution has not ceased operations for more than 30 calendar days,
  2. A modification has not been made to the health care institution,
  3. The services the health care institution is authorized by the Department to provide are not changed, and
  4. The location of the health care institution's premises is not changed.
- H.** The Department shall approve or deny a request for a change in services or another modification described in this Section according to R9-10-108.
- I.** A licensee shall not implement a change in services or another modification described in this Section until an approval or amended license is issued by the Department.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2). Amended by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

**R9-10-110. Modification of a Health Care Institution**

- A.** A licensee of a health care institution that is required by this Chapter to comply with any of the physical plant codes and standards incorporated by reference in A.A.C. R9-1-412 shall submit an application for approval of architectural plans and specifications for a modification of the health care institution.
- B.** A licensee of a health care institution shall submit a written request for a modification of the health care in a Department-provided format that contains:
1. The health care institution's name, address, and license number;
  2. A narrative description of the modification;
  3. The name of the health care institution's administrator's or individual representing the health care institution as designated in A.R.S. § 36-422 and the dated signature of the administrator or individual; and
  4. One of the following:
    - a. For a health care institution that is required to comply with the physical plant codes and standards incorporated by reference in A.A.C. R9-10-412 for the building, documentation of the health care institution's architectural plans and specifications approval in R9-10-104; or
    - b. For a health care institution that is not required to comply with the physical plant codes and standards, documentation that demonstrates that the requested modification complies with applicable requirements in this Chapter.
- C.** The Department shall approve or deny a request for a modification described in subsection (B) according to R9-10-108.
- D.** A licensee shall not implement a modification described in subsection (B) until an approval or amended license is issued by the Department.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-110 renumbered to Section R9-10-111; new Section R9-10-110 made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws

## Department of Health Services - Health Care Institutions: Licensing

2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-111. Enforcement Actions**

- A. If the Department determines that an applicant or licensee is violating applicable statutes and rules and the violation poses a direct risk to the life, health, or safety of a patient, the Department may:
1. Issue a provisional license to the applicant or licensee under A.R.S. § 36-425,
  2. Assess a civil penalty under A.R.S. § 36-431.01,
  3. Impose an intermediate sanction under A.R.S. § 36-427,
  4. Remove a licensee and appoint another person to continue operation of the health care institution pending further action under A.R.S. § 36-429,
  5. Suspend or revoke a license under A.R.S. § 36-427 and R9-10-111,
  6. Deny a license under A.R.S. § 36-425 and R9-10-111, or
  7. Issue an injunction under A.R.S. § 36-430.
- B. In determining which action in subsection (A) is appropriate, the Department shall consider the direct risk to the life, health, or safety of a patient in the health care institution based on:
1. Repeated violations of statutes or rules,
  2. Pattern of violations,
  3. Types of violation,
  4. Severity of violation, and
  5. Number of violations.

**Historical Note**

Amended effective February 4, 1981 (Supp. 81-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3).

Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 97, effective January 1, 2014 (Supp. 13-4). Section R9-10-111 renumbered to Section R9-10-112; new Section R9-10-111 renumbered from R9-10-110 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-112. Denial, Revocation, or Suspension of License**

- A. The Department may deny, revoke, or suspend a license to operate a health care institution if an applicant, a licensee, or a controlling person of the health care institution:
1. Provides false or misleading information to the Department;
  2. Has had in any state or jurisdiction any of the following:
    - a. An application or license to operate a health care institution denied, suspended, or revoked, unless the denial was based on failure to complete the licensing process within a required time-frame; or
    - b. A health care professional license or certificate denied, revoked, or suspended; or
  3. Has operated a health care institution, within the ten years preceding the date of the most recent license application, in violation of A.R.S. Title 36, Chapter 4 or this Chapter, that posed a direct risk to the life, health, or safety of a patient.
- B. The Department shall suspend or revoke a hospital's license if the Department receives, pursuant to A.R.S. § 36-2901.08(H), notice from the Arizona Health Care Cost Containment System that the hospital's provider agreement registration with the Arizona Health Care Cost Containment System has been suspended or revoked.

**Historical Note**

Amended effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3).

New Section made by exempt rulemaking at 9 A.A.R. 526, effective April 1, 2003 (Supp. 03-1). Section R9-10-112 renumbered to R9-10-113; new Section R9-10-112 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-112 renumbered to Section R9-10-113; new Section R9-10-112 renumbered from R9-10-111 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-113. Tuberculosis Screening**

A health care institution's chief administrative officer shall ensure that the health care institution complies with the following if tuberculosis screening is required at the health care institution:

1. For each individual required to be screened for infectious tuberculosis, the health care institution obtains from the individual:
  - a. On or before the date specified in the applicable Section of this Chapter, one of the following as evidence of freedom from infectious tuberculosis:
    - i. Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the U.S. Centers for Disease Control and Prevention (CDC) administered within 12 months before the date the individual begins providing services at or on behalf of the health care institution or is admitted to the health care institution that includes the date and the type of tuberculosis screening test; or
    - ii. If the individual had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the individual is free from infectious tuberculosis signed by a medical practitioner dated within 12 months before the date the individual begins providing services at or on behalf of the health care institution or is admitted to the health care institution; and
  - b. Every 12 months after the date of the individual's most recent tuberculosis screening test or written statement, one of the following as evidence of freedom from infectious tuberculosis:
    - i. Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the CDC administered to the individual within 30 calendar days before or after the anniversary date of the most recent tuberculosis screening test or written statement that includes the date and the type of tuberculosis screening test; or
    - ii. If the individual has had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the individual is free from infectious tuberculosis signed by a medical practitioner dated within 30 calendar days before or after the anniversary date of the most recent tuberculosis screening test or written statement; or
2. Establish, document, and implement a tuberculosis infection control program that complies with the Guidelines for Preventing the Transmission of *Mycobacterium tuberculosis* in Health-care Settings, 2005, published by the U.S. Department of Health and Human Services, Atlanta, GA 30333 and available at <http://www.cdc.gov/mmwr/PDF/RR/rr5417.pdf>, incorporated by reference, on file with the Department, and including no future editions or amendments and includes:



## Department of Health Services - Health Care Institutions: Licensing

- a. Conducting tuberculosis risk assessments, conducting tuberculosis screening testing, screening for signs or symptoms of tuberculosis, and providing training and education related to recognizing the signs and symptoms of tuberculosis; and
- b. Maintaining documentation of any:
  - i. Tuberculosis risk assessment;
  - ii. Tuberculosis screening test of an individual who is employed by the health care institution, provides volunteer services for the health care institution, or is admitted to the health care institution; and
  - iii. Screening for signs or symptoms of tuberculosis of an individual who is employed by the health care institution, provides volunteer services for the health care institution, or is admitted to the health care institution

**Historical Note**

Former Section R9-10-113 repealed, new Section R9-10-113 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). New Section R9-10-113 renumbered from R9-10-112 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-113 renumbered to Section R9-10-114; new Section R9-10-113 renumbered from R9-10-112 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-114. Clinical Practice Restrictions for Hemodialysis Technician Trainees****A.** The following definitions apply in this Section:

1. "Assess" means collecting data about a patient by:
  - a. Obtaining a history of the patient,
  - b. Listening to the patient's heart and lungs, and
  - c. Checking the patient for edema.
2. "Blood-flow rate" means the quantity of blood pumped into a dialyzer per minute of hemodialysis.
3. "Blood lines" means the tubing used during hemodialysis to carry blood between a vascular access and a dialyzer.
4. "Central line catheter" means a type of vascular access created by surgically implanting a tube into a large vein.
5. "Clinical practice restriction" means a limitation on the hemodialysis tasks that may be performed by a hemodialysis technician trainee.
6. "Conductivity test" means a determination of the electrolytes in a dialysate.
7. "Dialysate" means a mixture of water and chemicals used in hemodialysis to remove wastes and excess fluid from a patient's body.
8. "Dialysate-flow rate" means the quantity of dialysate pumped per minute of hemodialysis.
9. "Directly observing" or "direct observation" means a medical person stands next to an inexperienced hemodialysis technician trainee and watches the inexperienced hemodialysis technician trainee perform a hemodialysis task.
10. "Direct supervision" has the same meaning as "supervision" in A.R.S. § 36-401.
11. "Electrolytes" means chemical compounds that break apart into electrically charged particles, such as sodium, potassium, or calcium, when dissolved in water.
12. "Experienced hemodialysis technician trainee" means an individual who has passed all didactic, skills, and competency examinations provided by a health care institution that measure the individual's knowledge and ability to perform hemodialysis.
13. "Fistula" means a type of vascular access created by a surgical connection between an artery and vein.
14. "Fluid-removal rate" means the quantity of wastes and excess fluid eliminated from a patient's blood per minute of hemodialysis to achieve the patient's prescribed weight, determined by:
  - a. Dialyzer size,
  - b. Blood-flow rate,
  - c. Dialysate-flow rate, and
  - d. Hemodialysis duration.
15. "Germicide-negative test" means a determination that a chemical used to kill microorganisms is not present.
16. "Germicide-positive test" means a determination that a chemical used to kill microorganisms is present.
17. "Graft" means a vascular access created by a surgical connection between an artery and vein using a synthetic tube.
18. "Hemodialysis machine" means a mechanical pump that controls:
  - a. The blood-flow rate,
  - b. The mixing and temperature of dialysate,
  - c. The dialysate-flow rate,
  - d. The addition of anticoagulant, and
  - e. The fluid-removal rate.
19. "Hemodialysis technician" has the same meaning as in A.R.S. § 36-423(A).
20. "Hemodialysis technician trainee" means an individual who is working in a health care institution to assist in providing hemodialysis and who is not certified as a hemodialysis technician according to A.R.S. § 36-423(A).
21. "Inexperienced hemodialysis technician trainee" means an individual who has not passed all didactic, skills, and competency examinations provided by a health care institution that measure the individual's knowledge and ability to perform hemodialysis.
22. "Medical person" means:
  - a. A physician who is experienced in dialysis;
  - b. A registered nurse practitioner who is experienced in dialysis;
  - c. A nurse who is experienced in dialysis;
  - d. A hemodialysis technician who meets the requirements in A.R.S. § 36-423(A) approved by the governing authority; and
  - e. An experienced hemodialysis technician trainee approved by the governing authority.
23. "Not established" means not approved by a patient's nephrologist for use in hemodialysis.
24. "Patient" means an individual who receives hemodialysis.
25. "pH test" means a determination of the acidity of a dialysate.
26. "Preceptor course" means a health care institution's instruction and evaluation provided to a nurse, hemodialysis technician, or hemodialysis technician trainee that enables the nurse, hemodialysis technician, or hemodialysis technician trainee to provide direct observation and education to hemodialysis technician trainees.
27. "Respond" means to mute, shut off, reset, or troubleshoot an alarm.
28. "Safety check" means successful completion of tests recommended by the manufacturer of a hemodialysis machine, a dialyzer, or a water system used for hemodialysis before initiating a patient's hemodialysis.

## Department of Health Services - Health Care Institutions: Licensing

29. "Water-contaminant test" means a determination of the presence of chlorine or chloramine in a water system used for hemodialysis.
- B.** An experienced hemodialysis technician trainee may:
1. Perform hemodialysis under direct supervision, and
  2. Provide direct observation to another hemodialysis technician trainee only after completing the health care institution's preceptor course approved by the governing authority.
- C.** An experienced hemodialysis technician trainee shall not access a patient's:
1. Fistula that is not established, or
  2. Graft that is not established.
- D.** An inexperienced hemodialysis technician trainee may perform the following hemodialysis tasks only under direct observation:
1. Access a patient's central line catheter;
  2. Respond to a hemodialysis-machine alarm;
  3. Draw blood for laboratory tests;
  4. Perform a water-contaminant test on a water system used for hemodialysis;
  5. Inspect a dialyzer and perform a germicide-positive test before priming a dialyzer;
  6. Set up a hemodialysis machine and blood lines before priming a dialyzer;
  7. Prime a dialyzer;
  8. Test a hemodialysis machine for germicide presence;
  9. Perform a hemodialysis machine safety check;
  10. Prepare a dialysate;
  11. Perform a conductivity test and a pH test on a dialysate;
  12. Assess a patient;
  13. Check and record a patient's vital signs, weight, and temperature;
  14. Determine the amount and rate of fluid removal from a patient;
  15. Administer local anesthetic at an established fistula or graft, administer anticoagulant, or administer replacement saline solution;
  16. Perform a germicide-negative test on a dialyzer before initiating hemodialysis;
  17. Initiate or discontinue a patient's hemodialysis;
  18. Adjust blood-flow rate, dialysate-flow rate, or fluid-removal rate during hemodialysis; or
  19. Prepare a blood, water, or dialysate culture to determine microorganism presence.
- E.** An inexperienced hemodialysis technician trainee shall not:
1. Access a patient's:
    - a. Fistula that is not established, or
    - b. Graft that is not established; or
  2. Provide direct observation.
- F.** When a hemodialysis technician trainee performs hemodialysis tasks for a patient, the patient's medical record shall include:
1. The name of the hemodialysis technician trainee;
  2. The date, time, and hemodialysis task performed;
  3. The name of the medical person directly observing or the nurse or physician directly supervising the hemodialysis technician trainee; and
  4. The initials or signature of the medical person directly observing or the nurse or physician directly supervising the hemodialysis technician trainee.
- G.** If the Department determines that a health care institution is not in substantial compliance with this Section, the Department may take enforcement action according to R9-10-110.

**Historical Note**

Former Section R9-10-114 repealed, new Section R9-10-

114 adopted effective February 4, 1981 (Supp. 81-1).

Amended by adding paragraph (7) as an emergency effective November 17, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Amended by adding paragraph (7) as a permanent amendment effective August 2, 1984 (Supp. 84-4). Section repealed by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). New Section R9-10-114 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-114 renumbered to Section R9-10-115; new Section R9-10-114 renumbered from R9-10-113 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-115. Behavioral Health Paraprofessionals; Behavioral Health Technicians**

If a health care institution is a behavioral health facility or is authorized by the Department to provide behavioral health services, an administrator shall ensure that:

1. Policies and procedures are established, documented, and implemented that:
  - a. Delineate the services a behavioral health paraprofessional is allowed to provide at or for the health care institution;
  - b. Cover supervision of a behavioral health paraprofessional including documentation of supervision;
  - c. Establish the qualifications for a behavioral health professional providing supervision to a behavioral health paraprofessional;
  - d. Delineate the services a behavioral health technician is allowed to provide at or for the health care institution;
  - e. Cover clinical oversight for a behavioral health technician, including documentation of clinical oversight;
  - f. Establish the qualifications for a behavioral health professional providing clinical oversight to a behavioral health technician;
  - g. Delineate the methods used to provide clinical oversight including when clinical oversight is provided on an individual basis or in a group setting;
  - h. Establish the process by which information pertaining to services provided by a behavioral health technician is provided to the behavioral health professional who is responsible for the clinical oversight of the behavioral health technician;
2. A behavioral health paraprofessional receives supervision according to policies and procedures;
3. Clinical oversight is provided to a behavioral health technician to ensure that patient needs are met based on, for each behavioral health technician:
  - a. The scope and extent of the services provided,
  - b. The acuity of the patients receiving services, and
  - c. The number of patients receiving services;
4. A behavioral health technician receives clinical oversight at least once during each two week period, if the behavioral health technician provides services related to patient care at the health care institution during the two week period;
5. When clinical oversight is provided electronically:
  - a. The clinical oversight is provided verbally with direct and immediate interaction between the behavioral health professional providing and the behavioral health technician receiving the clinical oversight,
  - b. A secure connection is used, and

## Department of Health Services - Health Care Institutions: Licensing

- c. The identities of the behavioral health professional providing and the behavioral health technician receiving the clinical oversight are verified before clinical oversight is provided; and
- 6. A behavioral health professional provides supervision to a behavioral health paraprofessional or clinical oversight to behavioral health technician within the behavioral health professional's scope of practice established in the applicable licensing requirements under A.R.S. Title 32.

**Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1).  
 Amended by final rulemaking 16 A.A.R. 688, effective November 1, 2010 (Supp. 10-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-115 renumbered to Section R9-10-116; new Section R9-10-115 renumbered from R9-10-114 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-116. Nutrition and Feeding Assistant Training Programs**

- A.** For the purposes of this Section, "agency" means an entity other than a nursing care institution that provides the nutrition and feeding assistant training required in A.R.S. § 36-413.
- B.** An agency shall apply for approval to operate a nutrition and feeding assistant training program by submitting:
  - 1. An application in a format provided by the Department that contains:
    - a. The name of the agency;
    - b. The name, telephone number, and e-mail address of the individual in charge of the proposed nutrition and feeding assistant training program;
    - c. The address where the nutrition and feeding assistant training program records are maintained;
    - d. A description of the training course being offered by the nutrition and feeding assistant training program including for each topic in subsection (I):
      - i. The information presented for each topic,
      - ii. The amount of time allotted to each topic,
      - iii. The skills an individual is expected to acquire for each topic, and
      - iv. The testing method used to verify an individual has acquired the stated skills for each topic;
    - e. Whether the agency agrees to allow the Department to submit supplemental requests for information as specified in subsection (F)(2); and
    - f. The signature of the individual in charge of the proposed nutrition and feeding assistant training program and the date signed; and
  - 2. A copy of the materials used for providing the nutrition and feeding assistant training program.
- C.** For an application for an approval of a nutrition and feeding assistant training program, the administrative review time-frame is 30 calendar days, the substantive review time-frame is 30 calendar days, and the overall time-frame is 60 calendar days.
- D.** Within 30 calendar days after the receipt of an application in subsection (B), the Department shall:
  - 1. Issue an approval of the agency's nutrition and feeding assistant training program;
  - 2. Provide a notice of administrative completeness to the agency that submitted the application; or
  - 3. Provide a notice of deficiencies to the agency that submitted the application, including a list of the information or documents needed to complete the application.
- E.** If the Department provides a notice of deficiencies to an agency:
  - 1. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice of deficiencies until the date the Department receives the missing information or documents from the agency;
  - 2. If the agency does not submit the missing information or documents to the Department within 30 calendar days, the Department shall consider the application withdrawn; and
  - 3. If the agency submits the missing information or documents to the Department within 30 calendar days, the substantive review time-frame begins on the date the Department receives the missing information or documents.
- F.** Within the substantive review time-frame, the Department:
  - 1. Shall issue or deny an approval of a nutrition and feeding assistant training program; and
  - 2. May make one written comprehensive request for more information, unless the Department and the agency agree in writing to allow the Department to submit supplemental requests for information.
- G.** If the Department issues a written comprehensive request or a supplemental request for information:
  - 1. The substantive review time-frame and the overall time-frame are suspended from the date of the written comprehensive request or the supplemental request for information until the date the Department receives the information requested, and
  - 2. The agency shall submit to the Department the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.
- H.** The Department shall issue:
  - 1. An approval for an agency to operate a nutrition and feeding assistant training program if the Department determines that the agency and the application complies with A.R.S. § 36-413 and this Section; or
  - 2. A denial for an agency that includes the reason for the denial and the process for appeal of the Department's decision if:
    - a. The Department determines that the agency does not comply with A.R.S. § 36-413 and this Section; or
    - b. The agency does not submit information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.
- I.** An individual in charge of a nutrition and feeding assistant training program shall ensure that:
  - 1. The materials and coursework for the nutrition and feeding assistant training program demonstrate includes the following topics:
    - a. Feeding techniques;
    - b. Assistance with feeding and hydration;
    - c. Communication and interpersonal skills;
    - d. Appropriate responses to resident behavior;
    - e. Safety and emergency procedures, including the Heimlich maneuver;
    - f. Infection control;
    - g. Resident rights;
    - h. Recognizing a change in a resident that is inconsistent with the resident's normal behavior; and

## Department of Health Services - Health Care Institutions: Licensing

- i. Reporting a change in subsection (I)(1)(h) to a nurse at a nursing care institution;
- 2. An individual providing the training course is:
  - a. A physician,
  - b. A physician assistant,
  - c. A registered nurse practitioner,
  - d. A registered nurse,
  - e. A registered dietitian,
  - f. A licensed practical nurse,
  - g. A speech-language pathologist, or
  - h. An occupational therapist; and
- 3. An individual taking the training course completes:
  - a. At least eight hours of classroom time, and
  - b. Demonstrates that the individual has acquired the skills the individual was expected to acquire.
- J.** An individual in charge of a nutrition and feeding assistant training program shall issue a certificate of completion to an individual who completes the training course and demonstrates the skills the individual was expected to acquire as a result of completing the training course that contains:
  - 1. The name of the agency approved to operate the nutrition and feeding assistant training program;
  - 2. The name of the individual completing the training course;
  - 3. The date of completion;
  - 4. The name, signature, and professional license of the individual providing the training course; and
  - 5. The name and signature of the individual in charge of the nutrition and feeding assistant training program.
- K.** The Department may deny, revoke, or suspend an approval to operate a nutrition and feeding assistant training program if an agency operating or applying to operate a nutrition and feeding assistance training program:
  - 1. Provides false or misleading information to the Department;
  - 2. Does not comply with the applicable statutes and rules;
  - 3. Issues a training completion certificate to an individual who did not:
    - a. Complete the nutrition and feeding assistant training program, or
    - b. Demonstrate the skills the individual was expected to acquire; or
  - 4. Does not implement the nutrition and feeding assistant training program as described in or use the materials submitted with the agency's application.
- L.** In determining which action in subsection (K) is appropriate, the Department shall consider the following:
  - 1. Repeated violations of statutes or rules,
  - 2. Pattern of non-compliance,
  - 3. Types of violations,
  - 4. Severity of violations, and
  - 5. Number of violations.

**Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-116 renumbered to Section R9-10-117; new Section R9-10-116 renumbered from R9-10-115 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-117. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section

repealed by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-117 renumbered to Section R9-10-118; new Section R9-10-117 renumbered from R9-10-116 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2). Repealed by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

**R9-10-118. Collaborating Health Care Institution**

- A.** An administrator of a collaborating health care institution shall ensure that:
  - 1. A list is maintained of adult behavioral health therapeutic homes and behavioral health respite homes for which the collaborating health care institution serves as a collaborating health care institution;
  - 2. For each adult behavioral health therapeutic home or behavioral health respite home in subsection (A)(1), the collaborating health care institution maintains the following information:
    - a. A copy of the documented agreement that establishes the responsibilities of the adult behavioral health therapeutic home or behavioral health respite home and the collaborating health care institution consistent with the requirements in this Chapter;
    - b. For the adult behavioral health therapeutic home or behavioral health respite home, the following information:
      - i. Provider's name;
      - ii. Street address;
      - iii. License number;
      - iv. Whether the residence is an adult behavioral health therapeutic home or a behavioral health respite home;
      - v. If the residence is a behavioral health respite home, whether the behavioral health respite home provides respite care services to:
        - (1) Individuals 18 years of age or older, or
        - (2) Individuals less than 18 years of age;
      - vi. The beginning and ending dates of the documented agreement in subsection (A)(2)(a); and
      - vii. The name and contact information for the individual assigned by the collaborating health care institution to monitor the adult behavioral health therapeutic home or behavioral health respite home;
    - c. For the adult behavioral health therapeutic home or behavioral health respite home, a copy of the following that have been approved by the collaborating health care institution:
      - i. Scope of services,
      - ii. Policies and procedures, and
      - iii. Documentation of the review and update of policies and procedures;
    - d. A description of the required skills and knowledge for a provider, based on the scope of services of the adult behavioral health therapeutic home or behavioral health respite home, as established by the collaborating health care institution; and
    - e. For a provider in the adult behavioral health therapeutic home or behavioral health respite home, documentation of:
      - i. The provider's skills and knowledge;

## Department of Health Services - Health Care Institutions: Licensing

- ii. If applicable, the provider's completion of training in assistance in the self-administration of medication;
  - iii. Verification of the provider's skills and knowledge; and
  - iv. If the provider is required to have clinical oversight according to R9-10-1805(C), the provider's receiving clinical oversight;
- 3. A provider's skills and knowledge are verified by a personnel member according to policies and procedures;
- 4. A provider who provides behavioral health services receives clinical oversight, required in R9-10-1805(C), from a behavioral health professional; and
- 5. A provider, other than a provider who is a medical practitioner or nurse, receives training in assistance in the self-administration of medication:
  - a. From a medical practitioner or registered nurse or from a personnel member of the collaborating health care institution trained by a medical practitioner or registered nurse;
  - b. That includes:
    - i. A demonstration of the provider's skills and knowledge necessary to provide assistance in the self-administration of medication,
    - ii. Identification of medication errors and medical emergencies related to medication that require emergency medical intervention, and
    - iii. The process for notifying the appropriate entities when an emergency medical intervention is needed; and
  - c. That is documented.
- B.** For a patient referred to an adult behavioral health therapeutic home or a behavioral health respite home, an administrator shall ensure that:
  - 1. A resident or recipient accepted by and receiving services from the adult behavioral health therapeutic home or behavioral health respite home does not present a threat to the referred patient, based on the resident's or recipient's developmental levels, social skills, verbal skills, and personal history;
  - 2. The referred patient does not present a threat to a resident or recipient accepted by and receiving services from the adult behavioral health therapeutic home or behavioral health respite home based the referred patient's developmental levels, social skills, verbal skills, and personal history;
  - 3. The referred patient requires services within the adult behavioral health therapeutic home's or behavioral health respite home's scope of services;
  - 4. A provider of the adult behavioral health therapeutic home or behavioral health respite home has the verified skills and knowledge to provide behavioral health services to the referred patient;
  - 5. A treatment plan for the referred patient that includes information necessary for a provider to meet the referred patient's needs for behavioral health services is completed and forwarded to the provider before the referred patient is accepted as a resident or recipient;
  - 6. A patient's treatment plan is reviewed and updated at least once every twelve months and a copy of the patient's updated treatment plan is forwarded to the patient's provider;
  - 7. If documentation of a significant change in a patient's behavioral, physical, cognitive, or functional condition and the action taken by a provider to address patient's changing needs is received by the health care institution, a behavioral health professional or behavioral health technician reviews the documentation and:
    - a. Documents the review; and
    - b. If applicable:
      - i. Updates the patient's treatment plan, and
      - ii. Forwards the updated treatment plan to the provider within 10 working days after receipt of the documentation of a significant change;
- 8. If the review and updated treatment plan required in subsection (7) is performed by a behavioral health technician, a behavioral health professional reviews and signs the review and updated treatment plan to ensure the patient is receiving the appropriate behavioral health services; and
- 9. In addition to the requirements for a medical record for a patient in this Chapter, a referred patient's medical record contains:
  - a. The provider's name and the street address and license number of the adult behavioral health therapeutic home or behavioral health respite home to which the patient is referred,
  - b. A copy of the treatment plan provided to the adult behavioral health therapeutic home or behavioral health respite home,
  - c. Documentation received according to and required by subsection (7),
  - d. Any information about the patient received from the adult behavioral health therapeutic home or behavioral health respite home, and
  - e. Any follow-up actions taken by the collaborating health care institution related to the patient.
- C.** For a patient referred to an adult behavioral health therapeutic home, an administrator shall ensure that the collaborating health care institution has documentation in the patient's medical record of evidence of freedom from infectious tuberculosis that meets the requirements in R9-10-113.

**Historical Note**

New Section R9-10-118 renumbered from R9-10-117 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-119. Abortion Reporting**

- A.** A licensed health care institution where abortions are performed shall submit to the Department, in a Department-provided format and according to A.R.S. § 36-2161(B) and (C), a report that contains the information required in A.R.S. § 36-2161(A) and the following:
  - 1. The final disposition of the fetal tissue from the abortion; and
  - 2. Except as provided in subsection (B), if custody of the fetal tissue is transferred to another person or persons:
    - a. The name and address of the person or persons accepting custody of the fetal tissue,
    - b. The amount of any compensation received by the licensed health care institution for the transferred fetal tissue, and
    - c. Whether a patient provided informed consent for the transfer of custody of the fetal tissue.
- B.** A licensed health care institution where abortions are performed is not required to include the information specified in subsections (A)(2)(a) through (c) in the report required in subsection (A) if the licensed health care institution where abortions are performed:
  - 1. Transfers custody of the fetal tissue:

## Department of Health Services - Health Care Institutions: Licensing

- a. To a funeral establishment, as defined in A.R.S. § 32-1301;
- b. To a crematory, as defined in A.R.S. § 32-1301; or
- c. According to requirements in A.A.C. R18-13-1406, A.A.C. R18-13-1407, and A.A.C. R18-13-1408; or
- 2. Complies with requirements in A.A.C. R18-13-1405.
- C. For purposes of this Section, the following definition applies: “Fetal tissue” means cells, or groups of cells with a specific function, obtained from an aborted human embryo or fetus.

**Historical Note**

New Section made by emergency rulemaking at 21 A.A.R. 1787, effective August 14, 2015 for 180 days (Supp. 15-3). Emergency expired February 10, 2016.  
 Section amended by emergency rulemaking at 22 A.A.R. 420, effective February 11, 2016, for an additional 180 days; filed in the Office February 8, 2016 (Supp. 16-1).  
 New Section made by final rulemaking at 22 A.A.R. 1343, with an immediate effective date upon filing under A.R.S. § 41-1032(A)(1) and (4) of May 5, 2016 (Supp. 16-2).

**R9-10-120. Opioid Prescribing and Treatment**

- A. In addition to the definitions in A.R.S. § 36-401(A) and R9-10-101, the following definitions apply in this Section:
  - 1. “Active malignancy” means a cancer for which:
    - a. A patient is undergoing treatment, such as through:
      - i. One or more surgical procedures to remove the cancer;
      - ii. Chemotherapy, as defined in A.A.C. R9-4-401; or
      - iii. Radiation treatment, as defined in A.A.C. R9-4-401;
    - b. There is no treatment; or
    - c. A patient is refusing treatment.
  - 2. “Benzodiazepine” means any one of a class of sedative-hypnotic medications, characterized by a chemical structure that includes a benzene ring linked to a seven-membered ring containing two nitrogen atoms, that are commonly used in the treatment of anxiety.
  - 3. “End-of-life” means that a patient has a documented life expectancy of six months or less.
  - 4. “Episode of care” means medical services, nursing services, or health-related services provided by a health care institution to a patient for a specific period of time, ending in discharge or the completion of the patient’s treatment plan, whichever is later.
  - 5. “Opioid” means a controlled substance, as defined in A.R.S. § 36-2501, that meets the definition of “opiate” in A.R.S. § 36-2501.
  - 6. “Order” means to issue written, verbal, or electronic instructions for a specific dose of a specific medication in a specific quantity and route of administration to be obtained and administered to a patient in a health care institution.
  - 7. “Prescribe” means to issue written or electronic instructions to a pharmacist to deliver to the ultimate user, or another individual on the ultimate user’s behalf, a specific dose of a specific medication in a specific quantity and route of administration.
  - 8. “Sedative-hypnotic medication” means any one of several classes of drugs that have sleep-inducing, anti-anxiety, anti-convulsant, and muscle-relaxing properties.
  - 9. “Short-acting opioid antagonist” means a drug approved by the U.S. Department of Health and Human Services, Food and Drug Administration, that, when administered, quickly but for a small period of time reverses, in whole or in part, the pharmacological effects of an opioid in the body.
  - 10. “Substance use disorder” means a condition in which the misuse or dependence on alcohol or a drug results in adverse physical, mental, or social effects on an individual.
  - 11. “Substance use risk” means an individual’s unique likelihood for addiction, misuse, diversion, or another adverse consequence resulting from the individual being prescribed or receiving treatment with opioids.
  - 12. “Tapering” means the gradual reduction in the dosage of a medication administered to a patient, often with the intent of eventually discontinuing the use of the medication for the patient.
- B. An administrator of a health care institution where opioids are prescribed or ordered as part of treatment shall:
  - 1. Establish, document, and implement policies and procedures for prescribing or ordering an opioid as part of treatment, to protect the health and safety of a patient, that:
    - a. Cover which personnel members may prescribe or order an opioid in treating a patient and the required knowledge and qualifications of these personnel members;
    - b. As applicable and except when contrary to medical judgment for a patient, are consistent with the Arizona Opioid Prescribing Guidelines or national opioid-prescribing guidelines, such as guidelines developed by the:
      - i. Centers for Disease Control and Prevention, or
      - ii. U.S. Department of Veterans Affairs and the U.S. Department of Defense;
    - c. Include how, when, and by whom:
      - i. A patient’s profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database is reviewed;
      - ii. An assessment is conducted of a patient’s substance use risk;
      - iii. The potential risks, adverse outcomes, and complications, including death, associated with the use of opioids are explained to a patient or the patient’s representative;
      - iv. Alternatives to a prescribed or ordered opioid are explained to a patient or the patient’s representative;
      - v. Informed consent is obtained from a patient or the patient’s representative and, if applicable, in what situations, described in subsection (F) or (G), informed consent would not be obtained before an opioid is prescribed or ordered for a patient;
      - vi. A patient receiving an opioid is monitored; and
      - vii. The actions taken according to subsections (B)(1)(c)(i) through (vi) are documented;
  - d. Address conditions that may impose a higher risk to a patient when prescribing or ordering an opioid as part of treatment, including:
    - i. Concurrent use of a benzodiazepine or other sedative-hypnotic medication,
    - ii. History of substance use disorder,
    - iii. Co-occurring behavioral health issue, or
    - iv. Pregnancy;
  - e. Cover the criteria for co-prescribing a short-acting opioid antagonist for a patient;
  - f. Include that, if continuing control of a patient’s pain after discharge is medically indicated due to the

## Department of Health Services - Health Care Institutions: Licensing

- patient's medical condition, a method for continuing pain control will be addressed as part of discharge planning;
- g. Include the frequency of the following for a patient being prescribed or ordered an opioid for longer than a 30-calendar-day period:
    - i. Face-to-face interactions with the patient,
    - ii. Conducting an assessment of a patient's substance use risk,
    - iii. Renewal of a prescription or order for an opioid without a face-to-face interaction with the patient, and
    - iv. Monitoring the effectiveness of the treatment;
  - h. If applicable according to A.R.S. § 36-2608, include documenting a dispensed opioid in the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
  - i. Cover the criteria and procedures for tapering opioid prescription or ordering as part of treatment; and
  - j. Cover the criteria and procedures for offering or referring a patient for treatment for substance use disorder;
2. Include in the plan for the health care institution's quality management program a process for:
    - a. Review of known incidents of opioid-related adverse reactions or other negative outcomes a patient experiences or opioid-related deaths; and
    - b. Surveillance and monitoring of adherence to the policies and procedures in subsection (B)(1);
  3. Except as prohibited by Title 42 Code of Federal Regulations, Chapter I, Subchapter A, Part 2, or as provided in subsection (G), ensure that, if a patient's death may be related to an opioid prescribed or ordered as part of treatment, written notification, in a Department-provided format, is provided to the Department of the patient's death within one working day after the health care institution learns of the patient's death; and
  4. Ensure that informed consent required from a patient or the patient's representative includes:
    - a. The patient's:
      - i. Name,
      - ii. Date of birth or other patient identifier, and
      - iii. Condition for which opioids are being prescribed;
    - b. That an opioid being prescribed or ordered;
    - c. The potential risks, adverse reactions, complications, and medication interactions associated with the use of an opioid;
    - d. If applicable, the potential risks, adverse outcomes, and complications associated with the concurrent use of an opioid and a benzodiazepine or another sedative-hypnotic medication;
    - e. Alternatives to a prescribed opioid;
    - f. Name and signature of the individual explaining the use of an opioid to the patient; and
    - g. The signature of the patient or the patient's representative and the date signed.
- C. Except as provided in subsection (G), an administrator of a health care institution where opioids are prescribed as part of treatment shall ensure that a medical practitioner authorized by policies and procedures to prescribe an opioid in treating a patient:
1. Before prescribing an opioid for a patient of the health care institution:
    - a. Conducts a physical examination of the patient or reviews the documentation from a physical examination conducted during the patient's same episode of care;
  - b. Except as exempted by A.R.S. § 36-2606(G), reviews the patient's profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
  - c. Conducts an assessment of the patient's substance use risk or reviews the documentation from an assessment of the patient's substance use risk conducted during the same episode of care by an individual licensed under A.R.S. Title 32 and authorized by policies and procedures to conduct an assessment of the patient's substance use risk;
  - d. Explains to the patient or the patient's representative the risks and benefits associated with the use of opioids or ensures that the patient or the patient's representative understands the risks and benefits associated with the use of opioids, as explained to the patient or the patient's representative by an individual licensed under A.R.S. Title 32 and authorized by policies and procedures to explain to the patient or the patient's representative the risks and benefits associated with the use of opioids;
  - e. Explains alternatives to a prescribed opioid; and
  - f. Obtains informed consent from the patient or the patient's representative that meets the requirements in subsection (B)(4), including the potential risks, adverse outcomes, and complications associated with the concurrent use of an opioid and a benzodiazepine or another sedative-hypnotic medication, if the patient:
    - i. Is also prescribed or ordered a sedative-hypnotic medication; or
    - ii. Has been prescribed a sedative-hypnotic medication by another medical practitioner;
2. Includes the following information in the patient's medical record, an existing treatment plan, or a new treatment plan developed for the patient:
    - a. The patient's diagnosis;
    - b. The patient's medical history, including co-occurring disorders;
    - c. The opioid to be prescribed;
    - d. Other medications or herbal supplements being taken by the patient;
    - e. If applicable:
      - i. The effectiveness of the patient's current treatment,
      - ii. The duration of the current treatment, and
      - iii. Alternative treatments tried by or planned for the patient;
    - f. The expected benefit of the treatment and, if applicable, the benefit of the new treatment compared with continuing the current treatment; and
    - g. Other factors relevant to the patient's being prescribed an opioid; and
  3. If applicable, specifies in the patient's discharge plan how medically indicated pain control will occur after discharge to meet the patient's needs.
- D. Except as provided in subsection (F) or (G), an administrator of a health care institution where opioids are ordered for administration to a patient in the health care institution as part of treatment shall ensure that a medical practitioner authorized by policies and procedures to order an opioid in treating a patient:
1. Before ordering an opioid for a patient of the health care institution:

## Department of Health Services - Health Care Institutions: Licensing

- a. Conducts a physical examination of the patient or reviews the documentation from a physical examination conducted:
    - i. During the patient's same episode of care; or
    - ii. Within the previous 30 calendar days, at a healthcare institution transferring the patient to the health care institution or by the medical practitioner who referred the patient for admission to the health care institution;
  - b. Except as exempted by A.R.S. § 36-2606(G), reviews the patient's profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
  - c. Conducts an assessment of the patient's substance use risk or reviews the documentation from an assessment of the patient's substance use risk conducted within the previous 30 calendar days by an individual licensed under A.R.S. Title 32 and authorized by policies and procedures to conduct an assessment of the patient's substance use risk;
  - d. Explains to the patient the risks and benefits associated with the use of opioids or ensures that the patient understands the risks and benefits associated with the use of opioids, as explained to the patient by an individual licensed under A.R.S. Title 32 and authorized by policies and procedures to explain to the patient the risks and benefits associated with the use of opioids;
  - e. If applicable, explains alternatives to a prescribed opioid; and
  - f. Obtains informed consent from the patient or the patient's representative, according to subsection (C)(1)(f); and
2. Includes the following information in the patient's medical record, an existing treatment plan, or a new treatment plan developed for the patient:
    - a. The patient's diagnosis;
    - b. The patient's medical history, including co-occurring disorders;
    - c. The opioid being ordered and the reason for the order;
    - d. Other medications or herbal supplements being taken by the patient; and
    - e. If applicable:
      - i. The effectiveness of the patient's current treatment,
      - ii. The duration of the current treatment,
      - iii. Alternative treatments tried by or planned for the patient,
      - iv. The expected benefit of a new treatment compared with continuing the current treatment, and
      - v. Other factors relevant to the patient's being ordered an opioid.
- E.** For a health care institution where opioids are administered as part of treatment or where a patient is provided assistance in the self-administration of medication for a prescribed opioid, including a health care institution in which an opioid may be prescribed or ordered as part of treatment, an administrator, a manager as defined in R9-10-801, or a provider, as applicable to the health care institution, shall:
1. Establish, document, and implement policies and procedures for administering an opioid as part of treatment or providing assistance in the self-administration of medication for a prescribed opioid, to protect the health and safety of a patient, that:
    - a. Cover which personnel members may administer an opioid in treating a patient and the required knowledge and qualifications of these personnel members;
    - b. Cover which personnel members may provide assistance in the self-administration of medication for a prescribed opioid and the required knowledge and qualifications of these personnel members;
    - c. Include how, when, and by whom a patient's need for opioid administration is assessed;
    - d. Include how, when, and by whom a patient receiving an opioid is monitored; and
    - e. Cover how, when, and by whom the actions taken according to subsections (E)(1)(c) and (d) are documented;
  2. Include in the plan for the health care institution's quality management program a process for:
    - a. Review of incidents of opioid-related adverse reactions or other negative outcomes a patient experiences or opioid-related deaths; and
    - b. Surveillance and monitoring of adherence to the policies and procedures in subsection (E)(1);
  3. Except as prohibited by Title 42 Code of Federal Regulations, Chapter I, Subchapter A, Part 2, or as provided in subsection (G)(1), ensure that, if a patient's death may be related to an opioid administered as part of treatment, written notification, in a Department-provided format, is provided to the Department of the patient's death within one working day after the patient's death; and
  4. Except as provided in subsection (G), ensure that an individual authorized by policies and procedures to administer an opioid in treating a patient or to provide assistance in the self-administration of medication for a prescribed opioid:
    - a. Before administering an opioid or providing assistance in the self-administration of medication for a prescribed opioid in compliance with an order as part of the treatment for a patient, identifies the patient's need for the opioid;
    - b. Monitors the patient's response to the opioid; and
    - c. Documents in the patient's medical record:
      - i. An identification of the patient's need for the opioid before the opioid was administered or assistance in the self-administration of medication for a prescribed opioid was provided, and
      - ii. The effect of the opioid administered or for which assistance in the self-administration of medication for a prescribed opioid was provided.
- F.** A medical practitioner authorized by a health care institution's policies and procedures to order an opioid in treating a patient is exempt from the requirements in subsection (D), if:
1. The health care institution's policies and procedures, required in subsection (B)(1) or the applicable Article in 9 A.A.C. 10, contain procedures for:
    - a. Providing treatment without obtaining the consent of a patient's or the patient's representative,
    - b. Ordering and administering opioids in an emergency situation, and
    - c. Complying with the requirements in subsection (D) after the emergency is resolved;
  2. The order for the administration of an opioid is:
    - a. Part of the treatment for a patient in an emergency, and
    - b. Issued in accordance with policies and procedures; and



## Department of Health Services - Health Care Institutions: Licensing

3. The emergency situation is documented in the patient's medical record.
- G. The requirements in subsections (C), (D), and (E)(4), as applicable, do not apply to a health care institution's:
  1. Prescribing, ordering, or administration of an opioid as part of treatment for a patient with an end-of-life condition or pain associated with an active malignancy;
  2. Prescribing an opioid as part of treatment for a patient when changing the type or dosage of an opioid, which had previously been prescribed by a medical practitioner of the health care institution for the patient according to the requirements in subsection (C):
    - a. Before a pharmacist dispenses the opioid to the patient; or
    - b. If changing the opioid because of an adverse reaction to the opioid experienced by the patient, within 72 hours after the opioid was dispensed for the patient by a pharmacist;
  3. Ordering an opioid as part of treatment for no longer than three calendar days for a patient remaining in the health care institution and receiving continuous medical services or nursing services from the health care institution; or
  4. Ordering an opioid as part of treatment:
    - a. For a patient receiving a surgical procedure or other invasive procedure; or
    - b. When changing the type, dosage, or route of administration of an opioid, which had previously been ordered by a medical practitioner of the health care institution for a patient according to the requirements in subsection (D), to meet the patient's needs.

**Historical Note**

New Section made by emergency rulemaking at 23 A.A.R. 2203, effective July 28, 2017, for 180 days (Supp. 17-3). Emergency expired; new Section renewed by emergency rulemaking at 24 A.A.R. 303, effective January 25, 2018, for 180 days; new Section made by final rulemaking at 24 A.A.R. 657, with an immediate effective date of March 6, 2018 (Supp. 18-1).

**R9-10-121. Repealed****Historical Note**

Amended effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3).

**R9-10-122. Repealed****Historical Note**

New Section made by final rulemaking at 7 A.A.R. 2145, effective May 1, 2001 (Supp. 01-2). Amended by final rulemaking at 8 A.A.R. 3578, effective July 26, 2002 (Supp. 02-3). Amended by exempt rulemaking at 14 A.A.R. 3958, effective September 26, 2008 (Supp. 08-3). Amended by exempt rulemaking at 15 A.A.R. 2100, effective January 1, 2010 (Supp. 09-4). Section repealed by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-123. Repealed****Historical Note**

Amended effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3).

**R9-10-124. Repealed****Historical Note**

Former Section R9-10-124 repealed, new Section R9-10-124 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3559, effective August 1, 2002 (Supp. 02-3).

**ARTICLE 2. HOSPITALS****R9-10-201. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following definitions apply in this Article unless otherwise specified:

1. "Acuity" means a patient's need for hospital services based on the patient's medical condition.
2. "Acuity plan" means a method for establishing nursing personnel requirements by unit based on a patient's acuity.
3. "Adult" means an individual the hospital designates as an adult based on the hospital's criteria.
4. "Care plan" means a documented guide for providing nursing services and rehabilitation services to a patient that includes measurable objectives and the methods for meeting the objectives.
5. "Continuing care nursery" means a nursery where medical services and nursing services are provided to a neonate who does not require intensive care services.
6. "Critically ill inpatient" means an inpatient whose severity of medical condition requires the nursing services of specially trained registered nurses for:
  - a. Continuous monitoring and multi-system assessment,
  - b. Complex and specialized rapid intervention, and
  - c. Education of the inpatient or inpatient's representative.
7. "Device" has the same meaning as in A.R.S. § 32-1901.
8. "Diet" means food and drink provided to a patient.
9. "Diet manual" means a written compilation of diets.
10. "Dietary services" means providing food and drink to a patient according to an order.
11. "Diversion" means notification to an emergency medical services provider, as defined in A.R.S. § 36-2201, that a hospital is unable to receive a patient from an emergency medical services provider.
12. "Drug formulary" means a written list of medications available and authorized for use developed according to R9-10-218.
13. "Emergency services" means unscheduled medical services provided in a designated area to an outpatient in an emergency.
14. "Gynecological services" means medical services for the diagnosis, treatment, and management of conditions or diseases of the female reproductive organs or breasts.
15. "Hospital services" means medical services, nursing services, and health-related services provided in a hospital.
16. "Infection control risk assessment" means determining the probability for transmission of communicable diseases.
17. "Inpatient" means an individual who:
  - a. Is admitted to a hospital as an inpatient according to policies and procedures,
  - b. Is admitted to a hospital with the expectation that the individual will remain and receive hospital services for 24 consecutive hours or more, or
  - c. Receives hospital services for 24 consecutive hours or more.
18. "Intensive care services" means hospital services provided to a critically ill inpatient who requires the services

## Department of Health Services - Health Care Institutions: Licensing

- of specially trained nursing and other personnel members as specified in policies and procedures.
19. "Medical staff regulations" means standards, approved by the medical staff, that govern the day-to-day conduct of the medical staff members.
  20. "Multi-organized service unit" means an inpatient unit in a hospital where more than one organized service may be provided to a patient in the inpatient unit.
  21. "Neonate" means an individual:
    - a. From birth until discharge following birth, or
    - b. Who is designated as a neonate by hospital criteria.
  22. "Nurse anesthetist" means a registered nurse who meets the requirements of A.R.S. § 32-1661 and who has clinical privileges to administer anesthesia.
  23. "Nurse executive" means a registered nurse accountable for the direction of nursing services provided in a hospital.
  24. "Nursery" means an area in a hospital designated only for neonates.
  25. "Nurse supervisor" means a registered nurse accountable for managing nursing services provided in an organized service in a hospital.
  26. "Nutrition assessment" means a process for determining a patient's dietary needs using information contained in the patient's medical record.
  27. "On duty" means that an individual is at work and performing assigned responsibilities.
  28. "Organized service" means specific medical services, such as surgical services or emergency services, provided in an area of a hospital designated for the provision of those medical services.
  29. "Outpatient" means an individual who:
    - a. Is admitted to a hospital with the expectation that the individual will receive hospital services for less than 24 consecutive hours; or
    - b. Except as provided in subsection (17) receives, hospital services for less than 24 consecutive hours.
  30. "Pathology" means an examination of human tissue for the purpose of diagnosis or treatment of an illness or disease.
  31. "Patient care" means hospital services provided to a patient by a personnel member or a medical staff member.
  32. "Pediatric" means pertaining to an individual designated by a hospital as a child based on the hospital's criteria.
  33. "Perinatal services" means medical services for the treatment and management of obstetrical patients and neonates.
  34. "Post-anesthesia care unit" means a designated area for monitoring a patient following a medical procedure for which anesthesia was administered to the patient.
  35. "Private duty staff" means an individual, excluding a personnel member, compensated by a patient or the patient's representative.
  36. "Psychiatric services" means the diagnosis, treatment, and management of a mental disorder.
  37. "Rehabilitation services" means medical services provided to a patient to restore or to optimize functional capability.
  38. "Single group license" means a license that includes authorization to operate health care institutions according to A.R.S. § 36-422(F) or (G).
  39. "Social services" means assistance, other than medical services or nursing services, provided by a personnel member to a patient to assist the patient to cope with concerns about the patient's illness or injury while in the hospital or the anticipated needs of the patient after discharge.
  40. "Specialty" means a specific branch of medicine practiced by a licensed individual who has obtained education or qualifications in the specific branch in addition to the education or qualifications required for the individual's license.
  41. "Surgical services" means medical services involving a surgical procedure.
  42. "Transfusion" means the introduction of blood or blood products from one individual into the body of another individual.
  43. "Unit" means a designated area of an organized service.
  44. "Vital record" has the same meaning as in A.R.S. § 36-301.
  45. "Well-baby bassinet" means a receptacle used for holding a neonate who does not require treatment and whose anticipated discharge is within 96 hours after birth.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective March 5, 2005 (Supp. 05-1). Amended by final rulemaking at 14 A.A.R. 4646, effective December 2, 2008 (Supp. 08-4). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-202. Supplemental Application Requirements**

- A. In addition to the license application requirements in A.R.S. § 36-422 and 9 A.A.C. 10, Article 1, an applicant for an initial license shall include:
  1. On the application the requested licensed capacity for the hospital, including:
    - a. The number of inpatient beds for each organized service, not including well-baby bassinets; and
    - b. If applicable, the number of inpatient beds for each multi-organized service unit;
  2. On the application, if applicable, the requested licensed occupancy for providing behavioral health observation/stabilization services to:
    - a. Individuals who are under 18 years of age, and
    - b. Individuals 18 years of age and older; and
  3. A list, in a format provided by the Department, of medical staff specialties and subspecialties.
- B. For a single group license authorized in A.R.S. § 36-422(F), in addition to the requirements in subsection (A), a governing authority applying for an initial or renewal license shall submit the following to the Department, in a format provided by the Department, for each satellite facility under the single group license:
  1. The name, address, and telephone number of the satellite facility;
  2. The name of the administrator; and
  3. The hours of operation during which the satellite facility provides medical services, nursing services, or health-related services.
- C. For a single group license authorized in A.R.S. § 36-422(G), in addition to the requirements in subsection (A), a governing authority applying for an initial or renewal license shall submit the following to the Department in a format provided by the Department for each accredited satellite facility under the single group license:
  1. The name, address, and telephone number of the accredited satellite facility;

## Department of Health Services - Health Care Institutions: Licensing

2. The name of the administrator;
  3. The hours of operation during which the accredited satellite facility provides medical services, nursing services, or health-related services; and
  4. A copy of the accredited satellite facility's current accreditation report.
- D.** A governing authority shall:
1. Notify the Department at least 30 calendar days before a satellite facility or an accredited satellite facility on a single group license terminates operations; and
  2. Submit an application, according to the requirements in 9 A.A.C. 10, Article 1, at least 60 calendar days but not more than 120 calendar days before a satellite facility or an accredited satellite facility licensed under a single group license anticipates providing medical services, nursing services, or health-related services under a license separate from the single group license.
- Historical Note**
- New Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 14 A.A.R. 4646, effective December 2, 2008 (Supp. 08-4). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- R9-10-203. Administration**
- A.** A governing authority shall:
1. Consist of one or more individuals responsible for the organization, operation, and administration of a hospital;
  2. Establish, in writing:
    - a. A hospital's scope of services,
    - b. Qualifications for an administrator,
    - c. Which organized services are to be provided in the hospital, and
    - d. The organized services that are to be provided in a multi-organized service unit according to R9-10-228(A);
  3. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);
  4. Grant, deny, suspend, or revoke a clinical privilege of a medical staff member or delegate authority to an individual to grant or suspend a clinical privilege for a limited time, according to medical staff by-laws;
  5. Adopt a quality management program according to R9-10-204;
  6. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
  7. Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b) if the administrator is:
    - a. Expected not to be present on a hospital's premises for more than 30 calendar days, or
    - b. Not present on a hospital's premises for more than 30 calendar days;
  8. Except as provided in (A)(7), notify the Department according to A.R.S. § 36-425(I) if there is a change of administrator and identify the name and qualifications of the new administrator; and
  9. For a health care institution under a single group license, ensure that the health care institution complies with the applicable requirements in this Chapter for the class or subclass of the health care institution.
- B.** An administrator:
1. Is directly accountable to the governing authority of a hospital for the daily operation of the hospital and hospital services and environmental services provided by or at the hospital;
  2. Has the authority and responsibility to manage the hospital; and
  3. Except as provided in subsection (A)(7), shall designate, in writing, an individual who is present on a hospital's premises and available and accountable for hospital services and environmental services when the administrator is not present on the hospital's premises.
- C.** An administrator shall ensure that:
1. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
    - a. Cover job descriptions, duties, and qualifications including required skills and knowledge for personnel members, employees, volunteers, and students;
    - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
    - c. Include how a personnel member may submit a complaint relating to patient care;
    - d. Cover the requirements in Title 36, Chapter 4, Article 11;
    - e. Cover cardiopulmonary resuscitation training required in R9-10-206(5) including:
      - i. The method and content of cardiopulmonary resuscitation training,
      - ii. The qualifications for an individual to provide cardiopulmonary resuscitation training,
      - iii. The time-frame for renewal of cardiopulmonary resuscitation training, and
      - iv. The documentation that verifies an individual has received cardiopulmonary resuscitation training;
    - f. Cover use of private duty staff, if applicable;
    - g. Cover diversion, including:
      - i. The criteria for initiating diversion;
      - ii. The categories or levels of personnel or medical staff that may authorize or terminate diversion;
      - iii. The method for notifying emergency medical services providers of initiation of diversion, the type of diversion, and termination of diversion; and
      - iv. When the need for diversion will be reevaluated;
    - h. Include a method to identify a patient to ensure the patient receives hospital services as ordered;
    - i. Cover patient rights, including assisting a patient who does not speak English or who has a disability to become aware of patient rights;
    - j. Cover health care directives;
    - k. Cover medical records, including electronic medical records;
    - l. Cover quality management, including incident report and supporting documentation;
    - m. Cover contracted services;
    - n. Cover tissue and organ procurement and transplant; and
    - o. Cover when an individual may visit a patient in a hospital, including visiting a neonate in a nursery, if applicable;

## Department of Health Services - Health Care Institutions: Licensing

2. Policies and procedures for hospital services are established, documented, and implemented to protect the health and safety of a patient that:
    - a. Cover patient screening, admission, transport, transfer, discharge planning, and discharge;
    - b. Cover the provision of hospital services;
    - c. Cover acuity, including a process for obtaining sufficient nursing personnel to meet the needs of patients;
    - d. Include when general consent and informed consent are required;
    - e. Include the age criteria for providing hospital services to pediatric patients;
    - f. Cover dispensing, administering, and disposing of medication;
    - g. Cover prescribing a controlled substance to minimize substance abuse by a patient;
    - h. Cover infection control;
    - i. Cover restraints that:
      - i. Require an order, including the frequency of monitoring and assessing the restraint; or
      - ii. Are necessary to prevent imminent harm to self or others, including how personnel members will respond to a patient's sudden, intense, or out-of-control behavior;
    - j. Cover seclusion of a patient including:
      - i. The requirements for an order, and
      - ii. The frequency of monitoring and assessing a patient in seclusion;
    - k. Cover communicating with a midwife when the midwife's client begins labor and ends labor;
    - l. Cover telemedicine, if applicable; and
    - m. Cover environmental services that affect patient care;
  3. Policies and procedures are reviewed at least once every three years and updated as needed;
  4. Policies and procedures are available to personnel members;
  5. The licensed capacity in an organized service is not exceeded except for an emergency admission of a patient;
  6. A patient is only admitted to an organized service that has exceeded the organized service's licensed capacity after a medical staff member reviews the medical history of the patient and determines that the patient's admission is an emergency; and
  7. Unless otherwise stated:
    - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
    - b. When documentation or information is required by this Chapter to be submitted on behalf of a hospital, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the hospital.
- D.** An administrator of a special hospital shall ensure that:
1. Medical services are available to an inpatient in an emergency based on the inpatient's medical conditions and the scope of services provided by the special hospital; and
  2. A physician or nurse, qualified in cardiopulmonary resuscitation, is on the hospital premises.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective March 5, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 4004, effective December 5, 2006 (Supp. 06-4).

Amended by final rulemaking at 14 A.A.R. 4646, effective December 2, 2008 (Supp. 08-4). Amended by final rulemaking at 16 A.A.R. 688, effective November 1, 2010 (Supp. 10-2). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-204. Quality Management**

- A.** A governing authority shall ensure that an ongoing quality management program is established that:
1. Complies with the requirements in A.R.S. § 36-445; and
  2. Evaluates the quality of hospital services and environmental services related to patient care.
- B.** An administrator shall ensure that:
1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
    - a. A method to identify, document, and evaluate incidents;
    - b. A method to collect data to evaluate hospital services and environmental services related to patient care;
    - c. A method to evaluate the data collected to identify a concern about the delivery of hospital services or environmental services related to patient care;
    - d. A method to make changes or take action as a result of the identification of a concern about the delivery of hospital services or environmental services related to patient care;
    - e. A method to identify and document each occurrence of exceeding licensed capacity, as described in R9-10-203(C)(5), and to evaluate the occurrences of exceeding licensed capacity, including the actions taken for resolving occurrences of exceeding licensed capacity; and
    - f. The frequency of submitting a documented report required in subsection (B)(2) to the governing authority;
  2. A documented report is submitted to the governing authority that includes:
    - a. An identification of each concern about the delivery of hospital services or environmental services related to patient care, and
    - b. Any changes made or actions taken as a result of the identification of a concern about the delivery of hospital services or environmental services related to patient care;
  3. The acuity plan required in R9-10-214(C)(2) is reviewed and evaluated at least once every 12 months and the results are documented and reported to the governing authority;
  4. The reports required in subsections (B)(2) and (3) and the supporting documentation for the reports are maintained for at least 12 months after the date the report is submitted to the governing authority; and
  5. Except for information or documentation that is confidential under federal or state law, a report or documentation required in this Section is provided to the Department for review within two hours after the Department's request.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective March 5, 2005 (Supp. 05-1). Amended by exempt rulemaking at 19

## Department of Health Services - Health Care Institutions: Licensing

A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).  
Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-205. Contracted Services**

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. A documented list of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-206. Personnel**

An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of the patients receiving physical health services or behavioral health services from the personnel member according to the established job description; and
  - b. Include:
    - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
    - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
    - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
  - a. Before the personnel member provides physical health services or behavioral health services, and
  - b. According to policies and procedures;
3. Sufficient personnel members are present on a hospital's premises with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the hospital's scope of services,
  - b. Meet the needs of a patient, and
  - c. Ensure the health and safety of a patient;
4. Orientation occurs within the first 30 calendar days after a personnel member begins providing hospital services and includes:
  - a. Informing a personnel member about Department rules for licensing and regulating hospitals and where the rules may be obtained,

- b. Reviewing the process by which a personnel member may submit a complaint about patient care to a hospital, and
  - c. Providing the information required by policies and procedures;
5. Policies and procedures designate the categories of personnel providing medical services or nursing services who are:
  - a. Required to be qualified in cardiopulmonary resuscitation within 30 calendar days after the individual's starting date, and
  - b. Required to maintain current qualifications in cardiopulmonary resuscitation;
6. A personnel record for each personnel member is established and maintained and includes:
  - a. The personnel member's name, date of birth, and contact telephone number;
  - b. The personnel member's starting date and, if applicable, ending date;
  - c. Verification of a personnel member's certification, license, or education, if necessary for the position held;
  - d. Documentation of evidence of freedom from infectious tuberculosis required in R9-10-230(A)(5);
  - e. Verification of current cardiopulmonary resuscitation qualifications, if necessary for the position held; and
  - f. Orientation documentation;
7. Personnel receive in-service education according to criteria established in policies and procedures;
8. In-service education documentation for a personnel member includes:
  - a. The subject matter,
  - b. The date of the in-service education, and
  - c. The signature of the personnel member;
9. Personnel records and in-service education documentation are maintained by the hospital for at least 24 months after the last date the personnel member worked; and
10. Personnel records and in-service education documentation, for a personnel member who has not worked in the hospital during the previous 12 months, are provided to the Department within 72 hours after the Department's request.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective March 5, 2005 (Supp. 05-1). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-207. Medical Staff**

A. A governing authority shall ensure that:

1. The organized medical staff is directly accountable to the governing authority for the quality of care provided by a medical staff member to a patient in a hospital;
2. The medical staff bylaws and medical staff regulations are approved according to the medical staff bylaws and governing authority requirements;
3. A medical staff member complies with medical staff bylaws and medical staff regulations;
4. The medical staff of a general hospital or a special hospital includes at least two physicians who have clinical

## Department of Health Services - Health Care Institutions: Licensing

privileges to admit inpatients to the general hospital or special hospital;

5. The medical staff of a rural general hospital includes at least one physician who has clinical privileges to admit inpatients to the rural general hospital and one additional physician who serves on a committee according to subsection (A)(7)(c);
6. A medical staff member is available to direct patient care;
7. Medical staff bylaws or medical staff regulations are established, documented, and implemented for the process of:
  - a. Conducting peer review according to A.R.S. Title 36, Chapter 4, Article 5;
  - b. Appointing members to the medical staff, subject to approval by the governing authority;
  - c. Establishing committees including identifying the purpose and organization of each committee;
  - d. Appointing one or more medical staff members to a committee;
  - e. Obtaining and documenting permission for an autopsy of a patient, performing an autopsy, and notifying, if applicable, the medical practitioner coordinating the patient's medical services when an autopsy is performed;
  - f. Requiring that each inpatient has a medical practitioner who coordinates the inpatient's care;
  - g. Defining the responsibilities of a medical staff member to provide medical services to the medical staff member's patient;
  - h. Defining a medical staff member's responsibilities for the transport or transfer of a patient;
  - i. Specifying requirements for oral, telephone, and electronic orders including which orders require identification of the time of the order;
  - j. Establishing a time-frame for a medical staff member to complete a patient's medical record;
  - k. Establishing criteria for granting, denying, revoking, and suspending clinical privileges;
  - l. Specifying pre-anesthesia and post-anesthesia responsibilities for medical staff members; and
  - m. Approving the use of medication and devices under investigation by the U.S. Department of Health and Human Services, Food and Drug Administration including:
    - i. Establishing criteria for patient selection;
    - ii. Obtaining informed consent before administering the investigational medication or device; and
    - iii. Documenting the administration of and, if applicable, the adverse reaction to an investigational medication or device; and
8. The organized medical staff reviews the medical staff bylaws and the medical staff regulations at least once every three years and updates the bylaws and regulations as needed.

**B.** An administrator shall ensure that:

1. A medical staff member provides evidence of freedom from infectious tuberculosis according to the requirements in R9-10-230(A)(5);
2. A record for each medical staff member is established and maintained that includes:
  - a. A completed application for clinical privileges;
  - b. The dates and lengths of appointment and reappointment of clinical privileges;

- c. The specific clinical privileges granted to the medical staff member, including revision or revocation dates for each clinical privilege; and
  - d. A verification of current Arizona health care professional active license according to A.R.S. Title 32; and
3. Except for documentation of peer review conducted according to A.R.S. § 36-445, a record under subsection (B)(2) is provided to the Department for review:
    - a. As soon as possible, but not more than two hours after the time of the Department's request, if the individual is a current medical staff member; and
    - b. Within 72 hours after the time of the Department's request if the individual is no longer a current medical staff member.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-208. Admission**

An administrator shall ensure that:

1. A patient is admitted as an inpatient on the order of a medical staff member;
2. An individual, authorized by policies and procedures, is available to accept a patient for admission;
3. Except in an emergency, informed consent is obtained from a patient or the patient's representative before or at the time of admission;
4. The informed consent obtained in subsection (3) or the lack of consent in an emergency is documented in the patient's medical record;
5. A physician or other medical staff member performs a medical history and physical examination on a patient within 30 calendar days before admission or within 48 hours after admission and documents the medical history and physical examination in the patient's medical record within 48 hours after admission; and
6. If a physician or other medical staff member performs a medical history and physical examination on a patient before admission, the physician or the medical staff member enters an interval note into the patient's medical record at the time of admission.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective March 5, 2005 (Supp. 05-1). Section R9-10-208 renumbered to R9-10-214; new Section R9-10-208 renumbered from R9-10-210 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-209. Discharge Planning; Discharge**

**A.** For an inpatient, an administrator shall ensure that discharge planning:

1. Identifies the specific needs of the patient after discharge, if applicable;
2. Includes the participation of the patient or the patient's representative;
3. Is completed before discharge occurs;

## Department of Health Services - Health Care Institutions: Licensing

4. Provides the patient or the patient's representative with written information identifying classes or subclasses of health care institutions and the level of care that the health care institutions provide that may meet the patient's assessed and anticipated needs after discharge, if applicable; and
5. Is documented in the patient's medical record.
- B.** For an inpatient discharge or a transfer of an inpatient, an administrator shall ensure that:
  1. There is a discharge summary that includes:
    - a. A description of the patient's medical condition and the medical services provided to the patient; and
    - b. The signature of the medical practitioner coordinating the patient's medical services;
  2. There is a documented discharge order for the patient by a medical practitioner coordinating the patient's medical services before discharge unless the patient leaves the hospital against a medical staff member's advice; and
  3. If the patient is not being transferred:
    - a. There are documented discharge instructions; and
    - b. The patient or the patient's representative is provided with a copy of the discharge instructions.
- C.** Except as provided in subsection (D), an administrator shall ensure that an outpatient is discharged according to policies and procedures.
- D.** For a discharge of an outpatient receiving emergency services, an administrator shall ensure that:
  1. A discharge order is documented by a medical practitioner who provided medical services to the patient before the patient is discharged unless the patient leaves against a medical staff member's advice; and
  2. Discharge instructions are documented and provided to the patient or the patient's representative before the patient is discharged unless the patient leaves the hospital against a medical staff member's advice.
- e. Specify how a medical staff member explains the risks and benefits of a transport to the patient or the patient's representative based on the:
    - i. Patient's medical condition, and
    - ii. Mode of transport; and
  2. Documentation in the patient's medical record includes:
    - a. Consent for transport by the patient or the patient's representative or why consent could not be obtained;
    - b. The acceptance of the patient by and communication with an individual at the receiving health care institution;
    - c. The date and the time of the transport to the receiving health care institution;
    - d. The date and time of the patient's return to the sending hospital, if applicable;
    - e. The mode of transportation; and
    - f. The type of personnel member or medical staff member assisting in the transport if an order requires that a patient be assisted during transport.
- B.** For a transport of a patient to a receiving hospital, the administrator of the receiving hospital shall ensure that:
  1. Policies and procedures are established, documented, and implemented that:
    - a. Specify the process by which the receiving hospital personnel members coordinate the transport and the medical services provided to a patient to protect the health and safety of the patient;
    - b. Require an assessment of the patient by a registered nurse or a medical staff member upon arrival of the patient and before the patient is returned to the sending hospital unless the receiving facility is a satellite facility, as established in A.R.S. § 36-422, and does not have a registered nurse or a medical staff member at the satellite facility;
    - c. Specify the information in the receiving hospital's patient medical record required to accompany the patient when the patient is returned to the sending hospital, if applicable; and
    - d. Specify how the receiving hospital personnel members communicate patient medical record information to the sending hospital that is not provided at the time of the patient's return; and
  2. Documentation in the patient's medical record includes:
    - a. The date and time the patient arrives at the receiving hospital;
    - b. The medical services provided to the patient at the receiving hospital;
    - c. Any adverse reaction or negative outcome the patient experiences at the receiving hospital, if applicable;
    - d. The date and time the receiving hospital returns the patient to the sending hospital, if applicable;
    - e. The mode of transportation to return the patient to the sending hospital, if applicable; and
    - f. The type of personnel member or medical staff member assisting in the transport if an order requires that a patient be assisted during transport.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective March 5, 2005 (Supp. 05-1). Section R9-10-209 renumbered to R9-10-212; new Section R9-10-209 renumbered from R9-10-211 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-210. Transport**

- A.** For a transport of a patient, the administrator of a sending hospital shall ensure that:
  1. Policies and procedures are established, documented, and implemented that:
    - a. Specify the process by which the sending hospital personnel members coordinate the transport and the medical services provided to a patient to protect the health and safety of the patient;
    - b. Require an assessment of the patient by a registered nurse or a medical staff member before transporting the patient and after the patient's return;
    - c. Specify the information in the sending hospital's patient medical record that is required to accompany the patient, which shall include the information related to the medical services to be provided to the patient at the receiving health care institution;
    - d. Specify how the sending hospital personnel members communicate patient medical record information that the sending hospital does not provide at the time of transport but is requested by the receiving health care institution; and

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-210 renumbered to R9-10-208; new Section R9-10-210 renumbered from R9-10-212 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective

## Department of Health Services - Health Care Institutions: Licensing

tive July 1, 2014 (Supp. 14-2).

**R9-10-211. Transfer**

For a transfer of a patient, the administrator of a sending hospital shall ensure that:

1. Policies and procedures are established, documented, and implemented that:
  - a. Specify the process by which the sending hospital personnel members coordinate the transfer and the medical services provided to a patient to protect the health and safety of the patient during the transfer;
  - b. Require an assessment of the patient by a registered nurse or a medical staff member of the sending hospital before the patient is transferred;
  - c. Specify how the sending hospital personnel members communicate medical record information that is not provided at the time of the transfer; and
  - d. Specify how a medical staff member explains the risks and benefits of a transfer to the patient or the patient's representative based on the:
    - i. Patient's medical condition, and
    - ii. Mode of transfer;
2. One of the following accompanies the patient during transfer:
  - a. A copy of the patient's medical record for the current inpatient admission; or
  - b. All of the following for the current inpatient admission:
    - i. A medical staff member's summary of medical services provided to the patient,
    - ii. A care plan containing up-to-date information,
    - iii. Consultation reports,
    - iv. Laboratory and radiology reports,
    - v. A record of medications administered to the patient for the seven calendar days before the date of transfer,
    - vi. Medical staff member's orders in effect at the time of transfer, and
    - vii. Any known allergy; and
3. Documentation in the patient's medical record includes:
  - a. Consent for transfer by the patient or the patient's representative, except in an emergency;
  - b. The acceptance of the patient by and communication with an individual at the receiving health care institution;
  - c. The date and the time of the transfer to the receiving health care institution;
  - d. The mode of transportation; and
  - e. The type of personnel member or medical staff member assisting in the transfer if an order requires that a patient be assisted during transfer.

**Historical Note**

Former Section R9-10-211 renumbered as R9-10-311 as an emergency effective February 22, 1979, new Section R9-10-211 adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-211 renumbered to R9-10-209; new Section R9-10-211 renumbered from R9-10-213 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-212. Patient Rights**

**A.** An administrator shall ensure that:

1. The requirements in subsection (B) and the patient rights in subsection (C) are conspicuously posted on the hospital's premises;

2. At the time of admission, a patient or the patient's representative receives a written copy of the requirements in subsection (B) and the patient rights in subsection (C); and
3. Policies and procedures include:
  - a. How and when a patient or the patient's representative is informed of patient rights in subsection (C), and
  - b. Where patient rights are posted as required in subsection (A)(1).

**B.** An administrator shall ensure that:

1. A patient is treated with dignity, respect, and consideration;
2. A patient is not subjected to:
  - a. Abuse;
  - b. Neglect;
  - c. Exploitation;
  - d. Coercion;
  - e. Manipulation;
  - f. Sexual abuse;
  - g. Sexual assault;
  - h. Seclusion, except as allowed under R9-10-217 or R9-10-225;
  - i. Restraint, if not necessary to prevent imminent harm to self or others or as allowed under R9-10-225;
  - j. Retaliation for submitting a complaint to the Department or another entity; or
  - k. Misappropriation of personal and private property by a hospital's medical staff, personnel members, employees, volunteers, or students; and
3. A patient or the patient's representative:
  - a. Except in an emergency, either consents to or refuses treatment;
  - b. May refuse examination or withdraw consent for treatment before treatment is initiated;
  - c. Is informed of:
    - i. Except in an emergency, alternatives to a proposed psychotropic medication or surgical procedure and associated risks and possible complications of the proposed psychotropic medication or surgical procedure;
    - ii. How to obtain a schedule of hospital rates and charges required in A.R.S. § 36-436.01(B);
    - iii. The patient complaint policies and procedures, including the telephone number of hospital personnel to contact about complaints, and the Department's telephone number if the hospital is unable to resolve the patient's complaint; and
    - iv. Except as authorized by the Health Insurance Portability and Accountability Act of 1996, proposed involvement of the patient in research, experimentation, or education, if applicable;
  - d. Except in an emergency, is provided a description of the health care directives policies and procedures:
    - i. If an inpatient, at the time of admission; or
    - ii. If an outpatient:
      - (1) Before any invasive procedure, except phlebotomy for obtaining blood for diagnostic purposes; or
      - (2) If the hospital services include a planned series of treatments, at the start of each series;
  - e. Consents to photographs of the patient before the patient is photographed, except that a patient may be



## Department of Health Services - Health Care Institutions: Licensing

- photographed when admitted to a hospital for identification and administrative purposes; and
- f. Except as otherwise permitted by law, provides written consent to the release of information in the patient's:
  - i. Medical record, or
  - ii. Financial records.

## C. A patient has the following rights:

1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
2. To receive treatment that supports and respects the patient's individuality, choices, strengths, and abilities;
3. To receive privacy in treatment and care for personal needs;
4. To have access to a telephone;
5. To review, upon written request, the patient's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
6. To receive a referral to another health care institution if the hospital is not authorized or not able to provide physical health services or behavioral health services needed by the patient;
7. To participate or have the patient's representative participate in the development of, or decisions concerning, treatment;
8. To participate or refuse to participate in research or experimental treatment; and
9. To receive assistance from a family member, representative, or other individual in understanding, protecting, or exercising the patient's rights.

**Historical Note**

Former Section R9-10-212 renumbered as R9-10-312 as an emergency effective February 22, 1979, new Section R9-10-212 adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective March 5, 2005 (Supp. 05-1). Section R9-10-212 renumbered to R9-10-210; new Section R9-10-212 renumbered from R9-10-209 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-213. Medical Records**

## A. An administrator shall ensure that:

1. A medical record is established and maintained for each patient according to A.R.S. § Title 12, Chapter 13, Article 7.1;
2. An entry in a patient's medical record is:
  - a. Recorded only by a personnel member authorized by policies and procedures to make the entry;
  - b. Dated, legible, and authenticated; and
  - c. Not changed to make the initial entry illegible;
3. An order is:
  - a. Dated when the order is entered in the patient's medical record and includes the time of the order;
  - b. Authenticated by a medical staff member according to policies and procedures; and
  - c. If the order is a verbal order, authenticated by a medical staff member or medical practitioner;
4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature

represents is accountable for the use of the rubber-stamp signature or electronic signature;

5. A patient's medical record is available to personnel members and medical staff members authorized by policies and procedures to access the medical record;
  6. Policies and procedures include the maximum time-frame to retrieve an onsite or off-site patient's medical record at the request of a medical staff member or authorized personnel member; and
  7. A patient's medical record is protected from loss, damage, or unauthorized use.
- B. If a hospital maintains patients' medical records electronically, an administrator shall ensure that:
1. Safeguards exist to prevent unauthorized access, and
  2. The date and time of an entry in a patient's medical record is recorded by the computer's internal clock.
- C. An administrator shall ensure that a medical record for an inpatient contains:
1. Patient information that includes:
    - a. The patient's name;
    - b. The patient's address;
    - c. The patient's date of birth; and
    - d. Any known allergy, including medication allergies or sensitivities;
  2. Medication information that includes:
    - a. A medication ordered for the patient; and
    - b. A medication administered to the patient including:
      - i. The date and time of administration;
      - ii. The name, strength, dosage, amount, and route of administration;
      - iii. The identification and authentication of the individual administering the medication; and
      - iv. Any adverse reaction the patient has to the medication;
  3. Documentation of general consent and, if applicable, informed consent for treatment by the patient or the patient's representative, except in an emergency;
  4. A medical history and results of a physical examination or an interval note;
  5. If the patient provides a health care directive, the health care directive signed by the patient;
  6. An admitting diagnosis;
  7. The date of admission and, if applicable, the date of discharge;
  8. Names of the admitting medical staff member and medical practitioners coordinating the patient's care;
  9. If applicable, the name and contact information of the patient's representative and:
    - a. If the patient is 18 years of age or older or an emancipated minor, the document signed by the patient consenting for the patient's representative to act on the patient's behalf; or
    - b. If the patient's representative:
      - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
      - ii. Is a legal guardian, a copy of the court order establishing guardianship;
  10. Orders;
  11. Care plans;
  12. Documentation of hospital services provided to the patient;
  13. Progress notes;
  14. The disposition of the patient after discharge;

## Department of Health Services - Health Care Institutions: Licensing

15. Discharge planning, including discharge instructions required in R9-10-209(B)(3);
  16. A discharge summary; and
  17. If applicable:
    - a. A laboratory report,
    - b. A pathology report,
    - c. An autopsy report,
    - d. A radiologic report,
    - e. A diagnostic imaging report,
    - f. Documentation of restraint or seclusion, and
    - g. A consultation report.
- D.** An administrator shall ensure that a hospital's medical record for an outpatient contains:
1. Patient information that includes:
    - a. The patient's name;
    - b. The patient's address;
    - c. The patient's date of birth;
    - d. The name and contact information of the patient's representative, if applicable; and
    - e. Any known allergy including medication allergies or sensitivities;
  2. If necessary for treatment, medication information that includes:
    - a. A medication ordered for the patient; and
    - b. A medication administered to the patient including:
      - i. The date and time of administration;
      - ii. The name, strength, dosage, amount, and route of administration;
      - iii. The identification and authentication of the individual administering the medication; and
      - iv. Any adverse reaction the patient has to the medication;
  3. Documentation of general and, if applicable, informed consent for treatment by the patient or the patient's representative, except in an emergency;
  4. An admitting diagnosis or reason for outpatient medical services;
  5. Orders;
  6. Documentation of hospital services provided to the patient; and
  7. If applicable:
    - a. A laboratory report,
    - b. A pathology report,
    - c. An autopsy report,
    - d. A radiologic report,
    - e. A diagnostic imaging report,
    - f. Documentation of restraint or seclusion, and
    - g. A consultation report.
- E.** In addition to the requirements in subsection (D), an administrator shall ensure that the hospital's record of emergency services provided to a patient contains:
1. Documentation of treatment the patient received before arrival at the hospital, if available;
  2. The patient's medical history;
  3. An assessment, including the name of the individual performing the assessment;
  4. The patient's chief complaint;
  5. The name of the individual who treated the patient in the emergency room, if applicable; and
  6. The disposition of the patient after discharge.

**Historical Note**

Former Section R9-10-213 renumbered as R9-10-313 as an emergency effective February 23, 1979, new Section R9-10-213 adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002

(Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective March 5, 2005 (Supp. 05-1). Section R9-10-213 renumbered to R9-10-211; new Section R9-10-213 renumbered from R9-10-228 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-214. Nursing Services**

- A.** An administrator shall ensure that:
1. Nursing services are provided 24 hours a day, and
  2. A nurse executive is appointed who is qualified according to policies and procedures.
- B.** A nurse executive shall designate a registered nurse who is present on the hospital's premises to be accountable for managing the nursing services when the nurse executive is not present in the hospital.
- C.** A nurse executive shall ensure that:
1. Policies and procedures for nursing services are established, documented, and implemented;
  2. An acuity plan is established, documented, and implemented that includes:
    - a. A method that establishes the types and numbers of nursing personnel that are required for each unit in the hospital;
    - b. An assessment of a patient's need for nursing services made by a registered nurse providing nursing services directly to the patient; and
    - c. A policy and procedure stating the steps a hospital will take to:
      - i. Obtain the necessary nursing personnel to meet patient acuity, and
      - ii. Make assignments for patient care according to the acuity plan;
  3. Registered nurses, including registered nurses providing nursing services directly to a patient, are knowledgeable about the acuity plan and implement the acuity plan established under subsection (C)(2);
  4. If licensed capacity in an organized service is exceeded or patients are kept in areas without licensed beds, nursing personnel are assigned according to the specific rules for the organized service in this Chapter;
  5. There is at least one registered nurse on the hospital's premises whether or not there is a patient;
  6. A general hospital has at least two registered nurses on the general hospital's premises when there is more than one patient;
  7. A special hospital offering emergency services or obstetrical services has at least two registered nurses on the special hospital's premises when there is more than one patient;
  8. A special hospital not offering emergency services or obstetrical services has at least one registered nurse and one other nurse on the special hospital's premises when there is more than one patient;
  9. A rural general hospital with more than one patient has at least one registered nurse and at least one other nursing personnel member on the rural general hospital's premises. If there is only one registered nurse on the rural general hospital's premises, an additional registered nurse is on-call who is able to be present on the rural general hospital's premises within 15 minutes after being called;
  10. If a hospital has a patient in a unit, there is at least one registered nurse present in the unit;

## Department of Health Services - Health Care Institutions: Licensing

11. If a hospital has more than one patient in a unit, there is at least one registered nurse and one additional nursing personnel member present in the unit;
12. At least one registered nurse is present and accountable for the nursing services provided to a patient:
  - a. During the delivery of a neonate,
  - b. In an operating room, and
  - c. In a post-anesthesia care unit;
13. Nursing personnel work schedules are planned, reviewed, adjusted, and documented to meet patient needs and emergencies;
14. A registered nurse assesses, plans, directs, and evaluates nursing services provided to a patient;
15. There is a care plan for each inpatient based on the inpatient's need for nursing services; and
16. Nursing personnel document nursing services in a patient's medical record.

**Historical Note**

Former Section R9-10-214 renumbered as R9-10-314 as an emergency effective February 22, 1979, new Section R9-10-214 adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-214 renumbered to R9-10-215; new Section R9-10-214 renumbered from R9-10-208 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-215. Surgical Services**

An administrator of a general hospital shall ensure that:

1. There is an organized service that provides surgical services under the direction of a medical staff member;
2. There is a designated area for providing surgical services as an organized service;
3. The area of the hospital designated for surgical services is managed by a registered nurse or a physician;
4. Documentation is available in the surgical services area that specifies each medical staff member's clinical privileges to perform surgical procedures in the surgical services area;
5. Postoperative orders are documented in the patient's medical record;
6. There is a chronological log of surgical procedures performed in the surgical services area that contains:
  - a. The date of the surgical procedure,
  - b. The patient's name,
  - c. The type of surgical procedure,
  - d. The time in and time out of the operating room,
  - e. The name and title of each individual performing or assisting in the surgical procedure,
  - f. The type of anesthesia used,
  - g. An identification of the operating room used, and
  - h. The disposition of the patient after the surgical procedure;
7. The chronological log required in subsection (A)(6) is maintained in the surgical services area for at least 12 months after the date of the surgical procedure and then maintained by the hospital for an additional 12 months;
8. The medical staff designate in writing the surgical procedures that may be performed in areas other than the surgical services area;

9. The hospital has the medical staff members, personnel members, and equipment to provide the surgical procedures offered in the surgical services area;
10. A patient and the surgical procedure to be performed on the patient are identified before initiating the surgical procedure;
11. Except in an emergency, a medical staff member or a surgeon performs a medical history and physical examination within 30 calendar days before performing a surgical procedure on a patient;
12. Except in an emergency, a medical staff member or a surgeon enters an interval note in the patient's medical record before performing a surgical procedure;
13. Except in an emergency, the following are documented in a patient's medical record before a surgical procedure:
  - a. A preoperative diagnosis;
  - b. Each diagnostic test performed in the hospital;
  - c. A medical history and physical examination as required in subsection (A)(11) and an interval note as required in subsection (A)(12);
  - d. A consent or refusal for blood or blood products signed by the patient or the patient's representative, if applicable; and
  - e. Informed consent according to policies and procedures; and
14. Within 24 hours after a surgical procedure on a patient is completed.

**Historical Note**

Former Section R9-10-215 renumbered as R9-10-315 as an emergency effective February 22, 1979, new Section R9-10-215 adopted effective February 23, 1979 (Supp. 79-1). Amended subsection (D) effective August 31, 1988 (Supp. 88-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-215 renumbered to R9-10-216; new Section R9-10-215 renumbered from R9-10-214 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-216. Anesthesia Services**

An administrator shall ensure that:

1. Anesthesia services provided in conjunction with surgical services performed in the operating room are provided as an organized service under the direction of a medical staff member;
2. Documentation is available in the surgical services area that specifies the medical staff member's clinical privileges to administer anesthesia;
3. Except in an emergency, an anesthesiologist or a nurse anesthetist performs a pre-anesthesia evaluation within 48 hours before anesthesia is administered in conjunction with surgical services;
4. Anesthesia administration is documented in a patient's medical record and includes:
  - a. A pre-anesthesia evaluation, if applicable;
  - b. An intra-operative anesthesia record;
  - c. The postoperative status of the patient upon leaving the operating room; and
  - d. Post-anesthesia documentation by the individual performing the post-anesthesia evaluation that includes the information required by the medical staff bylaws and medical staff regulations; and

## Department of Health Services - Health Care Institutions: Licensing

5. A registered nurse or a physician documents resuscitative measures in the patient's medical record.

**Historical Note**

Adopted as an emergency effective April 2, 1976 (Supp. 76-2). Adopted effective August 25, 1977 (Supp. 77-4). Former Section R9-10-216 renumbered as R9-10-316 as an emergency effective February 22, 1979, new Section R9-10-216 adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-216 renumbered to R9-10-217; new Section R9-10-216 renumbered from R9-10-215 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-217. Emergency Services**

- A. An administrator of a general hospital or a rural general hospital shall ensure that:
  1. Emergency services are provided 24 hours a day in a designated area of the hospital;
  2. Emergency services are provided as an organized service under the direction of a medical staff member;
  3. The scope and extent of emergency services offered are documented in the hospital's scope of services;
  4. Emergency services are provided to an individual, including a woman in active labor, requesting emergency services;
  5. If emergency services cannot be provided at the hospital to meet the needs of a patient in an emergency, measures and procedures are implemented to minimize risk to the patient until the patient is transported or transferred to another hospital;
  6. A roster of on-call medical staff members is available in the emergency services area;
  7. There is a chronological log of emergency services provided to patients that includes:
    - a. The patient's name;
    - b. The date, time, and mode of arrival; and
    - c. The disposition of the patient including discharge, transfer, or admission; and
  8. The chronological log required in subsection (A)(7) is maintained:
    - a. In the emergency services area for at least 12 months after the date of the emergency services; and
    - b. By the hospital for at least an additional four years.
- B. An administrator of a special hospital that provides emergency services shall comply with subsection (A).
- C. An administrator of a hospital that provides emergency services, but does not provide perinatal organized services, shall ensure that emergency perinatal services are provided within the hospital's capabilities to meet the needs of a patient and a neonate, including the capability to deliver a neonate and to keep the neonate warm until transfer to a hospital providing perinatal organized services.
- D. An administrator of a hospital that provides emergency services shall ensure that a room used for seclusion in a designated area of the hospital used for providing emergency services, complies with applicable physical plant health and safety codes and standards for seclusion rooms, incorporated by reference in A.A.C. R9-1-412.

**Historical Note**

Adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-217 renumbered to R9-10-218; new Section R9-10-217 renumbered from R9-10-216 and

amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-218. Pharmaceutical Services**

An administrator shall ensure that:

1. Pharmaceutical services are provided under the direction of a pharmacist according to A.R.S. Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23;
2. A copy of the pharmacy license is provided to the Department for review upon the Department's request;
3. A committee, composed of at least one physician, one pharmacist, and other personnel members as determined by policies and procedures, is established to:
  - a. Develop a drug formulary,
  - b. Update the drug formulary at least once every 12 months,
  - c. Develop medication usage and medication substitution policies and procedures, and
  - d. Specify which medications and medication classifications are required to be automatically stopped after a specified time period unless the ordering medical staff member specifically orders otherwise;
4. An expired, mislabeled, or unusable medication is disposed of according to policies and procedures;
5. A medication administration error or an adverse reaction is reported to the ordering medical staff member or the medical staff member's designee;
6. A pharmacy medication dispensing error is reported to the pharmacist;
7. In a pharmacist's absence, personnel members designated by policies and procedures have access to a locked area containing a medication;
8. A medication is maintained at temperatures recommended by the manufacturer;
9. A cart used for an emergency:
  - a. Contains medication, supplies, and equipment as specified in policies and procedures;
  - b. Is available to a unit; and
  - c. Is sealed until opened in an emergency;
10. Emergency cart contents and sealing of the emergency cart are verified and documented according to policies and procedures;
11. Policies and procedures specify individuals who may:
  - a. Order medication, and
  - b. Administer medication;
12. A medication is administered in compliance with an order;
13. A medication administered to a patient is documented as required in R9-10-213;
14. If pain medication is administered to a patient, documentation in the patient's medical record includes:
  - a. An assessment of the patient's pain before administering the medication, and
  - b. The effect of the pain medication administered; and
15. Policies and procedures specify a process for review through the quality management program of:
  - a. A medication administration error,
  - b. An adverse reaction to a medication, and
  - c. A pharmacy medication dispensing error.

**Historical Note**

Adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective

## Department of Health Services - Health Care Institutions: Licensing

March 5, 2005 (Supp. 05-1). Section R9-10-218 renumbered to R9-10-219; new Section R9-10-218 renumbered from R9-10-217 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-219. Clinical Laboratory Services and Pathology Services**

An administrator shall ensure that:

1. Clinical laboratory services and pathology services are provided by a hospital through a laboratory that holds a certificate of accreditation or certificate of compliance issued by the United States Department of Health and Human Services under the 1988 amendments to the Clinical Laboratories Improvement Act of 1967;
2. A copy of the certificate of accreditation or compliance in subsection (1) is provided to the Department for review upon the Department's request;
3. A general hospital or a rural general hospital provides clinical laboratory services 24 hours a day on the hospital's premises to meet the needs of a patient in an emergency;
4. A special hospital whose patients require clinical laboratory services:
  - a. Is able to provide clinical laboratory services when needed by the patients,
  - b. Obtains specimens for clinical laboratory services without transporting the patients from the special hospital's premises, and
  - c. Has the examination of the specimens performed by a clinical laboratory on the special hospital's premises or by arrangement with a clinical laboratory not on the special hospital's premises;
5. A hospital that provides clinical laboratory services 24 hours a day has on duty or on-call laboratory personnel authorized by policies and procedures to perform testing;
6. A hospital that offers surgical services provides pathology services on the hospital's premises or by contracted service to meet the needs of a patient;
7. Clinical laboratory and pathology test results are:
  - a. Available to the medical staff:
    - i. Within 24 hours after the test is completed if the test is performed at a laboratory on the hospital's premises, or
    - ii. Within 24 hours after the test result is received if the test is performed at a laboratory not on the hospital's premises; and
  - b. Documented in a patient's medical record;
8. If a test result is obtained that indicates a patient may have an emergency medical condition, as established by medical staff, laboratory personnel notify the ordering medical staff member or a registered nurse in the patient's assigned unit;
9. If a clinical laboratory report, a pathology report, or an autopsy report is completed on a patient, a copy of the report is included in the patient's medical record;
10. Policies and procedures are established, documented, and implemented for:
  - a. Procuring, storing, transfusing, and disposing of blood and blood products;
  - b. Blood typing, antibody detection, and blood compatibility testing; and
  - c. Investigating transfusion adverse reactions that specify a process for review through the quality management program;

11. If blood and blood products are provided by contract, the contract includes:
  - a. The availability of blood and blood products from the contractor, and
  - b. The process for delivery of blood and blood products from the contractor; and
12. Expired laboratory supplies are discarded according to policies and procedures.

**Historical Note**

Adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective March 5, 2005 (Supp. 05-1). Section R9-10-219 renumbered to R9-10-220; new Section R9-10-219 renumbered from R9-10-218 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-220. Radiology Services and Diagnostic Imaging Services**

A. An administrator shall ensure that:

1. Radiology services and diagnostic imaging services are provided in compliance with A.R.S. Title 30, Chapter 4 and 12 A.A.C. 1;
2. A copy of a certificate documenting compliance with subsection (1) is provided to the Department for review upon the Department's request;
3. A general hospital or a rural general hospital provides radiology services 24 hours a day on the hospital's premises to meet the emergency needs of a patient;
4. A hospital that provides surgical services has radiology services and diagnostic imaging services on the hospital's premises to meet the needs of patients;
5. A general hospital or a rural general hospital has a radiologic technologist on duty or on-call; and
6. Except as provided in subsection (A)(4), a special hospital whose patients require radiology services and diagnostic imaging services is able to provide the radiology services and diagnostic imaging services when needed by the patients:
  - a. On the special hospital's premises, or
  - b. By arrangement with a radiology and diagnostic imaging facility that is not on the special hospital's premises.

B. An administrator of a hospital that provides radiology services or diagnostic imaging services on the hospital's premises shall ensure that:

1. Radiology services and diagnostic imaging services are provided:
  - a. Under the direction of a medical staff member; and
  - b. According to an order that includes:
    - i. The patient's name,
    - ii. The name of the ordering individual,
    - iii. The radiological or diagnostic imaging procedure ordered, and
    - iv. The reason for the procedure;
2. A medical staff member or radiologist interprets the radiologic or diagnostic image;
3. A radiologic or diagnostic imaging patient report is prepared that includes:
  - a. The patient's name;
  - b. The date of the procedure;

## Department of Health Services - Health Care Institutions: Licensing

- c. A medical staff member's or radiologist's interpretation of the image;
  - d. The type and amount of radiopharmaceutical used, if applicable; and
  - e. The adverse reaction to the radiopharmaceutical, if any; and
4. A radiologic or diagnostic imaging report is included in the patient's medical record.

**Historical Note**

Adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective March 5, 2005 (Supp. 05-1). Section R9-10-220 renumbered to R9-10-221; new Section R9-10-220 renumbered from R9-10-219 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-221. Intensive Care Services**

Except for a special hospital that provides only psychiatric services, an administrator of a hospital that provides intensive care services shall ensure that:

1. Intensive care services are provided as an organized service in a designated area under the direction of a medical staff member;
2. An inpatient admitted for intensive care services is personally visited by a physician at least once every 24 hours;
3. Admission and discharge criteria for intensive care services are established;
4. A personnel member's responsibilities for initiation of medical services in an emergency to a patient in an intensive care unit pending the arrival of a medical staff member are established and documented in policies and procedures;
5. In addition to the requirements in R9-10-214(C), an intensive care unit is staffed:
  - a. With at least one registered nurse assigned for every two patients, and
  - b. According to an acuity plan as required in R9-10-214;
6. Each intensive care unit has a policy and procedure that provides for meeting the needs of the patients;
7. If the medical services of an intensive care patient are reduced to a lesser level of care in the hospital, but the patient is not physically relocated, the nurse to patient ratio is based on the needs of the patient;
8. Private duty staff do not provide hospital services in an intensive care unit;
9. At least one registered nurse assigned to a patient in an intensive care unit is certified in advanced cardiac life support specific to the age of the patient;
10. Resuscitation, emergency, and other equipment are available to meet the needs of a patient including:
  - a. Ventilatory assistance equipment,
  - b. Respiratory and cardiac monitoring equipment,
  - c. Suction equipment,
  - d. Portable radiologic equipment, and
  - e. A patient weighing device for patients restricted to a bed; and
11. An intensive care unit has at least one emergency cart that is maintained according to R9-10-218.

**Historical Note**

Former Section R9-10-221 renumbered as R9-10-317 as an emergency effective February 22, 1979, new Section R9-10-221 adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-221 renumbered to R9-10-222; new Section R9-10-221 renumbered from R9-10-220 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-222. Respiratory Care Services**

An administrator of a hospital that provides respiratory care services shall ensure that:

1. Respiratory care services are provided under the direction of a medical staff member;
2. Respiratory care services are provided according to an order that includes:
  - a. The patient's name;
  - b. The name and signature of the ordering individual;
  - c. The type, frequency, and, if applicable, duration of treatment;
  - d. The type and dosage of medication and diluent; and
  - e. The oxygen concentration or oxygen liter flow and method of administration;
3. Respiratory care services provided to a patient are documented in the patient's medical record and include:
  - a. The date and time of administration;
  - b. The type of respiratory care services;
  - c. The effect of respiratory care services;
  - d. If applicable, any adverse reaction to respiratory care services; and
  - e. The authentication of the individual providing the respiratory care services; and
4. Any area or unit that performs blood gases or clinical laboratory tests complies with the requirements in R9-10-219.

**Historical Note**

Former Section R9-10-222 renumbered as R9-10-318 as an emergency effective February 22, 1979, new Section R9-10-222 adopted effective February 23, 1979 (Supp. 79-1). Correction, subsection (D)(3) reference to paragraph (E)(2) should read subsection (D)(2). (Supp. 79-6). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective March 5, 2005 (Supp. 05-1). Section R9-10-222 renumbered to R9-10-223; new Section R9-10-222 renumbered from R9-10-221 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-223. Perinatal Services**

A. An administrator of a hospital that provides perinatal organized services shall ensure that:

1. Perinatal services are provided in a designated area under the direction of a medical staff member;
2. Only medical and surgical procedures approved by the medical staff are performed in the perinatal services unit;
3. The perinatal services unit has the capability to initiate an emergency cesarean delivery within the time-frame

## Department of Health Services - Health Care Institutions: Licensing

established by the medical staff and documented in policies and procedures;

4. Only a patient in need of perinatal services or gynecological services receives perinatal services or gynecological services in the perinatal services unit;
5. A patient receiving gynecological services does not share a room with a patient receiving perinatal services;
6. A chronological log of perinatal services provided to patients is maintained that includes:
  - a. The patient's name;
  - b. The date, time, and mode of the patient's arrival;
  - c. The disposition of the patient including discharge, transfer, or admission time; and
  - d. The following information for a delivery of a neonate:
    - i. The neonate's name or other identifier;
    - ii. The name of the medical staff member who delivered the neonate;
    - iii. The delivery time and date; and
    - iv. Complications of delivery, if any;
7. The chronological log required in subsection (A)(6) is maintained by the hospital in the perinatal services unit for at least 12 months after the date the perinatal services are provided and then maintained by the hospital for at least an additional 12 months;
8. The perinatal services unit provides fetal monitoring;
9. The perinatal services unit has ultrasound capability;
10. Except in an emergency, a neonate is identified as required by policies and procedures before moving the neonate from a delivery area;
11. Policies and procedures specify:
  - a. Security measures to prevent neonatal abduction, and
  - b. How the hospital determines to whom a neonate may be discharged;
12. A neonate is discharged only to an individual who:
  - a. Is authorized according to subsection (A)(11), and
  - b. Provides identification;
13. A neonate's medical record identifies the individual to whom the neonate is discharged;
14. A patient or the individual to whom the neonate is discharged receives perinatal education, discharge instructions, and a referral for follow-up care for a neonate in addition to the discharge planning requirements in R9-10-209;
15. Intensive care services for neonates comply with the requirements in R9-10-221;
16. At least one registered nurse is on duty in a nursery when there is a neonate in the nursery except as provided in subsection (A)(17);
17. A nursery occupied only by a neonate, who is placed in the nursery for the convenience of the neonate's mother and does not require treatment as established in this Article, is staffed by a nurse;
18. Equipment and supplies are available to a nursery, labor-delivery-recovery room, or labor-delivery-recovery-postpartum room to meet the needs of each neonate; and
19. In a nursery, only a neonate's bed or bassinet is used for changing diapers, bathing, or dressing the neonate.

- B.** An administrator of a hospital that does not provide perinatal organized services shall comply with the requirements in R9-10-217(C).

**Historical Note**

Former Section R9-10-223 renumbered as R9-10-319 as an emergency effective February 22, 1979, new Section R9-10-223 adopted effective February 23, 1979 (Supp.

79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-223 renumbered to R9-10-224; new Section R9-10-223 renumbered from R9-10-222 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-224. Pediatric Services**

- A.** An administrator of a hospital that provides pediatric services or organized pediatric services according to the requirements in this Section shall ensure that:
1. Consistent with the health and safety of a pediatric patient, arrangements are made for a parent or a guardian of the pediatric patient to stay overnight;
  2. Policies and procedures are established, documented, and implemented for:
    - a. Infection control for shared toys, books, stuffed animals, and other items in a community playroom; and
    - b. Visitation of a pediatric patient, including age limits if applicable;
  3. A pediatric inpatient is only admitted if the hospital has the staff, equipment, and supplies available to meet the needs of the pediatric patient based on the pediatric patient's medical condition and the hospital's scope of services; and
  4. If the hospital provides pediatric intensive care services, the pediatric intensive care services comply with intensive care services requirements in R9-10-221.
- B.** An administrator of a hospital that provides pediatric organized services shall ensure that pediatric services are provided in a designated area under the direction of a medical staff member.
- C.** An administrator shall ensure that in a multi-organized service unit or a patient care unit that is providing medical and nursing services to an adult patient and a pediatric patient according to this Section:
1. A pediatric patient is not placed in a patient room with an adult patient, and
  2. A medication for a pediatric patient that is stored in the patient care unit is stored separately from a medication for an adult patient.
- D.** Except as provided in subsections (F) and (G), an administrator of a hospital that does not provide pediatric organized services may admit a pediatric inpatient only in an emergency.
- E.** A hospital may use a bed in a pediatric organized services patient care unit for an adult patient if an administrator establishes, documents, and implements policies and procedures that:
1. Delineate the specific conditions under which an adult patient is placed in a bed in the pediatric organized services unit, and
  2. Except as provided in subsection (H) and (I), ensure that an adult patient is:
    - a. Not placed in a pediatric organized services patient care unit if a pediatric patient is admitted to and present in the pediatric organized services patient care unit, and
    - b. Transferred out of the pediatric organized services patient care unit to an appropriate level of care when a pediatric patient is admitted to the pediatric organized services patient care unit.
- F.** Subsection (G) only applies to a general hospital or rural general hospital that:
1. Does not provide pediatric organized services;

## Department of Health Services - Health Care Institutions: Licensing

2. Has designated in the general hospital's or rural general hospital's scope of services, inpatient services that are available to a pediatric patient;
  3. Has a licensed capacity of less than 100; and
  4. Is located in a county with a population of less than 500,000.
- G.** An administrator of a general hospital or rural general hospital that meets the criteria in subsection (F) shall ensure that:
1. There are pediatric-appropriate equipment and supplies available based on the hospital services designated for pediatric patients in the general hospital or rural general hospital's scope of services; and
  2. Personnel members that are or may be assigned to provide hospital services to a pediatric patient have the appropriate skills and knowledge for providing hospital services to a pediatric patient based on the general hospital's or rural general hospital's scope of services.
- H.** Subsection (I) only applies to a general hospital or a rural general hospital that:
1. Provides organized pediatric services in a patient care unit;
  2. Has designated in the general hospital's or rural general hospital's scope of services, inpatient services that are available to an adult patient in an organized pediatric services patient care unit;
  3. Has a licensed capacity of less than 100; and
  4. Is located in a county with a population of less than 500,000.
- I.** An administrator of a general hospital or rural general hospital that meets the criteria in subsection (H) shall comply with the requirements in subsection (E)(1).

**Historical Note**

Adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 18 A.A.R. 1719, effective June 30, 2012 (Supp. 12-2). Section R9-10-224 renumbered to R9-10-225; new Section R9-10-224 renumbered from R9-10-223 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-225. Psychiatric Services**

- A.** An administrator of a hospital that contains an organized psychiatric services unit or a special hospital licensed to provide psychiatric services shall ensure that in the organized psychiatric unit or special hospital:
1. Psychiatric services are provided under the direction of a medical staff member;
  2. An inpatient admitted to the organized psychiatric services unit or special hospital has a principal diagnosis of a mental disorder, a personality disorder, substance abuse, or a significant psychological or behavioral response to an identifiable stressor;
  3. Except in an emergency, a patient receives a nursing assessment before treatment for the patient is initiated;
  4. An individual whose medical needs cannot be met while the individual is an inpatient in an organized psychiatric services unit or a special hospital is not admitted to or is transferred out of the organized psychiatric services unit or special hospital;
  5. Policies and procedures for the organized psychiatric services unit or special hospital are established, documented, and implemented that:
    - a. Establish qualifications for medical staff members and personnel members who provide clinical oversight to behavioral health technicians;
    - b. Establish the process for patient assessment, including identification of a patient's medical conditions and criteria for the on-going monitoring of any identified medical condition;
    - c. Establish the process for developing and implementing a patient's care plan including:
      - i. Obtaining the patient's or the patient's representative's participation in the development of the patient's care plan;
      - ii. Ensuring that the patient is informed of the modality, frequency, and duration of any treatments that are included in the patient's care plan;
      - iii. Informing the patient that the patient has the right to refuse any treatment;
      - iv. Updating the patient's care plan and informing the patient of any changes to the patient's care plan; and
      - v. Documenting the actions in subsection (A)(5)(c)(i) through (iv) in the patient's medical record;
    - d. Establish the process for warning an identified or identifiable individual, as described in A.R.S. § 36-517.02 (B) through (C), if a patient communicates to a medical staff member or personnel member a threat of imminent serious physical harm or death to the individual and the patient has the apparent intent and ability to carry out the threat;
    - e. Establish the criteria for determining when an inpatient's absence is unauthorized, including whether the inpatient:
      - i. Was admitted under A.R.S. Title 36, Chapter 5, Articles 1, 2, or 3;
      - ii. Is absent against medical advice; or
      - iii. Is under 18 years of age;
    - f. Identify each type of restraint and seclusion used in the organized psychiatric services unit or special hospital and include for each type of restraint and seclusion used:
      - i. The qualifications of a medical staff member or personnel member who can:
        - (1) Order the restraint or seclusion,
        - (2) Place a patient in the restraint or seclusion,
        - (3) Monitor a patient in the restraint or seclusion,
        - (4) Evaluate a patient's physical and psychological well-being after being placed in the restraint or seclusion and when released from the restraint or seclusion, or
        - (5) Renew the order for restraint or seclusion;
      - ii. On-going training requirements for a medical staff member or personnel member who has direct patient contact while the patient is in a restraint or in seclusion; and
      - iii. Criteria for monitoring and assessing a patient including:
        - (1) Frequencies of monitoring and assessment based on a patient's condition, cognitive status, situational factors, and risks associated with the specific restraint or seclusion;
        - (2) For the renewal of an order for restraint or seclusion, whether an assessment is



## Department of Health Services - Health Care Institutions: Licensing

- required before the order is renewed and, if an assessment is required, who may conduct the assessment;
- (3) Assessment content, which may include, depending on a patient's condition, the patient's vital signs, respiration, circulation, hydration needs, elimination needs, level of distress and agitation, mental status, cognitive functioning, neurological functioning, and skin integrity;
  - (4) If a mechanical restraint is used, how often the mechanical restraint is monitored or loosened; and
  - (5) A process for meeting a patient's nutritional needs and elimination needs;
- g. Establish the criteria and procedures for renewing an order for restraint or seclusion;
  - h. Establish procedures for internal review of the use of restraint or seclusion;
  - i. Establish requirements for notifying the parent or guardian of a patient who is under 18 years of age and who is restrained or secluded; and
  - j. Establish medical record and personnel record documentation requirements for restraint and seclusion, if applicable;
6. If time out is used in the organized psychiatric services unit or special hospital, a time out:
    - a. Takes place in an area that is unlocked, lighted, quiet, and private;
    - b. Does not take place in the room approved for seclusion by the Department under R9-10-104;
    - c. Is time-limited and does not exceed two hours per incident or four hours per day;
    - d. Does not result in a patient's missing a meal if the patient is in time out at mealtime;
    - e. Includes monitoring of the patient by a medical staff member or personnel member at least once every 15 minutes to ensure the patient's health, safety, and welfare and to determine if the patient is ready to leave time out; and
    - f. Is documented in the patient's medical record, to include:
      - i. The date of the time out,
      - ii. The reason for the time out,
      - iii. The duration of the time out, and
      - iv. The action planned and taken to address the reason for the time out;
  7. Restraint or seclusion is:
    - a. Not used as a means of coercion, discipline, convenience, or retaliation;
    - b. Only used when all of the following conditions are met:
      - i. Except as provided in subsection (A)(8), after obtaining an order for the restraint or seclusion;
      - ii. For the management of a patient's aggressive, violent, or self-destructive behavior;
      - iii. When less restrictive interventions have been determined to be ineffective; and
      - iv. To ensure the immediate physical safety of the patient, to prevent imminent harm to the patient or another individual, or to stop physical harm to another individual; and
    - c. Discontinued at the earliest possible time;
  8. If as a result of a patient's aggressive, violent, or self-destructive behavior, harm to the patient or another individual is imminent or the patient or another individual is being physically harmed, a personnel member:
    - a. May initiate an emergency application of restraint or seclusion for the patient before obtaining an order for the restraint or seclusion, and
    - b. Obtains an order for the restraint or seclusion of the patient during the emergency application of the restraint or seclusion;
  9. Restraint or seclusion is:
    - a. Only ordered by a physician or a registered nurse practitioner, and
    - b. Not written as a standing order or on an as-needed basis;
  10. An order for restraint or seclusion includes:
    - a. The name of the individual ordering the restraint or seclusion;
    - b. The date and time that the restraint or seclusion was ordered;
    - c. The specific restraint or seclusion ordered;
    - d. If a drug is ordered as a chemical restraint, the drug's name, strength, dosage, and route of administration;
    - e. The specific criteria for release from restraint or seclusion without an additional order; and
    - f. The maximum duration authorized for the restraint or seclusion;
  11. An order for restraint or seclusion is limited to the duration of the emergency situation and does not exceed:
    - a. Four continuous hours for a patient who is 18 years of age or older,
    - b. Two continuous hours for a patient who is between the ages of nine and 17 years of age, or
    - c. One continuous hour for a patient who is younger than nine years of age;
  12. If restraint and seclusion are used on a patient simultaneously, the patient receives continuous:
    - a. Face-to-face monitoring by a medical staff member or personnel member, or
    - b. Video and audio monitoring by a medical staff member or personnel member who is in close proximity to the patient;
  13. If an order for restraint or seclusion of a patient is not provided by a medical practitioner coordinating the patient's medical services, the medical practitioner is notified as soon as possible;
  14. A medical staff member or personnel member does not participate in restraint or seclusion, monitor a patient during restraint or seclusion, or evaluate a patient after restraint or seclusion until the medical staff member or personnel member completes education and training that:
    - a. Includes:
      - i. Techniques to identify medical staff member, personnel member, and patient behaviors; events; and environmental factors that may trigger circumstances that require restraint or seclusion;
      - ii. The use of nonphysical intervention skills, such as de-escalation, mediation, conflict resolution, active listening, and verbal and observational methods;
      - iii. Techniques for identifying the least restrictive intervention based on an assessment of the patient's medical or behavioral health condition;
      - iv. The safe use of restraint and the safe use of seclusion, including training in how to recog-

## Department of Health Services - Health Care Institutions: Licensing

- nize and respond to signs of physical and psychological distress in a patient who is restrained or secluded;
  - v. Clinical identification of specific behavioral changes that indicate that the restraint or seclusion is no longer necessary;
  - vi. Monitoring and assessing a patient while the patient is in restraint or seclusion according to policies and procedures; and
  - vii. Training exercises in which medical staff members and personnel members successfully demonstrate the techniques that the medical staff members and personnel members have learned for managing emergency situations; and
  - b. Is provided by individuals qualified according to policies and procedures;
15. When a patient is placed in restraint or seclusion:
- a. The restraint or seclusion is conducted according to policies and procedures;
  - b. The restraint or seclusion is proportionate and appropriate to the severity of the patient's behavior and the patient's:
    - i. Chronological and developmental age;
    - ii. Size;
    - iii. Gender;
    - iv. Physical condition;
    - v. Medical condition;
    - vi. Psychiatric condition; and
    - vii. Personal history, including any history of physical or sexual abuse;
  - c. The physician or registered nurse practitioner who ordered the restraint or seclusion is available for consultation throughout the duration of the restraint or seclusion;
  - d. A patient is monitored and assessed according to policies and procedures;
  - e. A physician or other health professional authorized by policies and procedures assesses the patient within one hour after the patient is placed in the restraint or seclusion and determines:
    - i. The patient's current behavior,
    - ii. The patient's reaction to the restraint or seclusion used,
    - iii. The patient's medical and behavioral condition, and
    - iv. Whether to continue or terminate the restraint or seclusion;
  - f. The patient is given the opportunity:
    - i. To eat during mealtime, and
    - ii. To use the toilet; and
  - g. The restraint or seclusion is discontinued at the earliest possible time, regardless of the length of time identified in the order;
16. If a patient is placed in seclusion, the room used for seclusion:
- a. Is approved for use as a seclusion room by the Department under R9-10-104;
  - b. Is not used as a patient's bedroom or a sleeping area;
  - c. Allows full view of the patient in all areas of the room;
  - d. Is free of hazards, such as unprotected light fixtures or electrical outlets;
  - e. Contains at least 60 square feet of floor space; and
  - f. Except as provided in subsection (A)(17), contains a non-adjustable bed that:
    - i. Consists of a mattress on a solid platform that is:
      - (1) Constructed of a durable, non-hazardous material; and
      - (2) Raised off of the floor;
    - ii. Does not have wire springs or a storage drawer; and
    - iii. Is securely anchored in place;
17. If a room used for seclusion does not contain a non-adjustable bed required in subsection (A)(16)(f):
- a. A piece of equipment is available for use in the room used for seclusion that:
    - i. Is commercially manufactured to safely and humanely restrain a patient's body;
    - ii. Provides support to the trunk and head of a patient's body;
    - iii. Provides restraint to the trunk of a patient's body;
    - iv. Is able to restrict movement of a patient's arms, legs, trunk, and head;
    - v. Allows a patient's body to recline; and
    - vi. Does not inflict harm on a patient's body; and
  - b. Documentation of the manufacturer's specifications for the piece of equipment in subsection (A)(17)(a) is maintained;
18. A seclusion room may be used for services or activities other than seclusion if:
- a. A sign stating the service or activity scheduled or being provided in the room is conspicuously posted outside the room;
  - b. No permanent equipment other than the bed required in subsection (A)(16)(f) is in the room;
  - c. Policies and procedures are established, documented, and implemented that:
    - i. Delineate which services or activities other than seclusion may be provided in the room,
    - ii. List what types of equipment or supplies may be placed in the room for the delineated services, and
    - iii. Provide for the prompt removal of equipment and supplies from the room before the room is used for seclusion; and
  - d. The sign required in subsection (A)(18)(a) and equipment and supplies in the room, other than the bed required in subsection (A)(16)(f), are removed before a patient is placed in seclusion in the room;
19. A medical staff member or personnel member documents the following information in a patient's medical record before the end of the shift in which the patient is placed in restraint or seclusion or, if the patient's restraint or seclusion does not end during the shift in which it began, during the shift in which the patient's restraint or seclusion ends:
- a. The emergency situation that required the patient to be restrained or put in seclusion;
  - b. The times the patient's restraint or seclusion actually began and ended;
  - c. The time of the face-to-face assessment required in subsection (A)(12)(a);
  - d. The monitoring required in subsection (A)(12)(b) or (15)(d), as applicable;
  - e. The times the patient was given the opportunity to eat or use the toilet according to subsection (A)(15)(f); and

## Department of Health Services - Health Care Institutions: Licensing

- f. The names of the medical staff members and personnel members with direct patient contact while the patient was in the restraint or seclusion; and
  - 20. If an emergency situation continues beyond the time limit of an order for restraint or seclusion, the order is renewed according to policies and procedures.
- B.** An administrator of a hospital that provides opioid treatment services to an outpatient shall comply with the requirements in R9-10-1020.

**Historical Note**

Adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-225 renumbered to R9-10-227; new Section R9-10-225 renumbered from R9-10-224 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-226. Behavioral Health Observation/Stabilization Services**

An administrator of a hospital that is authorized to provide behavioral health observation/stabilizations services shall ensure that:

- 1. Behavioral health observation/stabilization services are provided according to the requirements in R9-10-1012, and
- 2. Restraint and seclusion are provided according to the requirements for restraint and seclusion in R9-10-225.

**Historical Note**

Adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-226 renumbered to R9-10-229; new Section R9-10-226 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-227. Rehabilitation Services**

An administrator shall ensure that:

- 1. If rehabilitation services are provided as an organized service, the rehabilitation services are provided under the direction of an individual qualified according to policies and procedures;
- 2. Rehabilitation services are provided according to an order; and
- 3. The medical record of a patient receiving rehabilitation services includes:
  - a. An order for rehabilitation services that includes the name of the ordering individual and a referring diagnosis,
  - b. A documented care plan that is developed in coordination with the ordering individual and the individual providing the rehabilitation services,
  - c. The rehabilitation services provided,
  - d. The patient's response to the rehabilitation services, and
  - e. The authentication of the individual providing the rehabilitation services.

**Historical Note**

Adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-227 renumbered to R9-10-231; new Sec-

tion R9-10-227 renumbered from R9-10-225 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-228. Multi-organized Service Unit**

**A.** A governing authority may designate the following as a multi-organized service unit:

- 1. An adult unit that provides both intensive care services and medical and nursing services other than intensive care services,
- 2. A pediatric unit that provides both intensive care services and medical and nursing services other than intensive care services,
- 3. A unit that provides both perinatal services and intensive care services for obstetrical patients,
- 4. A unit that provides both intensive care services for neonates and a continuing care nursery, or
- 5. A unit that provides medical and nursing services to adult and pediatric patients.

**B.** An administrator shall ensure that:

- 1. For a patient in a multi-organized service unit, a medical staff member designates in the patient's medical record which organized service is to be provided to the patient;
- 2. A multi-organized service unit is in compliance with the requirements in this Article that would apply if each organized service were offered as a single organized service unit; and
- 3. A multi-organized service unit and each bed in the unit are in compliance with physical plant health and safety codes and standards incorporated by reference in A.A.C. R9-1-412 for all organized services provided in the multi-organized service unit.

**Historical Note**

Adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 536, effective March 5, 2005 (Supp. 05-1). Section R9-10-228 renumbered to R9-10-213; new Section R9-10-228 renumbered from R9-10-234 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-229. Social Services**

An administrator of a hospital that provides social services shall ensure that:

- 1. A registered nurse or another personnel member designated according to policies and procedures coordinates social services;
- 2. If a personnel member provides social services that require a license under A.R.S. Title 32, Chapter 33, Article 5, the personnel member is licensed under A.R.S. Title 32, Chapter 33, Article 5;
- 3. A medical staff member, nurse, patient, patient's representative, or member of the patient's family may request social services;
- 4. A personnel member providing social services participates in discharge planning as necessary to meet the needs of a patient;
- 5. The patient has privacy when communicating with a personnel member providing social services; and
- 6. Social services provided to a patient are documented in the patient's medical record and the entries are authenticated by the individual providing the social services.

**Historical Note**

Adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8

## Department of Health Services - Health Care Institutions: Licensing

A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-229 renumbered to R9-10-230; new Section R9-10-229 renumbered from R9-10-226 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-230. Infection Control**

An administrator shall ensure that:

1. An infection control program that meets the requirements of this Section is established under the direction of an individual qualified according to policies and procedures;
2. An infection control program has a procedure for documenting:
  - a. The collection and analysis of infection control data,
  - b. The actions taken relating to infections and communicable diseases, and
  - c. Reports of communicable diseases to the governing authority and state and county health departments;
3. Infection control documents are maintained for at least 12 months after the date of the document;
4. Policies and procedures are established, documented, and implemented:
  - a. To prevent or minimize, identify, report, and investigate infections and communicable diseases that include:
    - i. Isolating a patient;
    - ii. Sterilizing equipment and supplies;
    - iii. Maintaining and storing sterile equipment and supplies;
    - iv. Using personal protective equipment such as gowns, masks, or face protection;
    - v. Disposing of biohazardous medical waste; and
    - vi. Moving and processing soiled linens and clothing;
  - b. That specify communicable diseases, medical conditions, or criteria that prevent an individual, a personnel member, or a medical staff member from:
    - i. Working in the hospital,
    - ii. Providing patient care, or
    - iii. Providing environmental services;
  - c. That establish criteria for determining whether a medical staff member is at an increased risk of exposure to infectious tuberculosis based on:
    - i. The level of risk in the area of the hospital premises where the medical staff member practices, and
    - ii. The work that the medical staff member performs; and
  - d. That establish the frequency of tuberculosis screening for an individual determined to be at an increased risk of exposure;
5. Tuberculosis screening is performed:
  - a. As part of a tuberculosis infection control program that complies with the Guidelines for Preventing the Transmission of *Mycobacterium tuberculosis* in Health-care Settings according to R9-10-113(2); or
  - b. Using a screening method described in R9-10-113(1), as follows:
    - i. For a personnel member, on or before the date the personnel member begins providing services at or on behalf of the hospital and at least once every 12 months thereafter or more frequently if the personnel member is determined to be at an increased risk of exposure based on the criteria in subsection (4)(c);

- ii. Except as required in subsection (4)(d), for a medical staff member, at least once every 24 months; and
- iii. For a medical staff member at an increased risk of exposure based on the criteria in subsection (4)(c), at the frequency required by policies and procedures, but no less frequently than once every 24 months;

6. Soiled linen and clothing are:
  - a. Collected in a manner to minimize or prevent contamination,
  - b. Bagged at the site of use, and
  - c. Maintained separate from clean linen and clothing and away from food storage, kitchen, or dining areas;
7. A personnel member washes hands or uses a hand disinfection product after each patient contact and after handling soiled linen, soiled clothing, or potentially infectious material;
8. An infection control committee is established according to policies and procedures and consists of:
  - a. At least one medical staff member,
  - b. The individual directing the infection control program, and
  - c. Other personnel identified in policies and procedures; and
9. The infection control committee:
  - a. Develops a plan for preventing, tracking, and controlling infections;
  - b. Reviews the type and frequency of infections and develops recommendations for improvement;
  - c. Meets and provides a quarterly written report for inclusion by the quality management program; and
  - d. Maintains a record of actions taken and minutes of meetings.

**Historical Note**

Adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-230 renumbered to R9-10-233; new Section R9-10-230 renumbered from R9-10-229 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-231. Dietary Services**

An administrator shall ensure that:

1. Dietary services are provided according to 9 A.A.C. 8, Article 1;
2. A copy of the hospital's food establishment license or permit under 9 A.A.C. 8, Article 1, is maintained;
3. For a hospital that contracts with a food establishment, as established in 9 A.A.C. 8, Article 1, to prepare and deliver food to the hospital, a copy of the contracted food establishment's license or permit under 9 A.A.C. 8, Article 1, is maintained;
4. If a hospital contracts with a food establishment to prepare and deliver food to the hospital, the hospital is able to store, refrigerate, and reheat food to meet the dietary needs of a patient;
5. Dietary services are provided under the direction of an individual qualified to direct the provision of dietary services according to policies and procedures;
6. There are personnel members on duty to meet the dietary needs of patients;

## Department of Health Services - Health Care Institutions: Licensing

7. Personnel members providing dietary services are qualified to provide dietary services according to policies and procedures;
8. A nutrition assessment of a patient is:
  - a. Performed according to policies and procedures, and
  - b. Communicated to the medical practitioner coordinating the patient's medical services if the nutrition assessment reveals a specific dietary need;
9. A medical staff member documents an order for a diet for each patient in the patient's medical record;
10. A current diet manual approved by a registered dietitian is available to personnel members and medical staff members; and
11. A patient's dietary needs are met 24 hours a day.

**Historical Note**

Former Section R9-10-231 renumbered as R9-10-320 as an emergency effective February 22, 1979, new Section R9-10-231 adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-231 renumbered to R9-10-232; new Section R9-10-231 renumbered from R9-10-227 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-232. Disaster Management**

An administrator shall ensure that:

1. A disaster plan is developed and documented that includes:
  - a. Procedures for protecting the health and safety of patients and other individuals;
  - b. Assigned personnel responsibilities; and
  - c. Instructions for the evacuation, transport, or transfer of patients, maintenance of medical records, and arrangements to provide any other hospital services to meet the patients' needs;
2. A plan exists for back-up power and water supply;
3. A fire drill is performed on each shift at least once every three months;
4. A disaster drill is performed on each shift at least once every 12 months;
5. Documentation of a fire drill required in subsection (3) and a disaster drill required in subsection (4) includes:
  - a. The date and time of the drill;
  - b. A critique of the drill; and
  - c. Recommendations for improvement, if applicable; and
6. Documentation of a fire drill or a disaster drill is maintained by the hospital for at least 12 months after the date of the drill.

**Historical Note**

Former Section R9-10-232 renumbered as R9-10-321 as an emergency effective February 22, 1979, new Section R9-10-232 adopted effective February 23, 1979 (Supp. 79-1). Section amended by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section R9-10-232 renumbered to R9-10-234; new Section R9-10-232 renumbered from R9-10-231 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13;

effective July 1, 2014 (Supp. 14-2).

**R9-10-233. Environmental Standards**

An administrator shall ensure that:

1. An individual providing environmental services who has the potential to transmit infectious tuberculosis to patients, as determined by the infection control risk assessment criteria in R9-10-230(4)(c), provides evidence of freedom from infectious tuberculosis:
  - a. Using a screening method described in R9-10-113(1), on or before the date the individual begins providing environmental services at or on behalf of the hospital and at least once every 12 months thereafter; or
  - b. According to R9-10-113(2);
2. The hospital premises and equipment are:
  - a. Cleaned and disinfected according to policies and procedures or manufacturer's instructions to prevent, minimize, and control infection or illness; and
  - b. Free from a condition or situation that may cause a patient or other individual to suffer physical injury;
3. A pest control program is implemented and documented;
4. The hospital maintains a tobacco smoke-free environment;
5. Biohazardous medical waste is identified, stored, and disposed of according to 18 A.A.C. 13, Article 14 and policies and procedures;
6. Equipment used to provide hospital services is:
  - a. Maintained in working order;
  - b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
  - c. Used according to the manufacturer's recommendations; and
7. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of the testing, calibration, or repair.

**Historical Note**

Former Section R9-10-233 renumbered as R9-10-322 as an emergency effective February 22, 1979, new Section R9-10-233 adopted effective February 23, 1979 (Supp. 79-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). Section expired under A.R.S. § 41-1056(E) at 14 A.A.R. 2374, effective February 29, 2008 (Supp. 08-2). New Section R9-10-233 renumbered from R9-10-230 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-234. Physical Plant Standards**

A. An administrator shall ensure that:

1. A hospital complies with the applicable physical plant health and safety codes and standards incorporated by reference in A.A.C. R9-1-412 in effect on the date the hospital submitted, according to R9-10-104, an application for an approval of architectural plans and specifications to the Department;
2. A hospital's premises or any part of the hospital premises is not leased to or used by another person;
3. A unit with inpatient beds is not used as a passageway to another health care institution; and
4. A hospital's premises are not licensed as more than one health care institution.

## Department of Health Services - Health Care Institutions: Licensing

- B. An administrator shall:
1. Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
  2. Make any repairs or corrections stated on the inspection report, and
  3. Maintain documentation of a current fire inspection report.

**Historical Note**

New Section made by final rulemaking 14 A.A.R. 4646, effective December 2, 2008 (Supp. 08-4). Section R9-10-234 renumbered to R9-10-228; new Section R9-10-234 renumbered from R9-10-232 and amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-235. Administrative Separation**

- A. In addition to the definitions in A.R.S. § 36-401, R9-10-101, and R9-10-201, the following definition applies in this Section: “Administrative separation” means the temporary isolation of a patient for the purpose of preserving the integrity of evidence during the course of a criminal investigation or for a situation where not isolating the patient presents a risk of serious harm to other individuals or a serious risk to the safety or security of a hospital.
- B. Only a hospital established according to A.R.S. § 36-202 may use administrative separation.
- C. An administrator appointed according to A.R.S. § 36-205 shall ensure that:
1. Administrative separation:
    - a. Is only used for a patient admitted to the hospital pursuant to a criminal court order; and
    - b. Is not used:
      - i. In conjunction with a restraint,
      - ii. As a method to manage behaviors, or
      - iii. If prohibited by law; and
  2. Policies and procedures are established, documented, and implemented for administrative separation that:
    - a. Include the process and criteria for requesting an administrative separation;
    - b. Include the process and deadlines for approving a request for an administrative separation;
    - c. Cover patient notification of the right to appeal the administrative separation and to file a complaint;
    - d. Include the process for providing a patient access to:
      - i. Incoming mail, and
      - ii. An advocate or legal representative;
    - e. Include the process for providing treatment to a patient while in administrative separation;
    - f. Include the process for establishing investigative goals; and
    - g. Include the process for determining when administrative separation will no longer be used for a patient.

**Historical Note**

New Section R9-10-235 made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**ARTICLE 3. BEHAVIORAL HEALTH INPATIENT FACILITIES**

*Article 3, consisting of Sections R9-10-311 through R9-10-333, repealed at 8 A.A.R. 2785, effective October 1, 2002 (Supp.*

*02-2).*

**R9-10-301. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following applies in this Article unless otherwise specified:

“Child and adolescent residential treatment services” means behavioral health services and physical health services provided in or by a behavioral health inpatient facility to a patient who is:

Under 18 years of age, or

Under 21 years of age and meets the criteria in R9-10-318(B).

**Historical Note**

New Section R9-10-301 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-302. Supplemental Application Requirements**

In addition to the license application requirements in A.R.S. § 36-422 and R9-10-105, an applicant for an initial license as a behavioral health inpatient facility shall include in a Department-provided format whether the applicant is requesting authorization to provide:

1. Inpatient services to individuals 18 years of age and older, including the licensed capacity requested;
2. Court-ordered pre-petition screening;
3. Court-ordered evaluation;
4. Court-ordered treatment;
5. Behavioral health observation/stabilization services, including the licensed occupancy requested for providing behavioral health observation/stabilization services to individuals:
  - a. Under 18 years of age, and
  - b. 18 years of age and older;
6. Child and adolescent residential treatment services, including the licensed capacity requested;
7. Detoxification services;
8. Seclusion;
9. Clinical laboratory services;
10. Radiology services; or
11. Diagnostic imaging services.

**Historical Note**

New Section R9-10-302 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-303. Administration**

- A. A governing authority shall:
1. Consist of one or more individuals responsible for the organization, operation, and administration of a behavioral health inpatient facility;
  2. Establish, in writing:
    - a. A behavioral health inpatient facility’s scope of services, and
    - b. Qualifications for an administrator;
  3. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);
  4. Adopt a quality management program according to R9-10-304;
  5. Review and evaluate the effectiveness of the quality management program at least once every 12 months;

## Department of Health Services - Health Care Institutions: Licensing

6. Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b), if the administrator is:
    - a. Expected not to be present on the behavioral health inpatient facility's premises for more than 30 calendar days, or
    - b. Not present on the behavioral health inpatient facility's premises for more than 30 calendar days; and
  7. Except as provided in subsection (A)(6), notify the Department according to A.R.S. § 36-425(I) when there is a change in the administrator and identify the name and qualifications of the new administrator.
- B. An administrator:**
1. Is directly accountable to the governing authority of a behavioral health inpatient facility for the daily operation of the behavioral health inpatient facility and for all services provided by or at the behavioral health inpatient facility;
  2. Has the authority and responsibility to manage the behavioral health inpatient facility; and
  3. Except as provided in subsection (A)(6), designates, in writing, an individual who is present on the behavioral health inpatient facility's premises and accountable for the behavioral health inpatient facility when the administrator is not present on the behavioral health inpatient facility's premises.
- C. An administrator shall ensure that:**
1. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
    - a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience for personnel members, employees, volunteers, and students;
    - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
    - c. Include how a personnel member may submit a complaint relating to services provided to a patient;
    - d. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;
    - e. Cover cardiopulmonary resuscitation training including:
      - i. The method and content of cardiopulmonary resuscitation training,
      - ii. The qualifications for an individual to provide cardiopulmonary resuscitation training,
      - iii. The time-frame for renewal of cardiopulmonary resuscitation training, and
      - iv. The documentation that verifies that the individual has received cardiopulmonary resuscitation training;
    - f. Cover first aid training;
    - g. Include a method to identify a patient to ensure the patient receives physical health and behavioral health services as ordered;
    - h. Cover patient rights, including assisting a patient who does not speak English or who has a physical or other disability to become aware of patient rights;
    - i. Cover specific steps for:
      - i. A patient to file a complaint, and
      - ii. The behavioral health inpatient facility to respond to a patient's complaint;
    - j. Cover health care directives;
    - k. Cover medical records, including electronic medical records;
  2. Cover quality management, including incident reports and supporting documentation;
  - m. Cover contracted services; and
  - n. Cover when an individual may visit a patient in the behavioral health inpatient facility;
- 2. Policies and procedures for behavioral health services and physical health services are established, documented, and implemented to protect the health and safety of a patient that:**
- a. Cover patient screening, admission, assessment, treatment plan, transport, transfer, discharge planning, and discharge;
  - b. Cover the provision of behavioral health services and physical health services;
  - c. Include when general consent and informed consent are required;
  - d. Cover restraint and, if applicable, seclusion;
  - e. Cover dispensing, administering, and disposing of medication, including provisions for inventory control and preventing diversion of controlled substances;
  - f. Cover prescribing a controlled substance to minimize substance abuse by a patient;
  - g. Cover infection control;
  - h. Cover telemedicine, if applicable;
  - i. Cover environmental services that affect patient care;
  - j. Cover patient outings;
  - k. Cover whether pets and animals are allowed on the premises, including procedures to ensure that any pets or animals allowed on the premises do not endanger the health or safety of patients or the public;
  - l. If the behavioral health inpatient facility is involved in research, cover the establishment or use of a Human Subject Review Committee;
  - m. Cover the process for receiving a fee from a patient and refunding a fee to a patient;
  - n. Cover the process for obtaining patient preferences for social, recreational, or rehabilitative activities and meals and snacks;
  - o. Cover the security of a patient's possessions that are allowed on the premises; and
  - p. Cover smoking and the use of tobacco products on the premises;
- 3. Policies and procedures are reviewed at least once every three years and updated as needed;**
- 4. Policies and procedures are available to personnel members, employees, volunteers and students; and**
- 5. Unless otherwise stated:**
- a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
  - b. When documentation or information is required by this Chapter to be submitted on behalf of a behavioral health inpatient facility, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the behavioral health inpatient facility.
- D. An administrator shall designate a:**
1. Medical director who:
    - a. Provides direction for physical health services provided by or at the behavioral health inpatient facility;
    - b. Is a physician or registered nurse practitioner; and

## Department of Health Services - Health Care Institutions: Licensing

- c. May be the same individual as the administrator, if the individual meets the qualifications in subsections (A)(2)(b) and (D)(1)(a) and (b);
  - 2. Clinical director who:
    - a. Provides direction for the behavioral health services provided by or at the behavioral health inpatient facility;
    - b. Is a behavioral health professional; and
    - c. May be the same individual as the administrator, if the individual meets the qualifications in subsections (A)(2)(b) and (D)(2)(a) and (b); and
  - 3. Registered nurse to provide direction for nursing services provided by or at the behavioral health inpatient facility.
- E. An administrator shall provide written notification to the Department of a patient's:
  - 1. Death, if the patient's death is required to be reported according to A.R.S. § 11-593, within one working day after the patient's death; and
  - 2. Self-injury, within two working days after the patient inflicts a self-injury that requires immediate intervention by an emergency medical services provider.
- F. Except as specified in R9-10-318(A)(1), if abuse, neglect, or exploitation of a patient is alleged or suspected to have occurred before the patient was admitted or while the patient is not on the premises and not receiving services from a behavioral health inpatient facility's employee or personnel member, an administrator shall report the alleged or suspected abuse, neglect, or exploitation of the patient according to A.R.S. § 46-454.
- G. If an administrator has a reasonable basis, according to A.R.S. § 46-454, to believe abuse, neglect, or exploitation has occurred on the premises or while a patient is receiving services from a behavioral health inpatient facility's employee or personnel member, the administrator shall:
  - 1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
  - 2. Report the suspected abuse, neglect, or exploitation of the patient according to A.R.S. § 46-454;
  - 3. Document:
    - a. The suspected abuse, neglect, or exploitation;
    - b. Any action taken according to subsection (G)(1); and
    - c. The report in subsection (G)(2);
  - 4. Maintain the documentation in subsection (G)(3) for at least 12 months after the date of the report in subsection (G)(2);
  - 5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (G)(2):
    - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
    - b. A description of any injury to the patient related to the suspected abuse or neglect and any change to the patient's physical, cognitive, functional, or emotional condition;
    - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
    - d. The actions taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
  - 6. Maintain a copy of the documented information required in subsection (G)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.
- H. An administrator shall establish and document the criteria for determining when a patient's absence is unauthorized, including the criteria for a patient who:
  - 1. Was admitted under A.R.S. Title 36, Chapter 5, Articles 1, 2, or 3;
  - 2. Is absent against medical advice; or
  - 3. Is under the age of 18.
- I. An administrator shall:
  - 1. For a patient who is under a court's jurisdiction, within an hour after determining that the patient's absence is unauthorized according to the criteria in subsection (H), notify the appropriate court or a person designated by the appropriate court;
  - 2. Document the notification in subsection (I)(1) and the written log required in subsection (I)(3);
  - 3. Maintain a written log of unauthorized absences for at least 12 months after the date of a patient's absence that includes the:
    - a. Name of a patient absent without authorization;
    - b. If applicable, name of the person notified as required in subsection (I)(1); and
    - c. Date of the notification; and
  - 4. Evaluate and take action related to unauthorized absences under the quality management program in R9-10-304.

**Historical Note**

New Section R9-10-303 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-304. Quality Management**

An administrator shall ensure that:

- 1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to patients;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to patient care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to patient care; and
  - e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
- 2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to patient care, and
  - b. Any changes made or actions taken as a result of the identification of a concern about the delivery of services related to patient care; and
- 3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

New Section R9-10-304 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014



## Department of Health Services - Health Care Institutions: Licensing

(Supp. 14-2).

**R9-10-305. Contracted Services**

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

New Section R9-10-305 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-306. Personnel****A.** An administrator shall ensure that:

1. A personnel member is:
  - a. At least 21 years old, or
  - b. At least 18 years old and is licensed or certified under A.R.S. Title 32 and providing services within the personnel member's scope of practice;
2. An employee is at least 18 years old;
3. A student is at least 18 years old; and
4. A volunteer is at least 21 years old.

**B.** An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of the patients receiving physical health services or behavioral health services from the personnel member according to the established job description; and
  - b. Include:
    - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
    - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
    - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
  - a. Before the personnel member provides physical health services or behavioral health services, and
  - b. According to policies and procedures; and
3. Sufficient personnel members are present on a behavioral health inpatient facility's premises with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the behavioral health inpatient facility's scope of services,
  - b. Meet the needs of a patient, and

- c. Ensure the health and safety of a patient.

- C.** An administrator shall comply with the requirements for behavioral health technicians and behavioral health paraprofessionals in R9-10-115.
- D.** An administrator shall ensure that an individual who is licensed under A.R.S. Title 32, Chapter 33 as a baccalaureate social worker, master social worker, associate marriage and family therapist, associate counselor, or associate substance abuse counselor is under direct supervision, as defined in A.A.C. R4-6-101.
- E.** An administrator shall ensure that a personnel member or an employee, volunteer, or student who has or is expected to have direct interaction with a patient, provides evidence of freedom from infectious tuberculosis:
  1. On or before the date the individual begins providing services at or on behalf of the behavioral health inpatient facility, and
  2. As specified in R9-10-113.
- F.** An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:
  1. The individual's name, date of birth, and contact telephone number;
  2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
  3. Documentation of:
    - a. The individual's qualifications, including skills and knowledge applicable to the employee's job duties;
    - b. The individual's education and experience applicable to the employee's job duties;
    - c. The individual's completed orientation and in-service education as required by policies and procedures;
    - d. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
    - e. The individual's qualifications and on-going training for each type of restraint or seclusion used, as required in R9-10-316;
    - f. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
    - g. Cardiopulmonary resuscitation training, if required for the individual according to R9-10-303(C)(1)(e);
    - h. First aid training, if required for the individual according to this Article or policies and procedures; and
    - i. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (E).
- G.** An administrator shall ensure that personnel records are:
  1. Maintained:
    - a. Throughout an individual's period of providing services in or for the behavioral health inpatient facility, and
    - b. For at least 24 months after the last date the individual provided services in or for the behavioral health inpatient facility; and
  2. For a personnel member who has not provided physical health services or behavioral health services at or for the behavioral health inpatient facility during the previous 12 months, provided to the Department within 72 hours after the Department's request.
- H.** An administrator shall ensure that:
  1. A plan to provide orientation specific to the duties of a personnel member, an employee, a volunteer, and a student is developed, documented, and implemented;

## Department of Health Services - Health Care Institutions: Licensing

2. A personnel member completes orientation before providing behavioral health services or physical health services;
  3. An individual's orientation is documented, to include:
    - a. The individual's name,
    - b. The date of the orientation, and
    - c. The subject or topics covered in the orientation;
  4. A clinical director develops, documents, and implements a plan to provide in-service education specific to the duties of a personnel member; and
  5. A personnel member's in-service education is documented, to include:
    - a. The personnel member's name,
    - b. The date of the training, and
    - c. The subject or topics covered in the training.
  - I. An administrator shall ensure that a behavioral health inpatient facility has a daily staffing schedule that:
    1. Indicates the date, scheduled work hours, and name of each employee assigned to work, including on-call personnel members;
    2. Includes documentation of the employees who work each calendar day and the hours worked by each employee; and
    3. Is maintained for at least 12 months after the last date on the daily staffing schedule.
  - J. An administrator shall ensure that:
    1. A physician or registered nurse practitioner is present on the behavioral health inpatient facility's premises or on-call,
    2. A registered nurse is present on the behavioral health inpatient facility's premises, and
    3. A registered nurse who provides direction for the nursing services provided at the behavioral health inpatient facility is present at the behavioral health inpatient facility at least 40 hours every week.
- Historical Note**
- New Section R9-10-306 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- R9-10-307. Admission; Assessment**
- Except as provided in R9-10-315(E) or (F), an administrator shall ensure that:
1. A patient is admitted based upon the patient's presenting behavioral health issue and treatment needs and the behavioral health inpatient facility's ability and authority to provide physical health services, behavioral health services, and ancillary services consistent with the patient's treatment needs;
  2. A patient is admitted on the order of a medical practitioner or clinical director;
  3. A medical practitioner or clinical director, authorized by policies and procedures to accept a patient for admission, is available;
  4. Except in an emergency or as provided in subsections (6) and (7), general consent is obtained from a patient or, if applicable, the patient's representative before or at the time of admission;
  5. The general consent obtained in subsection (4) or the lack of consent in an emergency is documented in the patient's medical record;
  6. General consent is not required from a patient receiving a court-ordered evaluation or court-ordered treatment;
  7. General consent is not required from a patient receiving treatment according to A.R.S. § 36-512;
  8. A medical practitioner performs a medical history and physical examination on a patient within 30 calendar days before admission or within 72 hours after admission and documents the medical history and physical examination in the patient's medical record within 72 hours after admission;
  9. If a medical practitioner performs a medical history and physical examination on a patient before admission, the medical practitioner enters an interval note into the patient's medical record within seven calendar days after admission;
  10. Except when a patient needs crisis services, a behavioral health assessment of a patient is completed before treatment for the patient is initiated;
  11. If a behavioral health assessment is conducted by a:
    - a. Behavioral health technician or registered nurse, within 24 hours a behavioral health professional, certified or licensed under A.R.S. Title 32 to provide the behavioral health services needed by the patient, reviews and signs the behavioral health assessment to ensure that the behavioral health assessment identifies the behavioral health services needed by the patient; or
    - b. Behavioral health paraprofessional, a behavioral health professional, certified or licensed under A.R.S. Title 32 to provide the behavioral health services needed by the patient, supervises the behavioral health paraprofessional during the completion of the behavioral health assessment and signs the behavioral health assessment to ensure that the behavioral health assessment identifies the behavioral health services needed by the patient;
  12. When a patient is admitted, a registered nurse:
    - a. Conducts a nursing assessment of a patient's medical condition and history;
    - b. Determines whether the:
      - i. Patient requires immediate physical health services, and
      - ii. Patient's behavioral health issue may be related to the patient's medical condition and history;
    - c. Documents the patient's nursing assessment and the determinations required in subsection (12)(b) in the patient's medical record; and
    - d. Signs the patient's medical record;
  13. A behavioral health assessment:
    - a. Documents the patient's:
      - i. Presenting issue;
      - ii. Substance abuse history;
      - iii. Co-occurring disorder;
      - iv. Legal history, including:
        - (1) Custody,
        - (2) Guardianship, and
        - (3) Pending litigation;
      - v. Court-ordered evaluation;
      - vi. Court-ordered treatment;
      - vii. Criminal justice record;
      - viii. Family history;
      - ix. Behavioral health treatment history;
      - x. Symptoms reported by the patient; and
      - xi. Referrals needed by the patient, if any; and
    - b. Includes:
      - i. Recommendations for further assessment or examination of the patient's needs;
      - ii. For a patient who:

## Department of Health Services - Health Care Institutions: Licensing

- (1) Is admitted to receive crisis services, the behavioral health services and physical health services that will be provided to the patient; or
  - (2) Does not need crisis services, the behavioral health services or physical health services that will be provided to the patient until the patient's treatment plan is completed; and
  - iii. The signature and date signed of the personnel member conducting the behavioral health assessment;
14. A patient is referred to a medical practitioner if a determination is made that the patient requires immediate physical health services or the patient's behavioral health issue may be related to the patient's medical condition;
  15. A request for participation in a patient's behavioral health assessment is made to the patient or the patient's representative;
  16. An opportunity for participation in the patient's behavioral health assessment is provided to the patient or the patient's representative;
  17. The request in subsection (15) and the opportunity in subsection (16) are documented in the patient's medical record;
  18. For a patient who is admitted to receive crisis services, the patient's behavioral health assessment is documented in the patient's medical record within 24 hours after admission;
  19. Except as provided in subsection (18), a patient's behavioral health assessment is documented in the patient's medical record within 48 hours after completing the assessment; and
  20. If the information listed in subsection (13) is obtained about a patient after the patient's behavioral health assessment is completed, an interval note, including the information, is documented in the patient's medical record within 48 hours after the information is obtained.
- c. The signature of the patient or the patient's representative and date signed, or documentation of the refusal to sign;
  - d. The date when the patient's treatment plan will be reviewed;
  - e. If a discharge date has been determined, the treatment needed after discharge; and
  - f. The signature of the personnel member who developed the treatment plan and the date signed;
5. If the treatment plan was completed by a behavioral health technician, reviewed and signed by a behavioral health professional within 24 hours after the completion of the treatment plan to ensure that the treatment plan meets the patient's treatment needs; and
  6. Reviewed and updated on an on-going basis:
    - a. According to the review date specified in the treatment plan,
    - b. When a treatment goal is accomplished or changes,
    - c. When additional information that affects the patient's behavioral health assessment is identified, and
    - d. When a patient has a significant change in condition or experiences an event that affects treatment.
- B.** An administrator shall ensure that:
1. A request for participation in developing a patient's treatment plan is made to the patient or the patient's representative;
  2. An opportunity for participation in developing the patient's treatment plan is provided to the patient or the patient's representative; and
  3. The request in subsection (B)(1) and the opportunity in subsection (B)(2) are documented in the patient's medical record.
- C.** If a patient who is admitted to receive crisis services remains admitted as a patient after the patient no longer needs crisis services, an administrator shall ensure that a treatment plan for the patient is:
1. Except for subsection (A)(3), completed according to the requirements in subsection (A); and
  2. Documented in the patient's medical record within 24 hours after the patient no longer needs crisis services.

**Historical Note**

New Section R9-10-307 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-308. Treatment Plan**

- A.** Except for a patient admitted to receive crisis services or as provided in R9-10-315(E) or (F), an administrator shall ensure that a treatment plan is developed and implemented for a patient that is:
1. Based on the behavioral health assessment and on-going changes to the behavioral health assessment of the patient;
  2. Completed:
    - a. By a behavioral health professional or by a behavioral health technician under the clinical oversight of a behavioral health professional, and
    - b. Before the patient receives treatment;
  3. Documented in the patient's medical record within 48 hours after the patient first receives treatment;
  4. Includes:
    - a. The patient's presenting issue;
    - b. The behavioral health services and physical health services to be provided to the patient;

**Historical Note**

New Section R9-10-308 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-309. Discharge**

- A.** Except as provided in R9-10-315(E) or (F), an administrator shall ensure that a discharge plan for a patient is:
1. Developed that:
    - a. Identifies any specific needs of the patient after discharge;
    - b. If the discharge date has been determined, includes the discharge date;
    - c. Is completed before discharge occurs; and
    - d. Includes a description of the level of care that may meet the patient's assessed and anticipated needs after discharge;
  2. Documented in the patient's medical record within 48 hours after the discharge plan is completed; and
  3. Provided to the patient or the patient's representative before the discharge occurs.
- B.** An administrator shall ensure that:

## Department of Health Services - Health Care Institutions: Licensing

1. A request for participation in developing a patient's discharge plan is made to the patient or the patient's representative,
  2. An opportunity for participation in developing the patient's discharge plan is provided to the patient or the patient's representative, and
  3. The request in subsection (B)(1) and the opportunity in subsection (B)(2) are documented in the patient's medical record.
- C.** An administrator shall ensure that a patient is discharged from a behavioral health inpatient facility when the patient's treatment needs are not consistent with the services that the behavioral health inpatient facility is authorized and able to provide.
- D.** An administrator shall ensure that there is a documented discharge order by a medical practitioner or behavioral health professional before a patient is discharged unless the patient leaves the behavioral health inpatient facility against a medical practitioner's or behavioral health professional's advice.
- E.** An administrator shall ensure that, at the time of discharge, a patient receives a referral for treatment or ancillary services that the patient may need after discharge, if applicable.
- F.** If a patient is discharged to any location other than a health care institution, an administrator shall ensure that:
1. Discharge instructions are documented, and
  2. The patient or the patient's representative is provided with a copy of the discharge instructions.
- G.** An administrator shall ensure that a discharge summary:
1. Is entered into the patient's medical record within 10 working days after a patient's discharge; and
  2. Includes:
    - a. The following information authenticated by a medical practitioner or behavioral health professional:
      - i. The patient's presenting issue and other physical health and behavioral health issues identified in the patient's nursing assessment, behavioral health assessment, or treatment plan;
      - ii. A summary of the treatment provided to the patient;
      - iii. The patient's progress in meeting treatment goals, including treatment goals that were and were not achieved; and
      - iv. The name, dosage, and frequency of each medication ordered for the patient by a medical practitioner at the behavioral health inpatient facility at the time of the patient's discharge; and
    - b. A description of the disposition of the patient's possessions, funds, or medications brought to the behavioral health inpatient facility by the patient.
- H.** An administrator shall ensure that a patient who is dependent upon a prescribed medication is offered detoxification services, opioid treatment, or a written referral to detoxification services or opioid treatment before the patient is discharged from the behavioral health inpatient facility if a medical practitioner for the behavioral health inpatient facility will not be prescribing the medication for the patient at or after discharge.
- A.** Except as provided in subsection (B), an administrator shall ensure that:
1. A personnel member coordinates the transport and the services provided to the patient;
  2. According to policies and procedures:
    - a. An evaluation of the patient is conducted before and after the transport,
    - b. Information from the patient's medical record is provided to a receiving health care institution,
    - c. A personnel member explains risks and benefits of the transport to the patient or the patient's representative, and
    - d. A personnel member communicates or documents why the personnel member did not communicate with an individual at a receiving health care institution; and
  3. The patient's medical record includes documentation of:
    - a. Communication or lack of communication with an individual at a receiving health care institution;
    - b. The date and time of the transport;
    - c. The mode of transportation; and
    - d. If applicable, the name of the personnel member accompanying the patient during a transport.
- B.** Subsection (A) does not apply to:
1. Transportation to a location other than a licensed health care institution,
  2. Transportation provided for a patient by the patient or the patient's representative,
  3. Transportation provided by an outside entity that was arranged for a patient by the patient or the patient's representative, or
  4. A transport to another licensed health care institution in an emergency.
- C.** Except for a transfer of a patient due to an emergency, an administrator shall ensure that:
1. A personnel member coordinates the transfer and the services provided to the patient;
  2. According to policies and procedures:
    - a. An evaluation of the patient is conducted before the transfer;
    - b. Information from the patient's medical record, including orders that are in effect at the time of the transfer, is provided to a receiving health care institution; and
    - c. A personnel member explains risks and benefits of the transfer to the patient or the patient's representative; and
  3. Documentation in the patient's medical record includes:
    - a. Communication with an individual at a receiving health care institution;
    - b. The date and time of the transfer;
    - c. The mode of transportation; and
    - d. If applicable, the name of the personnel member accompanying the patient during a transfer.

**Historical Note**

Adopted as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 4, 1979 (Supp. 79-3). Amended effective January 28, 1980 (Supp. 80-1). Repealed effective February 4, 1981 (Supp. 81-1). New Section R9-10-310 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014

**R9-10-310. Transport; Transfer****Historical Note**

New Section R9-10-309 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

## Department of Health Services - Health Care Institutions: Licensing

(Supp. 14-2).

**R9-10-311. Patient Rights****A.** An administrator shall ensure that:

1. The requirements in subsection (B) and the patient rights in subsection (D) are conspicuously posted on the premises;
2. At the time of admission, a patient or the patient's representative receives a written copy of the requirements in subsection (B) and the patient rights in subsection (D); and
3. Policies and procedures include:
  - a. How and when a patient or the patient's representative is informed of patient rights in subsection (D), and
  - b. Where patient rights are posted as required in subsection (A)(1).

**B.** An administrator shall ensure that:

1. A patient is treated with dignity, respect, and consideration;
2. A patient is not subjected to:
  - a. Abuse;
  - b. Neglect;
  - c. Exploitation;
  - d. Coercion;
  - e. Manipulation;
  - f. Sexual abuse;
  - g. Sexual assault;
  - h. Except as allowed under R9-10-316, restraint or seclusion;
  - i. Retaliation for submitting a complaint to the Department or another entity;
  - j. Misappropriation of personal and private property by the behavioral health inpatient facility's personnel members, employees, volunteers, or students;
  - k. Discharge or transfer, or threat of discharge or transfer, for reasons unrelated to the patient's treatment needs, except as established in a fee agreement signed by the patient or the patient's representative; or
  - l. Treatment that involves the denial of:
    - i. Food,
    - ii. The opportunity to sleep, or
    - iii. The opportunity to use the toilet;
3. Except as provided in subsection (C), a patient is allowed to:
  - a. Associate with individuals of the patient's choice, receive visitors, and make telephone calls during the hours established by the behavioral health inpatient facility;
  - b. Have privacy in correspondence, communication, visitation, financial affairs, and personal hygiene; and
  - c. Unless restricted by a court order, send and receive uncensored and unopened mail; and
4. Except as provided in R9-10-318, a patient or, if applicable, the patient's representative:
  - a. Except in an emergency, either consents to or refuses treatment;
  - b. May refuse or withdraw consent for treatment before treatment is initiated, unless the treatment is ordered by a court according to A.R.S. Title 36, Chapter 5; is necessary to save the patient's life or physical health; or is provided according to A.R.S. § 36-512;
  - c. Except in an emergency, is informed of alternatives to a proposed psychotropic medication and the asso-

ciated risks and possible complications of the proposed psychotropic medication;

**d.** Is informed of the following:

- i. The policy on health care directives, and
- ii. The patient complaint process; and

**e.** Except as otherwise permitted by law, provides written consent to the release of information in the patient's:

- i. Medical record, or
- ii. Financial records.

**C.** If a medical director or clinical director determines that a patient's treatment requires the behavioral health inpatient facility to restrict the patient's ability to participate in an activity in subsection (B)(3), the medical director or clinical director shall:

1. Document a specific treatment purpose in the patient's medical record that justifies restricting the patient from the activity,
2. Inform the patient of the reason why the activity is being restricted, and
3. Inform the patient of the patient's right to file a complaint and the procedure for filing a complaint.

**D.** A patient has the following rights:

1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
2. To receive treatment that:
  - a. Supports and respects the patient's individuality, choices, strengths, and abilities;
  - b. Supports the patient's personal liberty and only restricts the patient's personal liberty according to a court order, by the patient's or the patient's representative's general consent, or as permitted in this Chapter; and
  - c. Is provided in the least restrictive environment that meets the patient's treatment needs;
3. To receive privacy in treatment and care for personal needs, including the right not to be fingerprinted, photographed, or recorded without consent, except:
  - a. A patient may be photographed when admitted to a behavioral health inpatient facility for identification and administrative purposes;
  - b. For a patient receiving treatment according to A.R.S. Title 36, Chapter 37; or
  - c. For video recordings used for security purposes that are maintained only on a temporary basis;
4. Not to be prevented or impeded from exercising the patient's civil rights unless the patient has been adjudicated incompetent or a court of competent jurisdiction has found that the patient is not able to exercise a specific right or category of rights;
5. To review, upon written request, the patient's own medical record according to A.R.S. §§12-2293, 12-2294, and 12-2294.01;
6. To receive a referral to another health care institution if the behavioral health inpatient facility is not authorized or not able to provide physical health services or behavioral health services needed by the patient;
7. To participate or have the patient's representative participate in the development of a treatment plan or decisions concerning treatment;
8. To participate or refuse to participate in research or experimental treatment; and
9. To receive assistance from a family member, the patient's representative, or other individual in understanding, protecting, or exercising the patient's rights.

## Department of Health Services - Health Care Institutions: Licensing

**Historical Note**

Section R9-10-311, formerly numbered as R9-10-211, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-311 repealed, new Section R9-10-311 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-311 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-312. Medical Records****A.** An administrator shall ensure that:

1. A medical record is established and maintained for each patient according to A.R.S. Title 12, Chapter 13, Article 7.1;
2. An entry in a patient's medical record is:
  - a. Recorded only by a personnel member authorized by policies and procedures to make the entry;
  - b. Dated, legible, and authenticated; and
  - c. Not changed to make the initial entry illegible;
3. An order is:
  - a. Dated when the order is entered in the patient's medical record and includes the time of the order;
  - b. Authenticated by a medical practitioner or behavioral health professional according to policies and procedures; and
  - c. If the order is a verbal order, authenticated by the medical practitioner or behavioral health professional issuing the order;
4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
5. A patient's medical record is available to an individual:
  - a. Authorized according to policies and procedures to access the patient's medical record;
  - b. If the individual is not authorized according to policies and procedures, with the written consent of the patient or the patient's representative, or
  - c. As permitted by law; and
6. A patient's medical record is protected from loss, damage, or unauthorized use.

**B.** If a behavioral health inpatient facility maintains patients' medical records electronically, an administrator shall ensure that:

1. Safeguards exist to prevent unauthorized access, and
2. The date and time of an entry in a medical record is recorded by the computer's internal clock.

**C.** An administrator shall ensure that a patient's medical record contains:

1. Patient information that includes:
  - a. The patient's name;
  - b. The patient's address;
  - c. The patient's date of birth; and
  - d. Any known allergy, including medication allergies;
2. Medication information that includes:
  - a. Documentation of medication ordered for the patient; and
  - b. Documentation of medication administered to the patient that includes:
    - i. The date and time of administration;

- ii. The name, strength, dosage, amount, and route of administration;
  - iii. For a medication administered for pain on a PRN basis:
    - (1) An assessment of the patient's pain before administering the medication, and
    - (2) The effect of the medication administered;
  - iv. For a psychotropic medication administered on a PRN basis:
    - (1) An assessment of the patient's behavior before administering the psychotropic medication, and
    - (2) The effect of the psychotropic medication administered;
  - v. The identification and authentication of the individual administering the medication or providing assistance in the self-administration of the medication; and
  - vi. Any adverse reaction the patient has to the medication;
3. If applicable, documented general consent and informed consent by the patient or the patient's representative;
  4. If applicable, the name and contact information of the patient's representative and:
    - a. If the patient is 18 years of age or older or an emancipated minor, the document signed by the patient consenting for the patient's representative to act on the patient's behalf; or
    - b. If the patient's representative:
      - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
      - ii. Is a legal guardian, a copy of the court order establishing guardianship;
  5. The patient's medical history and results of a physical examination or an interval note;
  6. If the patient provides a health care directive, the health care directive signed by the patient or the patient's representative;
  7. An admitting diagnosis or presenting symptoms;
  8. The date of admission and, if applicable, the date of discharge;
  9. The name of the admitting medical practitioner or behavioral health professional;
  10. Orders;
  11. The patient's nursing assessment and behavioral health assessment and any interval notes;
  12. Treatment plans;
  13. Documentation of behavioral health services and physical health services provided to the patient;
  14. Progress notes;
  15. If applicable, documentation of restraint or seclusion;
  16. If applicable, documentation that evacuation from the behavioral health inpatient facility would cause harm to the patient;
  17. The disposition of the patient after discharge;
  18. The discharge plan;
  19. The discharge summary; and
  20. If applicable:
    - a. A laboratory report,
    - b. A radiologic report,
    - c. A diagnostic report, and
    - d. A consultation report.

## Department of Health Services - Health Care Institutions: Licensing

**Historical Note**

Section R9-10-312, formerly numbered as R9-10-212, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-312 repealed, new Section R9-10-312 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-312 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-313. Transportation; Patient Outings**

- A.** An administrator of a behavioral health inpatient facility that uses a vehicle owned or leased by the behavioral health inpatient facility to provide transportation to a patient shall ensure that:
- The vehicle:
    - Is safe and in good repair,
    - Contains a first aid kit,
    - Contains drinking water sufficient to meet the needs of each patient present in the vehicle, and
    - Contains a working heating and air conditioning system;
  - Documentation of current vehicle insurance and a record of maintenance performed or a repair of the vehicle is maintained;
  - A driver of the vehicle:
    - Is 21 years of age or older;
    - Has a valid driver license;
    - Operates the vehicle in a manner that does not endanger a patient in the vehicle;
    - Does not leave in the vehicle an unattended:
      - Child;
      - Patient who may be a threat to the health, safety, or welfare of the patient or another individual; or
      - Patient who is incapable of independent exit from the vehicle; and
    - Ensures the safe and hazard-free loading and unloading of patients; and
  - Transportation safety is maintained as follows:
    - An individual in the vehicle is sitting in a seat and wearing a working seat belt while the vehicle is in motion, and
    - Each seat in the vehicle is securely fastened to the vehicle and provides sufficient space for a patient's body.
- B.** An administrator shall ensure that an outing is consistent with the age, developmental level, physical ability, medical condition, and treatment needs of each patient participating in the outing.
- C.** An administrator shall ensure that:
- At least two personnel members are present on an outing;
  - In addition to the personnel members required in subsection (C)(1), a sufficient number of personnel members are present on an outing to ensure the health and safety of a patient on the outing;
  - Each personnel member on the outing has documentation of current training in cardiopulmonary resuscitation according to R9-10-303(C)(1)(e) and first aid training;
  - Documentation is developed before an outing that includes:
    - The name of each patient participating in the outing;

- A description of the outing;
  - The date of the outing;
  - The anticipated departure and return times;
  - The name, address, and, if available, telephone number of the outing destination; and
  - If applicable, the license plate number of a vehicle used to provide transportation for the outing;
- The documentation described in subsection (C)(4) is updated to include the actual departure and return times and is maintained for at least 12 months after the date of the outing; and
  - Emergency information for a patient participating in the outing is maintained by a personnel member participating in the outing or in the vehicle used to provide transportation for the outing and includes:
    - The patient's name;
    - Medication information, including the name, dosage, route of administration, and directions for each medication needed by the patient during the anticipated duration of the outing;
    - The patient's allergies; and
    - The name and telephone number of a designated individual, to notify in case of an emergency, who is present on the behavioral health inpatient facility's premises.

**Historical Note**

Section R9-10-313, formerly numbered as R9-10-213, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-313 repealed, new Section R9-10-313 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-313 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-314. Physical Health Services**

- A.** An administrator shall ensure that:
- Medical services are provided under the direction of a physician;
  - Nursing services are provided under the direction of a registered nurse; and
  - If a behavioral health inpatient facility is authorized to provide:
    - Clinical laboratory services, as defined in R9-10-101, the behavioral health inpatient facility complies with the requirements for clinical laboratory services in R9-10-219; or
    - Radiology services or diagnostic imaging services, the behavioral health inpatient facility complies with the requirements in R9-10-220.
- B.** An administrator shall ensure that, if a patient requires immediate medical services to ensure the patient's health and safety that the behavioral health inpatient facility is not authorized or not able to provide, a personnel member arranges for the patient to be transported to a hospital, another health care institution, or a health care provider where the medical services can be provided.

**Historical Note**

Section R9-10-314, formerly numbered as R9-10-214, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90

## Department of Health Services - Health Care Institutions: Licensing

days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-314 repealed, new Section R9-10-314 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-314 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-315. Behavioral Health Services**

- A.** An administrator shall ensure that:
- Behavioral health services listed in the behavioral health inpatient facility's scope of services are provided to meet the needs of a patient;
  - When behavioral health services are:
    - Listed in the behavioral health inpatient facility's scope of services, the behavioral health services are provided on the behavioral health inpatient facility's premises; and
    - Provided in a setting or activity with more than one patient participating, before a patient participates, the diagnoses, treatment needs, developmental levels, social skills, verbal skills, and personal histories, including any history of physical abuse or sexual abuse, of the patients participating are reviewed to ensure that the:
      - Health and safety of each patient is protected, and
      - Treatment needs of each patient participating in the setting or activity are being met; and
  - A patient does not share any space, participate in any activity or treatment, or verbally or physically interact with any other patient that, based on the other patient's documented diagnosis, treatment needs, developmental levels, social skills, verbal skills, and personal history, may present a threat to the patient's health and safety.
- B.** An administrator shall ensure that counseling is:
- Offered as described in the behavioral health inpatient facility's scope of services,
  - Provided according to the frequency and number of hours identified in the patient's treatment plan, and
  - Provided by a behavioral health professional or a behavioral health technician.
- C.** An administrator shall ensure that each counseling session is documented in a patient's medical record to include:
- The date of the counseling session;
  - The amount of time spent in the counseling session;
  - Whether the counseling was individual counseling, family counseling, or group counseling;
  - The treatment goals addressed in the counseling session; and
  - The signature of the personnel member who provided the counseling and the date signed.
- D.** An administrator of a behavioral health inpatient facility authorized to provide pre-petition screening shall ensure pre-petition screening is provided according to the pre-petition screening requirements in A.R.S. Title 36, Chapter 5.
- E.** An administrator of a behavioral health inpatient facility authorized to provide court-ordered evaluation shall ensure that court-ordered evaluation is provided according to the court-evaluation requirements in A.R.S. Title 36, Chapter 5.
- F.** An administrator is not required to comply with the following provisions in this Chapter for a patient receiving court-ordered evaluation:
- Admission requirements in R9-10-307,

- Patient assessment requirements in R9-10-307,
- Treatment plan requirements in R9-10-308, and
- Discharge requirements in R9-10-309.

- G.** An administrator of a behavioral health inpatient facility authorized to provide court-ordered treatment shall ensure that court-ordered treatment is provided according to the court-ordered treatment requirements in A.R.S. Title 36, Chapter 5.

**Historical Note**

Section R9-10-315, formerly numbered as R9-10-215, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-315 repealed, new Section R9-10-315 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-315 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-316. Seclusion; Restraint**

- A.** An administrator shall ensure that restraint is provided according to the requirements in subsection (C).
- B.** An administrator of a behavioral health inpatient facility authorized to provide seclusion shall ensure that:
- Seclusion is provided according to the requirements in subsection (C);
  - If a patient is placed in seclusion, the room used for seclusion:
    - Is approved for use as a seclusion room by the Department;
    - Is not used as a patient's bedroom or a sleeping area;
    - Allows full view of the patient in all areas of the room;
    - Is free of hazards, such as unprotected light fixtures or electrical outlets;
    - Contains at least 60 square feet of floor space; and
    - Except as provided in subsection (B)(3), contains a non-adjustable bed that:
      - Consists of a mattress on a solid platform that is:
        - Constructed of a durable, non-hazardous material; and
        - Raised off of the floor;
      - Does not have wire springs or a storage drawer; and
      - Is securely anchored in place;
  - If a room used for seclusion does not contain a non-adjustable bed required in subsection (B)(2)(f):
    - A piece of equipment is available that:
      - Is commercially manufactured to safely and humanely restrain a patient's body;
      - Provides support to the trunk and head of a patient's body;
      - Provides restraint to the trunk of a patient's body;
      - Is able to restrict movement of a patient's arms, legs, body, and head;
      - Allows a patient's body to recline; and
      - Does not inflict harm on a patient's body; and
    - Documentation of the manufacturer's specifications for the piece of equipment in subsection (B)(3)(a) is maintained; and



## Department of Health Services - Health Care Institutions: Licensing

4. A seclusion room may be used for services or activities other than seclusion if:
  - a. A sign stating the service or activity scheduled or being provided in the room is conspicuously posted outside the room;
  - b. No permanent equipment other than the bed required in subsection (B)(2)(f) is in the room;
  - c. Policies and procedures:
    - i. Delineate which services or activities other than seclusion may be provided in the room,
    - ii. List what types of equipment or supplies may be placed in the room for the delineated services, and
    - iii. Provide for the prompt removal of equipment and supplies from the room before the room is used for seclusion; and
  - d. The sign required in subsection (B)(4)(a) and equipment and supplies in the room, other than the bed required in subsection (B)(2)(f), are removed before use.
- C. An administrator shall ensure that:
  1. Policies and procedures for providing restraint or seclusion are established, documented, and implemented to protect the health and safety of a patient that:
    - a. Establish the process for patient assessment, including identification of a patient's medical conditions and criteria for the on-going monitoring of any identified medical condition;
    - b. Identify each type of restraint or seclusion used and include for each type of restraint or seclusion used:
      - i. The qualifications of a personnel member who can:
        - (1) Order the restraint or seclusion,
        - (2) Place a patient in the restraint or seclusion,
        - (3) Monitor a patient in the restraint or seclusion,
        - (4) Evaluate a patient's physical and psychological well-being after being placed in the restraint or seclusion and when released from the restraint or seclusion, or
        - (5) Renew the order for restraint or seclusion;
      - ii. On-going training requirements for a personnel member who has direct patient contact while the patient is in a restraint or seclusion; and
      - iii. Criteria for monitoring and assessing a patient including:
        - (1) Frequencies of monitoring and assessment based on a patient's medical condition and risks associated with the specific restraint or seclusion;
        - (2) For the renewal of an order for restraint or seclusion, whether an assessment is required before the order is renewed and, if an assessment is required, who may conduct the assessment;
        - (3) Assessment content, which may include, depending on a patient's condition, the patient's vital signs, respiration, circulation, hydration needs, elimination needs, level of distress and agitation, mental status, cognitive functioning, neurological functioning, and skin integrity;
        - (4) If a mechanical restraint is used, how often the mechanical restraint is loosened; and
        - (5) A process for meeting a patient's nutritional needs and elimination needs;
    - c. Establish the criteria and procedures for renewing an order for restraint or seclusion;
    - d. Establish procedures for internal review of the use of restraint or seclusion; and
    - e. Establish medical record and personnel record documentation requirements for restraint and seclusion, if applicable;
  2. An order for restraint or seclusion is:
    - a. Obtained from a physician or registered nurse practitioner, and
    - b. Not written as a standing order or on an as-needed basis;
  3. Restraint or seclusion is:
    - a. Not used as a means of coercion, discipline, convenience, or retaliation;
    - b. Only used when all of the following conditions are met:
      - i. Except as provided in subsection (C)(4), after obtaining an order for the restraint or seclusion;
      - ii. For the management of a patient's aggressive, violent, or self-destructive behavior;
      - iii. When less restrictive interventions have been determined to be ineffective; and
      - iv. To ensure the immediate physical safety of the patient, to prevent imminent harm to the patient or another individual, or to stop physical harm to another individual; and
    - c. Discontinued at the earliest possible time;
  4. If as a result of a patient's aggressive, violent, or self-destructive behavior, harm to the patient or another individual is imminent or the patient or another individual is being physically harmed, a personnel member:
    - a. May initiate an emergency application of restraint or seclusion for the patient before obtaining an order for the restraint or seclusion, and
    - b. Obtains an order for the restraint or seclusion of the patient during the emergency application of the restraint or seclusion;
  5. An order for restraint or seclusion includes:
    - a. The name of the physician or registered nurse practitioner ordering the restraint or seclusion;
    - b. The date and time that the restraint or seclusion was ordered;
    - c. The specific restraint or seclusion ordered;
    - d. If a drug is ordered as a chemical restraint, the drug's name, strength, dosage, and route of administration;
    - e. The specific criteria for release from restraint or seclusion without an additional order; and
    - f. The maximum duration authorized for the restraint or seclusion;
  6. An order for restraint or seclusion is limited to the duration of the emergency situation and does not exceed three continuous hours;
  7. If an order for restraint or seclusion of a patient is not provided by the patient's attending physician, the patient's attending physician is notified as soon as possible;
  8. A medical practitioner or personnel member does not participate in restraint or seclusion, assess or monitor a patient during restraint or seclusion, or evaluate a patient after restraint or seclusion, and a physician or registered nurse practitioner does not order restraint or seclusion, until the medical practitioner or personnel member, completes education and training that:

## Department of Health Services - Health Care Institutions: Licensing

- a. Includes:
    - i. Techniques to identify medical practitioner, personnel member, and patient behaviors, events, and environmental factors that may trigger circumstances that require restraint or seclusion;
    - ii. The use of nonphysical intervention skills, such as de-escalation, mediation, conflict resolution, active listening, and verbal and observational methods;
    - iii. Techniques for identifying the least restrictive intervention based on an assessment of the patient's medical or behavioral health condition;
    - iv. The safe use of restraint and the safe use of seclusion, including training in how to recognize and respond to signs of physical and psychological distress in a patient who is restrained or secluded;
    - v. Clinical identification of specific behavioral changes that indicate that the restraint or seclusion is no longer necessary;
    - vi. Monitoring and assessing a patient while the patient is in restraint or seclusion according to policies and procedures; and
    - vii. Except for the medical practitioner, training exercises in which the personnel member successfully demonstrates the techniques that the medical practitioner or personnel member has learned for managing emergency situations; and
  - b. Is provided by individuals qualified according to policies and procedures;
9. When a patient is placed in restraint or seclusion:
    - a. The restraint or seclusion is conducted according to policies and procedures;
    - b. The restraint or seclusion is proportionate and appropriate to the severity of the patient's behavior and the patient's:
      - i. Chronological and developmental age;
      - ii. Size;
      - iii. Gender;
      - iv. Physical condition;
      - v. Medical condition;
      - vi. Psychiatric condition; and
      - vii. Personal history, including any history of physical or sexual abuse;
    - c. The physician or registered nurse practitioner who ordered the restraint or seclusion is available for consultation throughout the duration of the restraint or seclusion;
    - d. The patient is monitored and assessed according to policies and procedures;
    - e. A physician or registered nurse assesses the patient within one hour after the patient is placed in the restraint or seclusion and determines:
      - i. The patient's current behavior,
      - ii. The patient's reaction to the restraint or seclusion used,
      - iii. The patient's medical and behavioral condition, and
      - iv. Whether to continue or terminate the restraint or seclusion;
    - f. The patient is given the opportunity:
      - i. To eat during mealtime, and
      - ii. To use the toilet; and
    - g. The restraint or seclusion is discontinued at the earliest possible time, regardless of the length of time identified in the order;
  10. A medical practitioner or personnel member documents the following information in a patient's medical record before the end of the shift in which the patient is placed in restraint or seclusion or, if the patient's restraint or seclusion does not end during the shift in which it began, during the shift in which the patient's restraint or seclusion ends:
    - a. The emergency situation that required the patient to be restrained or put in seclusion;
    - b. The times the patient's restraint or seclusion actually began and ended;
    - c. The time of the assessment required in subsection (C)(9)(e);
    - d. The monitoring required in subsection (C)(9)(d);
    - e. The names of the medical practitioners and personnel members with direct patient contact while the patient was in the restraint or seclusion;
    - f. The times the patient was given the opportunity to eat or use the toilet according to subsection (C)(9)(f); and
    - g. The patient evaluation required in subsection (C)(12);
  11. If an emergency situation continues beyond the time limit of an order for restraint or seclusion, the order is renewed according to policies and procedures that include:
    - a. The specific criteria for release from restraint or seclusion without an additional order, and
    - b. The maximum duration authorized for the restraint or seclusion; and
  12. A patient is evaluated after restraint or seclusion is no longer being used for the patient.

**Historical Note**

Section R9-10-316, formerly numbered as R9-10-216, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-316 repealed, new Section R9-10-316 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-316 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-317. Behavioral Health Observation/Stabilization Services**

- A. An administrator of a behavioral health inpatient facility authorized to provide behavioral health observation/stabilization services shall comply with the requirements for behavioral health observation/stabilization services in R9-10-1012.
- B. If a behavioral health inpatient facility is authorized to provide behavioral health observation/stabilization services to individuals under 18 years of age, an administrator shall ensure that, in addition to complying with the requirements in R9-10-1012, the behavioral health inpatient facility complies with the requirements for a patient under 18 years of age, personnel records, and physical plant in R9-10-318.

**Historical Note**

Section R9-10-317, formerly numbered as R9-10-221, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90

## Department of Health Services - Health Care Institutions: Licensing

days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-317 repealed, new Section R9-10-317 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-317 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-318. Child and Adolescent Residential Treatment Services**

- A.** An administrator of a behavioral health inpatient facility authorized to provide child and adolescent residential treatment services shall:
1. If abuse, neglect, or exploitation of a patient under 18 years of age is alleged or suspected to have occurred before the patient was accepted or while the patient is not on the premises and not receiving services from an employee or personnel member of the behavioral health inpatient facility, report the alleged or suspected abuse, neglect, or exploitation of the patient according to A.R.S. § 13-3620;
  2. If the administrator has a reasonable basis, according to A.R.S. § 13-3620, to believe that abuse, neglect, or exploitation of a patient under 18 years of age has occurred on the premises or while the patient is receiving services from an employee or a personnel member:
    - a. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
    - b. Report the suspected abuse, neglect, or exploitation of the patient according to A.R.S. § 13-3620;
    - c. Document:
      - i. The suspected abuse, neglect, or exploitation;
      - ii. Any action taken according to subsection (A)(2)(a); and
      - iii. The report in subsection (A)(2)(b);
    - d. Maintain the documentation in subsection (A)(2)(c) for at least 12 months after the date of the report in subsection (A)(2)(b);
    - e. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (A)(2)(b):
      - i. The dates, times, and description of the suspected abuse, neglect, or exploitation;
      - ii. A description of any injury to the patient related to the suspected abuse or neglect and any change to the patient's physical, cognitive, functional, or emotional condition;
      - iii. The names of witnesses to the suspected abuse, neglect, or exploitation; and
      - iv. The actions taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
    - f. Maintain a copy of the documented information required in subsection (A)(2)(e) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated;
  3. If a patient who is under 18 years of age is absent and the absence is unauthorized as determined according to the criteria in R9-10-303(H), within an hour after determining that the patient's absence is unauthorized, notify:
    - a. Except as provided in subsection (A)(3)(b), the patient's parent or legal guardian; and
    - b. For a patient who is under a court's jurisdiction, the appropriate court or a person designated by the appropriate court;
  4. Document the notification in subsection (A)(3) in the patient's medical record and the written log required in R9-10-303(I)(3);
  5. In addition to the personnel records requirements in R9-10-306(F), ensure that a personnel record for each employee, volunteer, and student contains documentation of the individual's compliance with the fingerprinting requirements in A.R.S. § 36-425.03;
  6. Ensure that the patient's representative for a patient who is under 18 years of age:
    - a. Except in an emergency, either consents to or refuses treatment;
    - b. May refuse or withdraw consent to treatment before treatment is initiated, unless the treatment is ordered by a court according to A.R.S. Title 36, Chapter 5 or A.R.S. § 8-341.01; is necessary to save the patient's life or physical health; or is provided according to A.R.S. § 36-512;
    - c. Except in an emergency, is informed of alternatives to a proposed psychotropic medication and the associated risks and possible complications of the proposed psychotropic medication;
    - d. Is informed of the following:
      - i. The policy on health care directives, and
      - ii. The patient complaint process; and
    - e. Except as otherwise permitted by law, provides written consent to the release of information in the patient's:
      - i. Medical record, or
      - ii. Financial records;
  7. In addition to the restrictions provided in R9-10-311(C), ensure that a parent of a patient under 18 years of age is allowed to restrict the patient from:
    - a. Associating with individuals of the patient's choice, receiving visitors, and making telephone calls during the hours established by the behavioral health inpatient facility;
    - b. Having privacy in correspondence, communication, visitation, financial affairs, and personal hygiene; and
    - c. Sending and receiving uncensored and unopened mail;
  8. Establish, document, and implement policies and procedures to ensure that a patient is protected from the following from other patients at the behavioral health inpatient facility:
    - a. Threats,
    - b. Ridicule,
    - c. Verbal harassment,
    - d. Punishment, or
    - e. Abuse;
  9. Ensure that:
    - a. The interior of the behavioral health inpatient facility has furnishings and decorations appropriate to the ages of the patients receiving services at the behavioral health inpatient facility;
    - b. A patient older than three years of age does not sleep in a crib;
    - c. Clean and non-hazardous toys, educational materials, and physical activity equipment are available and accessible to patients in a quantity sufficient to meet each patient's needs and are appropriate to each patient's age, developmental level, and treatment needs; and

## Department of Health Services - Health Care Institutions: Licensing

- d. A patient's educational needs are met by establishing and providing an educational component, approved in writing by the Arizona Department of Education;
- 10. In addition to the requirements for seclusion or restraint in R9-10-316, ensure that:
  - a. An order for restraint or seclusion is limited to the duration of the emergency situation and does not exceed:
    - i. Two continuous hours for a patient who is between the ages of nine and 17, or
    - ii. One continuous hour for a patient who is younger than nine; and
  - b. Requirements are established for notifying the parent or guardian of a patient who is under 18 years of age and who is restrained or secluded; and
- 11. Prohibit a patient under 18 years of age from possessing or using tobacco products on the premises.
- B.** An administrator of a behavioral health inpatient facility authorized to provide child and adolescent residential treatment services may continue to provide behavioral health services to a patient who is 18 years of age or older:
  - 1. If the patient:
    - a. Was admitted to the behavioral health inpatient facility before the patient's 18th birthday,
    - b. Is not 21 years of age or older, and
    - c. Is completing high school or a high school equivalency diploma or participating in a job training program; or
  - 2. Through the last calendar day of the month of the patient's 18th birthday.

**Historical Note**

Section R9-10-318, formerly numbered as R9-10-222, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-318 repealed, new Section R9-10-318 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-318 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). R9-10-318 renumbered to R9-10-319; new Section made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-319. Detoxification Services**

An administrator of a behavioral health inpatient facility authorized to provide detoxification services shall ensure that:

- 1. Detoxification services are available;
- 2. Policies and procedures state:
  - a. Whether the behavioral health inpatient facility is authorized to provide involuntary, court-ordered alcohol treatment;
  - b. Whether the behavioral health inpatient facility includes a local alcoholism reception center, as defined in A.R.S. § 36-2021;
  - c. The types of substances for which the behavioral health inpatient facility provides detoxification services;
  - d. The detoxification process or processes used by the behavioral health inpatient facility; and
  - e. When an adjustable bed can be used by a patient and what actions are necessary, including supervision, to protect the patient's health and safety when the patient is in an adjustable bed; and

- 3. A physician or registered nurse practitioner with skills and knowledge in providing detoxification services is present at the behavioral health inpatient facility or on-call.

**Historical Note**

Section R9-10-319, formerly numbered as R9-10-223, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-319 repealed, new Section R9-10-319 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-319 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). R9-10-319 renumbered to R9-10-320; new Section R9-10-319 renumbered from R9-10-318 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-320. Medication Services**

- A.** An administrator shall ensure that policies and procedures for medication services:

- 1. Include:
  - a. A process for providing information to a patient about medication prescribed for the patient including:
    - i. The prescribed medication's anticipated results,
    - ii. The prescribed medication's potential adverse reactions,
    - iii. The prescribed medication's potential side effects, and
    - iv. Potential adverse reactions that could result from not taking the medication as prescribed;
  - b. Procedures for preventing, responding to, and reporting:
    - i. A medication error,
    - ii. An adverse reaction to a medication, or
    - iii. A medication overdose;
  - c. Procedures to ensure that a patient's medication regimen is reviewed by a medical practitioner to ensure the medication regimen meets the patient's needs;
  - d. Procedures for documenting medication administration and assistance in the self-administration of medication;
  - e. Procedures for assisting a patient in obtaining medication; and
  - f. If applicable, procedures for providing medication administration or assistance in the self-administration of medication off the premises; and
- 2. Specify a process for review through the quality management program of:
  - a. A medication administration error, and
  - b. An adverse reaction to a medication.

- B.** If a behavioral health inpatient facility provides medication administration, an administrator shall ensure that:

- 1. Policies and procedures for medication administration:
  - a. Are reviewed and approved by a medical practitioner;
  - b. Specify the individuals who may:
    - i. Order medication, and
    - ii. Administer medication;
  - c. Ensure that medication is administered to a patient only as prescribed; and

## Department of Health Services - Health Care Institutions: Licensing

- d. Cover the documentation of a patient's refusal to take prescribed medication in the patient's medical record;
  2. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law; and
  3. A medication administered to a patient is:
    - a. Administered in compliance with an order, and
    - b. Documented in the patient's medical record.
- C. If a behavioral health inpatient facility provides assistance in the self-administration of medication, an administrator shall ensure that:
  1. A patient's medication is stored by the behavioral health inpatient facility;
  2. The following assistance is provided to a patient:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container for the patient;
    - c. Observing the patient while the patient removes the medication from the container;
    - d. Verifying that the medication is taken as ordered by the patient's medical practitioner by confirming that:
      - i. The patient taking the medication is the individual stated on the medication container label,
      - ii. The patient is taking the dosage of the medication stated on the medication container label or according to an order from a medical practitioner dated later than the date on the medication container label, and
      - iii. The patient is taking the medication at the time stated on the medication container label or according to an order from a medical practitioner dated later than the date on the medication container label; or
    - e. Observing the patient while the patient takes the medication;
  3. Policies and procedures for assistance in the self-administration of medication are reviewed and approved by a medical practitioner or registered nurse;
  4. Training for a personnel member, other than a medical practitioner or registered nurse, in assistance in the self-administration of medication:
    - a. Is provided by a medical practitioner or registered nurse or an individual trained by a medical practitioner or registered nurse; and
    - b. Includes:
      - i. A demonstration of the personnel member's skills and knowledge necessary to provide assistance in the self-administration of medication,
      - ii. Identification of medication errors and medical emergencies related to medication that require emergency medical intervention, and
      - iii. The process for notifying the appropriate entities when an emergency medical intervention is needed;
  5. A personnel member, other than a medical practitioner or registered nurse, completes the training in subsection (C)(4) before the personnel member provides assistance in the self-administration of medication; and
  6. Assistance in the self-administration of medication provided to a patient:
    - a. Is in compliance with an order, and
    - b. Is documented in the patient's medical record.
- D. An administrator shall ensure that:
  1. A current drug reference guide is available for use by personnel members;
  2. A current toxicology reference guide is available for use by personnel members; and
  3. If pharmaceutical services are provided on the premises:
    - a. A committee, composed of at least one physician, one pharmacist, and other personnel members as determined by policies and procedures, is established to:
      - i. Develop a drug formulary,
      - ii. Update the drug formulary at least once every 12 months,
      - iii. Develop medication usage and medication substitution policies and procedures, and
      - iv. Specify which medications and medication classifications are required to be stopped automatically after a specific time period unless the ordering medical practitioner specifically orders otherwise;
    - b. The pharmaceutical services are provided under the direction of a pharmacist;
    - c. The pharmaceutical services comply with A.R.S. Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23; and
    - d. A copy of the pharmacy license is provided to the Department upon request.
- E. When medication is stored at a behavioral health inpatient facility, an administrator shall ensure that:
  1. Medication is stored in a separate locked room, closet, or self-contained unit used only for medication storage;
  2. Medication is stored according to the instructions on the medication container; and
  3. Policies and procedures are established, documented, and implemented for:
    - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication, including expired medication;
    - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
    - c. A medication recall and notification of patients who received recalled medication; and
    - d. Storing, inventorying, and dispensing controlled substances.
- F. An administrator shall ensure that a personnel member immediately reports a medication error or a patient's adverse reaction to a medication to the medical practitioner who ordered the medication and, if applicable, the behavioral health inpatient facility's clinical director.

**Historical Note**

Section R9-10-320, formerly numbered as R9-10-231, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-320 repealed, new Section R9-10-320 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-320 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). R9-10-320 renumbered to R9-10-321; new Section R9-10-320 renumbered from R9-10-319 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-321. Food Services**

- A. An administrator shall ensure that:

## Department of Health Services - Health Care Institutions: Licensing

1. The behavioral health inpatient facility obtains a license or permit as a food establishment under 9 A.A.C. 8, Article 1;
  2. A copy of the behavioral health inpatient facility's food establishment license or permit is maintained;
  3. If a behavioral health inpatient facility contracts with a food establishment, as established in 9 A.A.C. 8, Article 1, to prepare and deliver food to the behavioral health inpatient facility:
    - a. A copy of the contracted food establishment's license or permit under 9 A.A.C. 8, Article 1 is maintained by the behavioral health inpatient facility; and
    - b. The behavioral health inpatient facility is able to store, refrigerate, and reheat food to meet the dietary needs of a patient;
  4. A registered dietitian is employed full-time, part-time, or as a consultant; and
  5. If a registered dietitian is not employed full-time, an individual is designated as a director of food services who consults with a registered dietitian as often as necessary to meet the nutritional needs of the patients.
- B.** A registered dietitian or director of food services shall ensure that:
1. A food menu:
    - a. Is prepared at least one week in advance,
    - b. Includes the foods to be served each day,
    - c. Is conspicuously posted at least one calendar day before the first meal on the food menu will be served,
    - d. Includes any food substitution no later than the morning of the day of meal service with a food substitution, and
    - e. Is maintained for at least 60 calendar days after the last day included in the food menu;
  2. Meals and snacks provided by the behavioral health inpatient facility are served according to posted menus;
  3. Meals and snacks for each day are planned using:
    - a. The applicable guidelines in <http://www.health.gov/dietaryguidelines/2010.asp>, and
    - b. Preferences for meals and snacks obtained from patients;
  4. A patient is provided:
    - a. A diet that meets the patient's nutritional needs as specified in the patient's assessment or treatment plan;
    - b. Three meals a day with not more than 14 hours between the evening meal and breakfast except as provided in subsection (B)(4)(d);
    - c. The option to have a daily evening snack identified in subsection (B)(4)(d)(ii) or other snack; and
    - d. The option to extend the time span between the evening meal and breakfast from 14 hours to 16 hours if:
      - i. A patient group agrees; and
      - ii. The patient is offered an evening snack that includes meat, fish, eggs, cheese, or other protein, and a serving from either the fruit and vegetable food group or the bread and cereal food group;
  5. A patient requiring assistance to eat is provided with assistance that recognizes the patient's nutritional, physical, and social needs, including the use of adaptive eating equipment or utensils; and
  6. Water is available and accessible to patients.
- C.** An administrator shall ensure that food is obtained, prepared, served, and stored as follows:
1. Food is free from spoilage, filth, or other contamination and is safe for human consumption;
  2. Food is protected from potential contamination;
  3. Food is prepared:
    - a. Using methods that conserve nutritional value, flavor, and appearance; and
    - b. In a form to meet the needs of a patient such as cut, chopped, ground, pureed, or thickened;
  4. Potentially hazardous food is maintained as follows:
    - a. Foods requiring refrigeration are maintained at 41° F or below; and
    - b. Foods requiring cooking are cooked to heat all parts of the food to a temperature of at least 145° F for 15 seconds, except that:
      - i. Ground beef and ground meats are cooked to heat all parts of the food to at least 155° F;
      - ii. Poultry, poultry stuffing, stuffed meats, and stuffing that contains meat are cooked to heat all parts of the food to at least 165° F;
      - iii. Pork and any food containing pork are cooked to heat all parts of the food to at least 155° F;
      - iv. Raw shell eggs for immediate consumption are cooked to at least 145° F for 15 seconds and any food containing raw shell eggs is cooked to heat all parts of the food to at least 155° F;
      - v. Roast beef and beef steak are cooked to an internal temperature of at least 155° F; and
      - vi. Leftovers are reheated to a temperature of at least 165° F;
  5. A refrigerator contains a thermometer, accurate to plus or minus 3° F, placed at the warmest part of the refrigerator;
  6. Frozen foods are stored at a temperature of 0° F or below; and
  7. Tableware, utensils, equipment, and food-contact surfaces are clean and in good repair.

**Historical Note**

Section R9-10-321, formerly numbered as R9-10-232, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-321 repealed, new Section R9-10-321 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-321 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). R9-10-321 renumbered to R9-10-322; new Section R9-10-321 renumbered from R9-10-320 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-322. Emergency and Safety Standards**

- A.** An administrator shall ensure that a behavioral health inpatient facility has:
1. A fire alarm system installed according to the National Fire Protection Association 72: National Fire Alarm and Signaling Code, incorporated by reference in A.A.C. R9-1-412, and a sprinkler system installed according to the National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems, incorporated by reference in A.A.C. R9-1-412, that are in working order; or
  2. An alternative method to ensure a patient's safety, documented and approved by the local jurisdiction.
- B.** An administrator shall ensure that:

## Department of Health Services - Health Care Institutions: Licensing

1. A disaster plan is developed, documented, maintained in a location accessible to personnel members and other employees, and, if necessary, implemented that includes:
    - a. When, how, and where patients will be relocated;
    - b. How a patient's medical record will be available to individuals providing services to the patient during a disaster;
    - c. A plan to ensure each patient's medication will be available to administer to the patient during a disaster; and
    - d. A plan for obtaining food and water for individuals present in the behavioral health inpatient facility or the behavioral health inpatient facility's relocation site during a disaster;
  2. The disaster plan required in subsection (B)(1) is reviewed at least once every 12 months;
  3. Documentation of a disaster plan review required in subsection (B)(2) is created, is maintained for at least 12 months after the date of the disaster plan review, and includes:
    - a. The date and time of the disaster plan review;
    - b. The name of each personnel member, employee, volunteer, or student participating in the disaster plan review;
    - c. A critique of the disaster plan review; and
    - d. If applicable, recommendations for improvement;
  4. A disaster drill for employees is conducted on each shift at least once every three months and documented;
  5. An evacuation drill for employees and patients:
    - a. Is conducted at least once every six months; and
    - b. Includes all individuals on the premises except for:
      - i. A patient whose medical record contains documentation that evacuation from the behavioral health inpatient facility would cause harm to the patient, and
      - ii. Sufficient personnel members to ensure the health and safety of patients not evacuated according to subsection (B)(5)(b)(i);
  6. Documentation of each evacuation drill is created, is maintained for at least 12 months after the date of the evacuation drill, and includes:
    - a. The date and time of the evacuation drill;
    - b. The amount of time taken for employees and patients to evacuate to a designated area;
    - c. If applicable:
      - i. An identification of patients needing assistance for evacuation, and
      - ii. An identification of patients who were not evacuated;
    - d. Any problems encountered in conducting the evacuation drill; and
    - e. Recommendations for improvement, if applicable; and
  7. An evacuation path is conspicuously posted on each hallway of each floor of the behavioral health inpatient facility.
- C. An administrator shall:**
1. Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
  2. Make any repairs or corrections stated on the fire inspection report, and
  3. Maintain documentation of a current fire inspection.

**Historical Note**

Section R9-10-322, formerly numbered as R9-10-233, renumbered as an emergency effective February 22,

1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-322 repealed, new Section R9-10-322 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-322 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). R9-10-322 renumbered to R9-10-323; new Section R9-10-322 renumbered from R9-10-321 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-323. Environmental Standards**

- A. An administrator shall ensure that:**
1. The premises and equipment are:
    - a. Cleaned and, if applicable, disinfected according to policies and procedures designed to prevent, minimize, and control illness or infection; and
    - b. Free from a condition or situation that may cause a patient or other individual to suffer physical injury;
  2. A pest control program is implemented and documented;
  3. Biohazardous medical waste is identified, stored, and disposed of according to 18 A.A.C. 13, Article 14 and policies and procedures;
  4. Equipment used at the behavioral health inpatient facility is:
    - a. Maintained in working order;
    - b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
    - c. Used according to the manufacturer's recommendations;
  5. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of the testing, calibration, or repair;
  6. Garbage and refuse are:
    - a. In areas used for food storage, food preparation, or food service, stored in covered containers lined with plastic bags;
    - b. In areas not used for food storage, food preparation, or food service, stored:
      - i. According to the requirements in subsection (6)(a), or
      - ii. In a paper-lined container that is cleaned and sanitized as often as necessary to ensure that the container is clean; and
    - c. Removed from the premises at least once a week;
  7. Heating and cooling systems maintain the behavioral health inpatient facility at a temperature between 70° F and 84° F;
  8. Common areas:
    - a. Are lighted to assure the safety of patients, and
    - b. Have lighting sufficient to allow personnel members to monitor patient activity;
  9. Hot water temperatures are maintained between 95° F and 120° F in the areas of a behavioral health inpatient facility used by patients;
  10. The supply of hot and cold water is sufficient to meet the personal hygiene needs of patients and the cleaning and sanitation requirements in this Article;
  11. Soiled linen and soiled clothing stored by the behavioral health inpatient facility are maintained separate from clean linen and clothing and stored in closed containers away from food storage, kitchen, and dining areas;
  12. Oxygen containers are secured in an upright position;

## Department of Health Services - Health Care Institutions: Licensing

13. Poisonous or toxic materials stored by the behavioral health inpatient facility are maintained in labeled containers in a locked area separate from food preparation and storage, dining areas, and medications and are inaccessible to patients;
  14. Combustible or flammable liquids and hazardous materials stored by a behavioral health inpatient facility are stored in the original labeled containers or safety containers in a locked area inaccessible to patients;
  15. If pets or animals are allowed in the behavioral health inpatient facility, pets or animals are:
    - a. Controlled to prevent endangering the patients and to maintain sanitation;
    - b. Licensed consistent with local ordinances; and
    - c. For a dog or cat, vaccinated against rabies;
  16. If a water source that is not regulated under 18 A.A.C. 4 by the Arizona Department of Environmental Quality is used:
    - a. The water source is tested at least once every 12 months for total coliform bacteria and fecal coliform or *E. coli* bacteria;
    - b. If necessary, corrective action is taken to ensure the water is safe to drink; and
    - c. Documentation of testing is maintained for at least 12 months after the date of the test; and
  17. If a non-municipal sewage system is used, the sewage system is in working order and is maintained according to applicable state laws and rules.
- B.** An administrator shall ensure that:
1. Smoking tobacco products is not permitted within a behavioral health inpatient facility; and
  2. Except as provided in R9-10-318(A)(11), smoking tobacco products may be permitted on the premises outside a behavioral health inpatient facility if:
    - a. Signs designating smoking areas are conspicuously posted, and
    - b. Smoking is prohibited in areas where combustible materials are stored or in use.
- C.** If a swimming pool is located on the premises, an administrator shall ensure that:
1. At least one personnel member with cardiopulmonary resuscitation training that meets the requirements in R9-10-303(C)(1)(e) is present in the pool area when a patient is in the pool area, and
  2. At least two personnel members are present in the pool area when two or more patients are in the pool area.
- Historical Note**
- Section R9-10-323, formerly numbered as R9-10-234, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-323 repealed, new Section R9-10-323 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-323 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). R9-10-323 renumbered to R9-10-324; new Section R9-10-323 renumbered from R9-10-322 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- R9-10-324. Physical Plant Standards**
- A.** An administrator shall ensure that the premises and equipment are sufficient to accommodate:
1. The services stated in the behavioral health inpatient facility's scope of services, and
  2. An individual accepted as a patient by the behavioral health inpatient facility.
- B.** An administrator shall ensure that:
1. A behavioral health inpatient facility has a:
    - a. Waiting area with seating for patients and visitors;
    - b. Room that provides privacy for a patient to receive treatment or visitors; and
    - c. Common area and a dining area that:
      - i. Are not converted, partitioned, or otherwise used as a sleeping area; and
      - ii. Contain furniture and materials to accommodate the recreational and socialization needs of the patients and other individuals in the behavioral health inpatient facility;
  2. A bathroom is available for use by visitors during the behavioral health inpatient facility's hours of operation and:
    - a. Provides privacy; and
    - b. Contains:
      - i. A working sink with running water,
      - ii. A working toilet that flushes and has a seat,
      - iii. Toilet tissue,
      - iv. Soap for hand washing,
      - v. Paper towels or a mechanical air hand dryer,
      - vi. Lighting, and
      - vii. A window that opens or another means of ventilation;
  3. For every six patients, there is at least one working toilet that flushes and has a seat and one sink with running water;
  4. For every eight patients, there is at least one working bathtub or shower with a slip-resistant surface;
  5. A patient bathroom complies with the following:
    - a. Provides privacy when in use;
    - b. Contains:
      - i. A shatterproof mirror, unless the patient's treatment plan requires otherwise;
      - ii. A window that opens or another means of ventilation; and
      - iii. Nonporous surfaces for shower enclosures and slip-resistant surfaces in tubs and showers;
    - c. Has plumbing, piping, ductwork, or other potentially hazardous elements concealed above a ceiling;
    - d. If the bathroom or shower area has a door, the door swings outward to allow for staff emergency access;
    - e. If grab bars for the toilet and tub or shower or other assistive devices are identified in the patient's treatment plan, has grab bars or other assistive devices to provide for patient safety;
    - f. If a grab bar is provided, has the space between the grab bar and the wall filled to prevent a cord being tied around the grab bar;
    - g. Does not contain a towel bar, a shower curtain rod, or a lever handle that is not a specifically designed anti-ligature lever handle;
    - h. Has tamper-resistant lighting fixtures, sprinkler heads, and electrical outlets; and
    - i. For a bathroom with a sprinkler head where a patient is not supervised while the patient is in the bathroom, has a sprinkler head that is recessed or designed to minimize patient access;
  6. If a patient bathroom door locks from the inside, an employee has a key and access to the bathroom;
  7. Each patient is provided a bedroom for sleeping;



## Department of Health Services - Health Care Institutions: Licensing

8. A patient bedroom complies with the following:
    - a. Is not used as a common area;
    - b. Is not used as a passageway to another bedroom or bathroom unless the bathroom is for the exclusive use of a patient occupying the bedroom;
    - c. Contains a door that opens into a hallway, common area, or outdoors and, except as provided in subsection (E), another means of egress;
    - d. Is constructed and furnished to provide unimpeded access to the door;
    - e. Has window or door covers that provide patient privacy;
    - f. Has floor to ceiling walls;
    - g. Is a:
      - i. Private bedroom that contains at least 60 square feet of floor space, not including the closet; or
      - ii. Shared bedroom that:
        - (1) Is shared by no more than four patients;
        - (2) Contains, except as provided in subsection (B)(9), at least 60 square feet of floor space, not including a closet, for each patient occupying the bedroom; and
        - (3) Provides sufficient space between beds to ensure that a patient has unobstructed access to the bedroom door;
    - h. Contains for each patient occupying the bedroom:
      - i. A bed that is: at least 36 inches wide and at least 72 inches long, and consists of at least a frame and mattress and linens that is not a threat to health and safety; and
      - ii. Individual storage space for personal effects and clothing such as shelves, a dresser, or chest of drawers;
    - i. Has clean linen for each bed including mattress pad, sheets large enough to tuck under the mattress, pillows, pillow cases, bedspread, waterproof mattress covers as needed, and blankets to ensure warmth and comfort for each patient;
    - j. Has sufficient lighting for a patient occupying the bedroom to read; and
    - k. If applicable, has a drawer pull that is recessed to eliminate the possibility of use as a tie-off point;
  9. If a behavioral health inpatient facility licensed before November 1, 2003 was approved for 50 square feet of floor space for each patient in a bedroom, ensure that the bedroom contains at least 50 square feet for each patient not including the closet;
  10. In a patient bathroom or a patient bedroom:
    - a. The ceiling is secured from access or at least 9 feet in height; and
    - b. A ventilation grille is:
      - i. Secured and has perforations that are too small to use as a tie-off point, or
      - ii. Of sufficient height to prevent patient access;
  11. For a door located in an area of the behavioral health inpatient facility that is accessible to patients:
    - a. A door closing device, if used on a patient bedroom door, is mounted on the public side of the door;
    - b. A door's hinges are designed to minimize points for hanging;
    - c. Except for a door lever handle that contains specifically designed anti-ligature hardware, a door lever handle points downward when in the latched or unlatched position; and
    - d. Hardware has tamper-resistant fasteners; and
  12. A window located in an area of the behavioral health inpatient facility that is accessible to patients is fabricated with laminated safety glass or protected by polycarbonate, laminate, or safety screens.
- C.** An administrator of a licensed behavioral health inpatient facility may submit a request, in a Department-provided format, for additional time to comply with a physical plant requirement in subsection (B)(5)(c) through (B)(5)(i), (B)(10), (B)(11), or (B)(12) that includes:
1. The rule citation for the specific plant requirement,
  2. The current physical plant condition that does not comply with the physical plant requirement,
  3. How the current physical plant condition will be changed to comply with the physical plant requirement,
  4. Estimated completion date of the identified physical plant change, and
  5. Specific actions taken to ensure the health and safety of a patient until the physical plant requirement is met.
- D.** When the Department receives a request for additional time to comply with a physical plant requirement in subsection (B)(5)(c) through (B)(5)(i), (B)(10), (B)(11), or (B)(12) submitted according to subsection (C), the Department may approve the request for up to 24 months after the effective date of these rules based on:
1. The behavioral health inpatient facility's scope of services,
  2. The expected patient acuity based on the behavioral health inpatient facility's scope of services,
  3. The specific physical plant requirement in the request, and
  4. The threat to patients' health and safety.
- E.** A bedroom in a behavioral health inpatient facility is not required to have a second means of egress if:
1. An administrator ensures that policies and procedures are established, documented, and implemented that provide for the safe evacuation of a patient in the bedroom based on the patient's physical and mental limitations and the location of the bedroom; or
  2. The building where the bedroom is located has a fire alarm system and a sprinkler system required in R9-10-322(A)(1).
- F.** If a swimming pool is located on the premises, an administrator shall ensure that:
1. The swimming pool is enclosed by a wall or fence that:
    - a. Is at least five feet in height as measured on the exterior of the wall or fence;
    - b. Has no vertical openings greater than four inches across;
    - c. Has no horizontal openings, except as described in subsection (F)(1)(e);
    - d. Is not chain-link;
    - e. Does not have a space between the ground and the bottom fence rail that exceeds four inches in height; and
    - f. Has a self-closing, self-latching gate that:
      - i. Opens away from the swimming pool,
      - ii. Has a latch located at least 54 inches from the ground, and
      - iii. Is locked when the swimming pool is not in use; and
  2. A life preserver or shepherd's crook is available and accessible in the pool area.
- G.** An administrator shall ensure that a spa that is not enclosed by a wall or fence as described in subsection (F)(1) is covered and locked when not in use.

## Department of Health Services - Health Care Institutions: Licensing

**Historical Note**

Section R9-10-324, formerly numbered as R9-10-235, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-324 repealed, new Section R9-10-324 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-324 renumbered from R9-10-323 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-325. Repealed****Historical Note**

Section R9-10-325, formerly numbered as R9-10-236, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-325 repealed, new Section R9-10-325 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-326. Repealed****Historical Note**

Section R9-10-326, formerly numbered as R9-10-237, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-326 repealed, new Section R9-10-326 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-327. Repealed****Historical Note**

Section R9-10-327, formerly numbered as R9-10-241, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-327 repealed, new Section R9-10-327 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-328. Repealed****Historical Note**

Section R9-10-328, formerly numbered as R9-10-242, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-328 repealed, new Section R9-10-328 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-329. Repealed****Historical Note**

Section R9-10-329, formerly numbered as R9-10-243, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-329 repealed, new Section R9-10-329 adopted effective February 4, 1981

(Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-330. Repealed****Historical Note**

Section R9-10-330, formerly numbered as R9-10-244, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-330 repealed, new Section R9-10-330 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-331. Repealed****Historical Note**

Section R9-10-331, formerly numbered as R9-10-245, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-331 repealed, new Section R9-10-331 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-332. Repealed****Historical Note**

Section R9-10-332, formerly numbered as R9-10-246, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-332 repealed, new Section R9-10-332 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-333. Repealed****Historical Note**

Section R9-10-333, formerly numbered as R9-10-247, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Former Section R9-10-333 repealed, new Section R9-10-333 adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-334. Repealed****Historical Note**

Section R9-10-334, formerly numbered as R9-10-249, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Repealed effective February 4, 1981 (Supp. 81-1).

**R9-10-335. Repealed****Historical Note**

Section R9-10-335, formerly numbered as R9-10-250, renumbered as an emergency effective February 22, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective June 14, 1979 (Supp. 79-3). Repealed effective February 4, 1981 (Supp. 81-1).

## Department of Health Services - Health Care Institutions: Licensing

**ARTICLE 4. NURSING CARE INSTITUTIONS**

*Article 4, consisting of Sections R9-10-411 through R9-10-438, repealed at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).*

**R9-10-401. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following definitions apply in this Article unless otherwise specified:

1. "Administrator" has the meaning in A.R.S. § 36-446.
2. "Care plan" means a documented description of physical health services and behavioral health services expected to be provided to a resident, based on the resident's comprehensive assessment, that includes measurable objectives and the methods for meeting the objectives.
3. "Direct care" means medical services, nursing services, or social services provided to a resident.
4. "Director of nursing" means an individual who is responsible for the nursing services provided in a nursing care institution.
5. "Full-time" means 40 hours or more every consecutive seven calendar days.
6. "Highest practicable" means a resident's optimal level of functioning and well-being based on the resident's current functional status and potential for improvement as determined by the resident's comprehensive assessment.
7. "Interdisciplinary team" means a group of individuals consisting of a resident's attending physician, a registered nurse responsible for the resident, and other individuals as determined in the resident's comprehensive assessment.
8. "Intermittent" means not on a regular basis.
9. "Nursing care institution services" means medical services, nursing services, health-related services, ancillary services, social services, and environmental services provided to a resident.
10. "Resident group" means residents or residents' family members who:
  - a. Plan and participate in resident activities, or
  - b. Meet to discuss nursing care institution issues and policies.
11. "Secured" means the use of a method, device, or structure that:
  - a. Prevents a resident from leaving an area of the nursing care institution's premises, or
  - b. Alerts a personnel member of a resident's departure from the nursing care institution.
12. "Social services" means assistance provided to or activities provided for a resident to maintain or improve the resident's physical, mental, and psychosocial capabilities.
13. "Total health condition" means a resident's overall physical and psychosocial well-being as determined by the resident's comprehensive assessment.
14. "Unnecessary drug" means a medication that is not required because:
  - a. There is no documented indication for a resident's use of the medication;
  - b. The medication is duplicative;
  - c. The medication is administered before determining whether the resident requires the medication; or
  - d. The resident has experienced an adverse reaction from the medication, indicating that the medication should be reduced or discontinued.
15. "Ventilator" means a device designed to provide, to a resident who is physically unable to breathe or who is breathing insufficiently, the mechanism of breathing by

mechanically moving breathable air into and out of the resident's lungs.

**Historical Note**

New Section R9-10-401 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-402. Supplemental Application Requirements**

In addition to the license application requirements in A.R.S. § 36-422 and R9-10-105, an applicant for an initial license as a nursing care institution shall include:

1. In a Department-provided format whether the applicant:
  - a. Has:
    - i. A secured area for a resident with Alzheimer's disease or other dementia, or
    - ii. An area for a resident on a ventilator;
  - b. Is requesting authorization to provide to a resident:
    - i. Behavioral health services,
    - ii. Clinical laboratory services,
    - iii. Dialysis services, or
    - iv. Radiology services and diagnostic imaging services; and
  - c. Is requesting authorization to operate a nutrition and feeding assistant training program; and
2. If the governing authority is requesting authorization to operate a nutrition and feeding assistant training program, the information in R9-10-116(B)(1)(a), (B)(1)(c), and (B)(2).

**Historical Note**

New Section R9-10-402 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-403. Administration**

**A.** A governing authority shall:

1. Consist of one or more individuals responsible for the organization, operation, and administration of a nursing care institution;
  2. Establish, in writing, the nursing care institution's scope of services;
  3. Designate, in writing, a nursing care institution administrator licensed according to A.R.S. Title 36, Chapter 4, Article 6;
  4. Adopt a quality management program according to R9-10-404;
  5. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
  6. Designate, in writing, an acting administrator licensed according to A.R.S. § Title 36, Chapter 4, Article 6, if the administrator is:
    - a. Expected not to be present on the nursing care institution's premises for more than 30 calendar days, or
    - b. Not present on the nursing care institution's premises for more than 30 calendar days; and
  7. Except as permitted in subsection (A)(6), when there is a change of administrator, notify the Department according to A.R.S. § 36-425(I) and submit a copy of the new administrator's license under A.R.S. Title 36, Chapter 4, Article 6 to the Department.
- B.** An administrator:

## Department of Health Services - Health Care Institutions: Licensing

1. Is directly accountable to the governing authority of a nursing care institution for the daily operation of the nursing care institution and all services provided by or at the nursing care institution;
  2. Has the authority and responsibility to manage the nursing care institution;
  3. Except as provided in subsection (A)(6), designates, in writing, an individual who is present on the nursing care institution's premises and accountable for the nursing care institution when the administrator is not present on the nursing care institution's premises;
  4. Ensures the nursing care institution's compliance with A.R.S. § 36-411; and
  5. If the nursing care institution provides feeding and nutrition assistant training, ensures the nursing care institution complies with the requirements for the operation of a feeding and nutrition assistant training program in R9-10-116.
- C. An administrator shall ensure that:
1. Policies and procedures are established, documented, and implemented to protect the health and safety of a resident that:
    - a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience for personnel members, employees, volunteers, and students;
    - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
    - c. Include how a personnel member may submit a complaint relating to resident care;
    - d. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;
    - e. Cover cardiopulmonary resuscitation training including:
      - i. Which personnel members are required to obtain cardiopulmonary resuscitation training,
      - ii. The method and content of cardiopulmonary resuscitation training,
      - iii. The qualifications for an individual to provide cardiopulmonary resuscitation training,
      - iv. The time-frame for renewal of cardiopulmonary resuscitation training, and
      - v. The documentation that verifies an individual has received cardiopulmonary resuscitation training;
    - f. Cover first aid training;
    - g. Include a method to identify a resident to ensure the resident receives physical health services and behavioral health services as ordered;
    - h. Cover resident rights, including assisting a resident who does not speak English or who has a disability to become aware of resident rights;
    - i. Cover specific steps for:
      - i. A resident to file a complaint, and
      - ii. The nursing care institution to respond to a resident's complaint;
    - j. Cover health care directives;
    - k. Cover medical records, including electronic medical records;
    - l. Cover a quality management program, including incident reports and supporting documentation;
    - m. Cover contracted services;
    - n. Cover resident's personal accounts;
    - o. Cover petty cash funds;
    - p. Cover fees and refund policies;
    - q. Cover misappropriation of resident property; and
    - r. Cover when an individual may visit a resident in a nursing care institution; and
  2. Policies and procedures for physical health services and behavioral health services are established, documented, and implemented to protect the health and safety of a resident that:
    - a. Cover resident screening, admission, transport, transfer, discharge planning, and discharge;
    - b. Cover the provision of physical health services and behavioral health services;
    - c. Include when general consent and informed consent are required;
    - d. Cover storing, dispensing, administering, and disposing of medication;
    - e. Cover infection control;
    - f. Cover how personnel members will respond to a resident's sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual;
    - g. Cover telemedicine, if applicable; and
    - h. Cover environmental services that affect resident care;
  3. Policies and procedures are reviewed at least once every three years and updated as needed;
  4. Policies and procedures are available to personnel members, employees, volunteers, and students; and
  5. Unless otherwise stated:
    - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
    - b. When documentation or information is required by this Chapter to be submitted on behalf of a nursing care institution, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the nursing care institution.
- D. Except for health screening services, an administrator shall ensure that medical services, nursing services, health-related services, behavioral health services, or ancillary services provided by a nursing care institution are only provided to a resident.
- E. If abuse, neglect, or exploitation of a resident is alleged or suspected to have occurred before the resident was admitted or while the resident is not on the premises and not receiving services from a nursing care institution's employee or personnel member, an administrator shall report the alleged or suspected abuse, neglect, or exploitation of the resident as follows:
1. For a resident 18 years of age or older, according to A.R.S. § 46-454; or
  2. For a resident under 18 years of age, according to A.R.S. § 13-3620;
- F. If an administrator has a reasonable basis, according to A.R.S. § 13-3620 or 46-454, to believe that abuse, neglect, or exploitation has occurred on the premises or while a resident is receiving services from a nursing care institution's employee or personnel member, an administrator shall:
1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
  2. Report the suspected abuse, neglect, or exploitation of the resident as follows:
    - a. For a resident 18 years of age or older, according to A.R.S. § 46-454; or
    - b. For a resident under 18 years of age, according to A.R.S. § 13-3620;
  3. Document:
    - a. The suspected abuse, neglect, or exploitation;

## Department of Health Services - Health Care Institutions: Licensing

- b. Any action taken according to subsection (F)(1); and
    - c. The report in subsection (F)(2);
  - 4. Maintain the documentation in subsection (F)(3) for at least 12 months after the date of the report in subsection (F)(2);
  - 5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (F)(2):
    - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
    - b. A description of any injury to the resident related to the suspected abuse or neglect and any change to the resident's physical, cognitive, functional, or emotional condition;
    - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
    - d. The actions taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
  - 6. Maintain a copy of the documented information required in subsection (F)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.
- G.** An administrator shall:
- 1. Allow a resident advocate to assist a resident, the resident's representative, or a resident group with a request or recommendation, and document in writing any complaint submitted to the nursing care institution;
  - 2. Ensure that a monthly schedule of recreational activities for residents is developed, documented and implemented; and
  - 3. Ensure that the following are conspicuously posted on the premises:
    - a. The current nursing care institution license and quality rating issued by the Department;
    - b. The name, address, and telephone number of:
      - i. The Department's Office of Long Term Care,
      - ii. The State Long-Term Care Ombudsman Program, and
      - iii. Adult Protective Services of the Department of Economic Security;
    - c. A notice that a resident may file a complaint with the Department concerning the nursing care institution;
    - d. The monthly schedule of recreational activities; and
    - e. One of the following:
      - i. A copy of the current license survey report with information identifying residents redacted, any subsequent reports issued by the Department, and any plan of correction that is in effect; or
      - ii. A notice that the current license survey report with information identifying residents redacted, any subsequent reports issued by the Department, and any plan of correction that is in effect are available for review upon request.
- H.** An administrator shall provide written notification to the Department of a resident's:
- 1. Death, if the resident's death is required to be reported according to A.R.S. § 11-593, within one working day after the resident's death; and
  - 2. Self-injury, within two working days after the resident inflicts a self-injury that requires immediate intervention by an emergency medical services provider.
- I.** If an administrator administers a resident's personal account at the request of the resident or the resident's representative, the administrator shall:
- 1. Comply with policies and procedures established according to subsection (C)(1)(n);
  - 2. Designate a personnel member who is responsible for the personal accounts;
  - 3. Maintain a complete and separate accounting of each personal account;
  - 4. Obtain written authorization from the resident or the resident's representative for a personal account transaction;
  - 5. Document an account transaction and provide a copy of the documentation to the resident or the resident's representative upon request and at least every three months;
  - 6. Transfer all money from the resident's personal account in excess of \$50.00 to an interest-bearing account and credit the interest to the resident's personal account; and
  - 7. Within 30 calendar days after the resident's death, transfer, or discharge, return all money in the resident's personal account and a final accounting to the resident, the resident's representative, or the probate jurisdiction administering the resident's estate.
- J.** If a petty cash fund is established for use by residents, the administrator shall ensure that:
- 1. The policies and procedures established according to subsection (C)(1)(o) include:
    - a. A prescribed cash limit of the petty cash fund, and
    - b. The hours of the day a resident may access the petty cash fund; and
  - 2. A resident's written acknowledgment is obtained for a petty cash transaction.

**Historical Note**

New Section R9-10-403 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-404. Quality Management**

An administrator shall ensure that:

- 1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to residents;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to resident care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to resident care; and
  - e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
- 2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to resident care; and
  - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to resident care; and
- 3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

New Section R9-10-404 made by exempt rulemaking at

## Department of Health Services - Health Care Institutions: Licensing

19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-405. Contracted Services**

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

New Section R9-10-405 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-406. Personnel**

A. An administrator shall ensure that:

1. A behavioral health technician is at least 21 years old, and
2. A behavioral health paraprofessional is at least 21 years old.

B. An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of the residents receiving physical health services or behavioral health services from the personnel member according to the established job description; and
  - b. Include:
    - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
    - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
    - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
  - a. Before the personnel member provides physical health services or behavioral health services, and
  - b. According to policies and procedures; and
3. Sufficient personnel members are present on a nursing care institution's premises with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the nursing care institution's scope of services,
  - b. Meet the needs of a resident, and
  - c. Ensure the health and safety of a resident.

C. Except as provided in R9-10-415, an administrator shall ensure that, if a personnel member provides social services that require a license under A.R.S. Title 32, Chapter 33, Arti-

cle 5, the personnel member is licensed under A.R.S. Title 32, Chapter 33, Article 5.

- D. An administrator shall ensure that an individual who is a licensed baccalaureate social worker, master social worker, associate marriage and family therapist, associate counselor, or associate substance abuse counselor is under direct supervision as defined in 4 A.A.C. 6, Article 1.
- E. An administrator shall ensure that a personnel member or an employee or volunteer who has or is expected to have direct interaction with a resident for more than eight hours a week provides evidence of freedom from infectious tuberculosis:
  1. On or before the date the individual begins providing services at or on behalf of the nursing care institution, and
  2. As specified in R9-10-113.
- F. An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:
  1. The individual's name, date of birth, and contact telephone number;
  2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
  3. Documentation of:
    - a. The individual's qualifications, including skills and knowledge applicable to the individual's job duties;
    - b. The individual's education and experience applicable to the individual's job duties;
    - c. The individual's compliance with the requirements in A.R.S. § 36-411;
    - d. Orientation and in-service education as required by policies and procedures;
    - e. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
    - f. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
    - g. Cardiopulmonary resuscitation training, if required for the individual according to R9-10-403(C)(1)(e);
    - h. First aid training, if required for the individual according to this Article or policies and procedures;
    - i. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (E); and
    - j. If the individual is a nutrition and feeding assistant:
      - i. Completion of the nutrition and feeding assistant training course required in R9-10-116, and
      - ii. A nurse's observations required in R9-10-423(C)(6).
- G. An administrator shall ensure that personnel records are:
  1. Maintained:
    - a. Throughout the individual's period of providing services in or for the nursing care institution, and
    - b. For at least 24 months after the last date the individual provided services in or for the nursing care institution; and
  2. For a personnel member who has not provided physical health services or behavioral health services at or for the nursing care institution during the previous 12 months, provided to the Department within 72 hours after the Department's request.
- H. An administrator shall ensure that:
  1. A plan to provide orientation specific to the duties of a personnel member, an employee, a volunteer, and a student is developed, documented, and implemented;
  2. A personnel member completes orientation before providing physical health services or behavioral health services;

## Department of Health Services - Health Care Institutions: Licensing

3. An individual's orientation is documented, to include:
    - a. The individual's name,
    - b. The date of the orientation, and
    - c. The subject or topics covered in the orientation;
  4. A plan to provide in-service education specific to the duties of a personnel member is developed, documented, and implemented;
  5. A personnel member's in-service education is documented, to include:
    - a. The personnel member's name,
    - b. The date of the training, and
    - c. The subject or topics covered in the training; and
  6. A work schedule of each personnel member is developed and maintained at the nursing care institution for at least 12 months after the date of the work schedule.
- I.** An administrator shall designate a qualified individual to provide:
1. Social services, and
  2. Recreational activities.

**Historical Note**

New Section R9-10-406 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-407. Admission**

An administrator shall ensure that:

1. A resident is admitted only on a physician's order;
2. The physician's admitting order includes the nursing care institution services required to meet the immediate needs of a resident, such as medication and food services;
3. At the time of a resident's admission, a registered nurse conducts or coordinates an initial assessment on a resident to ensure the resident's immediate needs for nursing care institution services are met;
4. A resident's needs do not exceed the medical services and nursing services available at the nursing care institution as established in the nursing care institution's scope of services;
5. Before or at the time of admission, a resident or the resident's representative:
  - a. Receives a documented agreement with the nursing care institution that includes rates and charges,
  - b. Is informed of third-party coverage for rates and charges,
  - c. Is informed of the nursing care institution's refund policy, and
  - d. Receives written information concerning the nursing care institution's policies and procedures related to a resident's health care directives;
6. Within 30 calendar days before admission or 10 working days after admission, a medical history and physical examination is completed on a resident by:
  - a. A physician, or
  - b. A physician assistant or a registered nurse practitioner designated by the attending physician;
7. Except as specified in subsection (8), a resident provides evidence of freedom from infectious tuberculosis:
  - a. Before or within seven calendar days after the resident's admission, and
  - b. As specified in R9-10-113;
8. A resident who transfers from a nursing care institution to another nursing care institution is not required to be rescreened for tuberculosis or provide another written

statement by a physician, physician assistant, or registered nurse practitioner as specified in R9-10-113(1) if:

- a. Fewer than 12 months have passed since the resident was screened for tuberculosis or since the date of the written statement, and
  - b. The documentation of freedom from infectious tuberculosis required in subsection (7) accompanies the resident at the time of transfer; and
9. Compliance with the requirements in subsection (6) is documented in the resident's medical record.

**Historical Note**

New Section R9-10-407 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-408. Discharge**

**A.** An administrator shall ensure that:

1. A resident is transferred or discharged if:
  - a. The nursing care institution is not authorized or not able to meet the needs of the resident, or
  - b. The resident's behavior is a threat to the health or safety of the resident or other individuals at the nursing care institution; and
2. Documentation of a resident's transfer or discharge includes:
  - a. The date of the transfer or discharge;
  - b. The reason for the transfer or discharge;
  - c. A 30-day written notice except:
    - i. In an emergency, or
    - ii. If the resident no longer requires nursing care institution services as determined by a physician or the physician's designee;
  - d. A notation by a physician or the physician's designee if the transfer or discharge is due to any of the reasons listed in subsection (A)(1); and
  - e. If applicable, actions taken by a personnel member to protect the resident or other individuals if the resident's behavior is a threat to the health and safety of the resident or other individuals in the nursing care institution.

**B.** An administrator may transfer or discharge a resident for failure to pay for residency if:

1. The resident or resident's representative receives a 30-day written notice of transfer or discharge, and
2. The 30-day written notice includes an explanation of the resident's right to appeal the transfer or discharge.

**C.** Except in an emergency, a director of nursing shall ensure that before a resident is discharged:

1. Written follow-up instructions are developed with the resident or the resident's representative that includes:
  - a. Information necessary to meet the resident's need for medical services and nursing services; and
  - b. The state long-term care ombudsman's name, address, and telephone number;
2. A copy of the written follow-up instructions is provided to the resident or the resident's representative; and
3. A discharge summary is developed by a personnel member and authenticated by the resident's attending physician or designee and includes:
  - a. The resident's medical condition at the time of transfer or discharge,
  - b. The resident's medical and psychosocial history,
  - c. The date of the transfer or discharge, and

## Department of Health Services - Health Care Institutions: Licensing

- d. The location of the resident after discharge.

(Supp. 14-2).

**Historical Note**

New Section R9-10-408 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-409. Transport; Transfer**

- A.** Except as provided in subsection (B), an administrator shall ensure that:
1. A personnel member coordinates the transport and the services provided to the resident;
  2. According to policies and procedures:
    - a. An evaluation of the resident is conducted before and after the transport,
    - b. Information from the resident's medical record is provided to a receiving health care institution, and
    - c. A personnel member explains risks and benefits of the transport to the resident or the resident's representative; and
  3. Documentation in the resident's medical record includes:
    - a. Communication with an individual at a receiving health care institution;
    - b. The date and time of the transport;
    - c. The mode of transportation; and
    - d. If applicable, the name of the personnel member accompanying the resident during a transport.
- B.** Subsection (A) does not apply to:
1. Transportation to a location other than a licensed health care institution,
  2. Transportation provided for a resident by the resident or the resident's representative,
  3. Transportation provided by an outside entity that was arranged for a resident by the resident or the resident's representative, or
  4. A transport to another licensed health care institution in an emergency.
- C.** Except for a transfer of a resident due to an emergency, an administrator shall ensure that:
1. A personnel member coordinates the transfer and the services provided to the resident;
  2. According to policies and procedures:
    - a. An evaluation of the resident is conducted before the transfer;
    - b. Information from the resident's medical record, including orders that are in effect at the time of the transfer, is provided to a receiving health care institution; and
    - c. A personnel member explains risks and benefits of the transfer to the resident or the resident's representative; and
  3. Documentation in the resident's medical record includes:
    - a. Communication with an individual at a receiving health care institution;
    - b. The date and time of the transfer;
    - c. The mode of transportation; and
    - d. If applicable, the name of the personnel member accompanying the resident during a transfer.

**Historical Note**

New Section R9-10-409 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014

**R9-10-410. Resident Rights**

- A.** An administrator shall ensure that:
1. The requirements in subsection (B) and the resident rights in subsection (C) are conspicuously posted on the premises;
  2. At the time of admission, a resident or the resident's representative receives a written copy of the requirements in subsection (B) and the resident rights in subsection (C); and
  3. Policies and procedures include:
    - a. How and when a resident or the resident's representative is informed of resident rights in subsection (C), and
    - b. Where resident rights are posted as required in subsection (A)(1).
- B.** An administrator shall ensure that:
1. A resident has privacy in:
    - a. Treatment,
    - b. Bathing and toileting,
    - c. Room accommodations, and
    - d. A visit or meeting with another resident or an individual;
  2. A resident is treated with dignity, respect, and consideration;
  3. A resident is not subjected to:
    - a. Abuse;
    - b. Neglect;
    - c. Exploitation;
    - d. Coercion;
    - e. Manipulation;
    - f. Sexual abuse;
    - g. Sexual assault;
    - h. Seclusion;
    - i. Restraint;
    - j. Retaliation for submitting a complaint to the Department or another entity; or
    - k. Misappropriation of personal and private property by a nursing care institution's personnel members, employees, volunteers, or students; and
  4. A resident or the resident's representative:
    - a. Except in an emergency, either consents to or refuses treatment;
    - b. May refuse or withdraw consent for treatment before treatment is initiated;
    - c. Except in an emergency, is informed of proposed alternatives to psychotropic medication or a surgical procedure and the associated risks and possible complications of the psychotropic medication or surgical procedure;
    - d. Is informed of the following:
      - i. The health care institution's policy on health care directives, and
      - ii. The resident complaint process;
    - e. Consents to photographs of the resident before the resident is photographed, except that the resident may be photographed when admitted to a nursing care institution for identification and administrative purposes;
    - f. May manage the resident's financial affairs;
    - g. May review the nursing care institution's current license survey report and, if applicable, plan of correction in effect;
    - h. Has access to and may communicate with any individual, organization, or agency;
    - i. May participate in a resident group;



## Department of Health Services - Health Care Institutions: Licensing

- j. May review the resident's financial records within two working days and medical record within one working day after the resident's or the resident's representative's request;
  - k. May obtain a copy of the resident's financial records and medical record within two working days after the resident's request and in compliance with A.R.S. § 12-2295;
  - l. Except as otherwise permitted by law, consents, in writing, to the release of information in the resident's:
    - i. Medical record, and
    - ii. Financial records;
  - m. May select a pharmacy of choice if the pharmacy complies with policies and procedures and does not pose a risk to the resident;
  - n. Is informed of the method for contacting the resident's attending physician;
  - o. Is informed of the resident's total health condition;
  - p. Is provided with a copy of those sections of the resident's medical record that are required for continuity of care free of charge, according to A.R.S. § 12-2295, if the resident is transferred or discharged;
  - q. Is informed in writing of a change in rates and charges at least 60 calendar days before the effective date of the change; and
  - r. Except in the event of an emergency, is informed orally or in writing before the nursing care institution makes a change in a resident's room or roommate assignment and notification is documented in the resident's medical record.
- C. A resident has the following rights:
- 1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
  - 2. To receive treatment that supports and respects the resident's individuality, choices, strengths, and abilities;
  - 3. To choose activities and schedules consistent with the resident's interests that do not interfere with other residents;
  - 4. To participate in social, religious, political, and community activities that do not interfere with other residents;
  - 5. To retain personal possessions including furnishings and clothing as space permits unless use of the personal possession infringes on the rights or health and safety of other residents;
  - 6. To share a room with the resident's spouse if space is available and the spouse consents;
  - 7. To receive a referral to another health care institution if the nursing care institution is not authorized or not able to provide physical health services or behavioral health services needed by the resident;
  - 8. To participate or have the resident's representative participate in the development of, or decisions concerning, treatment;
  - 9. To participate or refuse to participate in research or experimental treatment; and
  - 10. To receive assistance from a family member, the resident's representative, or other individual in understanding, protecting, or exercising the resident's rights.

**Historical Note**

New Section R9-10-410 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws

2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-411. Medical Records****A.** An administrator shall ensure that:

- 1. A medical record is established and maintained for each resident according to A.R.S. Title 12, Chapter 13, Article 7.1;
- 2. An entry in a resident's medical record is:
  - a. Recorded only by an individual authorized by policies and procedures to make the entry;
  - b. Dated, legible, and authenticated; and
  - c. Not changed to make the initial entry illegible;
- 3. An order is:
  - a. Dated when the order is entered in the resident's medical record and includes the time of the order;
  - b. Authenticated by a medical practitioner or behavioral health professional according to policies and procedures; and
  - c. If the order is a verbal order, authenticated by the medical practitioner or behavioral health professional issuing the order;
- 4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
- 5. A resident's medical record is available to an individual:
  - a. Authorized to access the resident's medical record according to policies and procedures;
  - b. If the individual is not authorized to access the resident's medical record according to policies and procedures, with the written consent of the resident or the resident's representative; or
  - c. As permitted by law; and
- 6. A resident's medical record is protected from loss, damage, or unauthorized use.

**B.** If a nursing care institution maintains residents' medical records electronically, an administrator shall ensure that:

- 1. Safeguards exist to prevent unauthorized access, and
- 2. The date and time of an entry in a resident's medical record is recorded by the computer's internal clock.

**C.** An administrator shall ensure that a resident's medical record contains:

- 1. Resident information that includes:
  - a. The resident's name;
  - b. The resident's date of birth; and
  - c. Any known allergies, including medication allergies;
- 2. The admission date and, if applicable, the date of discharge;
- 3. The admitting diagnosis or presenting symptoms;
- 4. Documentation of general consent and, if applicable, informed consent;
- 5. If applicable, the name and contact information of the resident's representative and:
  - a. The document signed by the resident consenting for the resident's representative to act on the resident's behalf; or
  - b. If the resident's representative:
    - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
    - ii. Is a legal guardian, a copy of the court order establishing guardianship;

## Department of Health Services - Health Care Institutions: Licensing

6. The medical history and physical examination required in R9-10-407(6);
7. A copy of the resident's living will or other health care directive, if applicable;
8. The name and telephone number of the resident's attending physician;
9. Orders;
10. Care plans;
11. Behavioral care plans, if the resident is receiving behavioral care;
12. Documentation of nursing care institution services provided to the resident;
13. Progress notes;
14. If applicable, documentation of any actions taken to control the resident's sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual;
15. If applicable, documentation that evacuation from the nursing care institution would cause harm to the resident;
16. The disposition of the resident after discharge;
17. The discharge plan;
18. The discharge summary;
19. Transfer documentation;
20. If applicable:
  - a. A laboratory report,
  - b. A radiologic report,
  - c. A diagnostic report, and
  - d. A consultation report;
21. Documentation of freedom from infectious tuberculosis required in R9-10-407(7);
22. Documentation of a medication administered to the resident that includes:
  - a. The date and time of administration;
  - b. The name, strength, dosage, and route of administration;
  - c. The type of vaccine, if applicable;
  - d. For a medication administered for pain on a PRN basis:
    - i. An evaluation of the resident's pain before administering the medication, and
    - ii. The effect of the medication administered;
  - e. For a psychotropic medication administered on a PRN basis:
    - i. An evaluation of the resident's symptoms before administering the psychotropic medication, and
    - ii. The effect of the psychotropic medication administered;
  - f. The identification, signature, and professional designation of the individual administering the medication; and
  - g. Any adverse reaction a resident has to the medication;
23. If the resident has been assessed for receiving nutrition and feeding assistance from a nutrition and feeding assistant, documentation of the assessment and the determination of eligibility; and
24. If applicable, a copy of written notices, including follow-up instructions, provided to the resident or the resident's representative.

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-411 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt

rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-412. Nursing Services****A.** An administrator shall ensure that:

1. Nursing services are provided 24 hours a day in a nursing care institution;
2. A director of nursing is appointed who:
  - a. Is a registered nurse,
  - b. Works full-time at the nursing care institution, and
  - c. Is responsible for the direction of nursing services;
3. The director of nursing or an individual designated by the administrator participates in the quality management program; and
4. If the daily census of the nursing care institution is less than 60, the director of nursing may provide direct care to residents on a regular basis.

**B.** A director of nursing shall ensure that:

1. A method is established and documented that identifies the types and numbers of nursing personnel that are necessary to provide nursing services to residents based on the residents' comprehensive assessments, orders for physical health services and behavioral health services, and care plans and the nursing care institution's scope of services;
2. Sufficient nursing personnel, as determined by the method in subsection (B)(1), are on the nursing care institution premises to meet the needs of a resident for nursing services;
3. At least one nurse is present on the nursing care institution's premises and responsible for providing direct care to not more than 64 residents;
4. Documentation of nursing personnel present on the nursing care institution's premises each day is maintained and includes:
  - a. The date,
  - b. The number of residents,
  - c. The name and license or certification title of each nursing personnel member who worked that day, and
  - d. The actual number of hours each nursing personnel member worked that day;
5. The documentation of nursing personnel required in subsection (B)(4) is maintained for at least 12 months after the date of the documentation;
6. As soon as possible but not more than 24 hours after one of the following events occur, a nurse notifies a resident's attending physician and, if applicable, the resident's representative, if the resident:
  - a. Is injured,
  - b. Is involved in an incident that may require medical services, or
  - c. Has a significant change in condition; and
7. An unnecessary drug is not administered to a resident.

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-412 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective

## Department of Health Services - Health Care Institutions: Licensing

tive July 1, 2014 (Supp. 14-2).

**R9-10-413. Medical Services**

A. An administrator shall appoint a medical director.

B. A medical director shall ensure that:

1. A resident has an attending physician;
2. An attending physician is available 24 hours a day;
3. An attending physician designates a physician who is available when the attending physician is not available;
4. A physical examination is performed on a resident at least once every 12 months after the date of admission by an individual listed in R9-10-407(6);
5. As required in A.R.S. § 36-406, vaccinations for influenza and pneumonia are available to each resident at least once every 12 months unless:
  - a. The attending physician provides documentation that the vaccination is medically contraindicated;
  - b. The resident or the resident's representative refuses the vaccination or vaccinations and documentation is maintained in the resident's medical record that the resident or the resident's representative has been informed of the risks and benefits of a vaccination refused; or
  - c. The resident or the resident's representative provides documentation that the resident received a pneumonia vaccination within the last five years or the current recommendation from the U.S. Department of Health and Human Services, Center for Disease Control and Prevention; and
6. If any of the following services are not provided by the nursing care institution and needed by a resident, the resident is assisted in obtaining, at the resident's expense:
  - a. Vision services;
  - b. Hearing services;
  - c. Dental services;
  - d. Clinical laboratory services from a laboratory that holds a certificate of accreditation or certificate of compliance issued by the United States Department of Health and Human Services under the 1988 amendments to the Clinical Laboratories Improvement Act of 1967;
  - e. Psychosocial services;
  - f. Physical therapy;
  - g. Speech therapy;
  - h. Occupational therapy;
  - i. Behavioral health services; and
  - j. Services for an individual who has a developmental disability, as defined in A.R.S. Title 36, Chapter 5.1, Article 1.

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-413 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-414. Comprehensive Assessment; Care Plan**

A. A director of nursing shall ensure that:

1. A comprehensive assessment of a resident:
  - a. Is conducted or coordinated by a registered nurse in collaboration with an interdisciplinary team;
  - b. Is completed for the resident within 14 calendar days after the resident's admission to a nursing care institution;
  - c. Is updated:

- i. No later than 12 months after the date of the resident's last comprehensive assessment, and
  - ii. When the resident experiences a significant change;
- d. Includes the following information for the resident:
- i. Identifying information;
  - ii. An evaluation of the resident's hearing, speech, and vision;
  - iii. An evaluation of the resident's ability to understand and recall information;
  - iv. An evaluation of the resident's mental status;
  - v. Whether the resident's mental status or behaviors:
    - (1) Put the resident at risk for physical illness or injury,
    - (2) Significantly interfere with the resident's care,
    - (3) Significantly interfere with the resident's ability to participate in activities or social interactions,
    - (4) Put other residents or personnel members at significant risk for physical injury,
    - (5) Significantly intrude on another resident's privacy, or
    - (6) Significantly disrupt care for another resident;
  - vi. Preferences for customary routine and activities;
  - vii. An evaluation of the resident's ability to perform activities of daily living;
  - viii. Need for a mobility device;
  - ix. An evaluation of the resident's ability to control the resident's bladder and bowels;
  - x. Any diagnosis that impacts nursing care institution services that the resident may require;
  - xi. Any medical conditions that impact the resident's functional status, quality of life, or need for nursing care institution services;
  - xii. An evaluation of the resident's ability to maintain adequate nutrition and hydration;
  - xiii. An evaluation of the resident's oral and dental status;
  - xiv. An evaluation of the condition of the resident's skin;
  - xv. Identification of any medication or treatment administered to the resident during a seven-day calendar period that includes the time the comprehensive assessment was conducted;
  - xvi. Identification of any treatment or medication ordered for the resident;
  - xvii. Whether any restraints have been used for the resident during a seven-day calendar period that includes the time the comprehensive assessment was conducted;
  - xviii. A description of the resident or resident's representative's participation in the comprehensive assessment;
  - xix. The name and title of the interdisciplinary team members who participated in the resident's comprehensive assessment;
  - xx. Potential for rehabilitation; and
  - xxi. Potential for discharge; and
- e. Is signed and dated by:
- i. The registered nurse who conducts or coordinates the comprehensive assessment or review; and

## Department of Health Services - Health Care Institutions: Licensing

- ii. If a behavioral health professional is required to review according to subsection (A)(2), the behavioral health professional who reviewed the comprehensive assessment or review;
  - 2. If any of the conditions in (A)(1)(d)(v) are answered in the affirmative during the comprehensive assessment or review, a behavioral health professional reviews a resident's comprehensive assessment or review and care plan to ensure that the resident's needs for behavioral health services are being met;
  - 3. A new comprehensive assessment is not required for a resident who is hospitalized and readmitted to a nursing care institution unless a physician, an individual designated by the physician, or a registered nurse determines the resident has a significant change in condition; and
  - 4. A resident's comprehensive assessment is reviewed by a registered nurse at least once every three months after the date of the current comprehensive assessment and if there is a significant change in the resident's condition.
- B.** An administrator shall ensure that a care plan for a resident:
- 1. Is developed, documented, and implemented for the resident within seven calendar days after completing the resident's comprehensive assessment required in subsection (A)(1);
  - 2. Is reviewed and revised based on any change to the resident's comprehensive assessment; and
  - 3. Ensures that a resident is provided nursing care institution services that:
    - a. Address any medical condition or behavioral health issue identified in the resident's comprehensive assessment, and
    - b. Assist the resident in maintaining the resident's highest practicable well-being according to the resident's comprehensive assessment.

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-414 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-415. Behavioral Health Services**

Except for behavioral care, if a nursing care institution is authorized to provide behavioral health services, an administrator shall ensure that:

- 1. The behavioral health services are provided:
  - a. Under the direction of a behavioral health professional licensed or certified to provide the type of behavioral health services in the nursing care institution's scope of services, and
  - b. In compliance with the requirements:
    - i. For behavioral health paraprofessionals and behavioral health technicians, in R9-10-115; and
    - ii. For an assessment, in R9-10-1011(B); and
- 2. Except for a psychotropic drug used as a chemical restraint or administered according to an order from a court of competent jurisdiction, informed consent is obtained from a resident or the resident's representative for a psychotropic drug and documented in the resident's medical record before the psychotropic drug is administered to the resident.

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-415 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-416. Clinical Laboratory Services**

If clinical laboratory services are authorized to be provided on a nursing care institution's premises, an administrator shall ensure that:

- 1. Clinical laboratory services and pathology services are provided through a laboratory that holds a certificate of accreditation, certificate of compliance, or certificate of waiver issued by the United States Department of Health and Human Services under the 1988 amendments to the Clinical Laboratories Improvement Act of 1967;
- 2. A copy of the certificate of accreditation, certificate of compliance, or certificate of waiver in subsection (1) is provided to the Department for review upon the Department's request;
- 3. The nursing care institution:
  - a. Is able to provide the clinical laboratory services delineated in the nursing care institution's scope of services when needed by the residents,
  - b. Obtains specimens for the clinical laboratory services delineated in the nursing care institution's scope of services without transporting the residents from the nursing care institution's premises, and
  - c. Has the examination of the specimens performed by a clinical laboratory;
- 4. Clinical laboratory and pathology test results are:
  - a. Available to the ordering physician:
    - i. Within 24 hours after the test is complete with results if the test is performed at a laboratory on the nursing care institution's premises, or
    - ii. Within 24 hours after the test result is received if the test is performed at a laboratory outside of the nursing care institution's premises; and
  - b. Documented in a resident's medical record;
- 5. If a test result is obtained that indicates a resident may have an emergency medical condition, as established in policies and procedures, personnel notify:
  - a. The ordering physician,
  - b. A registered nurse in the resident's assigned unit,
  - c. The nursing care institution's administrator, or
  - d. The director of nursing;
- 6. If a clinical laboratory report is completed on a resident, a copy of the report is included in the resident's medical record;
- 7. If the nursing care institution provides blood or blood products, policies and procedures are established, documented, and implemented for:
  - a. Procuring, storing, transfusing, and disposing of blood or blood products;
  - b. Blood typing, antibody detection, and blood compatibility testing; and
  - c. Investigating transfusion adverse reactions that specify a process for review through the quality management program; and
- 8. Expired laboratory supplies are discarded according to policies and procedures.

## Department of Health Services - Health Care Institutions: Licensing

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-416 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-417. Dialysis Services**

If dialysis services are authorized to be provided on a nursing care institution's premises, an administrator shall ensure that the dialysis services are provided in compliance with the requirements in R9-10-1018.

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-417 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-418. Radiology Services and Diagnostic Imaging Services**

If radiology services or diagnostic imaging services are authorized to be provided on a nursing care institution's premises, an administrator shall ensure that:

1. Radiology services and diagnostic imaging services are provided in compliance with A.R.S. Title 30, Chapter 4 and 12 A.A.C. 1;
2. A copy of a certificate documenting compliance with subsection (1) is maintained by the nursing care institution;
3. When needed by a resident, radiology services and diagnostic imaging services delineated in the nursing care institution's scope of services are provided on the nursing care institution's premises;
4. Radiology services and diagnostic imaging services are provided:
  - a. Under the direction of a physician; and
  - b. According to an order that includes:
    - i. The resident's name,
    - ii. The name of the ordering individual,
    - iii. The radiological or diagnostic imaging procedure ordered, and
    - iv. The reason for the procedure;
5. A medical director, attending physician, or radiologist interprets the radiologic or diagnostic image;
6. A radiologic or diagnostic imaging report is prepared that includes:
  - a. The resident's name;
  - b. The date of the procedure;
  - c. A medical director, attending physician, or radiologist's interpretation of the image;
  - d. The type and amount of radiopharmaceutical used, if applicable; and
  - e. The resident's adverse reaction to the radiopharmaceutical, if any; and
7. A radiologic or diagnostic imaging report is included in the resident's medical record.

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective

October 1, 2002 (Supp. 02-2). New Section R9-10-418 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-419. Respiratory Care Services**

If respiratory care services are provided on a nursing care institution's premises, an administrator shall ensure that:

1. Respiratory care services are provided under the direction of a medical director or attending physician;
2. Respiratory care services are provided according to an order that includes:
  - a. The resident's name;
  - b. The name and signature of the ordering individual;
  - c. The type, frequency, and, if applicable, duration of treatment;
  - d. The type and dosage of medication and diluent; and
  - e. The oxygen concentration or oxygen liter flow and method of administration;
3. Respiratory care services provided to a resident are documented in the resident's medical record and include:
  - a. The date and time of administration;
  - b. The type of respiratory care services provided;
  - c. The effect of the respiratory care services;
  - d. The resident's adverse reaction to the respiratory care services, if any; and
  - e. The authentication of the individual providing the respiratory care services; and
4. Any area or unit that performs blood gases or clinical laboratory tests complies with the requirements in R9-10-416.

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-419 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-420. Rehabilitation Services**

If rehabilitation services are provided on a nursing care institution's premises, an administrator shall ensure that:

1. Rehabilitation services are provided:
  - a. Under the direction of an individual qualified according to policies and procedures,
  - b. By an individual licensed to provide the rehabilitation services, and
  - c. According to an order; and
2. The medical record of a resident receiving rehabilitation services includes:
  - a. An order for rehabilitation services that includes the name of the ordering individual and a referring diagnosis,
  - b. A documented care plan that is developed in coordination with the ordering individual and the individual providing the rehabilitation services,
  - c. The rehabilitation services provided,
  - d. The resident's response to the rehabilitation services, and
  - e. The authentication of the individual providing the rehabilitation services.

## Department of Health Services - Health Care Institutions: Licensing

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-420 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-421. Medication Services**

A. An administrator shall ensure that policies and procedures for medication services:

1. Include:
  - a. A process for providing information to a resident about medication prescribed for the resident including:
    - i. The prescribed medication's anticipated results,
    - ii. The prescribed medication's potential adverse reactions,
    - iii. The prescribed medication's potential side effects, and
    - iv. Potential adverse reactions that could result from not taking the medication as prescribed;
  - b. Procedures for preventing, responding to, and reporting:
    - i. A medication error,
    - ii. An adverse response to a medication, or
    - iii. A medication overdose;
  - c. Procedures to ensure that a pharmacist reviews a resident's medications at least once every three months and provides documentation to the resident's attending physician and the director of nursing indicating potential medication problems such as incompatible or duplicative medications;
  - d. Procedures for documenting medication services; and
  - e. Procedures for assisting a resident in obtaining medication; and
2. Specify a process for review through the quality management program of:
  - a. A medication administration error, and
  - b. An adverse reaction to a medication.

B. An administrator shall ensure that:

1. Policies and procedures for medication administration:
  - a. Are reviewed and approved by the director of nursing;
  - b. Specify the individuals who may:
    - i. Order medication, and
    - ii. Administer medication;
  - c. Ensure that medication is administered to a resident only as prescribed; and
  - d. Cover the documentation of a resident's refusal to take prescribed medication in the resident's medical record;
2. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law;
3. A medication administered to a resident:
  - a. Is administered in compliance with an order, and
  - b. Is documented in the resident's medical record; and
4. If a psychotropic medication is administered to a resident, the psychotropic medication:
  - a. Is only administered to a resident for a diagnosed medical condition; and
  - b. Unless clinically contraindicated or otherwise ordered by an attending physician or the attending physician's designee, is gradually reduced in dosage while the resident is simultaneously provided with

interventions such as behavior and environment modification in an effort to discontinue the psychotropic medication, unless a dose reduction is attempted and the resident displays behavior justifying the need for the psychotropic medication, and the attending physician documents the necessity for the continued use and dosage.

C. An administrator shall ensure that:

1. A current drug reference guide is available for use by personnel members; and
2. If pharmaceutical services are provided:
  - a. The pharmaceutical services are provided under the direction of a pharmacist;
  - b. The pharmaceutical services comply with A.R.S. Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23; and
  - c. A copy of the pharmacy license is provided to the Department upon request.

D. When medication is stored at a nursing care institution, an administrator shall ensure that:

1. Medication is stored in a separate locked room, closet, or self-contained unit used only for medication storage;
2. Medication is stored according to the instructions on the medication container; and
3. Policies and procedures are established, documented, and implemented to protect the health and safety of a resident for:
  - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication including expired medication;
  - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
  - c. A medication recall and notification of residents who received recalled medication; and
  - d. Storing, inventorying, and dispensing controlled substances.

E. An administrator shall ensure that a personnel member immediately reports a medication error or a resident's adverse reaction to a medication to the medical practitioner who ordered the medication and the nursing care institution's director of nursing.

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-421 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-422. Infection Control**

An administrator shall ensure that:

1. An infection control program is established, under the direction of an individual qualified according to policies and procedures, to prevent the development and transmission of infections and communicable diseases including:
  - a. A method to identify and document infections occurring at the nursing care institution;
  - b. Analysis of the types, causes, and spread of infections and communicable diseases at the nursing care institution;

## Department of Health Services - Health Care Institutions: Licensing

- c. The development of corrective measures to minimize or prevent the spread of infections and communicable diseases at the nursing care institution; and
- d. Documentation of infection control activities including:
  - i. The collection and analysis of infection control data,
  - ii. The actions taken related to infections and communicable diseases, and
  - iii. Reports of communicable diseases to the governing authority and state and county health departments;
- 2. Infection control documentation is maintained for at least 12 months after the date of the documentation;
- 3. Policies and procedures are established, documented, and implemented that cover:
  - a. Handling and disposal of biohazardous medical waste;
  - b. Sterilization, disinfection, and storage of medical equipment and supplies;
  - c. Using personal protective equipment such as aprons, gloves, gowns, masks, or face protection when applicable;
  - d. Cleaning of an individual's hands when the individual's hands are visibly soiled and before and after providing a service to a resident;
  - e. Training of personnel members, employees, and volunteers in infection control practices; and
  - f. Work restrictions for a personnel member with a communicable disease or infected skin lesion;
- 4. Biohazardous medical waste is identified, stored, and disposed of according to 18 A.A.C. 13, Article 14 and policies and procedures;
- 5. Soiled linen and clothing are:
  - a. Collected in a manner to minimize or prevent contamination;
  - b. Bagged at the site of use; and
  - c. Maintained separate from clean linen and clothing and away from food storage, kitchen, or dining areas; and
- 6. A personnel member, an employee, or a volunteer washes hands or uses a hand disinfection product after a resident contact and after handling soiled linen, soiled clothing, or potentially infectious material.
- b. The nursing care institution is able to store, refrigerate, and reheat food to meet the dietary needs of a resident;
- 4. A registered dietitian:
  - a. Reviews a food menu before the food menu is used to ensure that a resident's nutritional needs are being met,
  - b. Documents the review of a food menu, and
  - c. Is available for consultation regarding a resident's nutritional needs; and
- 5. If a registered dietitian is not employed full-time, an individual is designated as a director of food services who consults with a registered dietitian as often as necessary to ensure that the nutritional needs of a resident are met.
- B.** A registered dietitian or director of food services shall ensure that:
  - 1. Food is prepared:
    - a. Using methods that conserve nutritional value, flavor, and appearance; and
    - b. In a form to meet the needs of a resident such as cut, chopped, ground, pureed, or thickened;
  - 2. A food menu:
    - a. Is prepared at least one week in advance,
    - b. Includes the foods to be served on each day,
    - c. Is conspicuously posted at least one day before the first meal on the food menu will be served,
    - d. Includes any food substitution no later than the morning of the day of meal service with a food substitution, and
    - e. Is maintained for at least 60 calendar days after the last day included in the food menu;
  - 3. Meals and snacks for each day are planned and served using the applicable-guidelines in <http://www.health.gov/dietaryguidelines/2010.asp>;
  - 4. A resident is provided:
    - a. A diet that meets the resident's nutritional needs as specified in the resident's comprehensive assessment and care plan;
    - b. Three meals a day with not more than 14 hours between the evening meal and breakfast except as provided in subsection (B)(4)(d);
    - c. The option to have a daily evening snack identified in subsection (B)(4)(d)(ii) or other snack; and
    - d. The option to extend the time span between the evening meal and breakfast from 14 hours to 16 hours if:
      - i. A resident group agrees; and
      - ii. The resident is offered an evening snack that includes meat, fish, eggs, cheese, or other protein, and a serving from either the fruit and vegetable food group or the bread and cereal food group;
  - 5. A resident is provided with food substitutions of similar nutritional value if:
    - a. The resident refuses to eat the food served, or
    - b. The resident requests a substitution;
  - 6. Recommendations and preferences are requested from a resident or the resident's representative for meal planning;
  - 7. A resident requiring assistance to eat is provided with assistance that recognizes the resident's nutritional, physical, and social needs, including the use of adaptive eating equipment or utensils;
  - 8. Tableware, utensils, equipment, and food-contact surfaces are clean and in good repair;

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-422 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-423. Food Services****A.** An administrator shall ensure that:

- 1. The nursing care institution has a license or permit as a food establishment under 9 A.A.C. 8, Article 1;
- 2. A copy of the nursing care institution's food establishment license or permit is maintained;
- 3. If a nursing care institution contracts with a food establishment, as established in 9 A.A.C. 8, Article 1, to prepare and deliver food to the nursing care institution:
  - a. A copy of the contracted food establishment's license or permit under 9 A.A.C. 8, Article 1 is maintained by the nursing care institution; and

## Department of Health Services - Health Care Institutions: Licensing

9. A resident eats meals in a dining area unless the resident chooses to eat in the resident's room or is confined to the resident's room for medical reasons documented in the resident's medical record; and
10. Water is available and accessible to residents.
- C. If a nursing care institution has nutrition and feeding assistants, an administrator shall ensure that:
  1. A nutrition and feeding assistant:
    - a. Is at least 16 years of age;
    - b. If applicable, complies with the fingerprint clearance card requirements in A.R.S. § 36-411;
    - c. Completes a nutrition and feeding assistant training course within 12 months before initially providing nutrition and feeding assistance;
    - d. Provides nutrition and feeding assistance where nursing personnel are present;
    - e. Immediately reports an emergency to a nurse or, if a nurse is not present in the common area, to nursing personnel; and
    - f. If the nutrition and feeding assistant observes a change in a resident's physical condition or behavior, reports the change to a nurse or, if a nurse is not present in the common area, to nursing personnel;
  2. A resident is not eligible to receive nutrition and feeding assistance from a nutrition and feeding assistant if the resident:
    - a. Has difficulty swallowing,
    - b. Has had recurrent lung aspirations,
    - c. Requires enteral feedings,
    - d. Requires parenteral feedings, or
    - e. Has any other eating or drinking difficulty that may cause the resident's health or safety to be compromised if the resident receives nutrition and feeding assistance from a nutrition and feeding assistant;
  3. Only an eligible resident receives nutrition and feeding assistance from a nutrition and feeding assistant;
  4. A nurse determines if a resident is eligible to receive nutrition and feeding assistance from a nutrition and feeding assistant, based on:
    - a. The resident's comprehensive assessment,
    - b. The resident's care plan, and
    - c. An assessment conducted by the nurse when making the determination;
  5. A method is implemented that identifies eligible residents that ensures only eligible residents receive nutrition and feeding assistance from a nutrition and feeding assistant;
  6. When a nutrition and feeding assistant initially provides nutrition and feeding assistance and at least once every three months, a nurse observes the nutrition and feeding assistant while the nutrition and feeding assistant is providing nutrition and feeding assistance to ensure that the nutrition and feeding assistant is providing nutrition and feeding assistance appropriately;
  7. A nurse documents the nurse's observations required in subsection (C)(6); and
  8. A nutrition and feeding assistant is provided additional training:
    - a. According to policies and procedures, and
    - b. If a nurse identifies a need for additional training based on the nurse's observation in subsection (C)(6).

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-423 made by exempt rulemaking at 19 A.A.R. 2015, effective

October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-424. Emergency and Safety Standards**

- A. An administrator shall ensure that:
  1. A disaster plan is developed, documented, maintained in a location accessible to personnel members and other employees, and, if necessary, implemented that includes:
    - a. When, how, and where residents will be relocated, including:
      - i. Instructions for the evacuation or transfer of residents,
      - ii. Assigned responsibilities for each employee and personnel member, and
      - iii. A plan for continuing to provide services to meet a resident's needs;
    - b. How a resident's medical record will be available to individuals providing services to the resident during a disaster;
    - c. A plan for back-up power and water supply;
    - d. A plan to ensure a resident's medications will be available to administer to the resident during a disaster;
    - e. A plan to ensure a resident is provided nursing services and other services required by the resident during a disaster; and
    - f. A plan for obtaining food and water for individuals present in the nursing care institution or the nursing care institution's relocation site during a disaster;
  2. The disaster plan required in subsection (A)(1) is reviewed at least once every 12 months;
  3. Documentation of a disaster plan review required in subsection (A)(2) is created, is maintained for at least 12 months after the date of the disaster plan review, and includes:
    - a. The date and time of the disaster plan review;
    - b. The name of each personnel member, employee, or volunteer participating in the disaster plan review;
    - c. A critique of the disaster plan review; and
    - d. If applicable, recommendations for improvement;
  4. A disaster drill for employees is conducted on each shift at least once every three months and documented;
  5. An evacuation drill for employees and residents:
    - a. Is conducted at least once every six months; and
    - b. Includes all individuals on the premises except for:
      - i. A resident whose medical record contains documentation that evacuation from the nursing care institution would cause harm to the resident, and
      - ii. Sufficient personnel members to ensure the health and safety of residents not evacuated according to subsection (A)(5)(b)(i);
  6. Documentation of each evacuation drill is created, is maintained for at least 12 months after the date of the drill, and includes:
    - a. The date and time of the evacuation drill;
    - b. The amount of time taken for employees and residents to evacuate to a designated area;
    - c. If applicable:
      - i. An identification of residents needing assistance for evacuation, and
      - ii. An identification of residents who were not evacuated;



## Department of Health Services - Health Care Institutions: Licensing

- d. Any problems encountered in conducting the evacuation drill; and
  - e. Recommendations for improvement, if applicable; and
- 7. An evacuation path is conspicuously posted on each hallway of each floor of the nursing care institution.
- B. An administrator shall ensure that, if applicable, a sign is placed at the entrance to a room or area indicating that oxygen is in use.
- C. An administrator shall:
  - 1. Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
  - 2. Make any repairs or corrections stated on the fire inspection report, and
  - 3. Maintain documentation of a current fire inspection.
- 8. The supply of hot and cold water is sufficient to meet the personal hygiene needs of residents and the cleaning and sanitation requirements in this Article;
- 9. Linens are clean before use, without holes and stains, and not in need of repair;
- 10. Oxygen containers are secured in an upright position;
- 11. Poisonous or toxic materials stored by the nursing care institution are maintained in labeled containers in a locked area separate from food preparation and storage, dining areas, and medications and are inaccessible to residents;
- 12. Combustible or flammable liquids stored by the nursing care institution are stored in the original labeled containers or safety containers in a locked area inaccessible to residents;
- 13. If pets or animals are allowed in the nursing care institution, pets or animals are:
  - a. Controlled to prevent endangering the residents and to maintain sanitation;
  - b. Licensed consistent with local ordinances; and
  - c. For a dog or cat, vaccinated against rabies;
- 14. If a water source that is not regulated under 18 A.A.C. 4 by the Arizona Department of Environmental Quality is used:
  - a. The water source is tested at least once every 12 months for total coliform bacteria and fecal coliform or *E. coli* bacteria;
  - b. If necessary, corrective action is taken to ensure the water is safe to drink; and
  - c. Documentation of testing is retained for at least 12 months after the date of the test; and
- 15. If a non-municipal sewage system is used, the sewage system is in working order and is maintained according to all applicable state laws and rules.

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-424 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-425. Environmental Standards**

- A. An administrator shall ensure that:
  - 1. A nursing care institution's premises and equipment are:
    - a. Cleaned and disinfected according to policies and procedures or manufacturer's instructions to prevent, minimize, and control illness and infection; and
    - b. Free from a condition or situation that may cause a resident or an individual to suffer physical injury;
  - 2. A pest control program is implemented and documented;
  - 3. Equipment used to provide direct care is:
    - a. Maintained in working order;
    - b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
    - c. Used according to the manufacturer's recommendations;
  - 4. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of the testing, calibration, or repair;
  - 5. Garbage and refuse are:
    - a. In areas used for food storage, food preparation, or food service, stored in a covered container lined with a plastic bag;
    - b. In areas not used for food storage, food preparation, or food service, stored:
      - i. According to the requirements in subsection (5)(a), or
      - ii. In a paper-lined or plastic-lined container that is cleaned and sanitized as often as necessary to ensure that the container is clean; and
    - c. Removed from the premises at least once a week;
  - 6. Heating and cooling systems maintain the nursing care institution at a temperature between 70° F and 84° F;
  - 7. Common areas:
    - a. Are lighted to assure the safety of residents, and
    - b. Have lighting sufficient to allow personnel members to monitor resident activity;
- B. An administrator shall ensure that:
  - 1. Smoking tobacco products is not permitted within a nursing care institution, and
  - 2. Smoking tobacco products may be permitted outside a nursing care institution if:
    - a. Signs designating smoking areas are conspicuously posted, and
    - b. Smoking is prohibited in areas where combustible materials are stored or in use.
- C. If a swimming pool is located on the premises, an administrator shall ensure that:
  - 1. At least one personnel member with cardiopulmonary resuscitation training that meets the requirements in R9-10-403(C)(1)(e) is present in the pool area when a resident is in the pool area, and
  - 2. At least two personnel members are present in the pool area when two or more residents are in the pool area.

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-425 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-426. Physical Plant Standards**

- A. An administrator shall ensure that:
  - 1. A nursing care institution complies with:

## Department of Health Services - Health Care Institutions: Licensing

- a. The applicable physical plant health and safety codes and standards, incorporated by reference in A.A.C. R9-1-412, that were in effect on the date the nursing care institution submitted architectural plans and specifications to the Department for approval according to R9-10-104; and
- b. The requirements for Existing Health Care Occupancies in National Fire Protection Association 101, Life Safety Code, incorporated by reference in A.A.C. R9-1-412;
2. The premises and equipment are sufficient to accommodate:
  - a. The services stated in the nursing care institution's scope of services; and
  - b. An individual accepted as a resident by the nursing care institution;
3. A nursing care institution is ventilated by windows or mechanical ventilation, or a combination of both;
4. The corridors are equipped with handrails on each side that are firmly attached to the walls and are not in need of repair;
5. No more than two individuals reside in a resident room unless:
  - a. The nursing care institution was operating before October 31, 1982; and
  - b. The resident room has not undergone a modification as defined in A.R.S. § 36-401;
6. A resident has a separate bed, a nurse call system, and furniture to meet the resident's needs in a resident room or suite of rooms;
7. A resident room has:
  - a. A window to the outside with window coverings for controlling light and visual privacy, and the location of the window permits a resident to see outside from a sitting position;
  - b. A closet with clothing racks and shelves accessible to the resident; and
  - c. If the resident room contains more than one bed, a curtain or similar type of separation between the beds for privacy; and
8. A resident room or a suite of rooms:
  - a. Is accessible without passing through another resident's room; and
  - b. Does not open into any area where food is prepared, served, or stored.
- B. If a swimming pool is located on the premises, an administrator shall ensure that:
  1. The swimming pool is enclosed by a wall or fence that:
    - a. Is at least five feet in height as measured on the exterior of the wall or fence;
    - b. Has no vertical openings greater than four inches across;
    - c. Has no horizontal openings, except as described in subsection (B)(1)(e);
    - d. Is not chain-link;
    - e. Does not have a space between the ground and the bottom fence rail that exceeds four inches in height; and
    - f. Has a self-closing, self-latching gate that:
      - i. Opens away from the swimming pool,
      - ii. Has a latch located at least 54 inches from the ground, and
      - iii. Is locked when the swimming pool is not in use; and
  2. A life preserver or shepherd's crook is available and accessible in the pool area.
- C. An administrator shall ensure that a spa that is not enclosed by a wall or fence as described in subsection (B)(1) is covered and locked when not in use.

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-426 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-427. Quality Rating**

- A. As required in A.R.S. § 36-425.02(A), the Department shall issue a quality rating to each licensed nursing care institution based on the results of a compliance survey.
- B. The following quality ratings are established:
  1. A quality rating of "A" for excellent is issued if the nursing care institution achieves a score of 90 to 100 points,
  2. A quality rating of "B" is issued if the nursing care institution achieves a score of 80 to 89 points,
  3. A quality rating of "C" is issued if the nursing care institution achieves a score of 70 to 79 points, and
  4. A quality rating of "D" is issued if the nursing care institution achieves a score of 69 or fewer points.
- C. The quality rating is determined by the total number of points awarded based on the following criteria:
  1. Nursing Services:
    - a. 15 points: The nursing care institution is implementing a system that ensures residents are provided nursing services to maintain the resident's highest practicable physical, mental, and psychosocial well-being according to the resident's comprehensive assessment and care plan.
    - b. 5 points: The nursing care institution ensures that each resident is free from medication errors that resulted in actual harm.
    - c. 5 points: The nursing care institution ensures the resident's representative is notified and the resident's attending physician is consulted if a resident has a significant change in condition or if the resident is in an incident that requires medical services.
  2. Resident Rights:
    - a. 10 points: The nursing care institution is implementing a system that ensures a resident's privacy needs are met.
    - b. 10 points: The nursing care institution ensures that a resident is free from physical and chemical restraints for purposes other than to treat the resident's medical condition.
    - c. 5 points: The nursing care institution ensures that a resident or the resident's representative is allowed to participate in the planning of, or decisions concerning treatment including the right to refuse treatment and to formulate a health care directive.
  3. Administration:
    - a. 10 points: The nursing care institution has no repeat deficiencies that resulted in actual harm or immediate jeopardy to residents that were cited during the last survey or other survey or complaint investigation conducted between the last survey and the current survey.
    - b. 5 points: The nursing care institution is implementing a system to prevent abuse of a resident and misappropriation of resident property, investigate each allegation of abuse of a resi-

## Department of Health Services - Health Care Institutions: Licensing

- dent and misappropriation of resident's property, and report each allegation of abuse of a resident and misappropriation of resident's property to the Department and as required by A.R.S. § 46-454.
- c. 5 points: The nursing care institution is implementing a quality management program that addresses nursing care institution services provided to residents, resident complaints, and resident concerns, and documents actions taken for response, resolution, or correction of issues about nursing care institution services provided to residents, resident complaints, and resident concerns.
  - d. 1 point: The nursing care institution is implementing a system to provide social services and a program of ongoing recreational activities to meet the resident's needs based on the resident's comprehensive assessment.
  - e. 1 point: The nursing care institution is implementing a system to ensure that records documenting freedom from infectious pulmonary tuberculosis are maintained for each personnel member, volunteer, and resident.
  - f. 2 points: The nursing care institution is implementing a system to ensure that a resident is free from unnecessary drugs.
  - g. 1 point: The nursing care institution is implementing a system to ensure a personnel member attends in-service education according to policies and procedures.
4. Environment and Infection Control:
    - a. 5 points: The nursing care institution environment is free from a condition or situation within the nursing care institution's control that may cause a resident injury.
    - b. 1 point: The nursing care institution establishes and maintains a pest control program.
    - c. 1 point: The nursing care institution develops a written disaster plan that includes procedures for protecting the health and safety of residents.
    - d. 1 point: The nursing care institution ensures orientation to the disaster plan for each personnel member is completed within the first scheduled week of employment.
    - e. 1 point: The nursing care institution maintains a clean and sanitary environment.
    - f. 5 points: The nursing care institution is implementing a system to prevent and control infection.
    - g. 1 point: An employee cleans the employee's hands after each direct resident contact or when hand cleaning is indicated to prevent the spread of infection.
  5. Food Services:
    - a. 1 point: The nursing care institution complies with 9 A.A.C. 8, Article 1, for food preparation, storage and handling as evidenced by a current food establishment license.
    - b. 3 points: The nursing care institution provides each resident with food that meets the resident's needs as specified in the resident's comprehensive assessment and care plan.
    - c. 2 points: The nursing care institution obtains input from each resident or the resident's representative and implements recommendations for meal planning and food choices consistent with the resident's dietary needs.
    - d. 2 points: The nursing care institution provides assistance to a resident who needs help in eating so that the resident's nutritional, physical, and social needs are met.
    - e. 1 point: The nursing care institution prepares menus at least one week in advance, conspicuously posts each menu, and adheres to each planned menu unless an uncontrollable situation such as food spoilage or non-delivery of a specified food requires substitution.
    - f. 1 point: The nursing care institution provides food substitution of similar nutritive value for residents who refuse the food served or who request a substitution.
  - D. A nursing care institution's quality rating remains in effect until a survey is conducted by the Department for the next renewal period except as provided in subsection (E).
  - E. If the Department issues a provisional license, the current quality rating is terminated. A provisional licensee may submit an application for a substantial compliance survey. If the Department determines that, as a result of a substantial compliance survey, the nursing care institution is in substantial compliance, the Department shall issue a new quality rating according to subsection (C).
  - F. The issuance of a quality rating does not preclude the Department from seeking a civil penalty as provided in A.R.S. § 36-431.01, or suspension or revocation of a license as provided in A.R.S. § 36-427.
- Historical Note**
- Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2). New Section R9-10-427 made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3334, effective October 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- R9-10-428. Repealed**
- Historical Note**
- Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).
- R9-10-429. Repealed**
- Historical Note**
- Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).
- R9-10-430. Repealed**
- Historical Note**
- Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).
- R9-10-431. Repealed**
- Historical Note**
- Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).
- R9-10-432. Repealed**

## Department of Health Services - Health Care Institutions: Licensing

**Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-433. Repealed****Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-434. Repealed****Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-435. Repealed****Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-436. Repealed****Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-437. Repealed****Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-438. Repealed****Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1). Section repealed by final rulemaking at 8 A.A.R. 2785, effective October 1, 2002 (Supp. 02-2).

**R9-10-439. Repealed****Historical Note**

Adopted effective January 28, 1980 (Supp. 80-1).  
Repealed effective October 30, 1989 (Supp. 89-4).

**ARTICLE 5. RECOVERY CARE CENTERS****R9-10-501. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following applies in this Article unless otherwise specified:

“Recovery care services” has the same meaning as in A.R.S. § 36-448.51.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Emergency expired. Permanent rules adopted with changes effective

October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2).

Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-502. Administration****A. A governing authority shall:**

1. Consist of one or more individuals responsible for the organization, operation, and administration of a recovery care center;
2. Establish in writing:
  - a. A recovery care center’s scope of services, and
  - b. Qualifications for an administrator;
3. Designate an administrator, in writing, who has the qualifications established in subsection (A)(2)(b);
4. Grant, deny, suspend, or revoke the clinical privileges of a medical staff member according to medical staff bylaws;
5. Adopt a quality management program according to R9-10-503;
6. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
7. Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b) if the administrator is:
  - a. Expected not to be present on a recovery care center’s premises for more than 30 calendar days, or
  - b. Not present on a recovery care center’s premises for more than 30 calendar days; and
8. Except as provided in subsection (A)(7), notify the Department according to A.R.S. § 36-425(I) when there is a change in the administrator and identify the name and qualifications of the new administrator.

**B. An administrator:**

1. Is directly accountable to the governing authority of a recovery care center for the daily operation of the recovery care center and all services provided by or at the recovery care center;
2. Has the authority and responsibility to manage a recovery care center; and
3. Except as provided in subsection (A)(7), designates, in writing, an individual who is present on the recovery care center’s premises and accountable for the recovery care center when the administrator is not present on the recovery care center premises.

**C. An administrator shall ensure that:**

1. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
  - a. Cover job descriptions, duties, and qualifications including required skills, knowledge, education, and experience for personnel members, employees, volunteers, and students;
  - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
  - c. Include how a personnel member may submit a complaint relating to patient care;
  - d. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;
  - e. Cover cardiopulmonary resuscitation training required in R9-10-505(G) including:
    - i. The method and content of cardiopulmonary resuscitation training,

## Department of Health Services - Health Care Institutions: Licensing

- ii. The qualifications for an individual to provide cardiopulmonary resuscitation training;
    - iii. The time-frame for renewal of cardiopulmonary resuscitation training; and
    - iv. The documentation that verifies an individual has received cardiopulmonary resuscitation training;
  - f. Cover first aid training;
  - g. Include a method to identify a patient to ensure the patient receives services as ordered;
  - h. Cover patient rights including assisting a patient who does not speak English or who has a disability to become aware of patient rights;
  - i. Cover specific steps for:
    - i. A patient to file a complaint; and
    - ii. The recovery care center to respond to a patient's complaint;
  - j. Cover health care directives;
  - k. Cover medical records, including electronic medical records;
  - l. Cover a quality management program, including incident reports and supporting documentation;
  - m. Cover contracted services;
  - n. Cover tissue and organ procurement and transplant; and
  - o. Cover when an individual may visit a patient in a recovery care center;
2. Policies and procedures for recovery care services are established, documented, and implemented to protect the health and safety of a patient that:
    - a. Cover patient screening, admission, transfer, discharge planning, and discharge;
    - b. Cover the provision of recovery care services;
    - c. Include when general consent and informed consent are required;
    - d. Cover prescribing a controlled substance to minimize substance abuse by a patient;
    - e. Cover dispensing, administering, and disposing of medications;
    - f. Cover how personnel members will respond to a patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual;
    - g. Cover infection control; and
    - h. Cover environmental services that affect patient care;
  3. Policies and procedures are reviewed at least once every three years and updated as needed;
  4. Policies and procedures are available to personnel members, employees, volunteers, and students; and
  5. Unless otherwise stated:
    - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
    - b. When documentation or information is required by this Chapter to be submitted on behalf of a recovery care center, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the recovery care center.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as

an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Section repealed; Section amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-503. Quality Management**

1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to patients;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to patient care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to patient care; and
  - e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to patient care; and
  - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to patient care; and
3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-504. Contracted Services**

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and

## Department of Health Services - Health Care Institutions: Licensing

2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-505. Personnel****A.** An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of the patients receiving physical health services or behavioral health services from the personnel member according to the established job description; and
  - b. Include:
    - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
    - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
    - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
  - a. Before the personnel member provides physical health services or behavioral health services, and
  - b. According to policies and procedures; and
3. Sufficient personnel members are present on a recovery care center's premises with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the recovery care center's scope of services,
  - b. Meet the needs of a patient, and
  - c. Ensure the health and safety of a patient.

- B.** An administrator shall ensure that an individual who is a baccalaureate social worker, master social worker, associate marriage and family therapist, associate counselor, or associate substance abuse counselor is under direct supervision as defined in 4 A.A.C. 6, Article 1.
- C.** An administrator shall ensure that a personnel member, or an employee or a volunteer who has or is expected to have direct interaction with a patient, provides evidence of freedom from infectious tuberculosis:
  1. On or before the date the individual begins providing services at or on behalf of the recovery care center, and
  2. As specified in R9-10-113.
- D.** An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:
  1. The individual's name, date of birth, and contact telephone number;
  2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
  3. Documentation of:
    - a. The individual's qualifications, including skills and knowledge applicable to the employee's job duties;
    - b. The individual's education and experience applicable to the employee's job duties;
    - c. The individual's completed orientation and in-service education as required by policies and procedures;
    - d. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
    - e. The individual's compliance with the requirements in A.R.S. § 36-411;
    - f. Cardiopulmonary resuscitation training, if required for the individual, according to R9-10-502(C)(1)(e);
    - g. First aid training, if the individual is required to have according to this Article and policies and procedures; and
    - h. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (C).
- E.** An administrator shall ensure that personnel records are:
  1. Maintained:
    - a. Throughout the individual's period of providing services in or for the recovery care center, and
    - b. For at least 24 months after the last date the individual provided services in or for the recovery care center; and
  2. For a personnel member who has not provided physical health services or behavioral health services at or for the recovery care center during the previous 12 months, provided to the Department within 72 hours after the Department's request.
- F.** An administrator shall ensure that:
  1. A plan to provide orientation specific to the duties of a personnel member, an employee, a volunteer, and a student is developed, documented, and implemented;
  2. A personnel member completes orientation before providing behavioral health services or physical health services;
  3. An individual's orientation is documented, to include:
    - a. The individual's name,
    - b. The date of the orientation, and
    - c. The subject or topics covered in the orientation;
  4. A director of nursing develops, documents, and implements a plan to provide in-service education specific to the duties of a personnel member;

## Department of Health Services - Health Care Institutions: Licensing

5. A personnel member's in-service education is documented, to include:
    - a. The personnel member's name,
    - b. The date of the training, and
    - c. The subject or topics covered in the training; and
  6. A work schedule of each personnel member is developed and maintained at the recovery care center for at least 12 months from the date of the work schedule.
- G.** An administrator shall ensure that a nursing personnel member:
1. Is 18 years of age or older,
  2. Is certified in cardiopulmonary resuscitation within the first month of employment,
  3. Maintains current certification in cardiopulmonary resuscitation, and
  4. Attends additional orientation that includes patient care and infection control policies and procedures.
- f. Defining the responsibilities of a medical staff member to provide medical services to the medical staff member's patient;
  - g. Defining a medical staff member's responsibilities for the transfer of a patient;
  - h. Specifying requirements for oral, telephone, and electronic orders, including which orders require identification of the time of the order;
  - i. Establishing a time-frame for a medical staff member to complete a patient's medical record; and
  - j. Establishing criteria for granting, denying, revoking, and suspending clinical privileges; and
7. The organized medical staff reviews the medical staff bylaws and the medical staff regulations at least once every three years and updates the bylaws and regulations as needed.
- B.** An administrator shall ensure that:

1. A medical staff member provides evidence of freedom from infectious tuberculosis as specified in R9-10-113 before providing services at the recovery care center and at least once every 12 months thereafter;
2. A record for each medical staff member is established and maintained that includes:
  - a. A completed application for clinical privileges,
  - b. The dates and lengths of appointment and reappointment of clinical privileges,
  - c. The specific clinical privileges granted to the medical staff member including revision or revocation dates for each clinical privilege, and
  - d. A verification of current Arizona health care professional active license according to A.R.S. Title 32; and
3. Except for documentation of peer review conducted according to A.R.S. § 36-445, a record under subsection (B)(2) is provided to the Department for review:
  - a. For a current medical staff member, within 2 hours after the Department's request, or
  - b. Within 72 hours after the time of the Department's request if the individual is no longer a current medical staff member.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-506. Medical Staff**

- A.** A governing authority shall require that:
1. The organized medical staff is directly accountable to the governing authority for the quality of care provided by a medical staff member to a patient in a recovery care center;
  2. The medical staff bylaws and medical staff regulations are approved according to the medical staff bylaws and governing authority requirements;
  3. A medical staff member complies with medical staff bylaws and medical staff regulations;
  4. The medical staff includes at least two physicians who have clinical privileges to admit patients to the recovery care center;
  5. A medical staff member is available to direct patient care;
  6. Medical staff bylaws or medical staff regulations are established, documented, and implemented for the process of:
    - a. Conducting peer review according to A.R.S. Title 36, Chapter 4, Article 5;
    - b. Appointing members to the medical staff, subject to approval by the governing authority;
    - c. Establishing committees, including identifying the purpose and organization of each committee;
    - d. Appointing one or more medical staff members to a committee;
    - e. Requiring that each patient has a medical staff member who coordinates the patient's care;

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-507. Admission**

- A.** An administrator shall ensure that a physician only admits patients to the recovery care center who require recovery care services, as defined in A.R.S. § 36-448.51.

## Department of Health Services - Health Care Institutions: Licensing

- B.** An administrator shall ensure that the following documents are in a patient's medical record at the time the patient is admitted to the recovery care center:

1. A medical history and physical examination performed or approved by a member of the recovery care center's medical staff within 30 calendar days before the patient's admission to the recovery care center,
2. A discharge summary from the referring health care institution or physician,
3. Physician orders, and
4. Documentation concerning health care directives.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-508. Discharge**

- A.** For a patient, an administrator shall ensure that discharge planning:
1. Identifies the specific needs of the patient after discharge, if applicable;
  2. If a discharge date has been determined, identifies the anticipated discharge date;
  3. Includes the participation of the patient or the patient's representative;
  4. Is completed before discharge occurs;
  5. Provides the patient or the patient's representative with written information identifying classes or subclasses of health care institutions and the level of care that the health care institutions provide that may meet the patient's assessed and anticipated needs after discharge, if applicable; and
  6. Is documented in the patient's medical record.
- B.** For a patient discharge or a transfer of the patient, an administrator shall ensure that:
1. A discharge summary is developed that includes:
    - a. A description of the patient's medical condition and the medical services provided to the patient, and
    - b. The signature of the medical practitioner coordinating the patient's medical services;
  2. A discharge order for the patient is received from a medical practitioner coordinating the patient's medical services before discharge, unless the patient leaves the recovery care center against a medical staff member's advice;
  3. Discharge instructions are developed and documented; and
  4. The patient or the patient's representative is provided with a copy of the discharge instructions.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-509. Transfer**

Except for a transfer of a patient due to an emergency, an administrator shall ensure that:

1. A personnel member coordinates the transfer and the services provided to the patient;
2. According to policies and procedures:
  - a. An evaluation of the patient is conducted before the transfer;
  - b. Information from the patient's medical record, including orders that are in effect at the time of the transfer, is provided to a receiving health care institution; and
  - c. A personnel member explains risks and benefits of the transfer to the patient or the patient's representative; and
3. Documentation in the patient's medical record includes:
  - a. Communication with an individual at a receiving health care institution;
  - b. The date and time of the transfer;
  - c. The mode of transportation; and
  - d. If applicable, the name of the personnel member accompanying the patient during a transfer.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-510. Patient Rights**

- A.** An administrator shall ensure:



## Department of Health Services - Health Care Institutions: Licensing

1. The requirements in subsection (B) and the patient rights in subsection (C) are conspicuously posted on the premises;
  2. At the time of admission, a patient or the patient's representative receives a written copy of the requirements in subsection (B) and the patient rights in subsection (C); and
  3. Policies and procedures include:
    - a. How and when a patient or the patient's representative is informed of the patient rights in subsection (C), and
    - b. Where patient rights are posted as required in subsection (A)(1).
- B.** An administrator shall ensure that:
1. A patient is treated with dignity, respect, and consideration;
  2. A patient is not subjected to:
    - a. Abuse;
    - b. Neglect;
    - c. Exploitation;
    - d. Coercion;
    - e. Manipulation;
    - f. Sexual abuse;
    - g. Sexual assault;
    - h. Seclusion;
    - i. Restraint;
    - j. Retaliation for submitting a complaint to the Department or another entity; or
    - k. Misappropriation of personal and private property by a recovery care center's medical staff, personnel members, employees, volunteers, or students; and
  3. A patient or the patient's representative:
    - a. Except in an emergency, either consents to or refuses treatment;
    - b. May refuse or withdraw consent for treatment before treatment is initiated;
    - c. Except in an emergency, is informed of proposed treatment alternatives, associated risks, and possible complications;
    - d. Is informed of the following:
      - i. The recovery care center's policy on health care directives, and
      - ii. The patient complaint process;
    - e. Consents to photographs of the patient before the patient is photographed, except that a patient may be photographed when admitted to a recovery care center for identification and administrative purposes; and
    - f. Except as otherwise permitted by law, provides written consent to the release of information in the patient's:
      - i. Medical record, or
      - ii. Financial records.
- C.** A patient has the following rights:
1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
  2. To receive treatment that supports and respects the patient's individuality, choices, strengths, and abilities;
  3. To receive privacy in treatment and care for personal needs;
  4. To have access to a telephone;
  5. To be advised of the recovery care center's policy regarding health care directives;
  6. To associate and communicate privately with individuals of the patient's choice;
  7. To review, upon written request, the patient's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
  8. To receive a referral to another health care institution if the health care institution is not authorized or not able to provide physical health services or behavioral health services needed by the patient;
  9. To participate or have the patient's representative participate in the development of, or decisions concerning treatment;
  10. To participate or refuse to participate in research or experimental treatment; and
  11. To receive assistance from a family member, the patient's representative, or other individual in understanding, protecting, or exercising the patient's rights.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-511. Medical Records****A.** An administrator shall ensure that:

1. A patient's medical record is established and maintained for each patient according to A.R.S. Title 12, Chapter 13, Article 7.1;
2. An entry in a patient's medical record is:
  - a. Recorded only by an individual authorized by policies and procedures to make the entry;
  - b. Dated, legible, and authenticated; and
  - c. Not changed to make the initial entry illegible;
3. An order is:
  - a. Dated when the order is entered in the patient's medical record and includes the time of the order;
  - b. Authenticated by a medical staff according to policies and procedures; and
  - c. If the order is a verbal order, authenticated by the medical staff issuing the order;
4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
5. A patient's medical record is available to an individual:
  - a. Authorized according to policies and procedures to access the patient's medical record;
  - b. If the individual is not authorized according to policies and procedures, with the written consent of the patient or the patient's representative; or
  - c. As permitted by law;

## Department of Health Services - Health Care Institutions: Licensing

6. Policies and procedures that include the maximum time-frame to retrieve an onsite or off-site patient's medical record at the request of a medical staff or authorized personnel member; and
7. A patient's medical record is protected from loss, damage, or unauthorized use.
- B.** If a recovery care center maintains patients' medical records electronically, an administrator shall ensure that:
  1. Safeguards exist to prevent unauthorized access, and
  2. The date and time of an entry in a patient's medical record is recorded by the computer's internal clock.
- C.** An administrator shall ensure that a patient's medical record contains:
  1. Patient information that includes:
    - a. The patient's name,
    - b. The patient's address,
    - c. The patient's date of birth, and
    - d. Any known allergies;
  2. The date of admission and, if applicable, the date of discharge;
  3. The admitting diagnosis;
  4. A discharge summary from the referring health care institution or physician;
  5. If applicable, documented general consent and informed consent by the patient or the patient's representative;
  6. The medical history and physical examination required in R9-10-507(B)(1);
  7. A copy of the patient's health care directive, if applicable;
  8. The name and telephone number of the patient's medical practitioner;
  9. If applicable, the name and contact information of the patient's representative and:
    - a. If the patient is 18 years of age or older or an emancipated minor, the document signed by the patient consenting for the patient's representative to act on the patient's behalf; or
    - b. If the patient's representative:
      - i. Is a legal guardian, a copy of the court order establishing guardianship; or
      - ii. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney;
  10. Orders;
  11. Nursing assessment;
  12. Treatment plans;
  13. Progress notes;
  14. Documentation of recovery care center services provided to a patient;
  15. The disposition of the patient after discharge;
  16. The discharge plan;
  17. A discharge summary, if applicable;
  18. Transfer documentation from the referring health care institution or physician;
  19. If applicable:
    - a. A laboratory report,
    - b. A radiologic report,
    - c. A diagnostic report, and
    - d. A consultation report;
  20. If applicable, documentation of any actions taken to control the patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual;
  21. If applicable, documentation that evacuation from the recovery care center would cause harm to the patient; and
  22. Documentation of a medication administered to the patient that includes:
    - a. The date and time of administration;
    - b. The name, strength, dosage, and route of administration;
    - c. For a medication administered for pain on a PRN basis:
      - i. An assessment of the patient's pain before administering the medication, and
      - ii. The effect of the medication administered;
    - d. For a psychotropic medication administered on a PRN basis:
      - i. An assessment of the patient's behavior before administering the psychotropic medication, and
      - ii. The effect of the psychotropic medication administered;
    - e. The signature of the individual administering or observing the patient self-administer the medication; and
    - f. Any adverse reaction a patient has to the medication.
- D.** An administrator shall ensure that a patient's medical record is completed within 30 calendar days after the patient's discharge.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-512. Nursing Services**

- A.** An administrator shall appoint a registered nurse as the director of nursing who has the authority and responsibility to manage nursing services at a recovery care center.
- B.** A director of nursing shall:
  1. Ensure that policies and procedures are developed, documented, and implemented to protect the health and safety of a patient that cover nursing assessments;
  2. Designate, in writing, a registered nurse to manage nursing services when the director of nursing is not present on a recovery care center's premises;
  3. Ensure that a recovery care center is staffed with nursing personnel according to the number of patients and their health care needs;
  4. Ensure that a patient receives medical services, nursing services, and health-related services based on the patient's nursing assessment and the physician's orders; and
  5. Ensure that medications are administered by a nurse licensed according to A.R.S. Title 32, Chapter 15 or as otherwise provided by law.
- C.** An administrator shall ensure that a registered nurse completes a nursing assessment of each patient, which addresses patient

## Department of Health Services - Health Care Institutions: Licensing

care needs, when the patient is admitted to the recovery care center.

- D. An administrator shall ensure that a licensed nurse provides a patient with written discharge instructions, based on the patient's health care needs and physician's instructions, before the patient is discharged from the recovery care center.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-513. Medication Services**

- A. An administrator shall ensure that policies and procedures for medication services:

1. Include:
  - a. A process for providing information to a patient about medication prescribed for the patient including:
    - i. The prescribed medication's anticipated results,
    - ii. The prescribed medication's potential adverse reactions,
    - iii. The prescribed medication's potential side effects, and
    - iv. Potential adverse reactions that could result from not taking the medication as prescribed;
  - b. Procedures for preventing, responding to, and reporting:
    - i. A medication error,
    - ii. An adverse reaction to a medication, or
    - iii. A medication overdose;
  - c. Procedures for documenting medication administration; and
  - d. Procedures to ensure that a patient's medication regimen and method of administration is reviewed by a medical practitioner to ensure the medication regimen meets the patient's needs; and
2. Specify a process for review through the quality management program of:
  - a. A medication administration error, and
  - b. An adverse reaction to a medication.

- B. An administrator shall ensure that:

1. Policies and procedures for medication administration:
  - a. Are reviewed and approved by a medical practitioner;
  - b. Specify the individuals who may:
    - i. Order medication, and
    - ii. Administer medication;
  - c. Ensure that medication is administered to a patient only as prescribed; and

- d. Cover the documentation of a patient's refusal to take prescribed medication is documented in the patient's medical record;

2. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law;
3. A medication administered to a patient:
  - a. Is administered in compliance with an order, and
  - b. Is documented in the patient's medical record.

- C. An administrator shall ensure that:

1. A current drug reference guide is available for use by personnel members;
2. A current toxicology reference guide is available for use by personnel members; and
3. If pharmaceutical services are provided on the premises:
  - a. A committee, composed of at least one physician, one pharmacist, and other personnel members as determined by policies and procedures, is established to:
    - i. Develop a drug formulary,
    - ii. Update the drug formulary at least every 12 months,
    - iii. Develop medication usage and medication substitution policies and procedures, and
    - iv. Specify which medications and medication classifications are required to be stopped automatically after a specific time period unless the ordering medical staff member specifically orders otherwise;
  - b. The pharmaceutical services are provided under the direction of a pharmacist;
  - c. The pharmaceutical services comply with ARS Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23; and
  - d. A copy of the pharmacy license is provided to the Department upon request.

- D. When medication is stored at a recovery care center, an administrator shall ensure that:

1. Medication is stored in a separate locked room, closet, or self-contained unit used only for medication storage;
2. Medication is stored according to the instructions on the medication container; and
3. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient for:
  - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication, including expired medication;
  - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
  - c. A medication recall and notification of patients who received recalled medication; and
  - d. Storing, inventorying, and dispensing controlled substances.

- E. An administrator shall ensure that a personnel member immediately reports a medication error or a patient's adverse reaction to a medication to the medical practitioner who ordered the medication and, if applicable, the recovery care center's director of nursing.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as

## Department of Health Services - Health Care Institutions: Licensing

an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-514. Ancillary Services**

An administrator shall ensure that:

1. Laboratory services are provided on the premises, or are available through contract, with a laboratory that holds a certificate of accreditation or certificate of compliance issued by the U.S. Department of Health and Human Services under the 1988 amendments to the Clinical Laboratories Improvement Act of 1967; and
2. Pharmaceutical services are provided on the premises, or are available through contract, by a pharmacy licensed according to A.R.S. Title 32, Chapter 18.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-515. Food Services**

**A.** An administrator shall ensure that:

1. The recovery care center has a license or permit as a food establishment under 9 A.A.C. 8, Article 1;
2. A copy of the recovery care center's food establishment license or permit is maintained; and
3. If a recovery care center contracts with a food establishment, as established in 9 A.A.C. 8, Article 1, to prepare and deliver food to the recovery care center:
  - a. A copy of the contracted food establishment's license or permit under 9 A.A.C. 8, Article 1 is maintained by the recovery care center; and
  - b. The recovery care center is able to store, refrigerate, and reheat food to meet the dietary needs of a patient.

**B.** An administrator shall:

1. Designate a food service manager who is responsible for food service in the recovery care center; and
2. Ensure that a current therapeutic diet reference manual is available to the food service manager.

**C.** A food service manager shall ensure that:

1. Food is prepared:
  - a. Using methods that conserve nutritional value, flavor, and appearance; and

- b. In a form to meet the needs of a patient such as cut, chopped, ground, pureed, or thickened;
2. A food menu:
  - a. Is prepared at least one week in advance,
  - b. Includes the foods to be served each day,
  - c. Is conspicuously posted at least one day before the first meal on the food menu will be served,
  - d. Includes any food substitution no later than the morning of the day of meal service with a food substitution, and
  - e. Is maintained for at least 60 calendar days after the last day included in the food menu;
3. Meals and snacks provided by the recovery care center are served according to posted menus;
4. Meals and snacks for each day are planned using the applicable guidelines in <http://www.health.gov/dietaryguidelines/2010.asp>;
5. A patient is provided:
  - a. A diet that meets the patient's nutritional needs and, if applicable, the orders of the patient's physician;
  - b. Three meals a day with not more than 14 hours between the evening meal and breakfast except as provided in subsection (C)(5)(d);
  - c. The option to have a daily evening snack identified in subsection (C)(5)(d)(ii) or other snack; and
  - d. The option to extend the time span between the evening meal and breakfast from 14 hours to 16 hours if:
    - i. A patient agrees; and
    - ii. The patient is offered an evening snack that includes meat, fish, eggs, cheese, or other protein, and a serving from either the fruit and vegetable food group or the bread and cereal food group;
6. A patient requiring assistance to eat is provided with assistance that recognizes the patient's nutritional, physical, and social needs, including the use of adaptive eating equipment or utensils; and
7. Water is available and accessible to a patient.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed effective April 4, 1994 (Supp. 94-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-516. Emergency and Safety Standards**

- A.** An administrator shall ensure that policies and procedures for providing emergency treatment are established, documented, and implemented that protect the health and safety of patients and include:
1. Basic life support procedures, including the administration of oxygen and cardiopulmonary resuscitation; and

## Department of Health Services - Health Care Institutions: Licensing

2. Transfer arrangements for patients who require care not provided by the recovery care center.
- B.** An administrator shall ensure that emergency treatment is provided to a patient admitted to the recovery care center according to policies and procedures.
- C.** An administrator shall ensure that:
  1. A disaster plan is developed, documented, maintained in a location accessible to personnel members and other employees, and, if necessary, implemented that includes:
    - a. When, how, and where patients will be relocated, including:
      - i. Instructions for the evacuation or transfer of patients,
      - ii. Assigned responsibilities for each employee and personnel member, and
      - iii. A plan for providing continuing services to meet patient's needs;
    - b. How each patient's medical record will be available to individuals providing services to the patient during a disaster;
    - c. A plan to ensure each patient's medication will be available to administer to the patient during a disaster; and
    - d. A plan for obtaining food and water for individuals present in the recovery care center or the recovery care center's relocation site during a disaster;
  2. The disaster plan required in subsection (C)(1) is reviewed at least once every 12 months;
  3. Documentation of a disaster plan review required in subsection (C)(2) is created, is maintained for at least 12 months after the date of the disaster plan review, and includes:
    - a. The date and time of the disaster plan review;
    - b. The name of each personnel member, employee, or volunteer participating in the disaster plan review;
    - c. A critique of the disaster plan review; and
    - d. If applicable, recommendations for improvement;
  4. A disaster drill for employees is conducted on each shift at least once every three months and documented;
  5. An evacuation drill for employees and patients:
    - a. Is conducted at least once every six months;
    - b. Includes all individuals on the premises except for:
      - i. A patient whose medical record contains documentation that evacuation from the recovery care center would cause harm to the patient, and
      - ii. Sufficient personnel members to ensure the health and safety of patients not evacuated according to subsection (C)(5)(b)(i);
  6. Documentation of each evacuation drill is created, is maintained for at least 12 months after the date of the evacuation drill, and includes:
    - a. The date and time of the evacuation drill;
    - b. The amount of time taken for employees and patients to evacuate to a designated area;
    - c. If applicable:
      - i. An identification of patients needing assistance for evacuation, and
      - ii. An identification of patients who were not evacuated;
    - d. Any problems encountered in conducting the evacuation drill; and
    - e. Recommendations for improvement, if applicable; and
  7. An evacuation path is conspicuously posted on each hallway of each floor of the recovery care center.
- D.** An administrator shall:
  1. Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
  2. Make any repairs or corrections stated on the inspection report, and
  3. Maintain documentation of a current fire inspection.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed effective April 4, 1994 (Supp. 94-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-517. Environmental Standards**

- A.** An administrator shall ensure the recovery care center's infection control policies and procedures include:
  1. Development and implementation of a written plan for preventing, detecting, reporting, and controlling communicable diseases and infection;
  2. Handling and disposal of biohazardous medical waste; and
  3. Sterilization, disinfection, and storage of medical equipment and supplies.
- B.** An administrator shall ensure that:
  1. A recovery care center's premises and equipment are:
    - a. Cleaned and disinfected according to policies and procedures or manufacturer's instructions to prevent, minimize, and control illness or infection; and
    - b. Free from a condition or situation that may cause a patient or an individual to suffer physical injury;
  2. A pest control program is implemented and documented;
  3. Equipment used to provide recovery care services is:
    - a. Maintained in working order;
    - b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
    - c. Used according to the manufacturer's recommendations;
  4. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of the testing, calibration, or repair;
  5. Biohazardous medical waste is identified, stored, and disposed of according to 18 A.A.C. 13, Article 14 and policies and procedures;
  6. Soiled linen and clothing are:
    - a. Collected in a manner to minimize or prevent contamination;
    - b. Bagged at the site of use; and
    - c. Maintained separate from clean linen and clothing and away from food storage, kitchen, or dining areas;

## Department of Health Services - Health Care Institutions: Licensing

7. Garbage and refuse are:
    - a. Stored in covered containers lined with plastic bags, and
    - b. Removed from the premises at least once a week;
  8. Heating and cooling systems maintain the recovery care center at a temperature between 70° F and 84° F;
  9. Common areas:
    - a. Are lighted to assure the safety of patients, and
    - b. Have lighting sufficient to allow personnel members to monitor patient activity;
  10. The supply of hot and cold water is sufficient to meet the personal hygiene needs of patients and the cleaning and sanitation requirements in this Article;
  11. Oxygen containers are secured in an upright position;
  12. Poisonous or toxic materials stored by the recovery care center are maintained in labeled containers in a locked area separate from food preparation and storage, dining areas, and medications and are inaccessible to patients;
  13. Combustible or flammable liquids and hazardous materials stored by the recovery care center are stored in the original labeled containers or safety containers in a locked area inaccessible to patients;
  14. If pets or animals are allowed in the recovery care center, pets or animals are:
    - a. Controlled to prevent endangering the patients and to maintain sanitation; and
    - b. Licensed consistent with local ordinances;
  15. If a water source that is not regulated under 18 A.A.C. 4 by the Arizona Department of Environmental Quality is used:
    - a. The water source is tested at least once every 12 months for total coliform bacteria and fecal coliform or *E. coli* bacteria;
    - b. If necessary, corrective action is taken to ensure the water is safe to drink; and
    - c. Documentation of testing is retained for at least 12 months after the date of the test; and
  16. If a non-municipal sewage system is used, the sewage system is in working order and is maintained according to applicable state laws and rules.
- C. An administrator shall ensure that:
1. Smoking tobacco products is not permitted within a recovery care center; and
  2. Smoking tobacco products may be permitted outside a recovery care center if:
    - a. Signs designating smoking areas are conspicuously posted, and
    - b. Smoking is prohibited in areas where combustible materials are stored or in use.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted effective October 30, 1989 (Supp. 89-4). Section repealed effective April 4, 1994 (Supp. 94-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to

Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-518. Physical Plant Standards**

- A. An administrator shall ensure that recovery care center's patient rooms and service areas comply with the applicable physical plant health and safety codes and standards, incorporated by reference in A.A.C. R9-1-412(A)(2)(b), in effect on the date the recovery care center submitted architectural plans and specifications to the Department for approval, according to R9-10-104.
- B. An administrator shall ensure that the premises and equipment are sufficient to accommodate:
  1. The services stated in the recovery care center's scope of services; and
  2. An individual accepted as a patient by the recovery care center.
- C. An administrator shall ensure that the recovery care center does not allow more than two beds per room.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted effective October 30, 1989 (Supp. 89-4). Section repealed effective April 4, 1994 (Supp. 94-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**ARTICLE 6. HOSPICES****R9-10-601. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following apply in this Article unless otherwise specified:

1. "Medical social services" means assistance, other than medical services or nursing services, provided by a personnel member to a patient to assist the patient to cope with concerns about the patient's illness, finances, or personal issues and may include problem-solving, interventions, and identification of resources to address the patient's or the patient's family's concerns.
2. "Palliative care" means medical services or nursing services provided to a patient that is not curative and is designed for pain control or symptom management.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-602. Supplemental Application Requirements**

In addition to the license application requirements in A.R.S. § 36-422 and R9-10-105, an applicant for an initial license as a hospice service agency or hospice inpatient facility shall include on the application:

1. For an application as a hospice service agency:

## Department of Health Services - Health Care Institutions: Licensing

- a. The hours of operation for the hospice's administrative office, and
- b. The geographic region to be served by the hospice service agency; and
2. For an application as a hospice inpatient facility, the requested licensed capacity.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-603. Administration****A.** A governing authority shall:

1. Consist of one or more individuals responsible for the organization, operation, and administration of the hospice;
2. Establish, in writing:
  - a. A hospice's scope of services, and
  - b. Qualifications for an administrator;
3. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);
4. Adopt a quality management plan according to R9-10-604;
5. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
6. Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b), if the administrator is:
  - a. Expected not to be present:
    - i. At a hospice service agency's administrative office for more than 30 calendar days, or
    - ii. On a hospice inpatient facility's premises for more than 30 calendar days; or
  - b. Not present:
    - i. At a hospice service agency's administrative office for more than 30 calendar days, or
    - ii. On a hospice inpatient facility's premises for more than 30 calendar days; and
7. Except as provided in subsection (A)(6), notify the Department according to A.R.S. § 36-425(I) when there is a change in the administrator and identify the name and qualifications of the new administrator.

**B.** An administrator:

1. Is directly accountable to the governing authority of a hospice for the daily operation of the hospice and all services provided by or through the hospice;
2. Has the authority and responsibility to manage the hospice;
3. Except as provided in subsection (A)(6), designates, in writing, an individual who is present on the hospice's premises and accountable for the:
  - a. Hospice service agency when the administrator is not present at the hospice service agency's administrative office, or
  - b. Inpatient hospice facility when the administrator is not on hospice inpatient facility's premises; and
4. Designates a personnel member to provide direction for volunteers.

**C.** An administrator shall ensure that:

1. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
  - a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and

experience for personnel members, employees, volunteers, and students;

- b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
- c. Include how a personnel member may submit a complaint relating to patient care;
- d. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;
- e. Include a method to identify a patient to ensure the patient receives hospice services as ordered;
- f. Cover patient rights, including assisting a patient who does not speak English or who has a disability to become aware of patient rights;
- g. Cover specific steps for:
  - i. A patient to file a complaint, and
  - ii. The hospice service agency or hospice inpatient facility to respond to a patient's complaint;
- h. Cover health care directives;
- i. Cover medical records, including electronic medical records;
- j. Cover a quality management program, including incident reports and supporting documentation; and
- k. Cover contracted services;
2. Policies and procedures for hospice services are established, documented, and implemented to protect the health and safety of a patient that:
  - a. Cover patient screening, admission, transfer, discharge planning, and discharge;
  - b. Cover the provision of hospice services;
  - c. Include when general consent and informed consent are required;
  - d. Cover how personnel members will respond to a patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual;
  - e. Cover dispensing, administering, and disposing of medication;
  - f. Cover infection control; and
  - g. Cover telemedicine, if applicable;
3. For a hospice inpatient facility, policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
  - a. Cover visitation of a patient, including:
    - i. Allowing visitation by individuals 24 hours a day, and
    - ii. Allowing a visitor to bring a pet to visit the patient;
  - b. Cover the use and display of a patient's personal belongings; and
  - c. Cover environmental services that affect patient care;
4. Policies and procedures are reviewed at least once every three years and updated as needed;
5. Policies and procedures are available to personnel members, employees, volunteers, and students; and
6. Unless otherwise stated:
  - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
  - b. When documentation or information is required by this Chapter to be submitted on behalf of a hospice, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the hospice.

**D.** An administrator shall designate, in writing, a:

## Department of Health Services - Health Care Institutions: Licensing

1. Physician as the medical director who has the authority and responsibility for providing direction for the medical services provided by the hospice, and
2. Registered nurse as the director of nursing who has the authority and responsibility for managing nursing services provided by the hospice.

E. An administrator shall ensure that the following are conspicuously posted:

1. The current Department-issued license;
2. The current telephone number of the Department; and
3. The location at which the following are available for review:
  - a. A copy of the most recent Department inspection report;
  - b. A list of the services provided by the hospice; and
  - c. A written copy of rates and charges, as required in A.R.S. § 36-436.03.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-604. Quality Management**

An administrator shall ensure that:

1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to patients;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to patient care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to patient care; and
  - e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to patient care, and
  - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to patient care; and
3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-605. Contracted Services**

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-606. Personnel**

A. An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of physical health services expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of the patients receiving physical health services from the personnel member according to the established job description; and
  - b. Include:
    - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services listed in the established job description,
    - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services listed in the established job description, and
    - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
  - a. Before the personnel member provides physical health services, and
  - b. According to policies and procedures;
3. Sufficient personnel members are available and, for a hospice inpatient facility, present on the hospice inpatient facility's premises, with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the hospice's scope of services,
  - b. Meet the needs of a patient, and
  - c. Ensure the health and safety of a patient;
4. Orientation occurs within the first week of providing hospice services and includes:
  - a. Informing personnel about Department rules for licensing and regulating hospices and where the rules may be obtained,
  - b. Reviewing the process by which a personnel member may submit a complaint about patient care to a hospice, and
  - c. Providing the information required by hospice policies and procedures;
5. Personnel receive in-service education according to criteria established in hospice policies and procedures;
6. In-service education documentation for a personnel member includes:
  - a. The subject matter,
  - b. The date of the in-service education, and
  - c. The signature of each individual who participated in the in-service education; and



## Department of Health Services - Health Care Institutions: Licensing

7. A personnel member, or an employee or a volunteer who has or is expected to have direct interaction with a patient, provides evidence of freedom from infectious tuberculosis:
  - a. On or before the date the individual begins providing services at or on behalf of the hospice service facility or hospice inpatient facility, and
  - b. As specified in R9-10-113.
- B. An administrator shall ensure that record is maintained for each personnel member, employee, volunteer, or student that includes:
  1. The individual's name, date of birth, and contact telephone number;
  2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
  3. Documentation of:
    - a. The individual's qualifications, including skills and knowledge applicable to the individual's job duties;
    - b. The individual's education and experience applicable to the individual's job duties;
    - c. The individual's completed orientation and in-service education as required by policies and procedures;
    - d. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures; and
    - e. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (A)(7).
- C. An administrator shall ensure that personnel records are:
  1. Maintained:
    - a. Throughout the individual's period of providing services in or for the hospice, and
    - b. For at least 24 months after the last date the individual provided services in or for the hospice; and
  2. For a personnel member who has not provided physical health services at or for the hospice during the previous 12 months, provided to the Department within 72 hours after the Department's request.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-607. Admission**

- A. Before admitting an individual as a patient, an administrator shall obtain:
  1. The name of the individual's physician;
  2. Documentation that the individual has a diagnosis by a physician that indicates that the individual has a specific, progressive, normally irreversible disease that is likely to cause the individual's death in six months or less; and
  3. Documentation from the individual or the individual's representative acknowledging that:
    - a. Hospice services include palliative care and supportive care and are not curative, and
    - b. The individual or individual's representative has received a list of services to be provided by the hospice.
- B. At the time of admission, a physician or registered nurse shall:
  1. Assess a patient's medical, social, nutritional, and psychological needs; and
  2. As applicable, obtain informed consent or general consent.
- C. Before or at the time of admission, a personnel member qualified according to policies and procedures shall assess the social and psychological needs of a patient's family, if applicable.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-608. Care Plan**

- A. An administrator shall ensure that a care plan is developed for each patient:
  1. Based on the:
    - a. Assessment of the:
      - i. Patient; and
      - ii. Patient's family, if applicable;
    - b. Hospice service agency's or inpatient hospice facility's scope of service;
  2. With participation from a:
    - a. Physician,
    - b. Registered nurse, and
    - c. Another personnel member as designated in R9-10-612(A)(4); and
  3. That includes:
    - a. The patient's diagnosis;
    - b. The patient's health care directives;
    - c. The patient's cognitive awareness of self, location, and time;
    - d. The patient's functional abilities and limitations;
    - e. Goals for pain control and symptom management;
    - f. The type, duration, and frequency of services to be provided to the patient and, if applicable, the patient's family;
    - g. Treatments the patient is receiving from a health care institution or health care professional other than the hospice, if applicable;
    - h. Medications ordered for the patient;
    - i. Any known allergies;
    - j. Nutritional requirements and preferences; and
    - k. Specific measures to improve the patient's safety and protect the patient against injury.
- B. An administrator shall ensure that:
  1. A request for participation in a patient's care plan is made to the patient or patient's representative;
  2. An opportunity for participation in the patient's care plan is provided to the patient, patient's representative, or patient's family; and
  3. The request in subsection (B)(1) and the opportunity in subsection (B)(2) are documented in the patient's medical record.
- C. An administrator shall ensure that:
  1. Hospice services are provided to a patient and, if applicable, the patient's family according to the patient's care plan;
  2. A patient's care plan is reviewed and updated:
    - a. Whenever there is a change in the patient's condition that indicates a need for a change in the type, duration, or frequency of the services being provided;
    - b. If the patient's physician orders a change in the care plan; and
    - c. At least every 30 calendar days; and
  3. A patient's physician authenticates the care plan with a signature within 14 calendar days after the care plan is

## Department of Health Services - Health Care Institutions: Licensing

initially developed and whenever the care plan is reviewed or updated.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). R9-10-608 renumbered to R9-10-609; new Section R9-10-608 renumbered from R9-10-611 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-609. Transfer**

Except for a transfer of a patient due to an emergency, an administrator shall ensure that:

1. A personnel member coordinates the transfer and the services provided to the patient;
2. According to policies and procedures:
  - a. An evaluation of the patient is conducted before the transfer;
  - b. Information from the patient's medical record, including orders that are in effect at the time of the transfer, is provided to a receiving health care institution; and
  - c. A personnel member explains risks and benefits of the transfer to the patient or the patient's representative; and
3. Documentation in the patient's medical record includes:
  - a. Communication with an individual at a receiving health care institution;
  - b. The date and time of the transfer;
  - c. The mode of transportation; and
  - d. If applicable, the name of the personnel member accompanying the patient during a transfer.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). R9-10-609 renumbered to R9-10-610; new Section R9-10-609 renumbered from R9-10-608 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-610. Patient Rights**

**A.** An administrator shall ensure that:

1. The requirements in subsection (B) and the patient rights in subsection (C) are conspicuously posted on the premises;
2. At the time of admission, a patient or the patient's representative receives a written copy of the requirements in subsection (B) and the patient rights in subsection (C); and
3. Policies and procedures include:
  - a. How and when a patient or the patient's representative is informed of patient rights in subsection (C), and
  - b. Where patient rights are posted as required in subsection (A)(1).

**B.** An administrator shall ensure that:

1. A patient is treated with dignity, respect, and consideration;
2. A patient is not subjected to:
  - a. Abuse;
  - b. Neglect;
  - c. Exploitation;
  - d. Coercion;
  - e. Manipulation;
  - f. Sexual abuse;
  - g. Sexual assault;

- h. Seclusion;
  - i. Restraint;
  - j. Retaliation for submitting a complaint to the Department or another entity; or
  - k. Misappropriation of personal and private property by the hospice's personnel members, employees, volunteers, or students; and
3. A patient or the patient's representative:
    - a. Except in an emergency, either consents to or refuses treatment;
    - b. May refuse or withdraw consent for treatment before treatment is initiated;
    - c. Except in an emergency, is informed of proposed treatment alternatives, associated risks, and possible complications;
    - d. Consents to photographs of the patient before the patient is photographed, except that a patient may be photographed when admitted to a hospice for identification and administrative purposes;
    - e. Except as otherwise permitted by law, provides written consent to the release of information in the patient's:
      - i. Medical record, or
      - ii. Financial records;
    - f. Is informed of:
      - i. The components of hospice services provided by the hospice;
      - ii. The rates and charges for the components of hospice services before the components are initiated and before a change in rates, charges, or services;
      - iii. The hospice's policy on health care directives; and
      - iv. The patient complaint process; and
    - g. Is informed that a written copy of rates and charges, as required in A.R.S. § 36-436.03, may be requested.

**C.** A patient has the following rights:

1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
2. To receive treatment that supports and respects the patient's individuality, choices, strengths, and abilities;
3. To receive privacy in treatment and care for personal needs;
4. To review, upon written request, the patient's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
5. To receive a referral to another health care institution if the hospice inpatient facility is not authorized or not able to provide physical health services needed by the patient;
6. To participate or have the patient's representative participate in the development of, or decisions concerning, treatment;
7. To participate or refuse to participate in research or experimental treatment; and
8. To receive assistance from a family member, the patient's representative, or other individual in understanding, protecting, or exercising the patient's rights.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). R9-10-610 renumbered to R9-10-611; new Section R9-10-610 renumbered from R9-10-609 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013,

## Department of Health Services - Health Care Institutions: Licensing

Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-611. Medical Records****A.** An administrator shall ensure that:

1. A patient's medical record is established and maintained for each patient according to A.R.S. Title 12, Chapter 13, Article 7.1;
2. An entry in a patient's medical record is:
  - a. Recorded only by a personnel member authorized by policies and procedures to make the entry;
  - b. Dated, legible, and authenticated; and
  - c. Not changed to make the initial entry illegible;
3. An order is:
  - a. Dated when the order is entered in the patient's medical record and includes the time of the order;
  - b. Authenticated by a medical practitioner according to policies and procedures; and
  - c. If the order is a verbal order, authenticated by the medical practitioner issuing the order;
4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
5. A patient's medical record is available to an individual:
  - a. Authorized according to policies and procedures to access the patient's medical record;
  - b. If the individual is not authorized according to policies and procedures, with the written consent of a patient or the patient's representative; or
  - c. As permitted by law; and
6. A patient's medical record is protected from loss, damage, or unauthorized use.

**B.** If a hospice maintains patients' medical records electronically, an administrator shall ensure that:

1. Safeguards exist to prevent unauthorized access, and
2. The date and time of an entry in a patient's medical record is recorded by the computer's internal clock.

**C.** An administrator shall ensure that a patient's medical record contains:

1. Patient information that includes:
  - a. The patient's name,
  - b. The patient's address,
  - c. The patient's telephone number,
  - d. The patient's date of birth, and
  - e. Any known allergy;
2. The admission date and, if applicable, the date that the patient stopped receiving services from the hospice;
3. The name and telephone number of the patient's physician;
4. If applicable, the name and contact information of the patient's representative and:
  - a. If the patient is 18 years of age or older or an emancipated minor, the document signed by the patient consenting for the patient's representative to act on the patient's behalf; or
  - b. If the patient's representative:
    - i. Is a legal guardian, a copy of the court order establishing guardianship; or
    - ii. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney;
5. The admitting diagnosis;
6. If applicable, documented general consent and informed consent, by the patient or the patient's representative;

7. Documentation of medical history;
8. A copy of the patient's living will, health care power of attorney, or other health care directive, if applicable;
9. Orders;
10. The assessment required in R9-10-607(B)(1);
11. Care plans;
12. Progress notes for each patient contact, including:
  - a. The date of the patient contact,
  - b. The services provided,
  - c. A description of the patient's condition, and
  - d. Instructions given to the patient or patient's representative;
13. Documentation of hospice services provided to the patient;
14. If applicable, documentation of any actions taken to control the patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual;
15. Documentation of coordination of patient care;
16. Documentation of contacts with the patient's physician by a personnel member;
17. The discharge summary, if applicable;
18. If applicable, transfer documentation from a sending health care institution; and
19. Documentation of a medication administered to the patient that includes:
  - a. The date and time of administration;
  - b. The name, strength, dosage, and route of administration;
  - c. For a medication administered for pain, when initially administered or when administered on a PRN basis:
    - i. An assessment of the patient's pain before administering the medication, and
    - ii. The effect of the medication administered;
  - d. For a psychotropic medication, when initially administered or when administered on a PRN basis:
    - i. An assessment of the patient's behavior before administering the psychotropic medication, and
    - ii. The effect of the psychotropic medication administered;
  - e. The identification, signature, and professional designation of the individual administering the medication; and
  - f. Any adverse reaction a patient has to the medication.

**Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-611 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). R9-10-611 renumbered to R9-10-608; new Section R9-10-611 renumbered from R9-10-610 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-612. Hospice Services****A.** An administrator shall ensure that the following are included in the hospice services provided by the hospice:

1. Medical services;
2. Nursing services;
3. Nutritional services, including menu planning and the designation of the kind and amount of food appropriate for a patient;

## Department of Health Services - Health Care Institutions: Licensing

4. Medical social services, provided as follows:
    - a. By a personnel member qualified according to policies and procedures to coordinate medical social services; and
    - b. If a personnel member provides medical social services that require a license under A.R.S. Title 32, Chapter 33, Article 5, by a personnel member who is licensed under A.R.S. Title 32, Chapter 33, Article 5;
  5. Bereavement counseling for a patient's family for at least one year after the death of the patient; and
  6. Spiritual counseling services, consistent with a patient's customs, religious preferences, cultural background, and ethnicity.
- B.** In addition to the services specified in subsection (A), an administrator of a hospice service agency shall ensure that the following are included in the hospice services provided by the hospice:
1. Home health aide services;
  2. Respite care services; and
  3. Supportive services, as defined in A.R.S. § 36-151.
- C.** An administrator shall ensure that the medical director provides direction for medical services provided by or through the hospice.
- D.** A medical director shall ensure that:
1. A patient's need for medical services is met, according to the patient's care plan and the hospice's scope of services; and
  2. If a patient is receiving medical services not provided by or through the hospice, hospice services are coordinated with the physician providing medical services to the patient.
- E.** A director of nursing shall ensure that:
1. A registered nurse or practical nurse provides nursing services according to the hospice's policies and procedures;
  2. A sufficient number of nurses are available to provide the nursing services identified in each patient's care plan;
  3. The care plan for a patient is implemented;
  4. A personnel member is only assigned to provide services the personnel member can competently perform;
  5. A registered nurse:
    - a. Assigns tasks in writing to a home health aide who is providing home health aide service to a patient,
    - b. Provides direction for the home health aide services provided to a patient, and
    - c. Verifies the competency of the home health aide in performing assigned tasks;
  6. A registered dietitian or a personnel member under the direction of a registered dietitian plans menus for a patient;
  7. A patient's condition and the services provided to the patient are documented in the patient's medical record after each patient contact;
  8. A patient's physician is immediately informed of a change in the patient's condition that requires medical services; and
  9. The implementation of a patient's care plan is coordinated among the personnel members providing hospice services to the patient.

**Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-612 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt

rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-613. Medication Services**

- A.** An administrator shall ensure that policies and procedures for medication services:
1. Include:
    - a. A process for providing information to a patient about medication prescribed for the patient including:
      - i. The prescribed medication's anticipated results,
      - ii. The prescribed medication's potential adverse reactions,
      - iii. The prescribed medication's potential side effects, and
      - iv. Potential adverse reactions that could result from not taking the medication as prescribed;
    - b. Procedures for preventing, responding to, and reporting:
      - i. A medication error,
      - ii. An adverse reaction to a medication, or
      - iii. A medication overdose;
    - c. Procedures to ensure that a patient's medication regimen and method of administration is reviewed by a medical practitioner to ensure the medication regimen meets the patient's needs;
    - d. Procedures for:
      - i. Documenting medication administration; and
      - ii. Monitoring a patient who self-administers medication;
    - e. Procedures for assisting a patient in obtaining medication; and
    - f. If applicable, procedures for providing medication administration off the premises; and
  2. Specify a process for review through the quality management program of:
    - a. A medication administration error, and
    - b. An adverse reaction to a medication.
- B.** If a hospice provides medication administration, an administrator shall ensure that:
1. Policies and procedures for medication administration:
    - a. Are reviewed and approved by a medical practitioner;
    - b. Specify the individuals who may:
      - i. Order medication, and
      - ii. Administer medication;
    - c. Ensure that medication is administered to a patient only as prescribed; and
    - d. Cover the documentation of a patient's refusal to take prescribed medication in the patient's medical record;
  2. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law; and
  3. A medication administered to a patient:
    - a. Is administered in compliance with an order, and
    - b. Is documented in the patient's medical record.
- C.** An administrator shall ensure that:
1. A current drug reference guide is available for use by personnel members;
  2. A current toxicology reference guide is available for use by personnel members;
  3. If pharmaceutical services are provided on the premises:
    - a. A committee, composed of at least one physician, one pharmacist, and other personnel members as

## Department of Health Services - Health Care Institutions: Licensing

determined by the hospice's policies and procedures is established to:

- i. Develop a drug formulary;
  - ii. Update the drug formulary at least every 12 months;
  - iii. Develop medication usage and medication substitution policies and procedures; and
  - iv. Specify which medications and medication classifications are required to be stopped automatically after a specific time period unless the ordering medical practitioner specifically orders otherwise;
- b. The pharmaceutical services are provided under the direction of a pharmacist;
  - c. The pharmaceutical services comply with ARS Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23; and
  - d. A copy of the pharmacy license is provided to the Department upon request.

**D.** When medication is stored at a hospice inpatient facility, an administrator shall ensure that:

1. Medication is stored in a separate locked room, closet, or self-contained unit used only for medication storage;
2. Medication is stored according to the instructions on the medication container; and
3. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient for:
  - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication including expired medication;
  - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
  - c. A medication recall and notification of patients who received recalled medication; and
  - d. Storing, inventorying, and dispensing controlled substances.

**E.** An administrator shall ensure that a personnel member immediately reports a medication error or a patient's adverse reaction to a medication to the medical practitioner who ordered the medication and, if applicable, the hospice's director of nursing.

**Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-613 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-614. Infection Control**

An administrator shall ensure that:

1. An infection control program is established, under the direction of an individual qualified according to policies and procedures, to prevent the development and transmission of infections and communicable diseases including:
  - a. A method to identify and document infections;
  - b. Analysis of the types, causes, and spread of infections and communicable diseases;

- c. The development of corrective measures to minimize or prevent the spread of infections and communicable diseases; and
- d. Documenting infection control activities including:
  - i. The collection and analysis of infection control data;
  - ii. The actions taken relating to infections and communicable diseases; and
  - iii. Reports of communicable diseases to the governing authority and state and county health departments;
2. Infection control documents are maintained for at least 12 months after the date of the documents;
3. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that cover:
  - a. Handling and disposal of biohazardous medical waste;
  - b. Sterilization and disinfection of medical equipment and supplies;
  - c. Use of personal protective equipment such as aprons, gloves, gowns, masks, or face protection when applicable;
  - d. Cleaning of an individual's hands when the individual's hands are visibly soiled and before and after providing a service to a patient;
  - e. Training of personnel members in infection control practices; and
  - f. Work restrictions for a personnel member with a communicable disease or infected skin lesion;
4. Biohazardous medical waste is identified, stored, and disposed of according to 18 A.A.C. 13, Article 14 and policies and procedures; and
5. A personnel member washes hands or use a hand disinfection product after each patient contact and after handling soiled linen, soiled clothing, or potentially infectious material.

**Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-614 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-615. Food Services for a Hospice Inpatient Facility**

**A.** An administrator of a hospice inpatient facility shall ensure that:

1. Meals and snacks provided by the hospice inpatient facility are served according to a patient's dietary needs and preferences;
2. Meals and snacks for each day are planned using:
  - a. The applicable guidelines in <http://www.health.gov/dietaryguidelines/2010.asp>, and
  - b. Preferences for meals and snacks obtained from patients;
3. A patient requiring assistance to eat is provided with assistance that recognizes the patient's nutritional, physical, and social needs, including the use of adaptive eating equipment or utensils; and
4. Water is available and accessible to patients at all times, unless otherwise stated in a patient's care plan.

## Department of Health Services - Health Care Institutions: Licensing

- B.** An administrator of a hospice inpatient facility shall ensure that food is obtained, prepared, served, and stored as follows:
- Food is free from spoilage, filth, or other contamination and is safe for human consumption;
  - Food is protected from potential contamination;
  - Food is prepared:
    - Using methods that conserve nutritional value, flavor, and appearance; and
    - In a form to meet the needs of a patient, such as cut, chopped, ground, pureed, or thickened;
  - Potentially hazardous food is maintained as follows:
    - Foods requiring refrigeration are maintained at 41° F or below;
    - Foods requiring cooking are cooked to heat all parts of the food to a temperature of at least 145° F for 15 seconds, except that:
      - Ground beef and ground meats are cooked to heat all parts of the food to at least 155° F;
      - Poultry, poultry stuffing, stuffed meats, and stuffing that contains meat are cooked to heat all parts of the food to at least 165° F;
      - Pork and any food containing pork are cooked to heat all parts of the food to at least 155° F;
      - Raw shell eggs for immediate consumption are cooked to at least 145° F for 15 seconds and any food containing raw shell eggs is cooked to heat all parts of the food to at least 155° F;
      - Roast beef and beef steak are cooked to an internal temperature of at least 155° F; and
      - Leftovers are reheated to a temperature of at least 165° F;
  - A refrigerator contains a thermometer, accurate to plus or minus 3° F, at the warmest part of the refrigerator;
  - Frozen foods are stored at a temperature of 0° F or below; and
  - Tableware, utensils, equipment, and food-contact surfaces are clean and in good repair.
- C.** An administrator shall ensure that:
- For a hospice inpatient facility with a licensed capacity of more than 20 beds, the hospice inpatient facility:
    - Has a license or permit as a food establishment under 9 A.A.C. 8, Article 1, and
    - Maintains a copy of the hospice inpatient facility's food establishment license or permit;
  - If the hospice inpatient facility contracts with food establishment, as defined in 9 A.A.C. 8, Article 1, to prepare and deliver food to the hospice inpatient facility a copy of the contracted food establishment's license or permit under 9 A.A.C. 8, Article 1 is maintained by the hospice inpatient facility; and
  - Food is stored, refrigerated, and reheated to meet the dietary needs of a patient.

**Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-615 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-616. Emergency and Safety Standards for a Hospice Inpatient Facility**

- A.** An administrator of a hospice inpatient facility shall ensure that:
- A disaster plan is developed, documented, maintained in a location accessible to personnel members and other employees, and, if necessary, implemented that includes:
    - When, how, and where patients will be relocated, including:
      - Instructions for the evacuation or transfer of patients,
      - Assigned responsibilities for each employee and personnel member, and
      - A plan for providing continuing services to meet patient's needs;
    - How each patient's medical record will be available to individuals providing services to the patient during a disaster;
    - A plan to ensure each patient's medication will be available to administer to the patient during a disaster; and
    - A plan for obtaining food and water for individuals present in the hospice inpatient facility or the hospice inpatient facility's relocation site during a disaster;
  - The disaster plan required in subsection (A)(1) is reviewed at least once every 12 months;
  - Documentation of a disaster plan review required in subsection (A)(2) is created, is maintained for at least 12 months after the date of the disaster plan review, and includes:
    - The date and time of the disaster plan review;
    - The name of each personnel member, employee, or volunteer participating in the disaster plan review;
    - A critique of the disaster plan review; and
    - If applicable, recommendations for improvement;
  - A disaster drill for employees is conducted on each shift at least once every three months and documented; and
  - An evacuation path is conspicuously posted on each hallway of each floor of the hospice inpatient facility.
- B.** An administrator shall:
- Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
  - Make any repairs or corrections stated on the fire inspection report, and
  - Maintain documentation of a current fire inspection.

**Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-616 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-617. Environmental Standards for a Hospice Inpatient Facility**

- A.** An administrator of a hospice inpatient facility shall ensure that:
- Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that cover:
    - Cleaning and storing of soiled linens and clothing,

## Department of Health Services - Health Care Institutions: Licensing

- b. Housekeeping procedures that ensure a clean environment, and
  - c. Isolation of a patient who may spread an infection;
  - 2. The premises and equipment are:
    - a. Cleaned and disinfected according to policies and procedures or manufacturer's instructions to prevent, minimize, and control illness or infection; and
    - b. Free from a condition or situation that may cause a patient or other individual to suffer physical injury or illness;
  - 3. A pest control program is implemented and documented;
  - 4. Equipment used at the hospice inpatient facility is:
    - a. Maintained in working order;
    - b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in the hospice inpatient facility's policies and procedures; and
    - c. Used according to the manufacturer's recommendations;
  - 4. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of the testing, calibration, or repair;
  - 5. Garbage and refuse are:
    - a. Stored in covered containers lined with plastic bags, and
    - b. Removed from the premises at least once a week;
  - 6. Soiled linen and clothing are:
    - a. Collected in a manner to minimize or prevent contamination;
    - b. Bagged at the site of use; and
    - c. Maintained separate from clean linen and clothing and away from food storage, kitchen, or dining areas;
  - 7. Heating and cooling systems maintain the hospice inpatient facility at a temperature between 70° F and 84° F at all times;
  - 8. Common areas:
    - a. Are lighted to assure the safety of patients, and
    - b. Have lighting sufficient to allow personnel members to monitor patient activity;
  - 9. The supply of hot and cold water is sufficient to meet the personal hygiene needs of patients and the cleaning and sanitation requirements in this Article;
  - 10. Oxygen containers are secured in an upright position;
  - 11. Poisonous or toxic materials stored by the hospice inpatient facility are maintained in labeled containers in a locked area separate from food preparation and storage, dining areas, and medications and are inaccessible to patients;
  - 12. Except for medical supplies needed by a patient, combustible or flammable liquids and hazardous materials are stored by the hospice inpatient facility in the original labeled containers or safety containers in a locked area inaccessible to patients;
  - 13. If pets or animals are allowed in the hospice inpatient facility, pets or animals are:
    - a. Controlled to prevent endangering the patients and to maintain sanitation, and
    - b. Licensed consistent with local ordinances;
  - 14. If a water source that is not regulated under 18 A.A.C. 4 by the Arizona Department of Environmental Quality is used:
    - a. The water source is tested at least once every 12 months for total coliform bacteria and fecal coliform or *E. coli* bacteria;
    - b. If necessary, corrective action is taken to ensure the water is safe to drink, and
    - c. Documentation of testing is retained for at least 12 months after the date of the test; and
  - 15. If a non-municipal sewage system is used, the sewage system is in working order and is maintained according to all applicable state laws and rules.
- B.** An administrator of a hospice inpatient facility shall ensure that a patient is allowed to use and display personal belongings.

**Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-617 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-618. Physical Plant Standards for a Hospice Inpatient Facility**

- A.** An administrator shall ensure that a hospice inpatient facility complies with applicable requirements for Health Care Occupancies in National Fire Protection Association 101, Life Safety Code, incorporated by reference in A.A.C. R9-1-412.
- B.** An administrator of a hospice inpatient facility shall ensure that the premises and equipment are sufficient to accommodate:
- 1. The services stated in the hospice inpatient facility's scope of services, and
  - 2. An individual accepted as a patient by the hospice inpatient facility.
- C.** An administrator of a hospice inpatient facility shall ensure that a patient's sleeping area:
- 1. Is shared by no more than four patients;
  - 2. Measures at least 80 square feet of floor space per patient, not including a closet;
  - 3. Has walls from floor to ceiling;
  - 4. Contains a door that opens into a hallway, common area, or outdoors;
  - 5. Is at or above ground level;
  - 6. Is vented to the outside of the hospice inpatient facility;
  - 7. Has a working thermometer for measuring the temperature in the sleeping area;
  - 8. For each patient, has a:
    - a. Bed,
    - b. Bedside table,
    - c. Bedside chair,
    - d. Reading light,
    - e. Privacy screen or curtain, and
    - f. Closet or drawer space;
  - 9. Is equipped with a bell, intercom, or other mechanical means for a patient to alert a personnel member;
  - 10. Is no farther than 20 feet from a room containing a toilet and a sink;
  - 11. Is not used as a passageway to another sleeping area, a toilet room, or a bathing room;
  - 12. Contains one of the following to provide sunlight:
    - a. A window to the outside of the hospice inpatient facility, or
    - b. A transparent or translucent door to the outside of the hospice inpatient facility; and

## Department of Health Services - Health Care Institutions: Licensing

13. Has coverings for windows and for transparent or translucent doors that provide patient privacy.
- D.** An administrator of a hospice inpatient facility shall ensure that there is:
1. For every six patients, a toilet room that contains:
    - a. At least one working toilet that flushes and has a seat;
    - b. At least one working sink with running water;
    - c. Soap for hand washing;
    - d. Paper towels or a mechanical air hand dryer;
    - e. Grab bars attached to a wall that an individual may hold onto to assist the individual in becoming or remaining erect;
    - f. A mirror;
    - g. Lighting;
    - h. Space for a personnel member to assist a patient;
    - i. A bell, intercom, or other mechanical means for a patient to alert a personnel member; and
    - j. An operable window to the outside of the hospice inpatient facility or other means of ventilation;
  2. For every 12 patients, at least one working bathtub or shower accessible to a wheeled shower chair, with a slip-resistant surface, located in a toilet room or in a separate bathing room;
  3. For a patient occupying a sleeping area with one or more other patients, a separate room in which the patient can meet privately with family members;
  4. Space in a lockable closet, drawer, or cabinet for a patient to store the patient's private or valuable items;
  5. A room other than a sleeping area that can be used for social activities;
  6. Sleeping accommodations for family members;
  7. A designated toilet room, other than a patient toilet room, for personnel and visitors that:
    - a. Provides privacy; and
    - b. Contains:
      - i. A working sink with running water,
      - ii. A working toilet that flushes and has a seat,
      - iii. Toilet tissue,
      - iv. Soap for hand washing,
      - v. Paper towels or a mechanical air hand dryer,
      - vi. Lighting, and
      - vii. A window that opens or another means of ventilation;
  8. If the hospice inpatient facility has a kitchen with a stove or oven, a mechanism to vent the stove or oven to the outside of the hospice inpatient facility; and
  9. Space designated for administrative responsibilities that is separate from sleeping areas, toilet rooms, bathing rooms, and drug storage areas.

**Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-618 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-619. Repealed****Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-619 repealed effective November 1, 1998,

under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4).

**R9-10-620. Repealed****Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-620 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4).

**R9-10-621. Repealed****Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Correction, subsection (H), after "... 105° F" added "nor more than 110° F" as certified effective November 6, 1978 (Supp. 87-2). Section R9-10-621 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4).

**R9-10-622. Repealed****Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-622 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4).

**R9-10-623. Repealed****Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-623 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4).

**R9-10-624. Repealed****Historical Note**

Adopted effective November 6, 1978 (Supp. 78-6). Section R9-10-624 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4).

**ARTICLE 7. BEHAVIORAL HEALTH RESIDENTIAL FACILITIES****R9-10-701. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following applies in this Article unless otherwise specified:

"Emergency safety response" means physically holding a resident to manage the resident's sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without



## Department of Health Services - Health Care Institutions: Licensing

change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted without changes effective October 30, 1989 (Supp. 89-4). Section R9-10-701 repealed, new Section R9-10-701 adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-702. Supplemental Application Requirements**

- A.** In addition to the license application requirements in A.R.S. § 36-422 and R9-10-105, an applicant for an initial license as a behavioral health residential facility shall include on the application:
- Whether the applicant is requesting authorization to provide:
    - Behavioral health services to individuals under 18 years of age, including the licensed capacity requested;
    - Behavioral health services to individuals 18 years of age and older, including the licensed capacity requested; or
    - Respite services;
  - Whether the applicant is requesting authorization to provide an outdoor behavioral health care program, including:
    - The requested licensed capacity for providing the outdoor behavioral health care program to individuals 12 to 17 years of age, and
    - The requested licensed capacity for providing the outdoor behavioral health care program to individuals 18 to 24 years of age;
  - Whether the applicant is requesting authorization to provide:
    - Residential services to individuals 18 years of age or older whose behavioral health issue limits the individuals' ability to function independently, or
    - Personal care services;
  - For a behavioral health residential facility requesting authorization to provide respite services, the requested number of individuals the behavioral health residential facility plans to admit for respite services who do not stay overnight in the behavioral health residential facility; and
  - For an outdoor behavioral health care program, a copy of the outdoor behavioral health care program's current accreditation report.
- B.** In addition to the renewal license application requirements in A.R.S. § 36-422 and R9-10-107, an administrator of an outdoor behavioral health care program shall submit with a renewal application, a copy of the outdoor behavioral health care program's current accreditation report.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without

change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section R9-10-702 repealed, new Section R9-10-702 adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-703. Administration**

- A.** A governing authority shall:
- Consist of one or more individuals responsible for the organization, operation, and administration of a behavioral health residential facility;
  - Establish, in writing:
    - A behavioral health residential facility's scope of services, and
    - Qualifications for an administrator;
  - Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);
  - Adopt a quality management program according to R9-10-704;
  - Review and evaluate the effectiveness of the quality management program at least once every 12 months;
  - Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b), if the administrator is:
    - Expected not to be present on the behavioral health residential facility's premises for more than 30 calendar days, or
    - Not present on the behavioral health residential facility's premises for more than 30 calendar days; and
  - Except as provided in subsection (A)(6), notify the Department according to A.R.S. § 36-425(I) when there is a change in the administrator and identify the name and qualifications of the new administrator.
- B.** An administrator:
- Is directly accountable to the governing authority of a behavioral health residential facility for the daily operation of the behavioral health residential facility and all services provided by or at the behavioral health residential facility;
  - Has the authority and responsibility to manage the behavioral health residential facility; and
  - Except as provided in subsection (A)(6), designates, in writing, an individual who is present on the behavioral health residential facility's premises and accountable for the behavioral health residential facility when the administrator is not present on the behavioral health residential facility's premises.
- C.** An administrator shall ensure that:
- Policies and procedures are established, documented, and implemented to protect the health and safety of a resident that:

## Department of Health Services - Health Care Institutions: Licensing

- a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience for personnel members, employees, volunteers, and students;
  - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
  - c. Include how a personnel member may submit a complaint relating to services provided to a resident;
  - d. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;
  - e. Cover cardiopulmonary resuscitation training including:
    - i. The method and content of cardiopulmonary resuscitation training, which includes a demonstration of the individual's ability to perform cardiopulmonary resuscitation;
    - ii. The qualifications for an individual to provide cardiopulmonary resuscitation training;
    - iii. The time-frame for renewal of cardiopulmonary resuscitation training; and
    - iv. The documentation that verifies that the individual has received cardiopulmonary resuscitation training;
  - f. Cover first aid training;
  - g. Include a method to identify a resident to ensure the resident receives physical health services and behavioral health services as ordered;
  - h. Cover resident rights, including assisting a resident who does not speak English or who has a physical or other disability to become aware of resident rights;
  - i. Cover specific steps for:
    - i. A resident to file a complaint, and
    - ii. The behavioral health residential facility to respond to a resident complaint;
  - j. Cover health care directives;
  - k. Cover medical records, including electronic medical records;
  - l. Cover a quality management program, including incident reports and supporting documentation;
  - m. Cover contracted services; and
  - n. Cover when an individual may visit a resident in a behavioral health residential facility;
2. Policies and procedures for behavioral health services and physical health services are established, documented, and implemented to protect the health and safety of a resident that:
    - a. Cover resident screening, admission, assessment, treatment plan, transport, transfer, discharge planning, and discharge;
    - b. Cover the provision of behavioral health services and physical health services;
    - c. Include when general consent and informed consent are required;
    - d. Cover emergency safety responses;
    - e. Cover a resident's personal funds account;
    - f. Cover dispensing medication, administering medication, assistance in the self-administration of medication, and disposing of medication, including provisions for inventory control and preventing diversion of controlled substances;
    - g. Cover prescribing a controlled substance to minimize substance abuse by a resident;
    - h. Cover respite services;
    - i. Cover services provided by an outdoor behavioral health care program, if applicable;
    - j. Cover infection control;
    - k. Cover resident time out;
    - l. Cover resident outings;
    - m. Cover environmental services that affect resident care;
    - n. Cover whether pets and other animals are allowed on the premises, including procedures to ensure that any pets or other animals allowed on the premises do not endanger the health or safety of residents or the public;
    - o. If animals are used as part of a therapeutic program, cover:
      - i. Inoculation/vaccination requirements, and
      - ii. Methods to minimize risks to resident's health and safety;
    - p. Cover the process for receiving a fee from a resident and refunding a fee to a resident;
    - q. Cover the process for obtaining resident preferences for social, recreational, or rehabilitative activities and meals and snacks;
    - r. Cover the security of a resident's possessions that are allowed on the premises;
    - s. Cover smoking and the use of tobacco products on the premises; and
    - t. Cover how the behavioral health residential facility will respond to a resident's sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual;
  3. Policies and procedures are reviewed at least once every three years and updated as needed;
  4. Policies and procedures are available to personnel members, employees, volunteers, and students; and
  5. Unless otherwise stated:
    - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
    - b. When documentation or information is required by this Chapter to be submitted on behalf of a behavioral health residential facility, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the behavioral health residential facility.
- D. If an applicant requests or a behavioral health residential facility has a licensed capacity of 10 or more residents, an administrator shall designate a clinical director who:
    1. Provides direction for the behavioral health services provided by or at the behavioral health residential facility;
    2. Is a behavioral health professional; and
    3. May be the same individual as the administrator, if the individual meets the qualifications in subsections (A)(2)(b) and (D)(1) and (2).
  - E. Except for respite services, an administrator shall ensure that medical services, nursing services, health-related services, or ancillary services provided by a behavioral health residential facility are only provided to a resident who is expected to be present in the behavioral health residential facility for more than 24 hours.
  - F. An administrator shall provide written notification to the Department of a resident's:
    1. Death, if the resident's death is required to be reported according to A.R.S. § 11-593, within one working day after the resident's death; and
    2. Self-injury, within two working days after the resident inflicts a self-injury or has an accident that requires immediate intervention by an emergency medical services provider.

## Department of Health Services - Health Care Institutions: Licensing

- G.** If abuse, neglect, or exploitation of a resident is alleged or suspected to have occurred before the resident was admitted or while the resident is not on the premises and not receiving services from a behavioral health residential facility's employee or personnel member, an administrator shall report the alleged or suspected abuse, neglect, or exploitation of the resident as follows:
- For a resident 18 years of age or older, according to A.R.S. § 46-454; or
  - For a resident under 18 years of age, according to A.R.S. § 13-3620.
- H.** If an administrator has a reasonable basis, according to A.R.S. §§ 13-3620 or 46-454, to believe abuse, neglect, or exploitation has occurred on the premises or while a resident is receiving services from a behavioral health residential facility's employee or personnel member, the administrator shall:
- If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
  - Report the suspected abuse, neglect, or exploitation of the resident:
    - For a resident 18 years of age or older, according to A.R.S. § 46-454; or
    - For a resident under 18 years of age, according to A.R.S. § 13-3620;
  - Document:
    - The suspected abuse, neglect, or exploitation;
    - Any action taken according to subsection (H)(1); and
    - The report in subsection (H)(2);
  - Maintain the documentation in subsection (H)(3) for at least 12 months after the date of the report in subsection (H)(2);
  - Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in (H)(2):
    - The dates, times, and description of the suspected abuse, neglect, or exploitation;
    - A description of any injury to the resident related to the suspected abuse or neglect and any change to the resident's physical, cognitive, functional, or emotional condition;
    - The names of witnesses to the suspected abuse, neglect, or exploitation; and
    - The actions taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
  - Maintain a copy of the documented information required in subsection (H)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.
- I.** An administrator shall:
- Establish and document requirements regarding residents, personnel members, employees, and other individuals entering and exiting the premises;
  - Establish and document guidelines for meeting the needs of an individual residing at a behavioral health residential facility with a resident, such as a child accompanying a parent in treatment, if applicable;
  - If children under the age of 12, who are not admitted to a behavioral health residential facility, are residing at the behavioral health residential facility and being cared for by employees or personnel members, ensure that:
    - An employee or personnel member caring for children has current cardiopulmonary resuscitation and first aid training specific to the ages of children being cared for; and
    - The staff-to-children ratios in A.A.C. R9-5-404(A) are maintained, based on the age of the youngest child in the group;
  - Establish and document the process for responding to a resident's need for immediate and unscheduled behavioral health services or physical health services;
  - Establish and document the criteria for determining when a resident's absence is unauthorized, including criteria for a resident who:
    - Was admitted under A.R.S. Title 36, Chapter 5, Articles 1, 2, or 3;
    - Is absent against medical advice; or
    - Is under the age of 18;
  - If a resident's absence is unauthorized as determined according to the criteria in subsection (I)(5), within an hour after determining that the resident's absence is unauthorized, notify:
    - For a resident who is under 18 years of age, the resident's parent or legal guardian; and
    - For a resident who is under a court's jurisdiction, the appropriate court;
  - Maintain a written log of unauthorized absences for at least 12 months after the date of a resident's absence that includes the:
    - Name of a resident absent without authorization,
    - Name of the individual to whom the report required in subsection (I)(6) was submitted, and
    - Date of the report;
  - Document the notification in subsection (I)(6) and the written log required in subsection (I)(7); and
  - Evaluate and take action related to unauthorized absences under the quality management program in R9-10-704.
- J.** An administrator shall ensure that the following information or documents are conspicuously posted on the premises and are available upon request to a personnel member, employee, resident, or a resident's representative:
- The behavioral health residential facility's current license,
  - The location at which inspection reports required in R9-10-720(C) are available for review or can be made available for review, and
  - The calendar days and times when a resident may accept visitors or make telephone calls.
- K.** An administrator shall ensure that:
- Labor performed by a resident for the behavioral health residential facility is consistent with A.R.S. § 36-510;
  - A resident who is a child is only released to the child's custodial parent, guardian, or custodian or as authorized in writing by the child's custodial parent, guardian, or custodian;
  - The administrator obtains documentation of the identity of the parent, guardian, custodian, or family member authorized to act on behalf of a resident who is a child; and
  - A resident, who is an incapacitated person according to A.R.S. § 14-5101 or who is gravely disabled, is assisted in obtaining a resident's representative to act on the resident's behalf.
- L.** If an administrator determines that a resident is incapable of handling the resident's financial affairs, the administrator shall:
- Notify the resident's representative or contact a public fiduciary or a trust officer to take responsibility of the resident's financial affairs, and

## Department of Health Services - Health Care Institutions: Licensing

2. Maintain documentation of the notification required in subsection (L)(1)(a) in the resident's medical record for at least 12 months after the date of the notification.
- M.** If an administrator manages a resident's money through a personal funds account, the administrator shall ensure that:
  1. Policies and procedure are established, developed, and implemented for:
    - a. Using resident's funds in a personal funds account,
    - b. Protecting resident's funds in a personal funds account,
    - c. Investigating a complaint about the use of resident's funds in a personal funds account and ensuring that the complaint is investigated by an individual who does not manage the personal funds account,
    - d. Processing each deposit into and withdrawal from a personal funds account, and
    - e. Maintaining a record for each deposit into and withdrawal from a personal funds account; and
  2. The personal funds account is only initiated after receiving a written request that:
    - a. Is provided:
      - i. Voluntarily by the resident,
      - ii. By the resident's representative, or
      - iii. By a court of competent jurisdiction;
    - b. May be withdrawn at any time; and
    - c. Is maintained in the resident's record.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section R9-10-703 repealed, new Section R9-10-703 adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-704. Quality Management**

An administrator shall ensure that:

1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to residents;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to resident care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to resident care; and

- e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to resident care, and
  - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to resident care; and
3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section R9-10-704 repealed, new Section R9-10-704 adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-705. Contracted Services**

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section R9-10-705 repealed, new Section R9-10-705 adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13;

## Department of Health Services - Health Care Institutions: Licensing

effective July 1, 2014 (Supp. 14-2).

**R9-10-706. Personnel****A.** An administrator shall ensure that:

1. A personnel member is:
  - a. At least 21 years old, or
  - b. Licensed or certified under A.R.S. Title 32 and providing services within the personnel member's scope of practice;
2. An employee is at least 18 years old;
3. A student is at least 18 years old; and
4. A volunteer is at least 21 years old.

**B.** An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of behavioral health services or physical health services expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of the residents receiving behavioral health services or physical health services from the personnel member according to the established job description; and
  - b. Include:
    - i. The specific skills and knowledge necessary for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description,
    - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description, and
    - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
  - a. Before the personnel member provides physical health services or behavioral health services, and
  - b. According to policies and procedures; and
3. Sufficient personnel members are present on a behavioral health residential facility's premises with the qualifications, experience, skills, and knowledge necessary to:
  - a. Provide the services in the behavioral health residential facility's scope of services,
  - b. Meet the needs of a resident, and
  - c. Ensure the health and safety of a resident.

**C.** An administrator shall comply with the requirements for behavioral health technicians and behavioral health paraprofessionals in R9-10-115.**D.** An administrator shall ensure that an individual who is licensed under A.R.S. Title 32, Chapter 33 as a baccalaureate social worker, master social worker, associate marriage and family therapist, associate counselor, or associate substance abuse counselor is under direct supervision, as defined in A.A.C. R4-6-101.**E.** An administrator shall ensure that:

1. A plan to provide orientation, specific to the duties of a personnel member, an employee, a volunteer, or a student, is developed, documented, and implemented;

2. A personnel member completes orientation before providing behavioral health services or physical health services;
3. An individual's orientation is documented, to include:
  - a. The individual's name,
  - b. The date of the orientation, and
  - c. The subject or topics covered in the orientation;
4. A written plan is developed and implemented to provide in-service education specific to the duties of a personnel member; and
5. A personnel member's in-service education is documented, to include:
  - a. The personnel member's name,
  - b. The date of the training, and
  - c. The subject or topics covered in the training.

**F.** An administrator shall ensure that a personnel member, or an employee, a volunteer, or a student who has or is expected to have more than eight hours of direct interaction per week with residents, provides evidence of freedom from infectious tuberculosis:

1. On or before the date the individual begins providing services at or on behalf of the behavioral health residential facility, and
2. As specified in R9-10-113.

**G.** An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:

1. The individual's name, date of birth, and contact telephone number;
2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
3. Documentation of:
  - a. The individual's qualifications, including skills and knowledge applicable to the individual's job duties;
  - b. The individual's education and experience applicable to the individual's job duties;
  - c. The individual's completed orientation and in-service education as required by policies and procedures;
  - d. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
  - e. If the behavioral health residential facility is authorized to provide services to children, the individual's compliance with the fingerprinting requirements in A.R.S. § 36-425.03;
  - f. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
  - g. Cardiopulmonary resuscitation training, if required for the individual according to R9-10-703(C)(1)(e);
  - h. First aid training, if required for the individual according to this Article or policies and procedures; and
  - i. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (F).

**H.** An administrator shall ensure that personnel records are:

1. Maintained:
  - a. Throughout an individual's period of providing services in or for the behavioral health residential facility, and
  - b. For at least 24 months after the last date the individual provided services in or for the behavioral health residential facility; and
2. For a personnel member who has not provided physical health services or behavioral health services at or for the

## Department of Health Services - Health Care Institutions: Licensing

behavioral health residential facility during the previous 12 months, provided to the Department within 72 hours after the Department's request.

- I. An administrator shall ensure that the following personnel members have first-aid and cardiopulmonary resuscitation training specific to the populations served by the behavioral health residential facility:
  1. At least one personnel member who is present at the behavioral health residential facility during hours of operation of the behavioral health residential facility, and
  2. Each personnel member participating in an outing.
- J. An administrator shall ensure that:
  1. At least one personnel member is present and awake at the behavioral health residential facility when a resident is on the premises;
  2. In addition to the personnel member in subsection (J)(1), at least one personnel member is on-call and available to come to the behavioral health residential facility if needed;
  3. There is a daily staffing schedule that:
    - a. Indicates the date, scheduled work hours, and name of each employee assigned to work, including on-call personnel members;
    - b. Includes documentation of the employees who work each calendar day and the hours worked by each employee; and
    - c. Is maintained for at least 12 months after the last date on the documentation;
  4. A behavioral health professional is present at the behavioral health residential facility or on-call;
  5. A registered nurse is present at the behavioral health residential facility or on-call; and
  6. If a resident requires services that the behavioral health residential facility is not authorized or not able to provide, a personnel member arranges for the resident to be transported to a hospital or another health care institution where the services can be provided.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section R9-10-706 repealed, new Section R9-10-706 adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-707. Admission; Assessment**

- A. An administrator shall ensure that:
  1. A resident is admitted based upon the resident's presenting behavioral health issue and treatment needs and the behavioral health residential facility's scope of services;

2. A behavioral health professional, authorized by policies and procedures to accept a resident for admission, is available;
3. General consent is obtained from:
  - a. An adult resident or the resident's representative before or at the time of admission, or
  - b. A resident's representative, if the resident is not an adult;
4. The general consent obtained in subsection (A)(3) is documented in the resident's medical record;
5. Except as provided in subsection (E)(1)(a), a medical practitioner performs a medical history and physical examination or a registered nurse performs a nursing assessment on a resident within 30 calendar days before admission or within seven calendar days after admission and documents the medical history and physical examination or nursing assessment in the resident's medical record within seven calendar days after admission;
6. If a medical practitioner performs a medical history and physical examination or a nurse performs a nursing assessment on a resident before admission, the medical practitioner enters an interval note or the nurse enters a progress note in the resident's medical record within seven calendar days after admission;
7. If a behavioral health assessment is conducted by a:
  - a. Behavioral health technician or registered nurse, within 24 hours a behavioral health professional, certified or licensed to provide the behavioral health services needed by the resident, reviews and signs the behavioral health assessment to ensure that the behavioral health assessment identifies the behavioral health services needed by the resident; or
  - b. Behavioral health paraprofessional, a behavioral health professional, certified or licensed to provide the behavioral health services needed by the resident, supervises the behavioral health paraprofessional during the completion of the assessment and signs the assessment to ensure that the assessment identifies the behavioral health services needed by the resident;
8. Except as provided in subsection (A)(9), a behavioral health assessment for a resident is completed before treatment for the resident is initiated;
9. If a behavioral health assessment that complies with the requirements in this Section is received from a behavioral health provider other than the behavioral health residential facility or if the behavioral health residential facility has a medical record for the resident that contains a behavioral health assessment that was completed within 12 months before the date of the resident's current admission:
  - a. The resident's assessment information is reviewed and updated if additional information that affects the resident's assessment is identified, and
  - b. The review and update of the resident's assessment information is documented in the resident's medical record within 48 hours after the review is completed;
10. A behavioral health assessment:
  - a. Documents a resident's:
    - i. Presenting issue;
    - ii. Substance abuse history;
    - iii. Co-occurring disorder;
    - iv. Legal history, including:
      - (1) Custody,
      - (2) Guardianship, and
      - (3) Pending litigation;

## Department of Health Services - Health Care Institutions: Licensing

- v. Criminal justice record;
    - vi. Family history;
    - vii. Behavioral health treatment history;
    - viii. Symptoms reported by the resident; and
    - ix. Referrals needed by the resident, if any;
  - b. Includes:
    - i. Recommendations for further assessment or examination of the resident's needs,
    - ii. The physical health services or ancillary services that will be provided to the resident until the resident's treatment plan is completed, and
    - iii. The signature and date signed of the personnel member conducting the behavioral health assessment; and
  - c. Is documented in resident's medical record;
11. A resident is referred to a medical practitioner if a determination is made that the resident requires immediate physical health services or the resident's behavioral health issue may be related to the resident's medical condition; and
  12. Except as provided in subsection (E)(1)(d), a resident provides evidence of freedom from infectious tuberculosis:
    - a. Before or within seven calendar days after the resident's admission, and
    - b. As specified in R9-10-113.
- B.** An administrator shall ensure that:
1. A request for participation in a resident's behavioral health assessment is made to the resident or the resident's representative,
  2. An opportunity for participation in the resident's behavioral health assessment is provided to the resident or the resident's representative, and
  3. The request in subsection (B)(1) and the opportunity in subsection (B)(2) are documented in the resident's medical record.
- C.** An administrator shall ensure that a resident's behavioral health assessment information is documented in the medical record within 48 hours after completing the behavioral health assessment.
- D.** If information in subsection (A)(10) is obtained about a resident after the resident's behavioral health assessment is completed, an interval note, including the information, is documented in the resident's medical record within 48 hours after the information is obtained.
- E.** If a behavioral health residential facility is authorized to provide respite services, an administrator shall ensure that:
1. Upon admission of a resident for respite services:
    - a. Except as provided in subsection (F), a medical history and physical examination of the resident:
      - i. Is performed; or
      - ii. Dated within the previous 12 months, is available in the resident's medical record from a previous admission to the behavioral health residential facility;
    - b. A treatment plan that meets the requirements in R9-10-708:
      - i. Is developed; or
      - ii. Dated within the previous 12 months, is available in the resident's medical record from a previous admission to the behavioral health residential facility;
    - c. If a treatment plan, dated within the previous 12 months, is available, the treatment plan is reviewed, updated, and documented in the resident's medical record; and
  - d. If the resident is not expected to be present in the behavioral health residential facility for more than seven days, the resident is not required to comply with the requirements in subsection (A)(12);
2. The common area required in R9-10-722(B)(1)(b) provides at least 25 square feet for each resident, including residents who do not stay overnight; and
  3. In addition to the requirements in R9-10-722(B)(3), toilets and hand-washing sinks are available to residents, including residents who do not stay overnight, as follows:
    - a. There is at least one working toilet that flushes and has a seat and one sink with running water for every 10 residents,
    - b. There are at least two working toilets that flush and have seats and two sinks with running water if there are 11 to 25 residents, and
    - c. There is at least one additional working toilet that flushes and has a seat and one additional sink with running water for each additional 20 residents.
- F.** A medical history and physical examination is not required for a child who is admitted or expected to be admitted to a residential behavioral health facility for less than 10 days in a 90-consecutive-day period.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section R9-10-707 repealed, new Section R9-10-707 adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2). Amended by exempt rulemaking at 22 A.A.R. 1035, pursuant to Laws 2015, Ch. 158, § 3; effective May 1, 2016 (Supp. 16-2).

**R9-10-708. Treatment Plan**

- A.** An administrator shall ensure that a treatment plan is developed and implemented for each resident that:
1. Is based on the medical history and physical examination or nursing assessment required in R9-10-707(A)(5) or (E)(1) and the behavioral health assessment required in R9-10-707(A)(8) or (9) and on-going changes to the behavioral health assessment of the resident;
  2. Is completed:
    - a. By a behavioral health professional or a behavioral health technician under the clinical oversight of a behavioral health professional, and
    - b. Before the resident receives physical health services or behavioral health services or within 48 hours after the assessment is completed;

## Department of Health Services - Health Care Institutions: Licensing

3. Is documented in the resident's medical record within 48 hours after the resident first receives physical health services or behavioral health services;
  4. Includes:
    - a. The resident's presenting issue;
    - b. The physical health services or behavioral health services to be provided to the resident;
    - c. The signature of the resident or the resident's representative, and date signed, or documentation of the refusal to sign;
    - d. The date when the resident's treatment plan will be reviewed;
    - e. If a discharge date has been determined, the treatment needed after discharge; and
    - f. The signature of the personnel member who developed the treatment plan and the date signed;
  5. If the treatment plan was completed by a behavioral health technician, is reviewed and signed by a behavioral health professional within 24 hours after the completion of the treatment plan to ensure that the treatment plan is complete and accurate and meets the resident's treatment needs; and
  6. Is reviewed and updated on an on-going basis:
    - a. According to the review date specified in the treatment plan,
    - b. When a treatment goal is accomplished or changed,
    - c. When additional information that affects the resident's behavioral health assessment is identified, and
    - d. When a resident has a significant change in condition or experiences an event that affects treatment.
- B.** An administrator shall ensure that:
1. A request for participation in developing a resident's treatment plan is made to the resident or the resident's representative,
  2. An opportunity for participation in developing the resident's treatment plan is provided to the resident or the resident's representative, and
  3. The request in subsection (B)(1) and the opportunity in subsection (B)(2) are documented in the resident's medical record.
- Historical Note**
- Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section R9-10-708 repealed, new Section R9-10-708 adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- R9-10-709. Discharge**
- A.** An administrator shall ensure that a discharge plan for a resident is:
    1. Developed that:
      - a. Identifies any specific needs of the resident after discharge,
      - b. Is completed before discharge occurs, and
      - c. Includes a description of the level of care that may meet the resident's assessed and anticipated needs after discharge;
    2. Documented in the resident's medical record within 48 hours after the discharge plan is completed; and
    3. Provided to the resident or the resident's representative before the discharge occurs.
  - B.** An administrator shall ensure that:
    1. A request for participation in developing a resident's discharge plan is made to the resident or the resident's representative,
    2. An opportunity for participation in developing the resident's discharge plan is provided to the resident or the resident's representative, and
    3. The request in subsection (B)(1) and the opportunity in subsection (B)(2) are documented in the resident's medical record.
  - C.** An administrator shall ensure that a resident is discharged from a behavioral health residential facility when the resident's treatment needs are not consistent with the services that the behavioral health residential facility is authorized and able to provide.
  - D.** An administrator shall ensure that there is a documented discharge order by a medical practitioner or behavioral health professional before a resident is discharged unless the resident leaves the behavioral health residential facility against a medical practitioner's or behavioral health professional's advice.
  - E.** An administrator shall ensure that, at the time of discharge, a resident receives a referral for treatment or ancillary services that the resident may need after discharge, if applicable.
  - F.** If a resident is discharged to any location other than a health care institution, an administrator shall ensure that:
    1. Discharge instructions are documented, and
    2. The resident or the resident's representative is provided with a copy of the discharge instructions.
  - G.** An administrator shall ensure that a discharge summary for a resident:
    1. Is entered into the resident's medical record within 10 working days after a resident's discharge; and
    2. Includes:
      - a. The following information authenticated by a medical practitioner or behavioral health professional:
        - i. The resident's presenting issue and other physical health and behavioral health issues identified in the resident's treatment plan;
        - ii. A summary of the treatment provided to the resident;
        - iii. The resident's progress in meeting treatment goals, including treatment goals that were and were not achieved; and
        - iv. The name, dosage, and frequency of each medication ordered for the resident by a medical practitioner at the behavioral health residential facility at the time of the resident's discharge; and
      - b. A description of the disposition of the resident's possessions, funds, or medications brought to the behavioral health residential facility by the resident.
  - H.** An administrator shall ensure that a resident who is dependent upon a prescribed medication is offered a written referral to



## Department of Health Services - Health Care Institutions: Licensing

detoxification services or opioid treatment before the resident is discharged from the behavioral health residential facility if a medical practitioner for the behavioral health residential facility will not be prescribing the medication for the resident at or after discharge.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section R9-10-709 repealed, new Section R9-10-709 adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-710. Transport; Transfer**

- A.** Except as provided in subsection (B), an administrator shall ensure that:
1. A personnel member coordinates the transport and the services provided to the resident;
  2. According to policies and procedures:
    - a. An evaluation of the resident is conducted before and after the transport,
    - b. Information from the resident's medical record is provided to a receiving health care institution, and
    - c. A personnel member explains risks and benefits of the transport to the resident or the resident's representative; and
  3. Documentation in the resident's medical record includes:
    - a. Communication with an individual at a receiving health care institution;
    - b. The date and time of the transport;
    - c. The mode of transportation; and
    - d. If applicable, the name of the personnel member accompanying the resident during a transport.
- B.** Subsection (A) does not apply to:
1. Transportation to a location other than a licensed health care institution,
  2. Transportation provided for a resident by the resident or the resident's representative,
  3. Transportation provided by an outside entity that was arranged for a resident by the resident or the resident's representative, or
  4. A transport to another licensed health care institution in an emergency.
- C.** Except for a transfer of a resident due to an emergency, an administrator shall ensure that:
1. A personnel member coordinates the transfer and the services provided to the resident;
  2. According to policies and procedures:
    - a. An evaluation of the resident is conducted before the transfer;

- b. Information from the resident's medical record, including orders that are in effect at the time of the transfer, is provided to a receiving health care institution; and
  - c. A personnel member explains risks and benefits of the transfer to the resident or the resident's representative; and
3. Documentation in the resident's medical record includes:
- a. Communication with an individual at a receiving health care institution;
  - b. The date and time of the transfer;
  - c. The mode of transportation; and
  - d. If applicable, the name of the personnel member accompanying the resident during a transfer.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted effective October 30, 1989 (Supp. 89-4). Section R9-10-710 repealed, new Section R9-10-710 adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-711. Resident Rights**

- A.** An administrator shall ensure that:
1. The requirements in subsection (B) and the resident rights in subsection (E) are conspicuously posted on the premises;
  2. At the time of admission, a resident or the resident's representative receives a written copy of the requirements in subsection (B) and the resident rights in subsection (E); and
  3. Policies and procedures include:
    - a. How and when a resident or the resident's representative is informed of the resident rights in subsection (E), and
    - b. Where resident rights are posted as required in subsection (A)(1).
- B.** An administrator shall ensure that:
1. A resident is treated with dignity, respect, and consideration;
  2. A resident is not subjected to:
    - a. Abuse;
    - b. Neglect;
    - c. Exploitation;
    - d. Coercion;
    - e. Manipulation;
    - f. Sexual abuse;
    - g. Sexual assault;
    - h. Seclusion;
    - i. Restraint;

## Department of Health Services - Health Care Institutions: Licensing

- j. Retaliation for submitting a complaint to the Department or another entity;
  - k. Misappropriation of personal and private property by the behavioral health residential facility's personnel members, employees, volunteers, or students;
  - l. Discharge or transfer, or threat of discharge or transfer, for reasons unrelated to the resident's treatment needs, except as established in a fee agreement signed by the resident or the resident's representative; or
  - m. Treatment that involves the denial of:
    - i. Food,
    - ii. The opportunity to sleep, or
    - iii. The opportunity to use the toilet;
3. Except as provided in subsection (C) or (D), and unless restricted by the resident's representative, is allowed to:
- a. Associate with individuals of the resident's choice, receive visitors, and make telephone calls during the hours established by the behavioral health residential facility;
  - b. Have privacy in correspondence, communication, visitation, financial affairs, and personal hygiene; and
  - c. Unless restricted by a court order, send and receive uncensored and unopened mail; and
4. A resident or the resident's representative:
- a. Except in an emergency, either consents to or refuses treatment;
  - b. May refuse or withdraw consent for treatment before treatment is initiated, unless the treatment is ordered by a court according to A.R.S. Title 36, Chapter 5 or A.R.S. 8-341.01; is necessary to save the resident's life or physical health; or is provided according to A.R.S. § 36-512;
  - c. Except in an emergency, is informed of proposed treatment alternatives, associated risks, and possible complications;
  - d. Is informed of the following:
    - i. The behavioral health residential facility's policy on health care directives, and
    - ii. The resident complaint process; and
  - e. Except as otherwise permitted by law, provides written consent to the release of information in the resident's:
    - i. Medical record, or
    - ii. Financial records.
- C.** For a behavioral health residential facility with licensed capacity of less than 10 residents, if a behavioral health professional determines that a resident's treatment requires the behavioral health residential facility to restrict the resident's ability to participate in the activities in subsection (B)(3), the behavioral health professional shall:
- 1. Document a specific treatment purpose in the resident's medical record that justifies restricting the resident from the activity,
  - 2. Inform the resident or resident's representative of the reason why the activity is being restricted, and
  - 3. Inform the resident or resident's representative of the resident's right to file a complaint and the procedure for filing a complaint.
- D.** For a behavioral health residential facility with a licensed capacity of 10 or more residents, if a clinical director determines that a resident's treatment requires the behavioral health residential facility to restrict the resident's ability to participate in the activities in subsection (B)(3), the clinical director shall
- comply with the requirements in subsections (C)(1) through (3).
- E.** A resident has the following rights:
- 1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
  - 2. To receive treatment that:
    - a. Supports and respects the resident's individuality, choices, strengths, and abilities;
    - b. Supports the resident's personal liberty and only restricts the resident's personal liberty according to a court order, by the resident's or the resident's representative's general consent, or as permitted in this Chapter; and
    - c. Is provided in the least restrictive environment that meets the resident's treatment needs;
  - 3. To receive privacy in treatment and care for personal needs, including the right not to be fingerprinted, photographed, or recorded without consent, except:
    - a. A resident may be photographed when admitted to a behavioral health residential facility for identification and administrative purposes;
    - b. For a resident receiving treatment according to A.R.S. Title 36, Chapter 37; or
    - c. For video recordings used for security purposes that are maintained only on a temporary basis;
  - 4. Not to be prevented or impeded from exercising the resident's civil rights unless the resident has been adjudicated incompetent or a court of competent jurisdiction has found that the resident is not able to exercise a specific right or category of rights;
  - 5. To review, upon written request, the resident's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
  - 6. To be provided locked storage space for the resident's belongings while the resident receives treatment;
  - 7. To have opportunities for social contact and daily social, recreational, or rehabilitative activities;
  - 8. To be informed of the requirements necessary for the resident's discharge or transfer to a less restrictive physical environment;
  - 9. To receive a referral to another health care institution if the behavioral health residential facility is not authorized or not able to provide physical health services or behavioral health services needed by the resident;
  - 10. To participate or have the resident's representative participate in the development of a treatment plan or decisions concerning treatment;
  - 11. To participate or refuse to participate in research or experimental treatment; and
  - 12. To receive assistance from a family member, the resident's representative, or other individual in understanding, protecting, or exercising the resident's rights.

**Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-712. Medical Records**

- A.** An administrator shall ensure that:

## Department of Health Services - Health Care Institutions: Licensing

1. A medical record is established and maintained for each resident according to A.R.S. Title 12, Chapter 13, Article 7.1;
  2. An entry in a resident's medical record is:
    - a. Recorded only by a personnel member authorized by policies and procedures to make the entry;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  3. An order is:
    - a. Dated when the order is entered in the resident's medical record and includes the time of the order;
    - b. Authenticated by a medical practitioner or behavioral health professional according to policies and procedures; and
    - c. If the order is a verbal order, authenticated by the medical practitioner or behavioral health professional issuing the order;
  4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
  5. A resident's medical record is available to an individual:
    - a. Authorized according to policies and procedures to access the resident's medical record;
    - b. If the individual is not authorized according to policies and procedures, with the written consent of the resident or the resident's representative; or
    - c. As permitted by law;
  6. Policies and procedures include the maximum time-frame to retrieve a resident's medical record at the request of a medical practitioner, behavioral health professional, or authorized personnel member; and
  7. A resident's medical record is protected from loss, damage, or unauthorized use.
- B.** If a behavioral health residential facility maintains residents' medical records electronically, an administrator shall ensure that:
1. Safeguards exist to prevent unauthorized access, and
  2. The date and time of an entry in a resident's medical record is recorded by the computer's internal clock.
- C.** An administrator shall ensure that a resident's medical record contains:
1. Resident information that includes:
    - a. The resident's name;
    - b. The resident's address;
    - c. The resident's date of birth; and
    - d. Any known allergies, including medication allergies;
  2. The name of the admitting medical practitioner or behavioral health professional;
  3. An admitting diagnosis or presenting behavioral health issues;
  4. The date of admission and, if applicable, date of discharge;
  5. If applicable, the name and contact information of the resident's representative and:
    - a. If the resident is 18 years of age or older or an emancipated minor, the document signed by the resident consenting for the resident's representative to act on the resident's behalf; or
    - b. If the resident's representative:
      - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
      - ii. Is a legal guardian, a copy of the court order establishing guardianship;
  6. If applicable, documented general consent and informed consent for treatment by the resident or the resident's representative;
  7. Documentation of medical history and results of a physical examination;
  8. A copy of resident's health care directive, if applicable;
  9. Orders;
  10. Assessment;
  11. Treatment plans;
  12. Interval notes;
  13. Progress notes;
  14. Documentation of behavioral health services and physical health services provided to the resident;
  15. If applicable, documentation of the use of an emergency safety response;
  16. If applicable, documentation of time out required in R9-10-714(6);
  17. Except as allowed in R9-10-707(E)(1)(d), documentation of freedom from infectious tuberculosis required in R9-10-707(A)(12);
  18. The disposition of the resident after discharge;
  19. The discharge plan;
  20. The discharge summary, if applicable;
  21. If applicable:
    - a. Laboratory reports,
    - b. Radiologic reports,
    - c. Diagnostic reports, and
    - d. Consultation reports; and
  22. Documentation of medication administered to the resident that includes:
    - a. The date and time of administration;
    - b. The name, strength, dosage, and route of administration;
    - c. For a medication administered for pain, when administered initially or on a PRN basis:
      - i. An assessment of the resident's pain before administering the medication, and
      - ii. The effect of the medication administered;
    - d. For a psychotropic medication, when administered initially or on a PRN basis:
      - i. An assessment of the resident's behavior before administering the psychotropic medication, and
      - ii. The effect of the psychotropic medication administered;
    - e. The identification, signature, and professional designation of the individual administering or providing assistance in the self-administration of the medication; and
    - f. Any adverse reaction a resident has to the medication.

**Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-713. Transportation; Resident Outings**

## Department of Health Services - Health Care Institutions: Licensing

- A. An administrator of a behavioral health residential facility that uses a vehicle owned or leased by the behavioral health residential facility to provide transportation to a resident shall ensure that:

1. The vehicle:
  - a. Is safe and in good repair,
  - b. Contains a first aid kit,
  - c. Contains drinking water sufficient to meet the needs of each resident present in the vehicle, and
  - d. Contains a working heating and air conditioning system;
2. Documentation of current vehicle insurance and a record of maintenance performed or a repair of the vehicle is maintained;
3. A driver of the vehicle:
  - a. Is 21 years of age or older;
  - b. Has a valid driver license;
  - c. Operates the vehicle in a manner that does not endanger a resident in the vehicle;
  - d. Does not leave in the vehicle an unattended:
    - i. Child,
    - ii. Resident who may be a threat to the health or safety of the resident or another individual, or
    - iii. Resident who is incapable of independent exit from the vehicle; and
  - e. Ensures the safe and hazard-free loading and unloading of residents; and
4. Transportation safety is maintained as follows:
  - a. Each individual in the vehicle is sitting in a seat and wearing a working seat belt while the vehicle is in motion, and
  - b. Each seat in the vehicle is securely fastened to the vehicle and provides sufficient space for a resident's body.

- B. An administrator shall ensure that:

1. An outing is consistent with the age, developmental level, physical ability, medical condition, and treatment needs of each resident participating in the outing;
2. At least two personnel members are present on an outing;
3. In addition to the personnel members required in subsection (B)(2), a sufficient number of personnel members are present to ensure each resident's health and safety on the outing;
4. Documentation is developed before an outing that includes:
  - a. The name of each resident participating in the outing;
  - b. A description of the outing;
  - c. The date of the outing;
  - d. The anticipated departure and return times;
  - e. The name, address, and, if available, telephone number of the outing destination; and
  - f. If applicable, the license plate number of each vehicle used to transport a resident;
5. The documentation described in subsection (B)(4) is updated to include the actual departure and return times and is maintained for at least 12 months after the date of the outing; and
6. Emergency information for each resident participating in the outing is maintained by a personnel member participating in the outing or in the vehicle used to provide transportation for the outing and includes:
  - a. The resident's name;
  - b. Medication information, including the name, dosage, route of administration, and directions for each

medication needed by the resident during the anticipated duration of the outing;

- c. The resident's allergies; and
- d. The name and telephone number of a designated individual, to notify in case of an emergency, who is present on the behavioral health residential facility's premises.

**Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-714. Resident Time Out**

An administrator shall ensure that a time out:

1. Is provided to a resident who voluntarily decides to go in a time out;
2. Takes place in an area that is unlocked, lighted, quiet, and private;
3. Is time-limited and does not exceed the amount of time as determined by the resident;
4. Does not result in a resident missing a meal if the resident is in time out at mealtime;
5. Includes monitoring of the resident by a personnel member at least once every 15 minutes to ensure the resident's health and safety and to discuss with the resident if the resident is ready to leave time out; and
6. Is documented in the resident's medical record, to include:
  - a. The date of the time out,
  - b. The reason for the time out,
  - c. The duration of the time out, and
  - d. The action planned and taken by the administrator to prevent the use of time out in the future.

**Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-715. Physical Health Services**

An administrator of a behavioral health residential facility that provides personal care services shall ensure that:

1. Personnel members who provide personal care services have documentation of completion of a caregiver training program that complies with A.A.C. R4-33-702(A)(5);
2. Residents receive personal care services according to the requirements in R9-10-814(A), (C), (D), and (E); and
3. A resident who has a stage 3 or stage 4 pressure sore is not admitted to the behavioral health residential facility.

**Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt

## Department of Health Services - Health Care Institutions: Licensing

rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-716. Behavioral Health Services****A.** An administrator shall ensure that:

1. If a behavioral health residential facility is licensed to provide behavioral health services to individuals whose behavioral health issue limits the individuals' ability to function independently, a resident admitted to the behavioral health residential facility with limited ability to function independently, in addition to behavioral health services and personnel care services as indicated in the resident's treatment plan, receives continuous protective oversight;
2. A resident admitted to the behavioral health residential facility who needs behavioral health services to maintain or enhance the resident's ability to function independently, in addition to receiving behavioral health services, and, if indicated in the resident's treatment plan, personal care services, is provided an opportunity to participate in activities designed to maintain or enhance the resident's ability to function independently while caring for the resident's health, safety, or personal hygiene or performing homemaking functions;
3. Behavioral health services are provided to meet the needs of a resident and are consistent with a behavioral health residential facility's scope of services;
4. Behavioral health services:
  - a. Listed in the behavioral health residential facility's scope of services are provided on the premises; and
  - b. When provided in a setting or activity with more than one resident participating, before a resident participates, the diagnoses, treatment needs, developmental levels, social skills, verbal skills, and personal histories, including any history of physical or sexual abuse, of the residents participating are reviewed to ensure that the:
    - i. Health and safety of each resident is protected, and
    - ii. Treatment needs of each resident participating are being met; and
5. A resident does not:
  - a. Use or have access to any materials, furnishings, or equipment or participate in any activity or treatment that may present a threat to the resident's health or safety based on the resident's documented diagnosis, treatment needs, developmental levels, social skills, verbal skills, or personal history; or
  - b. Share any space, participate in any activity or treatment, or verbally or physically interact with any other resident that may present a threat to the resident's health or safety based on the other resident's documented diagnosis, treatment needs, developmental levels, social skills, verbal skills, and personal history.

**B.** An administrator shall ensure that counseling is:

1. Offered as described in the behavioral health residential facility's scope of services,
2. Provided according to the frequency and number of hours identified in the resident's treatment plan, and
3. Provided by a behavioral health professional or a behavioral health technician.

**C.** An administrator shall ensure that:

1. A personnel member providing counseling that addresses a specific type of behavioral health issue has the skills

and knowledge necessary to provide the counseling that addresses the specific type of behavioral health issue; and

2. Each counseling session is documented in a resident's medical record to include:

- a. The date of the counseling session;
- b. The amount of time spent in the counseling session;
- c. Whether the counseling was individual counseling, family counseling, or group counseling;
- d. The treatment goals addressed in the counseling session; and
- e. The signature of the personnel member who provided the counseling and the date signed.

**D.** An administrator of a behavioral health residential facility authorized to provide behavioral health residential services to individuals under 18 years of age:

1. May continue to provide behavioral health services to a resident who is 18 years of age or older:
  - a. If the resident:
    - i. Was admitted to the behavioral health residential facility before the resident's 18th birthday;
    - ii. Is not 21 years of age or older; and
    - iii. Is:
      - (1) Attending classes or completing coursework to obtain a high school or a high school equivalency diploma, or
      - (2) Participating in a job training program; or
  - b. Through the last calendar day of the month of the resident's 18th birthday; and
2. Shall ensure that:
  - a. A resident does not receive the following from other residents at the behavioral health residential facility:
    - i. Threats,
    - ii. Ridicule,
    - iii. Verbal harassment,
    - iv. Punishment, or
    - v. Abuse;
  - b. The interior of the behavioral health residential facility has furnishings and decorations appropriate to the ages of the residents receiving services at the behavioral health residential facility;
  - c. A resident older than three years of age does not sleep in a crib;
  - d. Clean and non-hazardous toys, educational materials, and physical activity equipment are available and accessible to residents on the premises in a quantity sufficient to meet each resident's needs and are appropriate to each resident's age, developmental level, and treatment needs; and
  - e. A resident's educational needs are met, including providing or arranging for transportation:
    - i. By establishing and providing an educational component, approved in writing by the Arizona Department of Education; or
    - ii. As arranged and documented by the administrator through the local school district.

**E.** An administrator shall ensure that:

1. An emergency safety response is:
  - a. Only used:
    - i. By a personnel member trained to use an emergency safety response,
    - ii. For the management of a resident's violent or self-destructive behavior, and
    - iii. When less restrictive interventions have been determined to be ineffective; and

## Department of Health Services - Health Care Institutions: Licensing

- b. Discontinued at the earliest possible time, but no longer than five minutes after the emergency safety response is initiated;
  2. Within 24 hours after an emergency safety response is used for a resident, the following information is entered into the resident medical record:
    - a. The date and time the emergency safety response was used;
    - b. The name of each personnel member who used an emergency safety response;
    - c. The specific emergency safety response used;
    - d. The personnel member or resident behavior, event, or environmental factor that caused the need for the emergency safety response; and
    - e. Any injury that resulted from the emergency safety response;
  3. Within 10 working days after an emergency safety response is used for a resident, the administrator or clinical director reviews the information in subsection (E)(2); and
  4. After the review required in subsection (E)(3), the following information is entered into the resident's medical record:
    - a. Actions taken or planned actions to prevent the need for the use of an emergency safety response for the resident,
    - b. A determination of whether the resident is appropriately placed at the behavioral health residential facility, and
    - c. Whether the resident's treatment plan was reviewed or needs to be reviewed and amended to ensure that the resident's treatment plan is meeting the resident's treatment needs.
- F. An administrator shall ensure that:
  1. A personnel member whose job description includes the ability to use an emergency safety response:
    - a. Completes training in crisis intervention that includes:
      - i. Techniques to identify personnel member and resident behaviors, events, and environmental factors that may trigger the need for the use of an emergency safety response;
      - ii. The use of nonphysical intervention skills, such as de-escalation, mediation, conflict resolution, active listening, and verbal and observational methods; and
      - iii. The safe use of an emergency safety response including the ability to recognize and respond to signs of physical distress in a client who is receiving an emergency safety response; and
    - b. Completes training required in subsection (F)(1)(a):
      - i. Before providing behavioral health services, and
      - ii. At least once every 12 months after the date the personnel member completed the initial training;
  2. Documentation of the completed training in subsection (F)(1)(a) includes:
    - a. The name and credentials of the individual providing the training,
    - b. Date of the training, and
    - c. Verification of a personnel member's ability to use the training; and
  3. The materials used to provide the completed training in crisis intervention, including handbooks, electronic presentations, and skills verification worksheets, are maintained for at least

12 months after each personnel member who received training using the materials no longer provides services at the behavioral health residential facility.

**Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-717. Outdoor Behavioral Health Care Programs**

- A. An administrator of a behavioral health residential facility providing an outdoor behavioral health care program shall ensure that:
  1. Behavioral health services are provided to a resident participating in the outdoor behavioral health care program consistent with the age, developmental level, physical ability, medical condition, and treatment needs of the resident;
  2. Continuous protective oversight is provided to a resident;
  3. Transportation is provided to a resident from the behavioral health residential facility's administrative office for the outdoor behavioral health care program to the location where the outdoor behavioral health care program is provided and from the location where the outdoor behavioral health care program is provided to the behavioral health residential facility's administrative office for the outdoor behavioral health care program; and
  4. Communication is available between the outdoor behavioral health care program personnel and:
    - a. A behavioral health professional,
    - b. A registered nurse,
    - c. An emergency medical response team, and
    - d. The behavioral health residential facility's administrative office for the outdoor behavioral health care program.
- B. An administrator of a behavioral health residential facility providing an outdoor behavioral health care program shall ensure that:
  1. Food is prepared:
    - a. Using methods that conserve nutritional value, flavor, and appearance; and
    - b. In a form to meet the needs of a resident such as cut, chopped, ground, pureed, or thickened;
  2. A food menu is prepared based on the number of calendar days scheduled for the behavioral health care program;
  3. Meals and snacks provided by the behavioral health care program are served according to menus;
  4. Meals and snacks for each day are planned using the applicable guidelines in <http://www.health.gov/dietaryguidelines/2010.asp>;
  5. A resident is provided:
    - a. A diet that meets the resident's nutritional needs as specified in the resident's assessment or treatment plan;
    - b. Three meals a day with not more than 14 hours between the evening meal and breakfast, except as provided in subsection (B)(5)(d);
    - c. The option to have a daily evening snack or other snack; and

## Department of Health Services - Health Care Institutions: Licensing

- d. The option to extend the time span between the evening meal and breakfast from 14 hours to 16 hours if the resident agrees;
  - 6. Water is available and accessible to residents unless otherwise stated in a resident's treatment plan;
  - 7. Food is free from spoilage, filth, or other contamination and is safe for human consumption;
  - 8. Food is protected from potential contamination; and
  - 9. Food being maintained in coolers containing ice is not in direct contact with ice or water if water may enter the food because of the nature of the food's packaging, wrapping, or container or the positioning of the food in the ice or water.
- C. An administrator of a behavioral health residential facility providing an outdoor behavioral health care program shall ensure that:
- 1. The location and, if applicable, equipment used by the outdoor behavioral health care program are sufficient to accommodate the activities, treatment, and ancillary services required by the residents participating in the behavioral health care program;
  - 2. The location and equipment are maintained in a condition that allows the location and equipment to be used for the original purpose of the location and equipment;
  - 3. Garbage and refuse are:
    - a. Stored in plastic bags in covered containers, and
    - b. Removed from the location used by the outdoor behavioral health care program at least once a week;
  - 4. Common areas:
    - a. Are lighted when in use to assure the safety of residents, and
    - b. Have sufficient lighting to allow personnel members to monitor resident activity;
  - 5. The supply of hot and cold water is sufficient to meet the personal hygiene needs of residents and the cleaning and sanitation requirements in this Article;
  - 6. Soiled clothing is stored in closed containers away from food storage, medications, and eating areas;
  - 7. Poisonous or toxic materials are maintained in labeled containers, secured, and separate from food preparation and storage, eating areas, and medications and inaccessible to residents;
  - 8. Combustible or flammable liquids and hazardous materials are stored in the original labeled containers or safety containers, secured, and inaccessible to residents;
  - 9. If a water source that is not regulated under 18 A.A.C. 4 by the Arizona Department of Environmental Quality is used:
    - a. The water source is tested at least once every 12 months for total coliform bacteria and fecal coliform or *E. coli* bacteria;
    - b. If necessary, corrective action is taken to ensure the water is safe to drink; and
    - c. Documentation of testing is retained for at least 12 months after the date of the test; and
  - 10. Smoking or the use of tobacco products may be permitted away from the residents.

**Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-718. Medication Services**

- A. An administrator shall ensure that policies and procedures for medication services:
- 1. Include:
    - a. A process for providing information to a resident about medication prescribed for the resident including:
      - i. The prescribed medication's anticipated results,
      - ii. The prescribed medication's potential adverse reactions,
      - iii. The prescribed medication's potential side effects, and
      - iv. Potential adverse reactions that could result from not taking the medication as prescribed;
    - b. Procedures for preventing, responding to, and reporting:
      - i. A medication error,
      - ii. An adverse reaction to a medication, or
      - iii. A medication overdose;
    - c. Procedures to ensure that a resident's medication regimen is reviewed by a medical practitioner to ensure the medication regimen meets the resident's needs;
    - d. Procedures for documenting, as applicable, medication administration and assistance in the self-administration of medication;
    - e. A process for monitoring a resident who self-administers medication;
    - f. Procedures for assisting a resident in obtaining medication; and
    - g. If applicable, procedures for providing medication administration or assistance in the self-administration of medication off the premises; and
  - 2. Specify a process for review through the quality management program of:
    - a. A medication administration error, and
    - b. An adverse reaction to a medication.
- B. If a behavioral health residential facility provides medication administration, an administrator shall ensure that:
- 1. Policies and procedures for medication administration:
    - a. Are reviewed and approved by a medical practitioner;
    - b. Specify the individuals who may:
      - i. Order medication, and
      - ii. Administer medication;
    - c. Ensure that medication is administered to a resident only as prescribed; and
    - d. Cover the documentation of a resident's refusal to take prescribed medication in the resident's medical record;
  - 2. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law; and
  - 3. A medication administered to a resident:
    - a. Is administered in compliance with an order, and
    - b. Is documented in the resident's medical record.
- C. If behavioral health residential facility provides assistance in the self-administration of medication, an administrator shall ensure that:
- 1. A resident's medication is stored by the behavioral health residential facility;
  - 2. The following assistance is provided to a resident:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container for the resident;
    - c. Observing the resident while the resident removes the medication from the container;

## Department of Health Services - Health Care Institutions: Licensing

- d. Verifying that the medication is taken as ordered by the resident's medical practitioner by confirming that:
    - i. The resident taking the medication is the individual stated on the medication container label,
    - ii. The resident is taking the dosage of the medication stated on the medication container label or according to an order from a medical practitioner dated later than the date on the medication container label, and
    - iii. The resident is taking the medication at the time stated on the medication container label or according to an order from a medical practitioner dated later than the date on the medication container label; or
  - e. Observing the resident while the resident takes the medication;
  3. Policies and procedures for assistance in the self-administration of medication are reviewed and approved by a medical practitioner or registered nurse;
  4. Training for a personnel member, other than a medical practitioner or registered nurse, in assistance in the self-administration of medication:
    - a. Is provided by a medical practitioner or registered nurse or an individual trained by a medical practitioner or registered nurse; and
    - b. Includes:
      - i. A demonstration of the personnel member's skills and knowledge necessary to provide assistance in the self-administration of medication,
      - ii. Identification of medication errors and medical emergencies related to medication that require emergency medical intervention, and
      - iii. The process for notifying the appropriate entities when an emergency medical intervention is needed;
  5. A personnel member, other than a medical practitioner or registered nurse, completes the training in subsection (C)(4) before the personnel member provides assistance in the self-administration of medication; and
  6. Assistance in the self-administration of medication provided to a resident:
    - a. Is in compliance with an order, and
    - b. Is documented in the resident's medical record.
- D.** An administrator shall ensure that:
1. A current drug reference guide is available for use by personnel members;
  2. A current toxicology reference guide is available for use by personnel members; and
  3. If pharmaceutical services are provided on the premises:
    - a. A committee, composed of at least one physician, one pharmacist, and other personnel members as determined by policies and procedures, is established to:
      - i. Develop a drug formulary,
      - ii. Update the drug formulary at least once every 12 months,
      - iii. Develop medication usage and medication substitution policies and procedures, and
      - iv. Specify which medications and medication classifications are required to be stopped automatically after a specific time period unless the ordering medical practitioner specifically orders otherwise;
    - b. The pharmaceutical services are provided under the direction of a pharmacist;
    - c. The pharmaceutical services comply with A.R.S. Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23; and
    - d. A copy of the pharmacy license is provided to the Department upon request.
- E.** When medication is stored at a behavioral health residential facility, an administrator shall ensure that:
1. Medication is stored in a separate locked room, closet, cabinet, or self-contained unit used only for medication storage;
  2. Medication is stored according to the instructions on the medication container; and
  3. Policies and procedures are established, documented, and implemented for:
    - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication, including expired medication;
    - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
    - c. A medication recall and notification of residents who received recalled medication; and
    - d. Storing, inventorying, and dispensing controlled substances.
- F.** An administrator shall ensure that a personnel member immediately reports a medication error or a resident's adverse reaction to a medication to the medical practitioner who ordered the medication and, if applicable, the behavioral health residential facility's clinical director.

**Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-719. Food Services**

- A.** Except for an outdoor behavioral health care program provided by a behavioral health residential facility, an administrator shall ensure that:
1. For a behavioral health residential facility that has a licensed capacity of more than 10 residents:
    - a. The behavioral health residential facility obtains a license or permit as a food establishment under 9 A.A.C. 8, Article 1; and
    - b. A copy of the behavioral health residential facility's food establishment license or permit is maintained;
  2. If a behavioral health residential facility contracts with food establishment, as established in 9 A.A.C. 8, Article 1, to prepare and deliver food to the behavioral health residential facility, a copy of the food establishment's license or permit under 9 A.A.C. 8, Article 1 is maintained by the behavioral health residential facility;
  3. Food is stored, refrigerated, and reheated to meet the dietary needs of a resident;
  4. A registered dietitian is employed full-time, part-time, or as a consultant; and
  5. If a registered dietitian is not employed full-time, an individual is designated as a director of food services who



## Department of Health Services - Health Care Institutions: Licensing

- consults with a registered dietitian as often as necessary to meet the nutritional needs of the residents.
- B.** Except for an outdoor behavioral health care program provided by a behavioral health residential facility, a registered dietitian or director of food services shall ensure that:
1. Food is prepared:
    - a. Using methods that conserve nutritional value, flavor, and appearance; and
    - b. In a form to meet the needs of a resident, such as cut, chopped, ground, pureed, or thickened;
  2. A food menu:
    - a. Is prepared at least one week in advance,
    - b. Includes the foods to be served each day,
    - c. Is conspicuously posted at least one calendar day before the first meal on the food menu will be served,
    - d. Includes any food substitution no later than the morning of the day of meal service with a food substitution, and
    - e. Is maintained for at least 60 calendar days after the last day included in the food menu;
  3. Meals and snacks provided by the behavioral health residential facility are served according to posted menus;
  4. Meals and snacks for each day are planned using the applicable guidelines in <http://www.health.gov/dietaryguidelines/2010.asp>;
  5. A resident is provided:
    - a. A diet that meets the resident's nutritional needs as specified in the resident's assessment or treatment plan;
    - b. Three meals a day with not more than 14 hours between the evening meal and breakfast, except as provided in subsection (B)(5)(d);
    - c. The option to have a daily evening snack identified in subsection (B)(5)(d)(ii) or other snack; and
    - d. The option to extend the time span between the evening meal and breakfast from 14 hours to 16 hours if:
      - i. The resident agrees; and
      - ii. The resident is offered an evening snack that includes meat, fish, eggs, cheese, or other protein, and a serving from either the fruit and vegetable food group or the bread and cereal food group;
  6. A resident requiring assistance to eat is provided with assistance that recognizes the resident's nutritional, physical, and social needs, including the use of adaptive eating equipment or utensils; and
  7. Water is available and accessible to residents unless otherwise stated in a resident's treatment plan.
- C.** Except for an outdoor behavioral health care program provided by a behavioral health residential facility, an administrator shall ensure that food is obtained, prepared, served, and stored as follows:
1. Food is free from spoilage, filth, or other contamination and is safe for human consumption;
  2. Food is protected from potential contamination;
  3. Potentially hazardous food is maintained as follows:
    - a. Foods requiring refrigeration are maintained at 41° F or below; and
    - b. Foods requiring cooking are cooked to heat all parts of the food to a temperature of at least 145° F for 15 seconds, except that:
      - i. Ground beef and ground meats are cooked to heat all parts of the food to at least 155° F;
      - ii. Poultry, poultry stuffing, stuffed meats, and stuffing that contains meat are cooked to heat all parts of the food to at least 165° F;
      - iii. Pork and any food containing pork are cooked to heat all parts of the food to at least 155° F;
      - iv. Raw shell eggs for immediate consumption are cooked to at least 145° F for 15 seconds and any food containing raw shell eggs is cooked to heat all parts of the food to at least 155° F;
      - v. Roast beef and beef steak are cooked to an internal temperature of at least 155° F; and
      - vi. Leftovers are reheated to a temperature of at least 165° F;
  4. A refrigerator contains a thermometer, accurate to plus or minus 3° F, placed at the warmest part of the refrigerator;
  5. Frozen foods are stored at a temperature of 0° F or below; and
  6. Tableware, utensils, equipment, and food-contact surfaces are clean and in good repair.

**Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-720. Emergency and Safety Standards**

- A.** Except for an outdoor behavioral health care program provided by a behavioral health residential facility, an administrator shall ensure that a behavioral health residential facility has:
1. A fire alarm system installed according to the National Fire Protection Association 72: National Fire Alarm and Signaling Code, incorporated by reference in A.A.C. R9-1-412, and a sprinkler system installed according to the National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems, incorporated by reference in A.A.C. R9-1-412, that are in working order; or
  2. An alternative method to ensure resident's safety that is documented and approved by the local jurisdiction.
- B.** Except for an outdoor behavioral health care program provided by a behavioral health residential facility, an administrator shall ensure that:
1. A disaster plan is developed, documented, maintained in a location accessible to personnel members and other employees, and, if necessary, implemented that includes:
    - a. When, how, and where residents will be relocated;
    - b. How each resident's medical record will be available to individuals providing services to the resident during a disaster;
    - c. A plan to ensure each resident's medication will be available to administer to the resident during a disaster; and
    - d. A plan for obtaining food and water for individuals present in the behavioral health residential facility, under the care and supervision of personnel members, or in the behavioral health residential facility's relocation site during a disaster;
  2. The disaster plan required in subsection (B)(1) is reviewed at least once every 12 months;
  3. Documentation of a disaster plan review required in subsection (B)(2) is created, is maintained for at least 12

## Department of Health Services - Health Care Institutions: Licensing

months after the date of the disaster plan review, and includes:

- a. The date and time of the disaster plan review;
  - b. The name of each personnel member, employee, or volunteer participating in the disaster plan review;
  - c. A critique of the disaster plan review; and
  - d. If applicable, recommendations for improvement;
4. A disaster drill for employees is conducted on each shift at least once every three months and documented;
  5. An evacuation drill for employees and residents on the premises is conducted at least once every six months on each shift;
  6. Documentation of each evacuation drill is created, is maintained for 12 months after the date of the evacuation drill, and includes:
    - a. The date and time of the evacuation drill;
    - b. The amount of time taken for all employees and residents to evacuate the behavioral health residential facility;
    - c. Names of employees participating in the evacuation drill;
    - d. An identification of residents needing assistance for evacuation;
    - e. Any problems encountered in conducting the evacuation drill; and
    - f. Recommendations for improvement, if applicable; and
  7. An evacuation path is conspicuously posted on each hallway of each floor of the behavioral health residential facility.

**C. An administrator shall:**

1. Obtain a fire inspection conducted according to the timeframe established by the local fire department or the State Fire Marshal,
2. Make any repairs or corrections stated on the fire inspection report, and
3. Maintain documentation of a current fire inspection.

**Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-721. Environmental Standards**

**A.** Except for an outdoor behavioral health care program provided by a behavioral health residential facility, an administrator shall ensure that:

1. The premises and equipment are:
  - a. Maintained in a condition that allows the premises and equipment to be used for the original purpose of the premises and equipment;
  - b. Cleaned and, if applicable, disinfected according to policies and procedures designed to prevent, minimize, and control illness or infection; and
  - c. Free from a condition or situation that may cause a resident or other individual to suffer physical injury;
2. A pest control program is implemented and documented;
3. Biohazardous medical waste is identified, stored, and disposed of according to 18 A.A.C. 13, Article 14 and policies and procedures;

4. Equipment used at the behavioral health residential facility is:

- a. Maintained in working order;
  - b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
  - c. Used according to the manufacturer's recommendations;
5. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of the testing, calibration, or repair;
  6. Garbage and refuse are:
    - a. Stored in covered containers lined with plastic bags, and
    - b. Removed from the premises at least once a week;
  7. Heating and cooling systems maintain the behavioral health residential facility at a temperature between 70° F and 84° F;
  8. A space heater is not used;
  9. Common areas:
    - a. Are lighted to assure the safety of residents, and
    - b. Have lighting sufficient to allow personnel members to monitor resident activity;
  10. Hot water temperatures are maintained between 95° F and 120° F in the areas of the behavioral health residential facility used by residents;
  11. The supply of hot and cold water is sufficient to meet the personal hygiene needs of residents and the cleaning and sanitation requirements in this Article;
  12. Soiled linen and soiled clothing stored by the behavioral health residential facility are maintained separate from clean linen and clothing and stored in closed containers away from food storage, kitchen, and dining areas;
  13. Oxygen containers are secured in an upright position;
  14. Poisonous or toxic materials stored by the behavioral health residential facility are maintained in labeled containers in a locked area separate from food preparation and storage, dining areas, and medications and are inaccessible to residents;
  15. Combustible or flammable liquids and hazardous materials stored by a behavioral health residential facility are stored in the original labeled containers or safety containers in a locked area inaccessible to residents;
  16. If pets or animals are allowed in the behavioral health residential facility, pets or animals are:
    - a. Controlled to prevent endangering the residents and to maintain sanitation;
    - b. Licensed consistent with local ordinances; and
    - c. For a dog or cat, vaccinated against rabies;
  17. If a water source that is not regulated under 18 A.A.C. 4 by the Arizona Department of Environmental Quality is used:
    - a. The water source is tested at least once every 12 months for total coliform bacteria and fecal coliform or *E. coli* bacteria;
    - b. If necessary, corrective action is taken to ensure the water is safe to drink; and
    - c. Documentation of testing is retained for at least 12 months after the date of the test; and
  18. If a non-municipal sewage system is used, the sewage system is in working order and is maintained according to all applicable state laws and rules.
- B.** An administrator shall ensure that:
1. Smoking tobacco products is not permitted within a behavioral health residential facility; and

## Department of Health Services - Health Care Institutions: Licensing

2. Smoking tobacco products may be permitted on the premises outside a behavioral health residential facility if:
    - a. Signs designating smoking areas are conspicuously posted, and
    - b. Smoking is prohibited in areas where combustible materials are stored or in use.
  - C. If a swimming pool is located on the premises, an administrator shall ensure that:
    1. On each day that a resident uses the swimming pool, an employee:
      - a. Tests the swimming pool's water quality at least once for compliance with one of the following chemical disinfection standards:
        - i. A free chlorine residual between 1.0 and 3.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test;
        - ii. A free bromine residual between 2.0 and 4.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test; or
        - iii. An oxidation-reduction potential equal to or greater than 650 millivolts; and
      - b. Records the results of the water quality tests in a log that includes each testing date and test result;
    2. Documentation of the water quality test is maintained for at least 12 months after the date of the test;
    3. A swimming pool is not used by a resident if a water quality test shows that the swimming pool water does not comply with subsection (C)(1)(a);
    4. At least one personnel member, with cardiopulmonary resuscitation training that meets the requirements in R9-10-703(C)(1)(e), is present in the pool area when a resident is in the pool area; and
    5. At least two personnel members are present in the pool area if two or more residents are in the pool area.
- Historical Note**
- Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- R9-10-722. Physical Plant Standards**
- A. Except for a behavioral health outdoor program, an administrator shall ensure that the premises and equipment are sufficient to accommodate:
    1. The services in the behavioral health residential facility's scope of services, and
    2. An individual accepted as a resident by the behavioral health residential facility.
  - B. An administrator shall ensure that:
    1. A behavioral health residential facility has a:
      - a. Room that provides privacy for a resident to receive treatment or visitors; and
      - b. Common area and a dining area that contain furniture and materials to accommodate the recreational and socialization needs of the residents and other individuals in the behavioral health residential facility;
    2. At least one bathroom is accessible from a common area that:
      - a. May be used by residents and visitors;
      - b. Provides privacy when in use; and
    3. Contains the following:
      - i. At least one working sink with running water,
      - ii. At least one working toilet that flushes and has a seat,
      - iii. Toilet tissue for each toilet,
      - iv. Soap in a dispenser accessible from each sink,
      - v. Paper towels in a dispenser or a mechanical air hand dryer,
      - vi. Lighting, and
      - vii. A window that opens or another means of ventilation;
  3. For every six residents who stay overnight at the behavioral health residential facility, there is at least one working toilet that flushes and has a seat, and one sink with running water;
  4. For every eight residents who stay overnight at the behavioral health residential facility, there is at least one working bathtub or shower;
  5. A resident bathroom provides privacy when in use and contains:
    - a. A shatter-proof mirror, unless the resident's treatment plan allows for otherwise;
    - b. A window that opens or another means of ventilation; and
    - c. Nonporous surfaces for shower enclosures and slip-resistant surfaces in tubs and showers;
  6. If a resident bathroom door locks from the inside, an employee has a key and access to the bathroom;
  7. Each resident is provided a sleeping area that is in a bedroom; and
  8. A resident bedroom complies with the following:
    - a. Is not used as a common area;
    - b. Is not used as a passageway to another bedroom or bathroom unless the bathroom is for the exclusive use of an individual occupying the bedroom;
    - c. Contains a door that opens into a hallway, common area, or outdoors;
    - d. Is constructed and furnished to provide unimpeded access to the door;
    - e. Has window or door covers that provide resident privacy;
    - f. Has floor to ceiling walls;
    - g. Is a:
      - i. Private bedroom that contains at least 60 square feet of floor space, not including the closet; or
      - ii. Shared bedroom that:
        - (1) Is shared by no more than eight residents;
        - (2) Except as provided in subsection (C), contains at least 60 square feet of floor space, not including a closet, for each individual occupying the shared bedroom; and
        - (3) Provides at least three feet of floor space between beds or bunk beds;
    - h. Contains for each resident occupying the bedroom:
      - i. A bed that is at least 36 inches wide and at least 72 inches long, and consists of at least a frame and mattress and linens; and
      - ii. Individual storage space for personal effects and clothing such as shelves, a dresser, or chest of drawers;
    - i. Has clean linen for each bed including mattress pad, sheets large enough to tuck under the mattress, pillows, pillow cases, bedspread, waterproof mattress covers as needed, and blankets to ensure warmth and comfort for each resident;

## Department of Health Services - Health Care Institutions: Licensing

- j. Has sufficient lighting for a resident occupying the bedroom to read; and
  - k. Has a clothing rod or hook in the bedroom designed to minimize the opportunity for a resident to cause self-injury.
- C. A behavioral health residential facility that was licensed as a Level 4 transitional agency before October 1, 2013 may continue to use a shared bedroom that provides at least 40 square feet of floor space, not including a closet, for each individual occupying the shared bedroom. If there is a modification to the shared bedroom, the behavioral health residential facility shall comply with the requirement in subsection (B)(8)(g).
- D. If a swimming pool is located on the premises, an administrator shall ensure that:
- 1. The swimming pool is equipped with the following:
    - a. An operational water circulation system that clarifies and disinfects the swimming pool water continuously and that includes at least:
      - i. A removable strainer,
      - ii. Two swimming pool inlets located on opposite sides of the swimming pool, and
      - iii. A drain located at the swimming pool's lowest point and covered by a grating that cannot be removed without using tools; and
    - b. An operational vacuum cleaning system;
  - 2. The swimming pool is enclosed by a wall or fence that:
    - a. Is at least five feet in height as measured on the exterior of the wall or fence;
    - b. Has no vertical openings greater than four inches across;
    - c. Has no horizontal openings, except as described in subsection (D)(2)(e);
    - d. Is not chain-link;
    - e. Does not have a space between the ground and the bottom fence rail that exceeds four inches in height; and
    - f. Has a self-closing, self-latching gate that:
      - i. Opens away from the swimming pool,
      - ii. Has a latch located at least 54 inches from the ground, and
      - iii. Is locked when the swimming pool is not in use; and
  - 3. A life preserver or shepherd's crook is available and accessible in the pool area.
- E. An administrator shall ensure that a spa that is not enclosed by a wall or fence as described in subsection (D)(2) is covered and locked when not in use.

**Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-723. Repealed****Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Repealed by exempt rulemaking at 19 A.A.R.

2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-724. Repealed****Historical Note**

Adopted effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). Repealed by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**ARTICLE 8. ASSISTED LIVING FACILITIES****R9-10-801. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following definitions apply in this Article, unless the context otherwise requires:

- 1. "Accept" or "acceptance" means:
  - a. An individual begins living in and receiving assisted living services from an assisted living facility; or
  - b. An individual begins receiving adult day health care services or respite care services from an assisted living facility.
- 2. "Assistant caregiver" means an employee or volunteer who helps a manager or caregiver provide supervisory care services, personal care services, or directed care services to a resident, and does not include a family member of the resident.
- 3. "Assisted living services" means supervisory care services, personal care services, directed care services, behavioral health services, or ancillary services provided to a resident by or on behalf of an assisted living facility.
- 4. "Caregiver" means an individual who provides supervisory care services, personal care services, or directed care services to a resident, and does not include a family member of the resident.
- 5. "Manager" means an individual designated by a governing authority to act on behalf of the governing authority in the onsite management of the assisted living facility.
- 6. "Medication organizer" means a container that is designed to hold doses of medication and is divided according to date or time increments.
- 7. "Primary care provider" means a physician, a physician's assistant, or registered nurse practitioner who directs a resident's medical services.
- 8. "Residency agreement" means a document signed by a resident or the resident's representative and a manager, detailing the terms of residency.
- 9. "Service plan" means a written description of a resident's need for supervisory care services, personal care services, directed care services, ancillary services, or behavioral health services and the specific assisted living services to be provided to the resident.
- 10. "Termination of residency" or "terminate residency" means a resident is no longer living in and receiving assisted living services from an assisted living facility.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. §

## Department of Health Services - Health Care Institutions: Licensing

41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Amended by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-802. Supplemental Application Requirements**

In addition to the license application requirements in A.R.S. § 36-422 and R9-10-105, an applicant for an initial license as an assisted living facility shall include in a Department-provided format:

1. Which of the following levels of assisted living services the applicant is requesting authorization to provide:
  - a. Supervisory care services,
  - b. Personal care services, or
  - c. Directed care services; and
2. Whether the applicant is requesting authorization to provide:
  - a. Adult day health care services, or
  - b. Behavioral health services other than behavioral care.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Amended by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-803. Administration****A. A governing authority shall:**

1. Consist of one or more individuals responsible for the organization, operation, and administration of an assisted living facility;
2. Establish, in writing, an assisted living facility's scope of services;
3. Designate, in writing, a manager who:
  - a. Is 21 years of age or older; and
  - b. Except for the manager of an adult foster care home, has either a:
    - i. Certificate as an assisted living facility manager issued under A.R.S. § 36-446.04(C), or
    - ii. A temporary certificate as an assisted living facility manager issued under A.R.S. § 36-446.06;
4. Adopt a quality management program that complies with R9-10-804;
5. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
6. Designate, in writing, an acting manager who has the qualifications established in subsection (A)(3), if the manager is:

- a. Expected not to be present on the assisted living facility's premises for more than 30 calendar days, or
  - b. Not present on the assisted living facility's premises for more than 30 calendar days;
7. Except as provided in subsection (A)(6), notify the Department according to A.R.S. § 36-425(I) when there is a change in the manager and identify the name and qualifications of the new manager;
  8. Ensure that a manager or caregiver who is able to read, write, understand, and communicate in English is on an assisted living facility's premises; and
  9. Ensure compliance with A.R.S. § 36-411.

**B. A manager:**

1. Is directly accountable to the governing authority of an assisted living facility for the daily operation of the assisted living facility and all services provided by or at the assisted living facility;
2. Has the authority and responsibility to manage the assisted living facility; and
3. Except as provided in subsection (A)(6), designates, in writing, a caregiver who is:
  - a. At least 21 years of age, and
  - b. Present on the assisted living facility's premises and accountable for the assisted living facility when the manager is not present on the assisted living facility premises.

**C. A manager shall ensure that policies and procedures are:**

1. Established, documented, and implemented to protect the health and safety of a resident that:
  - a. Cover job descriptions, duties, and qualifications, including required skills and knowledge, education, and experience for employees and volunteers;
  - b. Cover orientation and in-service education for employees and volunteers;
  - c. Include how an employee may submit a complaint related to resident care;
  - d. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;
  - e. Except as provided in subsection (M), cover cardiopulmonary resuscitation training for applicable employees and volunteers, including:
    - i. The method and content of cardiopulmonary resuscitation training, which includes a demonstration of the employee's or volunteer's ability to perform cardiopulmonary resuscitation;
    - ii. The qualifications for an individual to provide cardiopulmonary resuscitation training;
    - iii. The time-frame for renewal of cardiopulmonary resuscitation training; and
    - iv. The documentation that verifies that the employee or volunteer has received cardiopulmonary resuscitation training;
  - f. Cover first aid training;
  - g. Cover how a caregiver will respond to a resident's sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual;
  - h. Cover staffing and recordkeeping;
  - i. Cover resident acceptance, resident rights, and termination of residency;
  - j. Cover the provision of assisted living services, including:
    - i. Coordinating the provision of assisted living services,

## Department of Health Services - Health Care Institutions: Licensing

- ii. Making vaccination for influenza available to residents according to A.R.S. § 36-406(1)(d), and
    - iii. Obtaining resident preferences for food and the provision of assisted living services;
  - k. Cover the provision of respite services or adult day health services, if applicable;
  - l. Cover resident medical records, including electronic medical records;
  - m. Cover personal funds accounts, if applicable;
  - n. Cover specific steps for:
    - i. A resident to file a complaint, and
    - ii. The assisted living facility to respond to a resident's complaint;
  - o. Cover health care directives;
  - p. Cover assistance in the self-administration of medication, and medication administration;
  - q. Cover food services;
  - r. Cover contracted services;
  - s. Cover equipment inspection and maintenance, if applicable;
  - t. Cover infection control; and
  - u. Cover a quality management program, including incident report and supporting documentation;
2. Available to employees and volunteers of the assisted living facility; and
  3. Reviewed at least once every three years and updated as needed.
- D.** A manager shall ensure that the following are conspicuously posted:
1. A list of resident rights;
  2. The assisted living facility's license;
  3. Current phone numbers of:
    - a. The unit in the Department responsible for licensing and monitoring the assisted living facility,
    - b. Adult Protective Services in the Department of Economic Security,
    - c. The State Long-Term Care Ombudsman, and
    - d. The Arizona Center for Disability Law; and
  4. The location at which a copy of the most recent Department inspection report and any plan of correction resulting from the Department inspection may be viewed.
- E.** A manager shall ensure that, unless otherwise stated:
1. Documentation required by this Article is provided to the Department within two hours after a Department request; and
  2. When documentation or information is required by this Chapter to be submitted on behalf of an assisted living facility, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the assisted living facility.
- F.** If a requirement in this Article states that a manager shall ensure an action or condition or sign a document:
1. A governing authority or licensee may ensure the action or condition or sign the document and retain the responsibility to ensure compliance with the requirement in this Article;
  2. The manager may delegate ensuring the action or condition or signing the document to another individual, but the manager retains the responsibility to ensure compliance with the requirement in the Article; and
  3. If the manager delegates ensuring an action or condition or signing a document, the delegation is documented and the documentation includes the name of the individual to whom the action, condition, or signing is delegated and the effective date of the delegation.
- G.** A manager shall:
1. Not act as a resident's representative and not allow an employee or a family member of an employee to act as a resident's representative for a resident who is not a family member of the employee;
  2. If the assisted living facility administers personal funds accounts for residents and is authorized in writing by a resident or the resident's representative to administer a personal funds account for the resident:
    - a. Ensure that the resident's personal funds account does not exceed \$2,000;
    - b. Maintain a separate record for each resident's personal funds account, including receipts and expenditures;
    - c. Maintain the resident's personal funds account separate from any account of the assisted living facility; and
    - d. Provide a copy of the record of the resident's personal funds account to the resident or the resident's representative at least once every three months;
  3. Notify the resident's representative, family member, public fiduciary, or trust officer if the manager determines that a resident is incapable of handling financial affairs; and
  4. Except when a resident's need for assisted living services changes, as documented in the resident's service plan, ensure that a resident receives at least 30 calendar days written notice before any increase in a fee or charge.
- H.** A manager shall permit the Department to interview an employee, a volunteer, or a resident as part of a compliance survey or a complaint investigation.
- I.** If abuse, neglect, or exploitation of a resident is alleged or suspected to have occurred before the resident was accepted or while the resident is not on the premises and not receiving services from an assisted living facility's manager, caregiver, or assistant caregiver, the manager shall report the alleged or suspected abuse, neglect, or exploitation of the resident according to A.R.S. § 46-454.
- J.** If a manager has a reasonable basis, according to A.R.S. § 46-454, to believe abuse, neglect or exploitation has occurred on the premises or while a resident is receiving services from an assisted living facility's manager, caregiver, or assistant caregiver, the manager shall:
1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
  2. Report the suspected abuse, neglect, or exploitation of the resident according to A.R.S. § 46-454;
  3. Document:
    - a. The suspected abuse, neglect, or exploitation;
    - b. Any action taken according to subsection (J)(1); and
    - c. The report in subsection (J)(2);
  4. Maintain the documentation in subsection (J)(3) for at least 12 months after the date of the report in subsection (J)(2);
  5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (J)(2):
    - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
    - b. A description of any injury to the resident related to the suspected abuse or neglect and any change to the resident's physical, cognitive, functional, or emotional condition;
    - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and

## Department of Health Services - Health Care Institutions: Licensing

- d. The actions taken by the manager to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
- 6. Maintain a copy of the documented information required in subsection (J)(5) for at least 12 months after the date the investigation was initiated.
- K.** A manager shall provide written notification to the Department of a resident's:
  - 1. Death, if the resident's death is required to be reported according to A.R.S. § 11-593, within one working day after the resident's death; and
  - 2. Self-injury, within two working days after the resident inflicts a self-injury that requires immediate intervention by an emergency services provider.
- L.** If a resident is receiving services from a home health agency or hospice service agency, a manager shall ensure that:
  - 1. The resident's medical record contains:
    - a. The name, address, and contact individual, including contact information, of the home health agency or hospice service agency;
    - b. Any information provided by the home health agency or hospice service agency; and
    - c. A copy of resident follow-up instructions provided to the resident by the home health agency or hospice service agency; and
  - 2. Any care instructions for a resident provided to the assisted living facility by the home health agency or hospice service agency are:
    - a. Within the assisted living facility's scope of services,
    - b. Communicated to a caregiver, and
    - c. Documented in the resident's service plan.
- M.** A manager of an assisted living home may establish, in policies and procedures, requirements that a caregiver obtains and provides documentation of cardiopulmonary resuscitation training specific to adults, which includes a demonstration of the caregiver's ability to perform cardiopulmonary resuscitation, from one of the following organizations:
  - 1. American Red Cross,
  - 2. American Heart Association, or
  - 3. National Safety Council.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Former Section R9-10-803 renumbered to R9-10-804; new Section R9-10-803 made by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-804. Quality Management**

A manager shall ensure that:

- 1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to residents;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to resident care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to resident care; and
  - e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
- 2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to resident care, and
  - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to resident care; and
- 3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted effective October 30, 1989 (Supp. 89-4). Section repealed; new Section R9-10-804 renumbered from R9-10-803 and amended by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-805. Contracted Services**

A manager shall ensure that:

- 1. Contracted services are provided according to the requirements in this Article, and
- 2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted as an emergency and (A)(1)(a)(i)(1) amended effective January 27, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. §

## Department of Health Services - Health Care Institutions: Licensing

41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted effective October 30, 1989 (Supp. 89-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-806. Personnel****A. A manager shall ensure that:**

1. A caregiver:
  - a. Is 18 years of age or older; and
  - b. Provides documentation of:
    - i. Completion of a caregiver training program approved by the Department or the Board of Examiners for Nursing Care Institution Administrators and Assisted Living Facility Managers;
    - ii. For supervisory care services, employment as a manager or caregiver of a supervisory care home before November 1, 1998;
    - iii. For supervisory care services or personal care services, employment as a manager or caregiver of a supportive residential living center before November 1, 1998; or
    - iv. For supervisory care services, personal care services, or directed services, one of the following:
      - (1) A nursing care institution administrator's license issued by the Board of Examiners;
      - (2) A nurse's license issued to the individual under A.R.S. Title 32, Chapter 15;
      - (3) Documentation of employment as a manager or caregiver of an unclassified residential care institution before November 1, 1998; or
      - (4) Documentation of sponsorship of or employment as a caregiver in an adult foster care home before November 1, 1998;
2. An assistant caregiver:
  - a. Is 16 years of age or older; and
  - b. Interacts with residents under the supervision of a manager or caregiver;
3. The qualifications, skills, and knowledge required for a caregiver or assistant caregiver:
  - a. Are based on:
    - i. The type of assisted living services, behavioral health services, or behavioral care expected to be provided by the caregiver or assistant caregiver according to the established job description; and
    - ii. The acuity of the residents receiving assisted living services, behavioral health services, or behavioral care from the caregiver or assistant caregiver according to the established job description; and
  - b. Include:
    - i. The specific skills and knowledge necessary for the caregiver or assistant caregiver to provide the expected assisted living services, behavioral health services, or behavioral care listed in the established job description;
    - ii. The type and duration of education that may allow the caregiver or assistant caregiver to have acquired the specific skills and knowledge

for the caregiver or assistant caregiver to provide the expected assisted living services, behavioral health services, or behavioral care listed in the established job description; and

- iii. The type and duration of experience that may allow the caregiver or assistant caregiver to have acquired the specific skills and knowledge for the caregiver or assistant caregiver to provide the expected assisted living services, behavioral health services or behavioral care listed in the established job description;

4. A caregiver's or assistant caregiver's skills and knowledge are verified and documented:

- a. Before the caregiver or assistant caregiver provides physical health services or behavioral health services, and

- b. According to policies and procedures;

5. An assisted living facility has a manager, caregivers, and assistant caregivers with the qualifications, experience, skills, and knowledge necessary to:

- a. Provide the assisted living services, behavioral health services, behavioral care, and ancillary services in the assisted living facility's scope of services;

- b. Meet the needs of a resident; and

- c. Ensure the health and safety of a resident;

6. At least one manager or caregiver is present and awake at an assisted living center when a resident is on the premises;

7. A manager, a caregiver, and an assistant caregiver, or an employee or a volunteer who has or is expected to have more than eight hours per week of direct interaction with residents, provides evidence of freedom from infectious tuberculosis:

- a. On or before the date the individual begins providing services at or on behalf of the assisted living facility, and

- b. As specified in R9-10-113;

8. Before providing assisted living services to a resident, a caregiver or an assistant caregiver receives orientation that is specific to the duties to be performed by the caregiver or assistant caregiver; and

9. Before providing assisted living services to a resident, a manager or caregiver provides current documentation of first aid training and cardiopulmonary resuscitation training certification specific to adults.

**B. A manager of an assisted living home shall ensure that:**

1. An individual residing in an assisted living home, who is not a resident, a manager, a caregiver, or an assistant caregiver:

- a. Either:

- i. Complies with the fingerprinting requirements in A.R.S. § 36-411, or

- ii. Interacts with residents only under the supervision of an individual who has a valid fingerprint clearance card; and

- b. If the individual is 12 years of age or older, provides evidence of freedom from infectious tuberculosis as specified in R9-10-113;

2. Documentation of compliance with the requirements in subsection (B)(1)(a) and evidence of freedom from infectious tuberculosis, if required under subsection (B)(1)(b), is maintained for an individual residing in the assisted living home who is not a resident, a manager, a caregiver, or an assistant caregiver; and



## Department of Health Services - Health Care Institutions: Licensing

3. At least the manager or a caregiver is present at an assisted living home when a resident is present in the assisted living home and:
  - a. Except for nighttime hours, the manager or caregiver is awake; and
  - b. If the manager or caregiver is not awake during nighttime hours:
    - i. The manager or caregiver can hear and respond to a resident needing assistance; and
    - ii. If the assisted living home is authorized to provide directed care services, policies and procedures are developed, documented, and implemented to establish a process for checking on a resident receiving directed care services during nighttime hours to ensure the resident's health and safety.
- C. A manager shall ensure that a personnel record for each employee or volunteer:
  1. Includes:
    - a. The individual's name, date of birth, and contact telephone number;
    - b. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
    - c. Documentation of:
      - i. The individual's qualifications, including skills and knowledge applicable to the individual's job duties;
      - ii. The individual's education and experience applicable to the individual's job duties;
      - iii. The individual's completed orientation and in-service education required by policies and procedures;
      - iv. The individual's license or certification, if the individual is required to be licensed or certified in this Article or in policies and procedures;
      - v. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
      - vi. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (A)(7);
      - vii. Cardiopulmonary resuscitation training, if required for the individual in this Article or policies and procedures;
      - viii. First aid training, if required for the individual in this Article or policies and procedures; and
      - ix. Documentation of compliance with the requirements in A.R.S. § 36-411(A) and (C);
    2. Is maintained:
      - a. Throughout the individual's period of providing services in or for the assisted living facility; and
      - b. For at least 24 months after the last date the individual provided services in or for the assisted living facility; and
3. For a manager, a caregiver, or an assistant caregiver who has not provided physical health services or behavioral health services at or for the assisted living facility during the previous 12 months, is provided to the Department within 72 hours after the Department's request.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as

an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2).

Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Amended by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-807. Residency and Residency Agreements**

- A. Except as provided in R9-10-808(B)(2), a manager shall ensure that a resident provides evidence of freedom from infectious tuberculosis:
  1. Before or within seven calendar days after the resident's date of occupancy; and
  2. As specified in R9-10-113.
- B. A manager shall ensure that before or at the time of acceptance of an individual, the individual submits documentation that is dated within 90 calendar days before the individual is accepted by an assisted living facility and:
  1. If an individual is requesting or is expected to receive supervisory care services, personal care services, or directed care services:
    - a. Includes whether the individual requires:
      - i. Continuous medical services,
      - ii. Continuous or intermittent nursing services, or
      - iii. Restraints; and
    - b. Is dated and signed by a:
      - i. Physician,
      - ii. Registered nurse practitioner,
      - iii. Registered nurse, or
      - iv. Physician assistant; and
  2. If an individual is requesting or is expected to receive behavioral health services, other than behavioral care, in addition to supervisory care services, personal care services, or directed care services from an assisted living facility:
    - a. Includes whether the individual requires continuous behavioral health services; and
    - b. Is signed and dated by a behavioral health professional.
- C. A manager shall not accept or retain an individual if:
  1. The individual requires continuous:
    - a. Medical services;
    - b. Nursing services, unless the assisted living facility complies with A.R.S. § 36-401(C); or
    - c. Behavioral health services;
  2. The assisted living services needed by the individual are not within the assisted living facility's scope of services;
  3. The assisted living facility does not have the ability to provide the assisted living services needed by the individual; or
  4. The individual requires restraints, including the use of bedrails.
- D. Before or at the time of an individual's acceptance by an assisted living facility, a manager shall ensure that there is a documented residency agreement with the assisted living facility that includes:
  1. The individual's name;
  2. Terms of occupancy, including:
    - a. Date of occupancy or expected date of occupancy,
    - b. Resident responsibilities, and

## Department of Health Services - Health Care Institutions: Licensing

- c. Responsibilities of the assisted living facility;
  - 3. A list of the services to be provided by the assisted living facility to the resident;
  - 4. A list of the services available from the assisted living facility at an additional fee or charge;
  - 5. For an assisted living home, whether the manager or a caregiver is awake during nighttime hours;
  - 6. The policy for refunding fees, charges, or deposits;
  - 7. The policy and procedure for a resident to terminate residency, including terminating residency because services were not provided to the resident according to the resident's service plan;
  - 8. The policy and procedure for an assisted living facility to terminate residency;
  - 9. The complaint process; and
  - 10. The manager's signature and date signed.
- E.** Before or within five working days after a resident's acceptance by an assisted living facility, a manager shall obtain on the documented agreement, required in subsection (D), the signature of one of the following individuals:
- 1. The resident,
  - 2. The resident's representative,
  - 3. The resident's legal guardian, or
  - 4. Another individual who has been designated by the individual under A.R.S. § 36-3221 to make health care decisions on the individual's behalf.
- F.** A manager shall:
- 1. Before or at the time of an individual's acceptance by an assisted living facility, provide to the resident or resident's representative a copy of:
    - a. The residency agreement in subsection (D),
    - b. Resident's rights, and
    - c. The policy and procedure on health care directives; and
  - 2. Maintain the original of the residency agreement in subsection (D) in the resident's medical record.
- G.** A manager may terminate residency of a resident as follows:
- 1. Without notice, if the resident exhibits behavior that is an immediate threat to the health and safety of the resident or other individuals in an assisted living facility;
  - 2. With a 14 calendar day written notice of termination of residency:
    - a. For nonpayment of fees, charges, or deposit; or
    - b. Under any of the conditions in subsection (C); or
  - 3. With a 30 calendar day written notice of termination of residency, for any other reason.
- H.** A manager shall ensure that a written notice of termination of residency includes:
- 1. The date of notice;
  - 2. The reason for termination;
  - 3. The policy for refunding fees, charges, or deposits;
  - 4. The deposition of a resident's fees, charges, and deposits; and
  - 5. Contact information for the State Long-Term Care Ombudsman.
- I.** A manager shall provide the following to a resident when the manager provides a written notice of termination of residency:
- 1. A copy of the resident's current service plan, and
  - 2. Documentation of the resident's freedom from infectious tuberculosis.
- J.** If an assisted living facility issues a written notice of termination of residency to a resident or the resident's representative because the resident needs services the assisted living facility is either not licensed to provide or is licensed to provide but not able to provide, a manager shall ensure that the written notice of termination of residency includes a description of the

specific services that the resident needs that the assisted living facility is either not licensed to provide or is licensed to provide but not able to provide.

**Historical Note**

Adopted as an emergency effective October 26, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted effective October 30, 1989 (Supp. 89-4). Amended by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-808. Service Plans**

- A.** Except as required in subsection (B), a manager shall ensure that a resident has a written service plan that:
- 1. Is completed no later than 14 calendar days after the resident's date of acceptance;
  - 2. Is developed with assistance and review from:
    - a. The resident or resident's representative,
    - b. The manager, and
    - c. Any individual requested by the resident or the resident's representative;
  - 3. Includes the following:
    - a. A description of the resident's medical or health problems, including physical, behavioral, cognitive, or functional conditions or impairments;
    - b. The level of service the resident is expected to receive;
    - c. The amount, type, and frequency of assisted living services being provided to the resident, including medication administration or assistance in the self-administration of medication;
    - d. For a resident who requires intermittent nursing services or medication administration, review by a nurse or medical practitioner;
    - e. For a resident who requires behavioral care:
      - i. Any of the following that is necessary to provide assistance with the resident's psychosocial interactions to manage the resident's behavior:
        - (1) The psychosocial interactions or behaviors for which the resident requires assistance,
        - (2) Psychotropic medications ordered for the resident,
        - (3) Planned strategies and actions for changing the resident's psychosocial interactions or behaviors, and
        - (4) Goals for changes in the resident's psychosocial interactions or behaviors; and
      - ii. Review by a medical practitioner or behavioral health professional; and
    - f. For a resident who will be storing medication in the resident's bedroom or residential unit, how the medication will be stored and controlled;
  - 4. Is reviewed and updated based on changes in the requirements in subsections (A)(3)(a) through (f):

## Department of Health Services - Health Care Institutions: Licensing

- a. No later than 14 calendar days after a significant change in the resident's physical, cognitive, or functional condition; and
  - b. As follows:
    - i. At least once every 12 months for a resident receiving supervisory care services,
    - ii. At least once every six months for a resident receiving personal care services, and
    - iii. At least once every three months for a resident receiving directed care services; and
- 5. When initially developed and when updated, is signed and dated by:
  - a. The resident or resident's representative;
  - b. The manager;
  - c. If a review is required in subsection (A)(3)(d), the nurse or medical practitioner who reviewed the service plan; and
  - d. If a review is required in subsection (A)(3)(e)(ii), the medical practitioner or behavioral health professional who reviewed the service plan.
- B.** For a resident receiving respite care services, a manager shall ensure that:
  - 1. A written service plan is:
    - a. Based on a determination of the resident's current needs and:
      - i. Is completed no later than three working days after the resident's date of acceptance; or
      - ii. If the resident has a service plan in the resident's medical record that was developed within the previous 12 months, is reviewed and updated based on changes in the requirements in subsections (A)(3)(a) through (f) within three working days after the resident's date of acceptance; and
    - b. If a significant change in the resident's physical, cognitive, or functional condition occurs while the resident is receiving respite care services, updated based on changes in the requirements in subsections (A)(3)(a) through (f) within three working days after the significant change occurs; and
  - 2. If the resident is not expected to be present in the assisted living facility for more than seven calendar days, the resident is not required to comply with the requirements in R9-10-807(A).
- C.** A manager shall ensure that:
  - 1. A caregiver or an assistant caregiver:
    - a. Provides a resident with the assisted living services in the resident's service plan;
    - b. Is only assigned to provide the assisted living services the caregiver or assistant caregiver has the documented skills and knowledge to perform;
    - c. Provides assistance with activities of daily living according to the resident's service plan;
    - d. If applicable, suggests techniques a resident may use to maintain or improve the resident's independence in performing activities of daily living;
    - e. Provides assistance with, supervises, or directs a resident's personal hygiene according to the resident's service plan;
    - f. Encourages a resident to participate in activities planned according to subsection (E); and
    - g. Documents the services provided in the resident's medical record; and
  - 2. A volunteer or an assistant caregiver who is 16 or 17 years of age does not provide:
    - a. Assistance to a resident for:
      - i. Bathing,
      - ii. Toileting, or
      - iii. Moving the resident's body from one surface to another surface;
    - b. Assistance in the self-administration of medication;
    - c. Medication administration; or
    - d. Nursing services.
- D.** A manager of an assisted living facility that is authorized to provide adult day health services shall ensure that the adult day health care services are provided as specified in R9-10-1113.
- E.** A manager shall ensure that:
  - 1. Daily social, recreational, or rehabilitative activities are planned according to residents' preferences, needs, and abilities;
  - 2. A calendar of planned activities is:
    - a. Prepared at least one week in advance of the date the activity is provided,
    - b. Posted in a location that is easily seen by residents,
    - c. Updated as necessary to reflect substitutions in the activities provided, and
    - d. Maintained for at least 12 months after the last scheduled activity;
  - 3. Equipment and supplies are available and accessible to accommodate a resident who chooses to participate in a planned activity; and
  - 4. Daily newspapers, current magazines, and a variety of reading materials are available and accessible to a resident.
- F.** If a resident is not receiving assistance with the resident's psychosocial interactions under the direction of a behavioral health professional or any other behavioral health services at an assisted living facility, the resident is not considered to be receiving behavioral care or behavioral health services from the assisted living facility if the resident:
  - 1. Is prescribed a psychotropic medication, or
  - 2. Is receiving directed care services and has a primary diagnosis of:
    - a. Dementia,
    - b. Alzheimer's disease-related dementia, or
    - c. Traumatic brain injury.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Amended by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-809. Transport; Transfer**

- A.** Except as provided in subsection (B), a manager shall ensure that:

## Department of Health Services - Health Care Institutions: Licensing

1. A caregiver or employee coordinates the transport and the services provided to the resident;
2. According to policies and procedures:
  - a. An evaluation of the resident is conducted before and after the transport, and
  - b. Information from the resident's medical record is provided to a receiving health care institution; and
3. Documentation includes:
  - a. If applicable, any communication with an individual at a receiving health care institution;
  - b. The date and time of the transport; and
  - c. If applicable, the name of the caregiver accompanying the resident during a transport.
- B.** Subsection (A) does not apply to:
  1. Transportation to a location other than a licensed health care institution,
  2. Transportation provided for a resident by the resident or the resident's representative,
  3. Transportation provided by an outside entity that was arranged for a resident by the resident or the resident's representative, or
  4. A transport to another licensed health care institution in an emergency.
- C.** Except for a transfer of a resident due to an emergency, a manager shall ensure that:
  1. A caregiver coordinates the transfer and the services provided to the resident;
  2. According to policies and procedures:
    - a. An evaluation of the resident is conducted before the transfer;
    - b. Information from the resident's medical record, including orders that are in effect at the time of the transfer, is provided to a receiving health care institution; and
    - c. A caregiver explains risks and benefits of the transfer to the resident or the resident's representative; and
  3. Documentation in the resident's medical record includes:
    - a. Communication with an individual at a receiving health care institution;
    - b. The date and time of the transfer;
    - c. The mode of transportation; and
    - d. If applicable, the name of the caregiver accompanying the resident during a transfer.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted effective October 30, 1989 (Supp. 89-4). Former Section R9-10-809 renumbered to R9-10-812; new Section R9-10-809 made by final rulemaking at 9 A.A.R. 319, effective March 31, 2003 (Supp. 03-1). R9-10-809(E) reflects a corrected reference to Article 14 from Article 4 (05-2). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013,

Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-810. Resident Rights**

- A.** A manager shall ensure that, at the time of admission, a resident or the resident's representative receives a written copy of the requirements in subsection (B) and the resident rights in subsection (C).
- B.** A manager shall ensure that:
  1. A resident is treated with dignity, respect, and consideration;
  2. A resident is not subjected to:
    - a. Abuse;
    - b. Neglect;
    - c. Exploitation;
    - d. Coercion;
    - e. Manipulation;
    - f. Sexual abuse;
    - g. Sexual assault;
    - h. Seclusion;
    - i. Restraint;
    - j. Retaliation for submitting a complaint to the Department or another entity; or
    - k. Misappropriation of personal and private property by the assisted living facility's manager, caregivers, assistant caregivers, employees, or volunteers; and
  3. A resident or the resident's representative:
    - a. Is informed of the following:
      - i. The policy on health care directives, and
      - ii. The resident complaint process;
    - b. Consents to photographs of the resident before the resident is photographed, except that a resident may be photographed when admitted to an assisted living facility for identification and administrative purposes;
    - c. Except as otherwise permitted by law, provides written consent before the release of information in the resident's:
      - i. Medical record, or
      - ii. Financial records;
    - d. May:
      - i. Request or consent to relocation within the assisted living facility; and
      - ii. Except when relocation is necessary based on a change in the resident's condition as documented in the resident's service plan, refuse relocation within the assisted living facility;
    - e. Has access to the resident's records during normal business hours or at a time agreed upon by the resident or resident's representative and the manager; and
    - f. Is informed of:
      - i. The rates and charges for services before the services are initiated;
      - ii. A change in rates or charges at least 30 calendar days before the change is implemented, unless the change in rates or charges results from a change in services; and
      - iii. A change in services at least 30 calendar days before the change is implemented, unless the resident's service plan changes.
- C.** A resident has the following rights:
  1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
  2. To receive assisted living services that support and respect the resident's individuality, choices, strengths, and abilities;

## Department of Health Services - Health Care Institutions: Licensing

3. To receive privacy in:
    - a. Care for personal needs;
    - b. Correspondence, communications, and visitation; and
    - c. Financial and personal affairs;
  4. To maintain, use, and display personal items unless the personal items constitute a hazard;
  5. To choose to participate or refuse to participate in social, recreational, rehabilitative, religious, political, or community activities;
  6. To review, upon written request, the resident's own medical record;
  7. To receive a referral to another health care institution if the assisted living facility is not authorized or not able to provide physical health services or behavioral health services needed by the patient;
  8. To choose to access services from a health care provider, health care institution, or pharmacy other than the assisted living facility where the resident is residing and receiving services or a health care provider, health care institution, or pharmacy recommended by the assisted living facility;
  9. To participate or have the resident's representative participate in the development of, or decisions concerning, the resident's service plan; and
  10. To receive assistance from a family member, the resident's representative, or other individual in understanding, protecting, or exercising the resident's rights.
5. A resident's medical record is protected from loss, damage, or unauthorized use.
  - B. If an assisted living facility maintains residents' medical records electronically, a manager shall ensure that:
    1. Safeguards exist to prevent unauthorized access, and
    2. The date and time of an entry in a resident's medical record is recorded by the computer's internal clock.
  - C. A manager shall ensure that a resident's medical record contains:
    1. Resident information that includes:
      - a. The resident's name, and
      - b. The resident's date of birth;
    2. The names, addresses, and telephone numbers of:
      - a. The resident's primary care provider;
      - b. Other persons, such as a home health agency or hospice service agency, involved in the care of the resident; and
      - c. An individual to be contacted in the event of emergency, significant change in the resident's condition, or termination of residency;
    3. If applicable, the name and contact information of the resident's representative and:
      - a. The document signed by the resident consenting for the resident's representative to act on the resident's behalf; or
      - b. If the resident's representative:
        - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
        - ii. Is a legal guardian, a copy of the court order establishing guardianship;
    4. The date of acceptance and, if applicable, date of termination of residency;
    5. Documentation of the resident's needs required in R9-10-807(B);
    6. Documentation of general consent and informed consent, if applicable;
    7. Except as allowed in R9-10-808(B)(2), documentation of freedom from infectious tuberculosis as required in R9-10-807(A);
    8. A copy of resident's health care directive, if applicable;
    9. The resident's signed residency agreement and any amendments;
    10. Resident's service plan and updates;
    11. Documentation of assisted living services provided to the resident;
    12. A medication order from a medical practitioner for each medication that is administered to the resident or for which the resident receives assistance in the self-administration of the medication;
    13. Documentation of medication administered to the resident or for which the resident received assistance in the self-administration of medication that includes:
      - a. The date and time of administration or assistance;
      - b. The name, strength, dosage, and route of administration;

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted effective October 30, 1989 (Supp. 89-4). Former Section R9-10-810 renumbered to R9-10-813; new Section R9-10-810 made by final rulemaking at 9 A.A.R. 319, effective March 31, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-811. Medical Records**

- A. A manager shall ensure that:
  1. A medical record is established and maintained for each resident according to A.R.S. Title 12, Chapter 13, Article 7.1;
  2. An entry in a resident's medical record is:
    - a. Only recorded by an individual authorized by policies and procedures to make the entry;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  3. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
  4. A resident's medical record is available to an individual:
    - a. Authorized according to policies and procedures to access the resident's medical record;
    - b. If the individual is not authorized according to policies and procedures, with the written consent of the resident or the resident's representative; or
    - c. As permitted by law; and

## Department of Health Services - Health Care Institutions: Licensing

- c. The name and signature of the individual administering or providing assistance in the self-administration of medication; and
  - d. An unexpected reaction the resident has to the medication;
14. Documentation of the resident's refusal of a medication, if applicable;
  15. If applicable, documentation of any actions taken to control the resident's sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual;
  16. If applicable, documentation of a determination by a medical practitioner that evacuation from the assisted living facility during an evacuation drill would cause harm to the resident;
  17. Documentation of notification of the resident of the availability of vaccination for influenza and pneumonia, according to A.R.S. § 36-406(1)(d);
  18. Documentation of the resident's orientation to exits from the assisted living facility required in R9-10-818(B);
  19. If a resident is receiving behavioral health services other than behavioral care, documentation of the determination in R9-10-813(3);
  20. If a resident is receiving behavioral care, documentation of the determination in R9-10-812(3);
  21. If applicable, for a resident who is unable to direct self-care, the information required in R9-10-815(F);
  22. Documentation of any significant change in a resident's behavior, physical, cognitive, or functional condition and the action taken by a manager or caregiver to address the resident's changing needs;
  23. Documentation of the notification required in R9-10-803(G) if the resident is incapable of handling financial affairs; and
  24. If the resident no longer resides and receives assisted living services from the assisted living facility:
    - a. A written notice of termination of residency; or
    - b. If the resident terminated residency, the date the resident terminated residency.
2. Reviews the assisted living facility's scope of services; and
  3. Signs and dates a determination stating that the resident's need for behavioral care can be met by the assisted living facility within the assisted living facility's scope of services and, for retention of a resident, are being met by the assisted living facility.

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989 (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989 (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Section repealed; new Section R9-10-812 renumbered from R9-10-809 and amended by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-813. Behavioral Health Services**

If an assisted living facility is authorized to provide behavioral health services other than behavioral care, a manager shall ensure that:

1. Policies and procedures are established, documented, and implemented that cover when general consent and informed consent are required and by whom general consent and informed consent may be given;
2. The behavioral health services:
  - a. Are provided under the direction of a behavioral health professional; and
  - b. Comply with the requirements:
    - i. For behavioral health paraprofessionals and behavioral health technicians, in R9-10-115; and
    - ii. For an assessment, in R9-10-1011(B); and
3. For a resident who requests or receives behavioral health services from the assisted living facility, a behavioral health professional:
  - a. Evaluates the resident within 30 calendar days before acceptance of the resident and at least once every six months throughout the duration of the resident's need for behavioral health services;
  - b. Reviews the assisted living facility's scope of services; and
  - c. Signs and dates a determination stating that the resident's needs can be met by the assisted living facility within the assisted living facility's scope of services and, for retention of a resident, are being met by the assisted living facility.

**Historical Note**

New Section renumbered from R9-10-810 and amended by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made

**Historical Note**

Adopted as an emergency effective October 26, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Readopted without change as an emergency effective April 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Readopted without change as an emergency effective July 31, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Permanent rules adopted with changes effective October 30, 1989 (Supp. 89-4). Former Section R9-10-811 renumbered to R9-10-814; new Section R9-10-811 made by final rulemaking at 9 A.A.R. 319, effective March 31, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-812. Behavioral Care**

A manager shall ensure that for a resident who requests or receives behavioral care from the assisted living facility, a behavioral health professional or medical practitioner:

1. Evaluates the resident:

## Department of Health Services - Health Care Institutions: Licensing

by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-814. Personal Care Services**

- A.** A manager of an assisted living facility authorized to provide personal care services shall not accept or retain a resident who:
  - 1. Is unable to direct self-care;
  - 2. Except as specified in subsection (B), is confined to a bed or chair because of an inability to ambulate even with assistance; or
  - 3. Except as specified in subsection (C), has a stage 3 or stage 4 pressure sore, as determined by a registered nurse or medical practitioner.
- B.** A manager of an assisted living facility authorized to provide personal care services may accept or retain a resident who is confined to a bed or chair because of an inability to ambulate even with assistance if:
  - 1. The condition is a result of a short-term illness or injury; or
  - 2. The following requirements are met at the onset of the condition or when the resident is accepted by the assisted living facility:
    - a. The resident or resident's representative requests that the resident be accepted by or remain in the assisted living facility;
    - b. The resident's primary care provider or other medical practitioner:
      - i. Examines the resident at the onset of the condition, or within 30 calendar days before acceptance, and at least once every six months throughout the duration of the resident's condition;
      - ii. Reviews the assisted living facility's scope of services; and
      - iii. Signs and dates a determination stating that the resident's needs can be met by the assisted living facility within the assisted living facility's scope of services and, for retention of a resident, are being met by the assisted living facility; and
    - c. The resident's service plan includes the resident's increased need for personal care services.
- C.** A manager of an assisted living facility authorized to provide personal care services may accept or retain a resident who has a stage 3 or stage 4 pressure sore, as determined by a registered nurse or medical practitioner, if the requirements in subsection (B)(2) are met.
- D.** A manager of an assisted living facility authorized to provide personal care services may accept or retain a resident who:
  - 1. Is receiving nursing services from a home health agency or a hospice service agency; or
  - 2. Requires intermittent nursing services if:
    - a. The resident's condition for which nursing services are required is a result of a short-term illness or injury, and
    - b. The requirements of subsection (B)(2) are met.
- E.** A manager shall ensure that a bell, intercom, or other mechanical means to alert employees to a resident's needs or emergencies is available and accessible in a bedroom or residential unit being used by a resident receiving personal care services.
- F.** In addition to the requirements in R9-10-808(A)(3), a manager shall ensure that the service plan for a resident receiving personal care services includes:
  - 1. Skin maintenance to prevent and treat bruises, injuries, pressure sores, and infections;

- 2. Offering sufficient fluids to maintain hydration;
  - 3. Incontinence care that ensures that a resident maintains the highest practicable level of independence when toileting; and
  - 4. If applicable, the determination in subsection (B)(2)(b).
- G.** A manager shall ensure that an employee does not provide non-prescription medication to a resident receiving personal care services unless the resident has an order from the resident's primary care provider or another medical practitioner for the non-prescription medication.

**Historical Note**

New Section renumbered from R9-10-811 and amended by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-815. Directed Care Services**

- A.** A manager shall ensure that a resident's representative is designated for a resident who is unable to direct self-care.
- B.** A manager of an assisted living facility authorized to provide directed care services shall not accept or retain a resident who, except as provided in R9-10-814(B)(2):
  - 1. Is confined to a bed or chair because of an inability to ambulate even with assistance; or
  - 2. Has a stage 3 or stage 4 pressure sore, as determined by a registered nurse or medical practitioner.
- C.** In addition to the requirements in R9-10-808(A)(3), a manager shall ensure that the service plan for a resident receiving directed care services includes:
  - 1. The requirements in R9-10-814(F)(1) through (3);
  - 2. If applicable, the determination in R9-10-814(B)(2)(b);
  - 3. Cognitive stimulation and activities to maximize functioning;
  - 4. Strategies to ensure a resident's personal safety;
  - 5. Encouragement to eat meals and snacks;
  - 6. Documentation:
    - a. Of the resident's weight, or
    - b. From a medical practitioner stating that weighing the resident is contraindicated; and
  - 7. Coordination of communications with the resident's representative, family members, and, if applicable, other individuals identified in the resident's service plan.
- D.** A manager shall ensure that an employee does not provide non-prescription medication to a resident receiving directed care services unless the resident has an order from a medical practitioner for the non-prescription medication.
- E.** A manager shall ensure that:
  - 1. A bell, intercom, or other mechanical means to alert employees to a resident's needs or emergencies is available in a bedroom being used by a resident receiving directed care services; or
  - 2. An assisted living facility has implemented another means to alert a caregiver or assistant caregiver to a resident's needs or emergencies.
- F.** A manager of an assisted living facility authorized to provide directed care services shall ensure that:
  - 1. Policies and procedures are established, documented, and implemented that ensure the safety of a resident who may wander;
  - 2. There is a means of exiting the facility for a resident who does not have a key, special knowledge for egress, or the ability to expend increased physical effort that meets one of the following:

## Department of Health Services - Health Care Institutions: Licensing

- a. Provides access to an outside area that:
    - i. Allows the resident to be at least 30 feet away from the facility, and
    - ii. Controls or alerts employees of the egress of a resident from the facility;
  - b. Provides access to an outside area:
    - i. From which a resident may exit to a location at least 30 feet away from the facility, and
    - ii. Controls or alerts employees of the egress of a resident from the facility; or
  - c. Uses a mechanism that meets the Special Egress-Control Devices provisions in the Uniform Building Code incorporated by reference in A.A.C. R9-1-412; and
3. A caregiver or an assistant caregiver complies with the requirements for incidents in R9-10-804 when a resident who is unable to direct self-care wanders into an area not designated by the governing authority for use by the resident.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-816. Medication Services**

- A.** A manager shall ensure that:
- 1. Policies and procedures for medication services include:
    - a. Procedures for preventing, responding to, and reporting a medication error;
    - b. Procedures for responding to and reporting an unexpected reaction to a medication;
    - c. Procedures to ensure that a resident's medication regimen and method of administration is reviewed by a medical practitioner to ensure the medication regimen meets the resident's needs;
    - d. Procedures for:
      - i. Documenting, as applicable, medication administration and assistance in the self-administration of medication; and
      - ii. Monitoring a resident who self-administers medication;
    - e. Procedures for assisting a resident in procuring medication; and
    - f. If applicable, procedures for providing medication administration or assistance in the self-administration of medication off the premises; and
  - 2. If a verbal order for a resident's medication is received from a medical practitioner by the assisted living facility:
    - a. The manager or a caregiver takes the verbal order from the medical practitioner,
    - b. The verbal order is documented in the resident's medical record, and
    - c. A written order verifying the verbal order is obtained from the medical practitioner within 14 calendar days after receiving the verbal order.
- B.** If an assisted living facility provides medication administration, a manager shall ensure that:
- 1. Medication is stored by the assisted living facility;
  - 2. Policies and procedures for medication administration:
    - a. Are reviewed and approved by a medical practitioner, registered nurse, or pharmacist;
    - b. Include a process for documenting an individual, authorized, according to the definition of "administer" in A.R.S. § 32-1901, by a medical practitioner to administer medication under the direction of the medical practitioner;
    - c. Ensure that medication is administered to a resident only as prescribed; and
    - d. Cover the documentation of a resident's refusal to take prescribed medication in the resident's medical record; and
3. A medication administered to a resident:
- a. Is administered by an individual under direction of a medical practitioner,
  - b. Is administered in compliance with a medication order, and
  - c. Is documented in the resident's medical record.
- C.** If an assisted living facility provides assistance in the self-administration of medication, a manager shall ensure that:
- 1. A resident's medication is stored by the assisted living facility;
  - 2. The following assistance is provided to a resident:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container or medication organizer for the resident;
    - c. Observing the resident while the resident removes the medication from the container or medication organizer;
    - d. Except when a resident uses a medication organizer, verifying that the medication is taken as ordered by the resident's medical practitioner by confirming that:
      - i. The resident taking the medication is the individual stated on the medication container label,
      - ii. The resident is taking the dosage of the medication stated on the medication container label or according to an order from a medical practitioner dated later than the date on the medication container label, and
      - iii. The resident is taking the medication at the time stated on the medication container label or according to an order from a medical practitioner dated later than the date on the medication container label;
    - e. For a resident using a medication organizer, verifying that the resident is taking the medication in the medication organizer according to the schedule specified on the medical practitioner's order; or
    - f. Observing the resident while the resident takes the medication;
  - 3. Policies and procedures for assistance in the self-administration of medication are reviewed and approved by a medical practitioner or nurse; and
  - 4. Assistance in the self-administration of medication provided to a resident:
    - a. Is in compliance with an order, and
    - b. Is documented in the resident's medical record.
- D.** A manager shall ensure that:
- 1. A current drug reference guide is available for use by personnel members, and
  - 2. A current toxicology reference guide is available for use by personnel members.
- E.** A manager shall ensure that a resident's medication organizer is only filled by:
- 1. The resident;
  - 2. The resident's representative;
  - 3. A family member of the resident;



## Department of Health Services - Health Care Institutions: Licensing

4. A personnel member of a home health agency or hospice service agency; or
  5. The manager or a caregiver who has been designated and is under the direction of a medical practitioner, according to subsection (B)(2)(b).
- F.** When medication is stored by an assisted living facility, a manager shall ensure that:
1. Medication is stored in a separate locked room, closet, cabinet, or self-contained unit used only for medication storage;
  2. Medication is stored according to the instructions on the medication container; and
  3. Policies and procedures are established, documented, and implemented for:
    - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication including expired medication;
    - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
    - c. A medication recall and notification of residents who received recalled medication; and
    - d. Storing, inventorying, and dispensing controlled substances.
- G.** A manager shall ensure that a caregiver immediately reports a medication error or a resident's unexpected reaction to a medication to the medical practitioner who ordered the medication or, if the medical practitioner who ordered the medication is not available, another medical practitioner.
- H.** If medication is stored by a resident in the resident's bedroom or residential unit, a manager shall ensure that:
1. The medication is stored according to the resident's service plan; or
  2. If the medication is not being stored according to the resident's service plan, the resident's service plan is updated to include how the medication is being stored by the resident.
- Historical Note**
- New Section made by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- R9-10-817. Food Services**
- A.** A manager shall ensure that:
1. A food menu:
    - a. Is prepared at least one week in advance,
    - b. Includes the foods to be served each day,
    - c. Is conspicuously posted at least one calendar day before the first meal on the food menu is served,
    - d. Includes any food substitution no later than the morning of the day of meal service with a food substitution, and
    - e. Is maintained for at least 60 calendar days after the last day included in the food menu;
  2. Meals and snacks provided by the assisted living facility are served according to posted menus;
  3. If the assisted living facility contracts with a food establishment, as established in 9 A.A.C. 8, Article 1, to prepare and deliver food to the assisted living facility, a copy of the food establishment's license or permit under 9 A.A.C. 8, Article 1 is maintained by the assisted living facility;
  4. The assisted living facility is able to store, refrigerate, and reheat food to meet the dietary needs of a resident;
  5. Meals and snacks for each day are planned using the applicable guidelines in <http://www.health.gov/dietaryguidelines/2010.asp>;
  6. A resident is provided a diet that meets the resident's nutritional needs as specified in the resident's service plan;
  7. Water is available and accessible to residents at all times, unless otherwise stated in a medical practitioner's order; and
  8. A resident requiring assistance to eat is provided with assistance that recognizes the resident's nutritional, physical, and social needs, including the provision of adaptive eating equipment or utensils, such as a plate guard, rocking fork, or assistive hand device, if not provided by the resident.
- B.** If the assisted living facility offers therapeutic diets, a manager shall ensure that:
1. A current therapeutic diet manual is available for use by employees, and
  2. The therapeutic diet is provided to a resident according to a written order from the resident's primary care provider or another medical practitioner.
- C.** A manager shall ensure that food is obtained, prepared, served, and stored as follows:
1. Food is free from spoilage, filth, or other contamination and is safe for human consumption;
  2. Food is protected from potential contamination;
  3. Food is prepared:
    - a. Using methods that conserve nutritional value, flavor, and appearance; and
    - b. In a form to meet the needs of a resident, such as cut, chopped, ground, pureed, or thickened;
  4. Potentially hazardous food is maintained as follows:
    - a. Foods requiring refrigeration are maintained at 41° F or below; and
    - b. Foods requiring cooking are cooked to heat all parts of the food to a temperature of at least 145° F for 15 seconds, except that:
      - i. Ground beef and ground meats are cooked to heat all parts of the food to at least 155° F;
      - ii. Poultry, poultry stuffing, stuffed meats, and stuffing that contains meat are cooked to heat all parts of the food to at least 165° F;
      - iii. Pork and any food containing pork are cooked to heat all parts of the food to at least 155° F;
      - iv. Raw shell eggs for immediate consumption are cooked to at least 145° F for 15 seconds and any food containing raw shell eggs is cooked to heat all parts of the food to at least 155° F;
      - v. Roast beef and beef steak are cooked to an internal temperature of at least 155° F; and
      - vi. Leftovers are reheated to a temperature of at least 165° F;
  5. A refrigerator used by an assisted living facility to store food or medication contains a thermometer, accurate to plus or minus 3° F, placed at the warmest part of the refrigerator;
  6. Frozen foods are stored at a temperature of 0° F or below; and
  7. Tableware, utensils, equipment, and food-contact surfaces are clean and in good repair.
- D.** A manager of an assisted living center shall ensure that:

## Department of Health Services - Health Care Institutions: Licensing

1. The assisted living center has a license or permit as a food establishment under 9 A.A.C. 8, Article 1; and
2. A copy of the assisted living center's food establishment license or permit is maintained.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-818. Emergency and Safety Standards****A.** A manager shall ensure that:

1. A disaster plan is developed, documented, maintained in a location accessible to caregivers and assistant caregivers, and, if necessary, implemented that includes:
  - a. When, how, and where residents will be relocated;
  - b. How a resident's medical record will be available to individuals providing services to the resident during a disaster;
  - c. A plan to ensure each resident's medication will be available to administer to the resident during a disaster; and
  - d. A plan for obtaining food and water for individuals present in the assisted living facility or the assisted living facility's relocation site during a disaster;
2. The disaster plan required in subsection (A)(1) is reviewed at least once every 12 months;
3. Documentation of the disaster plan review required in subsection (A)(2) includes:
  - a. The date and time of the disaster plan review;
  - b. The name of each employee or volunteer participating in the disaster plan review;
  - c. A critique of the disaster plan review; and
  - d. If applicable, recommendations for improvement;
4. A disaster drill for employees is conducted on each shift at least once every three months and documented;
5. An evacuation drill for employees and residents:
  - a. Is conducted at least once every six months; and
  - b. Includes all individuals on the premises except for:
    - i. A resident whose medical record contains documentation that evacuation from the assisted living facility would cause harm to the resident, and
    - ii. Sufficient caregivers to ensure the health and safety of residents not evacuated according to subsection (A)(5)(b)(i);
6. Documentation of each evacuation drill is created, is maintained for at least 12 months after the date of the evacuation drill, and includes:
  - a. The date and time of the evacuation drill;
  - b. The amount of time taken for employees and residents to evacuate the assisted living facility;
  - c. If applicable:
    - i. An identification of residents needing assistance for evacuation, and
    - ii. An identification of residents who were not evacuated;
  - d. Any problems encountered in conducting the evacuation drill; and
  - e. Recommendations for improvement, if applicable; and
7. An evacuation path is conspicuously posted in each hallway of each floor of the assisted living facility.

**B.** A manager shall ensure that:

1. A resident receives orientation to the exits from the assisted living facility and the route to be used when evacuating the assisted living facility within 24 hours after the resident's acceptance by the assisted living facility, and
2. The resident's orientation is documented.

**C.** A manager shall ensure that a first-aid kit is maintained in the assisted living facility in a location accessible to caregivers and assistant caregivers.**D.** When a resident has an accident, emergency, or injury that results in the resident needing medical services, a manager shall ensure that a caregiver or an assistant caregiver:

1. Immediately notifies the resident's emergency contact and primary care provider; and
2. Documents the following:
  - a. The date and time of the accident, emergency, or injury;
  - b. A description of the accident, emergency, or injury;
  - c. The names of individuals who observed the accident, emergency, or injury;
  - d. The actions taken by the caregiver or assistant caregiver;
  - e. The individuals notified by the caregiver or assistant caregiver; and
  - f. Any action taken to prevent the accident, emergency, or injury from occurring in the future.

**E.** A manager of an assisted living center shall ensure that:

1. Unless the assisted living center has documentation of having received an exception from the Department before October 1, 2013, in the areas of the assisted living center providing personal care services or directed care services:
  - a. A fire alarm system is installed according to the National Fire Protection Association 72: National Fire Alarm and Signaling Code, incorporated by reference in A.A.C. R9-1-412, and is in working order; and
  - b. A sprinkler system is installed according to the National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems, incorporated by reference in A.A.C. R9-1-412, and is in working order;
2. For the areas of the assisted living center providing only supervisory care services:
  - a. A fire alarm system and a sprinkler system meeting the requirements in subsection (E)(1) are installed and in working order, or
  - b. The assisted living center complies with the requirements in subsection (F);
3. A fire inspection is conducted by a local fire department or the State Fire Marshal before initial licensing and according to the time-frame established by the local fire department or the State Fire Marshal;
4. Any repairs or corrections stated on the fire inspection report are made; and
5. Documentation of a current fire inspection is maintained.

**F.** A manager of an assisted living home shall ensure that:

1. A fire extinguisher that is labeled as rated at least 2A-10-BC by the Underwriters Laboratories is mounted and maintained in the assisted living home;
2. A disposable fire extinguisher is replaced when its indicator reaches the red zone;
3. A rechargeable fire extinguisher:
  - a. Is serviced at least once every 12 months, and

## Department of Health Services - Health Care Institutions: Licensing

- b. Has a tag attached to the fire extinguisher that specifies the date of the last servicing and the identification of the person who serviced the fire extinguisher;
    - 4. Except as provided in subsection (G):
      - a. A smoke detector is:
        - i. Installed in each bedroom, hallway that adjoins a bedroom, storage room, laundry room, attached garage, and room or hallway adjacent to the kitchen, and other places recommended by the manufacturer;
        - ii. Either battery operated or, if hard-wired into the electrical system of the assisted living home, has a back-up battery;
        - iii. In working order; and
        - iv. Tested at least once a month; and
      - b. Documentation of the test required in subsection (F)(4)(a)(iv) is maintained for at least 12 months after the date of the test;
    - 5. An appliance, light, or other device with a frayed or spliced electrical cord is not used at the assisted living home; and
    - 6. An electrical cord, including an extension cord, is not run under a rug or carpeting, over a nail, or from one room to another at the assisted living home.
  - G. A manager of an assisted living home may use a fire alarm system and a sprinkler system to ensure the safety of residents if the fire alarm system and sprinkler system:
    - 1. Are installed and in working order, and
    - 2. Meet the requirements in subsection (E)(1).
- Historical Note**
- New Section made by final rulemaking at 9 A.A.R. 319, effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- R9-10-819. Environmental Standards**
- A. A manager shall ensure that:
    - 1. The premises and equipment used at the assisted living facility are:
      - a. Cleaned and, if applicable, disinfected according to policies and procedures designed to prevent, minimize, and control illness or infection; and
      - b. Free from a condition or situation that may cause a resident or other individual to suffer physical injury;
    - 2. A pest control program is implemented and documented;
    - 3. Garbage and refuse are:
      - a. Stored in covered containers lined with plastic bags, and
      - b. Removed from the premises at least once a week;
    - 4. Heating and cooling systems maintain the assisted living facility at a temperature between 70° F and 84° F at all times, unless individually controlled by a resident;
    - 5. Common areas:
      - a. Are lighted to ensure the safety of residents, and
      - b. Have lighting sufficient to allow caregivers and assistant caregivers to monitor resident activity;
    - 6. Hot water temperatures are maintained between 95° F and 120° F in areas of an assisted living facility used by residents;
    - 7. The supply of hot and cold water is sufficient to meet the personal hygiene needs of residents and the cleaning and sanitation requirements in this Article;
  - 8. A resident has access to a laundry service or a washing machine and dryer in the assisted living facility;
  - 9. Soiled linen and soiled clothing stored by the assisted living facility are maintained separate from clean linen and clothing and stored in closed containers away from food storage, kitchen, and dining areas;
  - 10. Oxygen containers are secured in an upright position;
  - 11. Poisonous or toxic materials stored by the assisted living facility are maintained in labeled containers in a locked area separate from food preparation and storage, dining areas, and medications and are inaccessible to residents;
  - 12. Combustible or flammable liquids and hazardous materials stored by the assisted living facility are stored in the original labeled containers or safety containers in a locked area inaccessible to residents;
  - 13. Equipment used at the assisted living facility is:
    - a. Maintained in working order;
    - b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
    - c. Used according to the manufacturer's recommendations;
  - 14. If pets or animals are allowed in the assisted living facility, pets or animals are:
    - a. Controlled to prevent endangering the residents and to maintain sanitation;
    - b. Licensed consistent with local ordinances; and
    - c. For a dog or cat, vaccinated against rabies;
  - 15. If a water source that is not regulated under 18 A.A.C. 4 by the Arizona Department of Environmental Quality is used:
    - a. The water source is tested at least once every 12 months for total coliform bacteria and fecal coliform or *E. coli* bacteria;
    - b. If necessary, corrective action is taken to ensure the water is safe to drink; and
    - c. Documentation of testing is retained for at least 12 months after the date of the test; and
  - 16. If a non-municipal sewage system is used, the sewage system is in working order and is maintained according to applicable state laws and rules.
- B. If a swimming pool is located on the premises, a manager shall ensure that:
    - 1. On a day that a resident uses the swimming pool, an employee:
      - a. Tests the swimming pool's water quality at least once for compliance with one of the following chemical disinfection standards:
        - i. A free chlorine residual between 1.0 and 3.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test;
        - ii. A free bromine residual between 2.0 and 4.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test; or
        - iii. An oxidation-reduction potential equal to or greater than 650 millivolts; and
      - b. Records the results of the water quality tests in a log that includes the date tested and test result;
    - 2. Documentation of the water quality test is maintained for at least 12 months after the date of the test; and
    - 3. A swimming pool is not used by a resident if a water quality test shows that the swimming pool water does not comply with subsection (B)(1)(a).
- Historical Note**
- New Section made by final rulemaking at 9 A.A.R. 319,

## Department of Health Services - Health Care Institutions: Licensing

effective March 14, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-820. Physical Plant Standards**

- A.** A manager shall ensure that an assisted living center complies with the applicable physical plant health and safety codes and standards, incorporated by reference in A.A.C. R9-1-412, in effect on the date the assisted living facility submitted architectural plans and specifications to the Department for approval, according to R9-10-104.
- B.** A manager shall ensure that:
- The premises and equipment are sufficient to accommodate:
    - The services stated in the assisted living facility's scope of services, and
    - An individual accepted as a resident by the assisted living facility;
  - A common area for use by residents is provided that has sufficient space and furniture to accommodate the recreational and socialization needs of residents;
  - A dining area has sufficient space and tables and chairs to accommodate the needs of the residents;
  - At least one bathroom is accessible from a common area and:
    - May be used by residents and visitors;
    - Provides privacy when in use; and
    - Contains the following:
      - At least one working sink with running water,
      - At least one working toilet that flushes and has a seat,
      - Toilet tissue for each toilet,
      - Soap in a dispenser accessible from each sink,
      - Paper towels in a dispenser or a mechanical air hand dryer,
      - Lighting, and
      - A window that opens or another means of ventilation;
  - An outside activity space is provided and available that:
    - Is on the premises,
    - Has a hard-surfaced section for wheelchairs, and
    - Has an available shaded area;
  - Exterior doors are equipped with ramps or other devices to allow use by a resident using a wheelchair or other assistive device; and
  - The key to the door of a lockable bathroom, bedroom, or residential unit is available to a manager, caregiver, and assistant caregiver.
- C.** A manager shall ensure that:
- For every eight residents there is at least one working toilet that flushes and has a seat and one sink with running water;
  - For every eight residents there is at least one working bathtub or shower; and
  - A resident bathroom provides privacy when in use and contains:
    - A mirror;
    - Toilet tissue for each toilet;
    - Soap accessible from each sink;
    - Paper towels in a dispenser or a mechanical air hand dryer for a bathroom that is not in a residential unit and used by more than one resident;
    - A window that opens or another means of ventilation;
  - Grab bars for the toilet and, if applicable, the bathtub or shower and other assistive devices, if required to provide for resident safety; and
  - Nonporous surfaces for shower enclosures and slip-resistant surfaces in tubs and showers.
- D.** A manager shall ensure that:
- Each resident is provided with a sleeping area in a residential unit or a bedroom;
  - For an assisted living home, a resident's sleeping area is on the ground floor of the assisted living home unless:
    - The resident is able to direct self-care;
    - The resident is ambulatory without assistance; and
    - There are at least two unobstructed, usable exits to the outside from the sleeping area that the resident is capable of using;
  - Except as provided in subsection (E), no more than two individuals reside in a residential unit or bedroom;
  - A resident's sleeping area:
    - Is not used as a common area;
    - Is not used as a passageway to a common area, another sleeping area, or common bathroom unless the resident's sleeping area:
      - Was used as a passageway to a common area, another sleeping area, or common bathroom before October 1, 2013; and
      - Written consent is obtained from the resident or the resident's representative;
    - Is constructed and furnished to provide unimpeded access to the door;
    - Has floor-to-ceiling walls with at least one door;
    - Has access to natural light through a window or a glass door to the outside; and
    - Has a window or door that can be used for direct egress to outside the building;
  - If a resident's sleeping area is in a bedroom, the bedroom has:
    - For a private bedroom, at least 80 square feet of floor space, not including a closet or bathroom;
    - For a shared bedroom, at least 60 square feet of floor space for each individual occupying the shared bedroom, not including a closet or bathroom; and
    - A door that opens into a hallway, common area, or outdoors;
  - If a resident's sleeping area is in a residential unit, the residential unit has:
    - Except as provided in subsection (E)(2), at least 220 square feet of floor space, not including a closet or bathroom, for one individual residing in the residential unit and an additional 100 square feet of floor space, not including a closet or bathroom, for each additional individual residing in the residential unit;
    - An individually keyed entry door;
    - A bathroom that provides privacy when in use and contains:
      - A working toilet that flushes and has a seat;
      - A working sink with running water;
      - A working bathtub or shower;
      - Lighting;
      - A mirror;
      - A window that opens or another means of ventilation;
      - Grab bars for the toilet and, if applicable, the bathtub or shower and other assistive devices, if required to provide for resident safety; and
      - Nonporous surfaces for shower enclosures and slip-resistant surfaces in bathtubs and showers;

## Department of Health Services - Health Care Institutions: Licensing

- d. A resident-controlled thermostat for heating and cooling;
- e. A kitchen area equipped with:
  - i. A working sink and refrigerator,
  - ii. A cooking appliance that can be removed or disconnected,
  - iii. Space for food preparation, and
  - iv. Storage for utensils and supplies; and
- f. If not furnished by a resident:
  - i. An armchair, and
  - ii. A table where a resident may eat a meal; and
- 7. If not furnished by a resident, each sleeping area has:
  - a. A bed, at least 36 inches in width and 72 inches in length, consisting of at least a frame and mattress that is clean and in good repair;
  - b. Clean linen, including a mattress pad, sheets large enough to tuck under the mattress, pillows, pillow cases, a bedspread, waterproof mattress covers as needed, and blankets to ensure warmth and comfort for the resident;
  - c. Sufficient light for reading;
  - d. Storage space for clothing;
  - e. Individual storage space for personal effects; and
  - f. Adjustable window covers that provide resident privacy.
- E. A manager may allow more than two individuals to reside in a residential unit or bedroom if:
  - 1. There is at least 60 square feet for each individual living in the bedroom;
  - 2. There is at least 100 square feet for each individual living in the residential unit; and
  - 3. The manager has documentation that the assisted living facility has been operating since before November 1, 1998, with more than two individuals living in the residential unit or bedroom.
- F. If there is a swimming pool on the premises of the assisted living facility, a manager shall ensure that:
  - 1. Unless the assisted living facility has documentation of having received an exception from the Department before October 1, 2013, the swimming pool is enclosed by a wall or fence that:
    - a. Is at least five feet in height as measured on the exterior of the wall or fence;
    - b. Has no vertical openings greater than four inches across;
    - c. Has no horizontal openings, except as described in subsection (F)(1)(e);
    - d. Is not chain-link;
    - e. Does not have a space between the ground and the bottom fence rail that exceeds four inches in height; and
    - f. Has a self-closing, self-latching gate that:
      - i. Opens away from the swimming pool,
      - ii. Has a latch located at least 54 inches from the ground, and
      - iii. Is locked when the swimming pool is not in use;
  - 2. A life preserver or shepherd's crook is available and accessible in the swimming pool area; and
  - 3. Pool safety requirements are conspicuously posted in the swimming pool area.
- G. A manager shall ensure that a spa that is not enclosed by a wall or fence as described in subsection (F)(1) is covered and locked when not in use.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R.

2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**ARTICLE 9. OUTPATIENT SURGICAL CENTERS****R9-10-901. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following apply in this Article, unless otherwise specified:

- 1. "Inpatient care" means postsurgical services provided in a hospital.
- 2. "Outpatient surgical services" means anesthesia and surgical services provided to a patient in an outpatient surgical center.
- 3. "Surgical suite" means an area of an outpatient surgical center that includes one or more operating rooms and one or more recovery rooms.

**Historical Note**

Adopted effective February 17, 1995 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 3792, effective October 4, 2003 (Supp. 03-3). Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-902. Administration****A. A governing authority shall:**

- 1. Consist of one or more individuals responsible for the organization, operation, and administration of an outpatient surgical center;
- 2. Establish, in writing:
  - a. An outpatient surgical center's scope of services, and
  - b. Qualifications for an administrator;
- 3. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);
- 4. Grant, deny, suspend, or revoke clinical privileges of a physician and other members of the medical staff and delineate, in writing, the clinical privileges of each medical staff member, according to the medical staff bylaws;
- 5. Adopt a quality management plan according to R9-10-903;
- 6. Review and evaluate the effectiveness of the quality management plan at least once every 12 months;
- 7. Designate in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b) if the administrator is:
  - a. Expected not to be present on an outpatient surgical center's premises for more than 30 calendar days, or
  - b. Not present on an outpatient surgical center's premises for more than 30 calendar days; and
- 8. Except as provided in subsection (A)(7), notify the Department according to A.R.S. § 36-425(l) when there is a change in the administrator and identify the name and qualifications of the new administrator.

**B. An administrator:**

- 1. Is directly accountable to the governing authority of an outpatient surgical center for the daily operation of the outpatient surgical center and for all services provided by or at the outpatient surgical center;
- 2. Has the authority and responsibility to manage the outpatient surgical center; and

## Department of Health Services - Health Care Institutions: Licensing

3. Except as provided in subsection (A)(7), designates, in writing, an individual who is present on an outpatient surgical center's premises and accountable for the outpatient surgical center when the administrator is not present on the outpatient surgical center's premises.
- C. An administrator shall ensure that:
  1. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
    - a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience for personnel members, employees, volunteers, and students;
    - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
    - c. Include how a personnel member may submit a complaint relating to patient care;
    - d. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;
    - e. Include a method to identify a patient to ensure that the patient receives services as ordered;
    - f. Cover patient rights, including assisting a patient who does not speak English or who has a disability to become aware of patient rights;
    - g. Cover specific steps for:
      - i. A patient to file a complaint, and
      - ii. The outpatient surgical center to respond to a patient complaint;
    - h. Cover health care directives;
    - i. Cover medical records, including electronic medical records;
    - j. Cover a quality management program, including incident reports and supporting documentation; and
    - k. Cover contracted services;
  2. Policies and procedures for medical services and nursing services provided by an outpatient surgical center are established, documented, and implemented to protect the health and safety of a patient that:
    - a. Cover patient screening, admission, transfer, and discharge;
    - b. Cover the provision of medical services, nursing services, and health-related services in the outpatient surgical center's scope of services;
    - c. Include when general consent and informed consent are required;
    - d. Cover dispensing, administering, and disposing of medications;
    - e. Cover prescribing a controlled substance to minimize substance abuse by a patient;
    - f. Cover how personnel members will respond to a patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual;
    - g. Cover infection control; and
    - h. Cover environmental services that affect patient care;
  3. Policies and procedures are:
    - a. Available to personnel members, employees, volunteers, and students of the outpatient surgical center; and
    - b. Reviewed at least once every three years and updated as needed;
  4. A pharmacy maintained by the outpatient surgical center is licensed according to A.R.S. Title 32, Chapter 18;
  5. Pathology services are provided by a laboratory that holds a certificate of accreditation, certificate of compliance, or certificate of waiver issued by the U.S. Department of Health and Human Services under the 1988 amendments to the Clinical Laboratories Act of 1967;
  6. If the outpatient surgical center meets the definition of "abortion clinic" in A.R.S. § 36-449.01, abortions and related services are provided in compliance with the requirements in Article 15 of this Chapter; and
  7. Unless otherwise stated:
    - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
    - b. When documentation or information is required by this Chapter to be submitted on behalf of an outpatient surgical center, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the outpatient surgical center.

**Historical Note**

Adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-903. Quality Management**

An administrator shall ensure that:

1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to patients;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to patient care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to patient care; and
  - e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to patient care, and
  - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to patient care; and
3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

Adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-904. Contracted Services**

## Department of Health Services - Health Care Institutions: Licensing

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

#### Historical Note

Adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

#### R9-10-905. Personnel

A. An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of the patients receiving physical health services or behavioral health services from the personnel member according to the established job description; and
  - b. Include:
    - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
    - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
    - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
  - a. Before the personnel member provides physical health services or behavioral health services, and
  - b. According to policies and procedures;
3. Sufficient personnel members are present on an outpatient surgical center's premises with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the outpatient surgical center's scope of services,
  - b. Meet the needs of a patient, and
  - c. Ensure the health and safety of a patient;
4. A personnel member, or an employee, a volunteer, or a student who has or is expected to have more than eight hours of direct interaction per week with patients, provides evidence of freedom from infectious tuberculosis:
  - a. On or before the date the individual begins providing services at or on behalf of the outpatient surgical center, and

- b. As specified in R9-10-113;
5. A plan to provide orientation, specific to the duties of a personnel member, an employee, a volunteer, and a student is developed, documented, and implemented;
6. A personnel member completes orientation before providing physical health services or behavioral health services;
7. An individual's orientation is documented, to include:
  - a. The individual's name,
  - b. The date of the orientation, and
  - c. The subject or topics covered in the orientation;
8. A plan to provide in-service education specific to the job duties of a personnel member is developed, documented, and implemented; and
9. A personnel member's in-service education is documented, to include:
  - a. The personnel member's name,
  - b. The date of the training, and
  - c. The subject or topics covered in the in-service education.

B. An administrator shall ensure that a personnel member:

1. Is 18 years of age or older; and
2. Is certified in cardiopulmonary resuscitation within the first month of employment or volunteer service, and maintains current certification in cardiopulmonary resuscitation.

C. An administrator shall ensure that a personnel record for each personnel member, employee, volunteer, or student includes:

1. The individual's name, date of birth, and contact telephone number;
2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
3. Documentation of:
  - a. The individual's qualifications, including skills and knowledge applicable to the individual's job duties;
  - b. The individual's education and experience applicable to the individual's job duties;
  - c. The individual's completed orientation and in-service education as required by policies and procedures;
  - d. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
  - e. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
  - f. Cardiopulmonary resuscitation training, if required for the individual according to subsection (B); and
  - g. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (A)(4).

D. An administrator shall ensure that personnel records are:

1. Maintained:
  - a. Throughout the individual's period of providing services in or for the outpatient surgical center, and
  - b. For at least 24 months after the last date the individual provided services in or for the outpatient surgical center; and
2. For a personnel member who has not provided physical health services or behavioral health services at or for the outpatient surgical center during the previous 12 months, provided to the Department within 72 hours after the Department's request.

#### Historical Note

Adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1).

## Department of Health Services - Health Care Institutions: Licensing

Amended by final rulemaking at 9 A.A.R. 3792, effective October 4, 2003 (Supp. 03-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-906. Medical Staff**

A governing authority shall ensure that:

1. The medical staff approve bylaws for the conduct of medical staff activities according to medical staff bylaws and governing authority requirements;
2. The medical staff physicians conduct medical peer review according to A.R.S. Title 36, Chapter 4, Article 5 and submit recommendations to the governing authority for approval; and
3. The medical staff establish written policies and procedures that define the extent of emergency treatment to be performed in the outpatient surgical center.

**Historical Note**

Adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-907. Admission**

- A. A medical staff member shall only admit patients to the outpatient surgical center who:
  1. Do not require planned inpatient care, and
  2. Are discharged from the outpatient surgical center within 24 hours.
- B. Within 30 calendar days before a patient is admitted to an outpatient surgical center, a medical staff member shall complete a medical history and physical examination of the patient.
- C. The individual who is responsible for performing a patient's surgical procedure shall document the preoperative diagnosis and the surgical procedure to be performed in the patient's medical record.
- D. An administrator shall ensure that the following documents are in a patient's medical record before the patient's surgery:
  1. A medical history and the physical examination required in subsection (B),
  2. A preoperative diagnosis and the results of any laboratory tests or diagnostic procedures relative to the surgery and the condition of the patient,
  3. Evidence of informed consent by the patient or patient's representative for the surgical procedure and care of the patient,
  4. Health care directives, and
  5. Physician orders.

**Historical Note**

Adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-908. Transfer**

Except for a transfer of a patient due to an emergency, an administrator shall ensure that:

1. A personnel member coordinates the transfer and the services provided to the patient;
2. According to policies and procedures:
  - a. An evaluation of the patient is conducted before the transfer;
  - b. Information in the patient's medical record, including orders that are in effect at the time of the transfer, is provided to a receiving health care institution; and
  - c. A personnel member explains risks and benefits of the transfer to the patient or the patient's representative; and
3. Documentation in the patient's medical record includes:
  - a. Communication with an individual at a receiving health care institution;
  - b. The date and time of the transfer;
  - c. The mode of transportation; and
  - d. If applicable, the name of the personnel member accompanying the patient during a transfer.

**Historical Note**

Adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 3792, effective October 4, 2003 (Supp. 03-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-909. Patient Rights**

A. An administrator shall ensure that:

1. The requirements in subsection (B) and the patient rights in subsection (C) are conspicuously posted on the premises;
2. At the time of admission, a patient or the patient's representative receives a written copy of the requirements in subsection (B) and the patient rights in subsection (C); and
3. Policies and procedures include:
  - a. How and when a patient or the patient's representative is informed of patient rights in subsection (C), and
  - b. Where patient rights are posted as required in subsection (A)(1).

B. An administrator shall ensure that:

1. A patient is treated with dignity, respect, and consideration;
2. A patient is not subjected to:
  - a. Abuse;
  - b. Neglect;
  - c. Exploitation;
  - d. Coercion;
  - e. Manipulation;
  - f. Sexual abuse;
  - g. Sexual assault;
  - h. Seclusion;
  - i. Restraint;
  - j. Retaliation for submitting a complaint to the Department or another entity; or
  - k. Misappropriation of personal and private property by the outpatient surgical center's medical staff, personnel members, employees, volunteers, or students; and
3. A patient or the patient's representative:



## Department of Health Services - Health Care Institutions: Licensing

- a. Except in an emergency, either consents to or refuses treatment;
  - b. May refuse or withdraw consent for treatment before treatment is initiated;
  - c. Except in an emergency, is informed of alternatives to a proposed psychotropic medication or surgical procedure and the associated risks and possible complications of the proposed psychotropic medication or surgical procedure;
  - d. Is informed of the following:
    - i. Policies and procedures on health care directives, and
    - ii. The patient complaint process;
  - e. Consents to photographs of the patient before a patient is photographed, except that a patient may be photographed when admitted to an outpatient surgical center for identification and administrative purposes; and
  - f. Except as otherwise permitted by law, provides written consent to the release of information in the patient's:
    - i. Medical record, or
    - ii. Financial records.
- C. A patient has the following rights:**
1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
  2. To receive treatment that supports and respects the patient's individuality, choices, strengths, and abilities;
  3. To receive privacy in treatment and care for personal needs;
  4. To review, upon written request, the patient's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
  5. To receive a referral to another health care institution if the outpatient surgical center is not authorized or not able to provide physical health services needed by the patient;
  6. To participate, or have the patient's representative participate, in the development of or decisions concerning treatment;
  7. To participate or refuse to participate in research or experimental treatment; and
  8. To receive assistance from a family member, a patient's representative, or other individual in understanding, protecting, or exercising the patient's rights.
- Historical Note**
- Adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- R9-10-910. Medical Records**
- A.** An administrator shall ensure that:
1. A medical record is established and maintained for a patient according to A.R.S. Title 12, Chapter 13, Article 7.1;
  2. An entry in a patient's medical record is:
    - a. Recorded only by an individual authorized by policies and procedures to make the entry;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  3. An order is:
    - a. Dated when the order is entered in the patient's medical record and includes the time of the order;
    - b. Authenticated by a medical staff member according to policies and procedures; and
    - c. If the order is a verbal order, authenticated by the medical staff member issuing the order;
  4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
  5. A patient's medical record is available to an individual:
    - a. Authorized according to policies and procedures to access the patient's medical record;
    - b. If the individual is not authorized according to policies and procedures, with the written consent of the patient or the patient's representative; or
    - c. As permitted by law; and
  6. A patient's medical record is protected from loss, damage, or unauthorized use.

**B.** If an outpatient surgical center maintains patients' medical records electronically, an administrator shall ensure that:

    1. Safeguards exist to prevent unauthorized access, and
    2. The date and time of an entry in a patient's medical record is recorded by the computer's internal clock.

**C.** An administrator shall ensure that a patient's medical record contains:

    1. Patient information that includes:
      - a. The patient's name;
      - b. The patient's address;
      - c. The patient's date of birth; and
      - d. Any known allergies, including medication allergies;
    2. The admitting medical practitioner;
    3. An admitting diagnosis;
    4. Documentation of general consent and informed consent for treatment by the patient or the patient's representative, except in an emergency;
    5. If applicable, the name and contact information of the patient's representative and:
      - a. If the patient is 18 years of age or older or an emancipated minor, the document signed by the patient consenting for the patient's representative to act on the patient's behalf; or
      - b. If the patient's representative:
        - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
        - ii. Is a legal guardian, a copy of the court order establishing guardianship;
    6. The date of admission and, if applicable, date of discharge;
    7. Documentation of medical history and results of a physical examination;
    8. A copy of patient's health care directive, if applicable;
    9. Orders;
    10. Progress notes;
    11. If applicable, documentation of any actions taken to control the patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual;
    12. Documentation of outpatient surgical center services provided to the patient;
    13. A discharge summary, if applicable;

## Department of Health Services - Health Care Institutions: Licensing

14. Documentation of receipt of written discharge instructions by the patient or patient's representative;
15. If applicable:
  - a. Laboratory reports,
  - b. Radiologic report, and
  - c. Diagnostic reports;
16. The anesthesia report, required in R9-10-911(C)(2);
17. The operative report of the surgical procedure, required in R9-10-911(C)(1); and
18. Documentation of a medication administered to the patient that includes:
  - a. The date and time of administration;
  - b. The name, strength, dosage, and route of administration;
  - c. For a medication administered for pain:
    - i. An assessment of the patient's pain before administering the medication, and
    - ii. The effect of the medication administered;
  - d. For a psychotropic medication:
    - i. An assessment of the patient's behavior before administering the psychotropic medication, and
    - ii. The effect of the psychotropic medication administered;
  - e. The identification, signature, and professional designation of the individual administering or observing the self-administration of the medication; and
  - f. Any adverse reaction a patient has to the medication.

**Historical Note**

Adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-911. Surgical Services**

- A.** An administrator shall ensure that:
1. A current listing of surgical procedures offered by an outpatient surgical center is maintained on the outpatient surgical center's premises, and
  2. A chronological register of surgical procedures performed in the outpatient surgical center is maintained for at least 24 months after the date of the last entry.
- B.** An administrator shall ensure that a roster of medical staff members who have clinical privileges at the outpatient surgical center is available to the medical staff, specifying the privileges and limitations of each medical staff member on the roster.
- C.** An administrator shall ensure that the individual responsible for:
1. Performing a surgical procedure completes an operative report of the surgical procedure and any necessary discharge instructions according to medical staff bylaws and policies and procedures, and
  2. Administering anesthesia during a surgical procedure completes an anesthesia report and any necessary discharge instructions according to medical staff bylaws and policies and procedures.
- D.** An administrator shall ensure that a physician remains on the outpatient surgical center's premises until all patients are discharged from the recovery room.

**Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Section repealed, new Section adopted effective February 17,

1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-912. Nursing Services**

An administrator shall appoint a registered nurse as the director of nursing who:

1. Is responsible for the management of the outpatient surgical center's nursing services;
2. Ensures that policies and procedures are established, documented, and implemented for nursing services provided in the outpatient surgical center;
3. Ensures that the outpatient surgical center is staffed with sufficient nursing personnel, based on the number of patients, the health care needs of the patients, and the outpatient surgical center's scope of services;
4. Participates in quality management activities;
5. Designates a registered nurse, in writing, to manage an outpatient surgical center's nursing services when the director of nursing is not present on the outpatient surgical center's premises;
6. Ensures that a nurse who is not directly assisting the surgeon is responsible for the functioning of an operating room while a surgical procedure is being performed in the operating room;
7. Ensures that a registered nurse is present in the:
  - a. Recovery room when a patient is present in the recovery room, and
  - b. Outpatient surgical center until all patients are discharged; and
8. Ensures that a nurse documents in a patient's medical record that the patient or the patient's representative has received written discharge instructions.

**Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Section repealed, new Section adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-913. Behavioral Health Services**

If an outpatient surgical center is authorized to provide behavioral health services, an administrator shall ensure that:

1. Policies and procedures are established, documented, and implemented that cover when informed consent is required and by whom informed consent may be given; and
2. The behavioral health services:
  - a. Are provided under the direction of a behavioral health professional; and
  - b. Comply with the requirements:
    - i. For behavioral health paraprofessionals and behavioral health technicians, in R9-10-115; and
    - ii. For an assessment, in R9-10-1011(B).

**Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Section repealed, new Section adopted effective February 17,

## Department of Health Services - Health Care Institutions: Licensing

1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-914. Medication Services****A.** An administrator shall ensure that policies and procedures for medication services:

1. Include:
  - a. A process for providing information to a patient about medication prescribed for the patient including:
    - i. The prescribed medication's anticipated results,
    - ii. The prescribed medication's potential adverse reactions,
    - iii. The prescribed medication's potential side effects, and
    - iv. Potential adverse reactions that could result from not taking the medication as prescribed;
  - b. Procedures for preventing, responding to, and reporting:
    - i. A medication error,
    - ii. An adverse reaction to a medication, or
    - iii. A medication overdose; and
  - c. Procedures to ensure that a patient's medication regimen is reviewed by a medical practitioner to ensure the medication regimen meets the patient's needs; and
2. Specify a process for review through the quality management program of:
  - a. A medication administration error, and
  - b. An adverse reaction to a medication.

**B.** An administrator shall ensure that:

1. Policies and procedures for medication administration:
  - a. Are reviewed and approved by a medical practitioner;
  - b. Specify the individuals who may:
    - i. Order medication, and
    - ii. Administer medication;
  - c. Ensure that medication is administered to a patient only as prescribed; and
  - d. Cover the documentation of a patient's refusal to take prescribed medication in the patient's medical record;
2. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law; and
3. A medication administered to a patient:
  - a. Is administered in compliance with an order, and
  - b. Is documented in the patient's medical record.

**C.** An administrator shall ensure that:

1. A current drug reference guide is available for use by personnel members;
2. A current toxicology reference guide is available for use by personnel members; and
3. If pharmaceutical services are provided on the premises:
  - a. A committee, composed of at least one physician, one pharmacist, and other personnel members as determined by policies and procedures, is established to:
    - i. Develop a drug formulary,
    - ii. Update the drug formulary at least once every 12 months,
    - iii. Develop medication usage and medication substitution policies and procedures, and

iv. Specify which medications and medication classifications are required to be stopped automatically after a specific time period unless the ordering medical staff member specifically orders otherwise;

- b. The pharmaceutical services are provided under the direction of a pharmacist;
- c. The pharmaceutical services comply with A.R.S. Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23; and
- d. A copy of the pharmacy license is provided to the Department upon request.

**D.** When medication is stored at an outpatient surgical center, an administrator shall ensure that:

1. Medication is stored in a separate locked room, closet, or self-contained unit used only for medication storage;
2. Medication is stored according to the instructions on the medication container; and
3. Policies and procedures are established, documented, and implemented for:
  - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication, including expired medication;
  - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
  - c. A medication recall and notification of patients who received recalled medication; and
  - d. Storing, inventorying, and dispensing controlled substances.

**E.** An administrator shall ensure that a personnel member immediately reports a medication error or a patient's adverse reaction to a medication to the medical practitioner who ordered the medication and, if applicable, the outpatient surgical center's director of nursing.**Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Section repealed, new Section adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-915. Infection Control**

An administrator shall ensure that:

1. An infection control program is established, under the direction of an individual qualified according to policies and procedures, to prevent the development and transmission of infections and communicable diseases including:
  - a. A method to identify and document infections occurring at the outpatient surgical center;
  - b. Analysis of the types, causes, and spread of infections and communicable diseases at the outpatient surgical center;
  - c. The development of corrective measures to minimize or prevent the spread of infections and communicable diseases at the outpatient surgical center; and
  - d. Documenting infection control activities including:
    - i. The collection and analysis of infection control data,
    - ii. The actions taken related to infections and communicable diseases, and

## Department of Health Services - Health Care Institutions: Licensing

- iii. Reports of communicable diseases to the governing authority and state and county health departments;
- 2. Infection control documentation is maintained for at least 12 months after the date of the documentation;
- 3. Policies and procedures are established, documented, and implemented that cover:
  - a. Compliance with the requirements in 9 A.A.C. 6 for reporting and control measures for communicable diseases and infestations;
  - b. Handling and disposal of biohazardous medical waste;
  - c. Sterilization, disinfection, distribution, and storage of medical equipment and supplies;
  - d. Using personal protective equipment such as aprons, gloves, gowns, masks, or face protection when applicable;
  - e. Training personnel members, employees, and volunteers in infection control practices; and
  - f. Work restrictions for a personnel member with a communicable disease or infected skin lesion;
- 4. Biohazardous medical waste is identified, stored, and disposed of according to 18 A.A.C. 13, Article 14 and policies and procedures;
- 5. Soiled linen and clothing are:
  - a. Collected in a manner to minimize or prevent contamination,
  - b. Bagged at the site of use, and
  - c. Maintained separate from clean linen and clothing; and
- 6. A personnel member, employee, or volunteer washes hands or uses a hand disinfection product after patient contact and after handling soiled linen, soiled clothing, or potentially infectious material.

**Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Section repealed, new Section adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-916. Emergency and Safety Standards**

- A. An administrator shall ensure that policies and procedures for providing medical emergency treatment to a patient are established, documented, and implemented and include:
  - 1. A list of the medications, supplies, and equipment required on the premises for the medical emergency treatment provided by the outpatient surgical center;
  - 2. A system to ensure medications, supplies, and equipment are available, have not been tampered with, and, if applicable, have not expired;
  - 3. A requirement that a cart or a container is available for medical emergency treatment that contains medications, supplies, and equipment specified in policies and procedures;
  - 4. A method to verify and document that the contents of the cart or container are available for medical emergency treatment; and
  - 5. A method for ensuring a patient may be transferred to a hospital or other health care institution to receive treatment for a medical emergency that the outpatient surgical center is not authorized or not able to provide.

- B. An administrator shall ensure that medical emergency treatment is provided to a patient admitted to the outpatient surgical center according to policies and procedures.
- C. An administrator shall ensure that:
  - 1. A disaster plan is developed, documented, maintained in a location accessible to medical staff and employees, and, if necessary, implemented that includes:
    - a. Procedures to be followed in the event of a fire or threat to patient safety;
    - b. Assigned personnel responsibilities;
    - c. Instructions for the evacuation or transfer of patients;
    - d. Maintenance of patient medical records; and
    - e. A plan to provide any other services related to patient care to meet the patients' needs;
  - 2. The disaster plan required in subsection (C)(1) is reviewed at least once every 12 months;
  - 3. Documentation of a disaster plan review required in subsection (C)(2) is created, is maintained for at least 12 months after the date of the disaster plan review, and includes:
    - a. The date and time of the disaster plan review;
    - b. The name of each personnel member, employee, medical staff member, or volunteer participating in the disaster plan review;
    - c. A critique of the disaster plan review; and
    - d. If applicable, recommendations for improvement;
  - 4. A disaster drill for employees is conducted on each shift at least once every three months and documented;
  - 5. An evacuation drill for employees is conducted at least once every six months for employees on the premises;
  - 6. Documentation of an evacuation drill is created, is maintained for at least 12 months after the date of the evacuation drill, and includes:
    - a. The date and time of the evacuation drill;
    - b. The amount of time taken for employees to evacuate the outpatient surgical center;
    - c. Any problems encountered in conducting the evacuation drill; and
    - d. Recommendations for improvement, if applicable; and
  - 7. An evacuation path is conspicuously posted on each hallway of each floor of the outpatient surgical center and every room where patients may be present.
- D. An administrator shall ensure that, if applicable, a sign is placed at the entrance to a room or area indicating that oxygen is in use.
- E. An administrator shall:
  - 1. Obtain a fire inspection conducted according to the timeframe established by the local fire department or the State Fire Marshal,
  - 2. Make any repairs or corrections stated on the fire inspection report, and
  - 3. Maintain documentation of a current fire inspection.

**Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Section repealed, new Section adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-917. Environmental Standards**

## Department of Health Services - Health Care Institutions: Licensing

- A.** An administrator shall ensure that:
1. An outpatient surgical center's premises and equipment are:
    - a. Cleaned and disinfected according to policies and procedures or manufacturer's instructions to prevent, minimize, and control illness or infection; and
    - b. Free from a condition or situation that may cause a patient or an individual to suffer physical injury;
  2. A pest control program is implemented and documented;
  3. Equipment used at the outpatient surgical center to provide care to a patient is:
    - a. Maintained in working order;
    - b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
    - c. Used according to the manufacturer's recommendations;
  4. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of the testing, calibration, or repair;
  5. Garbage and refuse are:
    - a. Stored in covered containers lined with plastic bags, and
    - b. Removed from the premises at least once a week;
  6. Heating and cooling systems maintain the outpatient surgical center at a temperature between 70° F and 84° F at all times;
  7. Common areas:
    - a. Are lighted to assure the safety of patients, and
    - b. Have lighting sufficient to allow personnel members to monitor patient activity; and
  8. The supply of hot and cold water is sufficient to meet the personal hygiene needs of patients and the cleaning and sanitation requirements in this Article.
- B.** An administrator shall ensure that an outpatient surgical center has a functional emergency power source.

**Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Repealed effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-918. Physical Plant Standards**

- A.** An administrator shall ensure that the outpatient surgical center complies with the applicable physical plant health and safety codes and standards, incorporated by reference in A.A.C. R9-1-412, that were in effect on the date the outpatient surgical center submitted architectural plans and specifications to the Department for approval according to R9-10-104.
- B.** An administrator shall ensure that the premises and equipment are sufficient to accommodate:
1. The services stated in the outpatient surgical center's scope of services, and
  2. An individual accepted as a patient by the outpatient surgical center.
- C.** An administrator shall ensure that:
1. There are two recovery beds for each operating room, for up to four operating rooms, whenever general anesthesia is administered;

2. One additional recovery bed is available for each additional operating room; and
  3. Recovery beds are located in a space that provides for a minimum of 70 square feet per bed, allowing three feet or more between beds and between the sides of a bed and the wall.
- D.** An administrator may provide chairs in the recovery room area that allow a patient to recline for patients who have not received general anesthesia.
- E.** An administrator shall ensure that the following are available in the surgical suite:
1. Oxygen and the means of administration;
  2. Mechanical ventilator assistance equipment including airways, manual breathing bag, and suction apparatus;
  3. Cardiac monitor;
  4. Defibrillator; and
  5. Cardiopulmonary resuscitation drugs as determined by the policies and procedures.

**Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Repealed effective February 17, 1995 (Supp. 95-1). New Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-919. Repealed****Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Repealed effective February 17, 1995 (Supp. 95-1). New Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1). Section repealed by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-920. Repealed****Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Repealed effective February 17, 1995 (Supp. 95-1).

**R9-10-921. Repealed****Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Repealed effective February 17, 1995 (Supp. 95-1).

**R9-10-922. Repealed****Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Repealed effective February 17, 1995 (Supp. 95-1).

**R9-10-923. Repealed****Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5). Repealed effective February 17, 1995 (Supp. 95-1).

**R9-10-924. Repealed****Historical Note**

Adopted effective June 2, 1983 (Supp. 82-5). Former Section R9-10-924 repealed, new Section R9-10-924 adopted effective November 6, 1985 (Supp. 85-6). Repealed effective February 17, 1995 (Supp. 95-1).

**R9-10-925. Repealed**

## Department of Health Services - Health Care Institutions: Licensing

**Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5).  
Repealed effective February 17, 1995 (Supp. 95-1).

**Attachment 1.****Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5).  
Repealed effective February 17, 1995 (Supp. 95-1).

**Attachment 2.****Historical Note**

Adopted effective October 20, 1982 (Supp. 82-5).  
Repealed effective November 6, 1985 (Supp. 85-6).

*Editor's Note: The proposed summary action repealing R9-10-1011 through R9-10-1030 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rules. Sections in effect before the proposed summary action have been restored (Supp. 97-1). Subsequently, those Sections were repealed by final rulemaking (Supp. 99-2).*

**ARTICLE 10. OUTPATIENT TREATMENT CENTERS****R9-10-1001. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following applies in this Article unless otherwise specified:

"Emergency room services" means medical services provided to a patient in an emergency.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1002. Supplemental Application Requirements**

A. In addition to the license application requirements in A.R.S. § 36-422 and 9 A.A.C. 10, Article 1, a governing authority applying for an initial license shall submit, in a format provided by the Department:

1. The days and hours of clinical operation and, if different from the days and hours of clinical operation, the days and hours of administrative operation; and
2. A request to provide one or more of the following services:
  - a. Behavioral health services and, if applicable:
    - i. Behavioral health observation/stabilization services,
    - ii. Children's behavioral health services,
    - iii. Court-ordered evaluation,
    - iv. Court-ordered treatment,
    - v. Counseling,
    - vi. Crisis services,
    - vii. Opioid treatment services,
    - viii. Pre-petition screening,
    - ix. Respite services,
    - x. Respite services for children on the premises,
    - xi. DUI education,
    - xii. DUI screening,
    - xiii. DUI treatment, or
    - xiv. Misdemeanor domestic violence offender treatment;
  - b. Diagnostic imaging services;
  - c. Clinical laboratory services;
  - d. Dialysis services;
  - e. Emergency room services;
  - f. Pain management services;

- g. Physical health services;
- h. Rehabilitation services;
- i. Sleep disorder services; or
- j. Urgent care services provided in a freestanding urgent care center setting.

B. In addition to the license application requirements in A.R.S. § 36-422 and 9 A.A.C. 10, Article 1, a governing authority of an:

1. Affiliated outpatient treatment center, as defined in R9-10-1901, applying for an initial or renewal license for the affiliated outpatient treatment center shall submit, in a format provided by the Department, the following information for each counseling facility for which the affiliated outpatient treatment center is providing administrative support:
  - a. Name, and
  - b. Either:
    - i. The license number assigned to the counseling facility by the Department; or
    - ii. If the counseling facility is not currently licensed, the:
      - (1) Counseling facility's street address, and
      - (2) Date the counseling facility submitted to the Department an application for an initial health care institution license; and
2. Outpatient treatment center, applying for an initial or renewal license that includes a request for authorization to provide respite services for children on the premises, shall include the requested respite capacity, as defined in R9-10-1025(A).

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2). Amended by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4). Amended by exempt rulemaking at 22 A.A.R. 1035, pursuant to Laws 2015, Ch. 158, § 3; effective May 1, 2016 (Supp. 16-2).

**R9-10-1003. Administration**

- A. If an outpatient treatment center is operating under a single group license issued to a hospital according to A.R.S. § 36-422(F) or (G), the hospital's governing authority is the governing authority for the outpatient treatment center.
- B. A governing authority shall:
1. Consist of one or more individuals accountable for the organization, operation, and administration of an outpatient treatment center;
  2. Establish, in writing:
    - a. An outpatient treatment center's scope of services, and
    - b. Qualifications for an administrator;
  3. Designate, in writing, an administrator who has the qualifications established in subsection (B)(2)(b);
  4. Adopt a quality management program according to R9-10-1004;
  5. Review and evaluate the effectiveness of the quality management program in R9-10-1004 at least once every 12 months;
  6. Designate, in writing, an acting administrator who has the qualifications established in subsection (B)(2)(b) if the administrator is:

## Department of Health Services - Health Care Institutions: Licensing

- a. Expected not to be present on an outpatient treatment center's premises for more than 30 calendar days, or
    - b. Not present on an outpatient treatment center's premises for more than 30 calendar days; and
  - 7. Except as provided in subsection (B)(6), notify the Department according to A.R.S. § 36-425(I) when there is a change in an administrator and identify the name and qualifications of the new administrator.
- C. An administrator:
  - 1. Is directly accountable to the governing authority for the daily operation of the outpatient treatment center and all services provided by or at the outpatient treatment center;
  - 2. Has the authority and responsibility to manage the outpatient treatment center; and
  - 3. Except as provided in subsection (B)(6), designates, in writing, an individual who is present on the outpatient treatment center's premises and accountable for the outpatient treatment center when the administrator is not available.
- D. An administrator shall ensure that:
  - 1. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
    - a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience for personnel members, employees, volunteers, and students;
    - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
    - c. Include how a personnel member may submit a complaint relating to services provided to a patient;
    - d. Cover the requirements in Title 36, Chapter 4, Article 11;
    - e. Cover cardiopulmonary resuscitation training including:
      - i. The method and content of cardiopulmonary resuscitation training which includes a demonstration of the individual's ability to perform cardiopulmonary resuscitation,
      - ii. The qualifications for an individual to provide cardiopulmonary resuscitation training,
      - iii. The time-frame for renewal of cardiopulmonary resuscitation training, and
      - iv. The documentation that verifies that an individual has received cardiopulmonary resuscitation training;
    - f. Cover first aid training;
    - g. Include a method to identify a patient to ensure the patient receives the services ordered for the patient;
    - h. Cover patient rights, including assisting a patient who does not speak English or who has a physical or other disability to become aware of patient rights;
    - i. Cover health care directives;
    - j. Cover medical records, including electronic medical records;
    - k. Cover quality management, including incident report and supporting documentation; and
    - l. Cover contracted services;
  - 2. Policies and procedures for services provided at or by an outpatient treatment center are established, documented, and implemented to protect the health and safety of a patient that:
    - a. Cover patient screening, admission, assessment, transport, transfer, discharge plan, and discharge;
    - b. Cover the provision of medical services, nursing services, health-related services, and ancillary services;
    - c. Include when general consent and informed consent are required;
    - d. Cover obtaining, administering, storing, and disposing of medications, including provisions for controlling inventory and preventing diversion of controlled substances;
    - e. Cover prescribing a controlled substance to minimize substance abuse by a patient;
    - f. Cover infection control;
    - g. Cover telemedicine, if applicable;
    - h. Cover environmental services that affect patient care;
    - i. Cover specific steps for:
      - i. A patient to file a complaint, and
      - ii. An outpatient treatment center to respond to a complaint;
    - j. Cover smoking tobacco products on an outpatient treatment center's premises; and
    - k. Cover how personnel members will respond to a patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual;
- 3. Outpatient treatment center policies and procedures are:
  - a. Reviewed at least once every three years and updated as needed, and
  - b. Available to personnel members and employees;
- 4. Unless otherwise stated:
  - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
  - b. When documentation or information is required by this Chapter to be submitted on behalf of an outpatient treatment center, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the outpatient treatment center;
- 5. The following are conspicuously posted:
  - a. The current license for the outpatient treatment center issued by the Department;
  - b. The name, address, and telephone number of the Department;
  - c. A notice that a patient may file a complaint with the Department about the outpatient treatment center;
  - d. One of the following:
    - i. A schedule of rates according to A.R.S. § 36-436.01(C), or
    - ii. A notice that the schedule of rates required in A.R.S. § 36-436.01(C) is available for review upon request;
  - e. A list of patient rights;
  - f. A map for evacuating the facility; and
  - g. A notice identifying the location on the premises where current license inspection reports required in A.R.S. § 36-425(D), with patient information redacted, are available; and
- 6. Patient follow-up instructions are:
  - a. Provided, orally or in written form, to a patient or the patient's representative before the patient leaves the outpatient treatment center unless the patient leaves against a personnel member's advice; and
  - b. Documented in the patient's medical record.
- E. If abuse, neglect, or exploitation of a patient is alleged or suspected to have occurred before the patient was admitted or while the patient is not on the premises and not receiving services from an outpatient treatment center's employee or per-

## Department of Health Services - Health Care Institutions: Licensing

sonnel member, an administrator shall report the alleged or suspected abuse, neglect, or exploitation of the patient as follows:

1. For a patient 18 years of age or older, according to A.R.S. § 46-454; or
  2. For a patient under 18 years of age, according to A.R.S. § 13-3620.
- F.** If an administrator has a reasonable basis, according to A.R.S. § 13-3620 or 46-454, to believe that abuse, neglect, or exploitation has occurred on the premises or while a patient is receiving services from an outpatient treatment center's employee or personnel member, an administrator shall:
1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
  2. Report the suspected abuse, neglect, or exploitation of the patient as follows:
    - a. For a patient 18 years of age or older, according to A.R.S. § 46-454; or
    - b. For a patient under 18 years of age, according to A.R.S. § 13-3620;
  3. Document:
    - a. The suspected abuse, neglect, or exploitation;
    - b. Any action taken according to subsection (F)(1); and
    - c. The report in subsection (F)(2);
  4. Maintain the documentation in subsection (F)(3) for at least 12 months after the date of the report in subsection (F)(2);
  5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (F)(2):
    - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
    - b. A description of any injury to the patient related to the suspected abuse or neglect and any change to the patient's physical, cognitive, functional, or emotional condition;
    - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
    - d. The actions taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
  6. Maintain a copy of the documented information required in subsection (F)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.
- G.** If an outpatient treatment center is an affiliated outpatient treatment center as defined in R9-10-1901, an administrator shall ensure that the outpatient treatment center complies with the requirements for an affiliated outpatient treatment center in 9 A.A.C. 10, Article 19.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2). Amended by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

**R9-10-1004. Quality Management**

An administrator shall ensure that:

1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to patients;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to patient care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to patient care; and
  - e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to patient care, and
  - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to patient care; and
3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1005. Contracted Services**

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1006. Personnel**

An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of the patients receiving physical health services or behavioral health services from the personnel member according to the established job description; and
  - b. Include:



## Department of Health Services - Health Care Institutions: Licensing

- i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
  - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
  - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
  - a. Before the personnel member provides physical health services or behavioral health services, and
  - b. According to policies and procedures;
3. Sufficient personnel members are present on an outpatient treatment center's premises with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the outpatient treatment center's scope of services,
  - b. Meet the needs of a patient, and
  - c. Ensure the health and safety of a patient;
4. A personnel member only provides physical health services or behavioral health services the personnel member is qualified to provide;
5. A plan is developed, documented, and implemented to provide orientation specific to the duties of personnel members, employees, volunteers, and students;
6. A personnel member completes orientation before providing medical services, nursing services or health-related services to a patient;
7. An individual's orientation is documented, to include:
  - a. The individual's name,
  - b. The date of the orientation, and
  - c. The subject or topics covered in the orientation;
8. A plan is developed, documented, and implemented to provide in-service education specific to the duties of a personnel member;
9. A personnel member's in-service education is documented, to include:
  - a. The personnel member's name,
  - b. The date of the in-service education, and
  - c. The subject or topics covered in the in-service education;
10. A personnel member who is a behavioral health technician or behavioral health paraprofessional complies with the applicable requirements in R9-10-115;
11. A record for a personnel member, an employee, a volunteer, or a student is maintained that includes:
  - a. The individual's name, date of birth, and contact telephone number;
  - b. The individual's starting date of employment or volunteer service, and if applicable, the ending date;
  - c. Documentation of:
    - i. The individual's qualifications including skills and knowledge applicable to the individual's job duties;
    - ii. The individual's education and experience applicable to the individual's job duties;
    - iii. The individual's completed orientation and in-service education as required by policies and procedures;
    - iv. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
    - v. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
    - vi. The individual's compliance with the fingerprinting requirements in A.R.S. § 36-425.03, if applicable; and
    - vii. Cardiopulmonary resuscitation training, if the individual is required to have cardiopulmonary resuscitation training according to this Article or policies and procedures; and
12. The record in subsection (A)(11) is:
  - a. Maintained while an individual provides services for or at the outpatient treatment center and for at least 24 months after the last date the employee or volunteer provided services for or at the outpatient treatment center; and
  - b. If the ending date of employment or volunteer service was 12 or more months before the date of the Department's request, provided to the Department within 72 hours after the Department's request.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1007. Transport; Transfer**

- A. Except as provided in subsection (B), an administrator shall ensure that:
  1. A personnel member coordinates the transport and the services provided to the patient;
  2. According to policies and procedures:
    - a. An evaluation of the patient is conducted before and after the transport,
    - b. Information from the patient's medical record is provided to a receiving health care institution,
    - c. A personnel member explains risks and benefits of the transport to the patient or the patient's representative; and
    - d. A personnel member communicates or documents why the personnel member did not communicate with an individual at a receiving health care institution;
  3. The patient's medical record includes documentation of:
    - a. Communication or lack of communication with an individual at a receiving health care institution;
    - b. The date and time of the transport;
    - c. The mode of transportation; and
    - d. If applicable, the name of the personnel member accompanying the patient during a transport.
- B. Subsection (A) does not apply to:
  1. Transportation to a location other than a licensed health care institution,
  2. Transportation provided for a patient by the patient or the patient's representative,
  3. Transportation provided by an outside entity that was arranged for a patient by the patient or the patient's representative, or

## Department of Health Services - Health Care Institutions: Licensing

4. A transport to another licensed health care institution in an emergency.
- C. Except for a transfer of a patient due to an emergency, an administrator shall ensure that:
  1. A personnel member coordinates the transfer and the services provided to the patient;
  2. According to policies and procedures:
    - a. An evaluation of the patient is conducted before the transfer;
    - b. Information from the patient's medical record, including orders that are in effect at the time of the transfer, is provided to a receiving health care institution; and
    - c. A personnel member explains risks and benefits of the transfer to the patient or the patient's representative; and
  3. Documentation in the patient's medical record includes:
    - a. Communication with an individual at a receiving health care institution;
    - b. The date and time of the transfer;
    - c. The mode of transportation; and
    - d. If applicable, the name of the personnel member accompanying the patient during a transfer.
- j. Misappropriation of personal and private property by an outpatient treatment center's personnel member, employee, volunteer, or student; and
3. A patient or the patient's representative:
  - a. Except in an emergency, either consents to or refuses treatment;
  - b. May refuse or withdraw consent for treatment before treatment is initiated;
  - c. Except in an emergency, is informed of alternatives to a proposed psychotropic medication or surgical procedure and associated risks and possible complications of a proposed psychotropic medication or surgical procedure;
  - d. Is informed of the following:
    - i. The outpatient treatment center's policy on health care directives; and
    - ii. The patient complaint process;
  - e. Consents to photographs of the patient before a patient is photographed, except that a patient may be photographed when admitted to an outpatient treatment center for identification and administrative purposes; and
  - f. Except as otherwise permitted by law, provides written consent to the release of information in the patient's:
    - i. Medical record; or
    - ii. Financial records.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1008. Patient Rights**

- A. An administrator shall ensure that:
  1. The requirements in subsection (B) and the patient rights in subsection (C) are conspicuously posted on the premises;
  2. At the time of admission, a patient or the patient's representative receives a written copy of the requirements in subsection (B) and the patient rights in subsection (C); and
  3. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that include:
    - a. How and when a patient or the patient's representative is informed of patient rights in subsection (C); and
    - b. Where patient rights are posted as required in subsection (A)(1).
- B. An administrator shall ensure that:
  1. A patient is treated with dignity, respect, and consideration;
  2. A patient as not subjected to:
    - a. Abuse;
    - b. Neglect;
    - c. Exploitation;
    - d. Coercion;
    - e. Manipulation;
    - f. Sexual abuse;
    - g. Sexual assault;
    - h. Except as allowed in R9-10-1012(B), restraint or seclusion;
    - i. Retaliation for submitting a complaint to the Department or another entity; or
- C. A patient has the following rights:
  1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
  2. To receive treatment that supports and respects the patient's individuality, choices, strengths, and abilities;
  3. To receive privacy in treatment and care for personal needs;
  4. To review, upon written request, the patient's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
  5. To receive a referral to another health care institution if the outpatient treatment center is not authorized or not able to provide physical health services or behavioral health services needed by the patient;
  6. To participate or have the patient's representative participate in the development of, or decisions concerning, treatment;
  7. To participate or refuse to participate in research or experimental treatment; and
  8. To receive assistance from a family member, the patient's representative, or other individual in understanding, protecting, or exercising the patient's rights.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1009. Medical Records**

- A. An administrator shall ensure that:
  1. A medical record is established and maintained for each patient according to A.R.S. Title 12, Chapter 13, Article 7.1;
  2. An entry in a patient's medical record is:
    - a. Recorded only by a personnel member authorized by policies and procedures to make the entry;

## Department of Health Services - Health Care Institutions: Licensing

- b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  3. An order is:
    - a. Dated when the order is entered in the patient's medical record and includes the time of the order;
    - b. Authenticated by a medical practitioner or behavioral health professional according to policies and procedures; and
    - c. If the order is a verbal order, authenticated by the medical practitioner or behavioral health professional issuing the order;
  4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
  5. A patient's medical record is available to an individual:
    - a. Authorized according to policies and procedures to access the patient's medical record;
    - b. If the individual is not authorized according to policies and procedures, with the written consent of the patient or the patient's representative; or
    - c. As permitted by law;
  6. Policies and procedures include the maximum time-frame to retrieve a patient's medical record at the request of a medical practitioner, behavioral health professional, or authorized personnel member; and
  7. A patient's medical record is protected from loss, damage, or unauthorized use.
- B.** If an outpatient treatment center maintains patients' medical records electronically, an administrator shall ensure that:
1. Safeguards exist to prevent unauthorized access, and
  2. The date and time of an entry in a medical record is recorded by the computer's internal clock.
- C.** An administrator shall ensure that a patient's medical record contains:
1. Patient information that includes:
    - a. Except as specified in A.A.C. R9-6-1005, the patient's name and address;
    - b. The patient's date of birth; and
    - c. Any known allergies, including medication allergies;
  2. A diagnosis or reason for outpatient treatment center services;
  3. Documentation of general consent and, if applicable, informed consent for treatment by the patient or the patient's representative, except in an emergency;
  4. If applicable, the name and contact information of the patient's representative and:
    - a. If the patient is 18 years of age or older or an emancipated minor, the document signed by the patient consenting for the patient's representative to act on the patient's behalf; or
    - b. If the patient's representative:
      - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
      - ii. Is a legal guardian, a copy of the court order establishing guardianship;
  5. Documentation of medical history and, if applicable, results of a physical examination;
  6. Orders;
  7. Assessment;
  8. Treatment plans;
  9. Interval notes;
  10. Progress notes;
  11. Documentation of outpatient treatment center services provided to the patient;
  12. The name of each individual providing treatment or a diagnostic procedure;
  13. Disposition of the patient upon discharge;
  14. Documentation of the patient's follow-up instructions provided to the patient;
  15. A discharge summary;
  16. If applicable:
    - a. Laboratory reports,
    - b. Radiologic reports,
    - c. Sleep disorder reports,
    - d. Diagnostic reports, and
    - e. Consultation reports;
  17. If applicable, documentation of any actions taken to control the patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual, other than actions taken while providing behavioral health observation/stabilization services; and
  18. Documentation of a medication administered to the patient that includes:
    - a. The date and time of administration;
    - b. The name, strength, dosage, and route of administration;
    - c. For a medication administered for pain:
      - i. An assessment of the patient's pain before administering the medication, and
      - ii. The effect of the medication administered;
    - d. For a psychotropic medication:
      - i. An assessment of the patient's behavior before administering the psychotropic medication, and
      - ii. The effect of the psychotropic medication administered;
    - e. The identification, signature, and professional designation of the individual administering or observing the self-administration of the medication;
    - f. Any adverse reaction a patient has to the medication; and
    - g. For prepacked or sample medication provided to the patient for self-administration, the name, strength, dosage, amount, route of administration, and expiration date.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1010. Medication Services**

- A.** If an outpatient treatment center provides medication administration or assistance in the self-administration of medication, an administrator shall ensure that policies and procedures for medication services:
1. Include:
    - a. A process for providing information to a patient about medication prescribed for the patient including:
      - i. The prescribed medication's anticipated results,
      - ii. The prescribed medication's potential adverse reactions,
      - iii. The prescribed medication's potential side effects, and

## Department of Health Services - Health Care Institutions: Licensing

- iv. Potential adverse reactions that could result from not taking the medication as prescribed;
  - b. Procedures for preventing, responding to, and reporting:
    - i. A medication error,
    - ii. An adverse reaction to a medication, or
    - iii. A medication overdose;
  - c. Procedures to ensure that a patient's medication regimen is reviewed by a medical practitioner and meets the patient's needs;
  - d. Procedures for documenting medication administration and assistance in the self-administration of medication;
  - e. Procedures for assisting a patient in obtaining medication; and
  - f. If applicable, procedures for providing medication administration or assistance in the self-administration of medication off the premises; and
2. Specify a process for review through the quality management program of:
- a. A medication administration error, and
  - b. An adverse reaction to a medication.
- B.** If an outpatient treatment center provides medication administration, an administrator shall ensure that:
- 1. Policies and procedures for medication administration:
    - a. Are reviewed and approved by a medical practitioner;
    - b. Specify the individuals who may:
      - i. Order medication, and
      - ii. Administer medication;
    - c. Ensure that medication is administered to a patient only as prescribed; and
    - d. Cover the documentation of a patient's refusal to take prescribed medication in the patient's medical record;
  - 2. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law; and
  - 3. A medication administered to a patient is:
    - a. Administered in compliance with an order, and
    - b. Documented in the patient's medical record.
- C.** If an outpatient treatment center provides assistance in the self-administration of medication, an administrator shall ensure that:
- 1. A patient's medication is stored by the outpatient treatment center;
  - 2. The following assistance is provided to a patient:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container for the patient;
    - c. Observing the patient while the patient removes the medication from the container;
    - d. Verifying that the medication is taken as ordered by the patient's medical practitioner by confirming that:
      - i. The patient taking the medication is the individual stated on the medication container label,
      - ii. The patient is taking the dosage of the medication stated on the medication container label, and
      - iii. The patient is taking the medication at the time stated on the medication container label; or
    - e. Observing the patient while the patient takes the medication;
  - 3. Policies and procedures for assistance in the self-administration of medication are reviewed and approved by a medical practitioner or registered nurse;
- 4. Training for a personnel member, other than a medical practitioner or registered nurse, in assistance in the self-administration of medication:
    - a. Is provided by a medical practitioner or registered nurse or an individual trained by a medical practitioner or registered nurse; and
    - b. Includes:
      - i. A demonstration of the personnel member's skills and knowledge necessary to provide assistance in the self-administration of medication,
      - ii. Identification of medication errors and medical emergencies related to medication that require emergency medical intervention, and
      - iii. The process for notifying the appropriate entities when an emergency medical intervention is needed;
  - 5. A personnel member, other than a medical practitioner or registered nurse, completes the training in subsection (C)(4) before the personnel member provides assistance in the self-administration of medication; and
  - 6. Assistance in the self-administration of medication provided to a patient is:
    - a. In compliance with an order, and
    - b. Documented in the patient's medical record.
- D.** An administrator shall ensure that:
- 1. A current drug reference guide is available for use by personnel members;
  - 2. A current toxicology reference guide is available for use by personnel members;
  - 3. If pharmaceutical services are provided:
    - a. The pharmaceutical services are provided under the direction of a pharmacist;
    - b. The pharmaceutical services comply with ARS Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23; and
    - c. A copy of the pharmacy license is provided to the Department upon request.
- E.** When medication is stored at an outpatient treatment center, an administrator shall ensure that:
- 1. Medication is stored in a separate locked room, closet, or self-contained unit used only for medication storage;
  - 2. Medication is stored according to the instructions on the medication container; and
  - 3. Policies and procedures are established, documented, and implemented for:
    - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication including expired medication;
    - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
    - c. A medication recall and notification of patients who received recalled medication; and
    - d. Storing, inventorying, and dispensing controlled substances.
- F.** An administrator shall ensure that a personnel member immediately reports a medication error or a patient's adverse reaction to a medication to the medical practitioner who ordered the medication and, if applicable, the outpatient treatment center's clinical director.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemak-

## Department of Health Services - Health Care Institutions: Licensing

ing at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1011. Behavioral Health Services**

- A.** An administrator of an outpatient treatment center that is authorized to provide behavioral health services shall ensure that:
1. The outpatient treatment center does not provide a behavioral health service the outpatient treatment center is not authorized to provide;
  2. The behavioral health services provided by or at the outpatient treatment center:
    - a. Are provided under the direction of a behavioral health professional; and
    - b. Comply with the requirements:
      - i. For behavioral health paraprofessionals and behavioral health technicians, in R9-10-115, and
      - ii. For an assessment, in subsection (B);
  3. A personnel member who provides behavioral health services is:
    - a. At least 21 years of age; or
    - b. At least 18 years of age and is licensed or certified under A.R.S. Title 32 and providing services within the personnel member's scope of practice; and
  4. If an outpatient treatment center provides behavioral health services to a patient who is less than 18 years of age, the owner and an employee or a volunteer comply with the fingerprint clearance card requirements in A.R.S. § 36-425.03.
- B.** An administrator of an outpatient treatment center that is authorized to provide behavioral health services shall ensure that:
1. Except as provided in subsection (B)(2), a behavioral health assessment for a patient is completed before treatment for the patient is initiated;
  2. If a behavioral health assessment that complies with the requirements in this Section is received from a behavioral health provider other than the outpatient treatment center or the outpatient treatment center has a medical record for the patient that contains an assessment that was completed within 12 months before the date of the patient's current admission:
    - a. The patient's assessment information is reviewed and updated if additional information that affects the patient's assessment is identified, and
    - b. The review and update of the patient's assessment information is documented in the patient's medical record within 48 hours after the review is completed;
  3. If a behavioral health assessment is conducted by a:
    - a. Behavioral health technician or a registered nurse, within 72 hours a behavioral health professional certified or licensed to provide the behavioral health services needed by the patient reviews and signs the behavioral health assessment to ensure that the behavioral health assessment identifies the behavioral health services needed by the patient; or
    - b. Behavioral health paraprofessional, a behavioral health professional certified or licensed to provide the behavioral health services needed by the patient supervises the behavioral health paraprofessional during the completion of the behavioral health assessment and signs the behavioral health assessment to ensure that the assessment identifies the behavioral health services needed by the patient;
  4. A behavioral health assessment:
    - a. Documents a patient's:
      - i. Presenting issue;
      - ii. Substance abuse history;
      - iii. Co-occurring disorder;
      - iv. Medical condition and history;
      - v. Legal history, including:
        - (1) Custody,
        - (2) Guardianship, and
        - (3) Pending litigation;
      - vi. Criminal justice record;
      - vii. Family history;
      - viii. Behavioral health treatment history; and
      - ix. Symptoms reported by the patient and referrals needed by the patient, if any;
    - b. Includes:
      - i. Recommendations for further assessment or examination of the patient's needs;
      - ii. The behavioral health services, physical health services, or ancillary services that will be provided to the patient; and
      - iii. The signature and date signed of the personnel member conducting the behavioral health assessment; and
    - c. Is documented in patient's medical record;
  5. A patient is referred to a medical practitioner if a determination is made that the patient requires immediate physical health services or the patient's behavioral health issue may be related to the patient's medical condition;
  6. A request for participation in a patient's behavioral health assessment is made to the patient or the patient's representative;
  7. An opportunity for participation in the patient's behavioral health assessment is provided to the patient or the patient's representative;
  8. Documentation of the request in subsection (B)(6) and the opportunity in subsection (B)(7) is in the patient's medical record;
  9. A patient's behavioral health assessment information is documented in the medical record within 48 hours after completing the assessment;
  10. If information in subsection (B)(4)(a) is obtained about a patient after the patient's behavioral health assessment is completed, an interval note, including the information, is documented in the patient's medical record within 48 hours after the information is obtained;
  11. Counseling is:
    - a. Offered as described in the outpatient treatment center's scope of services,
    - b. Provided according to the frequency and number of hours identified in the patient's assessment, and
    - c. Provided by a behavioral health professional or a behavioral health technician;
  12. A personnel member providing counseling that addresses a specific type of behavioral health issue has the skills and knowledge necessary to provide the counseling that addresses the specific type of behavioral health issue; and
  13. Each counseling session is documented in the patient's medical record to include:
    - a. The date of the counseling session;
    - b. The amount of time spent in the counseling session;
    - c. Whether the counseling was individual counseling, family counseling, or group counseling;
    - d. The treatment goals addressed in the counseling session; and
    - e. The signature of the personnel member who provided the counseling and the date signed.

## Department of Health Services - Health Care Institutions: Licensing

- C. An administrator of an outpatient treatment center authorized to provide behavioral health services may request to provide any of the following to individuals required to attend by a referring court:
1. DUI screening,
  2. DUI education,
  3. DUI treatment, or
  4. Misdemeanor domestic violence offender treatment.
- D. An administrator of an outpatient treatment center authorized to provide the services in subsection (C):
1. Shall comply with the requirements for the specific service in 9 A.A.C. 20, and
  2. May have a behavioral health technician who has the appropriate skills and knowledge established in policies and procedures provide the services.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1011 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1011 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1012. Behavioral Health Observation/Stabilization Services**

- A. An administrator of an outpatient treatment center that is authorized to provide behavioral health observation/stabilization services shall ensure that:
1. Behavioral health observation/stabilization services are available 24 hours a day, every calendar day;
  2. Behavioral health observation/stabilization services are provided in a designated area that:
    - a. Is used exclusively for behavioral health observation/stabilization services;
    - b. Has the space for a patient to receive privacy in treatment and care for personal needs; and
    - c. For every 15 observation chairs or less, has at least one bathroom that contains:
      - i. A working sink with running water,
      - ii. A working toilet that flushes and has a seat,
      - iii. Toilet tissue,
      - iv. Soap for hand washing,
      - v. Paper towels or a mechanical air hand dryer,
      - vi. Lighting, and
      - vii. A means of ventilation;
  3. If the outpatient treatment center is authorized to provide behavioral health observation/stabilization services to individuals under 18 years of age:
    - a. There is a separate designated area for providing behavioral health observation/stabilization services to individuals under 18 years of age that:
      - i. Meets the requirements in subsection (B)(2), and
      - ii. Has floor to ceiling walls that separate the designated area from other areas of the outpatient treatment center;
    - b. A registered nurse is present in the separate designated area; and
    - c. A patient under 18 years of age does not share any space, participate in any activity or treatment, or have verbal or visual interaction with a patient 18 years of age or older;
4. A medical practitioner is available;
  5. If the medical practitioner present at the outpatient treatment center is a registered nurse practitioner or a physician assistant, a physician is on-call;
  6. A registered nurse is present and provides direction for behavioral health observation/stabilization services in the designated area;
  7. A nurse monitors each patient at the intervals determined according to subsection (A)(12) and documents the monitoring in the patient's medical record;
  8. An individual who arrives at the designated area for behavioral health observation/stabilization services in the outpatient treatment center is screened within 30 minutes after entering the designated area to determine whether the individual is in need of immediate physical health services;
  9. If a screening indicates that an individual needs immediate physical health services that the outpatient treatment center is:
    - a. Able to provide according to the outpatient treatment center's scope of services, the individual is examined by a medical practitioner within 30 minutes after being screened; or
    - b. Not able to provide, the individual is transferred to a health care institution capable of meeting the individual's immediate physical health needs;
  10. If a screening indicates that an individual needs behavioral health observation/stabilization services and the outpatient treatment center has the capabilities to provide the behavioral health observation/stabilization services, the individual is admitted to the designated area for behavioral health observation/stabilization services and may remain in the designated area and receive observation/stabilization services for up to 23 hours and 59 minutes;
  11. Before a patient is discharged from the designated area for behavioral health observation/stabilization services, a medical practitioner determines whether the patient will be:
    - a. If the behavioral health observation/stabilization services are provided in a health care institution that also provides inpatient services and is capable of meeting the patient's needs, admitted to the health care institution as an inpatient;
    - b. Transferred to another health care institution capable of meeting the patient's needs;
    - c. Provided a referral to another entity capable of meeting the patient's needs; or
    - d. Discharged and provided patient follow-up instructions;
  12. When a patient is admitted to a designated area for behavioral health observation/stabilization services, an assessment of the patient includes the interval for monitoring the patient based on the patient's medical condition, behavior, suspected drug or alcohol abuse, and medication status to ensure the health and safety of the patient;
  13. If a patient is not being admitted as an inpatient to a health care institution, before discharging the patient

## Department of Health Services - Health Care Institutions: Licensing

- from a designated area for behavioral health observation/stabilization services, a personnel member:
- a. Identifies the specific needs of the patient after discharge necessary to assist the patient to function independently;
  - b. Identifies any resources, including family members, community social services, peer support services, and Regional Behavioral Health Agency staff, that may be available to assist the patient; and
  - c. Documents the information in subsection (A)(13)(a) and the resources in subsection (A)(13)(b) in the patient's medical record;
14. When a patient is discharged from a designated area for behavioral health observation/stabilization services, a personnel member:
    - a. Provides the patient with discharge information that includes:
      - i. The identified specific needs of the patient after discharge, and
      - ii. Resources that may be available for the patient; and
    - b. Contacts any resources identified as required in subsection (A)(13)(b);
  15. Except as provided in subsection (A)(16), a patient is not re-admitted to the outpatient treatment center for behavioral health observation/stabilization services within two hours after the patient's discharge from a designated area for behavioral health observation/stabilization services;
  16. A patient may be re-admitted to the outpatient treatment center for behavioral health observation/stabilization services within two hours after the patient's discharge if:
    - a. It is at least one hour since the time of the patient's discharge;
    - b. A law enforcement officer or the patient's case manager accompanies the patient to the outpatient treatment center;
    - c. Based on a screening of the patient, it is determined that re-admission for behavioral health observation/stabilization is necessary for the patient; and
    - d. The name of the law enforcement officer or the patient's case manager and the reasons for the determination in subsection (A)(16)(c) are documented in the patient's medical record;
  17. A patient admitted for behavioral health observation/stabilization services is provided:
    - a. An observation chair; or
    - b. A separate piece of equipment for the patient to use to sit or recline that:
      - i. Is at least 12 inches from the floor; and
      - ii. Has sufficient space around the piece of equipment to allow a personnel member to provide behavioral health services and physical health services, including emergency services, to the patient;
  18. If an individual is not admitted for behavioral health observation/stabilization services because there is not an observation chair available for the individual's use, a personnel member provides support to the individual to access the services or resources necessary for the individual's health and safety, which may include:
    - a. Admitting the individual to the outpatient treatment center to provide behavioral health services other than behavioral health observation/stabilization services;
    - b. Establishing a method to notify the individual when there is an observation chair available;
    - c. Referring or providing transportation to the individual to another health care institution;
    - d. Assisting the individual to contact the individual's support system; and
    - e. If the individual is enrolled with a Regional Behavioral Health Authority, contacting the appropriate person to request assistance for the individual;
  19. Personnel members establish a log of individuals who were not admitted because there was not an observation chair available and document the individual's name, actions taken to provide support to the individual to access the services or resources necessary for the individual's health and safety, and date and time the actions were taken;
  20. The log required in subsection (A)(19) is maintained for at least 12 months after the date of documentation in the log;
  21. An observation chair or, as provided in subsection (A)(17)(b), a piece of equipment used by a patient to sit or recline is visible to a personnel member;
  22. Except as provided in subsection (A)(23), a patient admitted to receive behavioral health observation/stabilization services is visible to a personnel member;
  23. A patient admitted to receive behavioral health observation/stabilization services may use the bathroom and not be visible to a personnel member, if the personnel member:
    - a. Determines that the patient is capable of using the bathroom unsupervised,
    - b. Is aware of the patient's location, and
    - c. Is able to intervene in the patient's actions to ensure the patient's health and safety; and
  24. An observation chair:
    - a. Effective until July 1, 2015, has space around the observation chair that allows a personnel member to provide behavioral health services and physical health services, including emergency services, to a patient in the observation chair; and
    - b. Effective on July 1, 2015, has at least three feet of clear floor space:
      - i. On at least two sides of the observation chair, and
      - ii. Between the observation chair and any other observation chair.
- B.** An administrator of an outpatient treatment center that is authorized to provide behavioral health observation/stabilization services shall:
    1. Have a room used for seclusion that complies with requirements for seclusion rooms in R9-10-316, and
    2. Comply with the requirements for restraint and seclusion in R9-10-316.
  - C.** An administrator of an outpatient treatment center that is authorized to provide behavioral health observation/stabilization services shall ensure that:
    1. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
      - a. Cover the process for:
        - i. Evaluating a patient previously admitted to the designated area to determine whether the patient is ready for admission to an inpatient setting or discharge, including when to implement the process;
        - ii. Contacting other health care institutions that provide behavioral health observation/stabilization services to determine if the patient could

## Department of Health Services - Health Care Institutions: Licensing

- be admitted for behavioral health observation/stabilization services in another health care institution, including when to implement the process; and
- iii. Ensuring that sufficient personnel members, space, and equipment are available to provide behavioral health observation/stabilization services to patients admitted to receive behavioral health observation/stabilization services; and
  - b. Establish a maximum capacity of the number of patients for whom the outpatient treatment center is capable of providing behavioral health observation/stabilization services;
2. The outpatient treatment center does not:
    - a. Exceed the maximum capacity established by the outpatient treatment center in subsection (C)(1)(b); or
    - b. Admit an individual if the outpatient treatment center does not have personnel members, space, and equipment available to provide behavioral health observation/stabilization services to the individual; and
  3. Effective on July 1, 2015:
    - a. If an admission of an individual causes the outpatient treatment center to exceed the outpatient treatment center's licensed occupancy, the individual is only admitted for behavioral health observation/stabilization services after:
      - (i.) A behavioral health professional reviews the individual's screening and determines the admission is an emergency; and
      - (ii.) Documents the determination in the individual's medical record; and
    - b. The outpatient treatment center's quality management program's plan, required in R9-10-1004(1), includes a method to identify and document each occurrence of exceeding licensed occupancy, to evaluate the occurrences of exceeding licensed occupancy, and to review the actions taken to reduce future occurrences of exceeding licensed occupancy.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1012 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1012 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1013. Court-ordered Evaluation**

An administrator of an outpatient treatment center that is authorized to provide court-ordered evaluation shall comply with the requirements for court-ordered evaluation in A.R.S. § 36-425.03.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1013 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1013 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1014. Court-ordered Treatment**

An administrator of an outpatient treatment center that is authorized to provide court-ordered treatment shall comply with the requirements for court-ordered treatment in A.R.S. Title 36, Chapter 5, Article 4.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1014 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1014 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1015. Clinical Laboratory Services**

An administrator of an outpatient treatment center that is authorized to provide clinical laboratory services shall ensure that:

1. If clinical laboratory services are provided on the premises or at another location, the clinical laboratory services are provided by a laboratory that holds a certificate of accreditation, certificate of compliance, or certificate of waiver issued by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, 42 U.S.C. 263a, as amended by Public Law 100-578, October 31, 1988; and
2. A clinical laboratory test result is documented in a patient's medical record including:
  - a. The name of the clinical laboratory test;
  - b. The patient's name;
  - c. The date of the clinical laboratory test;
  - d. The results of the clinical laboratory test; and
  - e. If applicable, any adverse reaction related to or as a result of the clinical laboratory test.



## Department of Health Services - Health Care Institutions: Licensing

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1015 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1015 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1016. Crisis Services**

- A. An administrator of an outpatient treatment center that is authorized to provide crisis services shall comply with the requirements for behavioral health services in R9-10-1011.
- B. An administrator of an outpatient treatment center that is authorized to provide crisis services shall ensure that:
  1. Crisis services are available during clinical hours of operation;
  2. A behavioral health technician, qualified to provide crisis services according to the outpatient treatment center's policies and procedures, is present in the outpatient treatment center during clinical hours of operation; and
  3. The following individuals, qualified to provide crisis services according to policies and procedures, are available during clinical hours of operation:
    - a. A behavioral health professional,
    - b. A medical practitioner, and
    - c. A registered nurse.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1016 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1016 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1017. Diagnostic Imaging Services**

An administrator of an outpatient treatment center that is authorized to provide diagnostic imaging services shall:

1. Designate an individual to provide direction for diagnostic imaging services who is a:
  - a. Radiologic technologist certified under A.R.S. Title 32, Chapter 28, Article 2 who has at least 12 months experience in an outpatient treatment center;
  - b. Physician; or
  - c. Radiologist; and

2. Ensure that:
  - a. Diagnostic imaging services are provided in compliance with A.R.S. Title 30, Chapter 4 and 12 A.A.C. 1;
  - b. A copy of a certificate documenting compliance with subsection (2)(a) is maintained;
  - c. Diagnostic imaging services are provided to a patient according to an order that includes:
    - i. The patient's name,
    - ii. The name of the ordering individual,
    - iii. The diagnostic imaging procedure ordered, and
    - iv. The reason for the diagnostic imaging procedure;
  - d. A physician or radiologist interprets the diagnostic image; and
  - e. A diagnostic imaging patient report is completed that includes:
    - i. The patient's name,
    - ii. The date of the procedure, and
    - iii. A physician's or radiologist's interpretation of the diagnostic image.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1017 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1017 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by final rulemaking at 14 A.A.R. 294, effective March 8, 2008 (Supp. 08-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1018. Dialysis Services**

- A. In addition to the definitions in A.R.S. § 36-401, R9-10-101, and R9-10-1001, the following definitions apply in this Section:
  1. "Caregiver" means an individual designated by a patient or a patient's representative to perform self-dialysis in the patient's stead.
  2. "Chief clinical officer" means a physician appointed to provide direction for dialysis services provided by an outpatient treatment center.
  3. "Long-term care plan" means a written plan of action for a patient with kidney failure that is developed to achieve long-term optimum patient outcome.
  4. "Modality" means a method of treatment for kidney failure, including transplant, hemodialysis, and peritoneal dialysis.
  5. "Nutritional assessment" means an analysis of a patient's weight, height, lifestyle, medication, mobility, food and fluid intake, and diagnostic procedures to identify condi-

## Department of Health Services - Health Care Institutions: Licensing

- tions and behaviors that indicate whether the patient's nutritional needs are being met.
6. "Patient care plan" means a written document for a patient receiving dialysis that identifies the patient's needs for medical services, nursing services, and health-related services and the process by which the medical services, nursing services, or health-related services will be provided to the patient.
  7. "Peritoneal dialysis" means the process of using the peritoneal cavity for removing waste products by fluid exchange.
  8. "Psychosocial evaluation" means an analysis of an individual's mental and social conditions to determine the individual's need for social work services.
  9. "Reprocessing" means cleaning and sterilizing a dialyzer previously used by a patient so that the dialyzer can be reused by the same patient.
  10. "Self-dialysis" means dialysis performed by a patient or a caregiver on the patient's body.
  11. "Social worker" means an individual licensed according to A.R.S. Title 32, Chapter 33 to engage in the "practice of social work" as defined in A.R.S. § 32-3251.
  12. "Stable means" that a patient's blood pressure, temperature, pulse, respirations, and diagnostic procedure results are within medically recognized acceptable ranges or consistent with the patient's usual medical condition so that medical intervention is not indicated.
  13. "Transplant surgeon" means a physician who:
    - a. Is board eligible or board certified in general surgery or urology by a professional credentialing board, and
    - b. Has at least 12 months of training or experience performing renal transplants and providing care for patients with renal transplants.
- B.** A governing authority of an outpatient treatment center that is authorized to provide dialysis services shall:
1. Ensure that the administrator appointed as required in R9-10-1003(B)(3) has at least 12 months of experience in an outpatient treatment center providing dialysis services; and
  2. Appoint a chief clinical officer to direct the dialysis services provided by or at the outpatient treatment center who is a physician who:
    - a. Is board eligible or board certified in internal medicine or pediatrics by a professional credentialing board, and
    - b. Has at least 12 months of experience or training in providing dialysis services.
- C.** An administrator of an outpatient treatment center that is authorized to provide dialysis services shall ensure that:
1. In addition to the policies and procedures required in R9-10-1003(D), policies and procedures are established, documented, and implemented to protect the health and safety of a patient that cover:
    - a. Long-term care plans and patient care plans,
    - b. Assigning a patient an identification number,
    - c. Personnel members' response to a patient's adverse reaction during dialysis, and
    - d. Personnel members' response to an equipment malfunction during dialysis;
  2. A personnel member complies with the requirements in A.R.S. § 36-423 and R9-10-114 for hemodialysis technicians and hemodialysis technician trainees, if applicable;
  3. A personnel member completes basic cardiopulmonary resuscitation training specific to the age of the patients receiving dialysis from the outpatient treatment center:
    - a. Before providing dialysis services, and
    - b. At least once every 12 months after the initial date of employment or volunteer service;
  4. A personnel member wears a name badge that displays the individual's first name, job title, and professional license or certification; and
  5. At least one registered nurse or medical practitioner is on the premises while a patient receiving dialysis services is on the premises.
- D.** An administrator of an outpatient treatment center that is authorized to provide dialysis services shall ensure that:
1. The premises of the outpatient treatment center where dialysis services are provided complies with the applicable physical plant health and safety codes and standards for outpatient treatment centers providing dialysis services, incorporated by reference in A.A.C. R9-1-412, that were in effect on the date listed on the building permit or zoning clearance submitted, as required by R9-10-104, as part of the application for approval of the architectural plans and specifications submitted before initial approval of the inclusion of dialysis services in the outpatient treatment center's scope of services;
  2. Before a modification of the premises of an outpatient treatment center where dialysis services are provided is made, an application for approval of the architectural plans and specifications of the outpatient treatment center required in R9-10-104(A):
    - a. Is submitted to the Department; and
    - b. Demonstrates compliance with the applicable physical plant health and safety codes and standards for outpatient treatment centers providing dialysis services, incorporated by reference in A.A.C. R9-1-412, in effect on the date:
      - i. Listed on the building permit or zoning clearance submitted as part of the application for approval of the architectural plans and specifications for the modification, or
      - ii. The application for approval of the architectural plans and specifications of the modification of the outpatient treatment center required in R9-10-104(A) is submitted to the Department; and
  3. A modification of the outpatient treatment center complies with applicable physical plant health and safety codes and standards for outpatient treatment centers providing dialysis services, incorporated by reference in A.A.C. R9-1-412 in effect on the date:
    - a. Listed on the building permit or zoning clearance submitted as part of the application for approval of the architectural plans and specifications for the modification, or
    - b. The application for approval of the architectural plans and specifications required in R9-10-104(A) is submitted to the Department.
- E.** An administrator of an outpatient treatment center that is authorized to provide dialysis services shall ensure that for a patient receiving dialysis services:
1. The dialysis services provided to the patient meet the needs of the patient;
  2. A physician:
    - a. Performs a medical history and physical examination on the patient within 30 calendar days before admission or within 48 hours after admission, and
    - b. Documents the medical history and physical examination in the patient's medical record within 48 hours after admission;

## Department of Health Services - Health Care Institutions: Licensing

3. If the patient's medical history and physical examination required in subsection (E)(2) is not performed by the patient's nephrologist, the patient's nephrologist, within 30 calendar days after the date of the medical history and physical examination:
  - a. Reviews and authenticates the patient's medical history and physical examination, documents concurrence with the medical history and physical examination, and includes information specific to nephrology; or
  - b. Performs a medical history and physical examination that includes information specific to nephrology;
4. The patient's nephrologist or the nephrologist's designee:
  - a. Performs a medical history and physical examination on the patient at least once every 12 months after the date of the patient's admission to the outpatient treatment center, and
  - b. Documents monthly notes related to the patient's progress in the patient's medical record;
5. A registered nurse responsible for the nursing services provided to the patient receiving dialysis services:
  - a. Reviews with the patient the results of any diagnostic tests performed on the patient;
  - b. Assesses the patient's medical condition before the patient begins receiving hemodialysis and after the patient has received hemodialysis;
  - c. If the patient returns to another health care institution after receiving dialysis services at the outpatient treatment center, provides an oral or written notice of information related to the patient's medical condition to the registered nurse responsible for the nursing services provided to the patient at the health care institution or, if there is not a registered nurse responsible, the individual responsible for the medical services, nursing services, or health-related services provided to the patient at the health care institution;
  - d. Informs the patient's nephrologist of any changes in the patient's medical condition or needs; and
  - e. Documents in the patient's medical record:
    - i. Any notice provided as required in subsection (E)(5)(c), and
    - ii. Monthly notes related to the patient's progress;
6. If the patient is not stable, before dialysis is provided to the patient, a nephrologist is notified of the patient's medical condition and dialysis is not provided until the nephrologist provides direction;
7. The patient:
  - a. Is under the care of a nephrologist;
  - b. Is assigned a patient identification number according to the policy and procedure in subsection (C)(1)(b);
  - c. Is identified by a personnel member before beginning dialysis;
  - d. Receives the dialysis services ordered for the patient by a medical practitioner;
  - e. Is monitored by a personnel member while receiving dialysis at least once every 30 minutes; and
  - f. If the outpatient treatment center reprocesses and reuses dialyzers, is informed that the outpatient treatment center reprocesses and reuses dialyzers before beginning hemodialysis;
8. Equipment used for hemodialysis is inspected and tested according to the manufacturer's recommendations or the outpatient treatment center's policies and procedures before being used to provide hemodialysis to a patient;
9. The equipment inspection and testing required in subsection (E)(8) is documented in the patient's medical record;
10. Supplies and equipment used for dialysis services for the patient are used, stored, and discarded according to manufacturer's recommendations;
11. If hemodialysis is provided to the patient, a personnel member:
  - a. Inspects the dialyzer before use to ensure that the:
    - i. External surface of the dialyzer is clean;
    - ii. Dialyzer label is intact and legible;
    - iii. Dialyzer, blood port, and dialysate port are free from leaks and cracks or other structural damage; and
    - iv. Dialyzer is free of visible blood and other foreign material;
  - b. Verifies the order for the dialyzer to ensure the correct dialyzer is used for the correct patient;
  - c. Verifies the duration of dialyzer storage based on the type of germicide used or method of sterilization or disinfection used;
  - d. If the dialyzer has been reprocessed and is being reused, verifies that the label on the dialyzer includes:
    - i. The patient's name and the patient's identification number,
    - ii. The number of times the dialyzer has been used in patient treatments,
    - iii. The date of the last use of the dialyzer by the patient, and
    - iv. The date of the last reprocessing of the dialyzer;
  - e. If the patient's name is similar to the name of another patient receiving dialysis in the same outpatient treatment center, informs other personnel members, employees, and volunteers, of the similar names to ensure that the name or other identifying information on the label corresponds to the correct patient; and
  - f. Ensures that a patient's vascular access is visible to a personnel member during dialysis;
12. A patient receiving dialysis is visible to a nurse at a location used by nurses to coordinate patients and treatment;
13. If the patient has an adverse reaction during dialysis, a personnel member responds by implementing the policy and procedure required in subsection (C)(1)(c);
14. If the equipment used during the patient's dialysis malfunctions, a personnel member responds by implementing the policy and procedure required in subsection (C)(1)(d); and
15. After a patient's discharge from an outpatient treatment center, the nephrologist responsible for the dialysis services provided to the patient documents the patient's discharge in the patient's medical record within 30 calendar days after the patient's discharge and includes:
  - a. A description of the patient's medical condition and the dialysis services provided to the patient, and
  - b. The signature of the nephrologist.
- F. If an outpatient treatment center provides support for self-dialysis services, an administrator shall ensure that:
  1. A patient or the patient's caregiver is:
    - a. Instructed to use the equipment to perform self-dialysis by a personnel member trained to provide the instruction, and
    - b. Monitored in the patient's home to assess the patient's or patient caregiver's ability to use the equipment to perform self-dialysis;

## Department of Health Services - Health Care Institutions: Licensing

2. Instruction provided to a patient as required in subsection (F)(1)(a) and monitoring in the patient's home as required in subsection (F)(1)(b) is documented in the patient's medical record;
  3. All supplies for self-dialysis necessary to meet the needs of the patient are provided to the patient;
  4. All equipment necessary to meet the needs of the patient's self-dialysis is provided for the patient and maintained by the outpatient treatment center according to the manufacturer's recommendations;
  5. The water used for hemodialysis is tested and treated according to the requirements in subsection (N);
  6. Documentation of the self-dialysis maintained by the patient or the patient's caregiver is:
    - a. Reviewed to ensure that the patient is receiving continuity of care, and
    - b. Placed in the patient's medical record; and
  7. If a patient uses self-dialysis and self-administers medication:
    - a. The medical practitioner responsible for the dialysis services provided to the patient reviews the patient's diagnostic laboratory tests;
    - b. The patient and the patient's caregiver are informed of any potential:
      - i. Side effects of the medication; and
      - ii. Hazard to a child having access to the medication and, if applicable, a syringe used to inject the medication; and
    - c. The patient or the patient's caregiver is:
      - i. Taught the route and technique of administration and is able to administer the medication, including injecting the medication;
      - ii. Taught and able to perform sterile techniques if the patient or the patient's caregiver will be injecting the medication;
      - iii. Provided with instructions for the administration of the medication, including the specific route and technique the patient or the patient's caregiver has been taught to use;
      - iv. Able to read and understand the directions for using the medication;
      - v. Taught and able to self-monitor the patient's blood pressure; and
      - vi. Informed how to store the medication according to the manufacturer's instructions.
- G.** An administrator of an outpatient treatment center that is authorized to provide dialysis services shall ensure that a social worker is employed by the outpatient treatment center to meet the needs of a patient receiving dialysis services including:
1. Conducting an initial psychosocial evaluation of the patient within 30 calendar days after the patient's admission to the outpatient treatment center;
  2. Participating in reviewing the patient's need for social work services;
  3. Recommending changes in treatment based on the patient's psychosocial evaluation;
  4. Assisting the patient and the patient's representative in obtaining and understanding information for making decisions about the medical services provided to the patient;
  5. Identifying community agencies and resources and assisting the patient and the patient's representative to utilize the community agencies and resources;
  6. Documenting monthly notes related to the patient's progress in the patient's medical record; and
  7. Conducting a follow-up psychosocial evaluation of the patient at least once every 12 months after the date of the patient's admission to the outpatient treatment center.
- H.** An administrator of an outpatient treatment center that is authorized to provide dialysis services shall ensure that a registered dietitian is employed by the outpatient treatment center to assist a patient receiving dialysis services to meet the patient's nutritional and dietetic needs including:
1. Conducting an initial nutritional assessment of the patient within 30 calendar days after the patient's admission to the outpatient treatment center;
  2. Consulting with the patient's nephrologist and recommending a diet to meet the patient's nutritional needs;
  3. Providing advice to the patient and the patient's representative regarding a diet prescribed by the patient's nephrologist;
  4. Monitoring the patient's adherence and response to a prescribed diet;
  5. Reviewing with the patient any diagnostic test performed on the patient that is related to the patient's nutritional or dietetic needs;
  6. Documenting monthly notes related to the patient's progress in the patient's medical record; and
  7. Conducting a follow-up nutritional assessment of the patient at least once every 12 months after the date of the patient's admission to the outpatient treatment center.
- I.** An administrator of an outpatient treatment center that is authorized to provide dialysis services shall ensure that a long-term care plan for each patient:
1. Is developed by a team that includes at least:
    - a. The chief clinical officer of the outpatient treatment center;
    - b. If the chief clinical officer is not a nephrologist, the patient's nephrologist;
    - c. A transplant surgeon or the transplant surgeon's designee;
    - d. A registered nurse responsible for nursing services provided to the patient;
    - e. A social worker;
    - f. A registered dietitian; and
    - g. The patient or patient's representative, if the patient or patient's representative chooses to participate in the development of the long-term care plan;
  2. Identifies the modality of treatment and dialysis services to be provided to the patient;
  3. Is reviewed and approved by the chief clinical officer;
  4. Is signed and dated by each personnel member participating in the development of the long-term care plan;
  5. Includes documentation signed by the patient or the patient's representative that the patient or the patient's representative was provided an opportunity to participate in the development of the long-term care plan;
  6. Is signed and dated by the patient or the patient's representative; and
  7. Is reviewed at least once every 12 months by the team in subsection (I)(1) and updated according to the patient's needs.
- J.** An administrator of an outpatient treatment center that is authorized to provide dialysis services shall ensure that a patient care plan for each patient:
1. Is developed by a team that includes at least:
    - a. The patient's nephrologist;
    - b. A registered nurse responsible for nursing services provided to the patient;
    - c. A social worker;
    - d. A registered dietitian; and

## Department of Health Services - Health Care Institutions: Licensing

- e. The patient or the patient's representative, if the patient or patient's representative chooses to participate in the development of the patient care plan;
  2. Includes an assessment of the patient's need for dialysis services;
  3. Identifies treatment and treatment goals;
  4. Is signed and dated by each personnel member participating in the development of the patient care plan;
  5. Includes documentation signed by the patient or the patient's representative that the patient or the patient's representative was provided an opportunity to participate in the development of the patient care plan;
  6. Is signed and dated by the patient or the patient's representative;
  7. Is implemented;
  8. Is evaluated by:
    - a. The registered nurse responsible for the dialysis services provided to the patient,
    - b. The registered dietitian providing services to the patient related to the patient's nutritional or dietetic needs, and
    - c. The social worker providing services to the patient related to the patient's psychosocial needs;
  9. Includes documentation of interventions, resolutions, and outcomes related to treatment goals; and
  10. Is reviewed and updated according to the needs of the patient:
    - a. At least once every six months for a patient whose medical condition is stable, and
    - b. At least once every 30 calendar days for a patient whose medical condition is not stable.
- K.** In addition to the requirements in R9-10-1009(C), an administrator of an outpatient treatment center that is authorized to provide dialysis services shall ensure that a medical record for each patient contains:
1. An annual medical history;
  2. An annual physical examination;
  3. Monthly notes related to the patient's progress by a medical practitioner, registered dietitian, social worker, and registered nurse;
  4. If applicable, documentation of:
    - a. The equipment inspection and testing required in subsection (E)(9), and
    - b. The self-dialysis required in subsection (F)(2); and
  5. If applicable, documentation of the patient's discharge.
- L.** For a patient who received dialysis services, an administrator shall ensure that after the patient's discharge from an outpatient treatment center that is authorized to provide dialysis services, the nephrologist responsible for the dialysis services provided to the patient documents the patient's discharge in the patient's medical record within 30 calendar days after the patient's discharge and includes:
1. A description of the patient's medical condition and the dialysis services provided to the patient, and
  2. The signature of the nephrologist.
- M.** If an outpatient treatment center reuses dialyzers or other dialysis supplies, an administrator shall ensure that the outpatient treatment center complies with the guidelines adopted by the Association for the Advancement of Medical Instrumentation in Reuse of Hemodialyzers, ANSI/AAMI RD47:2002 & RD47:2002/A1:2003, incorporated by reference, on file with the Department, and including no future editions or amendments. Copies may be purchased from the Association for the Advancement of Medical Instrumentation, 1110 N. Glebe Road, Suite 220, Arlington, VA 22201-4795.
- N.** A chief clinical officer shall ensure that the quality of water used in dialysis conforms to the guidelines adopted by the Association for the Advancement of Medical Instrumentation in Hemodialysis systems, ANSI/AAMI RD5:2003, incorporated by reference, on file with the Department, and including no future editions or amendments. Copies may be purchased from the Association for the Advancement of Medical Instrumentation, 1110 N. Glebe Road, Suite 220, Arlington, VA 22201-4795.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1018 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1018 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1019. Emergency Room Services**

An administrator of an outpatient treatment center that is authorized to provide emergency room services shall ensure that:

1. Emergency room services are:
  - a. Available on the premises:
    - i. At all times, and
    - ii. To stabilize an individual's emergency medical condition; and
  - b. Provided:
    - i. In a designated area, and
    - ii. Under the direction of a physician;
2. Clinical laboratory services are available on the premises;
3. Diagnostic imaging services are available on the premises;
4. An area designated for emergency room services complies with the physical plant codes and standards for a freestanding emergency care facility in R9-1-412;
5. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that specify requirements for the use of a seclusion room;
6. A physician is present in an area designated for emergency room services;
7. A registered nurse is present in an area designated for emergency room services and provides direction for nursing services in the designated area;
8. The outpatient treatment center has a documented transfer agreement with a general hospital;
9. Emergency room services are provided to an individual, including a woman in active labor, requesting medical services in an emergency;
10. If emergency room services cannot be provided at the outpatient treatment center, measures and procedures are implemented to minimize the risk to the patient until the patient is transferred to the general hospital with which the outpatient treatment center has a transfer agreement as required in subsection (8);
11. There is a chronological log of emergency room services provided to a patient that includes:

## Department of Health Services - Health Care Institutions: Licensing

- a. The patient's name;
  - b. The date, time, and mode of arrival; and
  - c. The disposition of the patient, including discharge or transfer; and
12. The chronological log required in subsection (12) is maintained:
- a. In the designated area for emergency room services for at least 12 months after the date the emergency room services were provided; and
  - b. By the outpatient treatment center for a total of at least 24 months after the date the emergency room services were provided.
- i. Are pregnant;
  - ii. Are children;
  - iii. Have chronic or acute medical conditions such as HIV infection, hepatitis, diabetes, tuberculosis, or cardiovascular disease;
  - iv. Have a mental disorder;
  - v. Abuse alcohol or other drugs; or
  - vi. Are incarcerated or detained;
- d. Contain a method of patient identification to ensure the patient receives the opioid treatment services ordered;
  - e. Contain methods to assess whether a patient is receiving concurrent opioid treatment services from more than one health care institution;
  - f. Contain methods to ensure that the opioid treatment services provided to a patient by or at the outpatient treatment center meet the patient's needs;
  - g. Include relapse prevention procedures;
  - h. Include for laboratory testing:
    - i. Criteria for the assessment of a patient's opioid agonist blood levels,
    - ii. Procedures for specimen collection and processing to reduce the risk of fraudulent results, and
    - iii. Procedures for conducting random drug testing of patients receiving an opioid agonist treatment medication;
  - i. Include procedures for the response of personnel members to a patient's adverse reaction during opioid treatment; and
  - j. Include criteria for dispensing one or more doses of an opioid agonist treatment medication to a patient for use off the premises and address:
    - i. Who may authorize dispensing,
    - ii. Restrictions on dispensing, and
    - iii. Information to be provided to a patient or the patient's representative before dispensing;

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1019 adopted as an emergency now adopted as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1019 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1020. Opioid Treatment Services**

- A. A governing authority of an outpatient treatment center that is authorized to provide opioid treatment services shall:
  - 1. Ensure that the outpatient treatment center obtains certification by the Substance Abuse and Mental Health Services Administration before providing opioid treatment,
  - 2. Maintain a current Substance Abuse and Mental Health Services Administration certificate for the outpatient treatment center on the premises, and
  - 3. Ensure that the administrator appointed as required in R9-10-1003(B)(3) is named on the Substance Abuse and Mental Health Services Administration certificate as the individual responsible for the opioid treatment services provided by or at the outpatient treatment center.
- B. An administrator of an outpatient treatment center that is authorized to provide opioid treatment services shall ensure that:
  - 1. In addition to the policies and procedures required in R9-10-1003(D), policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
    - a. Include the criteria for receiving opioid treatment services and address:
      - i. Comprehensive maintenance treatment consisting of dispensing or administering an opioid agonist treatment medication at stable dosage levels to a patient for a period in excess of 21 calendar days and providing medical and health-related services to the patient, and
      - ii. Detoxification treatment that occurs over a continuous period of more than 30 calendar days;
    - b. Include the criteria and procedures for discontinuing opioid treatment services;
    - c. Address the needs of specific groups of patients, such as patients who:
      - i. Are pregnant;
      - ii. Are children;
      - iii. Have chronic or acute medical conditions such as HIV infection, hepatitis, diabetes, tuberculosis, or cardiovascular disease;
      - iv. Have a mental disorder;
      - v. Abuse alcohol or other drugs; or
      - vi. Are incarcerated or detained;
  - 2. A physician provides direction for the opioid treatment services provided at the outpatient treatment center;
  - 3. If a patient requires administration of an opioid agonist treatment medication as a result of chronic pain, the patient:
    - a. Receives consultation with or a referral for consultation with a physician or registered nurse practitioner who specializes in chronic pain management, and
    - b. Is not admitted for opioid treatment services:
      - i. Unless the patient is physically addicted to an opioid drug, as manifested by the symptoms of withdrawal in the absence of the opioid drug; and
      - ii. A medical practitioner at the outpatient treatment center coordinates with the physician or registered nurse practitioner who is providing chronic pain management to the patient; and
  - 4. In addition to the requirements in R9-10-1009(C), a medical record for each patient contains:
    - a. If applicable, documentation of the dispensing of doses of an opioid agonist treatment medication to the patient for use off the premises; and
    - b. If applicable, documentation of the patient's discharge from receiving opioid treatment services.
- C. An administrator of an outpatient treatment center that is authorized to provide opioid treatment services shall ensure that for a patient receiving opioid treatment services:
  - 1. The opioid treatment services provided to the patient meet the needs of the patient;

## Department of Health Services - Health Care Institutions: Licensing

2. A physician or a medical practitioner under the direction of a physician:
    - a. Performs a medical history and physical examination on the patient within 30 calendar days before admission or within 48 hours after admission, and
    - b. Documents the medical history and physical examination in the patient's medical record within 48 hours after admission;
  3. Before receiving opioid treatment, the patient is informed of the following:
    - a. The progression of opioid addiction and the patient's apparent stage of opioid addiction;
    - b. The goal and benefits of opioid treatment;
    - c. The signs and symptoms of overdose and when to seek emergency assistance;
    - d. The characteristics of opioid agonist treatment medication, including common side-effects and potential interaction effects with other drugs;
    - e. The requirement for a staff member to report suspected or alleged abuse or neglect of a child or an incapacitated or vulnerable adult according to state law;
    - f. Confidentiality requirements;
    - g. Drug screening and urinalysis procedures;
    - h. Requirements for dispensing to a patient one or more doses of an opioid agonist treatment medication for use by the patient off the premises;
    - i. Testing and treatment available for HIV and other communicable diseases; and
    - j. The patient complaint process;
  4. Documentation of the provision of the information specified in subsection (C)(3) is included in the patient's medical record;
  5. The patient receives a dose of an opioid agonist treatment medication only on the order of a medical practitioner;
  6. The patient begins detoxification treatment only at the request of the patient or according to the outpatient treatment center's policy and procedure for discontinuing opioid treatment services required in subsection (B)(1)(b);
  7. If the patient has an adverse reaction during opioid treatment, a personnel member and, if appropriate, a medical practitioner responds by implementing the policy and procedure required in subsection (B)(1)(i);
  8. Before the patient's discharge from opioid treatment services, the patient is provided with patient follow-up instructions that:
    - a. Include information that may reduce the risk of relapse; and
    - b. May include a referral for counseling, support groups, or medication for depression or sleep disorders; and
  9. After the patient's discharge from opioid treatment services provided by or at the outpatient treatment center, the medical practitioner responsible for the opioid treatment services provided to the patient documents the patient's discharge in the patient's medical record within 30 calendar days after the patient's discharge and includes:
    - a. A description of the patient's medical condition and the opioid treatment services provided to the patient, and
    - b. The signature of the medical practitioner.
- D.** An administrator of an outpatient treatment center that is authorized to provide opioid treatment services shall ensure that an assessment for each patient receiving opioid treatment services:

1. Includes, in addition to the information in R9-10-1010(B):
  - a. An assessment of the patient's need for opioid treatment services,
  - b. An assessment of the patient's medical conditions that may be affected by opioid treatment,
  - c. An assessment of other medications being taken by the patient and conditions that may be affected by opioid treatment, and
  - d. A plan to prevent relapse;
2. Identifies the treatment to be provided to the patient and treatment goals; and
3. Specifies whether the patient may receive an opioid agonist treatment medication for use off the premises and, if so, the number of doses that may be dispensed.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1020 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1020 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1021. Pain Management Services**

An administrator of an outpatient treatment center that is authorized to provide pain management services shall ensure that:

1. Pain management services are provided under the direction of a physician;
2. A personnel member certified in cardiopulmonary resuscitation is available on the outpatient treatment center's premise;
3. If a controlled substance is used to provide pain management services:
  - a. A medical practitioner discusses the risks and benefits of using a controlled substance with a patient; and
  - b. The following information is included in a patient's medical record:
    - i. The patient's history or alcohol and substance abuse,
    - ii. Documentation of the discussion in subsection (3)(a),
    - iii. The nature and intensity of the patient's pain, and
    - iv. The objectives used to determine whether the patient is being successfully treated; and
4. If an injection or a nerve block is used to provide pain management services:
  - a. Before the injection or nerve block is initially used on a patient, an evaluation of the patient is performed by a physician or nurse anesthetist;
  - b. An injection or nerve block is administered by a physician or nurse anesthetist; and
  - c. The following information is included in a patient's medical record:

## Department of Health Services - Health Care Institutions: Licensing

- i. The evaluation of the patient required in sub-section (4)(a),
- ii. A record of the administration of the injection or nerve block, and
- iii. Any resuscitation measures taken.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1021 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1021 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1022. Physical Health Services**

An administrator of an outpatient treatment center that is authorized to provide physical health services shall ensure that:

1. Medical services provided at or by the outpatient treatment center are provided under the direction of a physician or a registered nurse practitioner,
2. Nursing services provided at or by the outpatient treatment center are provided under the direction of a registered nurse, and
3. A personnel member certified in cardiopulmonary resuscitation is available on the outpatient treatment center's premise.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1022 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1022 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1023. Pre-petition Screening**

An administrator of an outpatient treatment center that is authorized to provide pre-petition screening shall comply with the requirements for pre-petition screening in A.R.S. Title 36, Chapter 5, Article 4.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1023 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed

by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1023 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1024. Rehabilitation Services**

An administrator shall ensure that if an outpatient treatment center is authorized to provide:

1. Occupational therapy services, an occupational therapist provides direction for the occupational therapy services provided at or by the outpatient treatment center;
2. Physical therapy services, a physical therapist provides direction for the physical therapy services provided at or by the outpatient treatment center; or
3. Speech-language pathology services, a speech-language pathologist provides direction for the speech-language pathology services provided at or by the outpatient treatment center.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). New Section R9-10-1024 adopted as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1024 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1025. Respite Services**

A. In addition to the definitions in A.R.S. § 36-401, R9-10-101, and R9-10-1001, the following definitions apply in this Section:

1. "Emergency safety response" has the same meaning as in R9-10-701.
2. "Outing" means travel by a child, who is receiving respite services provided by an outpatient treatment center, to a location away from the outpatient treatment center premises or, if applicable, the child's residence for a specific activity.
3. "Parent" means a child's:
  - a. Mother or father, or
  - b. Legal guardian.
4. "Respite capacity" means the total number of children for whom an outpatient treatment center is authorized by the Department to provide respite services on the outpatient treatment center's premises.

B. An administrator of an outpatient treatment center that is authorized to provide respite services shall ensure that:

1. Respite services are not provided in a personnel member's residence unless the personnel member's residence is licensed as a behavioral health respite home;



## Department of Health Services - Health Care Institutions: Licensing

2. Except for an outpatient treatment center that is authorized to provide respite services for children on the premises, respite services are provided:
    - a. In a patient's residence; or
    - b. Up to 10 continuous hours in a 24-hour time period while the individual who is receiving the respite services is:
      - i. Supervised by a personnel member;
      - ii. Awake;
      - iii. Except as stated in subsection (B)(3), provided food;
      - iv. Allowed to rest;
      - v. Provided an opportunity to use the toilet and meet the individual's hygiene needs; and
      - vi. Participating in activities in the community but is not in a licensed health care institution or child care facility; and
  3. If a child is provided respite services according to subsection (B)(2)(b), the child is provided the appropriate meals or snacks in subsection (J)(1) for the amount of time the child is receiving respite services from the outpatient treatment center.
- C.** If an outpatient treatment center that is authorized to provide respite services for children includes outings in the outpatient treatment center's scope of services, an administrator shall ensure that:
1. Before a personnel member takes a child receiving respite services on an outing, written permission is obtained from the child's parent that includes:
    - a. The child's name;
    - b. A description of the outing;
    - c. The name of the outing destination, if applicable;
    - d. The street address and, if available, the telephone number of the outing destination;
    - e. Either:
      - i. The date or dates of the outing; or
      - ii. The time period, not to exceed 12 months, during which the permission is given;
    - f. The projected time of departure from the outpatient treatment center or, if applicable, the child's residence;
    - g. The projected time of arrival back at the outpatient treatment center or, if applicable, the child's residence; and
    - h. The dated signature of the child's parent;
  2. Each motor vehicle used on an outing by a personnel member for a child receiving respite services from the outpatient treatment center:
    - a. Is maintained in a mechanically safe condition;
    - b. Is free from hazards;
    - c. Has an operational heating system;
    - d. Has an operational air-conditioning system; and
    - e. Is equipped with:
      - i. A first-aid kit that meets the requirements in subsection (S)(1), and
      - ii. Two large, clean towels or blankets;
  3. On an outing, a child does not ride in a truck bed, camper, or trailer attached to a motor vehicle;
  4. The Department is notified within 24 hours after a motor vehicle accident that involves a child who is receiving respite services while riding in the motor vehicle on an outing; and
  5. A personnel member who drives a motor vehicle with children receiving respite services from the outpatient treatment center in the motor vehicle:
    - a. Requires that each door be locked before the motor vehicle is set in motion and keeps the doors locked while the motor vehicle is in motion;
    - b. Does not permit a child to be seated in front of a motor vehicle's air bag;
    - c. Requires that a child remain seated and entirely inside the motor vehicle while the motor vehicle is in motion;
    - d. Requires that a child is secured, as required in A.R.S. § 28-907 or 28-909, before the motor vehicle is set in motion and while the motor vehicle is in motion;
    - e. Assists a child into or out of the motor vehicle away from moving traffic at curbside or in a driveway, parking lot, or other location designated for this purpose;
    - f. Carries drinking water in an amount sufficient to meet the needs of each child on the outing and a sufficient number of cups or other drinking receptacles so that each child can drink from a different cup or receptacle; and
    - g. Accounts for each child while on the outing.
- D.** An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall ensure that:
1. Respite services are only provided on the premises for up to 10 continuous hours per day between the hours of 6:00 a.m. and 10:00 p.m.;
  2. The specific 10 continuous hours per day during which the outpatient treatment center provides respite services on the premises is stated in the outpatient treatment center's hours of operation that is submitted as part of the outpatient treatment center's initial or renewal license application;
  3. A personnel member, who is expected to provide respite services eight or more hours a week, complies with the requirements for tuberculosis screening in R9-10-113;
  4. At least one personnel member who has current training in first aid and cardiopulmonary resuscitation is available on the premises when a child is receiving respite services on the premises;
  5. At least one personnel member who has completed training in crisis intervention according to R9-10-716(F) is available on the premises when a child is receiving respite services on the premises;
  6. A personnel member does not use or possess any of the following items when a child receiving respite services is on the premises:
    - a. A controlled substance as listed in A.R.S. Title 36, Chapter 27, Article 2, except where used as a prescription medication in the manner prescribed;
    - b. A dangerous drug as defined in A.R.S. § 13-3401, except where used as a prescription medication in the manner prescribed;
    - c. A prescription medication as defined in A.R.S. § 32-1901, except where used in the manner prescribed; or
    - d. A firearm as defined in A.R.S. § 13-105;
  7. An unannounced fire and emergency evacuation drill is conducted at least once a month, and at different times of the day, and each personnel member providing respite services for children on the premises and each child receiving respite services on the premises participates in the fire and emergency evacuation drill;
  8. Each fire and emergency evacuation drill is documented, and the documentation is maintained for at least 12

## Department of Health Services - Health Care Institutions: Licensing

- months after the date of the fire and emergency evacuation drill;
9. Before a child receives respite services on the premises of the outpatient treatment center, in addition to the requirements in R9-10-1009, the following information is obtained and maintained in the child's medical record;
    - a. The name, home address, city, state, zip code, and contact telephone number of each parent of the child;
    - b. The name and contact telephone number of at least two additional individuals authorized by the child's parent to collect the child from the outpatient treatment center;
    - c. The name and contact telephone number of the child's health care provider;
    - d. The written authorization for emergency medical care of the child when the parent cannot be contacted at the time of an emergency;
    - e. The name of the individual to be contacted in case of injury or sudden illness of the child;
    - f. If applicable, a description of any dietary restrictions or needs due to a medical condition or diagnosed food sensitivity or allergy;
    - g. A written record completed by the child's parent or health care provider noting the child's susceptibility to illness, physical conditions of which a personnel member should be aware, and any specific requirements for health maintenance; and
  10. Documentation is obtained and maintained in the child's medical record each time the child receives respite services on the premises that includes:
    - a. The date and time of each admission to and discharge from receiving respite services; and
    - b. A signature, which contains at least a first initial of a first name and the last name of the child's parent or other individual designated by the child's parent, each time the child is admitted or discharged from receiving respite services on the premises;
  11. Policies and procedures are developed, documented, and implemented to ensure that the identity of an individual is known to a personnel member or is verified with picture identification before the personnel member discharges a child to the individual;
  12. A child is not discharged to an individual other than the child's parent or other individual designated according to subsection (D)(9)(b), except:
    - a. When the child's parent authorizes the administrator by telephone or electronic means to release the child to an individual not so designated, and
    - b. The administrator can verify the telephone or electronic authorization using a means of verification that has been agreed to by the administrator and the child's parent and documented in the child's medical record; and
  13. The number of personnel members providing respite services for children on the premises is determined by the needs of the children present, with a minimum of at least:
    - a. One personnel member providing supervision for every five children receiving respite services on the premises; and
    - b. Two personnel members on the premises when a child is receiving respite services on the premises.
  - E. If swimming activities are conducted at a swimming pool for a child receiving respite services on the premises of an outpatient treatment center, an administrator shall ensure that there is an individual at the swimming pool on the premises who has current lifeguard certification that includes a demonstration of the individual's ability to perform cardiopulmonary resuscitation. If the individual is a personnel member, the personnel member cannot be counted in the personnel member-to-children ratio required by subsection (D)(13).
  - F. An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall ensure that in each area designated for providing respite services:
    1. Drinking water is provided sufficient for the needs of and accessible to each child in both indoor and outdoor areas;
    2. Indoor areas used by children are decorated with age-appropriate articles such as bulletin boards, pictures, and posters;
    3. Storage space is provided for indoor and outdoor toys, materials, and equipment in areas accessible to children;
    4. Clean clothing is available to a child when the child needs a change of clothing;
    5. At least one indoor area in the outpatient treatment center where respite services are provided for children is equipped with at least one cot or mat, a sheet, and a blanket, where a child can rest quietly away from the other children;
    6. Except as provided in subsection (AA)(2)(a), outdoor or large muscle development activities are scheduled to allow not less than 75 square feet for each child occupying the outdoor area or indoor area substituted for outdoor area at any time;
    7. The premises, including the buildings, are maintained free from hazards;
    8. Toys and play equipment, required in this Section, are maintained:
      - a. Free from hazards, and
      - b. In a condition that allows the toy or play equipment to be used for the original purpose of the toy or play equipment;
    9. Temperatures are maintained between 70° F and 84° F in each room or indoor area used by children;
    10. Except when a child is napping or sleeping or for a child who has a sensory issue documented in the child's behavioral health assessment, each room or area used by a child is maintained at a minimum of 30 foot candles of illumination;
    11. When a child is napping or sleeping in a room, the room is maintained at a minimum of five foot candles of illumination;
    12. Each child's toothbrush, comb, washcloth, and cloth towel that are provided for the child's use by the child's parent are maintained in a clean condition and stored in an identified space separate from those of other children;
    13. Except as provided in subsection (F)(14), the following are stored separate from food storage areas and are inaccessible to a child:
      - a. All materials and chemicals labeled as a toxic or flammable substance;
      - b. All substances that have a child warning label and may be a hazard to a child; and
      - c. Lawn mowers, ladders, toilet brushes, plungers, and other equipment that may be a hazard to a child;
    14. Hand sanitizers:
      - a. When being stored, are stored separate from food storage areas and are inaccessible to children; and

## Department of Health Services - Health Care Institutions: Licensing

- b. When being provided for use, are accessible to children; and
    - 15. Except when used as part of an activity, the following are stored in an area inaccessible to a child:
      - a. Garden tools, such as a rake, trowel, and shovel; and
      - b. Cleaning equipment and supplies, such as a mop and mop bucket.
  - G. An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall ensure that a personnel member:
    - 1. Supervises each child at all times;
    - 2. Does not smoke or use tobacco:
      - a. In any area where respite services may be provided for a child, or
      - b. When transporting or transferring a child;
    - 3. Except for a child who can change the child's own clothing, changes a child's clothing when wet or soiled;
    - 4. Empties clothing soiled with feces into a toilet without rinsing;
    - 5. Places a child's soiled clothing in a plastic bag labeled with the child's name, stores the clothing in a container used for this purpose, and sends the clothing home with the child's parent;
    - 6. Prepares and posts in each indoor area, before the first child arrives to receive respite services that day, a current schedule of age-appropriate activities that meet the needs of the children receiving respite services that day, including the times the following are provided:
      - a. Meals and snacks,
      - b. Naps,
      - c. Indoor activities,
      - d. Outdoor or large muscle development activities,
      - e. Quiet and active activities,
      - f. Personnel member-directed activities,
      - g. Self-directed activities, and
      - h. Activities that develop small muscles;
    - 7. Provides activities and opportunities, consistent with a child's behavioral health assessment, for each child to:
      - a. Gain a positive self-concept;
      - b. Develop and practice social skills;
      - c. Acquire communication skills;
      - d. Participate in large muscle physical activity;
      - e. Develop habits that meet health, safety, and nutritional needs;
      - f. Express creativity;
      - g. Learn to respect cultural diversity of children and staff;
      - h. Learn self-help skills; and
      - i. Develop a sense of responsibility and independence;
    - 8. Implements the schedule in subsection (G)(6);
    - 9. If an activity on the schedule in subsection (G)(6) is not implemented, writes on the schedule the activity that was not implemented and what activity was substituted;
    - 10. Ensures that each indoor area has a supply of age-appropriate toys, materials, and equipment, necessary to implement the schedule required in subsection (G)(6), in a quantity sufficient for the number of children receiving respite services at the outpatient treatment center that day, including:
      - a. Art and crafts supplies;
      - b. Books;
      - c. Balls;
      - d. Puzzles, blocks, and toys to enhance manipulative skills;
      - e. Creative play toys;
      - f. Musical instruments; and
      - g. Indoor and outdoor equipment to enhance large muscle development;
  - 11. Does the following when a parent permits or asks a personnel member to apply personal products, such as petroleum jelly, diaper rash ointments, sun screen or sun block preparations, toothpaste, and baby diapering preparations on the parent's child:
    - a. Obtains the child's personal products and written approval for use of the personal products from the child's parent;
    - b. Labels the personal products with the child's name; and
    - c. Keeps the personal products inaccessible to children; and
  - 12. Monitors a child for overheating or overexposure to the sun.
- H. An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises and includes in the outpatient treatment center's scope of respite services for children wearing diapers shall ensure that there is a diaper changing space in the area designated for providing respite services for children that contains:
  - 1. A nonabsorbent, sanitizable diaper changing surface that is:
    - a. Seamless and smooth, and
    - b. Kept clear of items not required for diaper changing;
  - 2. A hand-washing sink adjacent to the diaper changing surface, for a personnel member's use when changing diapers and for washing a child during or after diapering, that provides:
    - a. Running water,
    - b. Soap from a dispenser, and
    - c. Single-use paper hand towels from a dispenser;
  - 3. At least one waterproof, sanitizable container with a waterproof liner and a tight-fitting lid for soiled diapers; and
  - 4. At least one waterproof, sanitizable container with a waterproof liner and a tight-fitting lid for soiled clothing.
- I. In a diaper changing space, an administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall ensure that:
  - 1. A diaper changing procedure is established, documented, and implemented that states that a child's diaper is changed as soon as it is soiled and that a personnel member when diapering:
    - a. Washes and dries the child, using a separate wash cloth and towel only once for each child;
    - b. If applicable, applies the child's individual personal products labeled with the child's name;
    - c. Uses single-use non-porous gloves;
    - d. Washes the personnel member's own hands with soap and running water according to the requirements in R9-10-1028(5);
    - e. Washes each child's hands with soap and running water after each diaper change; and
    - f. Cleans, sanitizes, and dries the diaper changing surface following each diaper change; and
  - 2. A personnel member:
    - a. Removes disposable diapers and disposable training pants from a diaper changing space as needed or at least twice every 24 hours to a waste receptacle outside the building; and
    - b. Does not:
      - i. Permit a bottle, formula, food, eating utensil, or food preparation in a diaper changing space;

## Department of Health Services - Health Care Institutions: Licensing

- ii. Draw water for human consumption from the hand-washing sink adjacent to a diaper changing surface, required in subsection (H)(2); or
  - iii. If responsible for food preparation, change diapers until food preparation duties have been completed for the day.
- J.** Except as provided in subsection (K)(3), an administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall:
  - 1. Serve the following meals or snacks to a child receiving respite services on the premises:
    - a. For the following periods of time:
      - i. Two to four hours, one or more snacks;
      - ii. Four to eight hours, one or more snacks and one or more meals; and
      - iii. More than eight hours, two snacks and one or more meals;
    - b. Make breakfast available to a child receiving respite services on the premises before 8:00 a.m.;
    - c. Serve lunch to a child who is receiving respite services on the premises between 11:00 a.m. through 1:00 p.m.; and
    - d. Serve dinner to a child who is receiving respite services on the premises from 5:00 p.m. through 7:00 p.m. and who will remain on the premises after 7:00 p.m.;
  - 2. Ensure that a meal or snack provided by the outpatient treatment center meets the meal pattern requirements in Table 10.1; and
  - 3. If the outpatient treatment center provides a meal or snack to a child:
    - a. Make a second serving of a food component of a provided snack or meal available to a child who requests a second serving, and
    - b. Substitute a food that is equivalent to a specific food component if a requested second serving of a specific food component is not available.
- K.** An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises:
  - 1. May serve food provided for a child by the child's parent;
  - 2. If a child's parent does not provide a sufficient number of meals or snacks to meet the requirements in subsection (J)(1), shall supplement, according to the requirements in Table 10.1, the meals or snacks provided by the child's parent; and
  - 3. If applicable, shall serve food to a child at the times and in quantities consistent with the information documented according to subsection (D)(9)(f) for the child and the child's behavioral health assessment, to meet the child's dietary and nutritional needs.
- L.** An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises that has a respite capacity of more than 10 shall obtain a food establishment license or permit according to the requirements in 9 A.A.C. 8, Article 1, and, if applicable, maintain documentation of the current food establishment license or permit.
- M.** If an administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises serves food to a child receiving respite services on the premises that is not prepared by the outpatient treatment center or provided by the child's parent, the administrator shall ensure that the food was prepared by a food establishment, as defined according to A.A.C. R9-8-101.
- N.** An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall ensure that:
  - 1. Children, except infants and children who cannot wash their own hands, wash their hands with soap and running water before and after handling or eating food;
  - 2. A personnel member:
    - a. Washes the hands of an infant or a child who cannot wash the child's own hands before and after the infant or child handles or eats food, using:
      - i. A washcloth,
      - ii. A single-use paper towel, or
      - iii. Soap and running water; and
    - b. If using a washcloth, uses each washcloth on only one child and only one time before it is laundered or discarded;
  - 3. Non-single-use utensils and equipment used in preparing, eating, or drinking food are:
    - a. After each use:
      - i. Washed in an automatic dishwasher and air dried or heat dried; or
      - ii. Washed in hot soapy water, rinsed in clean water, sanitized, and air dried or heat dried; and
    - b. Stored in a clean area protected from contamination;
  - 4. Single-use utensils and equipment are disposed of after being used;
  - 5. Perishable foods are covered and stored in a refrigerator at a temperature of 41° F or less;
  - 6. A refrigerator at the outpatient treatment center maintains a temperature of 41° F or less, as shown by a thermometer kept in the refrigerator at all times;
  - 7. A freezer at the outpatient treatment center maintains a temperature of 0° F or less, as shown by a thermometer kept in the freezer at all times; and
  - 8. Foods are prepared as close as possible to serving time and, if prepared in advance, are either:
    - a. Cold held at a temperature of 45° F or less or hot held at a temperature of 130° F or more until served, or
    - b. Cold held at a temperature of 45° F or less and then reheated to a temperature of at least 165° F before being served.
- O.** An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises:
  - 1. May allow a personnel member to separate a child who is receiving respite services on the premises from other children for unacceptable behavior for no longer than three minutes after the child has regained self-control, but not more than 10 minutes without the personnel member interacting with the child, consistent with the child's behavioral health assessment;
  - 2. Shall ensure that:
    - a. A personnel member, consistent with the child's behavioral health assessment:
      - i. Defines and maintains consistent and reasonable guidelines and limitations for a child's behavior;
      - ii. Teaches, models, and encourages orderly conduct, personal control, and age-appropriate behavior; and
      - iii. Explains to a child why a particular behavior is not allowed, suggests an alternative, and assists the child to become engaged in an alternative activity;
    - b. An emergency safety response is:

## Department of Health Services - Health Care Institutions: Licensing

- i. Only used:
    - (1) By a personnel member trained according to R9-10-716(F)(1) to use an emergency safety response;
    - (2) For the management of a child's violent or self-destructive behavior; and
    - (3) When less restrictive interventions have been determined to be ineffective; and
  - ii. Discontinued at the earliest possible time, but no longer than five minutes after the emergency safety response is initiated;
  - c. If an emergency safety response was used for a child, a personnel member, when the child is discharged to the child's parent:
    - i. Notifies the child's parent of the use of the emergency safety response for the child and the behavior, event, or environmental factor that caused the need for the emergency safety response; and
    - ii. Documents in the child's medical record that the child's parent was notified of the use of the emergency safety response;
  - d. Within 24 hours after an emergency safety response is used for a child receiving respite services on the premises, the following information is entered into the child's medical record:
    - i. The date and time the emergency safety response was used;
    - ii. The name of each personnel member who used an emergency safety response;
    - iii. The specific emergency safety response used;
    - iv. The behavior, event, or environmental factor that caused the need for the emergency safety response; and
    - v. Any injury that resulted from the use of the emergency safety response;
  - e. Within 10 working days after an emergency safety response is used for a child receiving respite services on the premises, a behavioral health professional reviews the information in subsection (O)(2)(d) and documents the review in the child's medical record;
  - f. After the review required in subsection (O)(2)(e), the following information is entered into the child's medical record:
    - i. Actions taken or planned to prevent the need for a subsequent use of an emergency safety response for the child;
    - ii. A determination of whether the child is appropriately placed at the outpatient treatment center providing respite services for children on the premises; and
    - iii. Whether the child's treatment plan was reviewed or needs to be reviewed and amended to ensure that the child's treatment plan is meeting the child's treatment needs;
  - g. Emergency safety response training is documented according to the requirements in R9-10-716(F)(2); and
  - h. Materials used for emergency safety response training are maintained according to the requirements in R9-10-716(F)(3); and
3. A personnel member does not use or permit:
- a. A method of discipline that could cause harm to the health, safety, or welfare of a child;
  - b. Corporal punishment;
  - c. Abusive language;
  - d. Discipline associated with:
    - i. Eating, napping, sleeping, or toileting;
    - ii. Medication; or
    - iii. Mechanical restraint; or
  - e. Discipline administered to any child by another child.
- P. An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall:
- 1. Provide each child who naps or sleeps on the premises with a separate cot or mat and ensure that:
    - a. A cot or mat used by the child accommodates the child's height and weight;
    - b. A personnel member covers each cot or mat with a clean sheet that is laundered when soiled, or at least once every seven days and before use by a different child;
    - c. A clean blanket or sheet is available for each child;
    - d. A rug, carpet, blanket, or towel is not used as a mat; and
    - e. Each cot or mat is maintained in a clean and repaired condition;
  - 2. Not use bunk beds or waterbed mattresses for a child receiving respite services;
  - 3. Provide an unobstructed passageway at least 18 inches wide between each row of cots or mats to allow a personnel member access to each child;
  - 4. Ensure that if a child naps or sleeps while receiving respite services at the outpatient treatment center, the administrator:
    - a. Does not permit the child to lie in direct contact with the floor while napping or sleeping;
    - b. Prohibits the operation of a television in a room where the child is napping or sleeping; and
    - c. Requires that a personnel member remain awake while supervising the napping or sleeping child; and
  - 5. Ensure that storage space is provided on the premises for cots, mats, sheets, and blankets, that is:
    - a. Accessible to an area used for napping or sleeping; and
    - b. Separate from food service and preparation areas, toilet rooms, and laundry rooms.
- Q. An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall, in the area of the premises where the respite services are provided:
- 1. Maintain the premises and furnishings:
    - a. Free of insects and vermin,
    - b. In a clean condition, and
    - c. Free from odor; and
  - 2. Ensure that:
    - a. Floor coverings are:
      - i. Clean; and
      - ii. Free from:
        - (1) Dampness,
        - (2) Odors, and
        - (3) Hazards;
    - b. Toilet bowls, lavatory fixtures, and floors in toilet rooms and kitchens are cleaned and sanitized as often as necessary to maintain them in a clean and sanitized condition or at least once every 24 hours;
    - c. Each toilet room used by children receiving respite services on the premises contains, within easy reach of children:
      - i. Mounted toilet tissue;
      - ii. A sink with running water;

## Department of Health Services - Health Care Institutions: Licensing

- iii. Soap contained in a dispenser; and
    - iv. Disposable, single-use paper towels, in a mounted dispenser, or a mechanical hand dryer;
  - d. Personnel members wash their hands with soap and running water after toileting;
  - e. A child's hands are washed with soap and running water after toileting;
  - f. Except for a cup or receptacle used only for water, food waste is stored in a covered container and the container is clean and lined with a plastic bag;
  - g. Food waste and other refuse is removed from the area of the premises where respite services are provided for children at least once every 24 hours or more often as necessary to maintain a clean condition and avoid odors;
  - h. A personnel member or a child does not draw water for human consumption from a toilet room hand-washing sink;
  - i. Toys, materials, and equipment are maintained in a clean condition;
  - j. Plumbing fixtures are maintained in a clean and working condition; and
  - k. Chipped or cracked sinks and toilets are replaced or repaired.
- R.** If laundry belonging to an outpatient treatment center providing respite services for children on the premises is done on the premises, an administrator shall:
- 1. Not use a kitchen or food storage area for sorting, handling, washing, or drying laundry;
  - 2. Locate the laundry equipment in an area that is separate from areas used by children and inaccessible to children;
  - 3. Not permit a child to be in a laundry room or use a laundry area as a passageway for children; and
  - 4. Ensure that laundry soiled by vomitus, urine, feces, blood, or other body fluid is stored, cleaned, and sanitized separately from other laundry.
- S.** An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall ensure that there is a first aid kit in the designated area of the outpatient treatment center where respite services are provided that:
- 1. Contains first aid supplies in a quantity sufficient to meet the needs of the children receiving respite services, including the following:
    - a. Sterile bandages including:
      - i. Self-adhering bandages of assorted sizes,
      - ii. Sterile gauze pads, and
      - iii. Sterile gauze rolls;
    - b. Antiseptic solution or sealed antiseptic wipes;
    - c. A pair of scissors;
    - d. Self-adhering tape;
    - e. Single-use, non-porous gloves; and
    - f. Reclosable plastic bags of at least one-gallon size; and
  - 2. Is accessible to personnel members but inaccessible to children receiving respite services on the premises.
- T.** An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall:
- 1. Prepare and date a written fire and emergency plan that contains:
    - a. The location of the first aid kit;
    - b. The names of personnel members who have first aid training;
    - c. The names of personnel members who have cardiopulmonary resuscitation training;
  - d. The directions for:
    - i. Initiating notification of a child's parent by telephone or other equally expeditious means within 60 minutes after a fire or emergency; and
    - ii. Providing written notification to the child's parent within 24 hours after a fire or emergency; and
  - e. The outpatient treatment center's street address and the emergency telephone numbers for the local fire department, police department, ambulance service, and poison control center;
- 2.** Maintain the plan required in subsection (T)(1) in the area designated for providing respite services;
- 3.** Post the plan required in subsection (T)(1) in any indoor area where respite services are provided that does not have an operable telephone service or two-way voice communication system that connects the indoor area where respite services are provided with an individual who has direct access to an in-and-out operable telephone services; and
- 4.** Update the plan in subsection (T)(1) at least once every 12 months after the date of initial preparation of the plan or when any information changes.
- U.** An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall in the area designated for providing respite services:
- 1. Post, near a room's designated exit, a building evacuation plan that details the designated exits from the room and the facility where the outpatient treatment center is located; and
  - 2. Maintain and use a communication system that contains:
    - a. A direct-access, in-and-out, operating telephone service in the area where respite services are provided; or
    - b. A two-way voice communication system that connects the area where respite services are provided with an individual who has direct access to an in-and-out, operating telephone service.
- V.** If, while receiving respite services at an outpatient treatment center authorized to provide respite services for children on the premises, a child has an accident, injury, or emergency that, based on an evaluation by a personnel member, requires medical treatment by a health care provider, an administrator shall ensure that a personnel member:
- 1. Notifies the child's parent immediately after the accident, injury, or emergency;
  - 2. Documents:
    - a. A description of the accident, injury, or emergency, including the date, time, and location of the accident, injury, or emergency;
    - b. The method used to notify the child's parent; and
    - c. The time the child's parent was notified; and
  - 3. Maintains the documentation required in subsection (V)(2) for at least 12 months after the date the child last received respite services on the outpatient treatment center's premises.
- W.** If a parent of a child who received respite services at an outpatient treatment center authorized to provide respite services for children on the premises informs a personnel member that the child's parent obtained medical treatment for the child from a health care provider for an accident, injury, or emergency the child had while on the premises, an administrator shall ensure that a personnel member:
- 1. Documents any information about the child's accident, injury, or emergency received from the child's parent; and

## Department of Health Services - Health Care Institutions: Licensing

2. Maintains the documentation required in subsection (W)(1) for at least 12 months after the date the child last received respite services on the outpatient treatment center's premises.
- X.** If a child exhibits signs of illness or infestation at an outpatient treatment center authorized to provide respite services for children on the premises, an administrator shall ensure that a personnel member:
  1. Immediately separates the child from other children,
  2. Immediately notifies the child's parent by telephone or other expeditious means to arrange for the child's discharge from the outpatient treatment center,
  3. Documents the notification required in subsection (X)(2), and
  4. Maintains documentation of the notification required in subsection (X)(3) for at least 12 months after the date of the notification.
- Y.** An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall comply with the following physical plant requirements:
  1. Toilets and hand-washing sinks are available to children in the area designated for providing respite services or on the premises as follows:
    - a. At least one flush toilet and one hand-washing sink for 10 or fewer children;
    - b. At least two flush toilets and two hand-washing sinks for 11 to 25 children; and
    - c. At least one flush toilet and one hand-washing sink for each additional 20 children;
  2. A hand-washing sink provides running water with a drain connected to a sanitary sewer as defined in A.R.S. § 45-101;
  3. A glass mirror, window, or other glass surface that is located within 36 inches of the floor is made of safety glass that has been manufactured, fabricated, or treated to prevent the glass from shattering or flying when struck or broken, or is shielded by a barrier to prevent impact by or physical injury to a child; and
  4. There is at least 30 square feet of unobstructed indoor space for each child who may be receiving respite services on the premises, which excludes floor space occupied by:
    - a. The interior walls;
    - b. A kitchen, a bathroom, a closet, a hallway, a stair, an entryway, an office, an area designated for isolating a child from other children, a storage room, or a room or floor space designated for the sole use of personnel members;
    - c. Room space occupied by desks, file cabinets, storage cabinets, or hand-washing sinks for a personnel member's use; or
    - d. Indoor area that is substituted for required outdoor area.
- Z.** An administrator of an outpatient treatment center authorized to provide respite services for children on the premises shall ensure that, in addition to the policies and procedures required in this Article, policies and procedures are established, documented, and implemented for the children's use of a toilet and hand-washing sink that ensure the children's health and safety and include:
  1. Supervision requirements for children using the toilet, based on a child's age, gender, and behavioral health issue; and
  2. If the outpatient treatment center does not have a toilet and hand-washing sink available for the exclusive use of children receiving respite services, a method to ensure that an individual, other than a child receiving respite services or a personnel member providing respite services, is not present in the toilet and hand-washing sink area when a child receiving respite services is present in the toilet and hand-washing sink area.
- AA.** To provide activities that develop large muscles and an opportunity to participate in structured large muscle physical activities, an administrator of an outpatient treatment center authorized to provide respite services for children on the premises shall:
  1. Provide at least 75 square feet of outdoor area per child for at least 50% of the outpatient treatment center's respite capacity; or
  2. Comply with one of the following:
    - a. If no child receives respite services on the premises for more than four hours per day, provide at least 50 square feet of indoor area for each child, based on the outpatient treatment center's respite capacity;
    - b. If a child receives respite services on the premises for more than four hours but less than six hours per day, provide at least 75 square feet of indoor area per child for at least 50% of the outpatient treatment center's respite capacity, in addition to the indoor area required in subsection (Y)(4); or
    - c. Provide at least 37.5 square feet of outdoor area and 37.5 square feet of indoor area per child for at least 50% of the outpatient treatment center's respite capacity, in addition to the activity area required in subsection (Y)(4).
- BB.** If an administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises is substituting indoor area for outdoor area, the administrator shall:
  1. Designate, on the site plan and the floor plan submitted with the license application or a request for an intended change or modification, the indoor area that is being substituted for an outdoor area; and
  2. In the indoor area substituted for outdoor area, install and maintain a mat or pad designed to provide impact protection in the fall zone of indoor swings and climbing equipment.
- CC.** An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall ensure that:
  1. An outdoor area used by children receiving respite services:
    - a. Is enclosed by a fence:
      - i. A minimum of 4.0 feet high,
      - ii. Secured to the ground, and
      - iii. With either vertical or horizontal open spaces on the fence or gate that do not exceed 4.0 inches;
    - b. Is maintained free from hazards, such as exposed concrete footings and broken toys; and
    - c. Has gates that are kept closed while a child is in the outdoor area;
  2. The following is provided and maintained within the fall zones of swings and climbing equipment in an outdoor area:
    - a. A shock-absorbing unitary surfacing material manufactured for such use in outdoor activity areas; or
    - b. A minimum depth of 6.0 inches of a nonhazardous, resilient material such as fine loose sand or wood chips;

## Department of Health Services - Health Care Institutions: Licensing

3. Hard surfacing material such as asphalt or concrete is not installed or used under swings or climbing equipment unless used as a base for shock-absorbing unitary surfacing material;
  4. A swing or climbing equipment is not located in the fall zone of another swing or climbing equipment; and
  5. A shaded area for each child occupying an outdoor area at any time of the day is provided.
- DD.** An administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall install and maintain a portable, pressurized fire extinguisher that meets, at a minimum, a 2A-10-BC rating of the Underwriters Laboratories in an outpatient treatment center's kitchen and any other location required for Existing Health Care Occupancies in National Fire Protection Association 101, Life Safety Code, incorporated by reference in A.A.C. R9-1-412.
- EE.** In addition to the requirements in R9-10-1029(F), an administrator of an outpatient treatment center that is authorized to provide respite services for children on the premises shall ensure that:
1. Combustible material, such as paper, boxes, or rags, is not permitted to accumulate inside or outside the premises;
  2. An unvented or open-flame space heater or portable heater is not used on the premises;
  3. A gas valve on an unused gas outlet is removed and capped where it emerges from the wall or floor;
  4. Heating and cooling equipment is inaccessible to a child;
  5. Fans are mounted and inaccessible to a child;
  6. Toilet rooms are ventilated to the outside of the building, either by a screened window open to the outside air or by an exhaust fan and duct system that is operated when the toilet room is in use;
  7. A toilet room with a door that opens to the exterior of a building is equipped with a self-closing device that keeps the door closed except when an individual is entering or exiting; and
  8. A toilet room door does not open into a kitchen or laundry.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1025 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1025 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2). Amended by exempt rulemaking at 22 A.A.R. 1035, pursuant to Laws 2015, Ch. 158, § 3; effective May 1, 2016 (Supp. 16-2). Sequential numbering corrections made under subsection R9-10-1025(G) at the request of the Department of Health Services on June 27, 2016; file number M16-185 (Supp. 16-3).

**Table 10.1 Meal Pattern Requirements for Children****Meal Pattern Requirements for Children**

<b>Food Components</b>	<b>Ages 1 through 2 years</b>	<b>Ages 3 through 5 years</b>	<b>Ages 6 and older</b>
<b>Breakfast:</b> 1. Milk, fluid 2. Vegetable, fruit, or full-strength juice 3. Bread and bread alternates (whole grain or enriched): Bread or cornbread, rolls, muffins, or biscuits or cold dry cereal (volume or weight, whichever is less) or cooked cereal, pasta, noodle products, or cereal grains	1/2 cup 1/4 cup  1/2 slice 1/2 serving 1/4 cup 1/4 cup	3/4 cup 1/2 cup  1/2 slice 1/2 serving 1/3 cup 1/4 cup	1 cup 1/2 cup  1 slice 1 serving 3/4 cup 1/2 cup
<b>Lunch or Supper:</b> 1. Milk, fluid 2. Vegetable and/or fruit (2 or more kinds) 3. Bread and bread alternates (whole grain or enriched): Bread or cornbread, rolls, muffins, or biscuits or cold dry cereal (volume or weight, whichever is less) or cooked cereal, pasta, noodle products, or cereal grains 4. Meat or meat alternates: Lean meat, fish, or poultry (edible portion as served) or cheese or egg or cooked dry beans or peas* or peanut butter, soy nut butter, or other nut or seed butters or peanuts, soy nuts, tree nuts, or seeds or an equivalent quantity of any combination of the above meat/meat alternates or yogurt	1/2 cup 1/4 cup total  1/2 slice 1/2 serving 1/4 cup 1/4 cup  1 oz. 1 oz. 1/2 egg 1/4 cup 2 tbsp.**  1/2 oz.**  4 oz.	3/4 cup 1/2 cup total  1/2 slice 1/2 serving 1/3 cup 1/4 cup  1 1/2 oz. 1 1/2 oz. 3/4 egg 3/8 cup 3 tbsp.**  3/4 oz.**  6 oz.	1 cup 3/4 cup total  1 slice 1 serving 3/4 cup 1/2 cup  2 oz. 2 oz. 1 egg 1/2 cup 4 tbsp.**  1 oz.**  8 oz.



## Department of Health Services - Health Care Institutions: Licensing

Snack: (select 2 of these 4 components)***			
1. Milk, fluid	1/2 cup	1/2 cup	1 cup
2. Vegetable, fruit, or full-strength juice	1/2 cup	1/2 cup	3/4 cup
3. Bread and bread alternates (whole grain or enriched):			
Bread	1/2 slice	1/2 slice	1 slice
or cornbread, rolls, muffins, or biscuits	1/2 serving	1/2 serving	1 serving
or cold dry cereal (volume or weight, whichever is less)	1/4 cup	1/3 cup	3/4 cup
or cooked cereal, pasta, noodle products, or cereal grains	1/4 cup	1/4 cup	1/2 cup
4. Meat or meat alternates:			
Lean meat, fish, or poultry (edible portion as served)	1/2 oz.	1/2 oz.	1 oz.
or cheese	1/2 oz.	1/2 oz.	1 oz.
or egg	1/2 egg	1/2 egg	1/2 egg
or cooked dry beans or peas*	1/8 cup	1/8 cup	1/4 cup
or peanut butter, soy nut butter, or other nut or seed butters	1 tbsp.	1 tbsp.	2 tbsp.
or peanuts, soy nuts, tree nuts, or seeds	1/2 oz.	1/2 oz.	1 oz.
or an equivalent quantity of any combination of the above meat/meat alternates			
or yogurt	2 oz.	2 oz.	4 oz.
<p>* In the same meal service, dried beans or dried peas may be used as a meat alternate or as a vegetable; however, such use does not satisfy the requirement for both components.</p> <p>** At lunch and supper, no more than 50% of the requirement shall be met with nuts, seeds, or nut butters. Nuts, seeds, or nut butters shall be combined with another meat or meat alternative to fulfill the requirement. Two tablespoons of nut butter or one ounce of nuts or seeds equals one ounce of meat.</p> <p>*** Juice may not be served when milk is served as the only other component.</p>			

**Historical Note**

Table 10.1 made by exempt rulemaking at 22 A.A.R. 1035, pursuant to Laws 2015, Ch. 158, § 3; effective May 1, 2016 (Supp. 16-2).

**R9-10-1026. Sleep Disorder Services**

An administrator of an outpatient treatment center that is authorized to provide sleep disorder services shall ensure that:

1. A physician provides direction for the sleep disorder services provided by the outpatient treatment center;
2. At least one of the following is present on the premise of the outpatient treatment center:
  - a. A polysomnographic technician certified by the Board of Registered Polysomnographic Technologists (BRPT),
  - b. A polysomnographic technician accepted by the BRPT to sit for the BRPT certification examination, or
  - c. A respiratory therapist;
3. There is at least one patient testing room having a minimum of 140 square feet and no dimension less than 10 feet;
4. There is a bathroom available for use by a patient that contains:
  - a. A working sink with running water,
  - b. A working toilet that flushes and has a seat,
  - c. Toilet tissue,
  - d. Soap for hand washing,
  - e. Paper towels or a mechanical air hand dryer,
  - f. Lighting, and
  - g. A means of ventilation;
5. A personnel member certified in cardiopulmonary resuscitation is available on the outpatient treatment center's premise; and
6. Equipment for the delivery of continuous positive airway pressure and bi-level positive airway pressure, including remote control of the airway pressure, is available on the premises of the outpatient treatment center.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days

(Supp. 83-6). Former Section R9-10-1026 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1026 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1027. Urgent Care Services Provided in a Freestanding Urgent Care Setting**

An administrator of an outpatient treatment center that is authorized to provide urgent care services in a freestanding urgent care setting shall ensure that:

1. In addition to the policies and procedures required in R9-10-1003(D)(1), policies and procedures are established, documented, and implemented to protect the health and safety of a patient that cover basic life support training and pediatric basic life support training including:
  - a. Method and content of training,
  - b. Qualifications of individuals providing the training, and
  - c. Documentation that verifies a medical practitioner has received the training;
2. A medical practitioner is on the premises during hours of clinical operation to provide the medical services, nursing services, and health-related services included in the outpatient treatment center's scope of services;

## Department of Health Services - Health Care Institutions: Licensing

3. If a physician is not on the premises during hours of operation, a notice stating this fact is conspicuously posted in the waiting room according to A.R.S. § 36-432;
4. If a patient's death occurs at the outpatient treatment center, a written report is submitted to the Department as required in A.R.S. § 36-445.04;
5. A medical practitioner completes basic life support training and pediatric basic life support training:
  - a. Before providing medical services, nursing services, or health-related services at the outpatient treatment center, and
  - b. At least once every 24 months after the initial date of employment;
6. Except as provided in subsection (5), a personnel member completes basic adult and pediatric cardiopulmonary resuscitation training:
  - a. Before providing medical services, nursing services, or health-related services at the outpatient treatment center; and
  - b. At least once every 24 months after the initial date of employment or volunteer service; and
7. In addition to the requirements in R9-10-1006(11), a medical practitioner's record includes documentation of completion of basic life support training and pediatric basic life support training.
  - iii. Reports of communicable diseases to the governing authority and state and county health departments;
2. Infection control documentation is maintained for at least 12 months after the date of the documentation;
3. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that cover:
  - a. If applicable:
    - i. Handling and disposal of biohazardous medical waste;
    - ii. Isolation of a patient;
    - iii. Sterilization and disinfection of medical equipment and supplies;
    - iv. Use of personal protective equipment such as aprons, gloves, gowns, masks, or face protection when applicable; and
    - v. Collection, storage, and cleaning of soiled linens and clothing;
  - b. Cleaning an individual's hands when the individual's hands are visibly soiled;
  - c. Training of personnel members, employees, and volunteers in infection control practices; and
  - d. Work restrictions for a personnel member, employee, or volunteer with a communicable disease or infected skin lesion;
4. Biohazardous medical waste is identified, stored, and disposed of according to 18 A.A.C. 13, Article 14 and policies and procedures; and
5. A personnel member, employee, or volunteer washes his or her hands with soap and water or uses a hand disinfection product before and after each patient contact and after handling soiled linen, soiled clothing, or a potentially infectious material.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1027 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1027 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1028. Infection Control**

An administrator shall ensure that:

1. An infection control program is established, under the direction of an individual qualified according to the outpatient treatment center's policies and procedures, to prevent the development and transmission of infections and communicable diseases including:
  - a. A method to identify and document infections occurring at the outpatient treatment center;
  - b. Analysis of the types, causes, and spread of infections and communicable diseases at the outpatient treatment center;
  - c. The development of corrective measures to minimize or prevent the spread of infections and communicable diseases at the outpatient treatment center; and
  - d. Documentation of infection control activities including:
    - i. The collection and analysis of infection control data,
    - ii. The actions taken related to infections and communicable diseases, and

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1028 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1028 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1029. Emergency and Safety Standards**

- A. An administrator shall ensure that policies and procedures for providing emergency treatment are established, documented, and implemented that protect the health and safety of patients and include:
  1. A list of the medications, supplies, and equipment required on the premises for the emergency treatment provided by the outpatient treatment center;
  2. A system to ensure medications, supplies, and equipment are available, have not been tampered with, and, if applicable, have not expired;
  3. A requirement that a cart or a container is available for emergency treatment that contains the medication, sup-

## Department of Health Services - Health Care Institutions: Licensing

- plies, and equipment specified in the outpatient treatment center's policies and procedures; and
4. A method to verify and document that the contents of the cart or container are available for emergency treatment.
- B.** An administrator shall ensure that emergency treatment is provided to a patient admitted to the outpatient treatment center according to the outpatient treatment center's policies and procedures.
- C.** An administrator shall ensure that:
1. A disaster plan is developed, documented, maintained in a location accessible to personnel members, and, if necessary, implemented that includes:
    - a. Procedures for protecting the health and safety of patients and other individuals on the premises;
    - b. Assigned responsibilities for each personnel member, employee, or volunteer;
    - c. Instructions for the evacuation of patients and other individuals on the premises; and
    - d. Arrangements to provide medical services, nursing services, and health-related services to meet patients' needs;
  2. The disaster plan required in subsection (C)(1) is reviewed at least once every 12 months;
  3. An evacuation drill is conducted on each shift at least once every 12 months;
  4. A disaster plan review required in subsection (C)(2) or an evacuation drill required in subsection (C)(3) is documented as follows:
    - a. The date and time of the evacuation drill or disaster plan review;
    - b. The name of each personnel member, employee, or volunteer participating in the evacuation drill or disaster plan review;
    - c. A critique of the evacuation drill or disaster plan review; and
    - d. If applicable, recommendations for improvement;
  5. Documentation required in subsection (C)(4) is maintained for at least 12 months after the date of the evacuation drill or disaster plan review; and
  6. An evacuation path is conspicuously posted on each hallway of each floor of the outpatient treatment center.
- D.** An administrator shall ensure that an outpatient treatment center has either:
1. Both of the following that are tested and serviced at least once every 12 months:
    - a. A fire alarm system installed according to the National Fire Protection Association 72: National Fire Alarm and Signaling Code, incorporated by reference in A.A.C. R9-1-412, that is in working order; and
    - b. A sprinkler system installed according to the National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems, incorporated by reference in A.A.C. R9-1-412, that is in working order; or
  2. The following:
    - a. A smoke detector installed in each hallway of the outpatient treatment center that is:
      - i. Maintained in an operable condition;
      - ii. Either battery operated or, if hard-wired into the electrical system of the outpatient treatment center, has a back-up battery; and
      - iii. Tested monthly; and
    - b. A portable, operable fire extinguisher, labeled as rated at least 2A-10-BC by the Underwriters Laboratories, that:
      - i. Is available at the outpatient treatment center;
      - ii. Is mounted in a fire extinguisher cabinet or placed on wall brackets so that the top handle of the fire extinguisher is not over five feet from the floor and the bottom of the fire extinguisher is at least four inches from the floor;
      - iii. If a disposable fire extinguisher, is replaced when its indicator reaches the red zone; and
      - iv. If a rechargeable fire extinguisher, is serviced at least once every 12 months and has a tag attached to the fire extinguisher that specifies the date of the last servicing and the name of the servicing person.
- E.** An administrator shall ensure that documentation of a test required in subsection (D) is maintained for at least 12 months after the date of the test.
- F.** An administrator shall ensure that:
1. Exit signs are illuminated, if the local fire jurisdiction requires illuminated exit signs;
  2. Except as provided in subsection (G), a corridor in the outpatient treatment center is at least 44 inches wide;
  3. Corridors and exits are kept clear of any obstructions;
  4. A patient can exit through any exit during hours of operation;
  5. An extension cord is not used instead of permanent electrical wiring;
  6. Each electrical outlet and electrical switch has a cover plate that is in good repair;
  7. If applicable, a sign is placed at the entrance of a room or an area indicating that oxygen is in use; and
  8. Oxygen and medical gas containers:
    - a. Are maintained in a secured, upright position; and
    - b. Are stored in a room with a door:
      - i. In a building with sprinklers, at least five feet from any combustible materials; or
      - ii. In a building without sprinklers, at least 20 feet from any combustible materials.
- G.** If an outpatient treatment center licensed before October 1, 2013 has a corridor less than 44 inches wide, an administrator shall ensure that:
1. The corridor is wide enough to allow for:
    - a. Unobstructed movement of patients within the outpatient treatment center; and
    - b. The safe evacuation of patients from the outpatient treatment center; and
  2. The corridor is used only as a passageway.
- H.** An administrator shall:
1. Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
  2. Make any repairs or corrections stated on the fire inspection report, and
  3. Maintain documentation of a current fire inspection.

**Historical Note**

Adopted as an emergency effective November 17, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-6). Former Section R9-10-1029 adopted as an emergency now adopted and amended as a permanent rule effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1029 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222,

## Department of Health Services - Health Care Institutions: Licensing

effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1030. Physical Plant, Environmental Services, and Equipment Standards****A.** An administrator shall ensure that:

1. An outpatient treatment center's premises are:
  - a. Sufficient to provide the outpatient treatment center's scope of services;
  - b. Cleaned and disinfected according to the outpatient treatment center's policies and procedures to prevent, minimize, and control illness and infection; and
  - c. Free from a condition or situation that may cause an individual to suffer physical injury;
2. If an outpatient treatment center collects urine or stool specimens from a patient, except as provided in subsection (B), or is authorized to provide respite services for children on the premises, the outpatient treatment center has at least one bathroom on the premises that:
  - a. Contains:
    - i. A working sink with running water,
    - ii. A working toilet that flushes and has a seat,
    - iii. Toilet tissue,
    - iv. Soap for hand washing,
    - v. Paper towels or a mechanical air hand dryer,
    - vi. Lighting, and
    - vii. A means of ventilation; and
  - b. Is for the exclusive use of the outpatient treatment center;
3. A pest control program is implemented and documented;
4. A tobacco smoke-free environment is maintained on the premises;
5. A refrigerator used to store a medication is:
  - a. Maintained in working order, and
  - b. Only used to store medications;
6. Equipment at the outpatient treatment center is:
  - a. Sufficient to provide the outpatient treatment center's scope of services;
  - b. Maintained in working condition;
  - c. Used according to the manufacturer's recommendations; and
  - d. If applicable, tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
7. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of testing, calibration, or repair.

**B.** An outpatient treatment center may have a bathroom used for the collection of a patient's urine or stool that is not for the exclusive use of the outpatient treatment center if:

1. The bathroom is located in the same contiguous building as the outpatient treatment center's premises,
2. The bathroom is of a sufficient size to support the outpatient treatment center's scope of services, and
3. There is a documented agreement between the licensee and the owner of the building stating that the bathroom complies with the requirements in this Section and allowing the Department access to the bathroom to verify compliance.

**C.** If an outpatient treatment center has a bathroom that is not for the exclusive use of the outpatient treatment center as allowed in subsection (B), an administrator shall ensure that:

1. Policies and procedures are established, documented, and implemented to:
  - a. Protect the health and safety of an individual using the bathroom; and
  - b. Ensure that the bathroom is cleaned and sanitized to prevent, minimize, and control illness and infection;
2. Documented instructions are provided to a patient that cover:
  - a. Infection control measures when a patient uses the bathroom, and
  - b. The safe return of a urine or stool specimen to the outpatient treatment center;
3. The bathroom complies with the requirements in subsection (A)(2)(a); and
4. The bathroom is free from a condition or situation that may cause an individual using the bathroom to suffer a physical injury.

**Historical Note**

Adopted effective February 15, 1984 (Supp. 84-1). Repealed by summary action, interim effective date July 21, 1995 (Supp. 95-3). The proposed summary action repealing R9-10-1030 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 1222, effective April 5, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2). Amended by exempt rulemaking at 22 A.A.R. 1035, pursuant to Laws 2015, Ch. 158, § 3; effective May 1, 2016 (Supp. 16-2).

**R9-10-1031. Colocation Requirements**

- A.** In addition to the definitions in A.R.S. §§ 36-401 and 36-439 and R9-10-101 and R9-10-1001, the following definition applies in this Section:  
"Patient" means an individual who enters the premises of a collaborating outpatient treatment center to obtain physical health services or behavioral health services from the collaborating outpatient treatment center or a colocator that shares common areas with the collaborating outpatient treatment center.
- B.** Only one outpatient treatment center in a facility may be designated as a collaborating outpatient treatment center for the facility.
- C.** The following health care institutions are not permitted to be a collaborating outpatient treatment center or a colocator in a collaborating outpatient treatment center:
  1. An affiliated counseling facility, as defined in R9-10-1901;
  2. An outpatient treatment center authorized by the Department to provide dialysis services according to R9-10-1018;
  3. An outpatient treatment center authorized by the Department to provide emergency room services according to R9-10-1019; or
  4. An outpatient treatment center operating under a single group license according to A.R.S. § 36-422 (F) or (G).
- D.** In addition to the requirements for an initial license application in R9-10-105, renewal license application in R9-10-107, or, if part of a license change or modification, the supplemental application requirements in R9-10-1002, a governing authority of an outpatient treatment center requesting authorization to

## Department of Health Services - Health Care Institutions: Licensing

operate or continue to operate as a collaborating outpatient treatment center shall submit, in a Department-provided format:

1. The following information for each proposed colocator that may share a common area and nontreatment personnel at the collaborating outpatient treatment center:
    - a. For each proposed associated licensed provider:
      - i. Name,
      - ii. The associated licensed provider's license number or the date the associated licensed provider submitted to the Department an initial license application for an outpatient treatment center or a counseling facility license,
      - iii. Proposed scope of services, and
      - iv. A copy of the written agreement with the collaborating outpatient treatment center required in subsection (E); and
    - b. For each exempt health care provider:
      - i. Name,
      - ii. Current health care professional license number,
      - iii. Proposed scope of services, and
      - iv. A copy of the written agreement required in subsection (F) with the collaborating outpatient treatment center; and
  2. In addition to the requirements in R9-10-105(A)(5)(b)(v), a floor plan that shows:
    - a. Each colocator's proposed treatment area, and
    - b. The common areas of the collaborating outpatient treatment center.
- E. An administrator of a collaborating outpatient treatment center shall have a written agreement with each associated licensed provider that includes:
1. In a Department-provided format:
    - a. The associated licensed provider's name;
    - b. The name of the associated licensed provider's governing authority;
    - c. Whether the associated licensed provider plans to share medical records with the collaborating outpatient treatment center;
    - d. If the associated licensed provider plans to share medical records with the collaborating outpatient treatment center, specific information about which party will obtain a patient's:
      - i. General consent or informed consent, as applicable;
      - ii. Consent to allow a colocator access to the patient's medical record; and
      - iii. Advance directives;
    - e. How the associated licensed provider will transport or transfer a patient to another colocator within the collaborating outpatient treatment center;
    - f. How the associated licensed provider will ensure controlled substances stored in the associated licensed provider's licensed premises are not diverted;
    - g. How the associated licensed provider will ensure environmental services in the associated licensed provider's licensed premises will not affect patient care in the collaborating outpatient treatment center;
    - h. How the associated licensed provider's personnel members will respond to a patient's sudden, intense, or out-of-control behavior, in the associated licensed provider's treatment area, to prevent harm to the patient or another individual in the collaborating outpatient treatment center;
  - i. A statement that, if any of the colocators include children's behavioral health services in the colocator's scope of services, the associated licensed provider will ensure that all employees and personnel members of the associated licensed provider comply the fingerprint clearance card requirements in A.R.S. § 36-425.03;
  - j. A statement that the associated licensed provider will:
    - i. Document the following each time another colocator provides emergency health care services in the associated licensed provider's treatment area:
      - (1) The name of colocator;
      - (2) If different from the name of the colocator, the name of the physician, physician assistant, registered nurse practitioner, or behavioral health professional providing the emergency health care services;
      - (3) A description of the emergency health care services provided; and
      - (4) The date and time the emergency health care services were provided;
    - ii. Maintain the documentation in subsection (E)(1)(j)(i) for at least 12 months after the emergency health care services were provided; and
    - iii. Submit a copy of the documentation to the collaborating outpatient treatment center within 48 hours after the provision of the emergency health care services;
  - k. A statement that the associated licensed provider will:
    - i. Document the following each time the associated licensed provider provides emergency health care services in another colocator's treatment area:
      - (1) If different from the name of the associated licensed provider, the name of the physician, physician assistant, registered nurse practitioner, or behavioral health professional providing the emergency health care services;
      - (2) The name of colocator;
      - (3) A description of the emergency health care services provided; and
      - (4) The date and time the emergency health care services were provided;
    - ii. Maintain the documentation in subsection (E)(1)(k)(i) for at least 12 months after the emergency health care services were provided; and
    - iii. Submit a copy of the documentation to the collaborating outpatient treatment center within 48 hours after the provision of the emergency health care services;
  - l. An attestation that the associated licensed provider will comply with the written agreement;
  - m. The signature of the associated licensed provider's governing authority according to A.R.S. § 36-422(B) and the date signed; and
  - n. The signature of the collaborating outpatient treatment center's governing authority according to A.R.S. § 36-422(B) and the date signed; and

## Department of Health Services - Health Care Institutions: Licensing

2. A copy of the associated licensed provider's scope of services, including whether the associated licensed provider plans to provide behavioral health services for children.
- F. An administrator of a collaborating outpatient treatment center shall have a written agreement with each exempt health care provider that includes:
1. In a Department-provided format:
    - a. The exempt health care provider's name;
    - b. The exempt health care provider license type and license number;
    - c. Whether the exempt health care provider plans to share medical records with the collaborating outpatient treatment center;
    - d. If the exempt health care provider plans to share medical records with the collaborating outpatient treatment center, specific information about which party will obtain a patient's:
      - i. General consent or informed consent, as applicable;
      - ii. Consent to allow a colocator access to the patient's medical record; and
      - iii. Advance directives;
    - e. How the exempt health care provider will transport or transfer a patient to another colocator within the collaborating outpatient treatment center;
    - f. How the exempt health care provider will ensure controlled substances stored in the exempt health care provider's designated premises are not diverted;
    - g. How the exempt health care provider will ensure environmental services in the exempt health care provider's licensed premises will not affect patient care in the collaborating outpatient treatment center;
    - h. How the exempt health care provider and any staff of the exempt health care provider will respond to a patient's sudden, intense, or out-of-control behavior, in the exempt health care provider's treatment area, to prevent harm to the patient or another individual in the collaborating outpatient treatment center;
    - i. A statement that, if any of the colocators include children's behavioral health services in the colocator's statement of services, the exempt health care provider will ensure that all employees and staff of the exempt health care provider comply with the fingerprint clearance card requirements A.R.S. § 36-425.03;
    - j. A statement that the exempt health care provider will:
      - i. Document the following each time another colocator provides emergency health care services in the exempt health care provider's treatment area:
        - (1) The name of colocator;
        - (2) If different from the name of the colocator, the name of the physician, physician assistant, registered nurse practitioner, or behavioral health professional providing the emergency health care services;
        - (3) A description of the emergency health care services provided; and
        - (4) The date and time the emergency health care services were provided;
      - ii. Maintain the documentation in subsection (F)(1)(j)(i) for at least 12 months after the emergency health care services were provided; and
  - iii. Submit a copy of the documentation to the collaborating outpatient treatment center within 48 hours after the provision of the emergency health care services;
- k. A statement that the exempt health care provider will:
- i. Document the following each time the exempt health care provider provides emergency health care services in another colocator's treatment area:
    - (1) If different from the name of the exempt health care provider, the name of the physician, physician assistant, registered nurse practitioner, or behavioral health professional providing the emergency health care services;
    - (2) The name of colocator;
    - (3) A description of the emergency health care services provided; and
    - (4) The date and time the emergency health care services were provided;
  - ii. Maintain the documentation in subsection (F)(1)(k)(i) for at least 12 months after the emergency health care services were provided; and
  - iii. Submit a copy of the documentation to the collaborating outpatient treatment center within 48 hours after the provision of the emergency health care services;
- l. An attestation that the exempt health care provider will comply with the written agreement;
  - m. The signature of the exempt health care provider and the date signed; and
  - n. The signature of the collaborating outpatient treatment center's governing authority according to A.R.S. § 36-422(B) and the date signed; and
2. A copy of the exempt health care provider's scope of services, including whether the exempt health care provider plans to provide behavioral health services for children.
- G. As part of the policies and procedures required in this Article, an administrator of a collaborating outpatient treatment center shall ensure that policies and procedures are established, documented, and implemented to protect the health and safety of a patient based on the scopes of services of all colocators that:
1. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience for nontreatment personnel who may provide services in the common areas of the collaborating outpatient treatment center;
  2. Cover orientation and in-service education for nontreatment personnel who may provide services in the common areas of the collaborating outpatient treatment center;
  3. Cover cardiopulmonary resuscitation training, including:
    - a. The method and content of cardiopulmonary resuscitation training, which includes a demonstration of the individual's ability to perform cardiopulmonary resuscitation;
    - b. The qualifications for an individual to provide cardiopulmonary resuscitation training;
    - c. The time-frame for renewal of cardiopulmonary resuscitation training; and
    - d. The documentation that verifies that an individual has received cardiopulmonary resuscitation training;
  4. Cover first aid training;

## Department of Health Services - Health Care Institutions: Licensing

5. Cover patient screening, including a method to ensure that, if a patient identifies a specific colocator, the patient is directed to the identified colocator;
  6. Cover the provision of emergency treatment to protect the health and safety of a patient or individual present in a common area according to the requirements for emergency treatment policies and procedures in R9-10-1029(A);
  7. If medication is stored in the collaborating outpatient treatment center's common areas, cover obtaining, storing, accessing, and disposing of medications, including provisions for controlling inventory and preventing diversion of controlled substances;
  8. Cover biohazardous wastes, if applicable;
  9. Cover environmental services in the common area that affect patient care; and
  10. Cover how personnel members and nontreatment personnel will respond to a patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual in the collaborating outpatient treatment center's common areas.
- H.** An administrator of a collaborating outpatient treatment center shall ensure that:
1. An outpatient treatment center's common areas are:
    - a. Sufficient to accommodate the outpatient treatment center's and any colocators' scopes of services;
    - b. Cleaned and disinfected according to the outpatient treatment center's policies and procedures to prevent, minimize, and control illness and infection; and
    - c. Free from a condition or situation that may cause an individual to suffer physical injury;
  2. A written log is maintained that documents the date, time, and circumstances each time a colocator provides emergency health care services in another colocator's designated treatment area; and
  3. The documentation in the written log required in subsection (H)(2) is maintained for at least 12 months after the date the colocator provides emergency health care services in another colocator's designated treatment area.
- I.** If any colocator at a collaborating outpatient treatment center includes children's behavioral health services as part of the colocator's scope of services, an administrator of the collaborating outpatient treatment center shall ensure that the governing authority, employees, personnel members, nontreatment personnel, and volunteers of the collaborating outpatient treatment center comply with the fingerprint clearance card requirements in A.R.S. § 36-425.03.

**Historical Note**

New Section made by exempt rulemaking at 22 A.A.R. 1035, pursuant to Laws 2015, Ch. 158, § 3; effective May 1, 2016 (Supp. 16-2).

**ARTICLE 11. ADULT DAY HEALTH CARE FACILITIES****R9-10-1101. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following applies in this Article, unless otherwise specified:

"Care plan" means a written program of action for a participant's care based upon an assessment of the participant's physical, nutritional, psychosocial, economic, and environmental strengths and needs and implemented according to established short- and long-term goals.

**Historical Note**

Adopted effective July 22, 1994 (Supp. 94-3). Section amended by exempt rulemaking at 19 A.A.R. 2015,

effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1102. Supplemental Application Requirements**

In addition to the license application requirements in A.R.S. § 36-422 and R9-10-105, an applicant for an initial license as an adult day health care facility shall include on the application the number of participants for whom the applicant is requesting authorization to provide adult day health services.

**Historical Note**

Adopted effective July 22, 1994 (Supp. 94-3). Section amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1102 renumbered to Section R9-10-1103; new Section R9-10-1102 made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1103. Administration****A.** A governing authority shall:

1. Consist of one or more individuals responsible for the organization, operation, and administration of an adult day health care facility;
2. Establish, in writing:
  - a. An adult day health care facility's scope of services, and
  - b. Qualifications for an administrator;
3. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);
4. Adopt a quality management program according to R9-10-1104;
5. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
6. Designate, in writing, an acting administrator, who has the qualifications established in subsection (A)(2)(b) if the administrator is:
  - a. Expected not to be present on an adult day health care facility's premises for more than 30 calendar days, or
  - b. Not present on an adult day health care facility's premises for more than 30 calendar days; and
7. Except as provided in (A)(6), notify the Department according to A.R.S. § 36-425(I), when there is a change in an administrator and identify the name and qualifications of the new administrator.

**B.** An administrator:

1. Is 21 years of age or older;
2. Is directly accountable to the governing authority of an adult day health care facility for the daily operation of the adult day health care facility and all services provided by or at the adult day health care facility;
3. Has the authority and responsibility to manage the adult day health care facility; and
4. Except as provided in subsection (A)(6), designates, in writing, an individual who is 21 years of age or older and present on the adult day health care facility's premises and accountable for the adult day health care facility when the administrator is not present on the adult day health care facility premises and participants are present on the adult day health care facility's premises.

**C.** An administrator shall ensure that:

1. Policies and procedures are established, documented, and implemented to protect the health and safety of a participant that:
  - a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and

## Department of Health Services - Health Care Institutions: Licensing

- experience for personnel members, employees, volunteers, and students;
  - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
  - c. Cover certification in cardiopulmonary resuscitation and first aid training;
  - d. Include how a personnel member may submit a complaint relating to services provided to a participant;
  - e. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;
  - f. Include a method to identify a participant to ensure that the participant receives the appropriate services;
  - g. Cover participant rights, including assisting a participant who does not speak English or who has a disability to become aware of participant rights;
  - h. Cover specific steps for:
    - i. A participant to file a complaint, and
    - ii. The adult day health care facility to respond to a participant complaint;
  - i. Cover medical records, including electronic medical records; and
  - j. Cover a quality management program, including incident reports and supporting documentation;
2. Policies and procedures for services provided by an adult day health care facility are established, documented, and implemented to protect the health and safety of a participant that:
- a. Cover screening, enrollment, and discharge;
  - b. Cover the provision of the services in the adult day health care facility's scope of services;
  - c. Cover dispensing, administering, and disposing of medications, including provisions for inventory control and preventing diversion of controlled substances;
  - d. Cover how personnel members will respond to a participant's sudden, intense, or out-of-control behavior to prevent harm to the participant or another individual;
  - e. Cover food services;
  - f. Cover environmental services;
  - g. Cover infection control;
  - h. Cover contracted services;
  - i. Cover emergency treatment provided at the adult day health care facility; and
  - j. Designate which employees or personnel members are required to have current certification in cardiopulmonary resuscitation and first aid training;
3. Policies and procedures are:
- a. Available to personnel members, employees, volunteers, and students, and
  - b. Reviewed at least once every three years and updated as needed; and
4. Unless otherwise stated:
- a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
  - b. When documentation or information is required by this Chapter to be submitted on behalf of an adult day health care facility, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the adult day health care facility.

**D.** An administrator shall:

1. Maintain, and make available to individuals upon request, a schedule of rates and charges;
2. Ensure that a monthly calendar of planned activities is:
  - a. Posted before the beginning of a month, and
  - b. Maintained on the premises for at least 90 calendar days after the end of the month;
3. Ensure that materials, supplies, and equipment are provided for the planned activities; and
4. Assist in the formation of a participants' council according to R9-10-1112.

**Historical Note**

Adopted effective July 22, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1103 renumbered to Section R9-10-1104; new Section R9-10-1103 renumbered from Section R9-10-1102 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1104. Quality Management**

An administrator shall ensure that:

1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to participants;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to participant care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to participant care; and
  - e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to participant care, and
  - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to participant care; and
3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

Adopted effective July 22, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1104 renumbered to Section R9-10-1105; new Section R9-10-1104 renumbered from Section R9-10-1103 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1105. Contracted Services**

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.



## Department of Health Services - Health Care Institutions: Licensing

**Historical Note**

Adopted effective July 22, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1105 renumbered to Section R9-10-1106; new Section R9-10-1105 renumbered from Section R9-10-1104 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1106. Personnel****A.** An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
    - a. Are based on:
      - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
      - ii. The acuity of the participants receiving physical health services or behavioral health services from the personnel member according to the established job description; and
    - b. Include:
      - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
      - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
      - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;
  2. A personnel member's skills and knowledge are verified and documented:
    - a. Before the personnel member provides physical health services or behavioral health services, and
    - b. According to policies and procedures;
  3. Sufficient personnel members are present on an adult day health care facility's premises when participants are present and have the qualifications, skills, and knowledge necessary to:
    - a. Provide the services in the adult day health care facility's scope of services,
    - b. Meet the needs of a participant, and
    - c. Ensure the health and safety of a participant; and
  4. A personnel member, or an employee or a volunteer who has or is expected to have direct interaction with a participant for more than eight hours a week, provides evidence of freedom from infectious tuberculosis:
    - a. On or before the date the individual begins providing services at or on behalf of the adult day health care facility, and
    - b. As specified in R9-10-113.
- B.** An administrator shall ensure that a personnel member:
1. Is 18 years of age or older, and
  2. Is not a participant of the adult day health care facility.
- C.** An administrator shall ensure that a personnel record for each personnel member, employee, volunteer, or student:

## 1. Includes:

- a. The individual's name, date of birth, and contact telephone number;
- b. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
- c. Documentation of:
  - i. The individual's qualifications, including skills and knowledge applicable to the individual's job duties;
  - ii. The individual's education and experience applicable to the individual's job duties;
  - iii. The individual's completed orientation and in-service education as required by policies and procedures;
  - iv. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
  - v. Cardiopulmonary resuscitation training, if required for the individual according to this Article and policies and procedures;
  - vi. First aid training, if required for the individual according to this Article and policies and procedures; and
  - vii. Evidence of freedom from infectious tuberculosis, if required for the individual according to this Article or policies and procedures;

## 2. Is maintained:

- a. Throughout the individual's period of providing services in or for the adult day health care facility, and
- b. For at least 24 months after the last date the individual provided service in or for the adult day health care facility; and

## 3. For a personnel member who has not provided physical health services or behavioral health services at or for the adult day health care facility during the previous 12 months, is provided to the Department within 72 hours after the Department's request.

**D.** An administrator shall ensure that:

1. At least two personnel members are present on the premises whenever two or more participants are in the adult day health care facility;
2. At least one personnel member with cardiopulmonary resuscitation and first-aid certification is on the premises at all times;
3. A registered nurse manages the nursing services and provides direction for health-related services provided by the adult day health care facility; and
4. A nurse is on the premises daily to:
  - a. Administer medications and treatments, and
  - b. Monitor a participant's health status.

**Historical Note**

Adopted effective July 22, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1106 renumbered to Section R9-10-1107; new Section R9-10-1106 renumbered from Section R9-10-1105 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1107. Enrollment****A.** An administrator shall ensure that a participant provides evidence of freedom from infectious tuberculosis:

1. Before or within seven calendar days after the participant's enrollment, and

## Department of Health Services - Health Care Institutions: Licensing

2. As specified in R9-10-113.
- B.** Before or at the time of enrollment, an administrator shall ensure that a participant or the participant's representative signs a written agreement with the adult day health care facility that includes:
  1. The participant's name and date of birth,
  2. Enrollment requirements,
  3. A list of the customary services that the adult day health care facility provides,
  4. A list of services that are available at an additional cost,
  5. A list of fees and charges,
  6. Procedures for termination of the agreement,
  7. The requirements of the adult day health care facility,
  8. The names and telephone numbers of individuals designated by the participant to be notified in the event of an emergency, and
  9. A copy of the adult day health care facility's procedure on health care directives.
- C.** An administrator shall give a copy of the agreement in subsection (B) to the participant or the participant's representative and keep the original in the participant's medical record.
- D.** An administrator shall ensure that a participant has a signed written medical assessment that:
  1. Was completed by the participant's medical practitioner within 60 calendar days before enrollment; and
  2. Includes:
    - a. Information that addresses the participant's:
      - i. Physical health;
      - ii. Cognitive awareness of self, location, and time; and
      - iii. Deficits in cognitive awareness;
    - b. Physical, mental, and emotional problems experienced by the participant;
    - c. A schedule of the participant's medications;
    - d. A list of treatments the participant is receiving;
    - e. The participant's special dietary needs; and
    - f. The participant's known allergies.
- E.** At the time of enrollment, an administrator shall ensure that the participant or participant's representative:
  1. Documents whether the participant may sign in and out of the adult day health care facility; and
  2. Provides the following:
    - a. The name and telephone number of the:
      - i. Participant's representative;
      - ii. Family member to be contacted in an emergency;
      - iii. Participant's medical practitioner; and
      - iv. Adult who provides the participant with supervision and assistance in the preparation of meals, housework, and personal grooming, if applicable; and
    - b. If applicable, a copy of the participant's health care directive.
- F.** An administrator shall ensure that a comprehensive assessment of the participant:
  1. Is completed by a registered nurse before the participant's tenth visit or within 30 calendar days after enrollment, whichever comes first;
  2. Documents the participant's:
    - a. Physical health,
    - b. Mental and emotional status, and
    - c. Social history; and
  3. Includes:
    - a. Medical practitioner orders,
    - b. Adult day health care services recommended for the participant's care plan, and

- c. The signature of the registered nurse conducting the comprehensive assessment and date signed.

**Historical Note**

Adopted effective July 22, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1107 renumbered to Section R9-10-1108; new Section R9-10-1107 renumbered from Section R9-10-1106 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1108. Care Plan**

An administrator shall ensure that a care plan for a participant:

1. Is developed within seven calendar days after the completion of the participant's comprehensive assessment;
2. Has input from:
  - a. The participant or participant's representative,
  - b. The registered nurse who performed the comprehensive assessment, and
  - c. Personnel who have provided services to the participant;
3. Is based on the participant's comprehensive assessment;
4. Includes:
  - a. A summary of the participant's medical or health problems, including physical, mental, and emotional disabilities or impairments;
  - b. Adult day health services to be provided;
  - c. Goals and objectives of care that are time-limited and measurable;
  - d. Interventions required to achieve objectives, including recommendations for therapy and referrals to other service providers; and
  - e. Discharge instructions according to R9-10-1109(B); and
5. Is reviewed and updated at least once every six months and whenever there is a significant change in the participant's condition.

**Historical Note**

Adopted effective July 22, 1994 (Supp. 94-3). Section amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1108 renumbered to Section R9-10-1109; new Section R9-10-1108 renumbered from Section R9-10-1107 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1109. Discharge**

- A.** An administrator may discharge a participant from an adult day health care facility by terminating the agreement in R9-10-1107(B):
  1. After giving the participant or participant's representative five working days written notice; and
  2. For any of the following reasons:
    - a. Evidence of repeated failure to comply with the requirements of the adult day health care facility,
    - b. Documented proof of failure to pay,
    - c. Behavior that is dangerous to self or that interferes with the physical or psychological well-being of other participants, or
    - d. The participant requires services not in the adult day health care facility's scope of services.
- B.** An administrator shall ensure that discharge instructions for a participant are:
  1. Developed that:

## Department of Health Services - Health Care Institutions: Licensing

- a. Identify any specific needs of the participant after discharge,
  - b. Are completed before discharge occurs,
  - c. Include a description of the level of care that may meet the participant's assessed and anticipated needs after discharge, and
  - d. Are documented in the participant's medical record within 48 hours after the discharge instructions are completed; and
2. Provided to the participant or the participant's representative before the discharge occurs.
- iii. Rates and charges for participating at the adult day health care facility, and
  - iv. The process for contacting the local office of Adult Protective Services;
  - e. Consents to photographs of the participant before the participant is photographed, except that a participant may be photographed when enrolled at an adult day health care facility for identification and administrative purposes; and
  - f. Except as otherwise permitted by law, provides written consent to the release of information in the participant's:
    - i. Medical record, or
    - ii. Financial records.

**Historical Note**

Adopted effective July 22, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1109 renumbered to Section R9-10-1110; new Section R9-10-1109 renumbered from Section R9-10-1108 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1110. Participant Rights****A.** An administrator shall ensure that:

- 1. The requirements in subsection (B) and the participant rights in subsection (C) are conspicuously posted on the premises;
- 2. At the time of enrollment, a participant or the participant's representative receives a written copy of the requirements in subsection (B) and the participant rights in subsection (C); and
- 3. Policies and procedures include:
  - a. How and when a participant or the participant's representative is informed of participant rights in subsection (C), and
  - b. Where participant rights are posted as required in subsection (A)(1).

**B.** An administrator shall ensure that:

- 1. A participant is treated with dignity, respect, and consideration;
- 2. A participant is not subjected to:
  - a. Abuse;
  - b. Neglect;
  - c. Exploitation;
  - d. Coercion;
  - e. Manipulation;
  - f. Sexual abuse;
  - g. Sexual assault;
  - h. Seclusion;
  - i. Restraint;
  - j. Retaliation for submitting a complaint to the Department or another entity; or
  - k. Misappropriation of personal and private property by the adult day health care facility's personnel members, employees, volunteers, or students; and
- 3. A participant or the participant's representative:
  - a. Except in an emergency, either consents to or refuses treatment;
  - b. May refuse or withdraw consent for treatment before treatment is initiated;
  - c. Except in an emergency, is informed of proposed alternatives to the treatment, associated risks, and possible complications;
  - d. Is informed of the following:
    - i. The policy on health care directives,
    - ii. The participant complaint process,

**C.** A participant has the following rights:

- 1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
- 2. To receive treatment that supports and respects the participant's individuality, choices, strengths, and abilities;
- 3. To communicate, associate, and meet privately with individuals of the participant's choice;
- 4. To have access to a telephone, to make and receive calls, and to send and receive correspondence without interception or interference by the adult day health care facility;
- 5. To arrive and depart from the adult day health care facility, consistent with the participant's care plan and personal safety;
- 6. To receive privacy in treatment and care for personal needs;
- 7. To review, upon written request, the participant's own records;
- 8. To receive a referral to another health care institution if the adult day health care facility is not authorized or not able to provide physical health services or behavioral health services needed by the participant;
- 9. To participate or have the participant's representative participate in the development of a care plan or decisions concerning treatment;
- 10. To participate or refuse to participate in research or experimental treatment; and
- 11. To receive assistance from a family member, the participant's representative, or other individual in understanding, protecting, or exercising the participant's rights.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1110 renumbered to Section R9-10-1111; new Section R9-10-1110 renumbered from Section R9-10-1109 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1111. Medical Records****A.** An administrator shall ensure that:

- 1. A medical record is established and maintained for a participant according to A.R.S. Title 12, Chapter 13, Article 7.1;
- 2. An entry in a participant's medical record is:
  - a. Recorded only by an individual authorized by policies and procedures to make the entry;
  - b. Dated, legible, and authenticated; and
  - c. Not changed to make the initial entry illegible;
- 3. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signa-

## Department of Health Services - Health Care Institutions: Licensing

- ture the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
4. A participant's medical record is available to an individual:
    - a. Authorized according to policies and procedures to access the participant's medical record;
    - b. If the individual is not authorized according to policies and procedures, with the written consent of the participant or the participant's representative; or
    - c. As permitted by law; and
  5. A participant's medical record is protected from loss, damage, or unauthorized use.
- B.** If an adult day health care facility maintains participant's medical records electronically, an administrator shall ensure that:
1. Safeguards exist to prevent unauthorized access, and
  2. The date and time of an entry in a participant's medical record is recorded by the computer's internal clock.
- C.** An administrator shall ensure that a participant's medical record contains:
1. Participant information that includes:
    - a. The participant's name;
    - b. The participant's address;
    - c. The participant's date of birth; and
    - d. Any known allergies, including medication allergies;
  2. The name of the participant's medical practitioner or other individuals involved in the care of the participant;
  3. An enrollment agreement and date of the participant's first visit;
  4. If applicable, documented general consent and informed consent by the participant or the participant's representative;
  5. If applicable, the name and contact information of the participant's representative and:
    - a. The document signed by the participant consenting for the participant's representative to act on the participant's behalf; or
    - b. If the participant's representative:
      - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
      - ii. Is a legal guardian, a copy of the court order establishing guardianship;
  6. Documentation of medical history;
  7. A copy of the participant's health care directive, if applicable;
  8. Orders;
  9. The medical assessment required in R9-10-1107(D);
  10. A care plan;
  11. The comprehensive assessment required in R9-10-1107(F);
  12. Progress notes;
  13. If applicable, documentation of any actions taken to control the participant's sudden, intense, or out-of-control behavior to prevent harm to the participant or another individual;
  14. Documentation of adult day health services provided to the participant;
  15. The disposition of the participant upon discharge;
  16. The discharge date, if applicable;
  17. Documentation of a medication administered to the participant that includes:
    - a. The date and time of administration;
    - b. The name, strength, dosage, and route of administration;
    - c. The identification and signature of the individual administering, providing assistance in the self-administration of medication, or observing the participant's self-administration of the medication;
    - d. If medication for pain is administered on a PRN basis to a participant:
      - i. An identification of the participant's pain before administering the medication, and
      - ii. The effect of the medication administered; and
    - e. Any adverse reaction a participant has to the medication;
  18. If applicable, documentation of:
    - a. A significant change in the participant's condition,
    - b. An injury or accident that occurred at the adult day health care facility and required medical services, and
    - c. Notification provided to the participant's medical practitioner or the participant's representative of the significant change in subsection (C)(18)(a) or the injury or accident in subsection (C)(18)(b);
  19. Documentation of whether the participant may sign in or out of the adult day health care facility;
  20. Documentation of freedom from infectious tuberculosis required in R9-10-1107(A); and
  21. Names and telephone numbers of individuals to be notified in the event of an emergency.

**Historical Note**

Amended effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1111 renumbered to Section R9-10-1112; new Section R9-10-1111 renumbered from Section R9-10-1110 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1112. Participant's Council**

- A.** A participants' council:
1. Is composed of participants, who are willing to serve on the council and take part in scheduled meetings;
  2. May develop guidelines that govern the council's activities;
  3. May meet quarterly;
  4. May record minutes of the meetings; and
  5. May provide written input on planned activities and policies of the adult day health care facility.
- B.** A participants' council may invite personnel or the administrator to attend their meetings.
- C.** An administrator shall act as a liaison between the participants' council and personnel members, employees, and volunteers.

**Historical Note**

Amended effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1112 renumbered to Section R9-10-1113; new Section R9-10-1112 renumbered from Section R9-10-1111 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1113. Adult Day Health Services**

## Department of Health Services - Health Care Institutions: Licensing

- A. An administrator shall ensure that a personnel member provides supervision for a participant, except during periods of the day when the participant signs out or is signed out according to policies and procedures.
- B. An administrator shall ensure that a personnel member provides assistance with activities of daily living and supervision of personal hygiene according to the participant's care plan and policies and procedures.
- C. An administrator shall ensure that a personnel member provides a participant with planned therapeutic individual and group activities:
  - 1. According to the:
    - a. Participant's care plan,
    - b. Policies and procedures, and
    - c. Monthly calendar of planned activities required in R9-10-1103(D)(2); and
  - 2. That include:
    - a. Physical activities,
    - b. Group discussion,
    - c. Techniques a participant may use to maintain or improve the participant's independence in performing activities of daily living,
    - d. Assessment of deficits in cognitive awareness and reinforcement of remaining cognitive awareness,
    - e. Activities of daily living,
    - f. Participants' council meetings, and
    - g. Leisure time.
- D. An administrator shall ensure that a nurse monitors the health status of a participant according to the participant's care plan and policies and procedures by:
  - 1. Observing the participant's mental and physical condition, including monthly monitoring of the participant's vital signs and nutritional status;
  - 2. Documenting changes in the participant's mental and physical condition in the participant's medical record; and
  - 3. Reporting any changes to the participant's representative or medical practitioner.
- E. If an adult day health care facility administers medication or provides assistance in the self-administration of medication, an administrator shall ensure that policies and procedures for medication administration or assistance in the self-administration of medication:
  - 1. Include:
    - a. A process for providing information to a participant about medication prescribed for the participant including:
      - i. The prescribed medication's anticipated results,
      - ii. The prescribed medication's potential adverse reactions,
      - iii. The prescribed medication's potential side effects, and
      - iv. Potential adverse reactions that could result from not taking the medication as prescribed;
    - b. Procedures for preventing, responding to, and reporting:
      - i. A medication error,
      - ii. An adverse response to a medication, or
      - iii. A medication overdose; and
    - c. Procedures for documenting medication services and assistance in the self-administration of medication; and
  - 2. Specify a process for review through the quality management program of:
    - a. A medication administration error, and
    - b. An adverse reaction to a medication.
- F. An administrator shall ensure that:
  - 1. Policies and procedures for medication administration:
    - a. Are reviewed and approved by a pharmacist, medical practitioner, or registered nurse; and
    - b. Ensure that medication is administered to a participant only as prescribed;
  - 2. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law; and
  - 3. A medication administered to a participant:
    - a. Is administered in compliance with an order, and
    - b. Is documented in the participant's medical record.
- G. If an adult day health care facility provides assistance in the self-administration of medication, an administrator shall ensure that:
  - 1. A participant's medication is stored by the adult day health care facility;
  - 2. The following assistance is provided to a participant:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container for the participant;
    - c. Observing the participant while the participant removes the medication from the container;
    - d. Verifying that the medication is taken as ordered by the participant's medical practitioner by confirming that:
      - i. The participant taking the medication is the individual stated on the medication container label,
      - ii. The participant is taking the dosage of the medication stated on the medication container label or according to an order from a medical practitioner dated later than the date on the medication container label, and
      - iii. The participant is taking the medication at the time stated on the medication container label or according to an order from a medical practitioner dated later than the date on the medication container label; or
    - e. Observing the participant while the participant takes the medication;
  - 3. Policies and procedures for assistance in the self-administration of medication are reviewed and approved by a pharmacist, medical practitioner, or registered nurse;
  - 4. Training for a personnel member, other than a medical practitioner or registered nurse, in assistance in the self-administration of medication:
    - a. Is provided by a medical practitioner or registered nurse or an individual trained by a medical practitioner or registered nurse; and
    - b. Includes:
      - i. A demonstration of the personnel member's skills and knowledge necessary to provide assistance in the self-administration of medication,
      - ii. Identification of medication errors and medical emergencies related to medication that require emergency medical intervention, and
      - iii. The process for notifying the appropriate entities when an emergency medical intervention is needed;
  - 5. A personnel member, other than a medical practitioner or registered nurse, completes the training in subsection (G)(4) before the personnel member provides assistance in the self-administration of medication; and
  - 6. Assistance in the self-administration of medication provided to a participant:

## Department of Health Services - Health Care Institutions: Licensing

- a. Is in compliance with an order, and
  - b. Is documented in the participant's medical record.
- H.** An administrator shall ensure that:
  - 1. A current drug reference guide is available for use by personnel members, and
  - 2. A current toxicology reference guide is available for use by personnel members.
- I.** When medication is stored at an adult day health care facility, an administrator shall ensure that:
  - 1. Medication is stored in a separate locked room, closet, or self-contained unit used only for medication storage;
  - 2. Medication is stored according to the instructions on the medication container; and
  - 3. Policies and procedures are established, documented, and implemented to protect the health and safety of a participant for:
    - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication, including expired medication; and
    - b. Storing, inventorying, and dispensing controlled substances.
- J.** A medication error or a participant's refusal to take a medication is:
  - 1. Reported to the participant's representative within 12 hours, and
  - 2. Documented in the participant's medical record within 24 hours.
- K.** An adverse reaction is:
  - 1. Reported to the participant's representative and medical practitioner within 12 hours, and
  - 2. Documented in the participant's medical record within 24 hours.
- L.** An administrator shall:
  - 1. Immediately notify a participant's representative and medical practitioner of an injury that may require medical services;
  - 2. Report an injury to Adult Protective Services according to A.R.S. § 46-454, when applicable;
  - 3. Prepare a written report on the day of occurrence or when any injury of unknown origin is detected that includes the:
    - a. Name of the participant;
    - b. Type of injury;
    - c. Names of witnesses, if applicable; and
    - d. Action taken;
  - 4. Investigate the injury within 24 hours and documenting any corrective action in the report; and
  - 5. Retain the report for at least 12 months after the date of the injury.
- M.** For a participant whose care plan includes counseling on an individual or group basis, an administrator shall ensure that:
  - 1. If the counseling needed by the participant is within the adult day health care facility's scope of services, a personnel member provides the counseling to the participant according to policies and procedures; or
  - 2. If the counseling needed by the participant is not within the adult day health care facility's scope of services, a personnel member assists the participant or the participant's representative to obtain counseling for the participant according to policies and procedures.

**Historical Note**

Amended effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1113 renumbered to Section R9-10-1114; new Section

R9-10-1113 renumbered from Section R9-10-1112 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1114. Food Services**

- A.** An administrator shall:
  - 1. Designate a food service supervisor who is responsible for food service in an adult day health care facility; and
  - 2. If an adult day health care facility provides a therapeutic diet to participants, ensure that:
    - a. The therapeutic diet is prescribed in writing by:
      - i. The participant's medical practitioner, or
      - ii. A registered dietitian; and
    - b. A current therapeutic diet reference manual is available to the food service supervisor.
- B.** A food service supervisor shall ensure that:
  - 1. A food menu:
    - a. Is prepared at least one week in advance,
    - b. Includes the foods to be served each day,
    - c. Is conspicuously posted at least one calendar day before the first meal on the food menu will be served,
    - d. Includes any food substitution no later than the morning of the day of meal service with a food substitution, and
    - e. Is maintained for at least 60 calendar days after the last day included in the food menu;
  - 2. Meals and snacks provided by the adult day health care facility are served according to posted menus;
  - 3. Meals and snacks for each day are planned using the applicable guidelines in <http://www.health.gov/dietaryguidelines/2010.asp>;
  - 4. A participant is provided a diet that meets the participant's nutritional needs as specified in the participant's comprehensive assessment, under R9-10-1107(F), or the participant's care plan;
  - 5. Water is available and accessible to participants at all times, unless otherwise stated by the participant's medical practitioner; and
  - 6. A participant requiring assistance to eat is provided with assistance that recognizes the participant's nutritional, physical, and social needs, including the use of adaptive eating equipment or utensils, such as a plate guard, rocking fork, or assistive hand device, if not provided by the participant.
- C.** An administrator shall ensure that food is obtained, prepared, served, and stored as follows:
  - 1. Food is free from spoilage, filth, or other contamination and is safe for human consumption;
  - 2. Food is protected from potential contamination;
  - 3. Food is prepared:
    - a. Using methods that conserve nutritional value, flavor, and appearance; and
    - b. In a form to meet the needs of a participant, such as cut, chopped, ground, pureed, or thickened;
  - 4. Potentially hazardous food is maintained as follows:
    - a. Foods requiring refrigeration are maintained at 41° F or below;
    - b. Foods requiring cooking are cooked to heat all parts of the food to a temperature of at least 145° F for 15 seconds, except that:
      - i. Ground beef and ground meats are cooked to heat all parts of the food to at least 155° F;
      - ii. Poultry, poultry stuffing, stuffed meats, and stuffing that contains meat are cooked to heat all parts of the food to at least 165° F;

## Department of Health Services - Health Care Institutions: Licensing

- iii. Pork and any food containing pork are cooked to heat all parts of the food to at least 155° F;
    - iv. Raw shell eggs for immediate consumption are cooked to at least 145° F for 15 seconds and any food containing raw shell eggs is cooked to heat all parts of the food to at least 155° F;
    - v. Roast beef and beef steak are cooked to an internal temperature of at least 155° F; and
    - vi. Leftovers are reheated to a temperature of at least 165° F;
  - 5. A refrigerator contains a thermometer, accurate to plus or minus 3° F, at the warmest part of the refrigerator;
  - 6. Frozen foods are stored at a temperature of 0° F or below; and
  - 7. Tableware, utensils, equipment, and food-contact surfaces are clean and in good repair.
- D.** An administrator shall ensure that:
- 1. If an adult day health care facility is licensed to provide adult day health services to more than 15 participants, the adult day health care facility:
    - a. Has a license or permit as a food establishment under 9 A.A.C. 8, Article 1; and
    - b. Maintains a copy of the adult day health care facility's food establishment license or permit;
  - 2. If the adult day health care facility contracts with a food establishment, as established in 9 A.A.C. 8, Article 1, to prepare and deliver food to the adult day health care facility, a copy of the contracted food establishment's license or permit under 9 A.A.C. 8, Article 1 is maintained by the adult day health care facility; and
  - 3. The adult day health care facility is able to store, refrigerate, and reheat food to meet the dietary needs of a participant.

**Historical Note**

Amended effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1114 renumbered to Section R9-10-1115; new Section R9-10-1114 renumbered from Section R9-10-1113 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1115. Emergency and Safety Standards**

- A.** An administrator shall ensure that:
- 1. A disaster plan is developed, documented, maintained in a location accessible to personnel members and employees, and, if necessary, implemented that includes:
    - a. Procedures for protecting the health and safety of participants and other individuals on the premises;
    - b. Assigned responsibilities for each personnel member and employee;
    - c. Instructions for the evacuation of participants, including:
      - i. When, how, and where participants will be relocated; and
      - ii. A plan for notifying the emergency contact for each participant;
    - d. A plan to ensure each participant's medications will be available to administer to the participant during a disaster; and
    - e. A plan for providing water, food, and needed services to participants present in the adult day health care facility or the adult day health care facility's relocation site during a disaster;

- 2. The disaster plan required in subsection (A)(1) is reviewed at least once every 12 months;
  - 3. Documentation of a disaster plan review required in subsection (A)(2) is created, is maintained for at least 12 months after the date of the disaster plan review, and includes:
    - a. The date and time of the disaster plan review;
    - b. The name of each personnel member, employee, or volunteer participating in the disaster plan review;
    - c. A critique of the disaster plan review; and
    - d. If applicable, recommendations for improvement; and
  - 4. A disaster drill for assigned personnel is conducted on each shift at least once every three months and documented.
- B.** An administrator shall ensure that:
- 1. A participant receives orientation to the exits from the adult day health care facility and the route to be used when evacuating participants within two visits after the participant's enrollment, and
  - 2. A participant's orientation is documented in the participant's medical record.
- C.** An administrator shall ensure that:
- 1. An evacuation drill for employees and participants is conducted at least once every six months;
  - 2. Documentation of an evacuation drill is created, is maintained for at least 12 months after the date of the evacuation drill, and includes:
    - a. The date and time of the evacuation drill;
    - b. The amount of time taken for all employees and participants to evacuate to a designated area;
    - d. Any problems encountered in conducting the evacuation drill; and
    - e. Recommendations for improvement, if applicable; and
  - 3. An evacuation path is conspicuously posted on each hallway of each floor of the adult day health care facility.

**Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1115 renumbered to Section R9-10-1116; new Section R9-10-1115 renumbered from Section R9-10-1114 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1116. Environmental Standards**

- A.** An administrator shall ensure that:
- 1. The adult day health care facility's premises are:
    - a. Cleaned and disinfected according to policies and procedures to prevent, minimize, and control illness and infection; and
    - b. Free from a condition or situation that may cause a participant or an individual to suffer physical injury;
  - 2. A pest control program is implemented and documented;
  - 3. Windows and doors opening to the outside are screened if they are kept open at any time for ventilation or other purposes;
  - 4. Biohazardous medical waste is identified, stored, and disposed of according to 18 A.A.C. 13, Article 14 and policies and procedures;
  - 5. Equipment used at the adult day health care facility is:
    - a. Maintained in working order;

## Department of Health Services - Health Care Institutions: Licensing

- b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
    - c. Used according to the manufacturer's recommendations;
  - 6. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of the testing, calibration, or repair;
  - 7. Garbage and refuse are:
    - a. Stored in covered containers lined with plastic bags, and
    - b. Removed from the premises at least once a week;
  - 8. Heating and cooling systems maintain the adult day health care facility at a temperature between 70° F and 84° F;
  - 9. The supply of hot and cold water is sufficient to meet the personal hygiene needs of participants and the cleaning and sanitation requirements in this Article;
  - 10. Soiled linen and soiled clothing stored by the adult day health care facility are maintained separate from clean linen and clothing and stored in closed containers away from food storage, kitchen, and dining areas;
  - 11. Oxygen containers are secured in an upright position;
  - 12. Poisonous or toxic materials stored by the adult day health care facility are maintained in labeled containers in a locked area separate from food preparation and storage, dining areas, and medications and are inaccessible to participants;
  - 13. Combustible or flammable liquids and hazardous materials stored by the adult day health care facility are stored in the original labeled containers or safety containers in a locked area inaccessible to participants; and
  - 14. Pets or animals are:
    - a. Controlled to prevent endangering the participants and to maintain sanitation;
    - b. Not allowed in treatment, food storage, food preparation, or dining areas;
    - c. Licensed consistent with local ordinances; and
    - d. For a dog or cat, vaccinated against rabies.
- B. If a swimming pool is located on the premises, an administrator shall ensure that:
  - 1. On a day that a participant uses the swimming pool, an employee:
    - a. Tests the swimming pool's water quality at least once for compliance with one of the following chemical disinfection standards:
      - i. A free chlorine residual between 1.0 and 3.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test;
      - ii. A free bromine residual between 2.0 and 4.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test; or
      - iii. An oxidation-reduction potential equal to or greater than 650 millivolts; and
    - b. Records the results of the water quality tests in a log that includes the date tested and test result;
  - 2. Documentation of the water quality test is maintained for at least 12 months after the date of the test;
  - 3. A swimming pool is not used by a participant if a water quality test shows that the swimming pool water does not comply with subsection (B)(1)(a);
  - 4. At least one personnel member with cardiopulmonary resuscitation training, required in R9-10-1106(D), is present in the pool area when a participant is in the pool area; and
  - 5. At least two personnel members are present in the pool area if two or more participants are in the pool area.

**Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1116 renumbered to Section R9-10-1117; new Section R9-10-1116 renumbered from Section R9-10-1115 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1117. Physical Plant Standards**

- A. An administrator shall ensure that an adult day health care facility complies with the physical plant health and safety codes and standards applicable to existing educational occupancies in the Life Safety Code, incorporated by reference in A.A.C. R9-1-412(A)(2)(b), in effect on the date the adult day health care facility submitted architectural plans and specifications to the Department for approval, according to R9-10-104.
- B. An administrator shall ensure that the premises and equipment are sufficient to accommodate:
  - 1. The services stated in the adult day health care facility's scope of services, and
  - 2. An individual accepted as a participant by the adult day health care facility.
- C. An administrator shall ensure that an adult day health care facility has at least 40 square feet of indoor activity space for each participant, excluding bathrooms, halls, storage areas, kitchens, wall thicknesses, and rooms designated for use by individuals who are not participants.
- D. An administrator shall ensure that an outside activity space is provided and available that:
  - 1. Is on the premises,
  - 2. Has a hard-surfaced section for wheelchairs,
  - 3. Has an available shaded area, and
  - 4. Has a means of egress without entering the adult day health care facility.
- E. An administrator shall ensure that:
  - 1. There is at least one working toilet that flushes and has a seat and one sink with running water for each ten participants;
  - 2. A bathroom for use by participants provides privacy when in use and contains in a location accessible to participants:
    - a. A mirror;
    - b. Toilet paper for each toilet;
    - c. Soap accessible from each sink;
    - d. Paper towels in a dispenser or an air hand dryer; and
    - e. Grab bars for the toilet and other assistive devices, if required, to provide for participant safety;
  - 3. A bathroom has a window that opens or another means of ventilation;
  - 4. If a bathing facility is provided:
    - a. The bathing facility provides privacy when in use,
    - b. Shower enclosures have nonporous surfaces,
    - c. Showers and tubs have grab bars for participant safety, and
    - d. Tub and shower floors have slip-resistant surfaces;
  - 5. Dining areas are furnished with dining tables and chairs and large enough to accommodate participants;
  - 6. There is a wall or other means of physical separation between dining facilities and food preparation areas;



## Department of Health Services - Health Care Institutions: Licensing

7. If the adult day health care facility serves food, areas are designated for food preparation, storage, and handling and are not used as a passageway by participants; and
  8. All flooring is slip-resistant.
- F.** If the adult day health care facility has a swimming pool on the premises, an administrator shall ensure that:
1. The swimming pool is equipped with the following:
    - a. An operational water circulation system that clarifies and disinfects the swimming pool water continuously and that includes at least:
      - i. A removable strainer,
      - ii. Two swimming pool inlets located on opposite sides of the swimming pool, and
      - iii. A drain located at the swimming pool's lowest point and covered by a grating that cannot be removed without using tools; and
    - b. An operational vacuum cleaning system;
  2. The swimming pool is enclosed by a wall or fence that:
    - a. Is at least five feet in height as measured on the exterior of the wall or fence;
    - b. Has no vertical openings greater than four inches across;
    - c. Has no horizontal openings, except as described in subsection (C)(2)(e);
    - d. Is not chain-link;
    - e. Does not have a space between the ground and the bottom fence rail that exceeds four inches in height; and
    - f. Has a self-closing, self-latching gate that:
      - i. Opens away from the swimming pool,
      - ii. Has a latch located at least 54 inches from the ground; and
      - iii. Is locked when the swimming pool is not in use;
  3. A life preserver or shepherd's crook is available and accessible in the pool area; and
  4. If the swimming pool is used by participants, pool safety requirements are conspicuously posted in the pool area.

**Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3). New Section R9-10-1117 renumbered from Section R9-10-1116 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1118. Repealed****Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3).

**R9-10-1119. Repealed****Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3).

**R9-10-1120. Repealed****Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3).

**R9-10-1121. Repealed****Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).

Repealed effective July 22, 1994 (Supp. 94-3).

**R9-10-1122. Repealed****Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3).

**R9-10-1123. Repealed****Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3).

**R9-10-1124. Repealed****Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3).

**R9-10-1125. Repealed****Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3).

**R9-10-1126. Repealed****Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3).

**R9-10-1127. Repealed****Historical Note**

Adopted effective September 2, 1977 (Supp. 77-5).  
 Repealed effective July 22, 1994 (Supp. 94-3).

**ARTICLE 12. HOME HEALTH AGENCIES****R9-10-1201. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following apply in this Article, unless otherwise specified:

1. "Branch office" means a location other than a home health agency's main administrative office that:
  - a. Operates under the license of the home health agency, and
  - b. Is under the control of the home health agency's administrator.
2. "Home health services director" means an individual who provides direction for the home health services provided by or through a home health agency.
3. "Medical social services" means activities that assist a patient to cope with concerns about the patient's illness or injury, and may include helping to find resources to address the patient's concerns.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1202. Supplemental Application Requirements**

In addition to the license application requirements in A.R.S. § 36-422 and R9-10-105, an applicant for a license as a home health agency shall:

1. Include on the application:
  - a. The name and address of each proposed branch office, if applicable; and
  - b. The geographic region to be served by:
    - i. The proposed home health agency's administrative office, and
    - ii. Each proposed branch office; and

## Department of Health Services - Health Care Institutions: Licensing

2. Submit to the Department a copy of a valid fingerprint clearance card issued according to A.R.S. Title 41, Chapter 12, Article 3.1 for:
  - a. The applicant, if the applicant is an individual; or
  - b. Each individual with a 10% or greater ownership of the business organization, if the applicant is a business organization.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1203. Administration****A. A governing authority shall:**

1. Consist of one or more individuals responsible for the organization, operation, and administration of the home health agency;
2. Establish, in writing:
  - a. A home health agency's scope of services, and
  - b. Qualifications for an administrator;
3. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);
4. Adopt a quality management program according to R9-10-1204;
5. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
6. Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b) if the administrator is:
  - a. Expected not to be present in a home health agency's administrative office for more than 30 calendar days, or
  - b. Not present in a home health agency's administrative office for more than 30 calendar days;
7. Except as provided in subsection (A)(6), notify the Department according to A.R.S. § 36-425(I) when there is a change in the administrator and identify the name and qualifications of the new administrator;
8. Appoint, according to A.R.S. § 36-151(5)(b), an advisory group that consists of four or more members that include:
  - a. A physician;
  - b. A registered nurse who has at least one year of experience as a registered nurse providing home health services; and
  - c. Two or more individuals who represent a medical, nursing, or health-related profession; and
9. Ensure that the advisory group appointed according to subsection (A)(8):
  - a. Meets at least once every 12 months,
  - b. Documents meetings, and
  - c. Assists in establishing and evaluating policies and procedures for the home health agency.

**B. An administrator:**

1. Is directly accountable to the governing authority of a home health agency for all services provided by the home health agency;
2. Has the authority and responsibility to manage the home health agency;
3. Except as provided in subsection (A)(6), designates, in writing, an individual who is present at the home health agency's administrative office and accountable for services provided by the home health agency when the administrator is not present at the home health agency's administrative office; and
4. Ensures compliance with A.R.S. § 36-411.

**C. An administrator shall:**

1. Ensure that policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
  - a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience for personnel members, employees, and volunteers;
  - b. Cover orientation and in-service education for personnel members, employees, and volunteers;
  - c. Cover how a personnel member may submit a complaint relating to patient care;
  - d. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;
  - e. Include a method to identify a patient to ensure the patient receives the appropriate services;
  - f. Cover patient rights, including assisting a patient who does not speak English or who has a disability to become aware of patient rights;
  - g. Cover specific steps for:
    - i. A patient to file a complaint, and
    - ii. The home health agency to respond to a patient complaint;
  - h. Cover health care directives;
  - i. Cover medical records, including electronic medical records;
  - j. Cover a quality management program, including incident reports and supporting documentation;
  - k. Cover contracted services; and
  - l. Cover and designate which personnel members or employees are required to have current certification in cardiopulmonary resuscitation and first aid training;
2. Ensure that policies and procedures for services provided by a home health agency are established, documented, and implemented to protect the health and safety of a patient that:
  - a. Cover patient admission, discharge planning, and discharge;
  - b. Cover the provision of home health services and, if applicable, supportive services;
  - c. Include when general consent and informed consent are required;
  - d. Cover how personnel members will respond to a patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual;
  - e. Cover medication procurement, if applicable, and administration; and
  - f. Cover infection control;
3. Ensure that policies and procedures are:
  - a. Available to personnel members, employees, and volunteers, and
  - b. Reviewed at least once every three years and updated as needed;
4. Ensure that records of advisory group meetings are maintained for at least 24 months after the date of the meeting;
5. Designate, in writing, a home health services director who is:
  - a. A physician with at least 24 months of experience working for or with a home health agency; or
  - b. A registered nurse with at least three years of nursing experience, including at least 24 months of experience as a registered nurse providing home health services;
6. Ensure that:

## Department of Health Services - Health Care Institutions: Licensing

- a. Speech therapy or speech-language pathology services are provided by a speech-language pathologist or speech-language pathologist assistant licensed according to A.R.S. § 36-1940.04;
- b. Nutritional services are provided by a registered dietitian;
- c. Occupational therapy services are provided by an occupational therapist or occupational therapy assistant;
- d. Physical therapy services are provided by a physical therapist or a physical therapist assistant;
- e. Respiratory care services are provided by a respiratory therapist, respiratory therapy technician licensed according to A.R.S. Title 32, Chapter 35, or registered nurse;
- f. Pharmacy services are provided by a pharmacist; and
- g. Medical social services are provided:
  - i. By a personnel member qualified according to policies and procedures that coordinates medical social services; and
  - ii. For medical social services that require a license under A.R.S. Title 32, Chapter 33, Article 5, by a personnel member licensed under A.R.S. Title 32, Chapter 33, Article 5;
7. Ensure that the services specified in subsection (C)(6) are provided to a patient only under an order by the patient's physician, registered nurse practitioner, or podiatrist, as applicable; and
8. Unless otherwise stated, ensure that:
  - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
  - b. When documentation or information is required by this Chapter to be submitted on behalf of a home health agency, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the home health agency.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1204. Quality Management**

An administrator shall ensure that:

1. A plan for a quality management program for the home health agency is established, documented, and implemented that includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate the provision of services, including oversight of personnel members;
  - c. A method to evaluate the data collected to identify a concern about the provision of services;
  - d. A method to make changes or take action as a result of the identification of a concern about the provision of services;
  - e. A method to determine whether actions taken improved the provision of services; and
  - f. The frequency of submitting the documented report required in subsection (2) to the governing authority;
2. A documented report is submitted to the governing authority that includes:

- a. Each identified concern about the delivery of services related to patient care, and
- b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to patient care; and
3. The report in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1205. Contracted Services**

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1206. Personnel**

A. An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of services expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of the patients receiving services from the personnel member according to the established job description; and
  - b. Include:
    - i. The specific skills and knowledge necessary for the personnel member to provide the expected services listed in the established job description,
    - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected services listed in the established job description, and
    - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected services listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
  - a. Before the personnel member provides physical health services, and
  - b. According to policies and procedures;
3. Sufficient personnel members are available with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the home health agency's scope of services,
  - b. Meet the needs of a patient, and
  - c. Ensure the health and safety of a patient; and

## Department of Health Services - Health Care Institutions: Licensing

4. A personnel member, or an employee, a volunteer, or a student who has or is expected to have direct interaction with a patient, provides evidence of freedom from infectious tuberculosis:
    - a. On or before the date the individual begins providing services at or on behalf of the home health agency, and
    - b. As specified in R9-10-113.
  - B. An administrator shall ensure that a personnel record for each personnel member, employee, or volunteer:
    1. Includes:
      - a. The individual's name, date of birth, and contact telephone number;
      - b. The individual's starting date of employment or volunteer service, and if applicable, ending date; and
      - c. Documentation of:
        - i. The individual's qualifications, including skills and knowledge applicable to the individual's job duties;
        - ii. The individual's education and experience applicable to the individual's job duties;
        - iii. The individual's completed orientation and in-service education as required by policies and procedures;
        - iv. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
        - v. The individual's compliance with the requirements in A.R.S. § 36-411;
        - vi. Cardiopulmonary resuscitation training, if required for the individual according to this Article and policies and procedures;
        - vii. First aid training, if required for the individual according to this Article and policies and procedures; and
        - viii. Evidence of freedom from infectious tuberculosis, if required according to subsection (A)(4);
    2. Is maintained:
      - a. Throughout the individual's period of providing services in or for the home health agency; and
      - b. For at least 24 months after the last date the individual provided services in or for the home health agency; and
    3. For a personnel member who has not provided services for the home health agency during the previous 12 months, provided to the Department within 72 hours after the Department's request.
- c. The patient's cognitive awareness of self, location, and time;
  - d. Functional abilities and limitations;
  - e. Goals for functional rehabilitation, if applicable;
  - f. The type, duration, and frequency of each service to be provided;
  - g. Treatments the patient is receiving from a source other than the home health agency;
  - h. Medications and herbal supplements reported by the patient or the patient's representative as being used by the patient, and the dose, route of administration, and schedule for administration of each medication or herbal supplement;
  - i. Any known drug allergies;
  - j. Nutritional requirements and preferences;
  - k. Specific measures to improve the patient's safety and protect the patient against injury; and
  - l. A discharge plan for the patient including, if applicable, a plan for assessing the accomplishment of treatment or therapy goals for the patient.
- B. An administrator shall ensure that:
    1. Home health services are provided to a patient by the home health agency according to the patient's care plan;
    2. The patient's care plan is reviewed and updated:
      - a. Whenever there is a change in the patient's condition that indicates a need for a change in the type, duration, or frequency of the services being provided;
      - b. If the patient's physician, registered nurse practitioner, or podiatrist, as applicable, orders a change in the care plan; and
      - c. At least every 60 calendar days; and
    3. The patient's physician, registered nurse practitioner, or podiatrist, as applicable, authenticates the care plan with a signature within 30 calendar days after the care plan is initially developed and whenever the care plan is reviewed or updated.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1208. Patient Rights**

- A. An administrator shall ensure that:
  1. The requirements in subsection (B) and the patient rights in subsection (C) are conspicuously posted at the home health agency's administrative office;
  2. At the time of admission, a patient or the patient's representative receives a written copy of the requirements in subsection (B) and the patient rights in subsection (C); and
  3. Policies and procedures include:
    - a. How and when a patient or the patient's representative is informed of patient rights in subsection (C); and
    - b. Where patient rights are posted as required in subsection (A)(1).
- B. An administrator shall ensure that:
  1. A patient is treated with dignity, respect, and consideration;
  2. A patient is not subjected to:
    - a. Abuse;
    - b. Neglect;
    - c. Exploitation;
    - d. Coercion;
    - e. Manipulation;

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1207. Care Plan**

- A. An administrator shall ensure that a care plan is developed for each patient:
  1. Based on an assessment of the patient as required in R9-10-1210(D)(1) or (F)(2)(e)(i);
  2. With participation from:
    - a. The patient's physician, registered nurse practitioner, or podiatrist, as applicable; and
    - b. A registered nurse; and
  3. That includes:
    - a. The patient's diagnosis;
    - b. Surgery dates relevant to home health services, if applicable;

## Department of Health Services - Health Care Institutions: Licensing

- f. Sexual abuse;
  - g. Sexual assault;
  - h. Seclusion;
  - i. Restraint;
  - j. Retaliation for submitting a complaint to the Department or another entity; or
  - k. Misappropriation of personal and private property by a home health agency's personnel members, employees, or volunteers; and
3. A patient or the patient's representative:
- a. Except in an emergency, either consents to or refuses treatment;
  - b. May refuse or withdraw consent for treatment before treatment is initiated;
  - c. Except in an emergency, is informed of proposed alternatives to a psychotropic medication and the associated risks and possible complications of a psychotropic medication;
  - d. Is informed of the following:
    - i. The home health agency's policy on health care directives;
    - ii. The patient complaint process;
    - iii. Home health services provided by or through the home health agency; and
    - iv. The rates and charges for services before the services are initiated and before a change in rates, charges, or services;
  - e. Consents to photographs of the patient before the patient is photographed, except that a patient may be photographed when admitted to a home health agency for identification and administrative purposes; and
  - f. Except as otherwise permitted by law, provides written consent to the release of information in the patient's:
    - i. Medical record, or
    - ii. Financial records.
- C.** A patient has the following rights:
- 1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
  - 2. To receive treatment that supports and respects the patient's individuality, choices, strengths, and abilities;
  - 3. To receive privacy in treatment and care for personal needs;
  - 4. To review, upon written request, the patient's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
  - 5. To receive a referral to another health care institution if the home health agency is not authorized or not able to provide physical health services needed by the patient;
  - 6. To participate or have the patient's representative participate in the development of a care plan or decisions concerning treatment;
  - 7. To participate or refuse to participate in research or experimental treatment; and
  - 8. To receive assistance from a family member, the patient's representative, or other individual in understanding, protecting, or exercising the patient's rights.
- Historical Note**
- Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- A.** An administrator shall ensure that:
- 1. A medical record is established and maintained for each patient according to A.R.S. Title 12, Chapter 13, Article 7.1;
  - 2. An entry in a patient's medical record is:
    - a. Recorded only by an individual authorized by a policies and procedures to make the entry;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  - 3. An order is:
    - a. Dated when the order is entered in the patient's medical record and includes the time of the order;
    - b. Authenticated by a physician, registered nurse practitioner, or podiatrist according to policies and procedures; and
    - c. If the order is a verbal order, authenticated by the physician, registered nurse practitioner, or podiatrist issuing the order;
  - 4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
  - 5. A patient's medical record is available to personnel members, physicians, registered nurse practitioners, or podiatrists authorized by policies and procedures to access the patient's medical record;
  - 6. Information in a patient's medical record is disclosed to an individual not authorized under subsection (A)(5) only with the written consent of a patient or the patient's representative or as permitted by law; and
  - 7. A patient's medical record is protected from loss, damage, or unauthorized use.
- B.** If a home health agency maintains patients' medical records electronically, an administrator shall ensure that:
- 1. Safeguards exist to prevent unauthorized access, and
  - 2. The date and time of an entry in a patient's medical record is recorded by the computer's internal clock.
- C.** An administrator shall ensure that a patient's medical record contains:
- 1. Patient information that includes:
    - a. The patient's name;
    - b. The patient's address and telephone number;
    - c. The patient's date of birth; and
    - d. Any known allergies, including medication allergies;
  - 2. The date the patient began receiving services from the home health agency and, if applicable, the date the patient stopped receiving services from the home health agency;
  - 3. The name and telephone of the patient's physician or registered nurse practitioner;
  - 4. The name and telephone number of patient's podiatrist, if applicable;
  - 5. Documentation of general consent and, if applicable, informed consent;
  - 6. Documentation of medical history and current diagnoses;
  - 7. A copy of patient's health care directive, if applicable;
  - 8. If applicable, the name and contact information of the patient's representative and:
    - a. If the patient is 18 years of age or older or an emancipated minor, the document signed by the patient consenting for the patient's representative to act on the patient's behalf; or
    - b. If the patient's representative;
      - i. Is a legal guardian, a copy of the court order establishing guardianship; or

## Department of Health Services - Health Care Institutions: Licensing

- ii. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney;
  - 9. Orders;
  - 10. Assessments;
  - 11. Care plan;
  - 12. Progress notes;
  - 13. If applicable, documentation of any actions taken to control the patient's sudden, intense or out-of-control behavior to prevent harm to the patient or another individual;
  - 14. Documentation of meetings with the patient to assess the home health services and supportive services provided to the patient;
  - 15. The disposition of the patient upon discharge;
  - 16. The discharge plan;
  - 17. Discharge instructions and discharge summary, if applicable;
  - 18. If applicable:
    - a. Laboratory reports,
    - b. Radiologic reports,
    - c. Diagnostic reports, and
    - d. Consultation reports;
  - 19. Documentation of a medication administered to the patient that includes:
    - a. The date and time of administration;
    - b. The name, strength, dosage, and route of administration;
    - c. For a medication administered for pain:
      - i. An assessment of the patient's pain before administering the medication, and
      - ii. The effect of the medication administered;
    - d. For a psychotropic medication:
      - i. An assessment of the patient's behavior before administering the psychotropic medication, and
      - ii. The effect of the psychotropic medication administered;
    - e. The identification, signature, and professional designation of the individual administering or observing the self-administration of the medication; and
    - f. Any adverse reaction a patient has to the medication;
  - 20. Documentation of tasks assigned to a home health aide or other personnel member;
  - 21. Documentation of coordination of patient care;
  - 22. Copies of patient summary reports sent to the patient's physician, registered nurse practitioner, or podiatrist, as applicable; and
  - 23. Documentation of contacts with the patient's physician, registered nurse practitioner, or podiatrist, as applicable, by a personnel member or the patient.
- C. A home health services director shall ensure that nursing services are provided by a registered nurse or practical nurse, according to policies and procedures.
  - D. A home health services director shall ensure that a registered nurse:
    - 1. Unless a patient's physician or registered nurse practitioner orders only speech therapy, occupational therapy, or physical therapy for the patient, within 48 hours after the patient begins receiving home health services provided by or through the home health agency, conducts an initial assessment of the patient to determine:
      - a. The needs of the patient;
      - b. Resources available to address the patient's needs;
      - c. The patient's home and family environment;
      - d. Goals for patient care;
      - e. Medications used by the patient, including non-compliance, drug interactions, side effects, and contraindications; and
      - f. Medical supplies or equipment needed by the patient;
    - 2. Reviews a patient's health care directives at the time of the initial assessment;
    - 3. Implements a patient's care plan, developed as specified in R9-10-1207;
    - 4. Coordinates patient care with other individuals providing home health services or other services to the patient;
    - 5. Immediately informs the patient's physician or registered nurse practitioner of a change in a patient's condition that requires medical services; and
    - 6. At least every 60 calendar days until a patient is discharged:
      - a. Reassesses the patient based on the patient's care plan, needs, and medical condition; and
      - b. Summarizes the patient's condition and needs for the patient's physician, registered nurse practitioner, or podiatrist, as applicable.
  - E. A home health services director shall ensure that:
    - 1. A patient's condition and the services provided to the patient are documented in the patient's medical record after each patient contact; and
    - 2. Verbal orders from a patient's physician, registered nurse practitioner, or podiatrist, as applicable, are:
      - a. Except as specified in subsection (F)(2)(d), received by a registered nurse and documented by the registered nurse in the patient's medical record; and
      - b. Authenticated by the patient's physician, registered nurse practitioner, or podiatrist, as applicable, with a signature, within 30 calendar days.
  - F. A home health services director shall ensure that:
    - 1. A registered nurse:
      - a. Except as specified in subsection (F)(2)(b)(i) and (ii):
        - i. Assigns tasks in writing to a home health aide who is providing home health services to a patient; and
        - ii. Verifies the competency of the home health aide in performing assigned tasks;
      - b. Except as specified in subsection (F)(2)(b)(iii), provides direction for the home health aide services provided to a patient; and
      - c. Except as specified in subsection (F)(2)(c)(ii), meets with a patient who is receiving home health aide services to assess the home health services provided by the home health aide;

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1210. Home Health Services**

- A. An administrator shall ensure that an individual admitted to the home health agency has an order from a physician, registered nurse practitioner, or podiatrist for home health services.
- B. An administrator shall ensure that the home health services director provides direction for home health services provided by or through the home health agency.

## Department of Health Services - Health Care Institutions: Licensing

- i. At least every two weeks when the patient is also receiving nursing services or therapy services, and
  - ii. At least every 60 calendar days when the patient is only receiving home health aide services;
- 2. When a patient's physician or registered nurse practitioner orders speech therapy, occupational therapy, or physical therapy for the patient, an individual specified in R9-10-1203(C)(6)(a), (c), or (d), as applicable:
  - a. Provides the applicable therapy service to the patient according to the patient's care plan;
  - b. If a home health aide is assigned to assist the patient in performing activities related to the therapy service:
    - i. Assigns tasks in writing to the home health aide who is assisting the patient;
    - ii. Verifies the competency of the home health aide in performing assigned tasks; and
    - iii. Provides direction to the home health aide in performing the assigned tasks related to the therapy service;
  - c. Coordinates the provision of the therapy service to the patient with the registered nurse providing direction for other home health services for the patient;
  - d. Documents in the patient's medical record any orders by the patient's physician or registered nurse practitioner received concerning the therapy service; and
  - e. If the only home health services ordered for the patient are speech therapy, occupational therapy, or physical therapy:
    - i. Within 48 hours after the patient begins receiving home health services provided by or through the home health agency, conducts an initial assessment of the patient as specified in subsections (D)(1)(a) through (f); and
    - ii. Meets with a patient who is receiving home health services from a home health aide every two weeks to assess the home health services provided by the home health aide; and
- 3. A home health aide:
  - a. Is only assigned to provide services the home health aide can competently perform; and
  - b. Only performs tasks assigned to the home health aide in writing by a registered nurse or as specified in subsection (F)(2)(b)(i).

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1211. Supportive Services**

- A. A governing authority may include supportive services, including personal care services, in the scope of services for a home health agency.
- B. An administrator:
  - 1. May allow:
    - a. Supportive services to be provided to a patient without an order from a physician, registered nurse practitioner, or podiatrist; and
    - b. A personnel member who is not a home health aide to perform personal care services; and
  - 2. Shall ensure that:

- a. Supportive services are provided to a patient according to policies and procedures;
- b. A registered nurse:
  - i. Assesses a patient's need for supportive services,
  - ii. Assigns specific tasks in writing to a home health aide providing supportive services other than personal care services,
  - iii. Assigns specific tasks in writing to a personnel member providing personal care services,
  - iv. Provides direction for supportive services, and
  - v. Includes supportive services in the reassessment of a patient required in R9-10-1210(D)(6); and
- c. Supportive services are documented in a patient's medical record.

**Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1212. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1213. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1214. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1215. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1216. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1217. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1218. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective

## Department of Health Services - Health Care Institutions: Licensing

August 9, 2002 (Supp. 02-3).

**R9-10-1219. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1220. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1221. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1222. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1223. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1224. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1225. Reserved****R9-10-1226. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1227. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1228. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**R9-10-1229. Reserved****R9-10-1230. Repealed****Historical Note**

Adopted effective February 4, 1981 (Supp. 81-1). Section repealed by final rulemaking at 8 A.A.R. 3721, effective August 9, 2002 (Supp. 02-3).

**ARTICLE 13. BEHAVIORAL HEALTH SPECIALIZED TRANSITIONAL FACILITY****R9-10-1301. Definitions**

Definitions in A.R.S. § 36-401 and R9-10-101 apply in this Article unless otherwise specified.

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Reference in paragraph (24) corrected (Supp. 94-2). Section R9-10-1301 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-1302. Administration**

**A.** The governing authority for a behavioral health specialized transitional facility:

1. Is the superintendent of the state hospital; and
2. Shall:
  - a. Establish, in writing:
    - i. A behavioral health specialized transitional facility's scope of services, and
    - ii. Qualifications for an administrator;
  - b. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(a)(ii);
  - c. Adopt a quality management program according to R9-10-1303;
  - d. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
  - e. Designate an acting administrator, in writing, who has the qualifications established in subsection (A)(2)(a)(ii), if the administrator is:
    - i. Expected not to be present on the behavioral health specialized transitional facility's premises for more than 30 calendar days, or
    - ii. Not present on the behavioral health specialized transitional facility's premises for more than 30 calendar days; and
  - f. Except as provided in subsection (A)(2)(e), notify the Department according to A.R.S. § 36-425(I) when there is a change in the administrator and identify the name and qualifications of the new administrator.

**B.** An administrator:

1. Is directly accountable to the superintendent of the state hospital for the daily operation of the behavioral health specialized transitional facility and for all services provided by or at the behavioral health specialized transitional facility;
2. Has the authority and responsibility to manage the behavioral health specialized transitional facility; and
3. Except as provided in subsection (A)(2)(e), designates, in writing, an individual who is present on the behavioral health specialized transitional facility's premises and accountable for the behavioral health specialized transi-



## Department of Health Services - Health Care Institutions: Licensing

tional facility when the administrator is not present on the behavioral health specialized transitional facility's premises.

**C.** An administrator shall ensure that:

1. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
  - a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience for personnel members, employees, volunteers, and students;
  - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
  - c. Cover patient admission, assessment, treatment plan, transfer, discharge planning, discharge, and recordkeeping;
  - d. Cover patient rights, including assisting a patient who does not speak English or who has a physical or other disability to become aware of patient rights;
  - e. Cover the requirements in A.R.S. §§ 36-3708, 36-3709, and 36-3714;
  - f. Establish the process for warning an identified or identifiable individual, as described in A.R.S. § 36-517.02 (B) through (C), if a patient communicates to a personnel member a threat of imminent serious physical harm or death to the identified or identifiable individual and the patient has the apparent intent and ability to carry out the threat;
  - g. Cover when informed consent is required and how informed consent is obtained;
  - h. Cover the criteria and process for conducting research using patients or patients' medical records;
  - i. Include the establishment of, disbursing from, and recordkeeping for a patient personal funds account;
  - j. Include a method of patient identification to ensure a patient receives the services ordered for the patient;
  - k. Cover contracted services;
  - l. Cover health care directives;
  - m. Cover medical records, including electronic medical records;
  - n. Cover medication procurement, storage, inventory monitoring and control, and disposal;
  - o. Cover infection control;
  - p. Cover and designate which personnel members or employees are required to have current certification in cardiopulmonary resuscitation and first aid training;
  - q. Cover environmental services that affect patient care;
  - r. Cover reporting suspected or alleged abuse, neglect, exploitation, or other criminal activity;
  - s. Cover quality management, including incident reports and supporting documentation;
  - t. Cover emergency treatment and disaster plan;
  - u. Cover how personnel members will respond to a patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual;
  - v. Include security of the facility, patients and their possessions, personnel members, and visitors at the behavioral health specialized transitional facility;
  - w. Include preventing unauthorized patient absences;
  - x. Cover transportation of patients, including the criteria for using a locking mechanism to restrict a patient's movement during transportation;
  - y. Cover specific steps for:

- i. A patient to file a complaint, and
- ii. The behavioral health specialized transitional facility to respond to a patient's complaint;

- z. Cover visitation, telephone usage, sending or receiving mail, computer usage, and other recreational activities; and

- aa. Include equipment inspection and maintenance;

2. Policies and procedures are available to each personnel member;
3. Laboratory services are provided by a laboratory that holds a certificate of accreditation or certificate of compliance issued by the U.S. Department of Health and Human Services under the 1988 amendments to the Clinical Laboratories Improvement Act of 1967;
4. Food services are provided as specified in R9-10-1314;
5. The following individuals have access to a patient:
  - a. The patient's representative,
  - b. An individual assigned by a court of law to provide services to the patient, and
  - c. An attorney hired by the patient or patient's family;
6. Labor performed by a patient for the behavioral health specialized transitional facility is consistent with A.R.S. § 36-510 and applicable state and federal law; and
7. The following information is posted in an area easily viewed by a patient or an individual entering or leaving the behavioral health specialized transitional facility:
  - a. Patient rights,
  - b. Telephone number for the Department and the Office of Human Rights,
  - c. Location of inspection reports,
  - d. Complaint procedures, and
  - e. Visitation hours and procedures;

**D.** An administrator shall:

1. Provide written notification to the Department of a patient's:
  - a. Death, if the patient's death is required to be reported according to A.R.S. § 11-593, within one working day after the patient's death;
  - b. Self-injury, within two working days after the patient inflicts a self-injury that requires immediate intervention by an emergency medical service provider; and
  - c. Absence, within one working day after an unauthorized patient absence from the behavioral health specialized transitional facility is discovered;
2. Maintain the documentation required in subsection (D)(1) for at least 12 months after the date of the notification; and
3. Ensure that sufficient personnel are present at the behavioral health specialized transitional facility at all times to maintain safe and secure conditions.

**E.** If an administrator has a reasonable basis, according to A.R.S. § 46-454, to believe abuse, neglect, or exploitation has occurred on the premises or while the patient is receiving services from an employee or personnel member of the behavioral health specialized transitional facility, the administrator shall:

1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
2. Report the suspected abuse, neglect, or exploitation of the patient according to A.R.S. § 46-454;
3. Document:
  - a. The suspected abuse, neglect, or exploitation of the patient;
  - b. Any action taken according to subsection (E)(1); and
  - c. The report in subsection (E)(2);

## Department of Health Services - Health Care Institutions: Licensing

4. Maintain the documentation required in subsections (E)(1) and (E)(2) for at least 12 months after the date of the report;
  5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (E)(2):
    - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
    - b. A description of any injury to the patient related to the abuse or neglect and any change to the patient's physical, cognitive, functional, or emotional condition;
    - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
    - d. The actions taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
  6. Maintain a copy of the documented information required in subsection (C)(10)(e) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.
- F. An administrator shall:**
1. Unless otherwise stated, ensure that:
    - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
    - b. When documentation or information is required by this Chapter to be submitted on behalf of a behavioral health specialized transitional facility, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the behavioral health specialized transitional facility;
  2. Appoint a medical director, to direct the medical and nursing services provided by or at the behavioral health specialized transitional facility, who:
    - a. Is a medical staff member, and
    - b. Has at least two years of experience providing services in an organized psychiatric services unit of a hospital or in a behavioral health facility; and
  3. Appoint a clinical director, to provide direction for the behavioral health services provided by or at the behavioral health specialized transitional facility, who:
    - a. Is a psychiatrist or a psychologist;
    - b. Has at least two years of experience providing services in an organized psychiatric services unit of a hospital or in a behavioral health facility; and
    - c. May, if qualified, also serve as the medical director.
- G. A medical director:**
1. Is responsible for the medical services, nursing services, and physical health-related services provided to patients consistent with the patients behavioral treatment plan; and
  2. Shall ensure that policies and procedures are established, documented, and implemented to protect the health and safety of a patient that cover:
    - a. Restraint, according to R9-10-225;
    - b. The process for patient assessments, including the identification of and criteria for the on-going monitoring of a patient's physical health conditions;
    - c. Dispensing and administration of medications, including the process and criteria for determining whether a patient is capable of and eligible to self-administer medication;
    - d. The process by which emergency medical treatment will be provided to a patient; and
    - e. The requirements for completion of medication records and recording of adverse events.
- H. A clinical director:**
1. Is responsible for the behavioral health services provided to patients;
  2. Shall ensure that policies and procedures are established, documented, and implemented to protect the health and safety of a patient that cover:
    - a. Assessing the competency and proficiency of a behavioral health personnel member for each type of service the personnel member provides and each type of patient to which the personnel member is assigned;
    - b. Providing:
      - i. Supervision to behavioral health paraprofessionals, according to R9-10-115(1); and
      - ii. Clinical oversight to behavioral health technicians, according to R9-10-115(2);
    - c. The qualifications for personnel members who provide clinical oversight;
    - d. The process for patient assessments, including the identification of and criteria for the on-going monitoring of a patient's behavioral health issues;
    - e. The process for developing and implementing a patient's treatment plan;
    - f. The frequency of and process for reviewing and modifying a patient's treatment plan, based on the ongoing monitoring of the patient's response to treatment; and
    - g. The process for determining whether a patient is eligible for discharge or conditional release to a less restrictive alternative;
  3. Shall ensure that patient services are provided by personnel competent and proficient in providing the services; and
  4. Shall ensure that clinical oversight of personnel members is provided according to the policies and procedures.

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Section R9-10-1302 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1303. Quality Management**

An administrator shall ensure that:

1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:

## Department of Health Services - Health Care Institutions: Licensing

- a. A method to identify, document, and evaluate incidents;
- b. A method to collect data to evaluate services provided to patients;
- c. A method to evaluate the data collected to identify a concern about the delivery of services related to patient care;
- d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to patient care; and
- e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to patient care, and
  - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to patient care; and
3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Section R9-10-1303 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1304. Contracted Services**

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted without change effective November 25, 1992 (Supp. 92-4). Section R9-10-1304 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the

Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1305. Personnel Requirements and Records**

- A. An administrator shall ensure that a personnel member:
  1. Is at least 21 years of age; and
  2. Either:
    - a. Holds a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; or
    - b. Submits to the administrator a copy of a fingerprint clearance card application showing that the personnel member submitted the application to the fingerprint division of the Department of Public Safety under A.R.S. § 41-1758.02 within seven working days after becoming a personnel member.
- B. An administrator shall ensure that each personnel member submits to the administrator a copy of the individual's valid fingerprint clearance card:
  1. Except as provided in subsection (A)(2)(b), before the personnel member's starting date of employment; and
  2. Each time the fingerprint clearance card is issued or renewed.
- C. If a personnel member holds a fingerprint clearance card that was issued before the individual became a personnel member, an administrator shall:
  1. Contact the Department of Public Safety within seven working days after the individual becomes a personnel member to determine whether the fingerprint clearance card is valid; and
  2. Make a record of this determination, including the name of the personnel member, the date of the contact with the Department of Public Safety, and whether the fingerprint clearance card is valid.
- D. An administrator shall ensure that:
  1. The qualifications, skills, and knowledge required for each type of personnel member:
    - a. Are based on:
      - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
      - ii. The acuity of the patients receiving physical health services or behavioral health services from the personnel member according to the established job description; and
    - b. Include:
      - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
      - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
      - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;

## Department of Health Services - Health Care Institutions: Licensing

2. A personnel member's skills and knowledge are verified and documented:
  - a. Before the personnel member provides physical health services or behavioral health services, and
  - b. According to policies and procedures; and
3. Personnel members are present on a behavioral health specialized transitional facility's premises with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the behavioral health specialized transitional facility's scope of services,
  - b. Meet the needs of a patient, and
  - c. Ensure the health and safety of a patient.
- E. An administrator shall comply with the requirements for behavioral health technicians and behavioral health paraprofessionals in R9-10-115.
- F. An administrator shall ensure that a personnel member or an employee or volunteer who has or is expected to have direct interaction with a patient for more than eight hours a week, provides evidence of freedom from infectious tuberculosis:
  1. On or before the date the individual begins providing service at or on behalf of the behavioral health specialized transition facility, and
  2. As specified in R9-10-113.
- G. An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:
  1. The individual's name, date of birth, and contact telephone number;
  2. The individual's starting date of employment or volunteer service and, if applicable, ending date;
  3. A copy of the individual's fingerprint clearance card; and
  4. Documentation of:
    - a. The individual's qualifications including skills and knowledge applicable to the individual's job duties;
    - b. The individual's education and experience applicable to the individual's job duties;
    - c. The individual's orientation and in-service education as required by policies and procedures;
    - d. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
    - e. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
    - f. Cardiopulmonary resuscitation training, if required for the individual according to this Article or policies and procedures;
    - g. First aid training, if required for the individual according to this Article or policies and procedures; and
    - h. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (F).
- H. An administrator shall ensure that personnel records are maintained:
  1. Throughout an individual's period of providing services in or for the behavioral health specialized transitional facility; and
  2. For at least 24 months after the last date the individual provided services in or for the behavioral health specialized transitional facility.
- I. An administrator shall ensure that:
  1. A plan to provide orientation specific to the duties of a personnel member, an employee, a volunteer, and a student is developed, documented, and implemented;
2. A personnel member completes orientation before providing behavioral health services or physical health services;
3. An individual's orientation is documented, to include:
  - a. The individual's name,
  - b. The date of the orientation, and
  - c. The subject or topics covered in the orientation;
4. A plan to provide in-service education specific to the duties of a personnel member is developed, documented and implemented; and
5. A personnel member's in-service education is documented, to include:
  - a. The personnel member's name,
  - b. The date of the training, and
  - c. The subject or topics covered in the training.

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Section R9-10-1305 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1306. Admission Requirements**

- A. An administrator shall ensure that, before a patient is admitted to the behavioral health specialized transitional facility, a court of competent jurisdiction has ordered the patient to be:
  1. Detained under A.R.S. § 36-3705(B) or § 36-3713(B); or
  2. Committed under A.R.S. § 36-3707.
- B. An administrator shall ensure that, at the time a patient is admitted to the behavioral health specialized transitional facility:
  1. The administrator receives a copy of the court order for the patient to be detained at or committed to the behavioral health specialized transitional facility,
  2. The patient's possessions are taken to the bedroom to which the patient has been assigned, and
  3. The patient is provided with a written list and verbal explanation of the patient's rights and responsibilities.
- C. Within seven calendar days after a patient is admitted to the behavioral health specialized transitional facility, a medical director shall ensure that:
  1. A medical history is taken from and a physical examination performed on the patient;
  2. Except as specified in subsection (C)(3), a patient provides evidence of freedom from infectious tuberculosis as required in R9-10-113;
  3. A patient is not required to be retested for tuberculosis or provide another written statement by a physician, physician assistant, or registered nurse practitioner as specified in R9-10-113(1) if:

## Department of Health Services - Health Care Institutions: Licensing

- a. Fewer than 12 months have passed since the patient was tested for tuberculosis or since the date of the written statement, and
- b. The documentation of freedom from infectious tuberculosis required in subsection (C)(2) accompanies the patient at the time of the patient's admission to the behavioral health specialized transitional facility; and
4. An assessment for the patient is completed:
  - a. According to the behavioral health specialized transitional facility's policies and procedures;
  - b. That includes the patient's:
    - i. Legal history, including criminal justice record;
    - ii. Behavioral health treatment history;
    - iii. Medical conditions and history; and
    - iv. Symptoms reported by the patient and referrals needed by the patient, if any; and
  - c. That includes:
    - i. Recommendations for further assessment or examination of the patient's needs,
    - ii. The physical health services or ancillary services that will be provided to the patient until the patient's treatment plan is completed; and
    - iii. The signature of the personnel member conducting the assessment and the date signed.
- D. A clinical director shall ensure that before a patient is discharged or conditionally released to a less restrictive alternative:
  1. The clinical director or the clinical director's designee, as specified in the behavioral health specialized transitional facility's discharge policies and procedures, receives the name of the health care provider or behavioral health professional to whom a copy of the patient's discharge summary will be sent; and
  2. The patient receives:
    - a. Written follow-up instructions including as applicable to the patient:
      - i. On-going behavioral health issues and physical health conditions;
      - ii. A list of the patient's medications and, for each medication, directions for taking the medication, possible side-effects, and possible results of not taking the medication; and
      - iii. Counseling goals; and
    - b. A supply of medications sufficient to last the patient for at least 14 calendar days.

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Section R9-10-1306 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1307. Discharge or Conditional Release to a Less Restrictive Alternative**

- A. An administrator shall ensure that annual written notice is given to a patient of the patient's right to petition for:
  1. Conditional release to a less restrictive alternative under A.R.S. § 36-3709, or
  2. Discharge under A.R.S. § 36-3714.
- B. An administrator shall ensure that a patient who is detained at or committed to the behavioral health specialized transitional facility is transported to a hearing to determine the patient's continued detention at or commitment to the behavioral health specialized transitional facility.
- C. An administrator shall ensure that a patient is not discharged or conditionally released to a less restrictive alternative before the behavioral health specialized transitional facility receives documentation from a court of competent jurisdiction of the patient's:
  1. Conditional release to a less restrictive alternative, or
  2. Discharge including the disposition of the patient upon discharge.

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Section R9-10-1307 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-1308. Transportation**

An administrator of a behavioral health specialized transitional facility that uses a vehicle owned or leased by the behavioral health specialized transitional facility to provide transportation to a patient shall ensure that:

1. The vehicle:
  - a. Is safe and in good repair,
  - b. Contains a locked first aid kit,
  - c. Contains a working heating and air conditioning system, and
  - d. Contains drinking water sufficient to meet the needs of each patient present in the vehicle;
2. Documentation of current vehicle insurance and a record of maintenance performed or a repair of the vehicle is maintained;
3. A driver of the vehicle:
  - a. Is 21 years of age or older,
  - b. Has a valid driver license,
  - c. Operates the vehicle in a manner that does not endanger a patient in the vehicle,
  - d. Does not leave a patient in the vehicle unattended, and
  - e. Ensures the safe and hazard-free loading and unloading of patients; and
4. Transportation safety is maintained as follows:

## Department of Health Services - Health Care Institutions: Licensing

- a. Each individual in the vehicle is sitting in a seat and wearing a working seat belt while the vehicle is in motion, and
- b. Each seat in the vehicle is securely fastened to the vehicle and provides sufficient space for a patient's body.

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Section R9-10-1308 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1309. Patient Rights**

An administrator shall ensure that:

1. A patient:
  - a. Has privacy in treatment and personal care needs;
  - b. Has the opportunity for and privacy in correspondence, communications, and visitation unless:
    - i. Restricted by court order; or
    - ii. Contraindicated on the basis of clinical judgment, as documented in the patient's medical record;
  - c. Is given the opportunity to seek, speak to, and be assisted by legal counsel:
    - i. Whom the court assigns to the patient, or
    - ii. Whom the patient obtains at the patient's own expense; and
  - d. Is not subjected to:
    - i. Abuse;
    - ii. Neglect;
    - iii. Exploitation;
    - iv. Coercion;
    - v. Manipulation;
    - vi. Seclusion;
    - vii. Restraint, if not necessary to prevent imminent harm to self or others;
    - viii. Sexual abuse according to A.R.S. § 13-1404; or
    - ix. Sexual assault according to A.R.S. § 13-1406; and
2. A patient or the patient's representative:
  - a. Is provided with the opportunity to participate in the development of the patient's treatment plan and in treatment decisions before the treatment is initiated, except in a medical emergency;
  - b. Is provided with information about proposed treatments, alternatives to treatments, associated risks, and possible complications;
  - c. Is allowed to control the patient's finances and have access to the patient's personal funds account according to the behavioral health specialized transi-

- tional facility's policies and procedures specified in R9-10-1302(C)(1)(i);
- d. Has an opportunity to review the medical record for the patient according to the behavioral health specialized transitional facility's policies and procedures; and
- e. Receives information about the behavioral health specialized transitional facility's policies and procedures for:
  - i. Health care directives;
  - ii. Filing complaints, including the telephone number of an individual at the behavioral health specialized transitional facility to contact about a complaint and the Department's telephone number; and
  - iii. Petitioning a court for a patient's discharge or conditional release to a less restrictive alternative.

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Section R9-10-1309 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1310. Behavioral Health Services**

- A. A clinical director shall ensure that:
  1. A treatment plan is developed and implemented for the patient:
    - a. According to the behavioral health specialized transitional facility's policies and procedures;
    - b. Based on the assessment conducted under R9-10-1306(C)(4) and on-going changes to the assessment of the patient's behavioral health issues, mental disorders, and physical health conditions, as applicable; and
    - c. Including:
      - i. The physical health services, behavioral health services, and ancillary services to be provided to the patient until completion of the treatment plan;
      - ii. The type, frequency, and duration of counseling or other treatment ordered for the patient;
      - iii. The name of each individual who ordered medication, counseling, or other treatment for the patient;
      - iv. The signature of the patient or the patient's representative and dated signed, or documentation of the refusal to sign;
      - v. The date when the patient's treatment plan will be reviewed;

## Department of Health Services - Health Care Institutions: Licensing

- vi. If a discharge date has been determined, the treatment needed after discharge; and
- vii. The signature of the personnel member who developed the treatment plan and the date signed; and
- 2. A patient's treatment plan is reviewed and updated:
  - a. According to the review date specified in the treatment plan,
  - b. When a treatment goal is accomplished or changes,
  - c. When additional information that affects the patient's assessment is identified, and
  - d. When a patient has a significant change in condition or experiences an event that affects treatment.
- B.** A clinical director shall ensure that treatment is:
  - 1. Offered to a patient according to the patient's treatment plan;
  - 2. Except for a patient obtaining treatment under A.R.S. § 36-512, only provided after obtaining informed consent to the treatment from the patient; and
  - 3. Documented in the patient's medical record as specified in R9-10-1312.
- C.** The clinical director shall ensure that restraint is used, performed, and documented according to the behavioral health specialized transitional facility's policies and procedures.
- D.** A clinical director shall ensure that:
  - 1. A patient receives the annual examination required by A.R.S. § 36-3708, and
  - 2. A report of the patient's annual examination is prepared according to the behavioral health specialized transitional facility's policies and procedures.
- C.** An administrator shall ensure that, if a patient requires assessment or treatment not available at the behavioral health specialized transitional facility, the patient is provided with transportation to the location where assessment or treatment may be provided to the patient.

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Section R9-10-1311 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1312. Medical Records**

- A.** An administrator shall ensure that:
  - 1. A medical record is established and maintained for each patient according to A.R.S. Title 12, Chapter 13, Article 7.1;
  - 2. An entry in a patient's medical record is:
    - a. Recorded only by an individual authorized by facility policies and procedures to make the entry;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  - 3. An order is:
    - a. Dated when the order is entered in the patient's medical record and includes the time of the order;
    - b. Authenticated by a medical practitioner or behavioral health professional according to facility policies and procedures; and
    - c. If the order is a verbal order, authenticated by the medical practitioner or behavioral health professional issuing the order;
  - 4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or the electronic signature;
  - 5. A patient's medical record is available to an individual:
    - a. Authorized according to policies and procedures to access the patient's medical record;
    - b. If the individual is not authorized according to policies and procedures, with the written consent of the patient or the patient's representative; or
    - c. As permitted by law;
  - 6. A patient's medical record is available to the patient or patient's representative upon request at a time agreed upon by the patient or patient's representative and the administrator; and
  - 7. A patient's medical record is protected from loss, damage, or unauthorized use.
- B.** If a behavioral health specialized transitional facility maintains patient's medical records electronically, an administrator shall ensure that:

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Section R9-10-1310 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1311. Physical Health Services**

- A.** A medical director shall ensure that:
  - 1. A patient's physical health is assessed during the physical examination specified in R9-10-1306(C)(1), and
  - 2. Any physical health conditions identified through the assessment are addressed in the patient's treatment plan.
- B.** A medical director shall ensure that on-going assessment or treatment of a patient's physical health condition is:
  - 1. Offered to a patient according to the patient's treatment plan;
  - 2. Except for a patient obtaining treatment under A.R.S. § 36-512, only provided after obtaining informed consent to the assessment or treatment from the patient; and
  - 3. Documented in the patient's medical record as specified in R9-10-1312.

## Department of Health Services - Health Care Institutions: Licensing

1. Safeguards exist to prevent unauthorized access, and
  2. The date and time of an entry in a patient's medical record is recorded by the computer's internal clock.
- C. An administrator shall ensure that a patient's medical record contains:
1. A copy of the court order requiring the patient to be detained at or committed to the behavioral health specialized transitional facility;
  2. The date the patient was detained at or committed to the behavioral health specialized transitional facility;
  3. Patient information that includes:
    - a. The patient's name;
    - b. The patient's address;
    - c. The patient's date of birth; and
    - d. Any known allergies, including medication allergies;
  4. Documentation of the patient's freedom from infectious tuberculosis as required in R9-10-1306(C)(2);
  5. Documentation of general consent and, if applicable, informed consent for treatment by the patient or the patient's representative, except in an emergency;
  6. If applicable, the name and contact information of the patient's representative and:
    - a. The document signed by the patient consenting for the patient's representative to act on the patient's behalf; or
    - b. If the patient's representative;
      - i. Is a legal guardian, a copy of the court order establishing guardianship; or
      - ii. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney;
  7. Documentation of medical history and physical examination of the patient;
  8. A copy of patient's health care directives, if applicable;
  9. Orders;
  10. The patient's assessment including updates;
  11. The patient's treatment plan including updates;
  12. Progress notes;
  13. Documentation of transportation provided to the patient;
  14. Documentation of behavioral health services and physical health services provided to the patient;
  15. Documentation of patient's annual examination and report required by A.R.S. § 36-3708;
  16. Documentation of the annual written notice of the patient of the patient's right to petition for:
    - a. Conditional release to a less restrictive alternative as required by A.R.S. § 36-3709, or
    - b. Discharged as required by A.R.S. § 36-3714;
  17. A copy of any petition for discharge or conditional release to a less restrictive alternative filed by the patient and provided to the behavioral health specialized transitional facility and the outcome of the petition;
  18. Documentation of the patient's, if applicable;
    - a. Conditional release to a less restrictive alternative; or
    - b. Discharge, including the disposition of the patient upon discharge;
  19. If a patient has been discharged, a discharge summary that includes:
    - a. A summary of the treatment provided to the patient;
    - b. The patient's progress in meeting treatment goals, including treatment goals that were and were not achieved;
  - c. The name, dosage, and frequency of each medication for the patient ordered at the time of the patient's discharge from the behavioral health specialized transitional facility;
  - d. A description of the disposition of the patient's possessions, funds, or medications; and
  - e. The date the patient was discharged from the behavioral health specialized transitional facility;
20. If applicable:
- a. Laboratory reports,
  - b. Radiologic reports,
  - c. Diagnostic reports,
  - d. Documentation of restraint,
  - e. Patient follow-up instructions, and
  - f. Consultation reports; and
21. Documentation of a medication administered to the patient that includes:
- a. The date and time of administration;
  - b. The name, strength, dosage, and route of administration;
  - c. For a medication administered for pain:
    - i. An assessment of the patient's pain before administering the medication, and
    - ii. The effect of the medication administered;
  - d. For a psychotropic medication:
    - i. An assessment of the patient's behavior before administering the psychotropic medication, and
    - ii. The effect of the psychotropic medication administered;
  - e. The identification, signature, and professional designation of the individual administering or observing the self-administration of the medication;
  - f. Any adverse reaction a patient has to the medication; and
  - g. If applicable, a patient's refusal to take medication ordered for the patient.

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Section R9-10-1312 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1313. Medication Services**

- A. An administrator shall ensure that policies and procedures for medication services:
1. Include:
    - a. A process for providing information to a patient about medication prescribed for the patient, including:
      - i. The prescribed medication's anticipated results,



## Department of Health Services - Health Care Institutions: Licensing

- ii. The prescribed medication's potential adverse reactions;
      - iii. The prescribed medication's potential side effects; and
      - iv. Potential adverse reactions that could result from not taking the medication as prescribed;
    - b. Procedures for preventing, responding to, and reporting:
      - i. A medication error;
      - ii. An adverse response to a medication; or
      - iii. A medication overdose;
    - c. Procedures for documenting medication services and assistance in the self-administration of medication; and
    - d. If applicable, procedures for providing medication administration or assistance in the self-administration of medication off the premises; and
  - 2. Specify a process for review through the quality management program of:
    - a. A medication administration error; and
    - b. An adverse reaction to a medication.
- B.** A medical director shall ensure that:
- 1. Policies and procedures for medication administration:
    - a. Are reviewed and approved by a medical practitioner;
    - b. Specify the individuals who may:
      - i. Order medication; and
      - ii. Administer medication; and
    - c. Ensure that medication is administered to a patient only as prescribed;
  - 2. A patient's refusal to take prescribed medication is documented in the patient's medical record;
  - 3. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law;
  - 4. A medication administered to a patient:
    - a. Is administered in compliance with an order; and
    - b. Is documented in the patient's medical record; and
  - 5. If pain medication is administered to a patient on a PRN basis, documentation in the patient's medical record includes:
    - a. An identification of the patient's pain before administering the medication; and
    - b. The effect of the pain medication administered.
- C.** If a behavioral health specialized transitional facility provides assistance in the self-administration of medication, a medical director shall ensure that:
- 1. A patient's medication is stored by the behavioral health specialized transitional facility;
  - 2. The following assistance is provided to a patient:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container for the patient;
    - c. Observing the patient while the patient removes the medication from the container;
    - d. Verifying that the medication is taken as ordered by the patient's medical practitioner by confirming that:
      - i. The patient taking the medication is the individual stated on the medication container label;
      - ii. The dosage of the medication is the same as stated on the medication container label; and
      - iii. The medication is being taken by the patient at the time stated on the medication container label; or
    - e. Observing the patient while the patient takes the medication;
- 3. Policies and procedures for assistance in the self-administration of medication are reviewed and approved by a medical practitioner or registered nurse;
  - 4. Training for a personnel member, other than a medical practitioner or nurse, in assistance in the self-administration of medication:
    - a. Is provided by a medical practitioner or registered nurse or an individual trained by a medical practitioner or registered nurse; and
    - b. Includes:
      - i. A demonstration of the personnel member's skills and knowledge necessary to provide assistance in the self-administration of medication;
      - ii. Identification of medication errors and medical emergencies related to medication that require emergency medical intervention; and
      - iii. Process for notifying the appropriate entities when an emergency medical intervention is needed;
  - 5. A personnel member, other than a medical practitioner or nurse, completes the training in subsection (C)(4) before the personnel member provides assistance in the self-administration of medication; and
  - 6. Assistance in the self-administration of medication provided to a patient:
    - a. Is in compliance with an order; and
    - b. Is documented in the patient's medical record.
- D.** An administrator shall ensure that:
- 1. A current drug reference guide is available for use by personnel members;
  - 2. A current toxicology reference guide is available for use by personnel members; and
  - 3. If pharmaceutical services are provided:
    - a. The pharmaceutical services are provided under the direction of a pharmacist;
    - b. The pharmaceutical services comply with A.R.S. Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23; and
    - c. A copy of the pharmacy license is provided to the Department upon request.
- E.** When medication is stored at a behavioral health specialized transitional facility, an administrator shall ensure that:
- 1. Medication is stored in a separate locked room, closet, or self-contained unit used only for medication;
  - 2. Medication is stored according to the instructions on the medication container; and
  - 3. Policies and procedures are established, documented, and implemented for:
    - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication including expired medication;
    - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
    - c. A medication recall and notification of patients who received recalled medication;
    - d. Storing, inventorying, and dispensing controlled substances; and
    - e. Documenting the maintenance of a medication requiring refrigeration.
- F.** An administrator shall ensure that a personnel member immediately reports a medication error or a patient's adverse reaction to a medication to the medical practitioner who ordered the medication and, if applicable, the behavioral health specialized transitional facility's medical director.

## Department of Health Services - Health Care Institutions: Licensing

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Section R9-10-1313 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1314. Food Services****A.** An administrator shall ensure that:

1. The behavioral health specialized transitional facility has a license or permit as a food establishment under 9 A.A.C. 8, Article 1;
2. A copy of the behavioral health specialized transitional facility's food establishment license is maintained;
3. If a behavioral health specialized transitional facility contracts with a food establishment, as defined in 9 A.A.C. 8, Article 1, to prepare and deliver food to the behavioral health specialized transitional facility:
  - a. A copy of the food establishment's license or permit under 9 A.A.C. 8, Article 1 is maintained by the behavioral health specialized transitional facility; and
  - b. The behavioral health specialized transitional facility is able to store, refrigerate, and reheat food to meet the dietary needs of a patient;
4. A registered dietitian is employed full-time, part-time, or as a consultant; and
5. If a registered dietitian is not employed full-time, an individual is designated as a director of food services who consults with a registered dietitian as often as necessary to meet the nutritional needs of the patients.

**B.** A registered dietitian or director of food services shall ensure that:

1. A food menu:
  - a. Is prepared at least one week in advance,
  - b. Includes the foods to be served each day,
  - c. Is conspicuously posted at least one day before the first meal on the food menu will be served,
  - d. Includes any food substitution no later than the morning of the day of meal service with a food substitution, and
  - e. Is maintained for at least 60 calendar days after the last day included in the food menu;
2. Meals and snacks provided by the behavioral health specialized transitional facility are served according to posted menus;
3. Meals for each day are planned using the applicable guidelines in <http://www.health.gov/dietaryguidelines/2010.asp>;
4. A patient is provided:
  - a. A diet that meets the patient's nutritional needs as specified in the patient's assessment plan;

- b. Three meals a day with not more than 14 hours between the evening meal and breakfast except as provided in subsection (B)(4)(d);
- c. The option to have a daily evening snack identified in subsection (B)(4)(d)(ii) or other snack; and
- d. The option to extend the time span between the evening meal and breakfast from 14 hours to 16 hours if:
  - i. A patient group agrees; and
  - ii. The patient is offered an evening snack that includes meat, fish, eggs, cheese, or other protein, and a serving from either the fruit and vegetable food group or the bread and cereal food group;

5. A patient requiring assistance to eat is provided with assistance that recognizes the patient's nutritional, physical, and social needs, including the use of adaptive eating equipment or utensils; and
6. Water is available and accessible to a patient at all times, unless otherwise specified in the patient's treatment plan.

**C.** An administrator shall ensure that food is obtained, prepared, served, and stored as follows:

1. Food is free from spoilage, filth, or other contamination and is safe for human consumption;
2. Food is protected from potential contamination;
3. Food is prepared:
  - a. Using methods that conserve nutritional value, flavor, and appearance; and
  - b. In a form to meet the needs of a patient such as cut, chopped, ground, pureed, or thickened;
4. Potentially hazardous food is maintained as follows:
  - a. Foods requiring refrigeration are maintained at 41° F or below; and
  - b. Foods requiring cooking are cooked to heat all parts of the food to a temperature of at least 145° F for 15 seconds, except that:
    - i. Ground beef and ground meats are cooked to heat all parts of the food to at least 155° F;
    - ii. Poultry, poultry stuffing, stuffed meats, and stuffing that contains meat are cooked to heat all parts of the food to at least 165° F;
    - iii. Pork and any food containing pork are cooked to heat all parts of the food to at least 155° F;
    - iv. Raw shell eggs for immediate consumption are cooked to at least 145° F for 15 seconds and any food containing raw shell eggs is cooked to heat all parts of the food to at least 155° F;
    - v. Roast beef and beef steak are cooked to an internal temperature of at least 155° F; and
    - vi. Leftovers are reheated to a temperature of at least 165° F;
5. A refrigerator contains a thermometer, accurate to plus or minus 3° F, placed at the warmest part of the refrigerator;
6. Frozen foods are stored at a temperature of 0° F or below; and
7. Tableware, utensils, equipment, and food-contact surfaces are clean and in good repair.

**Historical Note**

Emergency rule adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency rule adopted again effective August 27, 1992, pursuant to

## Department of Health Services - Health Care Institutions: Licensing

A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Adopted with changes effective November 25, 1992 (Supp. 92-4). Section R9-10-1314 repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). New Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1315. Emergency and Safety Standards**

**A.** A medical director shall ensure that policies and procedures for providing medical emergency treatment to a patient are established, documented, and implemented and include:

1. The medications, supplies, and equipment required on the premises for the medical emergency treatment provided by the behavioral health specialized transitional facility;
2. A system to ensure all medications, supplies, and equipment are available, have not been tampered with, and, if applicable, have not expired;
3. A requirement that a cart or container is available for medical emergency treatment that contains all of the medication, supplies, and equipment specified in the behavioral health specialized transitional facility's policies and procedures;
4. A method to verify and document that the contents of the cart or container in subsection (A)(3) are available for medical emergency treatment; and
5. A method for ensuring a patient may be transported to a hospital or other health care institution to receive treatment for a medical emergency that the behavioral health specialized transitional facility is not able or not authorized to provide.

**B.** An administrator shall ensure that medical emergency treatment is provided to a patient admitted to the behavioral health specialized transitional facility according to the behavioral health specialized transitional facility's policies and procedures.

**C.** An administrator shall ensure that the behavioral health specialized transitional facility has:

1. A fire alarm system installed according to the National Fire Protection Association 72: National Fire Alarm and Signaling Code, incorporated by reference in A.A.C. R9-1-412, that is in working order; and a sprinkler system installed according to the National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems, incorporated by reference in A.A.C. R9-1-412, that is in working order; or
2. An alternative method to ensure a patient's safety, documented and approved by the local jurisdiction.

**D.** An administrator shall ensure that:

1. A disaster plan is developed, documented, maintained in a location accessible to personnel members and other employees, and, if necessary, implemented that includes:
  - a. Procedures for protecting the health and safety of patients and other individuals at the behavioral health specialized transitional facility;
  - b. When, how, and where patients will be relocated;
  - c. How each patient's medical record will be available to personnel providing services to the patient during a disaster;

- d. A plan to ensure each patient's medication will be available to administer to the patient during a disaster; and
  - e. A plan for obtaining food and water for individuals present in the behavioral health specialized transitional facility or the behavioral health specialized transitional facility's relocation site during a disaster;
2. The disaster plan required in subsection (D)(1) is reviewed at least once every 12 months;
  3. A disaster drill is performed on each shift at least once every 12 months;
  4. Documentation of a disaster plan review required in subsection (D)(2) and a disaster drill required in subsection (D)(3) is created, is maintained for at least 12 months after the date of the disaster plan review or disaster drill, and includes:
    - a. The date and time of the disaster plan review or disaster drill;
    - b. The name of each personnel member, employee, or volunteer participating in the disaster plan review or disaster drill;
    - c. A critique of the disaster plan review or disaster drill; and
    - d. If applicable, recommendations for improvement;
  5. An evacuation drill is conducted on each shift at least once every three months;
  6. Documentation of an evacuation drill is created, is maintained for at least 12 months after the date of the evacuation drill, and includes:
    - a. The date and time of the evacuation drill;
    - b. The amount of time taken for all employees and patients to evacuate the behavioral health specialized transitional facility;
    - c. If applicable, an identification of patients needing assistance for evacuation;
    - d. Any problems encountered in conducting the evacuation drill; and
    - e. Recommendations for improvement, if applicable; and
  7. An evacuation path is conspicuously posted on each hallway of each floor of the behavioral health specialized transitional facility.

**E.** An administrator shall:

1. Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
2. Make any repairs or corrections stated on the fire inspection report, and
3. Maintain documentation of a current fire inspection.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1316. Environmental Standards**

**A.** An administrator shall ensure that:

1. The premises and equipment are:
  - a. Cleaned and, if applicable, disinfected according to policies and procedures designed to prevent, minimize, and control illness or infection; and
  - b. Free from a condition or situation that may cause a patient or other individual to suffer physical injury;
2. A pest control program is implemented and documented;

## Department of Health Services - Health Care Institutions: Licensing

3. Biohazardous medical wastes are identified, stored, and disposed of according to 18 A.A.C. 13, Article 14;
  4. Equipment used at the behavioral health specialized transitional facility is:
    - a. Maintained in working order;
    - b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
    - c. Used according to the manufacturer's recommendations;
  5. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of the testing, calibration, or repair;
  6. Garbage and refuse are:
    - a. Stored in covered containers, and
    - b. Removed from the premises at least once a week;
  7. Heating and cooling systems maintain the behavioral health specialized transitional facility at a temperature between 70° F and 84° F;
  8. Common areas:
    - a. Are lighted to assure the safety of patients, and
    - b. Have lighting sufficient to allow personnel members to monitor patient activity;
  9. Hot water temperatures are maintained between 95° F and 120° F in the areas of a behavioral health specialized transitional facility used by patients;
  10. The supply of hot and cold water is sufficient to meet the personal hygiene needs of patients and the cleaning and sanitation requirements in this Article;
  11. Soiled linen and soiled clothing stored by the behavioral health specialized transitional facility are maintained separate from clean linen and clothing and stored in closed containers away from food storage, kitchen, and dining areas; and
  12. Pets and animals, except for service animals, are prohibited on the premises.
- B.** An administrator shall ensure that smoking or tobacco products are not permitted within or on the premises of the facility.
- C.** An administrator shall ensure that:
1. Poisonous or toxic materials stored by the behavioral health specialized transitional facility are maintained in labeled containers in a locked area separate from food preparation and storage, dining areas, and medications and are inaccessible to patients;
  2. Combustible or flammable liquids and hazardous materials stored by a behavioral health specialized transitional facility are stored in the original labeled containers or safety containers in an area inaccessible to patients; and
  3. Poisonous, toxic, combustible, or flammable medical supplies in use for a patient are stored in a locked area according to the behavioral health specialized transitional facility's policies and procedures.
- D.** An administrator shall ensure that:
1. A patient's bedroom is provided with:
    - a. An individual storage space, such as a dresser or chest;
    - b. A bed that:
      - i. Consists of at least a mattress and frame, and
      - ii. Is at least 36 inches wide and 72 inches long; and
    - c. A pillow and linens that include:
      - i. A mattress pad;
      - ii. A top sheet and a bottom sheet are large enough to tuck under the mattress;
      - iii. A pillow case;
      - iv. A waterproof mattress cover, if needed; and
      - v. A blanket or bedspread sufficient to ensure the patient's warmth;
  2. Clean linens and bath towels are provided to a patient as needed and at least once every seven calendar days; and
  3. A patient's clothing may be cleaned according to policies and procedures.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1317. Physical Plant Standards**

- A.** An administrator shall ensure that a behavioral health specialized transitional facility complies with the applicable physical plant health and safety codes and standards for secure residential facilities, incorporated by reference in A.A.C. R9-1-412, in effect on the date the behavioral health specialized transitional facility submitted architectural plans and specifications to the Department for approval according to R9-10-104.
- B.** An administrator shall ensure that the premises and equipment are sufficient to accommodate:
1. The services stated in the behavioral health specialized transitional facility's scope of services, and
  2. An individual accepted as a patient by the behavioral health specialized transitional facility.
- C.** An administrator shall ensure that:
1. A behavioral health specialized transitional facility has:
    - a. An area in which a patient may meet with a visitor,
    - b. Areas where patients may receive individual treatment,
    - c. Areas where patients may receive group counseling or other group treatment,
    - d. An area for community dining; and
    - e. Sufficient space in one or more common areas for individual and group activities.
- D.** An administrator shall ensure that the behavioral health specialized transitional facility has:
1. A bathroom adjacent to a common area for use by patients and visitors that:
    - a. Provides privacy to the user; and
    - b. Contains:
      - i. A working sink with running water,
      - ii. A working toilet that flushes and has a seat,
      - iii. Toilet tissue dispenser,
      - iv. Dispensed soap for hand washing,
      - v. Single use paper towels or a mechanical air hand dryer,
      - vi. Lighting, and
      - vii. A means of ventilation;
  2. An indoor common area that is not used as a sleeping area and that has:
    - a. A working telephone that allows a patient to make a private telephone call;
    - b. A distortion-free mirror;
    - c. A current calendar and an accurate clock;
    - d. A variety of books, current magazines and newspapers, and arts and crafts supplies appropriate to the age, educational, cultural, and recreational needs of patients; and
    - e. A working television and access to a radio;
  3. A dining room or dining area that:
    - a. Is lighted and ventilated,
    - b. Contains tables and seats, and
    - c. Is not used as a sleeping area;

## Department of Health Services - Health Care Institutions: Licensing

4. An outdoor area that:
    - a. Is accessible to patients;
    - b. Has sufficient space to accommodate the social and recreational needs of patients; and
    - c. Has shaded and unshaded areas;
  5. For every ten patients, at least one working toilet that flushes and has a seat and dispensed toilet tissue;
  6. For every 12 patients, at least one sink with running water, dispensed soap for hand washing, and single use paper towels or a mechanical air hand dryer;
  7. For every 12 patients, at least one working bathtub or shower with a slip resistant surface; and
  8. For each patient, a private bedroom that:
    - a. Contains at least 60 square feet of floor space, not including the closet;
    - b. Has walls from floor to ceiling;
    - c. Has a door that opens into a hallway or common area;
    - d. Is constructed and furnished to provide unimpeded access to the door;
    - e. Is not used as a passageway to another bedroom or a bathroom, unless the bathroom is for the exclusive use of a the patient occupying the bedroom; and
    - f. Has sufficient lighting for a patient to read.
  7. Except as provided in subsection (A)(6), notify the Department according to A.R.S. § 36-425(I) when there is a change in the administrator and identify the name and qualifications of the new administrator.
- B. An administrator:**
1. Is directly accountable to the governing authority for the daily operation of the substance abuse transitional facility and all services provided by or at the substance abuse transitional facility;
  2. Has the authority and responsibility to manage the substance abuse transitional facility; and
  3. Except as provided in subsection (A)(6), designates, in writing, an individual who is present on a substance abuse transitional facility's premises and accountable for the substance abuse transitional facility when the administrator is not present on the substance abuse transitional facility's premises.
- C. An administrator shall ensure that:**
1. Policies and procedures are established, documented, and implemented to protect the health and safety of a participant that:
    - a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience for personnel members, employees, volunteers, and students;
    - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
    - c. Include how a personnel member may submit a complaint relating to services provided to a participant;
    - d. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;
    - e. Cover cardiopulmonary resuscitation training, including:
      - i. The method and content of cardiopulmonary resuscitation training, which includes a demonstration of the individual's ability to perform cardiopulmonary resuscitation;
      - ii. The qualifications for an individual to provide cardiopulmonary resuscitation training;
      - iii. The time-frame for renewal of cardiopulmonary resuscitation training; and
      - iv. The documentation that verifies that the individual has received cardiopulmonary resuscitation training;
    - f. Include a method to identify a participant to ensure the participant receives physical health services and behavioral health services as ordered;
    - g. Cover first aid training;
    - h. Cover participant rights, including assisting a participant who does not speak English or who has a physical or other disability to become aware of participant rights;
    - i. Cover specific steps for:
      - i. A participant to file a complaint, and
      - ii. The substance abuse transitional facility to respond to a participant's complaint;
    - j. Cover medical records, including electronic medical records;
    - k. Cover quality management, including incident reports and supporting documentation;
    - l. Cover contracted services; and

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**ARTICLE 14. SUBSTANCE ABUSE TRANSITIONAL FACILITIES****R9-10-1401. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following applies in this Article unless otherwise specified:

"Emergency medical care technician" has the same meaning as in A.R.S. § 36-2201.

**Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1).  
Amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1402. Administration****A. A governing authority shall:**

1. Consist of one or more individuals accountable for the organization, operation, and administration of a substance abuse transitional facility;
2. Establish, in writing:
  - a. A substance abuse transitional facility's scope of services, and
  - b. Qualifications for an administrator;
3. Designate, in writing, an administrator who meets the qualifications established in subsection (A)(2)(b);
4. Adopt a quality management program according to R9-10-1403;
5. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
6. Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b) if the administrator is:
  - a. Expected not to be present on a substance abuse transitional facility's premises for more than 30 calendar days, or

## Department of Health Services - Health Care Institutions: Licensing

- m. Cover when an individual may visit a participant in the substance abuse transitional facility;
2. Policies and procedures for services are established, documented, and implemented to protect the health and safety of a participant that:
  - a. Cover participant screening, admission, assessment, transfer, discharge planning, and discharge;
  - b. Include when general consent and informed consent are required;
  - c. Cover the provision of behavioral health services and physical health services;
  - d. Cover medication administration, assistance in the self-administration of medication, and disposing of medication, including provisions for inventory control and preventing diversion of controlled substances;
  - e. Cover infection control;
  - f. Cover environmental services that affect participant care;
  - g. Cover the process for receiving a fee from and refunding a fee to a participant or the participant's representative;
  - h. Cover the security of a participant's possessions that are allowed on the premises;
  - i. Cover smoking tobacco products on the premises;
  - j. Cover how the facility will respond to a participant's sudden, intense, or out-of-control behavior to prevent harm to the participant or another individual; and
  - k. Cover how often periodic monitoring occurs based on a participant's condition;
3. Policies and procedures are reviewed at least once every three years and updated as needed;
4. Policies and procedures are available to employees; and
5. Unless otherwise stated:
  - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
  - b. When documentation or information is required by this Chapter to be submitted on behalf of a substance abuse transitional facility, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the substance abuse transitional facility.
- D. An administrator shall provide written notification to the Department of a participant's:
  1. Death, if the participant's death is required to be reported according to A.R.S. § 11-593, within one working day after the participant's death; and
  2. Self-injury, within two working days after the participant inflicts a self-injury that requires immediate intervention by an emergency medical services provider.
- E. If abuse, neglect, or exploitation of a participant is alleged or suspected to have occurred before the participant was admitted or while the participant is not on the premises and not receiving services from a substance abuse transitional facility's employee or personnel member, an administrator shall immediately report the alleged or suspected abuse, neglect, or exploitation of the participant according to A.R.S. § 46-454.
- F. If an administrator has a reasonable basis, according to A.R.S. § 46-454, to believe that abuse, neglect, or exploitation has occurred on the premises or while a participant is receiving services from a substance abuse transitional facility's employee or personnel member, the administrator shall:
  1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
  2. Report the suspected abuse, neglect, or exploitation of the participant according to A.R.S. § 46-454;
  3. Document:
    - a. The suspected abuse, neglect, or exploitation;
    - b. Any action taken according to subsection (F)(1); and
    - c. The report in subsection (F)(2);
  4. Maintain the documentation in subsection (F)(3) for at least 12 months after the date of the report in subsection (F)(2);
  5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (F)(2):
    - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
    - b. A description of any injury to the participant and any change to the participant's physical, cognitive, functional, or emotional condition;
    - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
    - d. The actions taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
  6. Maintain a copy of the documented information required in subsection (F)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.
- G. An administrator shall establish, document, and implement a process for responding to a participant's need for immediate and unscheduled behavioral health services or physical health services.
- H. An administrator shall ensure that the following information or documents are conspicuously posted on the premises and are available upon request to a personnel member, an employee, a participant, or a participant's representative:
  1. The participant rights listed in R9-10-1409,
  2. The facility's current license,
  3. The location at which inspection reports are available for review or can be made available for review, and
  4. The days and times when a participant may accept visitors and make telephone calls.

**Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1402 repealed; new Section R9-10-1402 renumbered from Section R9-10-1403 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1403. Quality Management**

An administrator shall ensure that:

1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to participants;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to participant care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to participant care; and

## Department of Health Services - Health Care Institutions: Licensing

- e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to participant care, and
  - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to participant care; and
3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1403 renumbered to R9-10-1402; new Section R9-10-1403 renumbered from R9-10-1404 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1404. Contracted Services**

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1404 renumbered to R9-10-1403; new Section R9-10-1404 renumbered from R9-10-1405 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1405. Personnel**

A. An administrator shall ensure that:

1. A personnel member is:
  - a. At least 21 years old, or
  - b. Licensed or certified under A.R.S. Title 32 and providing services within the personnel member's scope of practice;
2. An employee is at least 18 years old;
3. A student is at least 18 years old; and
4. A volunteer is at least 21 years old.

B. An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of behavioral health services or physical health services expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of participants receiving behavioral health services or physical health services from the personnel member according to the established job description;
  - b. Include:
    - i. The specific skills and knowledge necessary for the personnel member to provide the expected behavioral health services and physical health

services listed in the established job description,

- ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description, and
- iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description;

2. A personnel member's skills and knowledge are verified and documented:

- a. Before the personnel member provides behavioral health services or physical health services, and
- b. According to policies and procedures;

3. An emergency medical care technician complies with the requirements in 9 A.A.C. 25 for certification and medical direction;

4. A substance abuse transitional facility has sufficient personnel members with the qualifications, education, experience, skills, and knowledge necessary to:

- a. Provide the behavioral health services and physical health services in the substance abuse transitional facility's scope of services,
- b. Meet the needs of a participant, and
- c. Ensure the health and safety of a participant;

5. A written plan is developed and implemented to provide orientation specific to the duties of a personnel member;

6. A personnel member's orientation is documented, to include:

- a. The personnel member's name,
- b. The date of the orientation, and
- c. The subject or topics covered in the orientation;

7. In addition to the training required in subsections (B)(1) and (B)(5), a written plan is developed and implemented to provide a personnel member with in-service education specific to the duties of the personnel member;

8. A personnel member receives training in how to respond to a participant's sudden, intense, or out-of-control behavior to prevent harm to the participant or another individual:

- a. Before providing services related to participant care, and
- b. At least once every 12 months after the date the personnel member begins providing services related to participant care; and

9. An individual's in-service education and, if applicable, training in how to respond to a participant's sudden, intense, or out-of-control behavior is documented, to include:

- a. The personnel member's name,
- b. The date of the training, and
- c. The subject or topics covered in the training.

- C. An administrator shall ensure that an individual who is licensed under A.R.S. Title 32, Chapter 33 as a baccalaureate social worker, master social worker, associate marriage and family therapist, associate counselor, or associate substance abuse counselor receives direct supervision as defined in A.A.C. R4-6-101.

- D. An administrator shall ensure that a personnel member, or an employee, a volunteer, or a student who has or is expected to have direct interaction with a participant for more than eight

## Department of Health Services - Health Care Institutions: Licensing

hours in a week, provides evidence of freedom from infectious tuberculosis:

1. On or before the date the individual begins providing services at or on behalf of the substance abuse transitional facility, and
  2. As specified in R9-10-113.
- E. An administrator shall comply with the requirements for behavioral health technicians and behavioral health paraprofessionals in R9-10-115.
- F. An administrator shall ensure that a personnel record is maintained for a personnel member, employee, volunteer, or student that contains:
1. The individual's name, date of birth, and contact telephone number;
  2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
  3. Documentation of:
    - a. The individual's qualifications including skills and knowledge applicable to the individual's job duties;
    - b. The individual's education and experience applicable to the individual's job duties;
    - c. The individual's completed orientation and in-service education as required by policies and procedures;
    - d. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
    - e. The individual's completion of the training required in subsection (B)(8), if applicable;
    - f. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
    - g. Cardiopulmonary resuscitation training, if required for the individual according to subsection (H) or policies and procedures;
    - h. First aid training, if required for the individual according to subsection (H) or policies and procedures; and
    - i. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (D).
- G. An administrator shall ensure that personnel records are:
1. Maintained:
    - a. Throughout an individual's period of providing services at or for a substance abuse transitional facility, and
    - b. For at least 24 months after the last date the individual provided services at or for a substance abuse transitional facility; and
  2. For a personnel member who has not provided physical health services or behavioral health services at or for the substance abuse transitional facility during the previous 12 months, provided to the Department within 72 hours after the Department's request.
- H. An administrator shall ensure at least one personnel member who is present at the substance abuse transitional facility during hours of facility operation has first-aid and cardiopulmonary resuscitation training certification specific to the populations served by the facility.
- I. An administrator shall ensure that:
1. At least one personnel member is present and awake at a substance abuse transitional facility at all times when a participant is on the premises;
  2. In addition to the personnel member in subsection (I)(1), at least one personnel member is on-call and available to come to the substance abuse transitional facility if needed;

3. A substance abuse transitional facility has sufficient personnel members to provide general participant supervision and treatment and sufficient personnel members or employees to provide ancillary services to meet the scheduled and unscheduled needs of each participant;
4. There is a daily staffing schedule that:
  - a. Indicates the date, scheduled work hours, and name of each individual assigned to work, including on-call individuals;
  - b. Includes documentation of the employees who work each day and the hours worked by each employee; and
  - c. Is maintained for at least 12 months after the last date on the documentation;
5. A behavioral health professional is present on the substance abuse transitional facility's premises or on-call; and
6. A registered nurse is present on the substance abuse transitional facility's premises or on-call.

**Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1405 renumbered to R9-10-1404; new Section R9-10-1405 renumbered from R9-10-1406 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1406. Admission; Assessment**

An administrator shall ensure that:

1. A participant is admitted based upon the participant's presenting behavioral health issue and treatment needs and the substance abuse transitional facility's ability and authority to provide behavioral health services or physical health services consistent with the participant's needs;
2. General consent is obtained from a participant or the participant's representative before or at the time of admission;
3. The general consent obtained in subsection (2) is documented in the participant's medical record;
4. An assessment of a participant is completed or updated by an emergency medical care technician or a registered nurse;
5. If an assessment is completed or updated by an emergency medical care technician, a registered nurse reviews the assessment within 24 hours after the completion of the assessment to ensure that the assessment identifies the behavioral health services and physical health services needed by the participant;
6. If an assessment that complies with the requirements in this Section is received from a behavioral health provider other than the substance abuse transitional facility or the substance abuse transitional facility has a medical record for the participant that contains an assessment that was completed within 12 months before the date of the participant's current admission:
  - a. The participant's assessment information is reviewed and updated if additional information that affects the participant's assessment is identified, and
  - b. The review and update of the participant's assessment information is documented in the participant's medical record within 48 hours after the review is completed;
7. An assessment:
  - a. Documents a participant's:



## Department of Health Services - Health Care Institutions: Licensing

- i. Presenting issue;
- ii. Substance abuse history;
- iii. Co-occurring disorder;
- iv. Medical condition and history;
- v. Behavioral health treatment history;
- vi. Symptoms reported by the participant; and
- vii. Referrals needed by the participant, if any;
- b. Includes:
  - i. Recommendations for further assessment or examination of the participant's needs;
  - ii. The behavioral health services and physical health services that will be provided to the participant; and
  - iii. The signature and date signed of the personnel member conducting the assessment; and
- c. Is documented in participant's medical record;
- 8. A participant is referred to a medical practitioner if a determination is made that the participant requires immediate physical health services or the participant's behavioral health issue may be related to the participant's medical condition;
- 9. If a participant requires behavioral health services that the substance abuse transitional facility is not authorized or not able to provide, a personnel member arranges for the participant to be provided transportation to transfer to another health care institution where the behavioral health services can be provided;
- 10. A request for participation in a participant's assessment is made to the participant or the participant's representative;
- 11. An opportunity for participation in the participant's assessment is provided to the participant or the participant's representative;
- 12. Documentation of the request in subsection (10) and the opportunity in subsection (11) is in the participant's medical record; and
- 13. A participant's assessment information is:
  - a. Documented in the medical record within 48 hours after completing the assessment; and
  - b. Reviewed and updated when additional information that affects the participant's assessment is identified.
- a. Provides the participant with discharge information that includes:
  - i. The identified specific needs of the participant after discharge; and
  - ii. Resources that may be available for the participant; and
- b. Contacts any resources identified as required in subsection (A)(1)(b).
- B.** An administrator shall ensure that there is a documented discharge order by a medical practitioner before a participant is discharged unless the participant leaves the facility against a medical practitioner's advice.
- C.** An administrator shall ensure that, at the time of discharge, a participant receives a referral for behavioral health services that the participant may need after discharge, if applicable.
- D.** An administrator shall ensure that a discharge summary:
  - 1. Is entered into the participant's medical record within 10 working days after a participant's discharge; and
  - 2. Includes the following information completed by an individual authorized by policies and procedures:
    - a. The participant's presenting issue and other behavioral health and physical health issues identified in the participant's assessment;
    - b. A summary of the behavioral health services and physical health services provided to the participant;
    - c. The name, dosage, and frequency of each medication for the participant ordered at the time of the participant's discharge by a medical practitioner at the facility; and
    - d. A description of the disposition of the participant's possessions, funds, or medications brought to the facility by the participant.
- E.** An administrator shall ensure that a participant who is dependent upon a prescribed medication is offered a written referral to detoxification services or opioid treatment before the participant is discharged.

**Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1407 renumbered to R9-10-1406; new Section R9-10-1407 renumbered from R9-10-1408 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1408. Transfer**

Except for a transfer of a participant due to an emergency, an administrator shall ensure that:

**R9-10-1407. Discharge**

**A.** An administrator shall ensure that:

- 1. If a participant is not being transferred to another health care institution, before discharging the participant from a substance abuse transitional facility, a personnel member:
  - a. Identifies the specific needs of the participant after discharge necessary to assist the participant to address the participant's substance abuse issues;
  - b. Identifies any resources, including family members, community social services, peer support services, and Regional Behavioral Health Agency staff, that may be available to assist the participant; and
  - c. Documents the information in subsection (A)(1)(a) and the resources in subsection (A)(1)(b) in the participant's medical record; and
- 2. When an individual is discharged, a personnel member:
  - a. A personnel member coordinates the transfer and the services provided to the participant;
  - b. According to policies and procedures:
    - a. An evaluation of the participant is conducted before the transfer;
    - b. Information in the participant's medical record, including orders that are in effect at the time of the transfer, is provided to a receiving health care institution; and
    - c. A personnel member explains risks and benefits of the transfer to the participant or the participant's representative; and
  - 3. Documentation in the participant's medical record includes:
    - a. Communication with an individual at a receiving health care institution;
    - b. The date and time of the transfer;

## Department of Health Services - Health Care Institutions: Licensing

- c. The mode of transportation; and
- d. If applicable, the name of the personnel member accompanying the participant during a transfer.

**Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).  
Section R9-10-1408 renumbered to R9-10-1407; new Section R9-10-1408 renumbered from R9-10-1409 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1409. Participant Rights**

- A.** An administrator shall ensure that:
  - 1. The requirements in subsection (B) and the participant rights in subsection (C) are conspicuously posted on the premises;
  - 2. At the time of admission, a participant or the participant's representative receives a written copy of the requirements in subsection (B) and the participant rights in subsection (C); and
  - 3. Policies and procedures are established, documented, and implemented to protect the health and safety of a participant that include:
    - a. How and when a participant or the participant's representative is informed of participant rights in subsection (C), and
    - b. Where participant rights are posted as required in subsection (A)(1).
- B.** An administrator shall ensure that:
  - 1. A participant is treated with dignity, respect, and consideration;
  - 2. A participant is not subjected to:
    - a. Abuse;
    - b. Neglect;
    - c. Exploitation;
    - d. Coercion;
    - e. Manipulation;
    - f. Sexual abuse;
    - g. Sexual assault;
    - h. Seclusion;
    - i. Restraint;
    - j. Retaliation for submitting a complaint to the Department or another entity;
    - k. Misappropriation of personal and private property by the substance abuse transitional facility's personnel members, employees, volunteers, or students; or
    - l. Discharge or transfer, or threat of discharge or transfer, for reasons unrelated to the participant's treatment needs, except as established in a fee agreement signed by the participant or the participant's representative; and
  - 3. A participant or the participant's representative:
    - a. Except in an emergency, either consents to or refuses treatment;
    - b. May refuse or withdraw consent for treatment before treatment is initiated;
    - c. Except in an emergency, is informed of alternatives to a proposed psychotropic medication, associated risks, and possible complications;
    - d. Is informed of the participant complaint process; and
    - e. Except as otherwise permitted by law, provides written consent to the release of information in the participant's:
      - i. Medical record, or

- ii. Financial records.

- C.** A participant has the following rights:
  - 1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
  - 2. To receive treatment that:
    - a. Supports and respects the participant's individuality, choices, strengths, and abilities;
    - b. Supports the participant's personal liberty and only restricts the participant's personal liberty according to a court order, by the participant's or the participant's representative's general consent, or as permitted in this Chapter; and
    - c. Is provided in the least restrictive environment that meets the participant's treatment needs;
  - 3. To receive privacy in treatment and care for personal needs, including the right not to be fingerprinted, photographed, or recorded without consent, except:
    - a. A participant may be photographed when admitted to a substance abuse transitional facility for identification and administrative purposes;
    - b. For a participant receiving treatment according to A.R.S. Title 36, Chapter 37; or
    - c. For video recordings used for security purposes that are maintained only on a temporary basis;
  - 4. To review, upon written request, the participant's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
  - 5. To receive a referral to another health care institution if the substance abuse transitional facility is not authorized or not able to provide behavioral health services or physical health services needed by the participant;
  - 6. To participate or have the participant's representative participate in the development of or decisions concerning treatment;
  - 7. To receive assistance from a family member, the participant's representative, or other individual in understanding, protecting, or exercising the participant's rights;
  - 8. To be provided locked storage space for the participant's belongings while the participant receives services; and
  - 9. To be informed of the requirements necessary for the participant's discharge.

**Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).  
Section R9-10-1409 renumbered to R9-10-1408; new Section R9-10-1409 renumbered from R9-10-1410 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1410. Medical Records**

- A.** An administrator shall ensure that:
  - 1. A medical record is established and maintained for each participant according to A.R.S. Title 12, Chapter 13, Article 7.1;
  - 2. An entry in a participant's medical record is:
    - a. Recorded only by a personnel member authorized by policies and procedures to make the entry;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  - 3. An order is:
    - a. Dated when the order is entered in the participant's medical record and includes the time of the order;

## Department of Health Services - Health Care Institutions: Licensing

- b. Authenticated by a medical practitioner or behavioral health professional according to policies and procedures; and
    - c. If the order is a verbal order, authenticated by the medical practitioner or behavioral health professional issuing the order;
  4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
  5. A participant's medical record is available to an individual:
    - a. Authorized according to policies and procedures to access the participant's medical record;
    - b. If the individual is not authorized according to policies and procedures, with the written consent of the participant or the participant's representative; or
    - c. As permitted by law; and
  6. A participant's medical record is protected from loss, damage, or unauthorized use.
- B.** If a substance abuse transitional agency maintains participants' medical records electronically, an administrator shall ensure that:
  1. Safeguards exist to prevent unauthorized access, and
  2. The date and time of an entry in a medical record is recorded by the computer's internal clock.
- C.** An administrator shall ensure that a participant's medical record contains:
  1. Participant information that includes:
    - a. The participant's name;
    - b. The participant's address;
    - c. The participant's date of birth; and
    - d. Any known allergies, including medication allergies;
  2. A participant's presenting behavioral health issue;
  3. Documentation of general consent and, if applicable, informed consent for treatment by the participant or the participant's representative, except in an emergency;
  4. If applicable, the name and contact information of the participant's representative and:
    - a. The document signed by the participant consenting for the participant's representative to act on the participant's behalf; or
    - b. If the participant's representative:
      - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
      - ii. Is a legal guardian, a copy of the court order establishing guardianship;
  5. Documentation of medical history and results of a physical examination;
  6. The date of admission and, if applicable, date of discharge;
  7. Orders;
  8. Assessment;
  9. Progress notes;
  10. Documentation of substance abuse transitional agency services provided to the participant;
  11. If applicable, documentation of any actions taken to control the participant's sudden, intense, or out-of-control behavior to prevent harm to the participant or another individual;
  12. The disposition of the participant upon discharge;
  13. The discharge plan;
  14. A discharge summary, if applicable; and
  15. Documentation of a medication administered to a participant that includes:
    - a. The date and time of administration;
    - b. The name, strength, dosage, and route of administration;
    - c. For a medication administered for pain:
      - i. An evaluation of the participant's pain before administering the medication, and
      - ii. The effect of the medication administered;
    - d. For a psychotropic medication:
      - i. An evaluation of the participant's behavior before administering the psychotropic medication, and
      - ii. The effect of the psychotropic medication administered;
    - e. The signature of the individual administering the medication; and
    - f. Any adverse reaction a participant has to the medication.

**Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1410 renumbered to R9-10-1409; new Section R9-10-1410 renumbered from R9-10-1411 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1411. Behavioral Health Services**

- A.** An administrator shall ensure that counseling is:
  1. Offered as described in the substance abuse transitional facility's scope of services,
  2. Provided according to the frequency and number of hours identified in the participant's assessment, and
  3. Provided by a behavioral health professional.
- B.** An administrator shall ensure that:
  1. A behavioral health professional providing counseling that addresses a specific type of behavioral health issue has the skills and knowledge necessary to provide the counseling that addresses the specific type of behavioral health issue; and
  2. Each counseling session is documented in a participant's medical record to include:
    - a. The date of the counseling session;
    - b. The amount of time spent in the counseling session;
    - c. Whether the counseling was individual counseling, family counseling, or group counseling;
    - d. The treatment goals addressed in the counseling session; and
    - e. The signature of the personnel member who provided the counseling and the date signed.

**Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1411 renumbered to R9-10-1410; new Section R9-10-1411 renumbered from R9-10-1412 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1412. Medication Services**

## Department of Health Services - Health Care Institutions: Licensing

- A.** If a facility provides medication administration or assistance in the self-administration of medication, an administrator shall ensure that policies and procedures for medication services:
1. Include:
    - a. A process for providing information to a participant about medication prescribed for the participant including:
      - i. The prescribed medication's anticipated results,
      - ii. The prescribed medication's potential adverse reactions,
      - iii. The prescribed medication's potential side effects, and
      - iv. Potential adverse reactions that could result from not taking the medication as prescribed;
    - b. Procedures for preventing, responding to, and reporting:
      - i. A medication error,
      - ii. An adverse reaction to a medication, or
      - iii. A medication overdose;
    - c. Procedures to ensure that a participant's medication regimen is reviewed by a medical practitioner to ensure the medication regimen meets the participant's needs;
    - d. Procedures for documenting medication administration and assistance in the self-administration of medication;
    - e. Procedures for assisting a participant in obtaining medication; and
    - f. If applicable, procedures for providing medication administration or assistance in the self-administration of medication off the premises; and
  2. Specify a process for review through the quality management program of:
    - a. A medication administration error, and
    - b. An adverse reaction to a medication.
- B.** If a substance abuse transitional facility provides medication administration, an administrator shall ensure that:
1. Policies and procedures for medication administration:
    - a. Are reviewed and approved by a medical practitioner;
    - b. Specify the individuals who may:
      - i. Order medication, and
      - ii. Administer medication;
    - c. Ensure that medication is administered to a participant only as prescribed;
    - d. Cover the documentation of a participant's refusal to take prescribed medication in the participant's medical record;
  2. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law; and
  3. A medication administered to a participant:
    - a. Is administered in compliance with an order, and
    - b. Is documented in the participant's medical record.
- C.** If a substance abuse transitional facility provides assistance in the self-administration of medication, an administrator shall ensure that:
1. A participant's medication is stored by the substance abuse transitional facility;
  2. The following assistance is provided to a participant:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container for the participant;
    - c. Observing the participant while the participant removes the medication from the container;
  3. Policies and procedures for assistance in the self-administration of medication are reviewed and approved by a medical practitioner or registered nurse;
  4. Training for a personnel member, other than a medical practitioner or registered nurse, in assistance in the self-administration of medication:
    - a. Is provided by a medical practitioner or registered nurse or an individual trained by a medical practitioner or registered nurse;
    - b. Includes:
      - i. A demonstration of the personnel member's skills and knowledge necessary to provide assistance in the self-administration of medication,
      - ii. Identification of medication errors and medical emergencies related to medication that require emergency medical intervention, and
      - iii. The process for notifying the appropriate entities when an emergency medical intervention is needed;
  5. A personnel member, other than a medical practitioner or registered nurse, completes the training in subsection (C)(4) before the personnel member provides assistance in the self-administration of medication; and
  6. Assistance in the self-administration of medication provided to a participant:
    - a. Is in compliance with an order, and
    - b. Is documented in the participant's medical record.
- D.** An administrator shall ensure that:
1. A current drug reference guide is available for use by personnel members, and
  2. A current toxicology reference guide is available for use by personnel members.
- E.** When medication is stored at the substance abuse transitional facility, an administrator shall ensure that:
1. Medication is stored in a separate locked room, closet, or self-contained unit used only for medication storage;
  2. Medication is stored according to the instructions of the medication container; and
  3. Policies and procedures are established, documented, and implemented for:
    - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication, including expired medication;
    - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
- d.** Verifying that the medication is taken as ordered by the participant's medical practitioner by confirming that:
- i. The participant taking the medication is the individual stated on the medication container label,
  - ii. The participant is taking the dosage of the medication stated on the medication container label or according to an order from a medical practitioner dated later than the date on the medication container label, and
  - iii. The participant is taking the medication at the time stated on the medication container label or according to an order from a medical practitioner dated later than the date on the medication container label; or
- e.** Observing the participant while the participant takes the medication;

## Department of Health Services - Health Care Institutions: Licensing

- c. A medication recall and notification of participants who received recalled medication;
  - d. Storing, inventorying, and dispensing controlled substances; and
  - e. Documenting the maintenance of a medication requiring refrigeration.
- F. An administrator shall ensure that a personnel member immediately reports a medication error or a participant's adverse reaction to a medication to the medical practitioner who ordered the medication and the registered nurse required in R9-10-1405(I)(6).

**Historical Note**

Adopted effective February 1, 1994 (Supp. 94-1). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1412 renumbered to R9-10-1411; new Section R9-10-1412 renumbered from R9-10-1413 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1413. Food Services**

- A. An administrator shall ensure that:
1. If a substance abuse transitional facility has a licensed capacity of more than 10 participants:
    - a. Food services are provided in compliance with 9 A.A.C. 8, Article 1; and
    - b. A copy of the substance abuse transitional facility's food establishment license or permit required according to subsection (A)(1) is maintained;
  2. If a substance abuse transitional facility contracts with a food establishment, as established in 9 A.A.C. 8, Article 1, to prepare and deliver food to the facility:
    - a. A copy of the contracted food establishment's license or permit is maintained by the substance abuse transitional facility; and
    - b. The substance abuse transitional facility is able to store, refrigerate, and reheat food to meet the dietary needs of a participant;
  3. A registered dietitian is employed full-time, part-time, or as a consultant; and
  4. If a registered dietitian is not employed full-time, an individual is designated as a director of food services who consults with a registered dietitian as often as necessary to meet the nutritional needs of the participants.
- B. A registered dietitian or director of food services shall ensure that:
1. Food is prepared:
    - a. Using methods that conserve nutritional value, flavor, and appearance; and
    - b. In a form to meet the needs of a participant such as cut, chopped, ground, pureed, or thickened;
  2. A food menu is:
    - a. Prepared at least one week in advance,
    - b. Conspicuously posted, and
    - c. Maintained for at least 60 calendar days after the last day included in the food menu;
  3. If there is a change to a posted food menu, the change is noted on the posted menu no later than the morning of the day the change occurs;
  4. Meals and snacks provided by the substance abuse transitional facility are served according to posted menus;
  5. Meals and snacks for each day are planned using the applicable guidelines in <http://www.health.gov/dietaryguidelines/2010.asp>;
  6. A participant is provided:
    - a. A diet that meets the participant's nutritional needs as specified in the participant's assessment;
    - b. Three meals a day with not more than 14 hours between the evening meal and breakfast, except as provided in subsection (B)(6)(d);
    - c. The option to have a daily evening snack identified in subsection (B)(6)(d)(ii) or other snack; and
    - d. The option to extend the time span between the evening meal and breakfast from 14 hours to 16 hours if:
      - i. The participant agrees; and
      - ii. The participant is offered an evening snack that includes meat, fish, eggs, cheese, or other protein, and a serving from either the fruit and vegetable food group or the bread and cereal food group;
- C. An administrator shall ensure that food is obtained, prepared, served, and stored as follows:
1. Food is free from spoilage, filth, or other contamination and is safe for human consumption;
  2. Food is protected from potential contamination;
  3. Potentially hazardous food is maintained as follows:
    - a. Foods requiring refrigeration are maintained at 41° F or below; and
    - b. Foods requiring cooking are cooked to heat all parts of the food to a temperature of at least 145° F for 15 seconds, except that:
      - i. Ground beef and any food containing ground beef are cooked to heat all parts of the food to at least 155° F;
      - ii. Poultry, poultry stuffing, stuffed meats, and stuffing that contains meat are cooked to heat all parts of the food to at least 165° F;
      - iii. Pork and any food containing pork are cooked to heat all parts of the food to at least 155° F;
      - iv. Raw shell eggs for immediate consumption are cooked to at least 145° F for 15 seconds and any food containing raw shell eggs is cooked to heat all parts of the food to at least 155° F;
      - v. If the facility serves a population that is not a highly susceptible population, rare roast beef may be served cooked to an internal temperature of at least 145° F for at least three minutes and a whole muscle intact beef steak may be served cooked on both top and bottom to a surface temperature of at least 145° F; and
      - vi. Leftovers are reheated to a temperature of at least 165° F;
  4. A refrigerator contains a thermometer, accurate to plus or minus 3° F, placed at the warmest part of the refrigerator;
  5. Frozen foods are stored at a temperature of 0° F or below; and
  6. Tableware, utensils, equipment, and food-contact surfaces are clean and in good repair.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1413 renumbered to R9-10-1412; new Section R9-10-1413 renumbered from R9-10-1414 and amended by

## Department of Health Services - Health Care Institutions: Licensing

exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1414. Emergency and Safety Standards****A.** An administrator shall ensure that:

1. An evacuation drill for employees and participants on the premises is conducted at least once every six months on each shift;
2. Documentation of each evacuation drill is created, is maintained for at least 12 months after the date of the evacuation drill, and includes:
  - a. The date and time of the drill;
  - b. The amount of time taken for all employees and participants to evacuate the substance abuse transitional facility;
  - c. Any problems encountered in conducting the drill; and
  - d. Recommendations for improvement, if applicable;
3. An evacuation path is conspicuously posted on each hallway of each floor of the facility;
4. A disaster plan is developed, documented, maintained in a location accessible to personnel members, and, if necessary, implemented that includes:
  - a. When, how, and where participants will be relocated;
  - b. How a participant's medical record will be available to individuals providing services to the participant during a disaster;
  - c. A plan to ensure a participant's medication will be available to administer to the participant during a disaster; and
  - d. A plan for obtaining food and water for individuals present in the substance abuse transitional facility or the substance abuse transitional facility's relocation site during a disaster;
5. The disaster plan required in subsection (A)(4) is reviewed at least once every 12 months;
6. Documentation of a disaster plan review required in subsection (A)(5) is created, is maintained for at least 12 months after the date of the disaster plan review, and includes:
  - a. The date and time of the disaster plan review;
  - b. The name of each employee or volunteer participating in the disaster plan review;
  - c. A critique of the disaster plan review; and
  - d. If applicable, recommendations for improvement; and
7. A disaster drill for employees is conducted on each shift at least once every three months and documented.

**B.** An administrator shall ensure that:

1. A fire inspection is conducted by a local fire department or the State Fire Marshal before initial licensing and according to the time-frame established by the local fire department or the State Fire Marshal,
2. Any repairs or corrections stated on the fire inspection report are made, and
3. Documentation of a current fire inspection is maintained.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1414 renumbered to R9-10-1413; new Section R9-10-1414 renumbered from R9-10-1415 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1415. Environmental Standards****A.** An administrator shall ensure that:

1. The premises and equipment are sufficient to accommodate the activities, treatment, and ancillary services stated in the substance abuse transitional facility's scope of services;
2. The premises and equipment are:
  - a. Maintained in a condition that allows the premises and equipment to be used for the original purpose of the premises and equipment,
  - b. Clean, and
  - c. Free from a condition or situation that may cause a participant or other individual to suffer physical injury or illness;
3. A pest control program is implemented and documented;
4. Biohazardous waste and hazardous waste are identified, stored, used, and disposed of according to 18 A.A.C. 13, Article 14 and policies and procedures;
5. Equipment used at the substance abuse transitional facility is:
  - a. Maintained in working order;
  - b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
  - c. Used according to the manufacturer's recommendations;
6. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of the testing, calibration, or repair;
7. Garbage and refuse are:
  - a. Stored in plastic bags in covered containers, and
  - b. Removed from the premises at least once a week;
8. Heating and cooling systems maintain the facility at a temperature between 70° F and 84° F at all times;
9. A space heater is not used;
10. Common areas:
  - a. Are lighted to assure the safety of participants, and
  - b. Have lighting sufficient to allow personnel members to monitor participant activity;
11. Hot water temperatures are maintained between 95° F and 120° F in the areas of the substance abuse transitional facility used by participants;
12. The supply of hot and cold water is sufficient to meet the personal hygiene needs of participants and the cleaning and sanitation requirements in this Article;
13. Soiled linen and soiled clothing stored by the substance abuse transitional facility are maintained separate from clean linen and clothing and stored in closed containers away from food storage, kitchen, and dining areas;
14. Oxygen containers are secured in an upright position;
15. Poisonous or toxic materials stored by the substance abuse transitional facility are maintained in labeled containers in a locked area separate from food preparation and storage, dining areas, and medications and are inaccessible to participants;
16. Combustible or flammable liquids and hazardous materials stored by the substance abuse transitional facility are stored in the original labeled containers or safety containers in a locked area inaccessible to participants;
17. If a water source that is not regulated under 18 A.A.C. 4 by the Arizona Department of Environmental Quality is used:
  - a. The water source is tested at least once every 12 months for total coliform bacteria and fecal coliform or *E. coli* bacteria;
  - b. If necessary, corrective action is taken to ensure the water is safe to drink; and

## Department of Health Services - Health Care Institutions: Licensing

- c. Documentation of testing is retained for at least 12 months after the date of the test; and
18. If a non-municipal sewage system is used, the sewage system is in working order and is maintained according to all applicable state laws and rules.
- B.** An administrator shall ensure that:
1. Smoking tobacco products is not permitted within a substance abuse transitional facility; and
  2. Smoking tobacco products may be permitted on the premises outside a substance abuse transitional facility if:
    - a. Signs designating smoking areas are conspicuously posted, and
    - b. Smoking is prohibited in areas where combustible materials are stored or in use.
- Historical Note**
- Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1415 renumbered to R9-10-1414; new Section R9-10-1415 renumbered from R9-10-1416 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- R9-10-1416. Physical Plant Standards**
- A.** An administrator shall ensure that a substance abuse transitional facility has:
1. A fire alarm system installed according to the National Fire Protection Association 72: National Fire Alarm and Signaling Code, incorporated by reference in A.A.C. R9-1-412, that is in working order; and a sprinkler system installed according to the National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems, incorporated by reference in A.A.C. R9-1-412, that is in working order; or
  2. An alternative method to ensure participant safety that is documented and approved by the local jurisdiction.
- B.** An administrator shall ensure that:
1. If a participant has a mobility, sensory, or other physical impairment, modifications are made to the premises to ensure that the premises are accessible to and usable by the participant; and
  2. A substance abuse transitional facility has:
    - a. A room that provides privacy for a participant to receive treatment or visitors; and
    - b. A common area and a dining area that:
      - i. Are not converted, partitioned, or otherwise used as a sleeping area; and
      - ii. Contain furniture and materials to accommodate the recreational and socialization needs of the participants and other individuals in the facility.
- C.** An administrator shall ensure that:
1. For every six participants, there is at least one working toilet that flushes and one sink with running water;
  2. For every eight participants, there is at least one working bathtub or shower;
  3. A participant bathroom provides privacy when in use and contains:
    - a. A shatter-proof mirror;
    - b. Toilet tissue for each toilet;
    - c. Soap accessible from each sink;
    - d. Paper towels in a dispenser or a mechanical air hand dryer for a bathroom that is used by more than one participant;
    - e. A window that opens or another means of ventilation; and
  - f. Nonporous surfaces for shower enclosures, clean usable shower curtains, and slip-resistant surfaces in tubs and showers;
4. Each participant is provided a bedroom for sleeping; and
5. A participant bedroom complies with the following:
- a. Is not used as a common area;
  - b. Except as provided in subsection (D):
    - i. Contains a door that opens into a hallway, common area, or outdoors; and
    - ii. In addition to the door in subsection (C)(5)(b)(i), contains another means of egress;
  - c. Is constructed and furnished to provide unimpeded access to the door;
  - d. Has window or door covers that provide participant privacy;
  - e. Except as provided in subsection (D), is not used as a passageway to another bedroom or bathroom unless the bathroom is for the exclusive use of an individual occupying the bedroom;
  - f. Has floor to ceiling walls;
  - g. Is a:
    - i. Private bedroom that contains at least 60 square feet of floor space, not including the closet; or
    - ii. Shared bedroom that, except as provided in subsection (D):
      - (1) Is shared by no more than eight participants;
      - (2) Contains at least 60 square feet of floor space, not including a closet, for each individual occupying the bedroom; and
      - (3) Provides at least three feet of floor space between beds or bunk beds;
  - h. Except as provided in subsection (D), contains for each participant occupying the bedroom:
    - i. A bed that is at least 36 inches wide and at least 72 inches long, and consists of at least a frame and mattress and linens; and
    - ii. Individual storage space for personnel effects and clothing such as a dresser or chest; and
  - i. Has sufficient lighting for participant occupying the bedroom to read.
- D.** An administrator of a substance abuse transitional facility that uses a building that was licensed as a rural substance abuse transitional center before October 1, 2013 shall ensure that:
1. A bedroom has a door that allows egress from the bedroom,
  2. A shared bedroom contains enough space to allow each participant occupying the bedroom to freely move about the bedroom,
  3. A bed is of a sufficient size to accommodate a participant using the bed and provide space for all parts of the participant's body on the bed's mattress, and
  4. A participant is provided storage space on a substance abuse transitional facility's premises that is accessible to the participant.
- Historical Note**
- Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1416 renumbered to R9-10-1415; new Section R9-10-1416 renumbered from R9-10-1417 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).
- R9-10-1417. Renumbered**
- Historical Note**
- Section made by exempt rulemaking at 19 A.A.R. 2015,

## Department of Health Services - Health Care Institutions: Licensing

effective October 1, 2013 (Supp. 13-2). Section R9-10-1417 renumbered to R9-10-1416 by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

*Editor's Note: The following Article was adopted under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1999, Ch. 311, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**ARTICLE 15. ABORTION CLINICS**

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1501. Definitions**

In addition to the definitions in A.R.S. §§ 36-401, 36-449.01, 36-449.03, and R9-10-101, the following definitions apply in this Article, unless otherwise specified:

1. "Admission" means documented acceptance by a hospital of an individual as an inpatient as defined in R9-10-201 on the order of a physician.
2. "Admitting privileges" means permission extended by a hospital to a physician to allow admission of a patient:
  - a. By the patient's own physician, or
  - b. Through a written agreement between the patient's physician and another physician that states that the other physician has permission to personally admit the patient to a hospital in this state and agrees to do so.
3. "Conspicuously posted" means placed at a location within an abortion clinic that is accessible and visible to patients and the public.
4. "Course" means hands-on practice under the supervision of a physician, training, or education.
5. "Discharge" means a patient no longer requires the medical services, nursing services, or health-related services provided by the abortion clinic.
6. Emergency means a potentially life-threatening occurrence that requires an immediate response or medical treatment.
7. "Employee" means an individual who receives compensation from a licensee, but does not provide medical services, nursing services, or health-related services.
8. "First trimester" means 1 through 14 weeks as measured from the first day of the last menstrual period or 1 through 12 weeks as measured from the date of fertilization.
9. "Incident" means an abortion related patient death or serious injury to a patient or viable fetus.
10. "Licensee" means an individual, a partnership, an association, a limited liability company, or corporation authorized by the Department to operate an abortion clinic.
11. "Local" means under the jurisdiction of a city or county in Arizona.
12. "Medical director" means a physician who is responsible for the direction of the medical services, nursing services, and health-related services provided to patients at an abortion clinic.
13. "Medical evaluation" means obtaining a patient's medical history, performing a physical examination of a patient's body, and conducting laboratory tests as provided in R9-10-1508.
14. "Monitor" means to observe and document, continuously or intermittently, the values of certain physiologic variables on a patient such as pulse, blood pressure, oxygen saturation, respiration, and blood loss.
15. "Nationally recognized medical journal" means any publication distributed nationally that contains peer-reviewed medical information, such as the *American Journal of Radiology* or the *Journal of Ultrasound in Medicine*.
16. "Patient" means a female receiving medical services, nursing services, or health-related services related to an abortion.
17. "Patient care staff" means a physician, registered nurse practitioner, nurse, physician assistant, or surgical assistant who provides medical services, nursing services, or health-related services to a patient.
18. "Patient's representative" means a patient's legal guardian, an individual acting on behalf of a patient with the written consent of the patient, or a surrogate according to A.R.S. § 36-3201.
19. "Patient transfer" means relocating a patient requiring medical services from an abortion clinic to another health care institution.
20. "Personally identifiable patient information" means:
  - a. The name, address, telephone number, e-mail address, Social Security number, and birth date of:
    - i. The patient,
    - ii. The patient's representative,
    - iii. The patient's emergency contact,
    - iv. The patient's children,
    - v. The patient's spouse,
    - vi. The patient's sexual partner, and
    - vii. Any other individual identified in the patient's medical record other than patient care staff;
  - b. The patient's place of employment;
  - c. The patient's referring physician;
  - d. The patient's insurance carrier or account;
  - e. Any "individually identifiable health information" as proscribed in 45 CFR 164-514; and
  - f. Any other information in the patient's medical record that could reasonably lead to the identification of the patient.
21. "Personnel" means patient care staff, employees, and volunteers.
22. "Physical facilities" means property that is:
  - a. Designated on an application for a license by the applicant; and
  - b. Licensed to provide services by the Department according to A.R.S. Title 36, Chapter 4.
23. "Surgical assistant" means an individual who is not licensed as a physician, physician assistant, registered nurse practitioner, or nurse who performs duties as directed by a physician, physician assistant, registered nurse practitioner or nurse.
24. "Volunteer" means an individual who, without compensation, performs duties as directed by a member of the patient care staff at an abortion clinic.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, § 3(B). Amended effective May 2, 1997, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1996, Ch. 329, § 5 (Supp. 97-2). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the



## Department of Health Services - Health Care Institutions: Licensing

Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 6 A.A.R. 3755, effective January 1, 2001 (Supp. 00-3). Amended by final rulemaking at 16 A.A.R. 688, effective November 1, 2010 (Supp. 10-2). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1).

**Editor's Note:** *The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1502. Application Requirements**

An applicant shall submit an application for licensure that meets the requirements in A.R.S. § 36-422 and 9 A.A.C. 10, Article 1.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, § 3(B). Amended effective May 2, 1997, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1996, Ch. 329, § 5 (Supp. 97-2). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1).

**Editor's Note:** *The following Exhibit was adopted and subsequently repealed under an exemption from the provisions of the Administrative Procedure Act, which means that this rule was not reviewed by the Governor's Regulatory Review Council; the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department was not required to hold public hearings on the rule; and the Attorney General has not certified this rule.*

**Exhibit A. Repealed****Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, Section 3(B). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4).

**Editor's Note:** *The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1503. Administration**

- A. A licensee is responsible for the organization and management of an abortion clinic.
- B. A licensee shall:
  1. Adopt policies and procedures for the administration and operation of an abortion clinic;
  2. Designate a medical director who is licensed according to A.R.S. Title 32, Chapter 13, 17, or 29. The licensee and the medical director may be the same individual; and
  3. Ensure the following documents are conspicuously posted at the physical facilities:
    - a. Current abortion clinic license issued by the Department;
    - b. Current telephone number and address of the unit in the Department responsible for licensing the abortion clinic;
    - c. Evacuation map; and
    - d. Signs that comply with A.R.S. § 36-2153(G).
- C. A medical director shall ensure written policies and procedures are established, documented, and implemented for:
  1. Personnel qualifications, duties, and responsibilities;
  2. Individuals qualified to provide counseling in the abortion clinic and the amount and type of training required for an individual to provide counseling;
  3. Verification of the competency of the physician performing an abortion according to R9-10-1505;
  4. The storage, administration, accessibility, disposal, and documentation of a medication, and a controlled substance;
  5. Accessibility and security of patient medical records;
  6. Abortion procedures including recovery and follow-up care; and the minimum length of time a patient remains in the recovery room or area based on:
    - a. The type of abortion performed;
    - b. The estimated gestational age of the fetus;
    - c. The type and amount of medication administered; and
    - d. The physiologic signs including vital signs and blood loss;
  7. Infection control including methods of sterilizing equipment and supplies;
  8. Medical emergencies; and
  9. Patient discharge and patient transfer.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, § 3(B). Amended effective May 2, 1997, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1996, Ch. 329, § 5 (Supp. 97-2). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by final rulemaking at 16 A.A.R. 688, effective November 1, 2010 (Supp. 10-2). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1). Amended by exempt rulemaking at 20 A.A.R. 2078, effective July 24, 2014 (Supp. 14-3).

**Editor's Note:** *The following Section was adopted under an exemption from the provisions of the Administrative Procedure*

## Department of Health Services - Health Care Institutions: Licensing

*Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1504. Incident Reporting**

- A. A licensee shall ensure that the Department is notified of an incident as follows:
1. For the death of a patient, verbal notification the next working day; and
  2. For a serious injury, written notification within 10 calendar days after the date of the serious injury.
- B. A medical director shall conduct an investigation of an incident and document an incident report that includes:
1. The date and time of the incident;
  2. The name of the patient;
  3. A description of the incident;
  4. Names of individuals who observed the incident;
  5. Action taken by patient care staff and employees during the incident and immediately following the incident; and
  6. Action taken by the patient care staff and employees to prevent the incident from occurring in the future.
- C. A medical director shall ensure that the incident report is:
1. Submitted to the Department and, if the incident involved a licensed individual, the applicable professional licensing board within 10 calendar days after the date of the notification in subsection (A); and
  2. Maintained in the physical facilities for at least two years after the date of the incident.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, § 3(B). Amended effective May 2, 1997, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1996, Ch. 329, § 5 (Supp. 97-2). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1).

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1505. Personnel Qualifications and Records**

A licensee shall ensure that:

1. A physician who performs an abortion demonstrates to the medical director that the physician is competent to perform an abortion by:
  - a. The submission of documentation of education and experience; and
  - b. Observation by or interaction with the medical director;
2. Surgical assistants and volunteers who provide counseling and patient advocacy receive training in these specific responsibilities and any other responsibilities assigned and that documentation is maintained in the individual's personnel file of the training received;

3. An individual who performs an ultrasound provides documentation that the individual is:
  - a. A physician;
  - b. A physician assistant, registered nurse practitioner, or nurse who completed a hands-on course in performing ultrasounds under the supervision of a physician; or
  - c. An individual who:
    - i. Completed a hands-on course in performing ultrasounds under the supervision of a physician, and
    - ii. Is not otherwise precluded by law from performing an ultrasound;
4. An individual has completed a course for the type of ultrasound the individual performs;
5. A personnel file for each member of the patient care staff and each volunteer is maintained either electronically or in writing and includes:
  - a. The individual's name and position title;
  - b. The first and, if applicable, the last date of employment or volunteer service;
  - c. Verification of qualifications, training, or licensure, as applicable;
  - d. Documentation of cardiopulmonary resuscitation certification, as applicable;
  - e. Documentation of verification of competency, as required in subsection (1), and signed and dated by the medical director;
  - f. Documentation of training for surgical assistants and volunteers; and
  - g. Documentation of completion of a course as required in subsection (3), for an individual performing ultrasounds; and
6. Personnel files are maintained in the physical facilities for at least two years from the ending date of employment or volunteer service.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, Section 3(B). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 6 A.A.R. 3755, effective January 1, 2001 (Supp. 00-3). Amended by final rulemaking at 16 A.A.R. 688, effective November 1, 2010 (Supp. 10-2). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1).

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1506. Staffing Requirements**

- A. A licensee shall ensure that there is a sufficient number of patient care staff and employees to:
1. Meet the requirements of this Article;
  2. Ensure the health and safety of a patient; and

## Department of Health Services - Health Care Institutions: Licensing

3. Meet the needs of a patient based on the patient's medical evaluation.
- B.** A licensee shall ensure that:
  1. A member of the patient care staff, except for a surgical assistant, who is current in cardiopulmonary resuscitation certification is in the physical facilities until all patients are discharged;
  2. A physician, with admitting privileges at a health care institution that is classified by the director as a hospital according to A.R.S. § 36-405(B), remains on the premises of the abortion clinic until all patients who received a medication abortion are stable and ready to leave;
  3. A physician, with admitting privileges at a health care institution that is classified by the director as a hospital according to A.R.S. § 36-405(B) and that is within 30 miles of the abortion clinic by road, as defined in A.R.S. § 17-451, remains on the abortion clinic's premises until all patients who received a surgical abortion are stable and ready to leave the recovery room; and
  4. A physician, a nurse, a registered nurse practitioner, a physician assistant, or, if a physician is able to provide direct supervision as defined in A.R.S. § 32-1401 or A.R.S. § 32-1800 as applicable, a medical assistant under the direct supervision of the physician:
    - a. Monitors each patient during the patient's recovery following the abortion; and
    - b. Remains in the abortion clinic until each patient is discharged by a physician.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, § 3(B). Amended effective May 2, 1997, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1996, Ch. 329, § 5 (Supp. 97-2). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 6 A.A.R. 3755, effective January 1, 2001 (Supp. 00-3). Amended by final rulemaking at 16 A.A.R. 688, effective November 1, 2010 (Supp. 10-2). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1).

**Editor's Note:** *The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1507. Patient Rights**

A licensee shall ensure that a patient is afforded the following rights, and is informed of these rights:

1. To refuse treatment, or withdraw consent for treatment;
2. To have medical records kept confidential; and
3. To be informed of:
  - a. Billing procedures and financial liability before abortion services are provided;
  - b. Proposed medical or surgical procedures, associated risks, possible complications, and alternatives;

- c. Counseling services that are provided in the physical facilities; and
- d. The right to review the ultrasound results with a physician, a physician assistant, a registered nurse practitioner, or a registered nurse before the abortion procedure.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, § 3(B). Amended effective May 2, 1997, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1996, Ch. 329, § 5 (Supp. 97-2). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 6 A.A.R. 3755, effective January 1, 2001 (Supp. 00-3). Amended by final rulemaking at 16 A.A.R. 688, effective November 1, 2010 (Supp. 10-2). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1).

**Editor's Note:** *The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1508. Abortion Procedures**

- A.** A medical director shall ensure that a medical evaluation of a patient is conducted before the patient's abortion is performed that includes:
  1. A medical history including:
    - a. Allergies to medications, antiseptic solutions, or latex;
    - b. Obstetrical and gynecological history;
    - c. Past surgeries;
    - d. Medication the patient is currently taking; and
    - e. Other medical conditions;
  2. A physical examination performed by a physician that includes a bimanual examination to estimate uterine size and palpation of adnexa; and
  3. The following laboratory tests:
    - a. A urine or blood test to determine pregnancy;
    - b. Rh typing unless the patient provides written documentation of blood type acceptable to the physician;
    - c. Anemia screening; and
    - d. Other laboratory tests recommended by the physician or medical director on the basis of the physical examination.
- B.** If the medical evaluation indicates a patient is Rh negative, a medical director shall ensure that:
  1. The patient receives information from a physician on this condition;
  2. The patient is offered RhO(d) immune globulin within 72 hours after the abortion procedure;
  3. If a patient refuses RhO(d) immune globulin, the patient signs and dates a form acknowledging the patient's condition and refusing the RhO(d) immune globulin;
  4. The form in subsection (B)(3) is maintained in the patient's medical record; and

## Department of Health Services - Health Care Institutions: Licensing

5. If a patient refuses RhO(d) immune globulin or if a patient refuses to sign and date an acknowledgment and refusal form, the physician documents the patient's refusal in the patient's medical record.
- C. A physician estimates the gestational age of the fetus, and records the estimated age in the patient's medical record. The estimated age is based upon:
  1. Ultrasound measurements of the biparietal diameter, length of femur, abdominal circumference, visible pregnancy sac, or crown-rump length or a combination of these; or
  2. The date of the last menstrual period or the date of fertilization and a bimanual examination of the patient.
- D. A medical director shall ensure that:
  1. An ultrasound of a patient is performed by an individual who meets the requirements in R9-10-1505(3);
  2. An ultrasound estimate of gestational age of a fetus is performed using methods and tables or charts published in a nationally recognized medical journal;
  3. An original patient ultrasound print is:
    - a. Interpreted by a physician; and
    - b. Maintained in the patient's medical record in either electronic or paper form; and
  4. If requested by the patient, the ultrasound is reviewed with the patient by a physician, physician assistant, registered nurse practitioner, or registered nurse.
- E. A medical director shall ensure that before an abortion is performed on a patient:
  1. Written consent is signed and dated by the patient or the patient's legal guardian; and
  2. Information is provided to the patient on the abortion procedure including alternatives, risks, and potential complications.
- F. A medical director shall ensure that an abortion is performed according to the abortion clinic's policies and procedures and this Article.
- G. A medical director shall ensure that any medication, drug, or substance used to induce an abortion is administered in compliance with the protocol authorized by the United States Food and Drug Administration and that is outlined in the final printing labeling instructions for that medication, drug, or substance.
- H. A medical director shall ensure that:
  1. Patient care staff monitor the patient's vital signs throughout an abortion procedure to ensure the patient's health and safety;
  2. Intravenous access is established and maintained on a patient undergoing an abortion after the first trimester unless the physician determines that establishing intravenous access is not appropriate for the particular patient and documents that fact in the patient's medical record; and
  3. If a viable fetus shows signs of life:
    - a. Resuscitative measures are used to support life;
    - b. The viable fetus is transferred as required in R9-10-1509; and
    - c. Resuscitative measures and the transfer are documented.
- I. A medical director shall ensure that following the abortion procedure:
  1. A patient's vital signs and bleeding are monitored by a physician, nurse, registered nurse practitioner, physician assistant, or, if a physician is able to provide direct supervision as defined in A.R.S. § 32-1401 or A.R.S. § 32-1800, as applicable, a medical assistant under the direct supervision of the physician to ensure the patient's health and safety; and
  2. A patient remains in the recovery room or recovery area until a physician, physician assistant, registered nurse practitioner or nurse examines the patient and determines that the patient's medical condition is stable and the patient is ready to leave the recovery room or recovery area.
- J. A medical director shall ensure that follow-up care includes:
  1. With a patient's consent, a telephone call to the patient by a member of the patient care staff, except a surgical assistant, within 24 hours after the patient's discharge following a surgical abortion to assess the patient's recovery. If the patient care staff is unable to speak with the patient, for any reason, the attempt to contact the patient is documented in the patient's medical record;
  2. Following a surgical abortion, a follow-up visit offered and scheduled, if requested, no more than 21 days after the abortion. The follow-up visit shall include:
    - a. A physical examination;
    - b. A review of all laboratory tests as required in R9-10-1508(A)(3); and
    - c. A urine pregnancy test; and
  3. Following a medication abortion, a follow-up visit offered and scheduled between seven and 21 days after the initial dose of a substance used to induce an abortion. The follow-up visit shall include:
    - a. A urine pregnancy test; and
    - b. An assessment of the degree of bleeding.
- K. If a continuing pregnancy is suspected as a result of the follow-up visit required in subsection (J)(2) or (J)(3), a physician who performs abortions shall be consulted.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, § 3(B). Amended effective May 2, 1997, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1996, Ch. 329, § 5 (Supp. 97-2). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 6 A.A.R. 3755, effective January 1, 2001 (Supp. 00-3). Amended by final rulemaking at 16 A.A.R. 688, effective November 1, 2010 (Supp. 10-2). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1).

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1509. Patient Transfer and Discharge**

- A. A medical director shall ensure that:
  1. A patient is transferred to a hospital for an emergency involving the patient;
  2. A viable fetus requiring emergency care is transferred to a hospital;

## Department of Health Services - Health Care Institutions: Licensing

3. A patient transfer is documented in the patient's medical record; and
  4. Documentation of a medical evaluation, treatment given, and laboratory and diagnostic information is transferred with a patient.
- B.** A medical director shall ensure that before a patient is discharged:
1. A physician signs the patient's discharge order; and
  2. A patient receives follow-up instructions at discharge that include:
    - a. Signs of possible complications;
    - b. When to access medical services in response to complications;
    - c. A telephone number of an individual or entity to contact for medical emergencies;
    - d. Information and precautions for resuming vaginal intercourse after the abortion; and
    - e. Information specific to the patient's abortion or condition.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, Section 3(B). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1).

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1510. Medications and Controlled Substances**

A medical director shall ensure that:

1. The abortion clinic complies with the requirements for medications and controlled substances in A.R.S. Title 32, Chapter 18, and A.R.S. Title 36, Chapter 27;
2. A medication is administered in compliance with an order from a physician, physician assistant, registered nurse practitioner, or as otherwise provided by law;
3. A medication is administered to a patient by a physician or as otherwise provided by law;
4. Medications and controlled substances are maintained in a locked area in the physical facilities;
5. Only personnel designated by policies and procedures have access to the locked area containing medications and controlled substances;
6. Expired, mislabeled, or unusable medications and controlled substances are disposed of according to policies and procedures;
7. A medication error or an adverse reaction, including any actions taken in response to the medication error or adverse reaction, is immediately reported to the medical director and licensee, and recorded in the patient's medical record;
8. Medication information is maintained in a patient's medical record and contains:
  - a. The patient's name, age, and weight;

- b. The medications the patient is currently taking; and
  - c. Allergies or sensitivities to medications, antiseptic solutions, or latex; and
9. If medication is administered to a patient, the following are documented in the patient's medical record:
- a. The date and time of administration;
  - b. The name, strength, dosage form, amount of medication, and route of administration; and
  - c. The identification and signature of the individual administering the medication.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, Section 3(B). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 6 A.A.R. 3755, effective January 1, 2001 (Supp. 00-3). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1).

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1511. Medical Records**

**A.** A licensee shall ensure that:

1. A medical record is established and maintained for a patient that contains:
  - a. Patient identification including:
    - i. The patient's name, address, and date of birth;
    - ii. The designated patient's representative, if applicable; and
    - iii. The name and telephone number of an individual to contact in an emergency;
  - b. The patient's medical history required in R9-10-1508(A)(1);
  - c. The patient's physical examination required in R9-10-1508(A)(2);
  - d. The laboratory test results required in R9-10-1508(A)(3);
  - e. The physician's estimated gestational age of the fetus required in R9-10-1508(C);
  - f. The ultrasound results, including the original print, required in R9-10-1508(D);
  - g. Each consent form signed by the patient or the patient's legal guardian;
  - h. Orders issued by a physician, physician assistant or registered nurse practitioner;
  - i. A record of medical services, nursing services, and health-related services provided to the patient; and
  - j. The patient's medication information;
2. A medical record is accessible only to the Department or personnel authorized by policies and procedures;
3. Medical record information is confidential and released only with the written informed consent of a patient or the patient's representative or as otherwise permitted by law;

## Department of Health Services - Health Care Institutions: Licensing

4. A medical record is protected from loss, damage, or unauthorized use and is maintained and accessible for seven years after the date of an adult patient's discharge or if the patient is a child, either for at least three years after the child's 18th birthday or for at least seven years after the patient's discharge, whichever date occurs last;
  5. A medical record is maintained at the abortion clinic for at least six months after the date of the patient's discharge; and
  6. Vital records and vital statistics are retained according to A.R.S. § 36-343.
- B.** A licensee shall comply with Department requests for access to or copies of patient medical records as follows:
1. Subject to the redaction permitted in subsection (B)(5), for patient medical records requested for review in connection with a compliance inspection, the licensee shall provide the Department with the following patient medical records related to medical services associated with an abortion, including any follow-up visits to the abortion clinic in connection with the abortion:
    - a. Patient identification including:
      - i. The patient's name, address, and date of birth;
      - ii. The designated patient's representative, if applicable; and
      - iii. The name and telephone number of an individual to contact in an emergency;
    - b. The patient's medical history required in R9-10-1508(A)(1);
    - c. The patient's physical examination required in R9-10-1508(A)(2);
    - d. The laboratory test results required in R9-10-1508(A)(3);
    - e. The physician's estimated gestational age of the fetus required in R9-10-1508(C);
    - f. The ultrasound results required in R9-10-1508(D);
    - g. Each consent form signed by the patient or the patient's representative;
    - h. Orders issued by a physician, physician assistant, or registered nurse practitioner;
    - i. A record of medical services, nursing services, and health-related services provided to the patient; and
    - j. The patient's medication information.
  2. For patient medical records requested for review in connection with an initial licensing or compliance inspection, the licensee is not required to produce for review by the Department any patient medical records created or prepared by a referring physician or any of that referring physician's medical staff.
  3. The licensee is not required to provide patient medical records regarding medical services associated with an abortion that occurred before:
    - a. The effective date of these rules, or
    - b. A previous licensing or compliance inspection of the abortion clinic.
  4. The patient medical records may be provided to the Department in either paper or in an electronic format that is acceptable to the Department.
  5. When access to or copies of patient medical records are requested from a licensee by the Department, the licensee shall redact only personally identifiable patient information from the patient medical records before the disclosure of the patient medical records to the Department, except as provided in subsection (B)(8).
  6. For patient medical records requested for review in connection with an initial licensing or compliance inspection, the licensee shall provide the redacted copies of the patient medical records to the Department within two business days of the Department's request for the redacted medical records if the total number of patients for whom patient medical records are requested by the Department is from one to ten patients, unless otherwise agreed to by the Department and the licensee. The time within which the licensee shall produce redacted records to the Department shall be increased by two business days for each additional five patients for whom patient medical records are requested by the Department, unless otherwise agreed to by the Department and the licensee.
  7. Upon request by the Department, in addition to redacting only personally identifiable patient information, the licensee shall code the requested patient medical records by a means that allows the Department to track all patient medical records related to a specific patient without the personally identifiable patient information.
  8. For patient medical records requested for review in connection with a complaint investigation, the Department shall have access to or copies of unredacted patient medical records.
  9. If the Department obtains copies of unredacted patient medical records, the Department shall:
    - a. Allow the examination and use of the unredacted patient medical records only by those Department employees who need access to the patient medical records to fulfill their investigative responsibilities and duties;
    - b. Maintain all unredacted patient medical records in a locked drawer, cabinet, or file or in a password-protected electronic file with access to the secured drawer, cabinet, or file limited to those individuals who have access to the patient medical records according to subsection (B)(9)(a);
    - c. Destroy all unredacted patient medical records at the termination of the Department's complaint investigation or at the termination of any administrative or legal action that is taken by the Department as the result of the Department's complaint investigation, whichever is later;
    - d. If the unredacted patient medical records are filed with a court or other judicial body, including any administrative law judge or panel, file the records only under seal; and
    - e. Prevent access to the unredacted records by anyone except as provided in subsection (B)(9)(a) or subsection (B)(9)(d).
- C.** A medical director shall ensure that only personnel authorized by policies and procedures, records or signs an entry in a medical record and:
1. An entry in a medical record is dated and legible;
  2. An entry is authenticated by:
    - a. A written signature;
    - b. An individual's initials if the individual's written signature already appears in the medical record;
    - c. A rubber-stamp signature; or
    - d. An electronic signature;
  3. An entry is not changed after it has been recorded but additional information related to an entry may be recorded in the medical record;
  4. When a verbal or telephone order is entered in the medical record, the entry is authenticated within 21 days by the individual who issued the order;
  5. If a rubber-stamp signature or an electronic signature is used:

## Department of Health Services - Health Care Institutions: Licensing

- a. An individual's rubber stamp or electronic signature is not used by another individual;
    - b. The individual who uses a rubber stamp or electronic signature signs a statement that the individual is responsible for the use of the rubber stamp or the electronic signature; and
    - c. The signed statement is included in the individual's personnel record; and
  6. If an abortion clinic maintains medical records electronically, the medical director shall ensure the date and time of an entry is recorded by the computer's internal clock.
- D.** As required by A.R.S. § 36-449.03(I), the Department shall not release any personally identifiable patient or physician information.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, Section 3(B). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 6 A.A.R. 3755, effective January 1, 2001 (Supp. 00-3). Amended by final rulemaking at 16 A.A.R. 688, effective November 1, 2010 (Supp. 10-2). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1). Amended by exempt rulemaking at 20 A.A.R. 2078, effective July 24, 2014 (Supp. 14-3).

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1512. Environmental and Safety Standards**

A licensee shall ensure that:

1. Physical facilities:
  - a. Provide lighting and ventilation to ensure the health and safety of a patient;
  - b. Are maintained in a clean condition;
  - c. Are free from a condition or situation that may cause a patient to suffer physical injury;
  - d. Are maintained free from insects and vermin; and
  - e. Are smoke-free;
2. A warning notice is placed at the entrance to a room or area where oxygen is in use;
3. Soiled linen and clothing are kept:
  - a. In a covered container; and
  - b. Separate from clean linen and clothing;
4. Personnel wash hands after each direct patient contact and after handling soiled linen, soiled clothing, or biohazardous medical waste;
5. A written emergency plan is established, documented, and implemented that includes procedures for protecting the health and safety of patients and other individuals in a fire, natural disaster, loss of electrical power, or threat or incidence of violence; and
6. An evacuation drill is conducted at least once every six months that includes all personnel in the physical facilities the day of the evacuation drill. Documentation of the

evacuation drill is maintained in the physical facilities for one year after the date of the evacuation drill and includes:

- a. The date and time of the evacuation drill; and
- b. The names of personnel participating in the evacuation drill.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, Section 3(B). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1).

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1513. Equipment Standards**

A licensee shall ensure that:

1. Equipment and supplies are maintained in a quantity sufficient to meet the needs of patients present in the abortion clinic;
2. Equipment to monitor vital signs is in each room in which an abortion is performed;
3. A surgical or gynecologic examination table is used for an abortion;
4. The following equipment and supplies are available in the abortion clinic:
  - a. Equipment to measure blood pressure;
  - b. A stethoscope;
  - c. A scale for weighing a patient;
  - d. Supplies for obtaining specimens and cultures and for laboratory tests; and
  - e. Equipment and supplies for use in a medical emergency including:
    - i. Ventilatory assistance equipment;
    - ii. Oxygen source;
    - iii. Suction apparatus; and
    - iv. Intravenous fluid equipment and supplies; and
  - f. Ultrasound equipment;
5. In addition to the requirements in subsection (4), the following equipment is available for an abortion procedure performed after the first trimester:
  - a. Drugs to support cardiopulmonary function; and
  - b. Equipment to monitor cardiopulmonary status;
6. Equipment and supplies are clean and, if applicable, sterile before each use;
7. Equipment required in this Section is maintained in working order, tested and calibrated at least once every 12 months or according to the manufacturer's recommendations, and used according to the manufacturer's recommendations; and
8. Documentation of each equipment test, calibration, and repair is maintained in the physical facilities for one year after the date of the testing, calibration, or repair and pro-

## Department of Health Services - Health Care Institutions: Licensing

vided to the Department for review within two hours after the Department requests the documentation.

(Supp. 14-1).

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, Section 3(B). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1).

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act, which means these rules were not reviewed by the Governor's Regulatory Review Council or approved by the Attorney General's Office.*

**R9-10-1514. Physical Facilities**

- A. A licensee shall ensure that an abortion clinic complies with all local building codes, ordinances, fire codes, and zoning requirements. If there are no local building codes, ordinances, fire codes, or zoning requirements, the abortion clinic shall comply with the applicable codes and standards incorporated by reference in A.A.C. R9-1-412 that were in effect on the date the abortion clinic's architectural plans and specifications were submitted to the Department for approval.
- B. A licensee shall ensure that an abortion clinic provides areas or rooms:
  1. That provide privacy for:
    - a. A patient's interview, medical evaluation, and counseling;
    - b. A patient to dress; and
    - c. Performing an abortion procedure;
  2. For personnel to dress;
  3. With a sink and a flushable toilet in working order;
  4. For cleaning and sterilizing equipment and supplies;
  5. For storing medical records;
  6. For storing equipment and supplies;
  7. For hand washing before the abortion procedure; and
  8. For a patient recovering after an abortion.
- C. A licensee shall ensure that an abortion clinic has an emergency exit to accommodate a stretcher or gurney.

**Historical Note**

Adopted effective August 6, 1993, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1993, Ch. 163, Section 3(B). Repealed effective November 1, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to Laws 1998, Ch. 178, § 17; filed with the Office of the Secretary of State October 2, 1998 (Supp. 98-4). New Section adopted effective April 1, 2000, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to Laws 1999, Chapter 311; filed with the Office of the Secretary of State December 23, 1999 at 6 A.A.R. 351 (Supp. 99-4). Amended by exempt rulemaking at 6 A.A.R. 3755, effective January 1, 2001 (Supp. 00-3). Amended by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014

**R9-10-1515. Enforcement**

- A. For an abortion clinic that is not in substantial compliance or that is in substantial compliance but refuses to carry out a plan of correction acceptable to the Department, the Department may:
  1. Assess a civil penalty according to A.R.S. § 36-431.01,
  2. Impose an intermediate sanction according to A.R.S. § 36-427,
  3. Suspend or revoke a license according to A.R.S. § 36-427,
  4. Deny a license, or
  5. Bring an action for an injunction according to A.R.S. § 36-430.
- B. In determining the appropriate enforcement action, the Department shall consider the threat to the health, safety, and welfare of the abortion clinic's patients or the general public, including:
  1. Whether the abortion clinic has repeated violations of statutes or rules;
  2. Whether the abortion clinic has engaged in a pattern of noncompliance; and
  3. The type, severity, and number of violations.

**Historical Note**

New Section R9-10-1515 made by exempt rulemaking at 20 A.A.R. 448, effective April 1, 2014 (Supp. 14-1).

**ARTICLE 16. BEHAVIORAL HEALTH RESPITE HOMES****R9-10-1601. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following apply in this Article unless otherwise specified:

1. "Acceptance" means, after a referral from a collaborating health care institution, an individual receives services from a provider in a behavioral health respite home.
2. "Provider" means an individual who lives in a behavioral health respite home and ensures that a recipient receives the behavioral health services and ancillary services in the recipient's treatment plan.
3. "Recipient" means an individual referred by a collaborating health care institution to and accepted by a behavioral health respite home.
4. "Release" means a documented termination of services by a provider to a recipient that is authorized by a collaborating health care institution.
5. "Sibling" means one of two or more individuals having one or both parents in common.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1602. Supplemental Application Requirements**

In addition to the license application requirements in A.R.S. § 36-422 and 9 A.A.C. 10, Article 1, an applicant shall include, in a format provided by the Department, the following information for the behavioral health respite home's collaborating health care institution:

1. Name,
2. Address,
3. Class or subclass,
4. License number, and
5. Name and contact information for an individual assigned by the collaborating health care institution to monitor the behavioral health respite home.



## Department of Health Services - Health Care Institutions: Licensing

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1602 renumbered to R9-10-1603; new Section R9-10-1602 made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1603. Administration**

- A.** A governing authority of a behavioral health respite home:
1. Consists of no more than two providers, who live in the behavioral health respite home;
  2. Has the authority and responsibility to manage the behavioral health respite home;
  3. Has a documented agreement with a collaborating health care institution that establishes the responsibilities of the behavioral health respite home and the collaborating health care institution, consistent with the requirements in this Chapter;
  4. Shall establish, in writing, the behavioral health respite home's scope of services, which are approved by the collaborating health care institution; and
  5. Shall ensure that:
    - a. Except as provided in R9-10-1612(A), no more than three recipients are accepted by the behavioral health respite home;
    - b. A provider is on the premises whenever a recipient is present in the behavioral health respite home;
    - c. Documentation required by this Article is provided to the Department within two hours after a Department request; and
    - d. When documentation or information is required by this Chapter to be submitted on behalf of the behavioral health respite home, the documentation or information is provided to the unit in the Department that is responsible for licensing the behavioral health respite home.
- B.** A provider:
1. Is at least 21 years of age;
  2. Holds current certification in cardiopulmonary resuscitation and first aid training applicable to the ages of recipients;
  3. Has the skills and knowledge established by the collaborating health care institution as specified in R9-10-118;
  4. Has documentation of completion of training in assistance in the self-administration of medication as specified in R9-10-118; and
  5. Has documentation of evidence of freedom from infectious tuberculosis:
    - a. On or before the date the provider begins providing services at or on behalf of the behavioral health respite home, and
    - b. As specified in R9-10-113.
- C.** A provider shall ensure that policies and procedures are:
1. Established, documented, and implemented to protect the health and safety of a recipient that cover:
    - a. Recordkeeping;
    - b. Recipient acceptance and release;
    - c. The release of a recipient under 18 years of age to an individual other than the recipient's parent or guardian;
    - d. Recipient rights;
    - e. The provision of respite care services, including coordinating the provision of behavioral health services;
    - f. Recipients' medical records, including electronic medical records;
    - g. Assistance in the self-administration of medication;
    - h. Infection control; and
    - i. How a provider will respond to a recipient's sudden, intense, or out-of-control behavior to prevent harm to the recipient or another individual;
  2. Approved, in writing, by the behavioral health respite home's collaborating health care institution before implementation and when the policies and procedures are reviewed or updated; and
  3. Reviewed by the provider and the behavioral health respite home's collaborating health care institution at least once every three years and updated as needed.
- D.** A provider shall provide written notification to the Department and the collaborating health care institution of a recipient's:
1. Death, if the recipient's death is required to be reported according to A.R.S. § 11-593, within one working day after the recipient's death; and
  2. Self-injury, within two working days after the recipient inflicts a self-injury that requires immediate intervention by an emergency medical services provider.
- E.** If abuse, neglect, or exploitation of a recipient is alleged or suspected to have occurred before the recipient was accepted or while the recipient is not at a behavioral health respite home and not receiving services from the behavioral health respite home, a provider shall report the alleged or suspected abuse, neglect, or exploitation of the recipient as follows:
1. For a recipient 18 years of age or older, according to A.R.S. § 46-454; or
  2. For a recipient under 18 years of age, according to A.R.S. § 13-3620.
- F.** If a provider has a reasonable basis, according to A.R.S. § 13-3620 or 46-454, to believe that abuse, neglect, or exploitation has occurred on the premises or while a recipient is receiving behavioral health respite home services, the provider shall:
1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
  2. Report the suspected abuse, neglect, or exploitation of the recipient as follows:
    - a. To the behavioral health respite home's collaborating health care institution; and
    - b. For a:
      - i. Recipient 18 years of age or older, according to A.R.S. § 46-454; and
      - ii. Recipient under 18 years of age, according to A.R.S. § 13-3620;
  3. Document:
    - a. The suspected abuse, neglect, or exploitation;
    - b. Any action taken according to subsection (F)(1); and
    - c. The report in subsection (F)(2);
  4. Maintain the documentation in subsection (F)(3) for at least 12 months after the date of the report in subsection (F)(2);
  5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (F)(2):
    - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
    - b. A description of any injury to the recipient related to the suspected abuse or neglect and any change to the recipient's physical, cognitive, functional, or emotional condition;
    - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and

## Department of Health Services - Health Care Institutions: Licensing

- d. The action taken by the provider to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
- 6. Maintain a copy of the documented information required in subsection (F)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.
- G.** A provider shall ensure that a recipient under 18 years of age is only released to an individual who, according to policies and procedures:
  - 1. Is designated by the recipient's parent or guardian to release the recipient, and
  - 2. Presents documentation at the time of the recipient's release that verifies the individual's identity.
- H.** A provider shall maintain a record for each provider that includes:
  - 1. The provider's:
    - a. Name,
    - b. Date of birth, and
    - c. Contact telephone number; and
  - 2. Documentation of:
    - a. Verification of skills and knowledge, completed by the behavioral health respite home's collaborating health care institution;
    - b. Certification in cardiopulmonary resuscitation and first aid training;
    - c. Completion of training in assistance in the self-administration of medication, provided by the behavioral health respite home's collaborating health care institution; and
    - d. Evidence of freedom from infectious tuberculosis.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1603 renumbered to R9-10-1604; new Section R9-10-1603 renumbered from R9-10-1602 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1604. Recipient Rights**

- A.** A provider shall ensure that:
  - 1. A recipient is treated with dignity, respect, and consideration;
  - 2. A recipient is not subjected to:
    - a. Abuse;
    - b. Neglect;
    - c. Exploitation;
    - d. Coercion;
    - e. Manipulation;
    - f. Sexual abuse;
    - g. Sexual assault;
    - h. Seclusion;
    - i. Restraint;
    - j. Retaliation for submitting a complaint to the Department or another entity; or
    - k. Misappropriation of personal and private property by:
      - i. A behavioral health respite home's provider, or
      - ii. An individual other than a recipient residing in the behavioral health respite home; and
  - 3. A recipient or the recipient's representative:
    - a. Is informed of the recipient complaint process;
    - b. Consents to photographs of the recipient before the recipient is photographed, except that a recipient may be photographed when accepted by a behav-

- ioral health respite home for identification and administrative purposes; and
- c. Except as otherwise permitted by law, provides written consent to the release of information in the recipient's medical record.

**B.** A recipient has the following rights:

- 1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
- 2. To receive services that support and respect the recipient's individuality, choices, strengths, and abilities;
- 3. To receive privacy in care for personal needs;
- 4. To review, upon written request, the recipient's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
- 5. To receive a referral to another health care institution if the provider is not authorized or not able to provide physical health services or behavioral health services needed by the recipient; and
- 6. To receive assistance from a family member, recipient's representative, or other individual in understanding, protecting, or exercising the recipient's rights.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1604 renumbered to R9-10-1605; new Section R9-10-1604 renumbered from R9-10-1603 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1605. Providing Services**

- A.** A provider shall ensure that behavioral health services and ancillary services are provided to a recipient according to the recipient's treatment plan obtained from the behavioral health respite home's collaborating health care institution.
- B.** A provider shall submit to the behavioral health respite home's collaborating health care institution and, if applicable, the recipient's case manager:
  - 1. Documentation of any significant change in a recipient's behavior or physical, cognitive, or functional condition and the action taken by a provider to address the recipient's changing needs; and
  - 2. Notification of a recipient's unexpected self-release.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1605 renumbered to R9-10-1606; new Section R9-10-1605 renumbered from R9-10-1604 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1606. Assistance in the Self-Administration of Medication**

- A.** If a provider provides assistance in the self-administration of medication, the provider shall ensure that:
  - 1. If a recipient is receiving assistance in the self-administration of medication, the recipient's medication is stored by the provider;
  - 2. The following assistance is provided to a recipient:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container or medication organizer for the recipient;
    - c. Observing the recipient while the recipient removes the medication from the medication container or medication organizer;

## Department of Health Services - Health Care Institutions: Licensing

- d. Verifying that the medication is taken as ordered by the recipient's medical practitioner by confirming that:
    - i. The recipient taking the medication is the individual stated on the medication container label,
    - ii. The recipient is taking the dosage of the medication as stated on the medication container label, and
    - iii. The recipient is taking the medication at the time stated on the medication container label; or
  - e. Observing the recipient while the recipient takes the medication; and
  3. Assistance in the self-administration of medication provided to a recipient is documented in the recipient's medical record.
- B.** When medication is stored by a provider, the provider shall ensure that:
1. A locked cabinet, closet, or self-contained unit is used for medication storage;
  2. Medication is stored according to the instructions on the medication container; and
  3. Medication, including expired medication, that is no longer being used is discarded.
- C.** A provider shall immediately report a medication error or a recipient's adverse reaction to a medication to the:
1. Medical practitioner who ordered the medication, or
  2. Contact individual at the behavioral health respite home's collaborating health care institution.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1606 renumbered to R9-10-1607; new Section R9-10-1606 renumbered from R9-10-1605 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1607. Medical Records**

- A.** A provider shall ensure that:
1. A medical record is established and maintained for each recipient according to A.R.S. Title 12, Chapter 13, Article 7.1;
  2. An entry in a recipient's medical record is:
    - a. Only recorded by the provider or an individual designated by the provider to record an entry;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  3. A recipient's medical record is available to an individual:
    - a. Authorized by policies and procedures to access the recipient's medical record;
    - b. If the individual is not authorized according to policies and procedures, with the written consent of the recipient or the recipient's representative; or
    - c. As permitted by law; and
  4. A recipient's medical record is protected from loss, damage, or unauthorized use.
- B.** If a provider maintains recipients' medical records electronically, the provider shall ensure that safeguards exist to prevent unauthorized access.
- C.** A provider shall ensure that a recipient's medical record contains:
1. Recipient information that includes:
    - a. The recipient's name,
    - b. The recipient's date of birth,
    - c. Any known allergies, and
    - d. Medication information for the recipient;
  2. The names, addresses, and telephone numbers of:
    - a. The recipient's medical practitioner;
    - b. The recipient's case manager, if applicable;
    - c. The behavioral health professional assigned to the recipient by the behavioral health respite home's collaborating health care institution; and
    - d. An individual to be contacted in the event of an emergency;
  3. The date and time of the recipient's acceptance by the behavioral health respite home and, if applicable, the date and time of the recipient's release from the behavioral health respite home;
  4. If applicable, the name and contact information of the recipient's representative and:
    - a. If the recipient is 18 years of age or older or an emancipated minor, the document signed by the recipient consenting for the recipient's representative to act on the recipient's behalf; or
    - b. If the recipient's representative:
      - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
      - ii. Is a legal guardian, a copy of the court order establishing guardianship;
  5. A copy of the recipient's treatment plan and any updates to the recipient's treatment plan obtained from the behavioral health respite home's collaborating health care institution;
  6. For a recipient receiving assistance in the self-administration of medication, documentation that includes for each medication:
    - a. The date and time of assistance;
    - b. The name, strength, dosage, and route of administration;
    - c. The provider's signature or first and last initials; and
    - d. Any adverse reaction the recipient has to the medication;
  7. Documentation of the recipient's refusal of a medication, if applicable;
  8. Documentation of any significant change in the recipient's behavior or physical, cognitive, or functional condition and the action taken by a provider to address the recipient's changing needs;
  9. If applicable, documentation of any actions taken to control the recipient's sudden, intense, or out-of-control behavior to prevent harm to the recipient or another individual;
  10. If applicable, documentation of a notification to the behavioral health respite home's collaborating health care institution of an unexpected self-release of the recipient; and
  11. A written notice of release from the behavioral health respite home, if applicable.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1607 renumbered to R9-10-1608; new Section R9-10-1607 renumbered from R9-10-1606 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1608. Food Services**

A provider shall ensure that:

## Department of Health Services - Health Care Institutions: Licensing

1. Food is obtained, handled, and stored to prevent contamination, spoilage, or a threat to the health of a recipient;
2. Three nutritionally balanced meals are served each day;
3. Nutritious snacks are available between meals;
4. Food served meets any special dietary needs of a recipient as prescribed by the recipient's physician or registered dietitian; and
5. Chemicals and detergents are not stored with food.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1608 renumbered to R9-10-1609; new Section R9-10-1608 renumbered from R9-10-1607 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1609. Emergency and Safety Standards**

A provider shall ensure that:

1. A first aid kit is available at a behavioral health respite home sufficient to meet the needs of recipients;
2. If a firearm or ammunition for a firearm is stored at a behavioral health respite home:
  - a. The firearm is stored separate from the ammunition for the firearm; and
  - b. The firearm and the ammunition for the firearm are:
    - i. Stored in a locked closet, cabinet, or container; and
    - ii. Inaccessible to a recipient;
3. A smoke detector is installed in:
  - a. A bedroom used by a recipient,
  - b. A hallway in a behavioral health respite home, and
  - c. A behavioral health respite home's kitchen;
4. A smoke detector required in subsection (3):
  - a. Is maintained in operable condition; and
  - b. Is battery operated or, if hard-wired into the electrical system of a behavioral health respite home, has a back-up battery;
5. A behavioral health respite home has a portable fire extinguisher that is labeled 1A-10-BC by the Underwriters Laboratory and available in the behavioral health respite home's kitchen;
6. A portable fire extinguisher required in subsection (5) is:
  - a. If a disposable fire extinguisher, replaced when the fire extinguisher's indicator reaches the red zone; or
  - b. Serviced at least once every 12 months and has a tag attached to the fire extinguisher that includes the date of service;
7. A written evacuation plan is maintained and available for use by the provider and any recipient in a behavioral health respite home;
8. An evacuation drill is conducted at least once every six months; and
9. A record of an evacuation drill required in subsection (8) is maintained for at least 12 months after the date of the evacuation drill.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1609 renumbered to R9-10-1610; new Section R9-10-1609 renumbered from R9-10-1608 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1610. Environmental Standards**

- A. A provider shall ensure that a behavioral health respite home:
1. Is in a building that:

- a. Is arranged, designed, and used for the living, sleeping, and housekeeping activities for one family on a permanent basis; and
  - b. Is free of any plumbing, electrical, ventilation, mechanical, chemical, or structural hazard that may jeopardize the health or safety of a recipient;
2. Has a living room accessible at all times to a recipient;
  3. Has a dining area furnished for group meals that is accessible to the provider, recipients, and any other individuals present in the behavioral health respite home;
  4. For each six individuals residing in the behavioral health respite home, including recipients, has at least one bathroom equipped with:
    - a. A working toilet that flushes and has a seat; and
    - b. A sink with running water accessible for use by a recipient;
  5. Has equipment and supplies to maintain a recipient's personal hygiene accessible to the recipient;
  6. Is clean and free from accumulations of dirt, garbage, and rubbish; and
  7. Implements a pest control program to minimize the presence of insects and vermin at the behavioral health respite home.
- B. A provider shall ensure that any pets or other animals allowed on the premises are:
1. Controlled to prevent endangering a recipient and to maintain sanitation;
  2. Licensed consistent with local ordinances; and
  3. For a dog or cat, vaccinated against rabies.
- C. If a swimming pool is located on the premises, a provider shall ensure that:
1. The swimming pool is equipped with the following:
    - a. An operational water circulation system that clarifies and disinfects the swimming pool water continuously and that includes at least:
      - i. A removable strainer,
      - ii. Two swimming pool inlets located on opposite sides of the swimming pool, and
      - iii. A drain located at the swimming pool's lowest point and covered by a grating that cannot be removed without using tools; and
    - b. An operational cleaning system;
  2. The swimming pool is enclosed by a wall or fence that:
    - a. Is at least five feet in height as measured on the exterior of the wall or fence;
    - b. Has no vertical openings greater than four inches across;
    - c. Has no horizontal openings, except as described in subsection (C)(2)(e);
    - d. Is not chain-link;
    - e. Does not have a space between the ground and the bottom fence rail that exceeds four inches in height; and
    - f. Has a self-closing, self-latching gate that:
      - i. Opens away from the swimming pool,
      - ii. Has a latch located at least 54 inches from the ground, and
      - iii. Is locked when the swimming pool is not in use; and
  3. A life preserver or shepherd's crook is available and accessible in the pool area.
- D. A provider shall ensure that a spa that is not enclosed by a wall or fence as described in subsection (C)(2) is covered and locked when not in use.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015,

## Department of Health Services - Health Care Institutions: Licensing

effective October 1, 2013 (Supp. 13-2). Section R9-10-1610 renumbered to R9-10-1611; new Section R9-10-1610 renumbered from R9-10-1609 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1611. Adult Behavioral Health Respite Services**

A provider shall ensure that:

1. A bedroom for use by a recipient:
  - a. Is separated from a hall, corridors, or other habitable room by floor to ceiling walls containing no interior openings except doors and is not used as a passageway to another bedroom or habitable room;
  - b. Provides sufficient space for an individual in the bedroom to have unobstructed access to the bedroom door;
  - c. Contains for each recipient using the bedroom:
    - i. A separate, adult-sized, single bed or larger bed with a clean mattress in good repair;
    - ii. Clean bedding appropriate for the season; and
    - iii. Storage space for personal effects and clothing such as shelves, a dresser, or chest of drawers; and
  - d. If used for:
    - i. Single occupancy, contains at least 60 square feet of floor space; or
    - ii. Double occupancy, contains at least 100 square feet of floor space;
2. A mirror is available to a recipient for grooming;
3. A recipient does not share a bedroom with an individual who is not a recipient;
4. No more than two recipients share a bedroom;
5. If two recipients share a bedroom, each recipient agrees, in writing, to share the bedroom; and
6. A recipient's bedroom is not used to store anything that may be a hazard to the recipient or another individual.

**Historical Note**

Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Section R9-10-1611 renumbered to R9-10-1612; new Section R9-10-1611 renumbered from R9-10-1610 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1612. Children's Behavioral Health Respite Services**

- A. A provider may provide children's behavioral health respite services for up to four recipients if at least two of the recipients are siblings.
- B. For a behavioral health respite home that provides children's behavioral health respite services, a provider shall:
  1. Have a valid fingerprint clearance card according to A.R.S. § 36-425.03; and
  2. Ensure that:
    - a. If an adult other than a provider is present in the behavioral health respite home, the provider supervises the adult when and where a recipient is present;
    - b. A recipient does not share a bedroom with:
      - i. An individual that, based on the other individual's developmental levels, social skills, verbal skills, and personal history, may present a threat to the recipient;
      - ii. Except as provided in subsection (C), an adult; or
      - iii. Except as provided in subsection (B)(2)(c), an individual that is not the same gender;

- c. A recipient may share a bedroom with an individual that is not the same gender if the individual is the recipient's sibling;
- d. A bedroom used by a recipient:
  - i. If the bedroom is a private bedroom, contains at least 60 square feet of floor space, not including the closet; or
  - ii. If the bedroom is a shared bedroom:
    - (1) Contains at least 100 square feet of floor space, not including a closet, for two individuals occupying the bedroom or contains at least 140 square feet of floor space, not including a closet, for three individuals occupying the bedroom;
    - (2) If there are four siblings occupying the bedroom, contains at least 140 square feet of floor space, not including a closet;
    - (3) Provides space between beds or bunk beds; and
    - (4) Provides sufficient space for an individual in the bedroom to have unobstructed access to the bedroom door;
  - iii. For a recipient under three years of age, may contain a crib;
  - iv. Except for a recipient under three years of age who has a crib, contains a bed for the recipient that is at least 36 inches wide and at least 72 inches long, and consists of at least a frame and mattress and clean linens; and
  - v. Contains individual storage space for personal effects and clothing such as shelves, a dresser, or chest of drawers;
- e. Clean linens for a bed include a mattress pad, sheets large enough to tuck under the mattress, pillows, pillow cases, waterproof mattress covers as needed, and blankets to ensure warmth and comfort of a recipient;
- f. A recipient older than three years of age does not sleep in a crib;
- g. Clean and non-hazardous toys, educational materials, and physical activity equipment are available and accessible to recipients in a quantity sufficient to meet each recipient's needs and are appropriate to each recipient's age and developmental level; and
- h. The following are stored in a labeled container separate from food storage areas and inaccessible to a recipient:
  - i. Materials and chemicals labeled as a toxic substance, and
  - ii. Substances that have a child warning label and may be a hazard to a recipient.
- C. If a recipient is younger than 2 years of age and sleeps in a crib, the recipient may sleep in a crib placed in a provider's bedroom.

**Historical Note**

New Section R9-10-1612 renumbered from R9-10-1611 and amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**ARTICLE 17. UNCLASSIFIED HEALTH CARE INSTITUTIONS****R9-10-1701. Definitions**

Definitions in A.R.S. § 36-401 and R9-10-101 apply in this Article unless otherwise specified.

## Department of Health Services - Health Care Institutions: Licensing

**Historical Note**

Adopted effective July 6, 1994 (Supp. 94-3). Section amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-1702. Administration**

- A.** A governing authority for a health care institution not otherwise classified or subclassified in A.R.S. Title 36, Chapter 4 or 9 A.A.C. 10 shall:
1. Consist of one or more individuals responsible for the organization, operation, and administration of the health care institution;
  2. Establish, in writing:
    - a. A health care institution's scope of services, and
    - b. Qualifications for an administrator;
  3. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);
  4. Adopt a quality management program according to R9-10-1703;
  5. Review and evaluate the effectiveness of the quality management program in R9-10-1703 at least once every 12 months;
  6. Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b) if the administrator is:
    - a. Expected not to be present on a health care institution's premises for more than 30 calendar days, or
    - b. Not present on a health care institution's premises for more than 30 calendar days; and
  7. Except as provided in subsection (A)(6), notify the Department according to A.R.S. § 36-425 when there is a change in an administrator and identify the name and qualifications of the new administrator.
- B.** An administrator:
1. Is directly accountable to the governing authority of a health care institution for the daily operation of the health care institution and all services provided by or at the health care institution;
  2. Has the authority and responsibility to manage the health care institution; and
  3. Except as provided in subsection (A)(6), designates, in writing, an individual who is present on the health care institution's premises and accountable for the health care institution when the administrator is not present on the health care institution's premises.
- C.** An administrator shall ensure that:
1. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that:
    - a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience for personnel members, employees, volunteers and students;
    - b. Cover orientation and in-service education for personnel members, employees, volunteers and students;
    - c. Include how a personnel member may submit a complaint relating to services provided to a patient;
    - d. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;
    - e. Cover cardiopulmonary resuscitation training, including:
      - i. The method and content of cardiopulmonary resuscitation training,
      - ii. The qualifications for an individual providing cardiopulmonary resuscitation training,
  2. Policies and procedures for health care institution services are established, documented, and implemented to protect the health and safety of a patient that:
    - a. Cover patient screening, admission, assessment, treatment plan, transport, transfer, and discharge, if applicable;
    - b. Cover patient outings, if applicable;
    - c. Include when general consent and informed consent are required;
    - d. Cover the provision of services listed in the health care institution's scope of services;
    - e. Cover administering medication, assistance in the self-administration of medication, and disposing of medication, including provisions for inventory control and preventing diversion of controlled substances, if applicable;
    - f. Cover infection control;
    - g. Cover telemedicine, if applicable;
    - h. Cover environmental services that affect patient care;
    - i. Cover smoking and the use of tobacco products on the health care institution's premises;
    - j. Cover how the health care institution will respond to a patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual;
    - k. Cover how incidents are reported and investigated; and
    - l. Designate which employees or personnel members are required to have current certification in cardiopulmonary resuscitation and first aid training;
  3. Policies and procedures are reviewed at least once every three years and updated as needed;
  4. Policies and procedures are available to personnel members, employees, volunteers, and students; and
  5. Unless otherwise stated:
    - a. Documentation required by this Article is provided to the Department within two hours after the Department's request; and
    - b. When documentation or information is required by this Chapter to be submitted on behalf of a health care institution, the documentation or information is provided to the unit in the Department that is respon-
- iii. The time-frame for renewal of cardiopulmonary resuscitation training, and
  - iv. The documentation that verifies that the individual has received cardiopulmonary resuscitation training;
- f. Include a method to identify a patient to ensure the patient receives services as ordered;
  - g. Cover first aid training;
  - h. Cover patient rights, including assisting a patient who does not speak English or who has a physical or other disability to become aware of patient rights;
  - i. Cover specific steps for:
    - i. A patient to file a complaint, and
    - ii. The health care institution to respond to and resolve a patient complaint;
  - j. Cover medical records, including electronic medical records;
  - k. Cover a quality management program, including incident report and supporting documentation;
  - l. Cover contracted services;
  - m. Cover health care directives; and
  - n. Cover when an individual may visit a patient in a health care institution;

## Department of Health Services - Health Care Institutions: Licensing

sible for licensing and monitoring the health care institution.

- D. If applicable, an administrator shall designate a clinical director who:
  - 1. Provides direction for behavioral health services provided at the health care institution, and
  - 2. Is a behavioral health professional.
- E. An administrator shall provide written notification to the Department of a patient's:
  - 1. Death, if the patient's death is required to be reported according to A.R.S. § 11-593, within one working day after the patient's death; and
  - 2. Self-injury, within two working days after the patient inflicts a self-injury that requires immediate intervention by an emergency medical services provider.
- F. If abuse, neglect, or exploitation of a patient is alleged or suspected to have occurred before the patient was admitted or while the patient is not on the premises and not receiving services from a health care institution's employee or personnel member, an administrator shall report the alleged or suspected abuse, neglect, or exploitation of the patient as follows:
  - 1. For a patient 18 years of age or older, according to A.R.S. § 46-454; or
  - 2. For a patient under 18 years of age, according to A.R.S. § 13-3620.
- G. If an administrator has a reasonable basis, according to A.R.S. § 13-3620 or 46-454, to believe abuse, neglect, or exploitation has occurred on the premises or while the patient is receiving unclassified healthcare services, the administrator shall:
  - 1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
  - 2. Report the suspected abuse, neglect, or exploitation of the patient:
    - a. For a patient 18 years of age or older, according to A.R.S. § 46-454; or
    - b. For a patient under 18 years of age, according to A.R.S. § 13-3620;
  - 3. Document:
    - a. The suspected abuse, neglect, or exploitation;
    - b. Any action taken according to subsection (G)(1); and
    - c. The report in subsection (G)(2);
  - 4. Maintain the documentation in subsection (G)(3) for at least 12 months after the date of the report in subsection (G)(2);
  - 5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in (G)(2):
    - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
    - b. A description of any injury to the patient related to the suspected abuse or neglect and any change to the patient's physical, cognitive, functional, or emotional condition;
    - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
    - d. The action taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
  - 6. Maintain a copy of the documented information required in subsection (G)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.
- H. An administrator shall ensure that the following information or documents are conspicuously posted on the premises and are

available upon request to a personnel member, an employee, a patient, or a patient's representative:

- 1. The health care institution's current license,
- 2. The evacuation plan listed in R9-10-1711, and
- 3. The location at which inspection reports required in R9-10-1712(B) are available for review or can be made available for review.

**Historical Note**

Adopted effective July 6, 1994 (Supp. 94-3). Amended by final rulemaking at 16 A.A.R. 688, effective November 1, 2010 (Supp. 10-2). Section amended by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1703. Quality Management**

An administrator shall ensure that:

- 1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to patients;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to patient care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to patient care; and
  - e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
- 2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to patient care, and
  - b. Any changes made or actions taken as a result of the identification of a concern about the delivery of services related to patient care; and
- 3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

Adopted effective July 6, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1704. Contracted Services**

An administrator shall ensure that:

- 1. Contracted services are provided according to the requirements in this Article,
- 2. Documented of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

Adopted effective July 6, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014

## Department of Health Services - Health Care Institutions: Licensing

(Supp. 14-2).

**R9-10-1705. Personnel****A.** An administrator shall ensure that:

1. A personnel member is:
  - a. At least 21 years old, or
  - b. Licensed or certified under A.R.S. Title 32 and providing services within the personnel member's scope of practice;
2. An employee is at least 18 years old,
3. A student is at least 18 years old, and
4. A volunteer is at least 21 years old.

**B.** An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of the patients receiving physical health services or behavioral health services from the personnel member according to the established job description; and
  - b. Include:
    - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
    - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
    - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
  - a. Before the personnel member provides physical health services or behavioral health services, and
  - b. According to policies and procedures;
3. Sufficient personnel members are present on a health care institution's premises with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the health care institution's scope of services,
  - b. Meet the needs of a patient, and
  - c. Ensure the health and safety of a patient.

**C.** An administrator shall ensure that:

1. A plan to provide orientation specific to the duties of a personnel member, employee, volunteer, and student is developed, documented, and implemented;
2. A personnel member completes orientation before providing behavioral health services or physical health services;
3. An individual's orientation is documented, to include:
  - a. The individual's name,
  - b. The date of the orientation, and
  - c. The subject or topics covered in the orientation;
4. A plan to provide in-service education specific to the duties of a personnel member is developed;

5. A personnel member's in-service education is documented, to include:
  - a. The personnel member's name,
  - b. The date of the training, and
  - c. The subject or topics covered in the training; and
6. A work schedule of each personnel member is developed and maintained at the health care institution for at least 12 months after the date of the work schedule.

**D.** An administrator shall ensure that a personnel member, or an employee, a volunteer, or a student who has or is expected to have direct interaction with a patient, provides evidence of freedom from infectious tuberculosis:

- a. On or before the date the individual begins providing services at or on behalf of the unclassified healthcare institution, and
- b. As specified in R9-10-113.

**E.** An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:

1. The individual's name, date of birth, and contact telephone number;
2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
3. Documentation of:
  - a. The individual's qualifications including skills and knowledge applicable to the individual's job duties;
  - b. The individual's education and experience applicable to the individual's job duties;
  - c. The individual's completed orientation and in-service education as required by policies and procedures;
  - d. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
  - e. If the health care institution provides services to children, the individual's compliance with the fingerprinting requirements in A.R.S. § 36-425.03;
  - f. Cardiopulmonary resuscitation training, if required for the individual according to R9-10-1702(C)(2)(I);
  - g. First aid training, if required for the individual according to this Article or policies and procedures; and
  - h. Evidence of freedom from infectious tuberculosis, if the individual is required to provide evidence of freedom according to subsection (D).

**F.** An administrator shall ensure that personnel records are:

1. Maintained:
  - a. Throughout an individual's period of providing services in or for the health care institution, and
  - b. For at least 24 months after the last date the individual provided services in or for the health care institution; and
2. For a personnel member who has not provided physical health services or behavioral health services at or for the health care institution during the previous 12 months, provided to the Department within 72 hours after the Department's request.

**G.** An administrator shall ensure that at least one personnel member who is present at the health care institution during the hours of the health care institution operation has first-aid training and cardiopulmonary resuscitation certification specific to the populations served by the health care institution.**Historical Note**

Adopted effective July 6, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).



## Department of Health Services - Health Care Institutions: Licensing

Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1706. Transport; Transfer**

**A.** Except as provided in subsection (B), an administrator shall ensure that:

1. A personnel member coordinates the transport and the services provided to the patient;
2. According to policies and procedures:
  - a. An evaluation of the patient is conducted before and after the transport,
  - b. Information in the patient's medical record is provided to a receiving health care institution, and
  - c. A personnel member explains risks and benefits of the transport to the patient or the patient's representative; and
3. Documentation in the patient's medical record includes:
  - a. Communication with an individual at a receiving health care institution;
  - b. The date and time of the transport;
  - c. The mode of transportation; and
  - d. If applicable, the personnel member accompanying the patient during a transport.

**B.** Subsection (A) does not apply to:

1. Transportation to a location other than a licensed health care institution,
2. Transportation provided for a patient by the patient or the patient's representative,
3. Transportation provided by an outside entity that was arranged for a patient by the patient or the patient's representative, or
4. A transport to another licensed health care institution in an emergency.

**C.** Except for a transfer of a patient due to an emergency, an administrator shall ensure that:

1. A personnel member coordinates the transfer and the services provided to the patient;
2. According to policies and procedures:
  - a. An evaluation of the patient is conducted before the transfer;
  - b. Information in the patient's medical record, including orders that are in effect at the time of the transfer, is provided to a receiving health care institution; and
  - c. A personnel member explains risks and benefits of the transfer to the patient or the patient's representative; and
3. Documentation in the patient's medical record includes:
  - a. Communication with an individual at a receiving health care institution;
  - b. The date and time of the transfer;
  - c. The mode of transportation; and
  - d. If applicable, the name of the personnel member accompanying the patient during a transfer.

**Historical Note**

Adopted effective July 6, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1707. Patient Rights**

**A.** An administrator shall ensure that:

1. The requirements in subsection (B) and the patient rights in subsection (C) are conspicuously posted on the premises;
  2. At the time of admission, a patient or the patient's representative receives a written copy of the requirements in subsection (B) and the patient rights in subsection (C); and
  3. Policies and procedures include:
    - a. How and when a patient or the patient's representative is informed of patient rights in subsection (C), and
    - b. Where patient rights are posted as required in subsection (A)(1).
- B.** An administrator shall ensure that:
1. A patient is treated with dignity, respect, and consideration;
  2. A patient is not subjected to:
    - a. Abuse;
    - b. Neglect;
    - c. Exploitation;
    - d. Coercion;
    - e. Manipulation;
    - f. Sexual abuse;
    - g. Sexual assault;
    - h. Seclusion;
    - i. Restraint;
    - j. Retaliation for submitting a complaint to the Department or another entity; or
    - k. Misappropriation of personal and private property by the unclassified health care institution's personnel members, employees, volunteers, or students; and
  3. A patient or the patient's representative:
    - a. Is informed of the patient complaint process;
    - b. Consents to photographs of the patient before the patient is photographed, except that a patient may be photographed when admitted to a health care institution for identification and administrative purposes; and
    - c. Except as otherwise permitted by law, provides written consent to the release of information in the patient's:
      - i. Medical record, or
      - ii. Financial records.
- C.** A patient has the following rights:
1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
  2. To receive services that support and respect the patient's individuality, choices, strengths, and abilities;
  3. To receive privacy in care for personal needs;
  4. To review, upon written request, the patient's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
  5. To receive a referral to another health care institution if the provider is not authorized or not able to provide physical health services or behavioral health services needed by the patient; and
  6. To receive assistance from a family member, representative, or other individual in understanding, protecting, or exercising the patient's rights.

**Historical Note**

Adopted effective July 6, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pur-

## Department of Health Services - Health Care Institutions: Licensing

suant to Laws 2013, Ch. 10, § 13; effective July 1, 2014  
(Supp. 14-2).

**R9-10-1708. Medical Records****A.** An administrator shall ensure that:

1. A medical record is established and maintained for each patient according to A.R.S. Title 12, Chapter 13, Article 7.1;
2. An entry in a patient's medical record is:
  - a. Recorded only by a personnel member authorized by policies and procedures to make the entry;
  - b. Dated, legible, and authenticated; and
  - c. Not changed to make the entry illegible;
3. An order is:
  - a. Dated when the order is entered in the patient's medical record and includes the time of the order;
  - b. Authenticated by a medical practitioner or behavioral health professional according to policies and procedures; and
  - c. If the order is a verbal order, authenticated by the medical practitioner or behavioral health professional issuing the order;
4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
5. A patient's medical record is available to an individual:
  - a. Authorized according to policies and procedures to access the patient's medical record;
  - b. If the individual is not authorized according to policies and procedures, with the written consent of the patient or the patient's representative; or
  - c. As permitted by law;
6. Policies and procedures include the maximum time-frame to retrieve a patient's medical record at the request of a medical practitioner, behavioral health professional, or authorized personnel member; and
7. A patient's medical record is protected from loss, damage, or unauthorized use.

**B.** If a health care institution maintains a patient's medical records electronically, an administrator shall ensure that:

1. Safeguards exist to prevent unauthorized access, and
2. The date and time of an entry in a patient's medical record is recorded by the computer's internal clock.

**C.** An administrator shall ensure that a patient's medical record contains:

1. Patient information that includes:
  - a. The patient's name;
  - b. The patient's address;
  - c. The patient's date of birth; and
  - d. Any known allergies, including medication allergies;
2. The name of the admitting medical practitioner or behavioral health professional;
3. The date of admission and, if applicable, the date of discharge;
4. An admitting diagnosis;
5. If applicable, the name and contact information of the patient's representative and:
  - a. If the patient is 18 years of age or older or an emancipated minor, the document signed by the patient consenting for the patient's representative to act on the patient's behalf; or
  - b. If the patient's representative:
    - i. Is a legal guardian, a copy of the court order establishing guardianship; or

- ii. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney;
6. If applicable, documented general consent and informed consent by the patient or the patient's representative;
7. Documentation of medical history and results of a physical examination;
8. A copy of the patient's health care directive, if applicable;
9. Orders;
10. Assessment;
11. Treatment plans;
12. Interval note;
13. Progress notes;
14. Documentation of health care institution services provided to the patient;
15. Disposition of the patient after discharge;
16. If applicable, documentation of any actions taken to control the patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual;
17. Discharge plan;
18. A discharge summary, if applicable;
19. If applicable:
  - a. Laboratory reports,
  - b. Radiologic reports,
  - c. Diagnostic reports, and
  - d. Consultation reports; and
20. Documentation of a medication administered to the patient that includes:
  - a. The date and time of administration;
  - b. The name, strength, dosage, and route of administration;
  - c. For a medication administered for pain, when initially administered or PRN:
    - i. An assessment of the patient's pain before administering the medication, and
    - ii. The effect of the medication administered;
  - d. For a psychotropic medication, when initially administered or PRN:
    - i. An assessment of the patient's behavior before administering the psychotropic medication, and
    - ii. The effect of the psychotropic medication administered;
  - e. The identification, signature, and professional designation of the individual administering or observing the self-administration of the medication; and
  - f. Any adverse reaction a patient has to the medication.

**Historical Note**

Adopted effective July 6, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1709. Medication Services****A.** An administrator shall ensure that:

1. Policies and procedures for medication services include:
  - a. A process for providing information to a patient about medication prescribed for the patient including:
    - i. The prescribed medication's anticipated results,
    - ii. The prescribed medication's potential adverse reactions,

## Department of Health Services - Health Care Institutions: Licensing

- iii. The prescribed medication's potential side effects, and
      - iv. Potential adverse reactions that could result from not taking the medication as prescribed;
    - b. Procedures for preventing, responding to, and reporting a medication error;
    - c. Procedures for responding to and reporting an unexpected reaction to a medication;
    - d. Procedures to ensure that a patient's medication regimen and method of administration is reviewed by a medical practitioner and to ensure the medication regimen meets the patient's needs;
    - e. Procedures for:
      - i. Documenting, as applicable, medication administration and assistance in the self-administration of medication; and
      - ii. Monitoring a patient who self-administers medication;
    - f. Procedures for assisting a patient in obtaining medication; and
    - g. If applicable, procedures for providing medication administration or assistance in the self-administration of medication off the premises; and
  - 2. A process is specified for review through the quality management program of:
    - a. A medication administration error, and
    - b. An adverse reaction to a medication.
- B.** If a health care institution provides medication administration, an administrator shall ensure that:
- 1. Medication is stored by the health care institution;
  - 2. Policies and procedures for medication administration:
    - a. Are reviewed and approved by a medical practitioner;
    - b. Specify the individuals who may:
      - i. Order medication, and
      - ii. Administer medication;
    - c. Ensure that medication is administered to a patient only as prescribed; and
    - d. Cover the documentation of a patient's refusal to take prescribed medication in the patient's medical record;
  - 3. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law; and
  - 4. A medication administered to a patient:
    - a. Is administered in compliance with an order, and
    - b. Is documented in the patient's medical record.
- C.** If a health care institution provides assistance in the self-administration of medication, an administrator shall ensure that:
- 1. A patient's medication is stored by the health care institution;
  - 2. The following assistance is provided to a patient:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container for the patient;
    - c. Observing the patient while the patient removes the medication from the container;
    - d. Verifying that the medication is taken as ordered by the patient's medical practitioner by confirming that:
      - i. The patient taking the medication is the individual stated on the medication container label,
      - ii. The patient is taking the dosage of the medication as stated on the medication container label, and
      - iii. The patient is taking the medication at the time stated on the medication container label; or
    - e. Observing the patient while the patient takes the medication;
  - 3. Policies and procedures for assistance in the self-administration of medication are reviewed and approved by a medical practitioner or registered nurse;
  - 4. Training for a personnel member, other than a medical practitioner or registered nurse, in assistance in the self-administration of medication:
    - a. Is provided by a medical practitioner or registered nurse or an individual trained by a medical practitioner or registered nurse; and
    - b. Includes:
      - i. A demonstration of the personnel member's skills and knowledge necessary to provide assistance in the self-administration of medication,
      - ii. Identification of medication errors and medical emergencies related to medication that require emergency medical intervention, and
      - iii. Process for notifying the appropriate entities when an emergency medical intervention is needed;
  - 5. A personnel member, other than a medical practitioner or registered nurse, completes the training in subsection (C)(4) before the personnel member provides assistance in the self-administration of medication; and
  - 6. Assistance in the self-administration of medication provided to a patient:
    - a. Is in compliance with an order, and
    - b. Is documented in the patient's medical record.
- D.** An administrator shall ensure that:
- 1. A current drug reference guide is available for use by personnel members;
  - 2. A current toxicology reference guide is available for use by personnel members; and
  - 3. If pharmaceutical services are provided on the premises:
    - a. A committee, composed of at least one physician, one pharmacist, and other personnel members as determined by policies and procedures, is established to:
      - i. Develop a drug formulary,
      - ii. Update the drug formulary at least once every 12 months,
      - iii. Develop medication usage and medication substitution policies and procedures, and
      - iv. Specify which medications and medication classifications are required to be automatically stopped after a specific time period unless the ordering medical practitioner specifically orders otherwise;
    - b. The pharmaceutical services are provided under the direction of a pharmacist;
    - c. The pharmaceutical services comply with A.R.S. Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23; and
    - d. A copy of the pharmacy license is provided to the Department upon request.
- E.** When medication is stored at a health care institution, an administrator shall ensure that:
- 1. Medication is stored in a separate locked room, closet, or self-contained unit used only for medication storage;
  - 2. Medication is stored according to the instructions on the medication container; and
  - 3. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient for:

## Department of Health Services - Health Care Institutions: Licensing

- a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication including expired medication;
  - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
  - c. A medication recall and notification of patients who received recalled medication; and
  - d. Storing, inventorying, and dispensing controlled substances.
- F.** An administrator shall ensure that a personnel member immediately reports a medication error or a patient's adverse reaction to a medication to the medical practitioner who ordered the medication and, if applicable, the health care institution's clinical director.
- b. Serviced at least once every 12 months and has a tag attached to the fire extinguisher that includes the date of service;
  - 7. A written evacuation plan is maintained and available for use by personnel members and any patient in a health care institution;
  - 8. An evacuation drill is conducted at least once every six months; and
  - 9. A record of an evacuation drill required in subsection (A)(8) is maintained for at least 12 months after the date of the evacuation drill.
- B.** An administrator shall:
- 1. Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
  - 2. Make any repairs or corrections stated on the fire inspection report, and
  - 3. Maintain documentation of a current fire inspection.

**Historical Note**

Adopted effective July 6, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1710. Food Services**

If food services are provided, an administrator shall ensure:

- 1. Food is obtained, handled, and stored to prevent contamination, spoilage, or a threat to the health of a patient;
- 2. Three nutritionally balanced meals are served each day;
- 3. Nutritious snacks are available between meals;
- 4. Food served meets any special dietary needs of a patient as prescribed by the patient's physician or dietitian; and
- 5. Chemicals and detergents are not stored with food.

**Historical Note**

Adopted effective July 6, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-1711. Emergency and Safety Standards**

**A.** An administrator shall ensure that:

- 1. A first aid kit is available at a health care institution;
- 2. If a firearm or ammunition for a firearm are stored at a health care institution:
  - a. The firearm is stored separate from the ammunition for the firearm; and
  - b. The firearm and the ammunition for the firearm are:
    - i. Stored in a locked closet, cabinet, or container; and
    - ii. Inaccessible to a patient;
- 3. If applicable, there is a smoke detector installed in:
  - a. A bedroom used by a patient,
  - b. A hallway in a health care institution, and
  - c. A health care institution's kitchen;
- 4. A smoke detector required in subsection (A)(3):
  - a. Is maintained in operable condition; and
  - b. Is battery operated or, if hard-wired into the electrical system of a health care institution, has a back-up battery;
- 5. A health care institution has a portable fire extinguisher that is labeled 1A-10-BC by the Underwriters Laboratory and is available to a personnel member;
- 6. A portable fire extinguisher required in subsection (A)(5) is:
  - a. If a disposable fire extinguisher, replaced when the fire extinguisher's indicator reaches the red zone; or

**Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Section repealed; new Section adopted effective July 6, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1712. Physical Plant, Environmental Services, and Equipment Standards**

**A.** If applicable, an administrator shall ensure that a health care institution:

- 1. Is in a building that:
  - a. Has a certificate of occupancy from the local jurisdiction; and
  - b. Is free of any plumbing, electrical, ventilation, mechanical, or structural hazard that may jeopardize the health or safety of a patient;
- 2. Has a living room accessible at all times to a patient;
- 3. Has a dining area furnished for group meals that is accessible to the provider, patients, and any other individuals present in the health care institution;
- 4. Has:
  - a. At least one bathroom for each six individuals residing in the health care institution, including patients; and
  - b. A bathroom accessible for use by a patient that contains:
    - i. A working sink with running water, and
    - ii. A working toilet that flushes and has a seat; and
- 5. Has equipment and supplies to maintain a patient's personal hygiene that are accessible to the patient.

**B.** An administrator shall ensure that:

- 1. A health care institution's premises are:
  - a. Sufficient to provide the health care institution's scope of services;
  - b. Cleaned and disinfected according to the health care institution's policies and procedures to prevent, minimize, and control illness and infection;
  - c. Clean and free from accumulations of dirt, garbage, and rubbish; and
  - d. Free from a condition or situation that may cause an individual to suffer physical injury;
- 2. If a health care institution collects urine or stool specimens from a patient, the health care institution has at least one bathroom that:
  - a. Contains:

## Department of Health Services - Health Care Institutions: Licensing

- i. A working sink with running water,
- ii. A working toilet that flushes and has a seat,
- iii. Toilet tissue,
- iv. Soap for hand washing,
- v. Paper towels or a mechanical air hand dryer,
- vi. Lighting, and
- vii. A means of ventilation; and
- b. Is for the exclusive use of the health care institution;
- 3. A pest control program is implemented and documented;
- 4. If pets or animals are allowed in the health care institution, pets or animals are:
  - a. Controlled to prevent endangering the patients and to maintain sanitation;
  - b. Licensed consistent with local ordinances; and
  - c. For a dog or a cat, vaccinated against rabies;
- 5. A smoke-free environment is maintained on the premises;
- 6. A refrigerator used to store a medication is:
  - a. Maintained in working order, and
  - b. Only used to store medications;
- 7. Equipment at the health care institution is:
  - a. Sufficient to provide the health care institution's scope of service;
  - b. Maintained in working condition;
  - c. Used according to the manufacturer's recommendations; and
  - d. If applicable, tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures;
- 8. Documentation of an equipment test, calibration, and repair is maintained for at least 12 months after the date of testing, calibration, or repair; and
- 9. Combustible or flammable liquids and hazardous materials stored by the health care institution are stored in the original labeled containers or safety containers in a storage area that is locked and inaccessible to patients.

**Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Section repealed, new Section adopted effective July 6, 1994 (Supp. 94-3). Section repealed; new Section adopted effective July 6, 1994 (Supp. 94-3). Section repealed; new Section made by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1713. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Section repealed, new Section adopted effective July 6, 1994 (Supp. 94-3). Section repealed by exempt rulemaking at 19 A.A.R. 2015, effective October 1, 2013 (Supp. 13-2).

**R9-10-1714. Reserved****R9-10-1715. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Repealed effective July 6, 1994 (Supp. 94-3).

**R9-10-1716. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Repealed effective July 6, 1994 (Supp. 94-3).

**R9-10-1717. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Repealed effective July 6, 1994 (Supp. 94-3).

**R9-10-1718. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Repealed effective July 6, 1994 (Supp. 94-3).

**R9-10-1719. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Repealed effective July 6, 1994 (Supp. 94-3).

**R9-10-1720. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Repealed effective July 6, 1994 (Supp. 94-3).

**R9-10-1721. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Repealed effective July 6, 1994 (Supp. 94-3).

**R9-10-1722. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Repealed effective July 6, 1994 (Supp. 94-3).

**R9-10-1723. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Repealed effective July 6, 1994 (Supp. 94-3).

**R9-10-1724. Reserved****R9-10-1725. Reserved****R9-10-1726. Reserved****R9-10-1727. Reserved****R9-10-1728. Reserved****R9-10-1729. Reserved****R9-10-1730. Reserved****R9-10-1731. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Repealed effective July 6, 1994 (Supp. 94-3).

**R9-10-1732. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Repealed effective July 6, 1994 (Supp. 94-3).

**R9-10-1733. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Corrections: R9-10-1733(B)(2), correction in spelling, "architectural"; R9-10-1733(C)(1)(d), 100 square feet, corrected to read "1000" square feet, as certified effective July 24, 1978 (Supp. 87-2). Repealed effective July 6, 1994 (Supp. 94-3).

## Department of Health Services - Health Care Institutions: Licensing

**R9-10-1734. Repealed****Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Repealed effective July 6, 1994 (Supp. 94-3).

**ARTICLE 18. ADULT BEHAVIORAL HEALTH THERAPEUTIC HOMES****R9-10-1801. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following definitions apply in this Article unless otherwise specified:

1. "Acceptance" means, after a referral from a collaborating health care institution, an individual begins to live in and receive services from a provider in an adult behavioral health therapeutic home.
2. "Backup provider" means an individual designated by a provider to be present in an adult behavioral health therapeutic home, when a provider is not present, who ensures that a resident receives the behavioral health services and ancillary services in the resident's treatment plan.
3. "Provider" means an individual who lives in an adult behavioral health therapeutic home and ensures that a resident receives the behavioral health services and ancillary services in the resident's treatment plan.
4. "Release" means a documented termination of services to a resident by a provider that is authorized by a collaborating health care institution.
5. "Resident" means an individual referred by a collaborating health care institution to and accepted by an adult behavioral health therapeutic home.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1802. Supplemental Application Requirements**

In addition to the license application requirements in A.R.S. § 36-422 and 9 A.A.C. 10, Article 1, an applicant shall include, in a format provided by the Department:

1. The name of the backup provider; and
2. For the adult behavioral health therapeutic home's collaborating health care institution:
  - a. Name,
  - b. Address,
  - c. Class or subclass,
  - d. License number, and
  - e. Name and contact information for an individual assigned by the collaborating health care institution to monitor the adult behavioral health therapeutic home.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1803. Administration**

- A. A governing authority of an adult behavioral health therapeutic home:
  1. Consists of no more than two providers, who live in the adult behavioral health therapeutic home;
  2. Has the authority and responsibility to manage the adult behavioral health therapeutic home;
  3. Has a documented agreement with a collaborating health care institution that establishes the responsibilities of the adult behavioral health therapeutic home and the collabor-

rating health care institution, consistent with the requirements in this Chapter;

4. Shall establish, in writing, the adult behavioral health therapeutic home's scope of services, which are approved by the collaborating health care institution;
5. Shall designate a back-up provider to be present in the adult behavioral health therapeutic home and accountable for services provided by the adult behavioral health therapeutic home when the provider is not present at the adult behavioral health therapeutic home; and
6. Shall ensure that:
  - a. No more than three residents are accepted by the adult behavioral health therapeutic home;
  - b. Documentation required by this Article is provided to the Department within two hours after a Department request; and
  - c. When documentation or information is required by this Chapter to be submitted on behalf of the adult behavioral health therapeutic home, the documentation or information is provided to the unit in the Department that is responsible for licensing the adult behavioral health therapeutic home.

**B. A provider or back-up provider:**

1. Is at least 21 years of age;
2. Holds current certification in cardiopulmonary resuscitation and first aid training applicable to the ages of residents;
3. Has the skills and knowledge established by the collaborating health care institution as specified in R9-10-118;
4. Has documentation of completion of training in assistance in the self-administration of medication as specified in R9-10-118; and
5. Has documentation of evidence of freedom from infectious tuberculosis:
  - a. On or before the date the provider or back-up provider begins providing services at or on behalf of the adult behavioral health therapeutic home, and
  - b. As specified in R9-10-113.

**C. A provider shall ensure that policies and procedures are:**

1. Established, documented, and implemented to protect the health and safety of a resident that cover:
  - a. Recordkeeping;
  - b. Resident acceptance and release;
  - c. Resident rights;
  - d. The provision of services, including coordinating the provision of behavioral health services;
  - e. Residents' medical records, including electronic medical records;
  - f. Assistance in the self-administration of medication;
  - g. Infection control; and
  - h. How a provider will respond to a resident's sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual;
2. Approved, in writing, by an adult behavioral health therapeutic home's collaborating health care institution before implementation and when the policies and procedures are reviewed or updated; and
3. Reviewed by the provider and an adult behavioral health therapeutic home's collaborating health care institution at least once every three years and updated as needed.

**D. A provider shall provide written notification to the Department and the adult behavioral health therapeutic home's collaborating health care institution of a resident's:**

1. Death, if the resident's death is required to be reported according to A.R.S. § 11-593, within one working day after the resident's death; and

## Department of Health Services - Health Care Institutions: Licensing

2. Self-injury, within two working days after the resident inflicts a self-injury that requires immediate intervention by an emergency medical services provider.
- E. If abuse, neglect, or exploitation of a resident is alleged or suspected to have occurred before the resident was accepted or while the resident is not at an adult behavioral health therapeutic home and not receiving services from the adult behavioral health therapeutic home, a provider shall report the alleged or suspected abuse, neglect, or exploitation of the resident according to A.R.S. § 46-454.
- F. If a provider has a reasonable basis, according to A.R.S. § 46-454, to believe abuse, neglect, or exploitation has occurred on the premises or while a resident is receiving adult behavioral health therapeutic services, the provider shall:
  1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
  2. Immediately report the suspected abuse, neglect, or exploitation of the resident as follows:
    - a. To the adult behavioral health therapeutic home's collaborating health care institution; and
    - b. According to A.R.S. § 46-454;
  3. Document:
    - a. The suspected abuse, neglect, or exploitation;
    - b. Any action taken according to subsection (F)(1); and
    - c. The report in subsection (F)(2);
  4. Maintain the documentation in subsection (F)(3) for at least 12 months after the date of the report in subsection (F)(2);
  5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (F)(2):
    - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
    - b. A description of any injury to the resident related to the suspected abuse or neglect and any change to the resident's physical, cognitive, functional, or emotional condition;
    - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
    - d. The actions taken by the provider to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
  6. Maintain a copy of the documented information required in subsection (F)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.
- G. A provider shall maintain a record for each provider and backup provider that includes:
  1. For the provider and the backup provider:
    - a. Name;
    - b. Date of birth;
    - c. Contact telephone number; and
    - d. Documentation of:
      - i. Verification of skills and knowledge, completed by the adult behavioral health therapeutic home's collaborating health care institution;
      - ii. Certification in cardiopulmonary resuscitation and first aid training;
      - iii. Completion of training in assistance in the self-administration of medication, provided by the adult behavioral health therapeutic home's collaborating health care institution;
      - iv. If the provider or backup provider provides behavioral health services, clinical oversight as required in R9-10-1805(C); and

- v. Evidence of freedom from infectious tuberculosis; and
2. For the backup provider, home address.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1804. Resident Rights**

- A. A provider shall ensure that:
  1. A resident is treated with dignity, respect, and consideration;
  2. A resident is not subjected to:
    - a. Abuse;
    - b. Neglect;
    - c. Exploitation;
    - d. Coercion;
    - e. Manipulation;
    - f. Sexual abuse;
    - g. Sexual assault;
    - h. Seclusion;
    - i. Restraint;
    - j. Retaliation for submitting a complaint to the Department or another entity; or
  - k. Misappropriation of personal and private property by:
    - i. An adult behavioral health therapeutic home's provider or backup provider, or
    - ii. An individual other than a resident residing in the adult behavioral health therapeutic home; and
  3. A resident or the resident's representative:
    - a. Is informed of the resident complaint process;
    - b. Consents to photographs of the resident before the resident is photographed, except that the resident may be photographed when accepted by an adult behavioral health therapeutic home for identification and administrative purposes; and
    - c. Except as otherwise permitted by law, provides written consent to the release of information in the resident's medical record.
- B. A resident has the following rights:
  1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
  2. To receive services that support and respect the resident's individuality, choices, strengths, and abilities;
  3. To receive privacy in care for personal needs;
  4. To review, upon written request, the resident's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
  5. To receive a referral to another health care institution if the provider is not authorized or not able to provide physical health services or behavioral health services needed by the resident; and
  6. To receive assistance from a family member, resident's representative, or other individual in understanding, protecting, or exercising the resident's rights.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1805. Providing Services**

- A. A provider shall ensure that behavioral health services and ancillary services are provided to a resident according to the

## Department of Health Services - Health Care Institutions: Licensing

resident's treatment plan obtained from the adult behavioral health therapeutic home's collaborating health care institution.

- B. A provider shall submit documentation of any significant change in a resident's behavior or physical, cognitive, or functional condition and the action taken by the provider to address the resident's changing needs to the adult behavioral health therapeutic home's collaborating health care institution or, if applicable, the resident's case manager.
- C. A provider who provides behavioral health services to a resident:
  1. For the purpose of an exception to licensing in A.R.S. § 32-3271, is considered a behavioral health technician; and
  2. Shall comply with the requirements for clinical oversight for a behavioral health technician in R9-10-115.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1806. Assistance in the Self-Administration of Medication**

- A. If a provider provides assistance in the self-administration of medication, the provider shall ensure that:
  1. If a resident is receiving assistance in the self-administration of medication, the resident's medication is stored by the provider;
  2. The following assistance is provided to a resident:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container or medication organizer for the resident;
    - c. Observing the resident while the resident removes the medication from the medication container or medication organizer;
    - d. Verifying that the medication is taken as ordered by the resident's medical practitioner by confirming that:
      - i. The resident taking the medication is the individual stated on the medication container label;
      - ii. The resident is taking the dosage of the medication as stated on the medication container label; and
      - iii. The resident is taking the medication at the time stated on the medication container label; or
    - e. Observing the resident while the resident takes the medication; and
  3. Assistance in the self-administration of medication provided to a resident is documented in the resident's medical record.
- B. When medication is stored by a provider, the provider shall ensure that:
  1. A locked cabinet, closet, or self-contained unit is used for medication storage;
  2. Medication is stored according to the instructions on the medication container; and
  3. Medication, including expired medication, that is no longer being used is discarded.
- C. A provider shall immediately report a medication error or a resident's adverse reaction to a medication to the:
  1. Medical practitioner who ordered the medication; or
  2. Contact individual at an adult behavioral health therapeutic home's collaborating health care institution.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July

1, 2014 (Supp. 14-2).

**R9-10-1807. Medical Records**

- A. A provider shall ensure that:
  1. A medical record is established and maintained for each resident according to A.R.S. Title 12, Chapter 13, Article 7.1;
  2. An entry in a resident's medical record is:
    - a. Only recorded by the provider or individual designated by the provider to record an entry;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  3. A resident's medical record is available to an individual:
    - a. Authorized by policies and procedures to access the resident's medical record;
    - b. If the individual is not authorized according to policies and procedures, with the written consent of the resident or the resident's representative; or
    - c. As permitted by law; and
  4. A resident's medical record is protected from loss, damage, or unauthorized use.
- B. If a provider maintains residents' medical records electronically, the provider shall ensure that safeguards exist to prevent unauthorized access.
- C. A provider shall ensure that a resident's medical record contains:
  1. Resident information that includes:
    - a. The resident's name;
    - b. The resident's date of birth;
    - c. Any known allergies; and
    - d. Medication information for the resident;
  2. The names, addresses, and telephone numbers of:
    - a. The resident's medical practitioner;
    - b. The resident's case manager, if applicable;
    - c. The behavioral health professional assigned to the resident by the adult behavioral health therapeutic home's collaborating health care institution; and
    - d. An individual to be contacted in the event of an emergency;
  3. The date of the resident's acceptance by the adult behavioral health therapeutic home and, if applicable, the date of the resident's release from the adult behavioral health therapeutic home;
  4. If applicable, the name and contact information of the resident's representative and:
    - a. The document signed by the resident consenting for the resident's representative to act on the resident's behalf; or
    - b. If the resident's representative:
      - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
      - ii. Is a legal guardian, a copy of the court order establishing guardianship;
  5. A copy of the resident's treatment plan and any updates to the resident's treatment plan, obtained from the adult behavioral health therapeutic home's collaborating health care institution;
  6. For a resident receiving assistance in the self-administration of medication, documentation that includes for each medication:
    - a. The date and time of assistance;
    - b. The name, strength, dosage, and route of administration;
    - c. The provider's signature or first and last initials; and



## Department of Health Services - Health Care Institutions: Licensing

- d. Any adverse reaction the resident has to the medication;
- 7. Documentation of the resident's refusal of a medication, if applicable;
- 8. Documentation of any significant change in a resident's behavior or physical, cognitive, or functional condition and the action taken by a provider to address the resident's changing needs;
- 9. If applicable, documentation of any actions taken to control the resident's sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual; and
- 10. If applicable, a written notice of termination of residency.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1808. Food Services**

A provider shall ensure that:

- 1. Food is obtained, handled, and stored to prevent contamination, spoilage, or a threat to the health of a resident;
- 2. Three nutritionally balanced meals are served each day;
- 3. Nutritious snacks are available between meals;
- 4. Food served meets any special dietary needs of a resident as prescribed by the resident's physician or registered dietitian; and
- 5. Chemicals or detergents are not stored with food.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1809. Emergency and Safety Standards**

A provider shall ensure that:

- 1. A first aid kit is available at an adult behavioral health therapeutic home sufficient to meet the needs of residents;
- 2. If a firearm or ammunition for a firearm is stored at an adult behavioral health therapeutic home:
  - a. The firearm is stored separate from the ammunition for the firearm; and
  - b. The firearm and the ammunition for the firearm are:
    - i. Stored in a locked closet, cabinet, or container; and
    - ii. Inaccessible to a resident;
- 3. A smoke detector is installed in:
  - a. A bedroom used by a resident,
  - b. A hallway in an adult behavioral health therapeutic home, and
  - c. An adult behavioral health therapeutic home's kitchen;
- 4. A smoke detector required in subsection (3):
  - a. Is maintained in operable condition; and
  - b. Is battery operated or, if hard-wired into the electrical system of an adult behavioral health therapeutic home, has a back-up battery;
- 5. An adult behavioral health therapeutic home has a portable fire extinguisher that is labeled 1A-10-BC by the Underwriters Laboratory and available in the adult behavioral health therapeutic home's kitchen;
- 6. A portable fire extinguisher required in subsection (5) is:
  - a. If a disposable fire extinguisher, replaced when the fire extinguisher's indicator reaches the red zone; or

- b. Serviced at least once every 12 months and has a tag attached to the fire extinguisher that includes the date of service;
- 7. A written evacuation plan is maintained and available for use by the provider and any resident in an adult behavioral health therapeutic home;
- 8. An evacuation drill is conducted at least once every six months; and
- 9. A record of an evacuation drill required in subsection (8) is maintained for at least one year after the date of the evacuation drill.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**R9-10-1810. Physical Plant, Environmental Services, and Equipment Standards**

A. A provider shall ensure that an adult behavioral health therapeutic home:

- 1. Is in a building that:
  - a. Is arranged, designed, and used for the living, sleeping, and housekeeping activities for one family on a permanent basis; and
  - b. Is free of any plumbing, electrical, ventilation, mechanical, chemical, or structural hazard that may jeopardize the health or safety of a resident;
- 2. Has a living room accessible at all times to a resident;
- 3. Has a dining area furnished for group meals that is accessible to the provider, residents, and any other individuals present in the adult behavioral health therapeutic home;
- 4. For each six individuals residing in the adult behavioral health therapeutic home, including residents, has at least one bathroom equipped with:
  - a. A working toilet that flushes and has a seat; and
  - b. A sink with running water accessible for use by a resident;
- 5. Has equipment and supplies to maintain a resident's personal hygiene that are accessible to the resident;
- 6. Is clean and free from accumulations of dirt, garbage, and rubbish; and
- 7. Implements a pest control program to minimize the presence of insects and vermin at the adult behavioral health therapeutic home.

B. A provider shall ensure that pets and animals are:

- 1. Controlled to prevent endangering the residents and to maintain sanitation;
- 2. Licensed consistent with local ordinances; and
- 3. For a dog or cat, vaccinated against rabies.

C. If a swimming pool is located on the premises, a provider shall ensure that:

- 1. The swimming pool is equipped with the following:
  - a. An operational water circulation system that clarifies and disinfects the swimming pool water continuously and that includes at least:
    - i. A removable strainer,
    - ii. Two swimming pool inlets located on opposite sides of the swimming pool, and
    - iii. A drain located at the swimming pool's lowest point and covered by a grating that cannot be removed without using tools; and
  - b. An operational cleaning system;
- 2. The swimming pool is enclosed by a wall or fence that:
  - a. Is at least five feet in height as measured on the exterior of the wall or fence;

## Department of Health Services - Health Care Institutions: Licensing

- b. Has no vertical openings greater than four inches across;
- c. Has no horizontal openings, except as described in subsection (C)(2)(e);
- d. Is not chain-link;
- e. Does not have a space between the ground and the bottom fence rail that exceeds four inches in height; and
- f. Has a self-closing, self-latching gate that:
  - i. Opens away from the swimming pool,
  - ii. Has a latch located at least 54 inches from the ground, and
  - iii. Is locked when the swimming pool is not in use; and
- 3. A life preserver or shepherd's crook is available and accessible in the pool area.
- D.** A provider shall ensure that a spa that is not enclosed by a wall or fence as described in subsection (C)(2) is covered and locked when not in use.
- E.** A provider shall ensure that:
  - 1. A bedroom for use by a resident:
    - a. Is separated from a hall, corridors, or other habitable room by floor-to-ceiling walls containing no interior openings except doors and is not used as a passageway to another bedroom or habitable room;
    - b. Provides sufficient space for an individual in the bedroom to have unobstructed access to the bedroom door;
    - c. Contains for each resident using the bedroom:
      - i. A separate, adult-sized, single bed or larger bed with a clean mattress in good repair;
      - ii. Clean bedding appropriate for the season; and
      - iii. An individual dresser and closet for storage of personal possessions and clothing; and
    - d. If used for:
      - i. Single occupancy, contains at least 60 square feet of floor space; or
      - ii. Double occupancy, contains at least 100 square feet of floor space; and
  - 2. A mirror is available to a resident for grooming;
  - 3. A resident does not share a bedroom with an individual who is not a resident;
  - 4. No more than two residents share a bedroom;
  - 5. If two residents share a bedroom, each resident agrees, in writing, to share the bedroom; and
  - 6. A resident's bedroom is not used to store anything other than the furniture and articles used by the resident and the resident's belongings.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 1409, pursuant to Laws 2013, Ch. 10, § 13; effective July 1, 2014 (Supp. 14-2).

**ARTICLE 19. COUNSELING FACILITIES****R9-10-1901. Definitions**

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following definitions apply in this Article:

- 1. "Affiliated counseling facility" means a counseling facility that shares administrative support with one or more other counseling facilities that operate under the same governing authority.
- 2. "Affiliated outpatient treatment center" means an outpatient treatment center authorized by the Department to provide behavioral health services that provides administrative support to a counseling facility or counseling facilities that operate under the same governing authority as the outpatient treatment center.

ities that operate under the same governing authority as the outpatient treatment center.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

**R9-10-1902. Supplemental Application Requirements**

In addition to the license application requirements in A.R.S. § 36-422 and 9 A.A.C. 10, Article 1, a governing authority applying for an initial license as a counseling facility shall submit, in a format provided by the Department:

- 1. The days and hours of clinical operation and, if different from the days and hours of clinical operation, the days and hours of administrative operation;
- 2. If applicable, a request to provide one of more of the following:
  - a. DUI screening,
  - b. DUI education,
  - c. DUI treatment, or
  - d. Misdemeanor domestic violence offender treatment;
- 3. Whether the counseling facility has an affiliated outpatient treatment center;
- 4. If the counseling facility has an affiliated outpatient treatment center:
  - a. The affiliated outpatient treatment center's name; and
  - b. Either:
    - i. The license number assigned to the affiliated outpatient treatment center by the Department; or
    - ii. If the affiliated outpatient treatment center is not currently licensed, the:
      - (1) Street address of the affiliated outpatient treatment center, and
      - (2) Date the affiliated outpatient treatment center submitted to the Department an initial application for a health care institution license;
- 5. Whether the counseling facility is sharing administrative support with an affiliated counseling facility; and
- 6. If the counseling facility is sharing administrative support with an affiliated counseling facility, for each affiliated counseling facility sharing administrative support with the counseling facility:
  - a. The affiliated counseling facility's name; and
  - b. Either:
    - i. The license number assigned to the affiliated counseling facility by the Department; or
    - ii. If the affiliated counseling facility is not currently licensed, the:
      - (1) Street address of the affiliated counseling facility, and
      - (2) Date the affiliated counseling facility submitted to the Department an initial application for a health care institution license.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

**R9-10-1903. Administration**

- A.** A governing authority shall:
  - 1. Consist of one of more individuals accountable for the organization, operation, and administration of a counseling facility;

## Department of Health Services - Health Care Institutions: Licensing

2. Establish, in writing:
    - a. A counseling facility's scope of services, and
    - b. Qualifications for an administrator;
  3. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);
  4. Adopt a quality management program according to R9-10-1904;
  5. Review and evaluate the effectiveness of the quality management program in R9-10-1904 at least once every 12 months;
  6. Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b) if the administrator is:
    - a. Expected not to be present on the premises for more than 30 calendar days, or
    - b. Not present on the premises for more than 30 calendar days; and
  7. Except as provided in subsection (A)(6), notify the Department according to A.R.S. § 36-425(I) when there is a change in an administrator and identify the name and qualifications of the new administrator.
- B. An administrator:**
1. Is directly accountable to the governing authority for the daily operation of the counseling facility and all services provided by or at the counseling facility;
  2. Has the authority and responsibility to manage the counseling facility; and
  3. Except as provided in subsection (A)(6), designates in writing, an individual who is present on the counseling facility's premises and accountable for the counseling facility when the administrator is not available.
- C. An administrator or the administrator of the counseling facility's affiliated outpatient treatment center shall establish policies and procedures to protect the health and safety of a patient that:**
1. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience, for personnel members, employees, volunteers, and students;
  2. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
  3. Include how a personnel member may submit a complaint relating to services provided to a patient;
  4. Cover the requirements in Title 36, Chapter 4, Article 11;
  5. Cover patient screening, admission, assessment, discharge planning, and discharge;
  6. Cover medical records;
  7. Cover the provision of counseling and any services listed in the counseling facility's scope of services;
  8. Include when general consent and informed consent are required;
  9. Cover telemedicine, if applicable;
  10. Cover specific steps for:
    - a. A patient or a patient's representative to file a complaint, and
    - b. A counseling facility to respond to a complaint; and
  11. Cover how personnel members will respond to a patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual.
- D. An administrator shall ensure that:**
1. Policies and procedures established according to subsection (C) are documented and implemented;
  2. Counseling facility policies and procedures are:
    - a. Reviewed at least once every three years and updated as needed, and
    - b. Available to personnel members and employees;
3. Unless otherwise stated:
    - a. Documentation required by this Article is maintained and provided to the Department within two hours after a Department request; and
    - b. When documentation or information is required by this Chapter to be submitted on behalf of a counseling facility, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the counseling facility;
  4. The following are conspicuously posted:
    - a. The current license for the counseling facility issued by the Department;
    - b. The name, address, and telephone number of the Department;
    - c. A notice that a patient may file a complaint with the Department about the counseling facility;
    - d. A list of patient rights;
    - e. A map for evacuating the facility; and
    - f. A notice identifying the location on the premises where current license inspection reports required in A.R.S. § 36-425(H), with patient information redacted, are available;
  5. Patient follow-up instructions are:
    - a. Provided, orally or in written form, to a patient or the patient's representative before the patient leaves the counseling facility unless the patient leaves against a personnel member's advice; and
    - b. Documented in the patient's medical record; and
  6. Cardiopulmonary resuscitation training includes a demonstration of the individual's ability to perform cardiopulmonary resuscitation.
- E. If abuse, neglect, or exploitation of a patient is alleged or suspected to have occurred before the patient was admitted or while the patient is not on the premises and not receiving services from a counseling facility's employee or personnel member, an administrator shall report the alleged or suspected abuse, neglect, or exploitation of the patient as follows:**
1. For a patient 18 years of age or older, according to A.R.S. § 46-454; or
  2. For a patient under 18 years of age, according to A.R.S. § 13-3620.
- F. If an administrator has a reasonable basis, according to A.R.S. §§ 13-3620 or 46-454, to believe that abuse, neglect, or exploitation has occurred on the premises or while a patient is receiving services from a counseling facility's employee or personnel member, an administrator shall:**
1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
  2. Report the suspected abuse, neglect, or exploitation of the patient as follows:
    - a. For a patient 18 years of age or older, according to A.R.S. § 46-454; or
    - b. For a patient under 18 years of age, according to A.R.S. § 13-3620;
  3. Document:
    - a. The suspected abuse, neglect, or exploitation;
    - b. Any action taken according to subsection (F)(1); and
    - c. The report in subsection (F)(2);
  4. Maintain the documentation in subsection (F)(3) for at least 12 months after the date of the report in subsection (F)(2);
  5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (F)(2):

## Department of Health Services - Health Care Institutions: Licensing

- a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
  - b. A description of any injury to the patient related to the suspected abuse or neglect and any change to the patient's physical, cognitive, functional, or emotional condition;
  - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
  - d. The actions taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
6. Maintain a copy of the documented information required in subsection (F)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

**R9-10-1904. Quality Management**

An administrator shall ensure that:

1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:
  - a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to patients;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to patient care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to patient care; and
  - e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
2. A documented report is submitted to the governing authority that includes:
  - a. An identification of each concern about the delivery of services related to patient care, and
  - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to patient care; and
3. The report required in subsection (2) and the supporting documentation for the report are maintained for at least 12 months after the date the report is submitted to the governing authority.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

**R9-10-1905. Contracted Services**

An administrator shall ensure that:

1. Contracted services are provided according to the requirements in this Article, and
2. Documentation of current contracted services is maintained that includes a description of the contracted services provided.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

**R9-10-1906. Personnel**

An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of counseling expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of the patients expected to be receiving the counseling from the personnel member according to the established job description; and
  - b. Include:
    - i. The specific skills and knowledge necessary for the personnel member to provide the counseling listed in the established job description,
    - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the counseling listed in the established job description, and
    - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the counseling listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
  - a. Before the personnel member provides counseling, and
  - b. According to policies and procedures;
3. Sufficient personnel members are present on a counseling facility's premises during hours of clinical operation with the qualifications, skills, and knowledge necessary to:
  - a. Provide the counseling in the counseling facility's scope of services,
  - b. Meet the needs of a patient, and
  - c. Ensure the health and safety of a patient;
4. At least one personnel member with cardiopulmonary resuscitation training is present on a counseling facility's premises during hours of clinical operation;
5. At least one personnel member with first aid training is present on a counseling facility's premises during hours of clinical operation;
6. A personnel member only provides counseling the personnel member is qualified to provide;
7. A plan is developed, documented, and implemented to provide orientation specific to the duties of personnel members, employees, volunteers, and students;
8. A personnel member completes orientation before providing counseling to a patient;
9. An individual's orientation is documented, to include:
  - a. The individual's name,
  - b. The date of the orientation, and
  - c. The subject or topics covered in the orientation;
10. A plan is developed, documented, and implemented to provide in-service education specific to the duties of a personnel member;
11. A personnel member's in-service education is documented, to include:
  - a. The personnel member's name,
  - b. The date of the in-service education, and
  - c. The subject or topics covered in the in-service education;
12. A personnel member who is a behavioral health technician or behavioral health paraprofessional complies with the applicable requirements in R9-10-115;

## Department of Health Services - Health Care Institutions: Licensing

13. A record for a personnel member, an employee, a volunteer, or a student is maintained that includes:
    - a. The individual's name, date of birth, and contact telephone number;
    - b. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
    - c. Documentation of:
      - i. The individual's qualifications, including skills and knowledge applicable to the individual's job duties;
      - ii. The individual's education and experience applicable to the individual's job duties;
      - iii. The individual's completed orientation and in-service education as required by policies and procedures;
      - iv. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
      - v. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
      - vi. The individual's compliance with the fingerprinting requirements in A.R.S. § 36-425.03, if applicable;
      - vii. If applicable, cardiopulmonary resuscitation training; and
      - viii. If applicable, first aid training; and
  14. The record in subsection (13) is:
    - a. Maintained while an individual provides services for or at the counseling facility and for at least 24 months after the last date the individual provided services for or at the counseling facility; and
    - b. If the ending date of employment or volunteer service was 12 or more months before the date of the Department's request, provided to the Department within 72 hours after the Department's request.
- b. May refuse or withdraw consent for receiving counseling before counseling is initiated;
  - c. Is informed of the following:
    - i. The counseling facility's policy on health care directives, and
    - ii. The patient complaint process;
  - d. Consents to photographs of the patient before the patient is photographed, except that a patient may be photographed when admitted to a counseling facility for identification and administrative purposes; and
  - e. Except as otherwise permitted by law, provides written consent to the release of information in the patient's:
    - i. Medical record, or
    - ii. Financial records.
- C.** A patient has the following rights:
1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
  2. To receive counseling that supports and respects the patient's individuality, choices, strengths, and abilities;
  3. To receive privacy during counseling;
  4. To review, upon written request, the patient's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
  5. To receive a referral to another health care institution if the counseling facility is not authorized or not able to provide the behavioral health services needed by the patient;
  6. To participate or have the patient's representative participate in the development of, or decisions concerning, the counseling provided to the patient;
  7. To participate or refuse to participate in research or experimental treatment; and
  8. To receive assistance from a family member, the patient's representative, or other individual in understanding, protecting, or exercising the patient's rights.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

**R9-10-1907. Patient Rights**

- A.** An administrator shall ensure that at the time of admission, a patient or the patient's representative receives a written copy of the requirements in subsection (B) and the patient rights in subsection (C).
- B.** An administrator shall ensure that:
1. A patient is treated with dignity, respect, and consideration;
  2. A patient as not subjected to:
    - a. Abuse;
    - b. Neglect;
    - c. Exploitation;
    - d. Coercion;
    - e. Manipulation;
    - f. Sexual abuse;
    - g. Sexual assault;
    - h. Restraint or seclusion;
    - i. Retaliation for submitting a complaint to the Department or another entity; or
    - j. Misappropriation of personal and private property by a counseling facility's personnel member, employee, volunteer, or student; and
  3. A patient or the patient's representative:
    - a. Either consents to or refuses counseling;

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

**R9-10-1908. Medical Records**

- A.** An administrator shall ensure that:
1. A medical record is established and maintained for each patient according to A.R.S. Title 12, Chapter 13, Article 7.1;
  2. An entry in a patient's medical record is:
    - a. Recorded only by a personnel member authorized by policies and procedures to make the entry;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  3. An order is:
    - a. Dated when the order is entered in the patient's medical record and includes the time of the order;
    - b. Authenticated by a medical practitioner or behavioral health professional according to policies and procedures; and
    - c. If the order is a verbal order, authenticated by the medical practitioner or behavioral health professional issuing the order;
  4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
  5. A patient's medical record is available to an individual:

## Department of Health Services - Health Care Institutions: Licensing

- a. Authorized according to policies and procedures to access the patient's medical record;
    - b. If the individual is not authorized according to policies and procedures, with the written consent of the patient or the patient's representative; or
    - c. As permitted by law; and
  - 6. A patient's medical record is protected from loss, damage, or unauthorized use.
  - B.** If a counseling facility maintains patients' medical records electronically, an administrator shall ensure that:
    - 1. Safeguards exist to prevent unauthorized access, and
    - 2. The date and time of an entry in a medical record is recorded by the computer's internal clock.
  - C.** An administrator shall ensure that a patient's medical record contains:
    - 1. Patient information that includes:
      - a. The patient's name and address, and
      - b. The patient's date of birth;
    - 2. A diagnosis or reason for counseling;
    - 3. Documentation of general consent and, if applicable, informed consent for counseling by the patient or the patient's representative;
    - 4. If applicable, the name and contact information of the patient's representative and:
      - a. If the patient is 18 years of age or older or an emancipated minor, the document signed by the patient consenting for the patient's representative to act on the patient's behalf; or
      - b. If the patient's representative:
        - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney;
        - ii. Is a legal guardian, a copy of the court order establishing guardianship;
    - 5. Documentation of medical history;
    - 6. Orders;
    - 7. Assessment;
    - 8. Interval notes;
    - 9. Progress notes;
    - 10. Documentation of counseling provided to the patient;
    - 11. The name of each individual providing counseling;
    - 12. Disposition of the patient upon discharge;
    - 13. Documentation of the patient's follow-up instructions provided to the patient;
    - 14. A discharge summary; and
    - 15. If applicable, documentation of any actions taken to control the patient's sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual.
- Historical Note**
- New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).
- R9-10-1909. Counseling**
- A.** An administrator of a counseling facility shall ensure that:
    - 1. Counseling provided at the counseling facility is provided under the direction of a behavioral health professional;
    - 2. A personnel member who provides counseling is:
      - a. At least 21 years of age, or
      - b. At least 18 years of age and is licensed or certified under A.R.S. Title 32 and providing services within the personnel member's scope of practice; and
    - 3. If a counseling facility provides counseling to a patient who is less than 18 years of age, an employee or a volunteer and the owner comply with the fingerprint clearance card requirements in A.R.S. § 36-425.03.
  - B.** An administrator of a counseling facility shall ensure that:
    - 1. Before counseling for a patient is initiated, there is a behavioral health assessment for the patient that complies with the requirements in this Section that is:
      - a. Available:
        - i. In the patient's medical record maintained by the counseling facility;
        - ii. If the counseling facility is an affiliated counseling facility, in the patient's integrated medical record; or
        - iii. If the counseling facility has an affiliated outpatient treatment center, in the patient's integrated medical record maintained by the counseling facility's affiliated outpatient treatment center;
      - b. Completed by a personnel member at the counseling facility; and
      - c. Obtained from a behavioral health provider other than the counseling facility; or
    - 2. A behavioral health assessment, obtained from a behavioral health provider other than the counseling facility or available in a medical record or integrated medical record, was completed within 12 months before the date of the patient's current admission;
    - 3. If a behavioral health assessment is obtained from a behavioral health provider other than the counseling facility or is available as stated in subsection (B)(1)(a), the information in the behavioral health assessment is reviewed and updated if additional information that affects the patient's behavioral health assessment is identified;
    - 4. The review and update of the patient's assessment information in subsection (B)(3) is documented in the patient's medical record within 48 hours after the review is completed;
    - 5. If a behavioral health assessment is conducted by a:
      - a. Behavioral health technician or a registered nurse, within 72 hours after the behavioral health assessment is conducted, a behavioral health professional certified or licensed to provide the counseling needed by the patient reviews and signs the behavioral health assessment to ensure that the behavioral health assessment identifies the counseling needed by the patient; or
      - b. Behavioral health paraprofessional, a behavioral health professional certified or licensed to provide the counseling needed by the patient supervises the behavioral health paraprofessional during the completion of the behavioral health assessment and signs the behavioral health assessment to ensure that the assessment identifies the counseling needed by the patient;
    - 6. A behavioral health assessment:
      - a. Documents a patient's:
        - i. Presenting issue;
        - ii. Substance use history;
        - iii. Co-occurring disorder;
        - iv. Medical condition and history;
        - v. Legal history, including:
          - (1) Custody,
          - (2) Guardianship, and
          - (3) Pending litigation;
        - vi. Criminal justice record;
        - vii. Family history;

## Department of Health Services - Health Care Institutions: Licensing

- viii. Behavioral health treatment history; and
    - ix. Symptoms reported by the patient or the patient's representative and referrals needed by the patient, if any;
  - b. Includes:
    - i. Recommendations for further assessment or examination of the patient's needs;
    - ii. A description of the counseling, including type, frequency, and number of hours, that will be provided to the patient; and
    - iii. The signature and date signed of the personnel member conducting the behavioral health assessment; and
  - c. Is documented in patient's medical record;
  - 7. A patient is referred to a medical practitioner if a determination is made that the patient requires immediate physical health services or the patient's behavioral health issue may be related to the patient's medical condition;
  - 8. A request for participation in a patient's behavioral health assessment is made to the patient or the patient's representative;
  - 9. An opportunity for participation in the patient's behavioral health assessment is provided to the patient or the patient's representative;
  - 10. Documentation of the request in subsection (B)(8) and the opportunity in subsection (B)(9) is in the patient's medical record;
  - 11. A patient's behavioral health assessment information is documented in the medical record within 48 hours after completing the assessment;
  - 12. If information in subsection (B)(6)(a) is obtained about a patient after the patient's behavioral health assessment is completed, an interval note, including the information, is documented in the patient's medical record within 48 hours after the information is obtained;
  - 13. Counseling is:
    - a. Offered as described in the counseling facility's scope of services;
    - b. Provided according to the type, frequency, and number of hours identified in the patient's assessment; and
    - c. Provided by a behavioral health professional or a behavioral health technician;
  - 14. A personnel member providing counseling to address a specific type of behavioral health issue has the skills and knowledge necessary to provide the counseling that addresses the specific type of behavioral health issue; and
  - 15. Each counseling session is documented in the patient's medical record to include:
    - a. The date of the counseling session;
    - b. The amount of time spent in the counseling session;
    - c. Whether the counseling was individual counseling, family counseling, or group counseling;
    - d. The treatment goals addressed in the counseling session; and
    - e. The signature of the personnel member who provided the counseling and the date signed.
- C.** An administrator may request authorization to provide any of the following to individuals required to attend by a referring court:
- 1. DUI screening,
  - 2. DUI education,
  - 3. DUI treatment, or
  - 4. Misdemeanor domestic violence offender treatment.
- D.** An administrator of a counseling facility authorized to provide the services in subsection (C):
- 1. Shall comply with the requirements for the specific service in 9 A.A.C. 20, and
  - 2. May have a behavioral health technician who has the appropriate skills and knowledge established in policies and procedures provide the services.

**Historical Note**

New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

**R9-10-1910. Physical Plant, Environmental Services, and Equipment Standards**

- A.** An administrator shall ensure that a counseling facility has either:
- 1. Both of the following:
    - a. A smoke detector installed in each hallway of the counseling facility that is:
      - i. Maintained in an operable condition;
      - ii. Either battery operated or, if hard-wired into the electrical system of the outpatient treatment center, has a back-up battery; and
      - iii. Tested monthly; and
    - b. A portable, operable fire extinguisher, labeled as rated at least 2A-10-BC by the Underwriters Laboratories, that:
      - i. Is available at the counseling facility;
      - ii. Is mounted in a fire extinguisher cabinet or placed on wall brackets so that the top handle of the fire extinguisher is not over five feet from the floor and the bottom of the fire extinguisher is at least four inches from the floor;
      - iii. If a disposable fire extinguisher, is replaced when its indicator reaches the red zone; and
      - iv. If a rechargeable fire extinguisher, is serviced at least once every 12 months and has a tag attached to the fire extinguisher that specifies the date of the last servicing and the name of the servicing person; or
  - 2. Both of the following that are tested and serviced at least once every 12 months:
    - a. A fire alarm system installed according to the National Fire Protection Association 72: National Fire Alarm and Signaling Code, incorporated by reference in A.A.C. R9-1-412, that is in working order; and
    - b. A sprinkler system installed according to the National Fire Protection Association 13: Standard for the Installation of Sprinkler Systems, incorporated by reference in A.A.C. R9-1-412, that is in working order.
- B.** An administrator shall ensure that documentation of a test required in subsection (A) is maintained for at least 12 months after the date of the test.
- C.** An administrator shall ensure that on a counseling facility's premises:
- 1. Exit signs are illuminated, if the local fire jurisdiction requires illuminated exit signs;
  - 2. Corridors and exits are kept clear of any obstructions;
  - 3. A patient can exit through any exit during hours of clinical operation;
  - 4. An extension cord is not used instead of permanent electrical wiring; and
  - 5. Each electrical outlet and electrical switch has a cover plate that is in good repair.
- D.** An administrator shall:

## Department of Health Services - Health Care Institutions: Licensing

1. Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
  2. Make any repairs or corrections stated on the fire inspection report, and
  3. Maintain documentation of a current fire inspection.
- E.** An administrator shall ensure that:
1. A counseling facility's premises are:
    - a. Sufficient to provide the counseling facility's scope of services;
    - b. Cleaned and disinfected to prevent, minimize, and control illness and infection; and
    - c. Free from a condition or situation that may cause an individual to suffer physical injury;
  2. If a bathroom is on the premises, the bathroom contains:
    - a. A working sink with running water,
    - b. A working toilet that flushes and has a seat,
    - c. Toilet tissue,
    - d. Soap for hand washing,
    - e. Paper towels or a mechanical air hand dryer,
    - f. Lighting, and
    - g. A means of ventilation;
  3. If a bathroom is not on the premises, a bathroom is:
    - a. Available for a patient's use,
    - b. Located in a building in contiguous proximity to the counseling facility, and
    - c. Free from a condition or situation that may cause an individual using the bathroom to suffer a physical injury; and
  4. A tobacco smoke-free environment is maintained on the premises.
- Historical Note**
- New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).
- R9-10-1911. Integrated Information**
- A.** An administrator of an affiliated outpatient treatment center may maintain the following information, required in this Article for a counseling facility for which the affiliated outpatient treatment center provides administrative support, integrated with information required in 9 A.A.C. 10, Article 10 for the outpatient treatment center:
1. Quality management plan, documented incidents, and reports required in R9-10-1904;
  2. Contracted services information in R9-10-1905;
  3. Orientation plan, in-service education plan, and personnel records in R9-10-1906; and
  4. Medical records in R9-10-1908.
- B.** An administrator of an affiliated counseling facility that shares administrative support with one or more other affiliated counseling facilities may maintain the information in subsections (A)(1) through (A)(4) integrated with information maintained by the other affiliated counseling facilities.
- C.** If an administrator of an affiliated outpatient treatment center or an affiliated counseling facility maintains integrated information according to subsection (A) or (B), the administrator shall develop, document, and implement a method to ensure that:
1. If the quality management plan is integrated, the incidents documented, concerns identified, and changes or actions taken are identified for each facility;
  2. If a person provides contracted services at more than one facility, the types of services the person provides at each facility is identified in the contract information;
  3. If an orientation plan is applicable to more than one facility, the orientation a personnel member is expected to obtain for each facility is identified in the orientation plan;
  4. If an in-service education plan is applicable to more than one facility, the in-service education a personnel member is expected to obtain for each facility is identified in the orientation plan;
  5. If a personnel member provides counseling at more than one facility, the following is identified in the personnel member's record:
    - a. The days and hours the personnel member provides counseling for each facility;
    - b. If the personnel member's job description is different for each facility:
      - i. Each job description for the personnel member; and
      - ii. Verification of the skills and knowledge to provide counseling according to each of the personnel member's job descriptions; and
    - c. If a personnel member is a behavioral health technician, documentation of the clinical oversight provided to the personnel member, based on the number and acuity of the patients to whom the personnel member provided counseling at each facility; and
  6. If a patient receives counseling at more than one facility, the counseling received and any information related to the counseling received at each facility is identified in the patient's medical record.
- D.** An administrator of a counseling facility receiving administrative support from an affiliated outpatient treatment center or an affiliated counseling facility shall ensure that if the counseling facility:
1. Has integrated information, the integrated information is provided to the Department for review within two hours after the Department's request:
    - a. In a written or electronic format at the counseling facility's premises; or
    - b. Electronically directly to the Department.
  2. No longer receives or shares administrative support that includes integrating the information in subsection (A), the information for the counseling facility required in this Article is maintained by the counseling facility and provided to the Department according to the requirements in this Article.
- Historical Note**
- New Section made by exempt rulemaking at 20 A.A.R. 3535, pursuant to Laws 2014, Ch. 233, § 5; effective January 1, 2015 (Supp. 14-4).

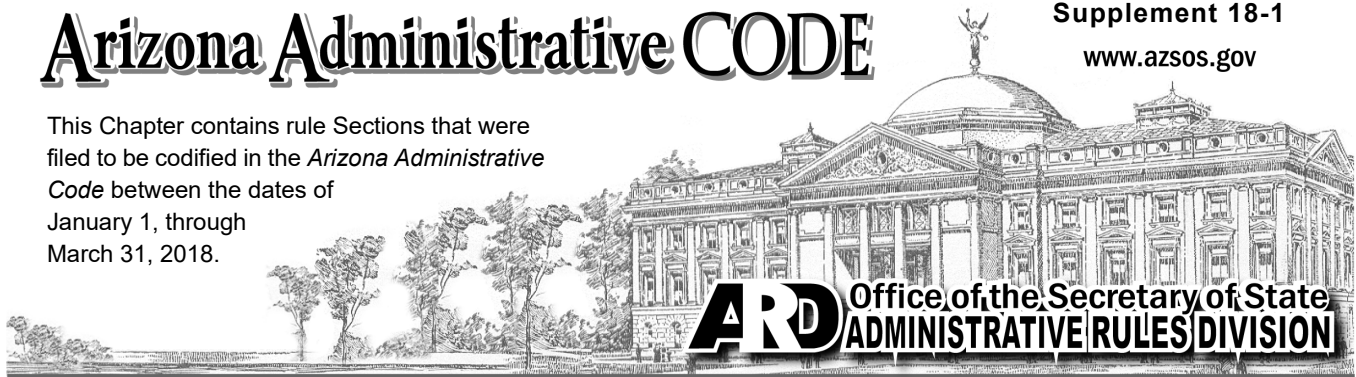


# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 9. HEALTH SERVICES

### CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

[R9-22-712.05](#). [Graduate Medical Education Fund Allocation](#) .. [63](#)

#### Questions about these rules? Contact:

Department: AHCCCS  
Name: Nicole Fries  
Address: Office of Administrative Legal Services  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4232  
Fax: (602) 253-9115  
[E-mail: AHCCCSRules@azahcccs.gov](mailto:AHCCCSRules@azahcccs.gov)  
[Web site: www.azahcccs.gov](http://www.azahcccs.gov)

#### The release of this Chapter in supplement 18-1 replaces supplement 17-4, 121 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

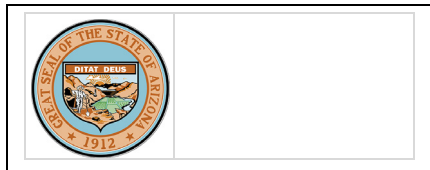
### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

## TITLE 9. HEALTH SERVICES

## CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION

*Editor's Note: The Office of the Secretary of State prints all Code Chapters on white paper (Supp 01-3).*

*Editor's Note: This Chapter contains rules which were adopted or amended under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6), pursuant to Laws 1992, Ch. 301, § 61 and Ch. 302, § 13, and Laws 1993, Ch. 6, § 34. Exemption from A.R.S. Title 41, Chapter 6 means that AHCCCS did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Governor's Regulatory Review Council did not review these rules; AHCCCS was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

## ARTICLE 1. DEFINITIONS

*New Article 1, consisting of Sections R9-22-101 through R9-22-103, R9-22-105, and R9-22-106 through R9-22-112 adopted effective December 8, 1997 (Supp. 97-4).*

*Former Article 1, consisting of Section R9-22-101, repealed effective December 8, 1997 (Supp. 97-4).*

Section		
R9-22-101.	Location of Definitions .....	7
R9-22-102.	Repealed .....	12
R9-22-103.	Repealed .....	12
R9-22-104.	Reserved .....	12
R9-22-105.	Repealed .....	12
R9-22-106.	Repealed .....	12
R9-22-107.	Repealed .....	12
R9-22-108.	Repealed .....	12
R9-22-109.	Repealed .....	12
R9-22-110.	Repealed .....	12
R9-22-111.	Reserved .....	12
R9-22-112.	Repealed .....	12
R9-22-113.	Reserved .....	12
R9-22-114.	Repealed .....	12
R9-22-115.	Repealed .....	12
R9-22-116.	Repealed .....	12
R9-22-117.	Repealed .....	12
R9-22-118.	Reserved .....	13
R9-22-119.	Reserved .....	13
R9-22-120.	Repealed .....	13

## ARTICLE 2. SCOPE OF SERVICES

Section		
R9-22-201.	Scope of Services-related Definitions .....	13
R9-22-202.	General Requirements .....	14
R9-22-203.	Experimental Services .....	15
R9-22-204.	Inpatient General Hospital Services .....	15
R9-22-205.	Attending Physician, Practitioner, and Primary Care Provider Services .....	16
R9-22-206.	Organ and Tissue Transplant Services .....	17
R9-22-207.	Dental Services .....	17
R9-22-208.	Laboratory, Radiology, and Medical Imaging Services .....	18
R9-22-209.	Pharmaceutical Services .....	18
R9-22-210.	Emergency Medical Services for Non-FES Members .....	19
R9-22-210.01.	Emergency Behavioral Health Services for Non-FES Members .....	20
R9-22-211.	Transportation Services .....	21
R9-22-212.	Durable Medical Equipment, Orthotic and Prosthetic Devices, and Medical Supplies .....	22
R9-22-213.	Early and Periodic Screening, Diagnosis, and Treatment Services (E.P.S.D.T.) .....	23

R9-22-214.	Repealed .....	24
R9-22-215.	Other Medical Professional Services .....	24
R9-22-216.	NF, Alternative HCBS Setting, or HCBS .....	24
R9-22-217.	Services Included in the Federal Emergency Services Program .....	25
R9-22-218.	Repealed .....	25

## ARTICLE 3. GENERAL ELIGIBILITY REQUIREMENTS

*Article 3, consisting of Sections R9-22-301 through R9-22-303, made by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).*

*Article 3, consisting of Sections R9-22-301 through R9-22-319 and R9-22-321 through R9-22-344, repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section R9-22-320 repealed December 13, 1993 (Supp. 93-4).*

Section		
R9-22-301.	Reserved .....	26
R9-22-302.	Reserved .....	26
R9-22-303.	Prior Quarter Eligibility .....	26
R9-22-304.	Verification of Eligibility Information .....	26
R9-22-305.	Eligibility Requirements .....	26
R9-22-306.	Administration, Administration's designee or Member Responsibilities .....	27
R9-22-307.	Approval or Denial of Eligibility .....	29
R9-22-308.	Reinstating Eligibility .....	29
R9-22-309.	Confidentiality and Safeguarding of Information .....	30
R9-22-310.	Ineligible Person .....	30
R9-22-311.	Assignment of Rights Under Operation of Law .....	30
R9-22-312.	Member Notices .....	30
R9-22-313.	Withdrawal of Application .....	31
R9-22-314.	Withdrawal from AHCCCS Medical Coverage .....	31
R9-22-315.	Notice of Adverse Action .....	31
R9-22-316.	Exemptions from Sponsor Deemed Income .....	32
R9-22-317.	Sponsor Deemed Income .....	33
R9-22-318.	Repealed .....	33
R9-22-319.	Repealed .....	33
R9-22-320.	Repealed .....	33
R9-22-321.	Repealed .....	33
R9-22-322.	Repealed .....	34
R9-22-323.	Repealed .....	34
R9-22-324.	Repealed .....	34
R9-22-325.	Repealed .....	34
R9-22-326.	Repealed .....	34
R9-22-327.	Repealed .....	34
R9-22-328.	Repealed .....	34
R9-22-329.	Repealed .....	35
R9-22-330.	Repealed .....	35
R9-22-331.	Repealed .....	35
R9-22-332.	Repealed .....	35

## Arizona Health Care Cost Containment System - Administration

R9-22-333.	Repealed .....	35
R9-22-334.	Repealed .....	35
R9-22-335.	Repealed .....	35
R9-22-336.	Repealed .....	35
R9-22-337.	Repealed .....	35
R9-22-338.	Repealed .....	35
R9-22-339.	Repealed .....	35
R9-22-340.	Repealed .....	36
R9-22-341.	Repealed .....	36
R9-22-342.	Repealed .....	36
R9-22-343.	Repealed .....	36
R9-22-344.	Repealed .....	36

**ARTICLE 4. PENALTY FOR OBTAINING ELIGIBILITY BY FRAUD**

*Article 4, consisting of Sections R9-22-401 through R9-22-408, made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016.*

Section		
R9-22-401.	Definitions .....	36
R9-22-402.	Determining the Amount of the Penalty .....	36
R9-22-403.	Mitigating and Aggravating Circumstances .....	36
R9-22-404.	Notice of Intent .....	37
R9-22-405.	Failure to Respond to the Notice of Intent .....	37
R9-22-406.	Request for State Fair Hearing .....	37
R9-22-407.	Burden of Proof .....	37
R9-22-408.	Rescission of the Notice of Intent .....	37

**ARTICLE 5. GENERAL PROVISIONS AND STANDARDS**

Section		
R9-22-501.	General Provisions and Standards - Related Definitions .....	38
R9-22-502.	Pre-existing Conditions .....	38
R9-22-503.	Provider Requirements Regarding Records .....	38
R9-22-504.	Marketing; Prohibition Against Inducements; Misrepresentations; Discrimination; Sanctions ..	38
R9-22-505.	Standards, Licensure, and Certification for Providers of Hospital and Medical Services .....	39
R9-22-506.	Repealed .....	39
R9-22-507.	Repealed .....	39
R9-22-508.	Repealed .....	39
R9-22-509.	Transition and Coordination of Member Care ..	40
R9-22-510.	Repealed .....	40
R9-22-511.	Repealed .....	40
R9-22-512.	Release of Safeguarded Information .....	40
R9-22-513.	Repealed .....	41
R9-22-514.	Repealed .....	41
R9-22-515.	Repealed .....	41
R9-22-516.	Renumbered .....	41
R9-22-517.	Renumbered .....	41
R9-22-518.	Information to Enrolled Members .....	42
R9-22-519.	Repealed .....	42
R9-22-520.	Expired .....	42
R9-22-521.	Program Compliance Audits .....	42
R9-22-522.	Quality Management/Utilization Management (QM/UM) Requirements .....	42
R9-22-523.	Expired .....	43
R9-22-524.	Repealed .....	43
R9-22-525.	Repealed .....	43
R9-22-526.	Renumbered .....	43
R9-22-527.	Renumbered .....	44
R9-22-528.	Renumbered .....	44
R9-22-529.	Renumbered .....	44

**ARTICLE 6. RFP AND CONTRACT PROCESS**

*Article 6, consisting of Sections R9-22-601 through R9-22-604, adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1).*

*Article 6, consisting of Sections R9-22-601 through R9-22-605, repealed by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1).*

*Article 6, consisting of Sections R9-22-601 through R9-22-604, adopted effective July 16, 1985.*

*Former Article 6, consisting of Sections R9-22-601 through R9-22-603, repealed effective October 1, 1983.*

Section		
R9-22-601.	General Provisions .....	44
R9-22-602.	RFP .....	44
R9-22-603.	Contract Award .....	45
R9-22-604.	Contract or Proposal Protests; Appeals .....	45
R9-22-605.	Waiver of Contractor's Subcontract with Hospitals .....	46
R9-22-606.	Contract Compliance Sanction .....	46

**ARTICLE 7. STANDARDS FOR PAYMENTS**

Section		
R9-22-701.	Standard for Payments Related Definitions .....	46
R9-22-701.01.	Reserved .....	49
R9-22-701.02.	Reserved .....	49
R9-22-701.03.	Reserved .....	49
R9-22-701.04.	Reserved .....	49
R9-22-701.05.	Reserved .....	49
R9-22-701.06.	Reserved .....	49
R9-22-701.07.	Reserved .....	49
R9-22-701.08.	Reserved .....	49
R9-22-701.09.	Reserved .....	49
R9-22-701.10.	Scope of the Administration's and Contractor's Liability .....	49
R9-22-702.	Charges to Members .....	49
R9-22-703.	Payments by the Administration .....	50
R9-22-704.	Repealed .....	51
R9-22-705.	Payments by Contractors .....	51
R9-22-706.	Repealed .....	53
R9-22-707.	Repealed .....	54
R9-22-708.	Payments for Services Provided to Eligible American Indians .....	54
R9-22-709.	Contractor's Liability to Hospitals for the Provision of Emergency and Post-stabilization Care .....	54
R9-22-710.	Payments for Non-hospital Services .....	54
R9-22-711.	Copayments .....	56
R9-22-712.	Reimbursement: General .....	58
R9-22-712.01.	Inpatient Hospital Reimbursement for claims with admission dates and discharge dates from October 1, 1998 through September 30, 2014 .....	60
R9-22-712.02.	Reserved .....	63
R9-22-712.03.	Reserved .....	63
R9-22-712.04.	Reserved .....	63
R9-22-712.05.	Graduate Medical Education Fund Allocation ..	63
R9-22-712.06.	Reserved .....	66
R9-22-712.07.	Rural Hospital Inpatient Fund Allocation .....	66
Exhibit 1.	Pool Example .....	67
R9-22-712.08.	Reserved .....	67
R9-22-712.09.	Hierarchy for Tier Assignment through September 30, 2014 .....	67
R9-22-712.10.	Outpatient Hospital Reimbursement: General ..	68
R9-22-712.11.	Reserved .....	68
R9-22-712.12.	Reserved .....	68

## Arizona Health Care Cost Containment System - Administration

R9-22-712.13.	Reserved .....	68	R9-22-712.68.	DRG Reimbursement: Unadjusted Outlier Add-on Payment .....	74
R9-22-712.14.	Reserved .....	68	R9-22-712.69.	DRG Reimbursement: Covered Day Adjusted DRG Base Payment and Covered Day Adjusted Outlier Add-on Payment .....	74
R9-22-712.15.	Outpatient Hospital Reimbursement: Affected Hospitals .....	68	R9-22-712.70.	Covered Day Adjusted DRG Base Payment and Covered Day Adjusted Outlier Add-on Payment for FES members .....	74
R9-22-712.16.	Reserved .....	68	R9-22-712.71.	Final DRG Payment .....	75
R9-22-712.17.	Reserved .....	68	R9-22-712.72.	DRG Reimbursement: Enrollment Changes During an Inpatient Stay .....	75
R9-22-712.18.	Reserved .....	68	R9-22-712.73.	DRG Reimbursement: Inpatient Stays for Members Eligible for Medicare .....	75
R9-22-712.19.	Reserved .....	68	R9-22-712.74.	DRG Reimbursement: Third Party Liability .....	75
R9-22-712.20.	Outpatient Hospital Reimbursement: Methodology for the AHCCCS Outpatient Capped Fee-For-Service Schedule .....	68	R9-22-712.75.	DRG Reimbursement: Payment for Administrative Days .....	75
R9-22-712.21.	Reserved .....	69	R9-22-712.76.	DRG Reimbursement: Interim Claims .....	76
R9-22-712.22.	Reserved .....	69	R9-22-712.77.	DRG Reimbursement: Admissions and Discharges on the Same Day .....	76
R9-22-712.23.	Reserved .....	69	R9-22-712.78.	DRG Reimbursement: Readmissions .....	76
R9-22-712.24.	Reserved .....	69	R9-22-712.79.	DRG Reimbursement: Change of Ownership .....	76
R9-22-712.25.	Outpatient Hospital Fee Schedule Calculations: Associated Service Costs .....	69	R9-22-712.80.	DRG Reimbursement: New Hospitals .....	76
R9-22-712.26.	Reserved .....	69	R9-22-712.81.	DRG Reimbursement: Updates .....	76
R9-22-712.27.	Reserved .....	69	R9-22-712.90.	Reimbursement of Hospital-based Freestanding Emergency Departments .....	77
R9-22-712.28.	Reserved .....	69	R9-22-713.	Overpayment and Recovery of Indebtedness .....	77
R9-22-712.29.	Reserved .....	69	R9-22-714.	Payments to Providers .....	77
R9-22-712.30.	Outpatient Hospital Reimbursement: Payment for a Service Not Listed in the AHCCCS Outpatient Capped Fee-For-Service Schedule .....	69	R9-22-715.	Hospital Rate Negotiations .....	78
R9-22-712.31.	Reserved .....	69	R9-22-716.	Repealed .....	78
R9-22-712.32.	Reserved .....	69	R9-22-717.	Repealed .....	79
R9-22-712.33.	Reserved .....	69	R9-22-718.	Urban Hospital Inpatient Reimbursement Program .....	79
R9-22-712.34.	Reserved .....	69	R9-22-719.	Contractor Performance Measure Outcomes .....	80
R9-22-712.35.	Outpatient Hospital Reimbursement: Adjustments to Fees .....	69	R9-22-720.	Reinsurance .....	80
R9-22-712.36.	Reserved .....	70	R9-22-721.	Reserved .....	80
R9-22-712.37.	Reserved .....	70	R9-22-722.	Reserved .....	80
R9-22-712.38.	Reserved .....	70	R9-22-723.	Reserved .....	80
R9-22-712.39.	Reserved .....	70	R9-22-724.	Reserved .....	80
R9-22-712.40.	Outpatient Hospital Reimbursement: Annual and Periodic Update .....	70	R9-22-725.	Reserved .....	80
R9-22-712.41.	Reserved .....	71	R9-22-726.	Reserved .....	80
R9-22-712.42.	Reserved .....	71	R9-22-727.	Reserved .....	80
R9-22-712.43.	Reserved .....	71	R9-22-728.	Reserved .....	80
R9-22-712.44.	Reserved .....	71	R9-22-729.	Reserved .....	80
R9-22-712.45.	Outpatient Hospital Reimbursement: Outpatient Payment Restrictions .....	71	R9-22-730.	Hospital Assessment .....	80
R9-22-712.46.	Reserved .....	71			
R9-22-712.47.	Reserved .....	71			
R9-22-712.48.	Reserved .....	71			
R9-22-712.49.	Reserved .....	71			
R9-22-712.50.	Outpatient Hospital Reimbursement: Billing .....	71			
R9-22-712.51.	Reserved .....	71			
R9-22-712.52.	Reserved .....	71			
R9-22-712.53.	Reserved .....	71			
R9-22-712.54.	Reserved .....	71			
R9-22-712.55.	Reserved .....	71			
R9-22-712.56.	Reserved .....	71			
R9-22-712.57.	Reserved .....	71			
R9-22-712.58.	Reserved .....	71			
R9-22-712.59.	Reserved .....	71			
R9-22-712.60.	Diagnosis Related Group Payments .....	71			
R9-22-712.61.	DRG Payments: Exceptions .....	72			
R9-22-712.62.	DRG Base Payment .....	72			
R9-22-712.63.	DRG Base Payments Not Based on the Statewide Standardized Amount .....	72			
R9-22-712.64.	DRG Base Payments and Outlier CCR for Out-of-State Hospitals .....	73			
R9-22-712.65.	DRG Provider Policy Adjustor .....	73			
R9-22-712.66.	DRG Service Policy Adjustor .....	73			
R9-22-712.67.	DRG Reimbursement: Transfers .....	73			

**ARTICLE 8. REPEALED**

*Article 8, consisting of Sections R9-22-801 through R9-22-804 and Exhibit A, repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004. The subject matter of Article 8 is now in 9 A.A.C. 34 (Supp. 04-1).*

Section		
R9-22-801.	Repealed .....	82
R9-22-802.	Repealed .....	82
R9-22-803.	Repealed .....	82
R9-22-804.	Repealed .....	82
Exhibit A.	Repealed .....	82
R9-22-805.	Repealed .....	82

**ARTICLE 9. REPEALED**

*Article 22, consisting of Sections R9-22-901 through R9-22-909, repealed by final rulemaking at 12 A.A.R. 4484, January 6, 2007 (Supp. 06-4).*

*Article 22, consisting of Sections R9-22-901 through R9-22-908, adopted effective August 29, 1985.*

## Arizona Health Care Cost Containment System - Administration

*Former Article 22, consisting of Section R9-22-901, repealed effective October 1, 1983.*

Section	
R9-22-901.	Repealed ..... 82
R9-22-902.	Repealed ..... 83
R9-22-903.	Repealed ..... 83
R9-22-904.	Repealed ..... 83
R9-22-905.	Repealed ..... 83
R9-22-906.	Repealed ..... 83
R9-22-907.	Repealed ..... 83
R9-22-908.	Repealed ..... 83
R9-22-909.	Repealed ..... 83

#### ARTICLE 10. FIRST- AND THIRD-PARTY LIABILITY AND RECOVERIES

*Article 10, consisting of Section R9-22-1001 through R9-22-1002, adopted effective November 7, 1997 (Supp. 97-4).*

*Article 10, consisting of Section R9-22-1001 through R9-22-1002, repealed effective November 7, 1997 (Supp. 97-4).*

*Article 10 consisting of Sections R9-22-1001 and R9-22-1002 adopted effective October 1, 1985.*

Section	
R9-22-1001.	Definitions ..... 84
R9-22-1002.	General Provisions ..... 84
R9-22-1003.	Cost Avoidance ..... 84
R9-22-1004.	Member Participation ..... 84
R9-22-1005.	Collections ..... 85
R9-22-1006.	AHCCCS Monitoring Responsibilities ..... 85
R9-22-1007.	Notification for Perfection, Recording, and Assignment of AHCCCS Liens ..... 85
R9-22-1008.	Notification Information for Liens ..... 85
R9-22-1009.	Notification of Health Insurance Information ... 85

#### ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS

*Article 11 consisting of Sections R9-22-1101 through R9-22-1104 adopted effective October 1, 1986.*

Section	
R9-22-1101.	Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims; Definitions 85
R9-22-1102.	Determining the Amount of a Penalty and an Assessment ..... 86
R9-22-1103.	Repealed ..... 86
R9-22-1104.	Mitigating Circumstances ..... 86
R9-22-1105.	Aggravating Circumstances ..... 86
R9-22-1106.	Notice of Intent ..... 87
R9-22-1107.	Reserved ..... 87
R9-22-1108.	Request for a Compromise ..... 87
R9-22-1109.	Failure to Respond to the Notice of Intent ..... 87
R9-22-1110.	Request for State Fair Hearing ..... 87
R9-22-1111.	Issues and Burden of Proof ..... 87
R9-22-1112.	Withdrawal and Continuances ..... 88

#### ARTICLE 12. BEHAVIORAL HEALTH SERVICES

*Article 12, consisting of Sections R9-22-1201 through R9-22-1208, repealed; new Article 12, consisting of Sections R9-22-1201 through R9-22-1208 adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4).*

Section	
R9-22-1201.	Definitions ..... 88
R9-22-1202.	ADHS, Contractor, Administration and CRS Responsibilities ..... 89
R9-22-1203.	Eligibility for Covered Services ..... 89

R9-22-1204.	General Service Requirements .....89
R9-22-1205.	Scope and Coverage of Behavioral Health Services .....90
R9-22-1206.	Repealed .....91
R9-22-1207.	General Provisions for Payment .....92
R9-22-1208.	Repealed .....92

#### ARTICLE 13. CHILDREN'S REHABILITATIVE SERVICES (CRS)

*Article 13, consisting of Sections R9-22-1301 through R9-22-1306, made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1306, made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Exemption to promulgate rules repealed under Laws 2012, Chapter 299, Section 7 (Supp. 13-3).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1309, repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004. The subject matter of Article 13 is now in 9 A.A.C. 34 (Supp. 04-1).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1309, adopted effective September 9, 1998 (Supp. 98-3).*

Section	
R9-22-1301.	Children's Rehabilitative Services (CRS) related Definitions .....92
R9-22-1302.	Children's Rehabilitative Services (CRS) Eligibility Requirements .....92
R9-22-1303.	Medical Eligibility .....93
R9-22-1304.	Referral and Disposition of CRS Medical Eligibility Determination .....95
R9-22-1305.	CRS Redetermination .....95
R9-22-1306.	Transition or Termination .....96
R9-22-1307.	Covered Services .....96
R9-22-1308.	Repealed .....96
R9-22-1309.	Repealed .....96

#### ARTICLE 14. AHCCCS MEDICAL COVERAGE FOR HOUSEHOLDS

*Article 14, consisting of Sections R9-22-1401 through R9-22-1436, repealed; new Article 14, consisting of Sections R9-22-1401 through R9-22-1433 made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).*

*Article 14, consisting of Sections R9-22-1401 through R9-22-1436, adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).*

Section	
R9-22-1401.	General Information .....96
R9-22-1402.	Repealed .....97
R9-22-1403.	Agency Responsible for Determining Eligibility ... 97
R9-22-1404.	Repealed .....97
R9-22-1405.	Repealed .....97
R9-22-1406.	Repealed .....97
R9-22-1407.	Deceased Applicants .....97
R9-22-1408.	Repealed .....98
R9-22-1409.	Repealed .....98
R9-22-1410.	Repealed .....98
R9-22-1411.	Repealed .....98
R9-22-1412.	Repealed .....98
R9-22-1413.	Time-frames, Reinstatement of an Application ..98
R9-22-1414.	Repealed .....98
R9-22-1415.	Repealed .....98
R9-22-1416.	Effective Date of Eligibility .....98

## Arizona Health Care Cost Containment System - Administration

R9-22-1417.	Repealed .....	99
R9-22-1418.	Repealed .....	99
R9-22-1419.	Repealed .....	99
R9-22-1419.01.	Repealed .....	99
R9-22-1419.02.	Repealed .....	99
R9-22-1419.03.	Repealed .....	99
R9-22-1419.04.	Repealed .....	99
R9-22-1420.	Income Eligibility Criteria .....	99
R9-22-1421.	MAGI based Income Eligibility .....	100
R9-22-1422.	Methods for Calculating Monthly Income .....	100
R9-22-1423.	Calculations and Use of Methods Listed in R9-22-1422 Based on Frequency of Income .....	101
R9-22-1424.	Use of Methods Listed in R9-22-1423 Based on Type of Income .....	101
R9-22-1425.	Repealed .....	102
R9-22-1426.	Repealed .....	102
R9-22-1427.	Eligibility Under MAGI .....	102
R9-22-1428.	Repealed .....	103
R9-22-1429.	Eligibility for a Newborn .....	103
R9-22-1430.	Repealed .....	103
R9-22-1431.	Repealed .....	103
R9-22-1432.	Young Adult Transitional Insurance .....	103
R9-22-1433.	Repealed .....	103
R9-22-1434.	Repealed .....	103
R9-22-1435.	Eligibility for a Person With Medical Expenses Whose Income is Over 100 Percent FPL .....	103
R9-22-1436.	MED Family Unit .....	104
R9-22-1437.	MED Income Eligibility Requirements .....	104
R9-22-1438.	MED Resource Eligibility Requirements .....	104
R9-22-1439.	MED Effective Date of Eligibility .....	105
R9-22-1440.	MED Eligibility Period .....	105
R9-22-1441.	Eligibility Appeals .....	105
R9-22-1442.	Cessation of MED Coverage .....	106
R9-22-1443.	Closing New Eligibility for Persons Not Covered under the State Plan .....	106

**ARTICLE 15. AHCCCS MEDICAL COVERAGE FOR PEOPLE WHO ARE AGED, BLIND, OR DISABLED**

*Article 15, consisting of Sections R9-22-1501 through R9-22-1508, repealed; new Article 15, consisting of Sections R9-22-1501 through R9-22-1505 made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).*

*Article 15, consisting of Sections R9-22-1501 through R9-22-1508, adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).*

Section		
R9-22-1501.	General Information .....	106
R9-22-1502.	Repealed .....	108
R9-22-1503.	Financial Eligibility Criteria .....	108
R9-22-1504.	Eligibility For A Person Who is Aged, Blind, or Disabled .....	109
R9-22-1505.	Eligibility for Special Groups .....	109
R9-22-1506.	Repealed .....	110
R9-22-1507.	Repealed .....	110
R9-22-1508.	Repealed .....	110

**ARTICLE 16. HOSPITAL PRESUMPTIVE ELIGIBILITY**

*Article 16, consisting of Section R9-22-1601 made by final rulemaking at 20 A.A.R. 3436, effective January 1, 2015 (Supp. 14-4).*

*Article 16, consisting of Sections R9-22-1601 through R9-22-1612, R9-22-1614 through R9-22-1616, and R9-22-1618 through R9-22-1619, expired at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).*

*Article 16, consisting of Sections R9-22-1601 through R9-22-1636, repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).*

*Article 16, consisting of Sections R9-22-1601 through R9-22-1613, R9-22-1615 through R9-22-1620, R9-22-1622 through R9-22-1631, R9-22-1633, R9-22-1634, and R9-22-1636, adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).*

Section		
R9-22-1601.	General Eligibility Requirements .....	110
R9-22-1602.	Expired .....	111
R9-22-1603.	Expired .....	111
R9-22-1604.	Expired .....	111
R9-22-1605.	Expired .....	111
R9-22-1606.	Expired .....	111
R9-22-1607.	Expired .....	111
R9-22-1608.	Expired .....	111
R9-22-1609.	Expired .....	111
R9-22-1610.	Expired .....	112
R9-22-1611.	Expired .....	112
R9-22-1612.	Expired .....	112
R9-22-1613.	Repealed .....	112
R9-22-1614.	Expired .....	112
R9-22-1615.	Expired .....	112
R9-22-1616.	Expired .....	112
R9-22-1617.	Repealed .....	112
R9-22-1618.	Expired .....	112
R9-22-1619.	Expired .....	112
R9-22-1620.	Repealed .....	112
R9-22-1621.	Reserved .....	112
R9-22-1622.	Repealed .....	112
R9-22-1623.	Repealed .....	112
R9-22-1624.	Repealed .....	112
R9-22-1625.	Repealed .....	113
R9-22-1626.	Repealed .....	113
R9-22-1627.	Repealed .....	113
R9-22-1628.	Repealed .....	113
R9-22-1629.	Repealed .....	113
R9-22-1630.	Repealed .....	113
R9-22-1631.	Repealed .....	113
R9-22-1632.	Reserved .....	113
R9-22-1633.	Repealed .....	113
R9-22-1634.	Repealed .....	113
R9-22-1635.	Reserved .....	113
R9-22-1636.	Repealed .....	113

**ARTICLE 17. ENROLLMENT**

*Article 17, consisting of Sections R9-22-1701 through R9-22-1704, adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).*

Section		
R9-22-1701.	Enrollment-Related Definitions .....	113
R9-22-1702.	Enrollment of a Member with an AHCCCS Contractor .....	113
R9-22-1703.	Effective Date of Enrollment with a Contractor .....	114
R9-22-1704.	Newborn Enrollment .....	114
R9-22-1705.	Guaranteed Enrollment Period .....	115

**ARTICLE 18. RESERVED****ARTICLE 19. FREEDOM TO WORK**

*Article 19, consisting of Sections R9-22-1901 through R9-22-1922, made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).*

Section

## Arizona Health Care Cost Containment System - Administration

R9-22-1901.	General Freedom to Work Requirements .....	115
R9-22-1902.	General Administration Requirements .....	115
R9-22-1903.	Application for Coverage .....	115
R9-22-1904.	Notice of Approval or Denial .....	115
R9-22-1905.	Reporting and Verifying Changes .....	115
R9-22-1906.	Actions that Result from a Redetermination or Change .....	115
R9-22-1907.	Notice of Adverse Action Requirements .....	116
R9-22-1908.	Request for Hearing .....	116
R9-22-1909.	Conditions of Eligibility .....	116
R9-22-1910.	Prior Quarter Eligibility .....	116
R9-22-1911.	Repealed .....	116
R9-22-1912.	Repealed .....	116
R9-22-1913.	Premium Requirements .....	116
R9-22-1914.	Repealed .....	116
R9-22-1915.	Institutionalized Person .....	116
R9-22-1916.	Repealed .....	117
R9-22-1917.	Repealed .....	117
R9-22-1918.	Additional Eligibility Criteria for the Basic Coverage Group .....	117
R9-22-1919.	Additional Eligibility Criteria for the Medically Improved Group .....	117
R9-22-1920.	Repealed .....	117
R9-22-1921.	Enrollment .....	117
R9-22-1922.	Redetermination of Eligibility .....	117

## ARTICLE 20. BREAST AND CERVICAL CANCER TREATMENT PROGRAM

## Section

R9-22-2001.	Breast and Cervical Cancer Treatment Program Related Definitions .....	117
R9-22-2002.	General Requirements .....	118
R9-22-2003.	Eligibility Criteria .....	118
R9-22-2004.	Treatment .....	118
R9-22-2005.	Application Process .....	118
R9-22-2006.	Approval, Denial, or Discontinuance of Eligibility .....	119
R9-22-2007.	Effective and End Date of Eligibility .....	119
R9-22-2008.	Redetermination of Eligibility .....	119

## ARTICLE 21. TRAUMA AND EMERGENCY SERVICES FUND

*Article 21, consisting of Sections R9-22-2101 through R9-22-2103, made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3).*

## Section

R9-22-2101.	General Provisions .....	119
R9-22-2102.	Distribution of Trauma and Emergency Services Fund: Level I Trauma Centers .....	120
R9-22-2103.	Distribution of Trauma and Emergency Services Fund: Emergency Services .....	120
R9-22-2104.	Additional Trauma and Emergency Services Payments under the Section 1115 Waiver .....	120



## Arizona Health Care Cost Containment System - Administration

## ARTICLE 1. DEFINITIONS

## R9-22-101. Location of Definitions

A. Location of definitions. Definitions applicable to this Chapter are found in the following:

Definition	Section or Citation
"Accommodation"	R9-22-701
"Active treatment"	R9-22-1301
"ADHS"	R9-22-101
"Administration"	A.R.S. § 36-2901
"Adult behavioral health therapeutic home"	9 A.A.C. 10, Article 1
"Adverse action"	R9-22-101
"Affiliated corporate organization"	R9-22-101
"Aged"	42 U.S.C. 1382c(a)(1)(A) and R9-22-1501
"Agency"	R9-22-1201
"Aggregate"	R9-22-701
"AHCCCS"	R9-22-101
"AHCCCS inpatient hospital day or days of care"	R9-22-701
"AHCCCS registered provider"	R9-22-101
"Ambulance"	A.R.S. § 36-2201
"Ancillary service"	R9-22-101
"Anticipatory guidance"	R9-22-201
"Annual enrollment choice"	R9-22-1701
"APC"	R9-22-701
"Applicant"	R9-22-101 or R9-22-301
"Application"	R9-22-101
"Assessment"	R9-22-1101 or R9-22-1201
"Assignment"	R9-22-101
"Attending physician"	R9-22-101 or R9-22-202
"Authorized representative"	R9-22-101
"Authorization"	R9-22-202
"Auto-assignment algorithm"	R9-22-1701
"AZ-NBCCEDP"	R9-22-2001
"Behavior management services"	R9-22-1201
"Behavioral health therapeutic home care services"	R9-22-1201
"Behavioral health paraprofessional"	R9-22-101
"Behavioral health professional"	R9-22-101
"Behavioral health recipient"	R9-22-201
"Behavioral health services"	R9-22-1201
"Behavioral health technician"	R9-22-1201
"Benefit year"	R9-22-201
"BHS"	R9-22-301
"Billed charges"	R9-22-701
"Blind"	R9-22-1501
"Burial plot"	R9-22-1401
"Business agent"	R9-22-701
"Calculated inpatient costs"	R9-22-712.07
"Capital costs"	R9-22-701
"Capped fee-for-service"	R9-22-101
"Caretaker relative"	R9-22-1401
"Case management"	R9-22-1201
"Case record"	R9-22-101
"Cash assistance"	R9-22-1401
"Certified psychiatric nurse practitioner"	R9-22-1201
"Charge master"	R9-22-712
"Child"	R9-22-1503
"Children's Rehabilitative Services" or "CRS"	R9-22-101 or R9-22-301
"Chronic"	R9-22-1301
"Claim"	R9-22-1101
"Claims paid amount"	R9-22-712.07
"Clean claim"	A.R.S. § 36-2904
"Clinical oversight"	9 A.A.C. 10
"CMDP"	R9-22-1701
"CMS"	R9-22-101
"Continuous stay"	R9-22-101
"Contract"	R9-22-101
"Contract year"	R9-22-101
"Contractor"	A.R.S. § 36-2901 or R9-22-210.01
"Copayment"	R9-22-701
"Cost avoid"	R9-22-1201
"Cost-To-Charge Ratio" or "CCR"	R9-22-701 or R9-22-712

"Court-ordered evaluation"	R9-22-1201
"Court-ordered pre-petition screening"	R9-22-1201
"Court-ordered treatment"	R9-22-1201
"Covered charges"	R9-22-701
"Covered services"	R9-22-101
"CPT"	R9-22-701
"Creditable coverage"	R9-22-2003 and 42 U.S.C. 300gg(c)
"Crisis services"	R9-22-1201
"Critical Access Hospital"	R9-22-701
"CRS application"	R9-22-1301
"CRS condition"	R9-22-1301
"CRS provider"	R9-22-1301
"Cryotherapy"	R9-22-2001
"Customized DME"	R9-22-212
"Day"	R9-22-101 and R9-22-1101
"Date of the Notice of Adverse Action"	R9-22-1441
"DBHS"	R9-22-101
"DCSS"	R9-22-301
"Department"	A.R.S. § 36-2901
"Dependent child"	A.R.S. § 46-101 or R9-22-1401
"DES"	R9-22-101
"Diagnostic services"	R9-22-101
"Direct graduate medical education costs" or "direct program costs"	R9-22-701
"Direct supervision"	R9-22-1201
"Director"	R9-22-101
"Disabled"	R9-22-1501
"Discussion"	R9-22-101
"Disenrollment"	R9-22-1701
"DME"	R9-22-101
"DRI inflation factor"	R9-22-701
"E.P.S.D.T. services"	42 CFR 440.40(b)
"Eligibility posting"	R9-22-701
"Eligible person"	A.R.S. § 36-2901
"Emergency behavioral health condition for a non-FES member"	R9-22-201
"Emergency behavioral health services for a non-FES member"	R9-22-201
"Emergency medical condition for a non-FES member"	R9-22-201
"Emergency medical services for a non-FES member"	R9-22-201
"Emergency medical services provider"	R9-22-1201
"Emergency medical or behavioral health condition for a FES member"	R9-22-217
"Emergency services costs"	A.R.S. § 36-2903.07
"Emergency services for a FES member"	R9-22-217
"Encounter"	R9-22-701
"Enrollment"	R9-22-1701
"Equity"	R9-22-101
"Experimental services"	R9-22-203
"Existing outpatient service"	R9-22-701
"Expansion funds"	R9-22-701
"FAA"	R9-22-301
"Facility"	R9-22-101
"Factor"	R9-22-701 and 42 CFR 447.10
"FBR"	R9-22-101
"Federal financial participation" or "FFP"	42 CFR 400.203
"Federal poverty level" or "FPL"	A.R.S. § 36-2981
"Fee-For-Service" or "FFS"	R9-22-101
"FES member"	R9-22-101
"FESP"	R9-22-101
"First-party liability"	R9-22-1001
"File"	R9-22-1101
"Fiscal agent"	R9-22-210
"Fiscal intermediary"	R9-22-701
"Foster care maintenance payment"	42 U.S.C. 675(4)(A)
"FQHC"	R9-22-101
"Freestanding Children's Hospital"	R9-22-701
"Functionally limiting"	R9-22-1301
"Fund"	R9-22-712.07
"Graduate medical education (GME) program"	R9-22-701
"GME program approved by the Administration" or "approved GME program"	R9-22-701

## Arizona Health Care Cost Containment System - Administration

"Grievance"	A.A.C. Chapter 34	"Physical therapy"	R9-22-201
"GSA"	R9-22-101	"Physician"	R9-22-101
"HCAC"	R9-22-701	"Physician assistant"	R9-22-1201
"HCPCS"	R9-22-701	"Post-stabilization services"	R9-22-201 or 42 CFR 422.113
"Health care institution"	A.R.S. § 36-401	"PPS bed"	R9-22-701
"Health care practitioner"	R9-22-1201	"Practitioner"	R9-22-101
"Hearing aid"	R9-22-201	"Pre-enrollment process"	R9-22-301
"HIPAA"	R9-22-701	"Prescription"	R9-22-101
"Home health services"	R9-22-201	"Primary care provider" or "PCP"	R9-22-101
"Hospital"	R9-22-101	"Primary care provider services"	R9-22-201
"ICU"	R9-22-701	"Prior authorization"	R9-22-101
"IHS"	R9-22-101	"Prior period coverage" or "PPC"	R9-22-101
"IHS enrolled" or "enrolled with IHS"	R9-22-708	"Procedure code"	R9-22-701
"IMD" or "Institution for Mental Diseases"	42 CFR 435.1010 and R9-22-101	"Procurement file"	R9-22-601
"Income"	R9-22-301	"Proposal"	R9-22-101
"Indirect program costs"	R9-22-701	"Prospective rates"	R9-22-701
"Individual"	R9-22-211	"Psychiatrist"	R9-22-1201
"In-kind income"	R9-22-1420	"Psychologist"	R9-22-1201
"Inmate of a public institution"	42 CFR 435.1010	"Psychosocial rehabilitation services"	R9-22-201
"Inpatient covered charges"	R9-22-712.07	"Public hospital"	R9-22-701
"Intermediate Care Facility for the Mentally Retarded" or "ICF-MR"	42 U.S.C. 1396d(d)	"Qualified alien"	A.R.S. § 36-2903.03
"Intern and Resident Information System"	R9-22-701	"Qualified behavioral health service provider"	R9-22-1201
"LEEP"	R9-22-2001	"Quality management"	R9-22-501
"Legal representative"	R9-22-101	"Radiology"	R9-22-101
"Level I trauma center"	R9-22-2101	"RBHA" or "Regional Behavioral Health Authority"	R9-22-201
"License" or "licensure"	R9-22-101	"Reason to know" or "had reason to know"	R9-22-1101
"Licensee"	R9-22-1201	"Rebase"	R9-22-701
"MAGI-based income"	R9-22-1401	"Redetermination"	R9-22-1301
"Mailing date"	R9-22-101	"Referral"	R9-22-101
"Medical education costs"	R9-22-701	"Rehabilitation services"	R9-22-101
"Medical expense deduction" or "MED"	R9-22-1401	"Reinsurance"	R9-22-701
"Medical practitioner"	R9-22-1201	"Remittance advice"	R9-22-701
"Medical record"	R9-22-101	"Resident"	R9-22-701
"Medical review"	R9-22-701	"Residual functional deficit"	R9-22-201
"Medical services"	A.R.S. § 36-401	"Resources"	R9-22-301
"Medical supplies"	R9-22-101	"Respiratory therapy"	R9-22-201
"Medical support"	R9-22-301	"Respite"	R9-22-1201
"Medically eligible"	R9-22-1301	"Responsible offeror"	R9-22-101
"Medically necessary"	R9-22-101	"Responsive offeror"	R9-22-101
"Medicare claim"	R9-22-101	"Revenue Code"	R9-22-701
"Medicare Urban or Rural Cost-to-Charge Ratio (CCR)"	R9-22-701	"Review"	R9-22-101
"Member"	A.R.S. § 36-2901 or R9-22-301	"Review month"	R9-22-101
"Mental disorder"	A.R.S. § 36-501	"RFP"	R9-22-101
"Milliman study"	R9-22-712.07	"Rural Contractor"	R9-22-718
"Monthly equivalent"	R9-22-1401	"Rural Hospital"	R9-22-718
"Monthly income"	R9-22-1401	"Scope of services"	R9-22-201
"National Standard code sets"	R9-22-701	"Section 1115 Waiver"	A.R.S. § 36-2901
"New hospital"	R9-22-701	"Service location"	R9-22-101
"NICU"	R9-22-701	"Service site"	R9-22-101
"Noncontracted Hospital"	R9-22-718	"SOBRA"	R9-22-101
"Noncontracting provider"	A.R.S. § 36-2901	"Specialist"	R9-22-101
"Non-FES member"	R9-22-101	"Specialty facility"	R9-22-701
"Non-IHS Acute Hospital"	R9-22-701	"Speech therapy"	R9-22-201
"Nursing facility" or "NF"	42 U.S.C. 1396r(a)	"Spendthrift restriction"	R9-22-1401
"Observation day"	R9-22-701	"Sponsor"	R9-22-301
"Occupational therapy"	R9-22-201	"Sponsor deemed income"	R9-22-301
"Offeror"	R9-22-101	"Sponsoring institution"	R9-22-701
"Operating costs"	R9-22-701	"Spouse"	R9-22-101
"OPPC"	R9-22-701	"SSA"	42 CFR 1000.10
"Organized health care delivery system"	R9-22-701	"SSI"	42 CFR 435.4
"Outlier"	R9-22-701	"SSN"	R9-22-101
"Outpatient hospital service"	R9-22-701	"Stabilize"	42 U.S.C. 1395dd
"Ownership change"	R9-22-701	"Standard of care"	R9-22-101
"Ownership interest"	42 CFR 455.101	"Sterilization"	R9-22-201
"Partial Care"	R9-22-1201	"Subcontract"	R9-22-101
"Participating institution"	R9-22-701	"Submitted"	A.R.S. § 36-2904
"Peer group"	R9-22-701	"Substance abuse"	R9-22-201
"Peer-reviewed study"	R9-22-2001	"SVES"	R9-22-301
"Penalty"	R9-22-1101	"Tax dependent"	42 CFR 435.4
"Person"	R9-22-1101	"Taxi"	A.R.S. § 28-101(53)
"Pharmaceutical service"	R9-22-201	"Taxpayer"	R9-22-1401
		"Third-party"	R9-22-1001
		"Third-party liability"	R9-22-1001

## Arizona Health Care Cost Containment System - Administration

"Tier"	R9-22-701
"Tiered per diem"	R9-22-701
"Title IV-D"	R9-22-1401
"Title IV-E"	R9-22-1401
"Total Inpatient payments"	R9-22-712.07
"Trauma and Emergency Services Fund"	A.R.S. § 36-2903.07
"TRBHA" or "Tribal Regional Behavioral Health Authority"	R9-22-1201
"Treatment"	R9-22-2004
"Tribal Facility"	A.R.S. § 36-2981
"Unrecovered trauma center readiness costs"	R9-22-2101
"Urban Contractor"	R9-22-718
"Urban Hospital"	R9-22-718
"USCIS"	R9-22-301
"Utilization management"	R9-22-501
"WWHP"	R9-22-2001

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

"ADHS" means the Arizona Department of Health Services.

"Adverse action" means an action taken by the Department or Administration to deny, discontinue, or reduce medical assistance.

"Affiliated corporate organization" means any organization that has ownership or control interests as defined in 42 CFR 455.101, and includes a parent and subsidiary corporation.

"AHCCCS" means the Arizona Health Care Cost Containment System, which is composed of the Administration, contractors, and other arrangements through which health care services are provided to a member.

"AHCCCS registered provider" means a provider or non-contracting provider who:

Enters into a provider agreement with the Administration under R9-22-703(A), and

Meets license or certification requirements to provide covered services.

"Ancillary service" means all hospital services for patient care other than room and board and nursing services, including but not limited to, laboratory, radiology, drugs, delivery room (including maternity labor room), operating room (including postanesthesia and postoperative recovery rooms), and therapy services (physical, speech, and occupational).

"Applicant" means a person who submits or whose authorized representative submits a written, signed, and dated application for AHCCCS benefits.

"Application" means an official request for AHCCCS medical coverage made under this Chapter.

"Assignment" means enrollment of a member with a contractor by the Administration.

"Attending physician" means a licensed allopathic or osteopathic doctor of medicine who has primary responsibility for providing or directing preventive and treatment services for a Fee-For-Service member.

"Authorized representative" means a person who is authorized to apply for medical assistance or act on behalf of another person.

"Behavioral health paraprofessional" means an individual who is not a behavioral health professional who provides

behavioral health services at or for a health care institution according to the health care institution's policies and procedures that:

If the behavioral health services were provided in a setting other than a licensed health care institution,

If the individual would be required to be licensed as a behavioral professional under A.R.S. Title 32, Chapter 33,

If the behavioral health services were provided in a setting other than a licensed health care institution; and

Are provided under supervision by a behavioral health professional R9-10-101.

"Behavioral Health Professional" has the same meaning as defined A.A.C. R9-10-101 excluding subsection (g).

"Capped fee-for-service" means the payment mechanism by which a provider of care is reimbursed upon submission of a valid claim for a specific covered service or equipment provided to a member. A payment is made in accordance with an upper or capped limit established by the Director. This capped limit can either be a specific dollar amount or a percentage of billed charges.

"Case record" means an individual or family file retained by the Department that contains all pertinent eligibility information, including electronically stored data.

"Children's Rehabilitative Services" or "CRS" means the program that provides covered medical services and covered support services in accordance with A.R.S. § 36-261.

"CMS" means the Centers for Medicare and Medicaid Services.

"Continuous stay" means a period during which a member receives inpatient hospital services without interruption beginning with the date of admission and ending with the date of discharge or date of death.

"Contract" means a written agreement entered into between a person, an organization, or other entity and the Administration to provide health care services to a member under A.R.S. Title 36, Chapter 29, and this Chapter.

"Contract year" means the period beginning on October 1 of a year and continuing until September 30 of the following year.

"Covered services" means the health and medical services described in Articles 2 and 12 of this Chapter as being eligible for reimbursement by AHCCCS.

"Day" means a calendar day unless otherwise specified.

"DBHS" means the Division of Behavioral Health Services within the Arizona Department of Health Services.

"DES" means the Department of Economic Security.

"Diagnostic services" means services provided for the purpose of determining the nature and cause of a condition, illness, or injury.

"Director" means the Director of the Administration or the Director's designee.

"Discussion" means an oral or written exchange of information or any form of negotiation.

## Arizona Health Care Cost Containment System - Administration

“DME” means durable medical equipment, which is an item or appliance that can withstand repeated use, is designed to serve a medical purpose, and is not generally useful to a person in the absence of a medical condition, illness, or injury.

“Equity” means the county assessor full cash value or market value of a resource minus valid liens, encumbrances, or both.

“Facility” means a building or portion of a building licensed or certified by the Arizona Department of Health Services as a health care institution under A.R.S. Title 36, Chapter 4, to provide a medical service, a nursing service, or other health care or health-related service.

“FBR” means Federal Benefit Rate, the maximum monthly Supplemental Security Income payment rate for a member or a married couple.

“Fee-For-Service” or “FFS” means a method of payment by the AHCCCS Administration to a registered provider on an amount-per-service basis for a member not enrolled with a contractor.

“FES member” means a person who is eligible to receive emergency medical and behavioral health services through the FESP under R9-22-217.

“FESP” means the federal emergency services program under R9-22-217 which covers services to treat an emergency medical or behavioral health condition for a member who is determined eligible under A.R.S. § 36-2903.03(D).

“FQHC” means federally qualified health center.

“GSA” means a geographical service area designated by the Administration within which a contractor provides, directly or through a subcontract, a covered health care service to a member enrolled with the contractor.

“Hospital” means a health care institution that is licensed as a hospital by the Arizona Department of Health Services under A.R.S. Title 36, Chapter 4, Article 2, and certified as a provider under Title XVIII of the Social Security Act, as amended, or is currently determined, by the Arizona Department of Health Services as the CMS designee, to meet the requirements of certification.

“IHS” means Indian Health Service.

“IMD” or “Institution for Mental Diseases” means an Institution for Mental Diseases as described in 42 CFR 435.1010 that is licensed by ADHS.

“Legal representative” means a custodial parent of a child under 18, a guardian, or a conservator.

“License” or “licensure” means a nontransferable authorization that is granted based on established standards in law by a state or a county regulatory agency or board and allows a health care provider to lawfully render a health care service.

“Mailing date” when used in reference to a document sent first class, postage prepaid, through the United States mail, means the date:

Shown on the postmark;

Shown on the postage meter mark of the envelope, if no postmark; or

Entered as the date on the document, if there is no legible postmark or postage meter mark.

“Medical record” means a document that relates to medical or behavioral health services provided to a member by a physician or other licensed practitioner of the healing arts and that is kept at the site of the provider.

“Medical supplies” means consumable items that are designed specifically to meet a medical purpose.

“Medically necessary” means a covered service is provided by a physician or other licensed practitioner of the healing arts within the scope of practice under state law to prevent disease, disability, or other adverse health conditions or their progression, or to prolong life.

“Medicare claim” means a claim for Medicare-covered services for a member with Medicare coverage.

“Non-FES member” means an eligible person who is entitled to full AHCCCS services.

“Offeror” means an individual or entity that submits a proposal to the Administration in response to an RFP.

“Physician” means a person licensed as an allopathic or osteopathic physician under A.R.S. Title 32, Chapter 13 or Chapter 17.

“Practitioner” means a physician assistant licensed under A.R.S. Title 32, Chapter 25, or a registered nurse practitioner certified under A.R.S. Title 32, Chapter 15.

“Prescription” means an order to provide covered services that is signed or transmitted by a provider authorized to prescribe the services.

“Primary care provider” or “PCP” means an individual who meets the requirements of A.R.S. § 36-2901 (14), and who is responsible for the management of a member’s health care.

“Prior authorization” means the process by which the Administration or contractor, whichever is applicable, authorizes, in advance, the delivery of covered services based on factors including but not limited to medical necessity, cost effectiveness, compliance with this Article and any applicable contract provisions. Prior authorization is not a guarantee of payment.

“Prior period coverage” means the period prior to the member’s enrollment during which a member is eligible for covered services. PPC begins on the first day of the month of application or the first eligible month, whichever is later, and continues until the day the member is enrolled with a contractor.

“Proposal” means all documents, including best and final offers, submitted by an offeror in response to an RFP by the Administration.

“Radiology” means professional and technical services rendered to provide medical imaging, radiation oncology, and radioisotope services.

“Referral” means the process by which a member is directed by a primary care provider or an attending physician to another appropriate provider or resource for diagnosis or treatment.

“Rehabilitation services” means physical, occupational, and speech therapies, and items to assist in improving or restoring a person’s functional level.

## Arizona Health Care Cost Containment System - Administration

“Responsible offeror” means an individual or entity that has the capability to perform the requirements of a contract and that ensures good faith performance.

“Responsive offeror” means an individual or entity that submits a proposal that conforms in all material respects to an RFP.

“Review” means a review of all factors affecting a member’s eligibility.

“Review month” means the month in which the individual’s or family’s circumstances and case record are reviewed.

“RFP” means Request for Proposals, including all documents, whether attached or incorporated by reference, that are used by the Administration for soliciting a proposal under 9 A.A.C. 22, Article 6.

“Service location” means a location at which a member obtains a covered service provided by a physician or other licensed practitioner of the healing arts under the terms of a contract.

“Service site” means a location designated by a contractor as the location at which a member is to receive covered services.

“S.O.B.R.A.” means Section 9401 of the Sixth Omnibus Budget Reconciliation Act, 1986, amended by the Medicare Catastrophic Coverage Act of 1988, 42 U.S.C. 1396a(a)(10)(A)(i)(IV), 42 U.S.C. 1396a(a)(10)(A)(i)(VI), and 42 U.S.C. 1396a(a)(10)(A)(i)(VII).

“Specialist” means a Board-eligible or certified physician who declares himself or herself as a specialist and practices a specific medical specialty. For the purposes of this definition, Board-eligible means a physician who meets all the requirements for certification but has not tested for or has not been issued certification.

“Spouse” means a person who has entered into a contract of marriage recognized as valid by this state.

“SSN” means Social Security number.

“Standard of care” means a medical procedure or process that is accepted as treatment for a specific illness, injury, or medical condition through custom, peer review, or consensus by the professional medical community.

“Subcontract” means an agreement entered into by a contractor with any of the following:

A provider of health care services who agrees to furnish covered services to a member,

A marketing organization, or

Any other organization or person that agrees to perform any administrative function or service for the contractor specifically related to securing or fulfilling the contractor’s obligation to the Administration under the terms of a contract.

“Taxi” is as defined in A.R.S. § 28-101(53).

#### Historical Note

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-101 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-

101 repealed, former Sections R9-22-102 and R9-22-301 renumbered as Section R9-22-101 and amended effective October 1, 1983 (Supp. 83-5). Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency by adding new paragraphs (24), (46), (84) and (91) and renumbering accordingly effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Amended as an emergency by adding new paragraphs (2) and (15) and renumbering accordingly effective October 25, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Permanent amendment added paragraphs (2) and (15) and renumbered accordingly effective February 1, 1985 (Supp. 85-1). Amended effective October 1, 1985 (Supp. 85-5). Amended paragraphs (10) and (15) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective October 1, 1987; amended effective December 22, 1987 (Supp. 87-4). Amended by deleting paragraphs (39) and (62) and renumbering accordingly effective July 1, 1988 (Supp. 88-3). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended effective December 13, 1993 (Supp. 93-4). Amended effective January 14, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 8, 1997 (Supp. 97-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Amended by final rulemaking at 5 A.A.R. 867, effective March 4, 1999 (Supp. 99-1). Amended by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 3830, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by final

## Arizona Health Care Cost Containment System - Administration

rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 461, effective April 1, 2012 (Supp. 12-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-102. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-102 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1092 (Supp. 82-4). Former Section R9-22-102 renumbered together with former Section R9-22-301 as Section R9-22-101 and amended effective October 1, 1983 (Supp. 83-5). New Section adopted effective December 8, 1997 (Supp. 97-4). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Section repealed by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3).

**R9-22-103. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-104. Reserved****R9-22-105. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-106. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4).

**R9-22-107. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Section repealed by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2).

**R9-22-108. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-109. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. effective 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-110. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1).

**R9-22-111. Reserved****R9-22-112. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Repealed by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1).

**R9-22-113. Reserved****R9-22-114. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4).

**R9-22-115. Repealed****Historical Note**

Final Section adopted at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4).

**R9-22-116. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-117. Repealed**

## Arizona Health Care Cost Containment System - Administration

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-118. Reserved**

**R9-22-119. Reserved**

**R9-22-120. Repealed**

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**ARTICLE 2. SCOPE OF SERVICES****R9-22-201. Scope of Services-related Definitions**

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

“Anticipatory guidance” means a person responsible for a child receives information and guidance of what the person should expect of the child’s development and how to help the child stay healthy.

“Behavioral health recipient” means a Title XIX or Title XXI acute care member who is eligible for, and is receiving, behavioral health services through ADHS/DBHS.

“Benefit year” means a one-year time period of October 1st through September 30th.

“Emergency behavioral health condition for a non-FES member” means a condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in:

Placing the health of the person, including mental health, in serious jeopardy;

Serious impairment to bodily functions;

Serious dysfunction of any bodily organ or part; or

Serious physical harm to another person.

“Emergency behavioral health services for a non-FES member” means those behavioral health services provided for the treatment of an emergency behavioral health condition.

“Emergency medical condition for a non-FES member” means treatment for a medical condition, including labor and delivery, which manifests itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

Placing the member’s health in serious jeopardy,

Serious impairment to bodily functions, or

Serious dysfunction of any bodily organ or part.

“Emergency medical services for a non-FES member” means services provided for the treatment of an emergency medical condition.

“Hearing aid” means an instrument or device designed for, or represented by the supplier as aiding or compensating for impaired or defective human hearing, and includes any parts, attachments, or accessories of the instrument or device.

“Home health services” means services and supplies that are provided by a home health agency that coordinates in-home intermittent services for curative, rehabilitative care, including home-health aide services, licensed nurse services, and medical supplies, equipment, and appliances.

“Occupational therapy” means medically prescribed treatment provided by or under the supervision of a licensed occupational therapist, to restore or improve an individual’s ability to perform tasks required for independent functioning.

“Pharmaceutical service” means medically necessary medications that are prescribed by a physician, practitioner, or dentist under R9-22-209.

“Physical therapy” means treatment services to restore or improve muscle tone, joint mobility, or physical function provided by or under the supervision of a registered physical therapist.

“Post-stabilization services” means covered services related to an emergency medical or behavioral health condition provided after the condition is stabilized.

“Primary care provider services” means healthcare services provided by and within the scope of practice, as defined by law, of a licensed physician, certified nurse practitioner, or licensed physician assistant.

“Psychosocial rehabilitation services” means services that provide education, coaching, and training to address or prevent residual functional deficits and may include services that may assist a member to secure and maintain employment. Psychosocial rehabilitation services may include:

Living skills training,

Cognitive rehabilitation,

Health promotion,

Supported employment, and

Other services that increase social and communication skills to maximize a member’s ability to participate in the community and function independently.

“RBHA” or “Regional Behavioral Health Authority” means the same as in A.R.S. § 36-3401.

“Residual functional deficit” means a member’s inability to return to a previous level of functioning, usually after experiencing a severe psychotic break or state of decompensation.

“Respiratory therapy” means treatment services to restore, maintain, or improve respiratory functions that are provided by, or under the supervision of, a respiratory therapist licensed according to A.R.S. Title 32, Chapter 35.

“Scope of services” means the covered, limited, and excluded services under Articles 2 and 12 of this Chapter.

“Speech therapy” means medically prescribed diagnostic and treatment services provided by or under the supervision of a certified speech therapist.

“Sterilization” means a medically necessary procedure, not for the purpose of family planning, to render an eligible person or member barren in order to:

## Arizona Health Care Cost Containment System - Administration

Prevent the progression of disease, disability, or adverse health conditions; or

Prolong life and promote physical health.

“Substance abuse” means the chronic, habitual, or compulsive use of any chemical matter that, when introduced into the body, is capable of altering human behavior or mental functioning and, with extended use, may cause psychological dependence and impaired mental, social or educational functioning. Nicotine addiction is not considered substance abuse for adults who are 21 years of age or older

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-201 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B) effective May 30, 1989 (Supp. 89-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 3217, effective October 1, 2005 (Supp. 05-3). Section repealed; new Section made by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-202. General Requirements**

**A.** For the purposes of this Article, the following definitions apply:

1. “Authorization” means written, verbal, or electronic authorization by:
  - a. The Administration for services rendered to a fee-for-service member, or
  - b. The contractor for services rendered to a prepaid capitated member.
2. Use of the phrase “attending physician” applies only to the fee-for-service population.

**B.** In addition to other requirements and limitations specified in this Chapter, the following general requirements apply:

1. Only medically necessary, cost effective, and federally-reimbursable and state-reimbursable services are covered services.
2. Covered services for the federal emergency services program (FESP) are under R9-22-217.
3. The Administration or a contractor may waive the covered services referral requirements of this Article.
4. Except as authorized by the Administration or a contractor, a primary care provider, attending physician, practitioner, or a dentist shall provide or direct the member’s covered services. Delegation of the provision of care to a

practitioner does not diminish the role or responsibility of the primary care provider.

5. A contractor shall offer a female member direct access to preventive and routine services from gynecology providers within the contractor’s network without a referral from a primary care provider.
6. A member may receive physical and behavioral health services as specified in Articles 2 and 12.
7. The Administration or a contractor shall provide services under the Section 1115 Waiver as defined in A.R.S. § 36-2901.
8. An AHCCCS registered provider shall provide covered services within the provider’s scope of practice.
9. In addition to the specific exclusions and limitations otherwise specified under this Article, the following are not covered:
  - a. A service that is determined by the AHCCCS Chief Medical Officer to be experimental or provided primarily for the purpose of research;
  - b. Services or items furnished gratuitously, and
  - c. Personal care items except as specified under R9-22-212.
10. Medical or behavioral health services are not covered services if provided to:
  - a. An inmate of a public institution; or
  - b. A person who is in residence at an institution for the treatment of tuberculosis.

**C.** The Administration or a contractor may deny payment of non-emergency services if prior authorization is not obtained as specified in this Article and Article 7 of this Chapter. The Administration or a contractor shall not provide prior authorization for services unless the provider submits documentation of the medical necessity of the treatment along with the prior authorization request.

- D.** Services under A.R.S. § 36-2908 provided during the prior period coverage do not require prior authorization.
- E.** Prior authorization is not required for services necessary to evaluate and stabilize an emergency medical condition. The Administration or a contractor shall not reimburse services that require prior authorization unless the provider documents the diagnosis and treatment.
- F.** A service is not a covered service if provided outside the GSA unless one of the following applies:
  1. A member is referred by a primary care provider for medical specialty care outside the GSA. If a member is referred outside the GSA to receive an authorized medically necessary service, the contractor shall also provide all other medically necessary covered services for the member;
  2. There is a net savings in service delivery costs as a result of going outside the GSA that does not require undue travel time or hardship for a member or the member’s family;
  3. The contractor authorizes placement in a nursing facility located out of the GSA; or
  4. Services are provided during prior period coverage or during the prior quarter coverage.
- G.** If a member is traveling or temporarily residing outside of the GSA, covered services are restricted to emergency care services, unless otherwise authorized by the contractor.
- H.** A contractor shall provide at a minimum, directly or through subcontracts, the covered services specified in this Chapter and in contract.
- I.** The Administration shall determine the circumstances under which a FFS member may receive services, other than emergency services, from service providers outside the member’s



## Arizona Health Care Cost Containment System - Administration

county of residence or outside the state. Criteria considered by the Administration in making this determination shall include availability and accessibility of appropriate care and cost effectiveness.

**J.** The restrictions, limitations, and exclusions in this Article do not apply to a contractor electing to provide noncovered services.

1. The Administration shall not consider the costs of providing a noncovered service to a member in the development or negotiation of a capitation rate.
2. A contractor shall pay for noncovered services from administrative revenue or other contractor funds that are unrelated to the provision of services under this Chapter.
3. If a member requests a service that is not covered or is not authorized by a contractor, or the Administration, an AHCCCS-registered service provider may provide the service according to R9-22-702.

**K.** Subject to CMS approval, the restrictions, limitations, and exclusions specified in the following subsections do not apply to American Indians receiving services through IHS or a tribal health program operating under P.L. 93-638 when those services are eligible for 100 percent federal financial participation:

1. R9-22-205(A)(8),
2. R9-22-206,
3. R9-22-207,
4. R9-22-212(C),
5. R9-22-212(D),
6. R9-22-212(E)(8),
7. R9-22-215(C)(5), (C)(6), and
8. R9-22-215(C)(4).

#### Historical Note

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-202 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1987; amended effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2).

Amended effective April 13, 1990 (Supp. 90-2).

Amended effective December 13, 1993 (Supp. 93-4).

Amended effective July 1, 1995, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1994, Ch. 322, § 21; filed with the Office of the Secretary of State June 22, 1995 (Supp. 95-3). Amended effective January 1, 1996, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Third Special Session, Ch. 1, § 5; filed with the Office of the Secretary of State December 28, 1995 (Supp. 95-4). Section repealed effective September 22, 1997 (Supp. 97-3). New Section made by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4). Amended by final rulemaking at 21 A.A.R. 1225, effective July 7, 2015 (Supp. 15-3).

#### R9-22-203. Experimental Services

**A.** Experimental services are not covered. A service is not experimental if:

1. It is generally and widely accepted as a standard of care in the practice of medicine in the United States and is a safe and effective treatment for the condition for which it is intended or used.
  2. The service does not meet the standard in subsection (A)(1), but the service has been demonstrated to be safe and effective for the condition for which it is intended or used based on the weight of the evidence in peer-reviewed articles in medical journals published in the United States.
  3. The service does not meet the standard in subsection (A)(2) because the condition for which the service is intended or used is rare, but the service has been demonstrated to be safe and effective for the condition for which it is intended or used based on the weight of opinions from specialists who provide the service or related services.
- B.** The following factors shall be considered when evaluating the weight of peer-reviewed articles or the opinions of specialists:
1. The mortality rate and survival rate of the service as compared to the rates for alternative non-experimental services.
  2. The types, severity, and frequency of complications associated with the services as compared with the complications associated with alternative non-experimental services.
  3. The frequency with which the service has been performed in the past.
  4. Whether there is sufficient historical information regarding the service to provide reliable data regarding risks and benefits.
  5. The reputation and experience of the authors and/or specialists and their record in related areas.
  6. The extent to which medical science in the area develops rapidly and the probability that more definite data will be available in the foreseeable future.
  7. Whether the peer reviewed article describes a random controlled trial or an anecdotal clinical case study.

#### Historical Note

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-203 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1987; amended effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2).

Amended effective April 13, 1990 (Supp. 90-2).

Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act effective March 22, 1993; received in the Office of the Secretary of State March 24, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Section repealed effective September 22, 1997 (Supp. 97-3). New Section made by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Section amended by final rulemaking at 20 A.A.R. 1956, effective September 6, 2014 (Supp. 14-3).

#### R9-22-204. Inpatient General Hospital Services

**A.** The following limitations apply to inpatient general hospital services that are provided by FFS providers.

1. Providers shall obtain prior authorization from the Administration for the following inpatient hospital services:

## Arizona Health Care Cost Containment System - Administration

- a. Nonemergency and elective admission, including psychiatric hospitalization;
    - b. Elective surgery; and
    - c. Services or items provided to cosmetically reconstruct or improve personal appearance after an illness or injury.
  2. The Administration or a contractor may deny a claim if a provider fails to obtain prior authorization.
  3. Providers are not required to obtain prior authorization from the Administration for the following inpatient hospital services:
    - a. Voluntary sterilization,
    - b. Dialysis shunt placement,
    - c. Arteriovenous graft placement for dialysis,
    - d. Angioplasties or thrombectomies of dialysis shunts,
    - e. Angioplasties or thrombectomies of arteriovenous graft for dialysis,
    - f. Hospitalization for vaginal delivery that does not exceed 48 hours,
    - g. Hospitalization for cesarean section delivery that does not exceed 96 hours, and
    - h. Other services identified by the Administration through the Provider Participation Agreement.
  4. The Administration may perform concurrent review for hospitalizations of non-FES members to determine whether there is medical necessity for the hospitalization. A provider shall notify the Administration no later than 72 hours after an emergency admission.
- C. Coverage of in-state and out-of-state inpatient hospital services is limited to 25 days per benefit year for members age 21 and older for claims with discharge dates on or before September 30, 2014. The limit applies for all inpatient hospital services with dates of service during the benefit year regardless of whether the member is enrolled in Fee for Service, is enrolled with one or more contractors, or both, during the benefit year.
  1. For purposes of calculating the limit:
    - a. Inpatient days are counted towards the limit if paid by the Administration or a contractor;
    - b. Inpatient days will be counted toward the limit in the order of the adjudication date of a paid claim;
    - c. Paid inpatient days are allocated to the benefit year in which the date of service occurs;
    - d. Each 24 hours of paid observation services is counted as one inpatient day if the patient is not admitted to the same hospital directly following the observation services,
    - e. Observation services, which are directly followed by an inpatient admission to the same hospital are not counted towards the inpatient limit; and
    - f. After 25 days of inpatient hospital services have been paid as provided for in this rule Section:
      - i. Outpatient services that are directly followed by an inpatient admission to the same hospital, including observation services, are not covered.
      - ii. Continuous periods of observation services of less than 24 hours that are not directly followed by an inpatient admission to the same hospital are covered.
      - iii. For continuous periods of observation services of 24 hours or more that are not directly followed by an inpatient admission to the same hospital, 23 hours of observations services are covered.
  2. The following inpatient days are not included in the inpatient hospital limitation described in this Section:
    - a. Days reimbursed under specialty contracts between AHCCCS and a transplant facility that are included within the component pricing referred to in the contract;
    - b. Days related to Behavioral Health:
      - i. Inpatient days that qualify for the psychiatric tier under R9-22-712.09 and reimbursed by the Administration or its contractors, or
      - ii. Inpatient days with a primary psychiatric diagnosis code reimbursed by the Administration or its contractors, or
      - iii. Inpatient days paid by the Arizona Department of Health Services Division of Behavioral Health Services or a RBHA or TRBHA.
    - c. Days related to treatment for burns and burn late effects at an American College of Surgeons verified burn center;
    - d. Same Day Admit Discharge services are excluded from the 25 day limit; and
    - e. Subject to approval by CMS, days for which the state claims 100% FFP, such as payments for days provided by IHS or 638 facilities.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-204 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective December 22, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1745, effective October 1, 2012 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 1956, effective September 6, 2014 (Supp. 14-3).

**R9-22-205. Attending Physician, Practitioner, and Primary Care Provider Services**

- A. A primary care provider, attending physician, or practitioner shall provide primary care provider services within the provider's scope of practice under A.R.S. Title 32. A member may receive primary care provider services in an inpatient or outpatient setting including at a minimum:
  1. Periodic health examination and assessment;
  2. Evaluation and diagnostic workup;
  3. Medically necessary treatment;
  4. Prescriptions for medication and medically necessary supplies and equipment;
  5. Referral to a specialist or other health care professional if medically necessary;
  6. Patient education;
  7. Home visits if medically necessary; and
  8. Preventive health services, such as, well visits, immunizations, colonoscopies, mammograms and PAP smears.

## Arizona Health Care Cost Containment System - Administration

- B.** The following limitations and exclusions apply to attending physician and practitioner services and primary care provider services:
1. Specialty care and other services provided to a member upon referral from a primary care provider, or to a member upon referral from the attending physician or practitioner are limited to the service or condition for which the referral is made, or for which authorization is given by the Administration or a contractor.
  2. A member's physical examination is not covered if the sole purpose is to obtain documentation for one or more of the following:
    - a. Qualification for insurance,
    - b. Pre-employment physical evaluation,
    - c. Qualification for sports or physical exercise activities,
    - d. Pilot's examination for the Federal Aviation Administration,
    - e. Disability certification to establish any kind of periodic payments,
    - f. Evaluation to establish third-party liabilities, or
    - g. Physical ability to perform functions that have no relationship to primary objectives of the services listed in subsection (A).
  3. Orthognathic surgery is covered only for a member who is less than 21 years of age;
  4. The following services are excluded from AHCCCS coverage:
    - a. Infertility services, reversal of surgically induced infertility (sterilization), and gender reassignment surgeries;
    - b. Pregnancy termination counseling services;
    - c. Pregnancy terminations, unless required by state or federal law.
    - d. Services or items furnished solely for cosmetic purposes; and
    - e. Hysterectomies unless determined medically necessary.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-205 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A), paragraph (15) and added paragraph (20) effective December 22, 1987 (Supp. 87-4). Amended subsection (C)(2) effective May 30, 1989 (Supp. 89-2). Amended under an exemption from the provisions of the Administrative Procedure Act effective March 22, 1993; received in the Office of the Secretary of State March 24, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**Editor's Note:** The following Section was renumbered and a new Section adopted under an exemption from the provisions of the Administrative Procedure Act which means that this rule was

*not published as a proposed rule in the Arizona Administrative Register; the rule was not reviewed or approved by the Governor's Regulatory Review Council; and the agency was not required to hold public hearings on the rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-206. Organ and Tissue Transplant Services**

- A.** Organ and tissue transplant services are covered for a member if prior authorized and coordinated with the member's contractor, or the Administration. Only the following transplants are covered for individuals 21 years of age or older:
1. Heart, including transplants for the treatment of non-ischemic cardiomyopathy;
  2. Liver, including transplants for patients with hepatitis C;
  3. Kidney (cadaveric and live donor),
  4. Simultaneous Pancreas/Kidney (SPK),
  5. Autologous and Allogeneic related and unrelated Hematopoietic Cell transplants;
  6. Cornea;
  7. Bone;
  8. Lung; and
  9. Pancreas after a kidney transplant (PAK).
- B.** The following transplants are not covered for members 21 years of age or older:
1. Pancreas only transplants if it is not performed simultaneously with or following a kidney transplant. Partial pancreas transplants and autologous and allogeneic pancreas islet cell transplants are not covered even if performed simultaneously with or following a kidney transplant,
  2. Intestine transplants, and
  3. Any other type of transplant not specifically listed in subsection (A).
- C.** When there is a transplant of multiple organs, reimbursement will only be made for those covered.
- D.** Organ and tissue transplant services are not covered for non-qualified aliens or noncitizens members of FESP under A.R.S. § 36-2903.03(D).

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-206 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective December 13, 1993 (Supp. 93-4). Former Section R9-22-206 renumbered to R9-22-218, new Section R9-22-206 adopted effective January 1, 1996, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Third Special Session, Ch. 1, § 5; filed with the Office of the Secretary of State December 28, 1995 (Supp. 95-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by exempt rulemaking at 16 A.A.R. 1386, effective July 15, 2010 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by exempt rulemaking at 17 A.A.R. 1122, April 1, 2011 (Supp. 11-2).

**R9-22-207. Dental Services**

- A.** The Administration or a contractor shall cover dental services for a member less than 21 years of age under R9-22-213.
- B.** For individuals age 21 years of age or older, the Administration or a contractor shall cover medical and surgical services

## Arizona Health Care Cost Containment System - Administration

furnished by a dentist only to the extent such services may be performed under state law either by a physician or by a dentist and such services would be considered a physician service if furnished by a physician.

1. Except as specified in subsection (C), such services must be related to the treatment of a medical condition such as acute pain, infection, or fracture of the jaw. Covered dental services include examination of the oral cavity, radiographs, complex oral surgical procedures such as treatment of maxillofacial fractures, administration of an appropriate level of anesthesia and the prescription of pain medication and antibiotics.
  2. Such services do not include services that physicians are not generally competent to perform such as dental cleanings, routine dental examinations, dental restorations including crowns and fillings, extractions, pulpotomies, root canals, and the construction or delivery of complete or partial dentures. Diagnosis and treatment of temporomandibular joint dysfunction are not covered except for the reduction of trauma.
- C. For the purposes of this subsection, simple restorations means silver amalgam or composite resin fillings, stainless steel crowns or preformed crowns. In addition, dental services for an individual 21 years of age or older include:
1. The elimination of oral infections and the treatment of oral disease, which includes dental cleanings, treatment of periodontal disease, medically necessary extractions and the provision of simple restorations as a medically necessary pre-requisite to covered transplantation; and
  2. Prophylactic extraction of teeth in preparation for covered radiation treatment of cancer of the jaw, neck or head.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-207 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-207 repealed, new Section R9-22-207 adopted effective October 1, 1985 (Supp. 85-5). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3).

**R9-22-208. Laboratory, Radiology, and Medical Imaging Services**

Laboratory, radiology, and medical imaging services are covered services if:

1. Prescribed by the member's attending physician, practitioner, primary care provider or a dentist, or prescribed by a physician or practitioner upon referral from the primary care provider or dentist.
2. Provided by licensed health care providers in a:
  - a. Hospital,
  - b. Clinic,
  - c. Physician's office, or
  - d. Other health care facility.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-208 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-208 repealed, new Section R9-22-208 adopted effective

October 1, 1985 (Supp. 85-5). Amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2).

**R9-22-209. Pharmaceutical Services**

- A. An inpatient or outpatient provider, including a hospital, clinic, other appropriately licensed health care facility, and pharmacy may provide covered pharmaceutical services.
- B. The Administration or a contractor shall require a provider to make pharmaceutical services:
  1. Available during customary business hours, and
  2. Located within reasonable travel distance of a member's residence.
- C. Pharmaceutical services are covered if:
  1. Prescribed for a member by the member's primary care provider, attending physician, practitioner, or dentist;
  2. Prescribed by a specialist upon referral from the primary care provider or attending physician; or
  3. The contractor or its designee authorizes the service.
- D. The following limitations apply to pharmaceutical services:
  1. A medication personally dispensed by a physician, dentist, or a practitioner within the individual's scope of practice is not covered, except in geographically remote areas where there is no participating pharmacy or if accessible pharmacies are closed.
  2. A new prescription or refill in excess of a 30 day supply is not covered unless:
    - a. The member will be out of the provider's service area for an extended period of time and the prescription is limited to the extended time period, not to exceed a 90 day supply; or
    - b. The Contractor authorizes the prescription for an extended time period not to exceed a 90-day supply.
  3. An over-the-counter medication, in place of a covered prescription medication, is covered only if the over-the-counter medication is appropriate, equally effective, safe, and less costly than the covered prescription medication.
- E. A contractor shall monitor and ensure sufficient services to prevent any gap in the pharmaceutical regimen of a member who requires a continuing or complex regimen of pharmaceutical treatment to restore, improve, or maintain physical well being.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-209 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective September 24, 1986 (Supp. 86-5). Amended subsections (A) and (C) effective December 22, 1987 (Supp. 87-4). Amended subsection (C)(3), effective May 30, 1989 (Supp. 89-2). Amended under an exemption from the Administrative Procedure Act effective March 22, 1993; received in the Office of the Secretary of State March 24, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by

## Arizona Health Care Cost Containment System - Administration

final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

### **R9-22-210. Emergency Medical Services for Non-FES Members**

#### **A. General provisions.**

1. **Applicability.** This Section applies to emergency medical services for non-FES members. Provisions regarding emergency behavioral health services for non-FES members are in R9-22-210.01. Provisions regarding emergency medical and behavioral health services for FES members are in R9-22-217.
2. **Definitions.**
  - a. For the purposes of this Section, "contractor" has the same meaning as in A.R.S. § 36-2901. Contractor does not include ADHS/DBHS or a subcontractor of ADHS/DBHS.
  - b. For the purposes of this Section and R9-22-210.01, "fiscal agent" means a person who bills and accepts payment for a hospital or emergency room provider.
3. **Verification.** A provider of emergency medical services shall verify a person's eligibility status with AHCCCS, and if eligible, determine whether the person is enrolled with AHCCCS as non-FES FFS or is enrolled with a contractor.
4. **Prior authorization.**
  - a. **Emergency medical services.** A provider is not required to obtain prior authorization for emergency medical services.
  - b. **Non-emergency medical services.** If a non-FES member's medical condition does not require emergency medical services, the provider shall obtain prior authorization as required by the terms of the provider agreement under R9-22-714(A) or the provider's subcontract with the contractor, whichever is applicable.
5. **Prohibition against denial of payment.** Neither the Administration nor a contractor shall:
  - a. Limit what constitutes an emergency medical condition on the basis of lists of diagnoses or symptoms,
  - b. Deny or limit payment because the provider failed to obtain prior authorization for emergency services,
  - c. Deny or limit payment because the provider does not have a subcontract.
6. **Grounds for denial.** The Administration and a contractor may deny payment for emergency medical services for reasons including but not limited to:
  - a. The claim was not a clean claim;
  - b. The claim was not submitted timely; and
  - c. The provider failed to provide timely notification under subsection (B)(4) to the contractor or the Administration, as appropriate, and the contractor does not have actual notice from any other source that the member has presented for services.

#### **B. Additional requirements for emergency medical services for non-FES members enrolled with a contractor.**

1. **Responsible entity.** A contractor is responsible for the provision of all emergency medical services to non-FES members enrolled with the contractor.
2. **Prohibition against denial of payment.** A contractor shall not limit or deny payment for emergency medical services when an employee of the contractor instructs the member to obtain emergency medical services.
3. **Contractor notification.** A contractor shall not deny payment to a hospital, emergency room provider, or fiscal agent for an emergency medical service rendered to a non-FES member based on the failure of the hospital,

emergency room provider, or fiscal agent to notify the member's contractor within 10 days from the day that the member presented for the emergency medical service.

4. **Contractor notification.** A hospital, emergency room provider, or fiscal agent shall notify the contractor no later than the 11th day after presentation of the non-FES member for emergency inpatient medical services. A contractor may deny payment for a hospital's, emergency room provider's, or fiscal agent's failure to provide timely notice, under this subsection.

#### **C. Post-stabilization services for non-FES members enrolled with a contractor.**

1. After the emergency medical condition of a member enrolled with a contractor is stabilized, a provider shall request prior authorization from the contractor for post-stabilization services.
2. The contractor is financially responsible for medical post-stabilization services obtained within or outside the network that have been prior authorized by the contractor.
3. The contractor is financially responsible for medical post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, but are administered to maintain the member's stabilized condition within one hour of a request to the contractor for prior authorization of further post-stabilization services;
4. The contractor is financially responsible for medical post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, but are administered to maintain, improve, or resolve the member's stabilized condition if:
  - a. The contractor does not respond to a request for prior authorization within one hour;
  - b. The contractor authorized to give the prior authorization cannot be contacted; or
  - c. The contractor representative and the treating physician cannot reach an agreement concerning the member's care and the contractor physician is not available for consultation. In this situation, the contractor shall give the treating physician the opportunity to consult with a contractor physician. The treating physician may continue with care of the member until the contractor physician is reached or:
    - i. A contractor physician with privileges at the treating hospital assumes responsibility for the member's care,
    - ii. A contractor physician assumes responsibility for the member's care through transfer,
    - iii. The contractor's representative and the treating physician reach agreement concerning the member's care, or
    - iv. The member is discharged.
5. **Transfer or discharge.** The attending physician or practitioner actually treating the member for the emergency medical condition shall determine when the member is sufficiently stabilized for transfer or discharge and that decision shall be binding on the contractor.

#### **D. Additional requirements for FFS members.**

1. **Responsible entity.** The Administration is responsible for the provision of all emergency medical services to non-FES FFS members.
2. **Grounds for denial.** The Administration may deny payment for emergency medical services if a provider fails to provide timely notice to the Administration.
3. **Notification.** A provider shall notify the Administration no later than 72 hours after a FFS member receiving

## Arizona Health Care Cost Containment System - Administration

emergency medical services presents to a hospital for inpatient services. The Administration may deny payment for failure to provide timely notice.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-210 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-210 repealed, new Section R9-22-210 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraph (1) effective October 1, 1987 (Supp. 87-4).

Amended effective December 13, 1993 (Supp. 93-4).

Amended effective September 22, 1997 (Supp. 97-3).

Amended by final rulemaking at 5 A.A.R. 867, effective March 4, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R.

5480, effective December 6, 2005 (Supp. 05-4).

Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**R9-22-210.01. Emergency Behavioral Health Services for Non-FES Members****A. General provisions.**

1. Applicability. This Section applies to emergency behavioral health services for non-FES members. Provisions regarding emergency medical services for non-FES members are in R9-22-210. Provisions regarding emergency medical and behavioral health services for FES members are in R9-22-217.
2. Definition. For the purposes of this Section, "contractor" has the same meaning as in A.R.S. § 36-2901. Contractor does not include ADHS/DBHS, a subcontractor of ADHS/DBHS, or Children's Rehabilitative Services.
3. Responsible entity for inpatient emergency behavioral health services.
  - a. Members enrolled with a contractor. ADHS/DBHS, ADHS/DBHS or a subcontractor of ADHS/DBHS is responsible for providing all inpatient emergency behavioral health services to non-FES members with psychiatric or substance abuse diagnoses who are enrolled with the contractor.
  - b. FFS members. ADHS/DBHS or a subcontractor of ADHS/DBHS is responsible for providing all inpatient emergency behavioral health services for non-FES FFS members with psychiatric or substance abuse diagnoses unless services are provided in an IHS or tribally operated 638 facility.
4. Responsible entity for non-inpatient emergency behavioral health services for non-FES members. ADHS/DBHS or a subcontractor of ADHS/DBHS is responsible for providing all non-inpatient emergency behavioral health services for non-FES members.
5. Verification. A provider of emergency behavioral health services shall verify a person's eligibility status with AHCCCS, and if eligible, determine whether the person is a member enrolled with AHCCCS as non-FES FFS or is enrolled with a contractor, and determine whether the

member is a behavioral health recipient as defined in R9-22-201.

## 6. Prior authorization.

- a. Emergency behavioral health services. A provider is not required to obtain prior authorization for emergency behavioral health services.
- b. Non-emergency behavioral health services. When a non-FES member's behavioral health condition is determined by the provider not to require emergency behavioral health services, the provider shall follow the prior authorization requirements of a contractor and ADHS/DBHS or a subcontractor of ADHS/DBHS.

## 7. Prohibition against limitation or denial of payment. A contractor, TRBHA, the Administration, ADHS/DBHS, or a subcontractor of ADHS/DBHS shall not limit or deny payment to an emergency behavioral health provider for emergency behavioral health services to a non-FES member for the following reasons:

- a. On the basis of lists of diagnoses or symptoms;
- b. Prior authorization was not obtained;
- c. The provider does not have a contract;
- d. An employee of the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS instructs the member to obtain emergency behavioral health services; or
- e. The failure of a hospital, emergency room provider, or fiscal agent to notify the member's contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS within 10 days from the day the member presented for the emergency service.

## 8. Grounds for denial. A contractor, the Administration, ADHS/DBHS, or a subcontractor of ADHS/DBHS may deny payment for emergency behavioral health services for reasons including but not limited to the following:

- a. The claim was not a clean claim;
- b. The claim was not submitted timely; or
- c. The provider failed to provide timely notification under subsection (A)(9) to the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS or the Administration.

## 9. Notification.

- a. A hospital, emergency room provider, or fiscal agent shall notify a contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, whichever is appropriate, no later than the 11th day from presentation of the non-FES member for emergency inpatient behavioral health services.
- b. A hospital, emergency room provider, or fiscal agent shall notify the Administration no later than 72 hours after a FFS member receiving emergency behavioral health services presents to a hospital for inpatient services.

## 10. Transfer or discharge. The attending physician or the provider actually treating the non-FES member for the emergency behavioral health condition shall determine when the member is sufficiently stabilized for transfer or discharge and that decision shall be binding on the contractor and ADHS/DBHS or a subcontractor of ADHS/DBHS.

**B. Post-stabilization requirements for non-FES members.**

1. A contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, as appropriate, is financially responsible for behavioral health post-stabilization services obtained within or outside the network that have been prior authorized by the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS.

## Arizona Health Care Cost Containment System - Administration

2. The contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, as appropriate, is financially responsible for behavioral health post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, but are administered to maintain the member's stabilized condition within one hour of a request to the contractor, ADHS/DBHS, or a subcontractor for prior authorization of further post-stabilization services;
3. The contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, as appropriate, is financially responsible for behavioral health post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, but are administered to maintain, improve, or resolve the member's stabilized condition if:
  - a. The contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, does not respond to a request for prior authorization within one hour;
  - b. The contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS authorized to give the prior authorization cannot be contacted; or
  - c. The representative of the contractor, ADHS/DBHS, or the subcontractor and the treating physician cannot reach an agreement concerning the member's care and the contractor's, ADHS/DBHS' or the subcontractor's physician, is not available for consultation. The treating physician may continue with care of the member until ADHS/DBHS', the contractor's, or the subcontractor's physician is reached, or:
    - i. A contracted physician with privileges at the treating hospital assumes responsibility for the member's care;
    - ii. ADHS/DBHS', a contractor's, or a subcontractor's physician assumes responsibility for the member's care through transfer;
    - iii. A representative of the contractor, ADHS/DBHS, or the subcontractor and the treating physician reach agreement concerning the member's care; or
    - iv. The member is discharged.
- b. The transport is to the nearest appropriate provider or medical facility capable of meeting the member's medical needs, and
- c. No prior authorization is required for reimbursement of these transports.
3. The member's medical condition at the time of transport determines whether the transport is medically necessary.
4. A ground or air ambulance provider furnishing transport in response to a 911 call or other emergency response system shall notify the member's contractor within 10 working days from the date of transport. Failure of the provider to provide notification is cause for denial.
5. Notification to the Administration of emergency transportation provided to a FFS member is not required, but the provider shall submit documentation with the claim that justifies the service.
- B.** The Administration or a contractor covers air ambulance services only if at least one criterion in subsection (B)(1) is met and at least one criterion in subsection (B)(2), or the criterion in subsection (B)(3) is met. The criteria are:
  1. The air ambulance transport is initiated at the request of:
    - a. An emergency response unit,
    - b. A law enforcement official,
    - c. A clinic or hospital medical staff member, or
    - d. A physician or practitioner, and
  2. The point of pickup:
    - a. Is inaccessible by ground ambulance, or
    - b. Is a great distance from the nearest hospital or other provider with appropriate facilities to treat the member's condition and ground ambulance service will not suffice, or
  3. The medical condition of the member requires immediate intervention from emergency ambulance personnel or providers with the appropriate facilities to treat the member's condition.
- C.** Coverage of medically necessary nonemergency transportation is limited to the cost of transporting the member to an appropriate provider capable of meeting the member's medical needs.
  1. As specified in contract, a contractor shall arrange or provide medically necessary nonemergency transportation services for a member who is unable to arrange transportation to a service site or location.
  2. For a fee-for-service member, the Administration shall authorize medically necessary nonemergency transportation for a member who is unable to arrange transportation to a service site or location.
- D.** For the purposes of this subsection, an individual means a person who is not in the business of providing transportation services such as a family or household member, friend, or neighbor. The Administration or a contractor shall cover expenses for transportation in traveling to and returning from an approved and prior authorized health care service site provided by an individual if:
  1. The transportation services are authorized by the Administration or the member's contractor or designee,
  2. The individual is an AHCCCS registered provider, and
  3. No other means of appropriate transportation is available.
- E.** The Administration or a contractor shall cover expenses for meals, lodging, and transportation for a member traveling to and returning from an approved health care service site outside of the member's service area or county of residence.
- F.** The Administration or a contractor shall cover the expense of meals, lodging, and transportation for:
  1. A family member accompanying a member if:

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4).  
 Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-211. Transportation Services****A. Emergency ambulance services.**

1. A member shall receive medically necessary emergency transportation in a ground or air ambulance:
  - a. To the nearest appropriate provider or medical facility capable of meeting the member's medical needs, and
  - b. If no other appropriate means of transportation is available.
2. The Administration or a member's contractor shall reimburse a ground or air ambulance transport that originates in response to a 911 call or other emergency response system:
  - a. If the member's medical condition justifies the medical necessity of the type of ambulance transportation received,

## Arizona Health Care Cost Containment System - Administration

- a. The member is traveling to or returning from an approved health care service site outside of the member's service area or county of residence; and
  - b. The meals, lodging, and transportation services are authorized by the Administration or the member's contractor or designee.
- 2. An escort who is not a family member as follows:
  - a. If the member is travelling to or returning from an approved and prior authorized health care service site, including an inpatient facility, outside of the member's service area or county of residence;
  - b. If the escort services are authorized by the Administration or the member's contractor or designee; and
  - c. Wage paid to an escort as reimbursement shall not exceed the federal minimum wage.
- G. A provider shall obtain prior authorization from the Administration for transportation services provided for a member for the following:
  - 1. Medically necessary nonemergency transportation services not originated through a 911 call or other emergency response system when the distance traveled exceeds 100 miles (whether one way or round trip); and
  - 2. All meals, lodging, and services of an escort accompanying the member under this Section.
- H. A charitable organization routinely providing transportation service at no cost to an ambulatory or chairbound person shall not charge or seek reimbursement from the Administration or a contractor for the provision of the service to a member but may enter into a subcontract with a contractor for medically necessary transportation services provided to a member.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-211 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3).

**R9-22-212. Durable Medical Equipment, Orthotic and Prosthetic Devices, and Medical Supplies**

- A. Durable medical equipment, orthotic and prosthetic devices, and medical supplies, including incontinence briefs as specified in subsection (E), are covered services to the extent permitted in this Section if provided in compliance with requirements of this Chapter; and
  - 1. Prescribed by the primary care provider, attending physician, or practitioner; or
  - 2. Prescribed by a specialist upon referral from the primary care provider, attending physician, or practitioner; and
  - 3. Authorized as required by the Administration, contractor, or contractor's designee.
- B. Covered medical supplies are consumable items that are designed specifically to meet a medical purpose, are disposable, and are essential for the member's health.
- C. Covered DME is any item, appliance, or piece of equipment that is not a prosthetic or orthotic; and
  - 1. Is designed for a medical purpose, and is generally not useful to a person in the absence of an illness or injury, and
  - 2. Can withstand repeated use, and
  - 3. Is generally reusable by others.
- D. Prosthetics are devices prescribed by a physician or other licensed practitioner to artificially replace missing, deformed or malfunctioning portion of the body. Only those prosthetics that are medically necessary for rehabilitation are covered, except as otherwise provided in R9-22-215.
- E. The following limitations on coverage apply:
  - 1. The DME is furnished on a rental or purchase basis, whichever is less expensive. The total expense of renting the DME does not exceed the cost of the DME if purchased.
  - 2. Reasonable repair or adjustment of purchased DME is covered if necessary to make the DME serviceable and if the cost of repair or adjustment is less than the cost of renting or purchasing another unit.
  - 3. A change in, or addition to, an original order for DME is covered if approved by the prescriber in subsection (A), or prior authorized by the Administration or contractor, and the change or addition is indicated clearly on the order and initialed by the vendor. No change or addition to the original order for DME may be made after a claim for services is submitted to the member's contractor, or the Administration, without prior written notification of the change or addition to the Administration or the contractor.
  - 4. Reimbursement for rental fees shall terminate:
    - a. No later than the end of the month in which the prescriber in subsection (A) certifies that the member no longer needs the DME;
    - b. If the member is no longer eligible for AHCCCS services; or
    - c. If the member is no longer enrolled with a contractor, with the exception of transitions of care as specified in R9-22-509.
  - 5. Except for incontinence briefs for persons over 3 years old and under 21 years old as provided in subsection (E)(6), personal care items including items for personal cleanliness, body hygiene, and grooming are not covered unless needed to treat a medical condition. Personal care items are not covered services if used solely for preventive purposes.
  - 6. Incontinence briefs, including pull-ups are covered to prevent skin breakdown and enable participation in social, community, therapeutic and educational activities under the following circumstances:
    - a. The member is over 3 years old and under 21 years old;
    - b. The member is incontinent due to a documented disability that causes incontinence of bowel or bladder, or both;
    - c. The PCP or attending physician has issued a prescription ordering the incontinence briefs;
    - d. Incontinence briefs do not exceed 240 briefs per month unless the prescribing physician presents evidence of medical necessity for more than 240 briefs per month for a member diagnosed with chronic diarrhea or spastic bladder;
    - e. The member obtains incontinence briefs from providers in the contractor's network;
    - f. Prior authorization has been obtained as required by the Administration, contractor, or contractor's designee. Contractors may require a new prior authorization to be issued no more frequently than every 12 months. Prior authorization for a renewal of an existing prescription may be provided by the physician through telephone contact with the member



## Arizona Health Care Cost Containment System - Administration

rather than an in-person physician visit. Prior authorization will be permitted to ascertain that:

- i. The member is over age 3 and under age 21;
  - ii. The member has a disability that causes incontinence of bladder or bowel, or both;
  - iii. A physician has prescribed incontinence briefs as medically necessary. A physician prescription supporting medical necessity may be required for specialty briefs or for briefs different from the standard briefs supplied by the contractor; and
  - iv. The prescription is for 240 briefs or fewer per month, unless evidence of medical necessity for over 240 briefs is provided.
7. First aid supplies are not covered unless they are provided in accordance with a prescription.
  8. The following services are not covered for individuals 21 years of age or older:
    - a. Hearing aids;
    - b. Prescriptive lenses unless they are the sole visual prosthetic device used by the member after a cataract extraction;
    - c. Bone Anchor Hearing Aid (BAHA);
    - d. Cochlear implant;
    - e. Percussive vest;
    - f. Insulin pump;
    - g. Microprocessor-controlled lower limbs or microprocessor-controlled joints for lower limbs; and
    - h. Orthotics, which are defined as devices that are prescribed by a physician or other licensed practitioner of the healing arts to support a weak or deformed portion of the body.

**F. Liability and ownership.**

1. Purchased DME that is provided to a member and no longer needed by the member may be disposed of in accordance with each contractor's policy.
2. The Administration shall retain title to purchased DME provided to a member who becomes ineligible or no longer requires use of the DME.
3. If customized DME is purchased by the Administration or contractor for a member, the equipment shall remain with the person during times of transition to a different contractor, or upon loss of eligibility. For purposes of this subsection, customized DME refers to equipment that is altered or built to specifications unique to a member's medical needs and that, most likely, cannot be used or reused to meet the needs of another individual.
4. A member shall return DME obtained fraudulently to the Administration or the contractor.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-212 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-212 repealed, new Section R9-22-212 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraph (2), and deleted subsection (C) effective October 1, 1986 (Supp. 86-5). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 3272, effective September 11, 2007

(Supp. 07-3). Amended by exempt rulemaking at 16

A.A.R. 1638, effective October 1, 2010 (Supp. 10-3).

**R9-22-213. Early and Periodic Screening, Diagnosis, and Treatment Services (E.P.S.D.T.)**

- A.** The following E.P.S.D.T. services are covered for a member less than 21 years of age:
1. Screening services including:
    - a. Comprehensive health and developmental history;
    - b. Comprehensive unclothed physical examination;
    - c. Appropriate immunizations according to age and health history;
    - d. Laboratory tests; and
    - e. Health education, including anticipatory guidance;
  2. Vision services including:
    - a. Diagnosis and treatment for defects in vision;
    - b. Eye examinations for the provision of prescriptive lenses;
    - c. Prescriptive lenses; and
    - d. Frames.
  3. Hearing services including:
    - a. Diagnosis and treatment for defects in hearing;
    - b. Testing to determine hearing impairment; and
    - c. Hearing aids;
  4. Dental services including:
    - a. Emergency dental services as specified in R9-22-207;
    - b. Preventive services including screening, diagnosis, and treatment of dental disease; and
    - c. Therapeutic dental services including fillings, crowns, dentures, and other prosthetic devices;
  5. Orthognathic surgery;
  6. Medically necessary, nutritional assessment and nutritional therapy as specified in contract to provide complete daily dietary requirements or supplement a member's daily nutritional and caloric intake;
  7. Behavioral health services under 9 A.A.C. 22, Article 12;
  8. Hospice services do not include home-delivered meals or services provided and covered through Medicare. The following hospice services are covered:
    - a. Hospice services are covered only for a member who is in the final stages of a terminal illness and has a prognosis of death within six months;
    - b. Services available to a member receiving hospice care are limited to those allowable under 42 CFR 418.202, October 1, 2006, incorporated by reference and on file with the Administration. This incorporation by reference contains no future editions or amendments;
  9. Incontinence briefs as specified under R9-22-212; and
  10. Other necessary health care, diagnostic services, treatment, and measures required by 42 U.S.C. 1396d(r)(5).
- B.** Providers of E.P.S.D.T. services shall meet the following standards:
1. Ensure that services are provided by or under the direction of the member's primary care provider, attending physician, practitioner, or dentist.
  2. Perform tests and examinations under 42 CFR 441 Subpart B, October 1, 2006, which is incorporated by reference and on file with the Administration. This incorporation by reference contains no future editions or amendments.
  3. Refer a member as necessary for dental diagnosis and treatment and necessary specialty care.
  4. Refer a member as necessary for behavioral health evaluation and treatment services.

## Arizona Health Care Cost Containment System - Administration

- C. Contractors shall meet other E.P.S.D.T. requirements as specified in contract.
- D. A primary care provider, attending physician, or practitioner shall refer a member with special health care needs under R9-7-301 to CRS.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-213 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-213 repealed, new Section R9-22-213 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 3272, effective September 11, 2007 (Supp. 07-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**R9-22-214. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-214 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-214 repealed, new Section R9-22-214 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraph (4) and added subsection (C), paragraph (2) effective October 1, 1986 (Supp. 86-5). Correction to subsection (C), paragraph (2) (Supp. 87-4). Section repealed effective September 22, 1997 (Supp. 97-3).

**R9-22-215. Other Medical Professional Services**

- A. The following medical professional services are covered services if a member receives these services in an inpatient, outpatient, or office:
  1. Dialysis;
  2. The following family planning services if provided to delay or prevent pregnancy:
    - a. Medications,
    - b. Supplies,
    - c. Devices, and
    - d. Surgical procedures;
  3. Family planning services are limited to:
    - a. Contraceptive counseling, medications, supplies, and associated medical and laboratory examinations, including HIV blood screening as part of a package of sexually transmitted disease tests provided with a family planning service;
    - b. Sterilization; and
    - c. Natural family planning education or referral;
  4. Midwifery services provided by a certified nurse practitioner in midwifery;
  5. Midwifery services for low-risk pregnancies and home deliveries provided by a licensed midwife;
  6. Respiratory therapy;
  7. Ambulatory and outpatient surgery facilities services;
  8. Home health services under A.R.S. § 36-2907(D);
  9. Private or special duty nursing services;

10. Rehabilitation services including physical therapy, occupational therapy, speech therapy, and audiology within limitations in subsection (C);
  11. Total parenteral nutrition services, which are the provision of total caloric needs by intravenous route for individuals with severe pathology of the alimentary tract; and
  12. Chemotherapy.
- B. Prior authorization from the Administration for a member is required for services listed in subsections (A)(3)(b), and (A)(4) through (11); except for:
    1. Voluntary sterilization;
    2. Dialysis shunt placement;
    3. Arteriovenous graft placement for dialysis;
    4. Angioplasties or thrombectomies of dialysis shunts;
    5. Angioplasties or thrombectomies of arteriovenous grafts for dialysis;
    6. Eye surgery for the treatment of diabetic retinopathy;
    7. Eye surgery for the treatment of glaucoma;
    8. Eye surgery for the treatment of macular degeneration;
    9. Home health visits following an acute hospitalization (limited up to five visits);
    10. Hysteroscopies (up to two, one before and one after) when associated with a family planning diagnosis code and done within 90 days of hysteroscopic sterilization;
    11. Physical therapy subject to the limitation in subsection (C);
    12. Facility services related to wound debridement,
    13. Apnea management and training for premature babies up to the age of 1; and
    14. Other services identified by the Administration through the Provider Participation Agreement.
  - C. The following are not covered services:
    1. Occupational and speech therapies provided on an outpatient basis for a member age 21 or older;
    2. Abortion counseling;
    3. Services or items furnished solely for cosmetic purposes;
    4. Services provided by a podiatrist; or
    5. More than 15 outpatient physical therapy visits per benefit year for persons age 21 years or older for the purpose of restoring a skill or level of function and maintaining that skill or level of function once restored.
    6. More than 15 outpatient physical therapy visits per benefit year for persons age 21 years or older for the purpose of acquiring a new skill or a new level of function and maintaining that skill or level of function once acquired.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-215 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**R9-22-216. NF, Alternative HCBS Setting, or HCBS**

- A. Services provided in a NF, including room and board, an alternative HCBS setting as defined in R9-28-101, or a HCBS as

## Arizona Health Care Cost Containment System - Administration

defined in A.R.S. § 36-2939 are covered for a maximum of 90 days per contract year if the member's medical condition would otherwise require hospitalization.

**B.** Except as otherwise provided in 9 A.A.C. 28, the following services are not itemized for separate billing if provided in a NF, alternative HCBS setting, or HCBS:

1. Nursing services, including:
  - a. Administering medication;
  - b. Tube feedings;
  - c. Personal care services, including but not limited to assistance with bathing and grooming;
  - d. Routine testing of vital signs; and
  - e. Maintenance of a catheter;
2. Basic patient care equipment and sickroom supplies, including:
  - a. First aid supplies such as bandages, tape, ointments, peroxide, alcohol, and over-the-counter remedies;
  - b. Bathing and grooming supplies;
  - c. Identification device;
  - d. Skin lotion;
  - e. Medication cup;
  - f. Alcohol wipes, cotton balls, and cotton rolls;
  - g. Rubber gloves (non-sterile);
  - h. Laxatives;
  - i. Bed and accessories;
  - j. Thermometer;
  - k. Ice bags;
  - l. Rubber sheeting;
  - m. Passive restraints;
  - n. Glycerin swabs;
  - o. Facial tissue;
  - p. Enemas;
  - q. Heating pad; and
  - r. Incontinence briefs.
3. Dietary services including preparation and administration of special diets, and adaptive tools for eating;
4. Any service that is included in a NF's room and board charge or a service that is required of the NF to meet a federal or state licensure standard or county certification requirement;
5. Physician visits made solely for the purpose of meeting state licensure standards or county certification requirements;
6. Physical therapy prescribed only as a maintenance regimen; and
7. Assistive devices and non-customized durable medical equipment.

**C.** A provider shall obtain prior authorization from the Administration for a NF admission for a FFS member.

**Historical Note**

Adopted effective October 1, 1985 (Supp. 85-5). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Subsection (C) amended to correct a typographical error (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 3272, effective September 11, 2007 (Supp. 07-3). Amended by final rulemaking at 13 A.A.R. 4122, effective November 6, 2007 (Supp. 07-4).

**R9-22-217. Services Included in the Federal Emergency Services Program**

**A.** Definition. Notwithstanding the definition in R9-22-201, for the purposes of this Section, an emergency medical or behav-

ioral health condition for a FES member means a medical condition or a behavioral health condition, including labor and delivery, manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

1. Placing the member's health in serious jeopardy,
2. Serious impairment to bodily functions,
3. Serious dysfunction of any bodily organ or part, or
4. Serious physical harm to another person.

**B.** Services. "Emergency services for a FES member" mean those medical or behavioral health services provided for the treatment of an emergency condition. Emergency services include outpatient dialysis services for a FES member with End Stage Renal Disease (ESRD) where a treating physician has certified for the month in which services are received that in the physician's opinion the absence of receiving dialysis at least three times per week would reasonably be expected to result in:

1. Placing the member's health in serious jeopardy, or
2. Serious impairment of bodily function, or
3. Serious dysfunction of a bodily organ or part.

**C.** Covered services. Services are considered emergency services if all of the criteria specified in subsection (A) are satisfied at the time the services are rendered. The Administration shall determine whether an emergency condition exists on a case-by-case basis.

**D.** Prior authorization. A provider is not required to obtain prior authorization for emergency services for FES members. Prior authorization for outpatient dialysis services is met when the treating physician has completed and signed a monthly certification as described in subsection (B).

**E.** Services rendered through the Federal Emergency Services Program are subject to all exclusions and limitation on services in this Article including but not limited to the limitations on inpatient hospital services in R9-22-204.

**Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1868, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-218. Repealed**

**Historical Note**

Section R9-22-218 renumbered from R9-22-206 effective January 1, 1996, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Third Special Session, Ch. 1, § 5; filed with the Office of the Secretary of State December 28, 1995 (Supp. 95-4). Section repealed effective September 22, 1997 (Supp. 97-3).

## Arizona Health Care Cost Containment System - Administration

**ARTICLE 3. GENERAL ELIGIBILITY REQUIREMENTS****R9-22-301. Reserved****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-301 renumbered together with former Section R9-22-102 as Section R9-22-101 and amended effective October 1, 1983 (Supp. 83-5). New Section R9-22-301 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraph (8), subsection (E), paragraph (3), and subsection (J), paragraph (5) effective October 1, 1986 (Supp. 86-5). Amended subsections (C) and (E) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (B) and (C) effective October 1, 1987; amended subsection (D) effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section reserved by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-302. Reserved****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-302 repealed, new Section R9-22-302 adopted effective November 20, 1984 (Supp. 84-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section reserved by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-303. Prior Quarter Eligibility**

- A.** Prior Quarter eligibility shall be effective no earlier than January 1, 2014. An applicant may be eligible during any of the three months prior to application if the applicant:
1. Received one or more covered services described in 9 A.A.C. 22, Article 2 and Article 12, and 9 A.A.C. 28, Article 2 during the month; and
  2. Would have qualified for Medicaid at the time services were received if the person had applied regardless of whether the person is alive when the application is made.
- B.** The Prior Quarter requirements do not apply to:
1. Qualified Medicare Beneficiaries
  2. KidsCare

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-303 repealed, new Section R9-22-303 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective February 26, 1988 (Supp. 88-1). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section made by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-304. Verification of Eligibility Information**

- A.** Except as provided in subsection (E), if information provided by or on behalf of an applicant or member on an application, renewal form or otherwise does not conflict with information obtained by the agency through an electronic data match, the Administration or its designee shall determine or renew eligibility based on such information.
- B.** The Administration or its designee shall not require an applicant, member, or representative to provide additional verification unless the verification cannot be obtained electronically or the verification obtained electronically conflicts with information provided by or on behalf of the applicant or member.
- C.** If information provided by or on behalf of an applicant or member does conflict with information obtained through an electronic data match, the applicant or member shall provide the Administration or its designee with information or documentation necessary to verify eligibility, including evidence originating from an agency, organization, or an individual with actual knowledge of the information.
- D.** Income information obtained through an electronic data match shall be considered reasonably compatible with income information provided by or on behalf of an individual if both meet or both exceed the applicable income limit.
- E.** The Administration or its designee shall not accept the applicant's or member's statement by itself as verification of:
1. SSN;
  2. Qualified alien status, except as described under 42 USC 1320b-7(d)(4)(A); or
  3. Citizenship, except as described under 42 USC 1396a(cc)(1).
- F.** The Administration or its designee shall give an applicant or member at least 10 days from the date of a written or electronic request for information to provide required verification. The Administration or its designee may deny the application or discontinue eligibility if an applicant or a member does not provide the required information timely.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-304 repealed, new Section R9-22-304 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-304 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-305. Eligibility Requirements**

As a condition of eligibility, the Administration or its designee must require applicants, and members to do the following:

1. Take all necessary steps to obtain any annuities, pensions, retirement, disability benefits to which they are entitled, unless they can show good cause for not doing so.
2. Furnish a SSN under 42 CFR 435.910 and 435.920, or in the absence of an SSN, provide proof of a submitted application of SSN. The Administration or its designee will assist in obtaining or verifying the applicant's SSN under 42 CFR 435.910 if an applicant cannot recall the applicant's SSN or has not been issued a SSN. An applicant is not required to furnish an SSN if the applicant is not able to legally obtain a SSN. The Administration or its designee shall determine eligibility notwithstanding the applicant's lack of a SSN, if the applicant is cooperating with the Administration or its designee to obtain a SSN and obtain a SSN prior to the next scheduled review of eligibility.
3. Provide proof of residency of Arizona. An applicant or a member is not eligible unless the applicant or member is

## Arizona Health Care Cost Containment System - Administration

- a resident of Arizona under 42 CFR 435.403 effective October 1, 2012, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
4. A written declaration, signed under penalty of perjury, must be provided for each person for whom benefits are being sought stating whether the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is a qualified alien. The declaration must be provided by the individual for whom eligibility is being sought or an adult member of the individual's family or household.
  5. Each applicant who claims qualified alien status must provide either:
    - a. Alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or
    - b. Other documents that the Administration or its designee accepts as evidence of immigration status, such as:
      - i. a Form I-94 Departure Record issued by the USCIS,
      - ii. a Foreign Passport,
      - iii. a USCIS Parole Notice,
      - iv. a Victim of Trafficking Certification or Eligibility Letter issued by the US DHHS Office of Refugee Resettlement,
      - v. other documentation consistent with 42 CFR 435.406 or 435.407.
    - c. Sufficient information for the Administration or its designee to obtain electronic verification of immigration status from the USCIS.
  6. If a person for whom eligibility is being sought, states that they are an alien, that person is not required to comply with subsections (4) and (5); however, if they do not comply with those sections, and if they meet all other eligibility criteria, benefits will be limited to those necessary to treat an emergency medical condition.
- a. The agency cannot reach a decision because the applicant or an examining physician delays or fails to take a required action, or
  - b. When there is an administrative or other emergency beyond the agency's control.
2. If an applicant dies while an application is pending, the Administration or its designee shall complete an eligibility determination for the deceased applicant.
  3. The Administration or its designee shall complete an eligibility determination on an application filed on behalf of a deceased applicant.
  4. During the application process the Administration or its designee shall provide information to the applicant or member explaining the requirements to:
    - a. Cooperate with DCSS in establishing paternity and enforcing medical support, except in circumstances when good cause under 42 CFR 433.147 exists for not cooperating;
    - b. Establish good cause for not cooperating with DCSS in establishing paternity and enforcing medical support, when applicable;
    - c. Report a change listed under subsection (B)(3)(c) no later than 10 days from the date the applicant or member knows of the change;
    - d. Send to the Administration or its designee any medical support payments resulting from a court order;
    - e. Cooperate with the Administration or its designee's assignment of rights and securing payments received from any liable party for a member's medical care.
  5. Offer to help the applicant or member to complete the application form and to obtain the required verification;
  6. Provide the applicant or member with information explaining:
    - a. The eligibility and verification requirements for AHCCCS medical coverage;
    - b. The requirement that the applicant or member obtain and provide a SSN to the Administration or its designee;
    - c. How the Administration or its designee uses the SSN;
  7. Explain to the applicant or member the practice of exchange of eligibility and income information through the electronic service established by the Secretary;
  8. Explain to the applicant and member the right to appeal an adverse action under R9-22-315;
  9. Use any information provided by the member to complete data matches with potentially liable parties;
  10. Explain the eligibility review process;
  11. Explain the AHCCCS pre-enrollment process;
  12. Use the Systematic Alien Verification for Entitlements (SAVE) process to verify qualified alien status;
  13. Provide information regarding the penalties for perjury and fraud on the application;
  14. Review any verification items provided by the applicant or member and inform the member of any additional verification items and time-frames within which the applicant or member shall provide information to the Administration or its designee;
  15. Explain to the applicant or member the applicant's and member's responsibilities under subsection (B);
  16. Transfer the applicant's information to other insurance affordability programs as described under 42 CFR 435.1200(e) when the applicant does not qualify for Medicaid;
  17. Attain a written record of a collateral contact: such as a verbal statement from a representative of an agency or

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-305 repealed, new Section R9-22-305 adopted effective November 20, 1984 (Supp. 84-6). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective February 26, 1988 (Supp. 88-1). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-305 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-306. Administration, Administration's designee or Member Responsibilities**

- A. The Administration or its designee is responsible for the following:
1. The Administration or its designee shall determine eligibility within 90 days for an applicant applying on the basis of disability and 45 days for all other applicants, unless:

## Arizona Health Care Cost Containment System - Administration

- organization, or an individual with actual knowledge of the information;
18. Complete a review of eligibility:
    - a. Any time there is a change in a member's circumstance that may affect eligibility,
    - b. For a member approved for the MED program under R9-22-1435 through R9-22-1440 before the end of the six-month eligibility period,
    - c. Of each member's continued eligibility for AHCCCS medical coverage once every 12 months;
  19. The Administration or its designee shall discontinue eligibility and notify the member of the discontinuance under R9-22-307 if the member:
    - a. Fails to comply with the review of eligibility,
    - b. Fails to comply under 42 CFR 433.148 with the requirements and conditions of eligibility under this Article regarding assignment of rights and cooperation of establishing paternity and obtaining medical support, or
    - c. Does not meet the eligibility requirements; and
  20. Redetermine eligibility for a person terminated from the SSI cash program.
    - a. Continuation of AHCCCS medical coverage. The Administration shall continue AHCCCS medical coverage for a person terminated from the SSI cash program until a redetermination of eligibility is completed.
    - b. Coverage group screening. Before terminating a person from the SSI cash program, the Administration shall determine if the person is eligible for coverage as a person described in A.R.S. §§ 36-2901(6)(a)(i) through (vi) or 36-2934.
    - c. Eligibility decision.
      - i. If a person is eligible under this Article or 9 A.A.C. 28, Article 4, the Administration shall send a notice informing the applicant that AHCCCS medical coverage is approved.
      - ii. If a person is ineligible, the Administration shall send a notice to deny AHCCCS medical coverage.
- B. Applicant and Member Responsibilities.**
1. An applicant or a member shall authorize the Administration or its designee to obtain verification for initial eligibility or continuation of eligibility.
  2. As a condition of eligibility, an applicant or a member shall:
    - a. Provide the Administration or its designee with complete and truthful information. The Administration or its designee may deny an application or discontinue eligibility if:
      - i. The applicant or member fails to provide information necessary for initial or continuing eligibility;
      - ii. The applicant or member fails to provide the Administration or its designee with written authorization or electronic authorization to permit the Administration or its designee to obtain necessary initial or continuing eligibility verification;
      - iii. The applicant or member fails to provide verification under R9-22-304 after the Administration or its designee made an effort to obtain the necessary verification but has not obtained the necessary information; or
      - iv. The applicant or member does not assist the Administration or its designee in resolving incomplete, inconsistent, or unclear information that is necessary for initial or continuing eligibility;
    - b. Cooperate with the Division of Child Support Services (DCSS) in establishing paternity and enforcing medical support obligations when requested unless good cause exists for not cooperating under 42 CFR 433.147 as of October 1, 2012, which is incorporated by reference, on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol St., NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments. The Administration or its designee shall not deny AHCCCS eligibility to an applicant who would otherwise be eligible, is a minor child, and whose parent or legal representative does not cooperate with the medical support requirements or first- and third-party liability requirements under Article 10 of this Chapter; and
    - c. Provide the information needed to pursue third party coverage for medical care, such as:
      - i. Name of policyholder,
      - ii. Policyholder's relationship to the applicant or member,
      - iii. Name and address of the insurance company, and
      - iv. Policy number.
3. A member or an applicant shall:
    - a. Send to the Administration or its designee any medical support payments received while the member is eligible that result from a medical support order;
    - b. Cooperate with the Administration or its designee regarding any issues arising as a result of Eligibility Quality Control described under A.R.S. § 36-2903.01; and
    - c. Inform the Administration or its designee of the following changes within 10 days from the date the applicant or member knows of a change:
      - i. In address;
      - ii. In the household's composition;
      - iii. In income;
      - iv. In resources, when required under the Medical Expense Deduction (MED) program;
      - v. In Arizona state residency;
      - vi. In citizenship or immigrant status;
      - vii. In first- or third-party liability that may contribute to the payment of all or a portion of the person's medical costs;
      - viii. That may affect the member's or applicant's eligibility, including a change in a woman's pregnancy status;
      - ix. Death;
      - x. Change in marital status; or
      - xi. Change in school attendance.
  4. As a condition of eligibility, an applicant or a member shall cooperate with the assignment of rights as required by R9-22-311. If the applicant or member receives medical care and services for which a first or third party is or may be liable, the applicant or member shall cooperate with the Administration or its designee in assisting, identifying and providing information to assist the Administration or its designee in pursuing any first or third party who is or may be liable to pay for medical care and services.

## Arizona Health Care Cost Containment System - Administration

5. A pregnant woman under A.R.S. § 36-2901(6)(a)(ii) is not required to provide the Administration or its designee with information regarding paternity or medical support from a father of a child born out of wedlock.
- C. Administration or its designee responsibilities at Eligibility Renewal.
  1. The Administration or its designee shall renew eligibility without requiring information from the individual if able to do so based on reliable information available to the agency, including through an electronic data match. If able to renew eligibility based on such information, the Administration or its designee shall send the member notice of:
    - a. The eligibility determination; and
    - b. The member's requirement to notify the Administration or its designee if any of the information contained in the renewal notice is inaccurate.
  2. If unable to renew eligibility, the Administration or its designee shall:
    - a. Send a pre-populated renewal form listing the information needed to renew eligibility,
    - b. Give the member 30 days from the date of the renewal form to submit the signed renewal form and the information needed,
    - c. Send the member notice of the renewal decision under R9-22-312 or R9-22-1413(B) as applicable.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-306 repealed, new Section R9-22-306 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended subsection (B), paragraphs (1) and (6) effective October 1, 1986 (Supp. 86-5). Amended subsection (B), paragraph (1) and added a new subsection (N) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6).

Amended subsection (B) effective October 1, 1987; amended subsection (N) effective December 22, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-306 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-307. Approval or Denial of Eligibility**

- A. Approval. If the applicant meets all the eligibility requirements and conditions of eligibility of this Article, the Administration or its designee shall approve the application and provide the applicant with an approval notice. The approval notice shall contain:
  1. The name of each approved applicant,
  2. The effective date of eligibility for each approved applicant,
  3. The reason and the legal citations if a member is approved for only emergency medical services, and
  4. The applicant's right to appeal the decision.
- B. Denial. If an applicant fails to meet the eligibility requirements or conditions of eligibility of this Article, the Administration or its designee shall deny the application and provide the applicant with a denial notice. The denial notice shall contain:
  1. The name of each ineligible applicant,

2. The specific reason why the applicant is ineligible,
3. The income and resource calculations for the applicant compared to the income or resource standards for eligibility when the reason for the denial is due to the applicant's income or resources exceeding the applicable standard,
4. The legal citations supporting the reason for the ineligibility,
5. The location where the applicant can review the legal citations,
6. The date of the application being denied; and
7. The applicant's right to appeal the decision and request a hearing.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4).

Amended subsections (A) and (C), added subsection (G) and (H) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-307 repealed, new Section R9-22-307 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended subsection (A) as an emergency effective December 4, 1985 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-6). Permanent amendment to subsection (A) effective February 5, 1986 (Supp. 86-1).

Amended subsections (E) and (F) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective February 26, 1988 (Supp. 88-1).

Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-307 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-308. Reinstating Eligibility**

The Administration or its designee shall reopen an application or reinstate eligibility of a member when any of the following conditions are met:

1. The denial or discontinuance of eligibility was due to an administrative error,
2. The discontinuance of eligibility was due to noncompliance with a condition of eligibility and the applicant or member complies prior to the effective date of the discontinuance,
3. The member informs the Administration or its designee of a change of circumstances prior to the effective date of the discontinuance, that would allow for continued eligibility, or
4. Following a discontinuance, the member qualifies for continuation of medical coverage pending an appeal.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4).

Amended effective October 1, 1983 (Supp. 83-5).

Amended by adding subsection (C) effective March 2, 1984 (Supp. 84-2). Former Section R9-22-308 repealed, new Section R9-22-308 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985

## Arizona Health Care Cost Containment System - Administration

(Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-308 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-309. Confidentiality and Safeguarding of Information**

The Administration or its designee shall maintain the confidentiality of an applicant or member's records and limit the release of safeguarded information under R9-22-512 and 6 A.A.C. 12, Article 1. In the event of a conflict between R9-22-512 and 6 A.A.C. 12, Article 1, R9-22-512 prevails.

**Historical Note**

Adopted effective August 30, 1984 (Supp. 82-4). Amended (D)(1)(d) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-309 repealed, new Section R9-22-309 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsection (F) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (A), (B) and (C) effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-309 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-310. Ineligible Person**

A person is not eligible for AHCCCS medical coverage if the person is:

1. An inmate of a public institution, or
2. Over age 64 and is residing in an Institution for Mental Disease under 42 CFR 435.1009 except as allowed in 42 USC 1396d(h) or as allowed under the Administration's Section 1115 waiver.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended (B)(7) and added subsections (C) and (D) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-310 repealed, new Section R9-22-310 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B) and deleted subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (B), paragraph (7) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (B) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New

Section R9-22-310 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-311. Assignment of Rights Under Operation of Law**

By operation of law and under A.R.S. § 36-2903, a person determined eligible assigns rights to the system medical benefits to which the person is entitled.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-311 repealed, new Section R9-22-311 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-311 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-312. Member Notices**

- A.** Contents of notice. The Administration or its designee shall issue a notice by mail, personal delivery, or electronic means when an action is taken regarding a person's eligibility or premiums. The notice shall contain the following information:
  1. The date of the notice issued;
  2. A statement of the action being taken;
  3. The effective date of the action;
  4. The specific reason for the intended action;
  5. If eligibility is being discontinued due to income in excess of the income standards, the actual figures used in the eligibility determination and the amount by which the person exceeds income standards;
  6. If a premium is imposed or increased, the actual figures used in determining the premium amount;
  7. The specific law or regulation that supports the action, or a change in federal or state law that requires an action;
  8. An explanation of the member's rights to an appeal and continued benefits.
- B.** Advance notice of changes in eligibility or premiums. "Advance notice" means a notice that is issued to a person at least 10 days before the effective date of the change. Except as specified in subsection (C), advance notice shall be issued whenever the following adverse action is taken:
  1. To discontinue or suspend or reduce eligibility or covered services; or
  2. To impose a premium or increase a person's premium.
- C.** The Administration or its designee shall issue a Notice of Adverse Action to a member no later than the effective date of action if:
  1. The Administration or its designee receives a request to withdraw;
  2. A person provides information that requires termination of eligibility or an increase or imposition of the premium and the person signs a clear written statement waiving advance notice;
  3. A person cannot be located and mail sent to that person has been returned as undeliverable;
  4. A person has been admitted to a public institution where the person is ineligible under R9-22-310;
  5. A person has been approved for Medicaid or CHIP in another state; or
  6. The Administration or its designee has information that confirms the death of the person.



## Arizona Health Care Cost Containment System - Administration

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended subsections (A) and (B), added subsection (D) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-312 repealed, new Section R9-22-312 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-312 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-313. Withdrawal of Application**

- A. An applicant may withdraw an application at any time before the Administration or its designee completes an eligibility determination by making an oral or written request for withdrawal to the Administration or its designee and stating the reason for withdrawal.
- B. If an applicant orally requests withdrawal of the application, the Administration or its designee shall document the:
  1. Date of the request,
  2. Name of the applicant for whom the withdrawal applies, and
  3. Reason for the withdrawal.
- C. An applicant may withdraw an application in writing by:
  1. Completing an Administration-approved voluntary withdrawal form; or
  2. Submitting a written, signed, and dated request to withdraw the application.
- D. The effective date of the withdrawal is the date of the application.
- E. If an applicant requests to withdraw an application, the Administration or its designee shall:
  1. Deny the application, and
  2. Notify the applicant of the denial following the notice requirements under R9-22-307.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended subsections (C) and (D) as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended subsections (D) and (E) as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-313 repealed, new Section R9-22-313 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsections (B), (C), (E) and (G) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (B) and (C) effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Pro-

cedure Act, effective October 26, 1993 (Supp. 93-4).

Amended effective December 13, 1993 (Supp. 93-4).

Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-313 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-314. Withdrawal from AHCCCS Medical Coverage**

- A. A member may withdraw from AHCCCS medical coverage at any time by giving oral or written notice of withdrawal to the Administration or its designee. The member or the member's legal or authorized representative shall provide the Administration or its designee with:
  1. The reason for the withdrawal,
  2. The date the notice is effective, and
  3. The name of the member for whom AHCCCS medical coverage is being withdrawn.
- B. If a notice of withdrawal does not identify specific members the Administration or its designee shall discontinue eligibility for any members that the person submitting the withdrawal has legal authority to act on behalf of.
- C. The Administration or its designee shall notify the member of the discontinuance as required by R9-22-312.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended subsection (A) and added subsection (F) as an emergency effective February 28, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended subsection (A) and added subsection (F) as a permanent rule effective May 16, 1983; text of the amended rule identical to the emergency (Supp. 83-3). Former Section R9-22-314 repealed, new Section R9-22-314 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-314 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-315. Notice of Adverse Action**

- A. Adverse actions. An applicant or member may appeal, as described under Chapter 34, by requesting a hearing from the Administration or its designee concerning any of the following adverse actions:
  1. Complete or partial denial of eligibility under R9-22-307 and R9-22-313(E);
  2. Suspension, termination, or reduction of AHCCCS medical coverage under R9-22-307, R9-22-312 and R9-22-314;
  3. Delay in the eligibility determination beyond the timeframes under this Article;
  4. The imposition of or increase in a premium or copayment; or
  5. The effective date of eligibility.
- B. Notice of Adverse Action. The Administration or its designee shall personally deliver or send, by mail, or electronic means a Notice of Adverse Action to the person affected by the action. For the purpose of this Section, the date of the Notice of Adverse Action shall be the date of personal delivery to the applicant or the postmark date, if mailed.
- C. Automatic change and hearing rights.

## Arizona Health Care Cost Containment System - Administration

1. An applicant or a member is not entitled to a hearing if the sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients.
2. An applicant or a member is entitled to a hearing if a federal or state law requires an automatic change and the applicant or member timely files an appeal that alleges a misapplication of the facts to the law.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-315 repealed, new Section R9-22-315 adopted effective November 20, 1984 (Supp. 84-6). Repealed effective October 1, 1985 (Supp. 85-5). New Section R9-22-315 adopted effective February 5, 1986 (Supp. 86-1). Amended effective February 26, 1988 (Supp. 88-1). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-315 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-316. Exemptions from Sponsor Deemed Income**

- A. An applicant shall provide proof to the Administration or its designee when claiming an exemption from sponsor deemed income.
- B. The Administration or its designee shall grant an exemption from deeming a sponsor's income for a Lawful Permanent Resident applicant if the applicant:
  1. Adjusted immigration status to Lawful Permanent Resident from status as a refugee or asylee;
  2. Is the spouse or dependent child of the sponsor and lives with the sponsor;
  3. Is indigent as specified in subsection (C);
  4. Is a victim of domestic violence or extreme cruelty as specified in subsection (D); or
  5. Has acquired 40 qualified quarters of work credit based on earnings as specified in subsection (E).
- C. Exemption from sponsor deeming based on indigence.
  1. The Administration or its designee shall consider the applicant indigent and grant an exemption from sponsor deemed income for an applicant, for a period of 12 months beginning with the first month of eligibility if all the following are met:
    - a. An applicant is indigent if all of the following are met:
      - i. The applicant does not reside with the applicant's sponsor;
      - ii. The applicant does not receive free room and board; and
      - iii. The applicant's total gross income including monies received from the sponsor and the value of any vendor payments received for food, utilities, or shelter does not exceed 100% of the FPL for the size of the income group.
  2. The Administration or its designee shall send a notice under 8 U.S.C. 1631(e)(2) to the Attorney General's Office when approving an applicant who is exempt from sponsor deemed income due to indigence.
- D. The Administration or its designee shall grant an exemption from sponsor deemed income for an applicant who is a victim of domestic violence or extreme cruelty under 8 CFR 204.2 for a period of 12 months beginning with the first month of eligibility. The Administration or its designee shall redetermine the exemption status at each renewal.

1. The Administration or its designee considers an applicant to be a victim of domestic violence or extreme cruelty when all of the following are met:
  - a. The applicant is the victim, the parent of a child victim, or the child of a parent victim;
  - b. The perpetrator of the domestic violence or extreme cruelty was the spouse or parent of the victim or other family member related by blood, marriage or adoption to the victim;
  - c. The perpetrator was residing in the same household as the victim when the abuse occurred;
  - d. The abuse occurred in the United States;
  - e. The applicant did not participate in the domestic violence or cruelty; and
  - f. The victim does not currently live with the perpetrator.
2. The applicant shall provide proof that the applicant or the applicant's child is a victim of domestic violence or extreme cruelty by presenting one of the following:
  - a. USCIS form I-360 Petition for Amerasian, Widow, or Special Immigrant;
  - b. USCIS form I-797 USCIS approval of the I-360 petition;
  - c. Reports or affidavits concerning the domestic violence or cruelty documented by police, judges, or other court officials, medical personnel, school officials, clergy, social workers, counseling or mental health personnel, or other social service agency personnel;
  - d. Legal documentation, such as an order of protection against the perpetrator or an order convicting the perpetrator of committing an act of domestic violence or extreme cruelty that chronicles the existence of domestic violence or extreme cruelty;
  - e. Evidence that indicates that the applicant sought safe haven in a battered women's shelter or similar refuge because of the domestic violence or extreme cruelty against the applicant or the applicant's child; or
  - f. Photographs of the applicant or applicant's child showing visible injury.
- E. The Administration or its designee shall grant an exemption from sponsor deemed income for an applicant who has reached 40 qualifying quarters of work credit.
  1. The Administration or its designee shall not count quarters credited after January 1, 1997 that were earned while the applicant was receiving any federal means-tested benefits.
  2. The Administration or its designee shall not count the 40 qualifying quarters of work credit unless the credited quarters are:
    - a. Quarters that the applicant worked;
    - b. Quarters worked by the applicant's spouse or deceased spouse during their marriage; or
    - c. Quarters worked by the applicant's parents when the applicant was under age 18.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-316 repealed, new Section R9-22-316 adopted as an emergency effective February 9, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Former Section R9-22-316 repealed, new Section R9-22-316 adopted as a permanent rule effective May 16, 1983; text of permanent rule identical to the emergency (Supp. 83-3). Amended effective October 1, 1983 (Supp. 83-5). Correction subsection (A), paragraph (1) amended

## Arizona Health Care Cost Containment System - Administration

effective October 1, 1983, (Supp. 83-6). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-316 repealed, new Section R9-22-316 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (C) effective October 1986 (Supp. 86-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-316 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-317. Sponsor Deemed Income**

- A. The Administration or its designee shall use income of a USCIS sponsor to determine eligibility for a non-citizen applicant, whether or not the income is available, to the non-citizen applicant unless exempt under R9-22-316.
- B. Counting the income from a sponsor.
  1. This Section applies to non-citizen applicants who:
    - a. Are Lawful Permanent Residents under 8 CFR 101.3;
    - b. Applied for Lawful Permanent Resident Status on or after December 19, 1997;
    - c. Are sponsored by an individual who signed a USCIS I-864 Affidavit of Support; and
    - d. Are eligible for full AHCCCS medical coverage.
  2. Sponsor deemed income shall be considered the income of the non-citizen applicant only.
  3. The Administration or its designee shall not use the provisions of this Section when:
    - a. The applicant becomes a naturalized U.S. citizen;
    - b. The applicant qualifies for an exemption listed in R9-22-316; or
    - c. The sponsor dies.
- C. Determining income from a sponsor.
  1. For an applicant who is exempt from sponsor deeming under R9-22-316, only cash contributions actually received from the sponsor are countable income to the applicant.
  2. For an applicant to whom the sponsor's income is deemed, the Administration or its designee shall exclude any cash contributions received from the sponsor.
- D. Calculation of income from a sponsor.
  1. The Administration or its designee shall include the total gross income of the sponsor and the sponsor's spouse, when living with the sponsor;
  2. The Administration or its designee shall subtract an amount equal to 100% of the FPL for the sponsor's household size from the total gross income under (D)(1); and
  3. The amount calculated under subsection (D)(2) is deemed as income to the applicant for purposes of determining eligibility.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-317 repealed, new Section R9-22-317 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1986 (Supp. 86-5). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-317

made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-318. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-318 repealed, new Section R9-22-318 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) and added subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (B) effective October 1, 1987; amended subsection (A) effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended effective December 13, 1993 (Supp. 93-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-319. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-319 repealed, new Section R9-22-319 adopted effective November 20, 1984 (Supp. 84-6). Amended effective May 30, 1989 (Supp. 89-2). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-320. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-320 repealed, new Section R9-22-320 adopted effective November 20, 1984 (Supp. 84-6). Amended effective April 13, 1990 (Supp. 90-2). Repealed effective December 13, 1993 (Supp. 93-4).

**R9-22-321. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-321 repealed, new Section R9-22-321 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (B) through (E) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective October 1, 1987 (Supp. 87-4). Amended subsec-

## Arizona Health Care Cost Containment System - Administration

tions (B) and (D) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-322. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective May 27, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-3). Former Section R9-22-322 repealed, new Section R9-22-322 adopted effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective May 18, 1984 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-322 repealed, new Section R9-22-322 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective September 29, 1992 (Supp. 92-3). Amended December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-323. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-323 repealed, new Section R9-22-323 adopted effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-323 repealed, new Section R9-22-323 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (B) through (D) effective October 1, 1986 (Supp. 86-5). Amended subsections (A), (B) and (D) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (B), (D) and (E) effective October 1, 1987 (Supp. 87-4). Amended subsections (B) and (D) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-324. Repealed****Historical Note**

Adopted as an emergency effective July 27, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R9-22-324 adopted as an emergency renumbered as Section R9-22-327. New Section R9-22-324 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-324 repealed, former Section R9-22-323 renumbered as Section R9-22-324 and adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Former

Section R9-22-324 repealed, new Section R9-22-324 adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-324 repealed, new Section R9-22-324 adopted effective November 20, 1984 (Supp. 84-6). Change in heading only effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-325. Repealed****Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-325 repealed, new Section R9-22-325 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-326. Repealed****Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-326 repealed, new Section R9-22-326 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Change in heading only effective October 1, 1987 (Supp. 87-4). Amended subsection (A) effective May 30, 1989 (Supp. 89-2). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-327. Repealed****Historical Note**

Former Section R9-22-324 adopted as an emergency effective July 27, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days renumbered as Section R9-22-327 and adopted as a permanent rule effective October 1, 1983 (Supp. 83-5). Former Section R9-22-327 repealed, new Section R9-22-327 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (A), (D), (E), (G), (H), and (I) effective October 1, 1986 (Supp. 86-5). Amended subsection (D) and added a new subsection (J) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (A) and (E) effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-328. Repealed****Historical Note**

Adopted as an emergency effective October 6, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Emergency Expired. New Section R9-22-328

## Arizona Health Care Cost Containment System - Administration

adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended subsections (A) and (E) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (D) effective October 1, 1987 (Supp. 87-4). Amended subsection (D) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2).

Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-329. Repealed****Historical Note**

Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. New Section R9-22-329 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended subsection (B) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-330. Repealed****Historical Note**

Adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. New Section R9-22-330 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended subsection (A) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-331. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended effective October 1, 1986 (Supp. 86-5).

Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective October 1, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-332. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended effective April 13, 1990 (Supp. 90-2).

Amended effective September 29, 1992 (Supp. 92-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-333. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended under an exemption from

the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-334. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-335. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended by adding subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (B) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-336. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended by adding subsection (C) effective September 16, 1987 (Supp. 87-3). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-337. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended effective October 1, 1986 (Supp. 86-5).

Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Correction to subsection (B), paragraph (1) (Supp. 87-3). Amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-338. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6).

Heading changed effective October 1, 1985 (Supp. 85-5).

Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-339. Repealed****Historical Note**

Adopted effective October 1, 1985 (Supp. 85-5).

Amended effective October 1, 1986 (Supp. 86-5).

Amended subsection (B) effective October 1, 1987 (Supp. 87-4). Amended effective January 14, 1997 (Supp. 97-1).

## Arizona Health Care Cost Containment System - Administration

97-1). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-340. Repealed****Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-341. Repealed****Historical Note**

Adopted effective March 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-342. Repealed****Historical Note**

Adopted effective September 29, 1992 (Supp. 92-3). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-343. Repealed****Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-344. Repealed****Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**ARTICLE 4. PENALTY FOR OBTAINING ELIGIBILITY BY FRAUD****R9-22-401. Definitions**

Definitions. The following definitions apply specifically to terms used within this Article:

“Amounts incurred by the system” include capitation payments, costs incurred by any contractor in excess of capitation, reinsurance, and other administrative, legal or investigative costs associated with a person who obtained eligibility contrary to A.R.S. §§ 36-2905.04 and/or A.R.S. § 36-2991.

“Application for eligibility” means any request for benefits administered by AHCCCS under the authority of A.R.S. Title 36, Chapter 29, including applications for presumptive eligibility submitted to hospitals as described under Article 16 of this Chapter.

“Penalty” means an amount not to exceed the amounts incurred by the system during any time period that the person would have been ineligible for benefits but for the false or fraudulent information provided on the application for eligibility. A penalty does not include, and does not need to be reduced by, the amount of any overpayments that AHCCCS may be entitled to recoup from a person who violated A.R.S. § 36-2905.04 and/or A.R.S. § 36-2991.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-401 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 31, 1997 (Supp. 97-1). Amended by final rulemaking at 5 A.A.R. 867, effective March 4, 1999 (Supp. 99-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-402. Determining the Amount of the Penalty**

- A. AHCCCS shall determine the amount of a penalty according to A.R.S. § 36-2905.04(B) or A.R.S. § 36-2991(B), whichever is applicable, and this Article.
- B. In addition to any penalty imposed pursuant to ARS §§ 36-2905.04 or 36-2991, and this Article, the Administration may also recoup from the person the amounts incurred by the system as a part of the notice and appeal process described in this Article.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-402 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-403. Mitigating and Aggravating Circumstances**

- A. AHCCCS shall consider any of the following to be mitigating circumstances when determining the amount of a penalty for obtaining eligibility by fraud.
  1. Degree of culpability. The degree of culpability of a person is a mitigating circumstance if the person did not intend to provide or cause to be provided false information on the application for eligibility but was negligent as to the truthfulness of the information provided.
  2. Prior Offenses. At the time of the submittal of the application the person:
    - a. Did not have any prior criminal convictions; and
    - b. Had not been held civilly liable for defrauding a public assistance program.
  3. Financial condition. The financial condition of a person who violates A.R.S. §§ 36-2905.04 or 36-2991 is a mitigating circumstance if the imposition of a penalty without reduction will render the person incapable of obtaining necessities of life such as food, clothing, and shelter. AHCCCS may consider the resources available to the person when determining the amount of the penalty.
  4. Other matters as justice may require. AHCCCS shall take into account other circumstances of a mitigating nature, if in the interest of justice; the circumstances require a reduction of the penalty.
- B. AHCCCS shall consider any of the following to be aggravating circumstances when determining the amount of a penalty for obtaining eligibility by fraud.
  1. Degree of culpability. The degree of culpability of a person who provides or causes to be provided false informa-

## Arizona Health Care Cost Containment System - Administration

tion on the application for eligibility is an aggravating circumstance if the person knows or had reason to know that the information provided on the application for eligibility was false, or the person failed to correct the false information prior to AHCCCS incurring a financial loss as a result of the application for eligibility.

2. Prior offenses. At any time before the submittal of the application for eligibility, the person was held criminally or civilly liable for committing any fraud, waste, or abuse against any public assistance program.
3. Financial Loss. The person's violation of A.R.S. §§ 36-2905.04 or 36-2991 caused a loss to the system equal to or exceeding \$5,000.00.
4. Other matters as justice may require. AHCCCS shall take into account other circumstances of an aggravating nature, if in the interest of justice; the circumstances require an increase of the penalty.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-403 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended by adding subsection (C) effective October 1, 1987 (Supp. 87-4). Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-404. Notice of Intent**

- A. If AHCCCS imposes a penalty pursuant to this Article, AHCCCS shall hand deliver or send by certified mail, return receipt requested, or Federal Express to the person, a written Notice of Intent to impose a penalty.
- B. The Notice of Intent shall include:
  1. The legal and factual basis for AHCCCS' determination that there has been a violation of A.R.S. §§ 36-2905.04 and/or 36-2991;
  2. The penalty;
  3. The amounts incurred by the system as a result of the violation of A.R.S. §§ 36-2905.04 and/or 36-2991, if AHCCCS intends to recoup those amounts through this process; and
  4. The procedure for requesting a State Fair Hearing.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-404 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-405. Failure to Respond to the Notice of Intent**

If a person fails to respond to the Notice of Intent within the time-frame described in A.A.C. § R9-22-406(A), AHCCCS shall uphold the penalty and recoupment amounts described in the Notice of Intent.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-405 adopted as an emergency

now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective February 23, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended as a permanent rule effective May 16, 1983; text of the amended rule similar to the emergency (Supp. 83-3).

Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-406. Request for State Fair Hearing**

- A. To dispute the agency action described in the Notice of Intent, the person shall file a written Request for State Fair Hearing with AHCCCS within sixty (60) days from the date of receipt of the Notice of Intent.
- B. If AHCCCS receives a timely request for a State Fair Hearing from the person, AHCCCS shall mail a Notice of Hearing pursuant to the Uniform Administrative Hearing Procedures described in A.R.S. Title 41, Chapter 6, Article 10.
- C. AHCCCS shall accept a written request for withdrawal of a hearing request if the written request for withdrawal is received from the person before AHCCCS mails a Notice of Hearing under the Uniform Administrative Hearing Procedures described in A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-406 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-406 repealed, new Section R9-22-406 adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Former Section R9-22-316 repealed, new Section R9-22-316 adopted as a permanent rule effective May 16, 1983; text of the Section identical to the emergency (Supp. 83-3). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-407. Burden of Proof**

- A. In any State Fair Hearing conducted under this Article, AHCCCS shall prove a violation of A.R.S. §§ 36-2905.04 and/or 36-2991, and any aggravating circumstances by a preponderance of the evidence.
- B. AHCCCS does not have to prove any specific intent to defraud.
- C. A person shall bear the burden of producing and proving by a preponderance of the evidence any affirmative defense or any circumstance that would justify reducing the amount of the penalty.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-408. Rescission of the Notice of Intent**

AHCCCS may rescind the Notice of Intent at any time prior to the State Fair Hearing without prejudice.

## Arizona Health Care Cost Containment System - Administration

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**ARTICLE 5. GENERAL PROVISIONS AND STANDARDS****R9-22-501. General Provisions and Standards - Related Definitions**

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

“Quality management” means a process used by professional health personnel through a formal program involving multiple organizational components and committees to:

Assess the degree to which services provided conform to desired medical standards and practices; and

Quality improvement or maintenance of care and services.

“Quality Improvement” means a process designed to achieve, through ongoing measurements and intervention, significant improvement that is sustained over time, in the areas of clinical care and non-clinical care and is expected to have a favorable effect on health outcomes and member satisfaction. Quality Improvement includes focusing organizational efforts on improving performance and utilizing data to develop intervention strategies to improve performance and outcomes.

“Utilization management/review” means a methodology used by professional health personnel to assess the medical indications, appropriateness, and efficiency of care provided. Utilization management applies to a contractor’s process to evaluate and approve or deny the medical necessity, appropriateness, efficacy and efficiency of health care services, procedures, or settings. Utilization review includes processes for prior authorization, concurrent review, retrospective review, and case management.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-501 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-501 repealed, former Section R9-22-502 renumbered and adopted without change as Section R9-22-501 effective October 1, 1983 (Supp. 83-5). Former Section R9-22-501 repealed, former Section R9-22-526 renumbered and amended as Section R9-22-501 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-502. Pre-existing Conditions**

- A. A contractor shall not impose a pre-existing condition exclusion with respect to covered services.
- B. A contractor or subcontractor shall not adopt or use any procedure to identify a person who has an existing or anticipated medical or psychiatric condition in order to discourage or exclude the person from enrolling in the contractor’s health plan or encourage the person to enroll in another health plan.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-502 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-502 renumbered without change as Section R9-22-501, former Sec-

tion R9-22-503 renumbered and amended as Section R9-22-502 effective October 1, 1983 (Supp. 83-5). Former Section R9-22-502 repealed, new Section R9-22-502 adopted effective October 1, 1985 (Supp. 85-5).

Amended effective December 8, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4). Amended by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-503. Provider Requirements Regarding Records**

The provider shall maintain records that meet uniform accounting standards and generally accepted practices for maintenance of medical records, including detailed specification of all patient services delivered, the rationale for delivery, and the service date. A provider shall maintain and upon request, make available to a contractor and to the Administration, financial and medical records relating to payment for not less than five years from the date of final payment, or for records relating to costs and expenses to which the Administration has taken exception, five years after the date of final disposition or resolution of the exception. Providers shall provide one copy of a medical record at no cost if requested by the member.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-503 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-503 renumbered and amended as Section R9-22-502, new Section R9-22-503 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended effective May 30, 1986 (Supp. 86-3). Amended subsection (D) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (F) and (G) effective December 22, 1987 (Supp. 87-4). Amended subsection (I) effective May 30, 1989 (Supp. 89-2).

Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). New Section made by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-504. Marketing; Prohibition Against Inducements; Misrepresentations; Discrimination; Sanctions**

- A. A contractor or the contractor’s marketing representative shall not offer or give any form of compensation or reward, or engage in any behavior or activity that may be reasonably construed as coercive, to induce or procure AHCCCS enrollment with the contractor. Any marketing solicitation offering a benefit, good, or service in excess of the covered services in Article 2 is deemed an inducement.
- B. A marketing representative shall not misrepresent itself, the contracting health plan represented, or the AHCCCS program, through false advertising, false statements, or in any other manner to induce a member of another contractor to enroll in the represented health plan. Violations of this subsection include, but are not limited to, false or misleading claims, inferences, or representations such as:
  1. A member will lose benefits under the AHCCCS program or lose any other health or welfare benefits to which a member is legally entitled, if the member does not enroll in the represented contracting health plan;



## Arizona Health Care Cost Containment System - Administration

2. Marketing representatives are employees of the state or representatives of the Administration, a county, or any health plan other than the health plan by which they are employed, or by which they are reimbursed; and
  3. The represented health plan is recommended or endorsed as superior to its competition by any state or county agency, or any organization, unless the organization has certified its endorsement in writing to the health plan and the Administration.
- C. A marketing representative shall not engage in any marketing or pre-enrollment practice that discriminates against a member because of race, creed, age, color, sex, religion, national origin, ancestry, marital status, sexual preference, physical or mental disability, or health status.
- D. The Administration shall hold a contractor responsible for a violation of this Section resulting from the performance of any marketing representative, subcontractor, agent, program, or process under the contractor's employ or direction and shall impose contract sanctions on the contractor as specified in contract.
- E. A contractor shall produce and distribute informational materials that are approved by the Administration to each enrolled member or designated representative after the contractor receives notification of enrollment from the Administration. The contractor shall ensure that the informational materials include, at a minimum:
1. A description of all covered services as specified in contract;
  2. An explanation of service limitations and exclusions;
  3. An explanation of the procedure for obtaining services;
  4. An explanation of the procedure for obtaining emergency services;
  5. An explanation of the procedure for filing a grievance and appeal; and
  6. An explanation of when plan changes may occur as specified in contract.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-504 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-504 repealed, former Section R9-22-505 renumbered and adopted without change as Section R9-22-504 effective October 1, 1983 (Supp. 83-5). Former Section R9-22-504 repealed, former Section R9-22-528 renumbered and amended as Section R9-22-504 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-505. Standards, Licensure, and Certification for Providers of Hospital and Medical Services**

A provider shall not provide hospital or medical services to a member unless the provider is licensed by the Arizona Department of Health Services and meets the requirements in 42 CFR 441 and 482, as of October 1, 2007, and 42 CFR 456 Subpart C, as of October 1, 2007, incorporated by reference, on file with the Administration and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation contains no future editions or amendments. An Indian Health Service (IHS) hospital and a Veterans Administration hospital shall not provide services to a member unless accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-505 adopted as an emergency expired, former Section R9-22-506 adopted as an emergency now adopted, amended and renumbered as Section R9-22-505 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-505 renumbered without change as Section R9-22-504, new Section R9-22-505 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-505 renumbered and amended as Section R9-22-509, former Section R9-22-527 renumbered and amended as Section R9-22-505 effective October 1, 1985 (Supp. 85-5). Editorial correction, spelling of "paraphernalia" in subsection (A) (Supp. 87-4). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). New Section made by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-506. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-506 adopted as an emergency adopted, amended and renumbered as Section R9-22-505, former Section R9-22-507 adopted as an emergency now adopted, amended and renumbered as Section R9-22-506 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-506 repealed, new Section R9-22-506 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-506 repealed, new Section R9-22-506 adopted effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsection (D) effective December 22, 1987 (Supp. 87-4). Repealed effective April 13, 1990 (Supp. 90-2). New Section adopted effective December 13, 1993 (Supp. 93-4). Repealed effective December 8, 1997 (Supp. 97-4).

**R9-22-507. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-507 adopted as an emergency adopted, amended and renumbered as Section R9-22-506, former Section R9-22-508 adopted as an emergency now adopted, amended and renumbered as Section R9-22-507 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-507 repealed, new Section R9-22-507 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-508. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-508 adopted as an emergency adopted, amended and renumbered as Section R9-22-507, former Section R9-22-509 adopted as an emergency now adopted, amended and renumbered as Section R9-22-508 as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective December 8, 1997 (Supp. 97-4).

## Arizona Health Care Cost Containment System - Administration

Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-509. Transition and Coordination of Member Care**

A. A contractor shall assist in the transition of members to and from other AHCCCS contractors.

1. Both the receiving and relinquishing contractor shall:
  - a. Coordinate with the other contractor to facilitate and schedule appointments for medically necessary services for the transitioned member within the Administration's timelines specified in the contract. If requested by the Administration, a contractor shall submit the policies and procedures regarding transition of members to the Administration for review and approval;
  - b. Assist in the referral of transitioned members to other community health agencies or county medical assistance programs for medically necessary services not covered by the Administration, as appropriate; and
  - c. Develop policies and procedures to be followed when transitioning members who have significant medical conditions; are receiving ongoing services; or have, at the time of the transition, received prior authorization or approval for undelivered, specific services.
2. The relinquishing contractor shall notify the receiving contractor of relevant information about the member's medical condition and current treatment regimens within the timelines defined in contract;
3. The relinquishing contractor shall forward medical records and other relevant materials to the receiving contractor. The relinquishing contractor shall bear the cost of reproducing and forwarding medical records and other relevant materials;
4. Within the timelines specified in contract, the receiving contractor shall ensure that the member selects or is assigned to a primary care provider, and provide the member with:
  - a. Information regarding the contractor's providers,
  - b. Emergency numbers, and
  - c. Instructions about how to obtain services.

B. A contractor shall not use a county or noncontracting provider health resource alternative to diminish the contractor's contractual responsibility or accountability for providing the full scope of covered services. The Administration may impose sanctions as described in contract if a contractor makes referrals to other agencies or programs to reduce expenses incurred by the contractor on behalf of its members.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-509 adopted as an emergency adopted, amended and renumbered as Section R9-22-508, former Section R9-22-510 adopted as an emergency now adopted and renumbered as Section R9-22-509 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-509 repealed, former Section R9-22-505 renumbered and amended as Section R9-22-509 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-510. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-510 adopted as an emergency adopted and renumbered as Section R9-22-509, former Section R9-22-511 adopted as an emergency now adopted, amended and renumbered as Section R9-22-510 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-510 repealed, new Section R9-22-510 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-511. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-511 adopted as an emergency adopted, amended and renumbered as Section R9-22-510, former Section R9-22-512 adopted as an emergency now adopted, amended and renumbered as Section R9-22-511 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-511 repealed, new Section R9-22-511 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-512. Release of Safeguarded Information**

A. The Administration, contractors, providers, and noncontracting providers shall limit the release of safeguarded information to persons or agencies for the following purposes in accordance with 45 CFR 160 and 45 CFR 164, October 1, 2004, and 42 CFR 431.300 through 431.307, October 1, 2004, incorporated by reference, on file with the Administration and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments:

1. Official purposes directly related to the administration of the AHCCCS program including:
  - a. Establishing eligibility and post-eligibility treatment of income, as applicable;
  - b. Determining the amount of medical assistance;
  - c. Providing services for members;
  - d. Performing evaluations and analysis of AHCCCS operations;
  - e. Filing liens on property as applicable;
  - f. Filing claims on estates, as applicable; and
  - g. Filing, negotiating, and settling medical liens and claims.
2. Law enforcement. The Administration may release safeguarded information without the applicant's or member's written or verbal consent, for the purpose of conducting or assisting an investigation, prosecution, or criminal or civil proceeding related to the administration of the AHCCCS program.
3. The Administration may release safeguarded member information to a review committee in accordance with the provisions of A.R.S. § 36-2917, without the consent of the applicant or member.

B. Except as provided in subsection (A), the Administration, contractors, providers, and noncontracting providers shall disclose safeguarded information only to:

1. An applicant;
2. A member;

## Arizona Health Care Cost Containment System - Administration

3. An unemancipated minor, with written permission of a parent, custodial relative, or designated representative, if:
    - a. An Administration employee, authorized representative, or responsible caseworker is present during the examination of the safeguarded information; or
    - b. After written notification to the provider, and at a reasonable time and place.
  4. Persons authorized by the applicant or member; or
  5. A court order or subpoena compliant with 45 CFR 164.512(e), October 1, 2004, incorporated by reference, on file with the Administration and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments.
- C. The Administration, contractors, providers, and noncontracting providers shall safeguard identifiable information, protected health information as specified in 45 CFR 160, and information obtained in the course of application for or re-determination of eligibility concerning an applicant or member, that includes, but is not limited to the following:
1. Name and address;
  2. Social Security number;
  3. Social and economic conditions or circumstances;
  4. Agency evaluation of personal information;
  5. Medical data and information concerning medical services received, including diagnosis and history of disease or disability;
  6. State Data Exchange (SDX) tapes, and other types of information received from outside sources for the purpose of verifying income eligibility and amount of medical assistance payments; and
  7. Any information received in connection with the identification of legally liable third-party resources.
- D. The restriction upon disclosure of information in this Section does not apply to:
1. De-identified information as described by 45 CFR 164.514, October 1, 2004, incorporated by reference in subsection (A); or
  2. A disclosure, in response to a request for information, that complies with 45 CFR 160 and 45 CFR 164, October 1, 2004, and 42 CFR 431.300 through 431.307, October 1, 2004, incorporated by reference in subsection (A).
- E. A provider shall furnish records requested by the Administration or a contractor to the Administration or the contractor at no charge.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-512 adopted as an emergency adopted, amended and renumbered as Section R9-22-511, former Section R9-22-513 adopted as an emergency now adopted and renumbered as Section R9-22-512 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-512 repealed, new Section R9-22-512 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 13, 1993 (Supp. 93-4). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-513. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-

3). Former Section R9-22-513 adopted as an emergency adopted and renumbered as Section R9-22-512, former Section R9-22-514 adopted as an emergency now adopted, amended and renumbered as Section R9-22-513 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-513 repealed, former Section R9-22-526 renumbered and amended as Section R9-22-513 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-514. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-514 adopted as an emergency adopted, amended and renumbered as Section R9-22-513, former Section R9-22-515 adopted as an emergency now adopted, amended and renumbered as Section R9-22-514 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-514 repealed, former Section R9-22-517 renumbered and amended as Section R9-22-514 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-515. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-515 adopted as an emergency adopted, amended and renumbered as Section R9-22-514, former Section R9-22-517 adopted as an emergency now adopted, amended and renumbered as Section R9-22-515 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-515 repealed, former Section R9-22-522 renumbered and amended as Section R9-22-515 effective October 1, 1985 (Supp. 85-5). Repealed effective December 8, 1997 (Supp. 97-4).

**R9-22-516. Renumbered****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-516 adopted as an emergency expired, former Section R9-22-518 adopted as an emergency now adopted, amended and renumbered as Section R9-22-516 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-516 renumbered as Section R9-22-513 effective October 1, 1985 (Supp. 85-5).

**R9-22-517. Renumbered****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-517 adopted as an emergency adopted, amended and renumbered as Section R9-22-515, former Section R9-22-519 adopted as an emergency now adopted and renumbered and amended as Section R9-22-517 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-517 renumbered and

## Arizona Health Care Cost Containment System - Administration

amended as Section R9-22-514 effective October 1, 1985 (Supp. 85-5).

**R9-22-518. Information to Enrolled Members**

- A. Each contractor shall produce and distribute printed informational materials to each member or family unit no later than 10 days of receipt of notification of enrollment from the Administration. The contractor shall ensure that the informational materials meet the requirements specified in the contractor's current contract.
- B. A contractor shall provide a member with the name, address, and telephone number of the member's primary care provider no later than 10 days from the date of enrollment. The contractor shall include information on how the member may change primary care providers.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-518 adopted as an emergency adopted, amended and renumbered as Section R9-22-516, former Section R9-22-520 adopted as an emergency now adopted, amended and renumbered as Section R9-22-518 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-518 repealed, new Section R9-22-518 adopted effective October 1, 1985 (Supp. 85-5).

Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-519. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-519 adopted as an emergency adopted, amended and renumbered as Section R9-22-517, former Section R9-22-521 adopted as an emergency now adopted, amended and renumbered as Section R9-22-519 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-519 repealed, new Section R9-22-519 adopted effective October 1, 1985 (Supp. 85-5).

Repealed effective December 8, 1997 (Supp. 97-4).

**R9-22-520. Expired****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-520 adopted as an emergency adopted, amended and renumbered as Section R9-22-518, former Section R9-22-522 adopted as an emergency now adopted, amended and renumbered as Section R9-22-520 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-520 repealed, new Section R9-22-520 adopted effective October 1, 1985 (Supp. 85-5).

Amended effective December 13, 1993 (Supp. 93-4). Amended effective December 8, 1997 (Supp. 97-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4851, effective October 9, 2002 (Supp. 02-4).

**R9-22-521. Program Compliance Audits**

- A. The Administration shall conduct an onsite program compliance audit of a contractor at least once every three years during the term of the Administration's contract with the contractor. The Administration may conduct, without prior notice, inspections

of contractor facilities or perform other elements of a program compliance audit.

- B. An audit team may perform any or all of the following procedures:

1. Conduct private interviews and group conferences with members, physicians, other health professionals, and members of the contractor's administrative staff including, but not limited to, the contractor's principal management persons;
2. Examine records, books, reports, and papers of the contractor and any management company, and all providers or subcontractors providing health care and other services. The examination may include, but need not be limited to: minutes of medical staff meetings, peer review and quality of care review records, duty rosters of medical personnel, appointment records, written procedures for the internal operation of the health plan, contracts and correspondence with members and with providers of health care services and other services to the plan, and additional documentation deemed necessary by the Administration to review the quality of medical care.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-521 adopted as an emergency adopted, amended and renumbered as Section R9-22-519, former Section R9-22-523 adopted as an emergency now adopted, amended and renumbered as Section R9-22-521 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-521 repealed, new Section R9-22-521 adopted effective October 1, 1985 (Supp. 85-5).

Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

*Editor's Note: The following Section was amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General has not certified this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-522. Quality Management/Utilization Management (QM/UM) Requirements**

- A. A contractor shall comply with Quality Management/Utilization Management (QM/UM) requirements specified in this Section and in contract. The contractor shall ensure compliance with QM/UM requirements that are accomplished through delegation or subcontract with another party.
- B. In addition to any requirements specified in contract, a contractor shall:
  1. Submit to the Administration a written QM/UM plan that includes a description of the systems, methodologies, protocols, and procedures to be used in:
    - a. Monitoring and evaluating the types of services provided,
    - b. Identifying the numbers and costs of services provided,
    - c. Assessing and improving the quality and appropriateness of care and services,
    - d. Evaluating the outcome of care provided to members, and

## Arizona Health Care Cost Containment System - Administration

- e. Determining the actions necessary to improve service delivery;
2. Submit the QM/UM plan to the Administration on an annual basis within timelines specified in contract. If the QM/UM plan is changed during the year, the contractor shall submit the revised plan to the Administration before implementation;
3. Receive approval from the Administration before implementing the initial or revised QM/UM plan;
4. Ensure that a QM/UM committee operates under the control of the contractor's medical director and includes representation from medical and executive management personnel. The committee shall:
  - a. Oversee the development, revision, and implementation of the QM/UM plan; and
  - b. Ensure that there are qualified QM/UM personnel and sufficient resources to implement the contractor's QM/UM activities; and
5. Ensure that the QM/UM activities include at least:
  - a. Prior authorization for non-emergency or scheduled hospital admissions;
  - b. Concurrent review of inpatient hospitalization;
  - c. Retrospective review of hospital claims;
  - d. Program and provider audits designed to detect over- or under-utilization, service delivery effectiveness, and outcome;
  - e. Medical records audits;
  - f. Surveys to determine satisfaction of members;
  - g. Assessment of the adequacy and qualifications of the contractor's provider network;
  - h. Review and analysis of QM/UM data;
  - i. Measurement of performance using objective quality indicators;
  - j. Ensuring individual and systemic quality of care;
  - k. Integrating quality throughout the organization;
  - l. Process improvement;
  - m. Credentialing a provider network;
  - n. Resolving quality of care grievances; and
  - o. Quality improvement activities focused on improving the quality of care and the efficient, cost-effective delivery and utilization of services.
- C. A member's primary care provider shall maintain medical records that:
  1. Conform to professional medical standards and practices for documentation of medical diagnostic and treatment data;
  2. Facilitate follow-up treatment; and
  3. Permit professional medical review and medical audit processes.
- D. Within 30 days following termination of the contract between a subcontractor and a contractor, the subcontractor or the subcontractor's designee shall forward to the primary care provider medical records or copies of medical records of all members assigned to the subcontractor or for whom the subcontractor has provided services.
- E. The Administration shall monitor each contractor and the contractor's providers to ensure compliance with Administration QM/UM requirements and adherence to the contractor's QM/UM plan.
  1. A contractor and the contractor's providers shall cooperate with the Administration in the performance of the Administration's QM/UM monitoring activities; and
  2. A contractor and the contractor's providers shall develop and implement mechanisms for correcting deficiencies identified through the Administration's QM/UM monitoring.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-522 adopted as an emergency adopted, amended and renumbered as Section R9-22-520, former Section R9-22-524 adopted as an emergency now adopted and renumbered as Section R9-22-522 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-522 renumbered and amended as Section R9-22-515, new Section R9-22-522 adopted effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-523. Expired****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-523 adopted as an emergency adopted, amended and renumbered as Section R9-22-521, former Section R9-22-525 adopted as an emergency now adopted, amended and renumbered as Section R9-22-523 as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4851, effective October 9, 2002 (Supp. 02-4).

**R9-22-524. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-524 adopted as an emergency adopted and renumbered as Section R9-22-522, former Section R9-22-526 adopted as an emergency now adopted, amended and renumbered as Section R9-22-524 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-524 repealed, new Section R9-22-524 adopted effective October 1, 1985 (Supp. 85-4). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-525. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-525 adopted as an emergency adopted, amended and renumbered as Section R9-22-523, former Section R9-22-527 adopted as an emergency now adopted, amended and renumbered as Section R9-22-525 as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1985 (Supp. 85-5).

**R9-22-526. Renumbered****Historical Note**

Adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of the permanent rule identical to the emer-

## Arizona Health Care Cost Containment System - Administration

gency (Supp. 83-3). Former Section R9-22-526 repealed, new Section R9-22-526 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-526 renumbered and amended as Section R9-22-501 effective October 1, 1985 (Supp. 85-1).

**R9-22-527. Renumbered****Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-527 renumbered and amended as Section R9-22-505 effective October 1, 1985 (Supp. 85-5).

**R9-22-528. Renumbered****Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-528 renumbered and amended as Section R9-22-504 effective October 1, 1985 (Supp. 85-5).

**R9-22-529. Renumbered****Historical Note**

Adopted as Section R9-22-529 effective October 1, 1985, then renumbered as Section R9-22-1002 effective October 1, 1985 (Supp. 85-5).

**ARTICLE 6. RFP AND CONTRACT PROCESS****R9-22-601. General Provisions**

- A. The Director has full operational authority to adopt rules for the RFP process and the award of contracts under A.R.S. § 36-2906.
- B. This Article applies to the award of contracts under A.R.S. §§ 36-2904 and 36-2906 to provide services under A.R.S. § 36-2907 and the expenditure of public monies by the Administration pertaining to covered services when the procurement so states. The Administration shall establish conflict-of-interest safeguards for officers and employees of this state with responsibilities relating to contracts that comply with 42 U.S.C. 1396u-2(d)(3).
- C. The Administration is exempt from the procurement code under A.R.S. § 41-2501.
- D. The Administration and contractors shall retain all contract records for five years under A.R.S. § 36-2903 and dispose of the records under A.R.S. § 41-2550.
- E. The following terms are defined as related to this Article: "Procurement file" means the official records file of the Director whether located in the Office of the Director or at the public procurement unit. The procurement file shall include in electronic or paper form a list of notified vendors, final solicitation, solicitation amendments, bids/offers, final proposal revisions, clarifications, and final evaluation report.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-601 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1983 (Supp. 83-5). Adopted effective July 16, 1985 (Supp. 85-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2340, effective November 11, 2012 (Supp. 12-3).

**R9-22-602. RFP**

- A. RFP content. The Administration shall include the following items in any RFP under this Article:
  1. Instructions and information to an offeror concerning the proposal submission including:
    - a. The deadline for submitting a proposal,
    - b. The address of the office at which a proposal is to be received,
    - c. The period during which the RFP remains open, and
    - d. Any special instructions and information;
  2. The scope of covered services under Article 2 of this Chapter and A.R.S. §§ 36-2906 and 36-2907, covered populations, geographic coverage, service and performance requirements, and a delivery or performance schedule;
  3. The contract terms and conditions, including bonding or other security requirements, if applicable;
  4. The factors used to evaluate a proposal;
  5. The location and method of obtaining documents that are incorporated by reference in the RFP;
  6. A requirement that the offeror acknowledge receipt of all RFP amendments issued by the Administration;
  7. The type of contract to be used and a copy of a proposed contract form or provisions;
  8. The length of the contract service;
  9. A requirement for cost or pricing data;
  10. The minimum RFP requirements; and
  11. A provision requiring an offeror to certify that a submitted proposal does not involve collusion or other anti-competitive practices.
- B. Proposal process.
  1. After the deadline for submitting proposals, the Administration may open a proposal publicly and announce and record the name of the offeror. The Administration shall keep all other information contained in a proposal confidential. The Administration shall open a proposal for public inspection after contract award unless the Administration determines that disclosure is not in the best interest of the state.
  2. The Administration shall evaluate a proposal based on the GSA and the evaluation factors listed in the RFP.
  3. The Administration may initiate discussions with a responsive and responsible offeror to clarify and assure full understanding of an offeror's proposal. The Administration shall provide an offeror fair treatment with respect to discussion and revision of a proposal. The Administration shall not disclose information derived from a proposal submitted by a competing offeror.
  4. The Administration shall allow for the adjustment of covered services by expansion, deletion, segregation, or combination in order to secure the most financially advantageous proposals for the state.
  5. The Administration may conduct an investigation of a person or organization who has ownership or management interests in corporate offerors or affiliated corporate organizations of an offeror.
  6. The Administration may issue a written request for best and final offers. The Administration shall state in the request the date, time, and place for the submission of best and final offers.
  7. The Administration shall not request best and final offers more than once unless the Administration determines that it is advantageous to the state to request additional best and final offers. The Administration shall state in the written request for best and final offers that if the offeror does not submit a notice of withdrawal or a best and final

## Arizona Health Care Cost Containment System - Administration

offer, the Administration shall take the most recent offer as the offeror's best and final offer.

**C. Proposal rejection.**

1. The Administration may reject an offeror's proposal if the offeror fails to supply the information requested by the Administration.
2. The offeror shall not disclose information pertaining to its proposal to any other offeror prior to contract award. The offeror may disclose proposal information to a person other than another offeror if the recipient agrees to keep the information confidential until contract award. Disclosure in violation of this subsection may be grounds for rejecting a proposal.
3. The Administration shall provide written notification to an offeror whose proposal is rejected. The rejection notice shall be part of the contract file and a public record.
4. If the Administration determines that it is in the best interest of the state, the Administration may reject any and all proposals, in whole or in part, under the RFP. The reasons for rejection shall be part of the contract file. An offeror shall have no right to damages for any claims against the state, the state's employees, or agents if a proposal is rejected in whole or in part.

- D. Proposal cancellation.** If the Administration determines that it is in the best interest of the state, the Administration may cancel a RFP. The reasons for cancellation shall be part of the contract file. An offeror shall have no right to damages for any claims against the state, the state's employees, or agents if a RFP is cancelled.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-602 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1983 (Supp. 83-5). Adopted effective July 16, 1985 (Supp. 85-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1).

**R9-22-603. Contract Award**

The Administration shall award a contract to the responsible and responsive offeror whose proposal is determined most advantageous to the state under A.R.S. § 36-2906. If the Administration determines that multiple contracts are in the best interest of the state, the Administration may award multiple contracts. The contract file shall contain the basis on which the award is made.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-603 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1983 (Supp. 83-5). Adopted effective July 16, 1985 (Supp. 85-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1).

**R9-22-604. Contract or Proposal Protests; Appeals**

- A.** Disputes related to contract performance. This Section does not apply to a dispute related to contract performance. A contract performance dispute is governed by 9 A.A.C. 34.
- B.** Resolution of a proposal protest. The procurement officer issuing a RFP shall have the authority to resolve proposal protests. An appeal from the decision of the procurement officer shall be made to the Director.
- C.** Filing of a protest.
1. A person may file a protest with the procurement officer regarding:
    - a. A RFP issued by the Administration,
    - b. A proposed award, or
    - c. An award of a contract.
  2. A protester shall submit a written protest and include the following information:
    - a. The name, address, and telephone number of the protester;
    - b. The signature of the protester or protester's representative;
    - c. Identification of a RFP or contract number;
    - d. A detailed statement of the legal and factual grounds of the protest including copies of any relevant documents; and
    - e. The relief requested.
- D.** Time for filing a protest.
1. A protester filing a protest alleging improprieties in an RFP or an amendment to an RFP shall file the protest at least 14 days before the due date of receipt of proposals.
  2. Any protest alleging improprieties in an amendment issued 14 or fewer days before the due date of the proposal shall be filed before the due date for receipt of proposals.
  3. In cases other than those covered in subsections (D)(1) and (2), a protester shall file a protest no later than 10 days after the procurement officer makes the procurement file available for public inspection.
- E.** Stay of procurement during the protest. If a protester files a protest before the contract award, the procurement officer may issue a written stay of the contract award. In considering whether to issue a written stay of contract, the procurement officer shall consider but is not limited to considering whether:
1. A reasonable probability exists that the protest will be sustained, and
  2. The stay of the contract award is in the best interest of the state.
- F.** Stay of contract award during an appeal to the Director. The Director shall automatically continue the stay of a contract award if:
1. An appeal is filed before a contract award, and
  2. The procurement officer issues a stay of the contract award under subsection (E), unless
  3. The Director issues a written determination that the contract award is necessary to protect the best interest of the state.
- G.** Decision by the procurement officer.
1. The procurement officer shall issue a written decision no later than 14 days after a protest has been filed. The decision shall contain an explanation of the basis of the decision.
  2. The procurement officer shall furnish a copy of the decision to the protester by:
    - a. Certified mail, return receipt requested; or
    - b. Any other method that provides evidence of receipt.
  3. The Administration may extend, for good cause, the time-limit for decisions in subsection (G)(1) for a time not to exceed 30 days. The procurement officer shall notify the

## Arizona Health Care Cost Containment System - Administration

protester in writing that the time for the issuance of a decision has been extended and the date by which a decision shall be issued.

4. If the procurement officer fails to issue a decision within the time-limits in subsection (G)(1) or (G)(3), the protester may proceed as if the procurement officer issued an adverse decision.

**H. Remedies.**

1. If the procurement officer sustains the protest in whole or in part and determines that the RFP, proposed contract award, or contract award does not comply with applicable statutes and rules, the procurement officer shall order an appropriate remedy.
2. In determining an appropriate remedy, the procurement officer shall consider all the circumstances of the procurement or proposed procurement, including:
  - a. Seriousness of the procurement deficiency,
  - b. Degree of prejudice to other interested parties or to the integrity of the RFP process,
  - c. Good faith of the parties,
  - d. Extent of performance,
  - e. Costs to the state, and
  - f. Urgency of the procurement.
  - g. Best interest of the state.
3. An appropriate remedy may include one or more of the following:
  - a. Terminating the contract;
  - b. Reissuing the RFP;
  - c. Issuing a new RFP;
  - d. Awarding a contract consistent with statutes, rules, and the terms of the RFP; or
  - e. Any relief determined necessary to ensure compliance with applicable statutes and rules.

**I. Appeals to the Director.**

1. A person may file an appeal of a procurement officer's decision with both the Director and the procurement officer no later than five days from the date the decision is received. The date the decision is received shall be determined under subsection (G)(2).
2. The appeal shall contain:
  - a. The information required in subsection (C)(2),
  - b. A copy of the procurement officer's decision,
  - c. The alleged factual or legal error in the decision of the procurement officer on which the appeal to the Director is based, and
  - d. A request for hearing unless the person requests that the Director's decision be based solely upon the procurement file.

**J. Dismissal.** The Director shall not schedule a hearing and shall dismiss an appeal with a written determination if:

1. The appeal does not state a basis for protest,
2. The appeal is untimely under subsection (I)(1), or
3. The appeal is moot.

**K. Hearing.** Hearings under this Section shall be conducted using the Arizona Administrative Procedure Act under A.R.S. Title 41, Ch. 6.**Historical Note**

Adopted effective July 16, 1985 (Supp. 85-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2340, effective November 11, 2012 (Supp. 12-3).

**R9-22-605. Waiver of Contractor's Subcontract with Hospi-****tals**

If a contractor is unable to obtain a subcontract with a hospital as contractually required, the contractor may request in writing a waiver from the Administration as allowed by A.R.S. § 36-2906. The contractor shall state in the request the reasons a waiver is believed to be necessary and all efforts the contractor has made to secure a subcontract.

**Historical Note**

Adopted effective January 31, 1986 (Supp. 86-1). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). New Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2340, effective November 11, 2012 (Supp. 12-3).

**R9-22-606. Contract Compliance Sanction**

- A.** The Director may impose sanctions upon a contractor for violation of any provision of this Chapter or of a contract. Sanctions include but are not limited to:
  1. Suspension of any or all further member enrollment, by choice and/or assignment for a period of time.
  2. Imposition of a monetary sanction.
- B.** The Director shall consider the nature, severity, and length of the violation when determining a sanction.
- C.** The Director shall provide a contractor with written notice specifying grounds and terms for the sanction.
- D.** Nothing contained in this Section shall be construed to prevent the Administration from imposing sanctions as provided in contract under A.R.S. § 36-2903.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2340, effective November 11, 2012 (Supp. 12-3).

**ARTICLE 7. STANDARDS FOR PAYMENTS****R9-22-701. Standard for Payments Related Definitions**

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

"Accommodation" means room and board services provided to a patient during an inpatient hospital stay and includes all staffing, supplies, and equipment. The accommodation is semi-private except when the member must be isolated for medical reasons. Types of accommodation include hospital routine medical/surgical units, intensive care units, and any other specialty care unit in which room and board are provided.

"Aggregate" means the combined amount of hospital payments for covered services provided within and outside the GSA.

"AHCCCS inpatient hospital day or days of care" means each day of an inpatient stay for a member beginning with the day of admission and including the day of death, if applicable, but excluding the day of discharge, provided that all eligibility, medical necessity, and medical review requirements are met.

"Ancillary service" means all hospital services for patient care other than room and board and nursing services, including but not limited to, laboratory, radiology, drugs, delivery room (including maternity labor room), operating room (including postanesthesia and postoperative recovery rooms), and therapy services (physical, speech, and occupational).



## Arizona Health Care Cost Containment System - Administration

“APC” means the Ambulatory Payment Classification system under 42 CFR 419.31 used by Medicare for grouping clinically and resource-similar procedures and services.

“Billed charges” means charges for services provided to a member that a hospital includes on a claim consistent with the rates and charges filed by the hospital with Arizona Department of Health Services (ADHS).

“Business agent” means a company such as a billing service or accounting firm that renders billing statements and receives payment in the name of a provider.

“Capital costs” means costs as reported by the hospital to CMS as required by 42 CFR 413.20.

“Copayment” means a monetary amount, specified by the Director, that a member pays directly to a contractor or provider at the time covered services are rendered.

“Cost-to-charge ratio” (CCR) means a hospital’s costs for providing covered services divided by the hospital’s charges for the same services. The CCR is the percentage derived from the cost and charge data for each revenue code provided to AHCCS by each hospital.

“Covered charges” means billed charges that represent medically necessary, reasonable, and customary items of expense for covered services that meet medical review criteria of AHCCS or a contractor.

“CPT” means Current Procedural Terminology, published and updated by the American Medical Association. CPT is a nationally-accepted listing of descriptive terms and identifying codes for reporting medical services and procedures performed by physicians that provide a uniform language to accurately designate medical, surgical, and diagnostic services.

“Critical Access Hospital” is a hospital certified by Medicare under 42 CFR 485 Subpart F and 42 CFR 440.170(g). “Direct graduate medical education costs” or “direct program costs” means the costs that are incurred by a hospital for the education activities of an approved graduate medical education program that are the proximate result of training medical residents in the hospital, including resident salaries and fringe benefits, the portion of teaching physician salaries and fringe benefits that are related to the time spent in teaching and supervision of residents, and other related GME overhead costs.

“DRI inflation factor” means Global Insights Prospective Hospital Market Basket.

“Eligibility posting” means the date a member’s eligibility information is entered into the AHCCCS Pre-paid Medical Management Information System (PMMIS).

“Encounter” means a record of a medically-related service rendered by an AHCCCS-registered provider to a member enrolled with a contractor on the date of service.

“Existing outpatient service” means a service provided by a hospital before the hospital files an increase in its charge master as defined in R9-22-712(G), regardless of whether the service was explicitly described in the hospital charge master before filing the increase or how the service was described in the charge master before filing the increase.

“Expansion funds” means funds appropriated to support GME program expansions as described under A.R.S. § 36-2903.01(G)(9)(b) and (c)(i).

“Factor” means a person or an organization, such as a collection agency or service bureau, that advances money to a pro-

vider for accounts receivable that the provider has assigned, sold, or transferred to the organization for an added fee or a deduction of a portion of the accounts receivable. Factor does not include a business agent.

“Fiscal intermediary” means an organization authorized by CMS to make determinations and payments for Part A and Part B provider services for a given region.

“Freestanding Children’s Hospital” means a separately standing hospital with at least 120 pediatric beds that is dedicated to provide the majority of the hospital’s services to children.

“GME program approved by the Administration” or “approved GME program” means a graduate medical education program that has been approved by a national organization as described in 42 CFR 415.152.

“Graduate medical education (GME) program” means an approved residency program that prepares a physician for independent practice of medicine by providing didactic and clinical education in a medical environment to a medical student who has completed a recognized undergraduate medical education program.

“HCAC” means a health care acquired condition described under 42 CFR 447.26 but does not include Deep Vein Thrombosis (DVT)/Pulmonary Embolism (PE) as related to total knee replacement or hip replacement surgery in pediatric and obstetric patients.

“HCPCS” means the Health Care Procedure Coding System, published and updated by Center for Medicare and Medicaid Services (CMS). HCPCS is a listing of codes and descriptive terminology used for reporting the provision of physician services, other health care services, and substances, equipment, supplies or other items used in health care services.

“HIPAA” means the Health Insurance Portability and Accountability Act of 1996, as specified under 45 CFR 162, that establishes standards and requirements for the electronic transmission of certain health information by defining code sets used for encoding data elements, such as tables of terms, medical concepts, medical diagnostic codes, or medical procedure codes.

“ICU” means the intensive care unit of a hospital.

“Indirect program costs” means the marginal increase in operating costs that a hospital experiences as a result of having an approved graduate medical education program and that is not accounted for by the hospital’s direct program costs.

“Intern and Resident Information System” means a software program used by teaching hospitals and the provider community for collecting and reporting information on resident training in hospital and non-hospital settings.

“Medical education costs” means direct hospital costs for intern and resident salaries, fringe benefits, program costs, nursing school education, and paramedical education, as described in the Medicare Provider Reimbursement Manual.

“Medical review” means a clinical evaluation of documentation conducted by AHCCCS or a contractor for purposes of prior authorization, concurrent review, post-payment review, or determining medical necessity. The criteria for medical review are established by AHCCCS or a contractor based on medical practice standards that are updated periodically to reflect changes in medical care.

“Medicare Urban or Rural Cost-to-Charge Ratio (CCR)” means statewide average capital cost-to-charge ratio published

## Arizona Health Care Cost Containment System - Administration

annually by CMS added to the urban or rural statewide average operating cost-to-charge ratio published annually by CMS.

“National Standard code sets” means codes that are accepted nationally in accordance with federal requirements under 45 CFR 160 and 45 CFR 164.

“New hospital” means a hospital for which Medicare Cost Report claim and encounter data are not available for the fiscal year used for initial rate setting or rebasing.

“NICU” means the neonatal intensive care unit of a hospital that is classified as a Level II or Level III perinatal center by the Arizona Perinatal Trust.

“Non-IHS Acute Hospital” means a hospital that is not run by Indian Health Services, is not a free-standing psychiatric hospital, such as an IMD, and is paid under ADHS rates.

“Observation day” means a physician-ordered evaluation period of less than 24 hours to determine whether a person needs treatment or needs to be admitted as an inpatient. Each observation day consists of a period of 24 hours or less.

“Operating costs” means AHCCCS-allowable accommodation costs and ancillary department hospital costs excluding capital and medical education costs.

“OPPC” means an Other Provider Preventable Condition that is: (1) a wrong surgical or other invasive procedure performed on a patient, (2) a surgical or other invasive procedure performed on the wrong body part, or (3) a surgical or other invasive procedure performed on the wrong patient.

“Organized health care delivery system” means a public or private organization that delivers health services. It includes, but is not limited to, a clinic, a group practice prepaid capitation plan, and a health maintenance organization.

“Outlier” means a hospital claim or encounter in which the operating costs per day for an AHCCCS inpatient hospital stay meet the criteria described under this Article and A.R.S. § 36-2903.01(G).

“Outpatient hospital service” means a service provided in an outpatient hospital setting that does not result in an admission.

“Ownership change” means a change in a hospital’s owner, lessor, or operator under 42 CFR 489.18(a).

“Participating institution” means an institution at which portions of a graduate medical education program are regularly conducted and to which residents rotate for an educational experience for at least one month.

“Peer group” means hospitals that share a common, stable, and independently definable characteristic or feature that significantly influences the cost of providing hospital services, including specialty hospitals that limit the provision of services to specific patient populations, such as rehabilitative patients or children.

“PPC” means prior period coverage. PPC is the period of time, prior to the member’s enrollment, during which a member is eligible for covered services. The time-frame is the first day of the month of application or the first eligible month, whichever is later, until the day a member is enrolled with a contractor.

“PPS bed” means Medicare-approved Prospective Payment beds for inpatient services as reported in the Medicare cost reports for the most recent fiscal year for which the Administration has a complete set of Medicare cost reports for every rural hospital as determined as of the first of February of each year.

“Procedure code” means the numeric or alphanumeric code listed in the CPT or HCPCS manual by which a procedure or service is identified.

“Prospective rates” means inpatient or outpatient hospital rates set by AHCCCS in advance of a payment period and representing full payment for covered services excluding any quick-pay discounts, slow-pay penalties, and first-and third-party payments regardless of billed charges or individual hospital costs.

“Public hospital” means a hospital that is owned and operated by county, state, or hospital health care district.

“Qualifying health information exchange organization” means a non-profit health information organization as defined in A.R.S. § 36-3801 that provides the statewide exchange of patient health information among disparate health care organizations and providers not owned, operated, or controlled by the health information exchange. A qualifying health information exchange organization must include representation by the administration on its board of directors, and have a significant number of health care participants, including hospitals, laboratories, payers, community physicians and Federally Qualified Health Centers.

“Rebase” means the process by which the most currently available and complete Medicare Cost Report data for a year and AHCCCS claim and encounter data for the same year are collected and analyzed to reset the Inpatient Hospital Tiered per diem rates, or the Outpatient Hospital Capped Fee-For-Service Schedule.

“Reinsurance” means a risk-sharing program provided by AHCCCS to contractors for the reimbursement of specified contract service costs incurred by a member beyond a certain monetary threshold.

“Remittance advice” means an electronic or paper document submitted to an AHCCCS-registered provider by AHCCCS to explain the disposition of a claim.

“Resident” means a physician engaged in postdoctoral training in an accredited graduate medical education program, including an intern and a physician who has completed the requirements for the physician’s eligibility for board certification.

“Revenue code” means a numeric code, that identifies a specific accommodation, ancillary service, or billing calculation, as defined by the National Uniform Billing committee for UB-04 forms.

“Sub-acute services” means inpatient care for a patient with an acute illness, injury or exacerbation of a disease process when the patient does not require acute inpatient hospitalization. Sub-acute care is rendered immediately after, or instead of, acute inpatient hospitalization.

“Specialty facility” means a facility where the service provided is limited to a specific population, such as rehabilitative services for children.

“Sponsoring institution” means the institution or entity that is recognized by the GME accrediting organization and designated as having ultimate responsibility for the assurance of academic quality and compliance with the terms of accreditation.

“Tier” means a grouping of inpatient hospital services into levels of care based on diagnosis, procedure, or revenue codes, peer group, NICU classification level, or any combination of these items.

## Arizona Health Care Cost Containment System - Administration

“Tiered per diem” means an AHCCCS capped fee schedule in which payment is made on a per-day basis depending upon the tier (or tiers) into which an AHCCCS inpatient hospital day of care is assigned.

“Trip” means a one-way transport each time a taxi is called. If the taxi waits for the member then the transport continues to be part of the one-way trip. If the taxi leaves and is called to pick up the member, that is considered a new one-way trip.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-701 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-701 repealed, new Section R9-22-701 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Section repealed; new Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 12 A.A.R. 2188, effective June 6, 2006 (Supp. 06-2). Amended by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 1782, effective June 30, 2007 (Supp. 07-2). Amended by exempt rulemaking at 13 A.A.R. 3190, effective October 1, 2007 (Supp. 07-3). Amended by exempt rulemaking at 13 A.A.R. 4032, effective November 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 1956, effective September 6, 2014; amended by exempt rulemaking at 20 A.A.R. 2755, effective January 1, 2015 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4).

**R9-22-701.01. Reserved**

**R9-22-701.02. Reserved**

**R9-22-701.03. Reserved**

**R9-22-701.04. Reserved**

**R9-22-701.05. Reserved**

**R9-22-701.06. Reserved**

**R9-22-701.07. Reserved**

**R9-22-701.08. Reserved**

**R9-22-701.09. Reserved**

**R9-22-701.10 Scope of the Administration’s and Contractor’s Liability**

The Administration shall bear no liability for providing covered services for any member beyond the date of termination of the member’s eligibility or during the member’s enrollment with a contractor. A contractor has no financial responsibility for services provided to a member beyond the last date of enrollment except as provided in Articles 2 and 5 of this Chapter and as specified in contract.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1).

**R9-22-702. Charges to Members**

**A.** For purposes of this subsection, the term “member” includes the member’s financially responsible representative as described under A.R.S. § 36-2903.01.

- B.** Registered providers must accept payment from the Administration or a contractor as payment in full.
- C.** Except as provided in subsection (D) a registered provider shall not request or collect payment from, refer to a collection agency, or report to a credit reporting agency an eligible person or a person claiming to be an eligible person.
- D.** An AHCCCS registered provider may charge, submit a claim to, or demand or collect payment from a member:
  - 1. To collect the copayment described in R9-22-711;
  - 2. To recover from a member that portion of a payment made by a third party to the member for an AHCCCS covered service if the member has not transferred the payment to the Administration or the contractor as required by the statutory assignment of rights to AHCCCS;
  - 3. To obtain payment from a member for medical expenses incurred during a period when the member intentionally withheld information or intentionally provided inaccurate information pertaining to the member’s AHCCCS eligibility or enrollment that caused payment to the provider to be reduced or denied;
  - 4. For a service that is excluded by statute or rule, or provided in an amount that exceeds a limitation in statute or rule, if the member signs a document in advance of receiving the service stating that the member understands the service is excluded or is subject to a limit and that the member will be financially responsible for payment for the excluded service or for the services in excess of the limit;
  - 5. When the contractor or the Administration has denied authorization for a service if the member signs a document in advance of receiving the service stating that the member understands that authorization has been denied and that the member will be financially responsible for payment for the service;
  - 6. For services requested for a member enrolled with a contractor, and rendered by a noncontracting provider under circumstances where the member’s contractor is not responsible for payment of “out of network” services under R9-22-705(A), if the member signs a document in advance of receiving the service stating that the member understands the provider is out of network, that the member’s contractor is not responsible for payment, and that the member will be financially responsible for payment for the excluded service;
  - 7. For services rendered to a person eligible for the FESP if the provider submits a claim to the Administration in the reasonable belief that the service is for treatment of an emergency medical condition and the Administration denies the claim because the service does not meet the criteria of R9-22-217; or
  - 8. If the provider has received verification from the Administration that the person was not an eligible person on the date of service.
- E.** The signature requirement of subsections (D)(4), (D)(5), and (D)(6) do not apply if:
  - 1. The member is unable or incompetent to sign such a document, or
  - 2. When services are rendered for the purpose of treating an emergency medical condition as defined in R9-22-217 and a delay in providing treatment to obtain a signature would have a significant adverse affect on the member’s health.
- F.** Except as provided for in this Section, registered providers shall not bill a member when the provider could have received reimbursement from the Administration or a contractor but for

## Arizona Health Care Cost Containment System - Administration

the provider's failure to file a claim in accordance with the requirements of AHCCCS statutes, rules, the provider agreement, or contract, such as, but not limited to, requirements to request and obtain prior authorization, timely filing, and clean claim requirements.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-702 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended as a permanent rule effective May 16, 1983; text identical to the emergency (Supp. 83-3). Former Section R9-22-702 repealed, new Section R9-22-702 adopted effective October 1, 1983 (Supp. 83-5). Amended by adding subsection (B) effective October 1, 1985 (Supp. 85-5). Amended by adding subsection (C) effective October 1, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 3217, effective October 1, 2005 (Supp. 05-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3).

**R9-22-703. Payments by the Administration**

- A.** General requirements. A provider shall enter into a provider agreement with the Administration that meets the requirements of A.R.S. § 36-2904 and 42 CFR 431.107(b) as of October 1, 2012, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
- B.** Timely submission of claims.
  1. Under A.R.S. § 36-2904, the Administration shall deem a paper or electronic claim to be submitted on the date that it is received by the Administration. The Administration shall do one or more of the following for each claim it receives:
    - a. Place a date stamp on the face of the claim,
    - b. Assign a system-generated claim reference number, or
    - c. Assign a system-generated date-specific number.
  2. Unless a shorter time period is specified in contract, the Administration shall not pay a claim for a covered service unless the claim is initially submitted within one of the following time limits, whichever is later:
    - a. Six months from the date of service or for an inpatient hospital claim, six months from the date of discharge; or
    - b. Six months from the date of eligibility posting.
  3. Unless a shorter time period is specified in contract, the Administration shall not pay a clean claim for a covered service unless the claim is submitted within one of the following time limits, whichever is later:
    - a. Twelve months from the date of service or for an inpatient hospital claim, 12 months from the date of discharge; or
    - b. Twelve months from the date of eligibility posting.

4. Unless a shorter time period is specified in contract, the Administration shall not pay a claim submitted by an IHS or tribal facility for a covered service unless the claim is initially submitted within 12 months from the date of service, date of discharge, or eligibility posting, whichever is later.

**C. Claims processing.**

1. The Administration shall notify the AHCCCS-registered provider with a remittance advice when a claim is processed for payment.
2. The Administration shall reimburse a hospital for inpatient hospital admissions and outpatient hospital services rendered on or after March 1, 1993, as follows and in the manner and at the rate described in A.R.S. § 36-2903.01:
  - a. If the hospital bill is paid within 30 days from the date of receipt, the claim is paid at 99 percent of the rate.
  - b. If the hospital bill is paid between 30 and 60 days from the date of receipt, the claim is paid at 100 percent of the rate.
  - c. If the hospital bill is paid after 60 days from the date of receipt, the claim is paid at 100 percent of the rate plus a fee of one percent per month for each month or portion of a month following the 60th day of receipt of the bill until date of payment.
3. A claim is paid on the date indicated on the disbursement check.
4. A claim is denied as of the date of the remittance advice.
5. The Administration shall process a hospital claim under this Article.

**D. Prior authorization.**

1. An AHCCCS-registered provider shall:
  - a. Obtain prior authorization from the Administration for non-emergency hospital admissions, covered services as specified in Articles 2 and 12 of this Chapter, and for administrative days as described in R9-22-712.75,
  - b. Notify the Administration of hospital admissions under Article 2 of this Chapter, and
  - c. Make records available for review by the Administration upon request.
2. The Administration may deny a claim if the provider fails to comply with subsection (D)(1).
3. If the Administration issues prior authorization for an inpatient hospital admission, a specific service, or level of care but subsequent medical review indicates that the admission, the service, or level of care was not medically appropriate, the Administration shall adjust the claim payment.

**E. Review of claims and coverage for hospital supplies.**

1. The Administration may conduct prepayment and post-payment review of any claims, including but not limited to hospital claims.
2. Personal care items supplied by a hospital, including but not limited to the following, are not covered services:
  - a. Patient care kit,
  - b. Toothbrush,
  - c. Toothpaste,
  - d. Petroleum jelly,
  - e. Deodorant,
  - f. Septi soap,
  - g. Razor or disposable razor,
  - h. Shaving cream,
  - i. Slippers,
  - j. Mouthwash,
  - k. Shampoo,

## Arizona Health Care Cost Containment System - Administration

- l. Powder,
- m. Lotion,
- n. Comb, and
- o. Patient gown.
- 3. The following hospital supplies and equipment, if medically necessary and used by the member, are covered services:
  - a. Arm board,
  - b. Diaper,
  - c. Underpad,
  - d. Special mattress and special bed,
  - e. Gloves,
  - f. Wrist restraint,
  - g. Limb holder,
  - h. Disposable item used instead of a durable item,
  - i. Universal precaution,
  - j. Stat charge, and
  - k. Portable charge.
- 4. The Administration shall determine in a hospital claims review whether services rendered were:
  - a. Covered services as defined in Article 2;
  - b. Medically necessary;
  - c. Provided in the most appropriate, cost-effective, and least restrictive setting; and
  - d. For claims with dates of admission on and after March 1, 1993, substantiated by the minimum documentation specified in A.R.S. § 36-2903.01.
- 5. If the Administration adjudicates a claim, a person may file a claim dispute challenging the adjudication under 9 A.A.C. 34.
- F. Overpayment for AHCCCS services.
  - 1. An AHCCCS-registered provider shall notify the Administration when the provider discovers the Administration made an overpayment.
  - 2. The Administration shall recoup an overpayment from a future claim cycle if an AHCCCS-registered provider fails to return the overpaid amount to the Administration.
  - 3. The Administration shall document any recoupment of an overpayment on a remittance advice.
  - 4. An AHCCCS-registered provider may file a claim dispute under 9 A.A.C. 34 if the AHCCCS-registered provider disagrees with a recoupment action.
- G. For services subject to limitations or exclusions such as the number of hours, days, or visits covered as described in Article 2 of this Chapter, once the limit is reached the Administration will not reimburse the services.
- H. Prior quarter reimbursement. A provider shall:
  - 1. Bill the Administration for services provided during a prior quarter eligibility period upon verification of eligibility or upon notification from a member of AHCCCS eligibility.
  - 2. Reimburse a member when payment has been received from the Administration for covered services during a prior quarter eligibility period. All funds paid by the member shall be reimbursed.
  - 3. Accept payment received by the Administration as payment in full.
- I. Payment for in-state inpatient hospital services for claims with discharge dates on or before September 30, 2014. The Administration shall reimburse an in-state provider of inpatient hospital services rendered with a discharge date on or before September 30, 2014, the prospective tiered-per-diem amount in A.R.S. § 36-2903.01 and this Article.
- J. Payment for out-of-state inpatient hospital services for claims with discharge dates on or before September 30, 2014. The Administration shall reimburse an out-of-state provider of

inpatient hospital services rendered with a discharge date on or before September 30, 2014, for covered inpatient services by multiplying covered charges by the most recent statewide urban cost-to-charge ratio as determined in R9-22-712.01(6)(b).

- K. Payment for inpatient hospital services for claims with discharge dates on and after October 1, 2014 regardless of admission date. The Administration shall reimburse an in-state or out-of-state provider of inpatient hospital services rendered with a discharge date on or after October 1, 2014, the DRG rate established by the Administration.
- L. The Administration may enter into contracts for the provisions of transplant services.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R-22-703 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-703 repealed, new Section R9-22-703 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsection (B), paragraph (1) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective September 16, 1987 (Supp. 87-3). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 3222, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3309, November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-704. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-704 adopted as an emergency now adopted and amended as a permanent rule effective August 30 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended subsection A., Paragraph 2. effective October 1, 1985 (Supp. 85-5). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Section repealed by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1).

**R9-22-705. Payments by Contractors**

- A. General requirements. A contractor shall contract with providers to provide covered services to members enrolled with the contractor. The contractor is responsible for reimbursing providers and coordinating care for services provided to a member. Except as provided in subsection (A)(2), a contractor is not required to reimburse a noncontracting provider for services rendered to a member enrolled with the contractor.
  - 1. Providers. A provider shall enter into a provider agreement with the Administration that meets the requirements

## Arizona Health Care Cost Containment System - Administration

of A.R.S. § 36-2904 and 42 CFR 431.107(b) as of March 6, 1992, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

2. A contractor shall reimburse a noncontracting provider for services rendered to a member enrolled with the contractor as specified in this Article if:
  - a. The contractor referred the member to the provider or authorized the provider to render the services and the claim is otherwise payable under this Chapter, or
  - b. The service is emergent under Article 2 of this Chapter.
- B. Timely submission of claims.**
  1. Under A.R.S. § 36-2904, a contractor shall deem a paper or electronic claim as submitted on the date that the claim is received by the contractor. The contractor shall do one or more of the following for each claim the contractor receives:
    - a. Place a date stamp on the face of the claim,
    - b. Assign a system-generated claim reference number, or
    - c. Assign a system-generated date-specific number.
  2. Unless a shorter time period is specified in subcontract, a contractor shall not pay a claim for a covered service unless the claim is initially submitted within one of the following time limits, whichever is later:
    - a. Six months from the date of service or for an inpatient hospital claim, six months from the date of discharge; or
    - b. Six months from the date of eligibility posting.
  3. Unless a shorter time period is specified in subcontract, a contractor shall not pay a clean claim for a covered service unless the claim is submitted within one of the following time limits, whichever is later:
    - a. Twelve months from the date of service or for an inpatient hospital claim, 12 months from the date of discharge; or
    - b. Twelve months from the date of eligibility posting.
- C. Date of claim.**
  1. A contractor's date of receipt of an inpatient or an outpatient hospital claim is the date the claim is received by the contractor as indicated by the date stamp on the claim, the system-generated claim reference number, or the system-generated date-specific number assigned by the contractor.
  2. A hospital claim is considered paid on the date indicated on the disbursement check.
  3. A denied hospital claim is considered adjudicated on the date of the claim's denial.
  4. For a claim that is pending for additional supporting documentation specified in A.R.S. § 36-2903.01 or 36-2904, the contractor shall assign a new date of receipt upon receipt of the additional documentation.
  5. For a claim that is pending for documentation other than the minimum required documentation specified in either A.R.S. § 36-2903.01 or 36-2904, the contractor shall not assign a new date of receipt.
  6. A contractor and a hospital may, through a contract approved as specified in R9-22-715, adopt a method for identifying, tracking, and adjudicating a claim that is different from the method described in this subsection.
- D. Payment for in-state inpatient hospital services for claims with discharge dates on or before September 30, 2014. A contractor** shall reimburse an in-state provider of inpatient hospital services rendered with a discharge date on or before September 30, 2014, at either a rate specified by subcontract or, in absence of the subcontract, the prospective tiered-per-diem amount in A.R.S. § 36-2903.01 and this Article. Subcontract rates, terms, and conditions are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715. This subsection does not apply to an urban contractor as specified in R9-22-718 and A.R.S. § 36-2905.01.
- E. Payment for Inpatient out-of-state hospital payments for claims with discharge dates on or before September 30, 2014.** In the absence of a contract with an out-of-state hospital that specifies payment rates, a contractor shall reimburse out-of-state hospitals for covered inpatient services by multiplying covered charges by the most recent statewide urban cost-to-charge ratio as determined in R9-22-712.01(6)(b).
- F. Payment for inpatient hospital services for claims with discharge dates on and after October 1, 2014 regardless of admission date.** Subject to R9-22-718 and A.R.S. § 36-2905.01 regarding urban hospitals, a contractor shall reimburse an in-state or out-of-state provider of inpatient hospital services, at either a rate specified by subcontract or, in absence of a subcontract, the DRG rate established by the Administration and this Article. Subcontract rates, terms, and conditions are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715.
- G. Payment for in-state outpatient hospital services.**

A contractor shall reimburse an in-state provider of outpatient hospital services rendered on or after July 1, 2005, at either a rate specified by a subcontract or, in absence of a subcontract, as provided under R9-22-712.10, A.R.S. § 36-2903.01 and other sections of this Article. The terms of the subcontract are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715.
- H. Outpatient out-of-state hospital payments.** In the absence of a contract with an out-of-state hospital that specifies payment rates, a contractor shall reimburse out-of-state hospitals for covered outpatient services by applying the methodology described in R9-22-712.10 through R9-22-712.50. If the outpatient procedure is not assigned a fee schedule amount, the contractor shall pay the claim by multiplying the covered charges for the outpatient services by the statewide outpatient cost-to-charge ratio.
- I. Payment for observation days.** A contractor shall reimburse a provider and a noncontracting provider for the provision of observation days at either a rate specified by subcontract or, in the absence of a subcontract, as prescribed under R9-22-712, R9-22-712.10, and R9-22-712.45.
- J. Review of claims and coverage for hospital supplies.**
  1. A contractor may conduct a review of any claims submitted and recoup any payments made in error.
  2. A hospital shall obtain prior authorization from the appropriate contractor for nonemergency admissions. When issuing prior authorization, a contractor shall consider the medical necessity of the service, and the availability and cost effectiveness of an alternative treatment. Failure to obtain prior authorization when required is cause for nonpayment or denial of a claim. A contractor shall not require prior authorization for medically necessary services provided during any prior period for which the contractor is responsible. If a contractor and a hospital agree to a subcontract, the parties shall abide by the terms of the subcontract regarding utilization control activities. A hospital shall cooperate with a contractor's reasonable activities necessary to perform concurrent review and

## Arizona Health Care Cost Containment System - Administration

- shall make the hospital's medical records pertaining to a member enrolled with a contractor available for review.
3. Regardless of prior authorization or concurrent review activities, a contractor may make prepayment or post-payment review of all claims, including but not limited to a hospital claim. A contractor may recoup an erroneously paid claim. If prior authorization was given for an inpatient hospital admission, a specific service, or level of care but subsequent medical review indicates that the admission, the service, or level of care was not medically appropriate, the contractor shall adjust the claim payment.
  4. A contractor and a hospital may enter into a subcontract that includes hospital claims review criteria and procedures if the subcontract meets the requirements of R9-22-715.
  5. Personal care items supplied by a hospital, including but not limited to the following, are not covered services:
    - a. Patient care kit,
    - b. Toothbrush,
    - c. Toothpaste,
    - d. Petroleum jelly,
    - e. Deodorant,
    - f. Septi soap,
    - g. Razor,
    - h. Shaving cream,
    - i. Slippers,
    - j. Mouthwash,
    - k. Disposable razor,
    - l. Shampoo,
    - m. Powder,
    - n. Lotion,
    - o. Comb, and
    - p. Patient gown.
  6. The following hospital supplies and equipment, if medically necessary and used by the member, are covered services:
    - a. Arm board,
    - b. Diaper,
    - c. Underpad,
    - d. Special mattress and special bed,
    - e. Gloves,
    - f. Wrist restraint,
    - g. Limb holder,
    - h. Disposable item used instead of a durable item,
    - i. Universal precaution,
    - j. Stat charge, and
    - k. Portable charge.
  7. The contractor shall determine in a hospital claims review whether services rendered were:
    - a. Covered services as defined in R9-22-201;
    - b. Medically necessary;
    - c. Provided in the most appropriate, cost-effective, and least restrictive setting; and
    - d. For claims with dates of admission on and after March 1, 1993, substantiated by the minimum documentation specified in A.R.S. § 36-2904.
  8. If a contractor adjudicates a claim or recoups payment for a claim, a person may file a claim dispute challenging the adjudication or recoupment as described under 9 A.A.C. 34.
- K.** Non-hospital claims. A contractor shall pay claims for non-hospital services in accordance with contract, or in the absence of a contract, at a rate not less than the Administration's capped fee-for-service schedule or at a lower rate if negotiated between the two parties.
- L.** Payments to hospitals. A contractor shall pay for inpatient hospital admissions and outpatient hospital services rendered on or after March 1, 1993, as follows and as described in A.R.S. § 36-2904:
1. If the hospital bill is paid within 30 days from the date of receipt, the claim is paid at 99 percent of the rate.
  2. If the hospital bill is paid between 30 and 60 days from the date of receipt, the claim is paid at 100 percent of the rate.
  3. If the hospital bill is paid after 60 days from the date of receipt, the claim is paid at 100 percent of the rate plus a 1 percent penalty of the rate for each month or portion of the month following the 60th day of receipt of the bill until date of payment.
- M.** Interest payment. In addition to the requirements in subsection (L), a contractor shall pay interest for late claims as defined by contract.
- N.** For services subject to limitations or exclusions such as the number of hours, days, or visits covered as described in Article 2 of this Chapter, once the limit is reached the Administration will not reimburse the services.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-705 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended as a permanent rule effective May 16, 1983; text of the amended rule identical to emergency (Supp. 83-3). Former Section R9-22-705 repealed, new Section R9-22-705 adopted effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective October 25, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Permanent amendment adopted effective February 1, 1985 (Supp. 85-1). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (C) effective October 1, 1987; amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended subsections (A) and (C) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 5 A.A.R. 867, effective March 4, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 11 A.A.R. 3222, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 1439, effective May 31, 2008 (Supp. 08-2). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-706. Repealed**

## Arizona Health Care Cost Containment System - Administration

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-706 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-706 repealed, new Section R9-22-706 adopted effective October 1, 1983 (Supp. 83-5). Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Amended as an emergency effective October 25, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Permanent amendment adopted effective February 1, 1985 (Supp. 85-1). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsections (A), (D), (E), (F), and (G) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (F) effective December 22, 1987 (Supp. 87-4). Amended subsections (A) and (F) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 10 A.A.R. 4656, effective January 1, 2005 (Supp. 04-4).

**R9-22-707. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-707 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Repealed as a permanent action effective May 16, 1983 (Supp. 83-3). New Section R9-22-707 adopted effective October 1, 1983 (Supp. 83-5). Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Former Section R9-22-707 repealed, new Section R9-22-707 adopted effective October 1, 1985 (Supp. 85-5). Former Section R9-22-707 repealed, new Section R9-22-707 adopted effective October 1, 1986 (Supp. 86-5). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended effective September 29, 1992 (Supp. 92-3). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Section repealed by final rulemaking at 13 A.A.R. 856, effective May 5, 2007 (Supp. 07-1).

**R9-22-708. Payments for Services Provided to Eligible American Indians**

- A. For purposes of this Article "IHS enrolled" or "enrolled with IHS" means an American Indian who has elected to receive covered services through IHS instead of a contractor.
- B. For an American Indian who is enrolled with IHS, AHCCCS shall pay IHS the most recent all-inclusive inpatient, outpatient or ambulatory surgery rates published by Health and Human Services (HHS) in the Federal Register, or a separately contracted rate with IHS, for AHCCCS-covered services provided in an IHS facility. AHCCCS shall reimburse providers for the Medicare coinsurance and deductible amounts required

to be paid by the Administration or contractor in Chapter 29, Article 3 of this Title.

- C. When IHS refers an American Indian enrolled with IHS to a provider other than an IHS or tribal facility, the provider to whom the referral is made shall obtain prior authorization from AHCCCS for services as required under Articles 2, 7 or 12 of this Chapter.
- D. For an American Indian enrolled with a contractor, AHCCCS shall pay the contractor a monthly capitation payment.
- E. Once an American Indian enrolls with a contractor, AHCCCS shall not reimburse any provider other than IHS or a Tribal facility.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-708 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-708 repealed, new Section R9-22-708 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-708 renumbered and amended as Section R9-22-709, new Section R9-22-708 adopted effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended by final rulemaking at 10 A.A.R. 4656, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-709. Contractor's Liability to Hospitals for the Provision of Emergency and Post-stabilization Care**

A contractor is liable for emergency hospitalization and post-stabilization care as described in R9-22-210 and R9-22-210.01.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-709 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-709 repealed, new Section R9-22-709 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-709 renumbered and amended as Section R9-22-713, former Section R9-22-708 renumbered and amended as Section R9-22-709 effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 13 A.A.R. 856, effective May 5, 2007 (Supp. 07-1).

*Editor's Note: The following Section was amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-710. Payments for Non-hospital Services**

- A. Capped fee-for-service. The Administration shall provide notice of changes in methods and standards for setting payment rates for services in accordance with 42 CFR 447.205, December 19, 1983, incorporated by reference and on file with the Administration and available from the U.S. Government



## Arizona Health Care Cost Containment System - Administration

Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

1. Non-contracted services. In the absence of a contract that specifies otherwise, a contractor shall reimburse a provider or noncontracting provider for non-hospital services according to the Administration's capped-fee-for-service schedule.
2. Procedure codes. The Administration shall maintain a current copy of the National Standard Code Sets mandated under 45 CFR 160 (October 1, 2004) and 45 CFR 162 (October 1, 2004), incorporated by reference and on file with the Administration and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
  - a. A person shall submit an electronic claim consistent with 45 CFR 160 (October 1, 2004) and 45 CFR 162 (October 1, 2004).
  - b. A person shall submit a paper claim using the National Standard Code Sets as described under 45 CFR 160 (October 1, 2004) and 45 CFR 162 (October 1, 2004).
  - c. The Administration may deny a claim for failure to comply with subsection (A) (2) (a) or (b).
3. Fee schedule. The Administration shall pay providers, including noncontracting providers, at the lesser of billed charges or the capped fee-for-service rates specified in subsections (A)(3)(a) through (A)(3)(d) unless a different fee is specified in a contract between the Administration and the provider, or is otherwise required by law.
  - a. Physician services. Fee schedules for payment for physician services are on file at the central office of the Administration for reference use during customary business hours.
  - b. Dental services. Fee schedules for payment for dental services are on file at the central office of the Administration for reference use during customary business hours.
  - c. Transportation services. Fee schedules for payment for transportation services are on file at the central office of the Administration for reference use during customary business hours. For dates of service beginning:
    - i. October 1, 2012 through September 30, 2013, the Administration and its contractors shall reimburse ambulance services at 68.59 percent of the ADHS rates that are in effect as of August 2, 2012.
    - ii. October 1, 2013 through September 30, 2014, the Administration and its contractors shall reimburse ambulance services at 68.59 percent of the ADHS rates that are in effect as of August 2, 2013.
    - iii. October 1, 2014 through September 30, 2015, the Administration and its contractors shall reimburse ambulance services at 74.74 percent of the ADHS rates that are in effect as of August 2, 2014.
  - d. Medical supplies and durable medical equipment (DME). Fee schedules for payment for medical supplies and DME are on file at the central office of the Administration for reference use during customary business hours. The Administration shall reimburse a provider once for purchase of DME during any

two-year period, unless the Administration determines that DME replacement within that period is medically necessary for the member. Unless prior authorized by the Administration, no more than one repair and adjustment of DME shall be reimbursed during any two-year period.

- B. Pharmacy services. The Administration shall not reimburse pharmacy services unless the services are provided by a pharmacy having a subcontract with a Pharmacy Benefit Manager (PBM) contracted with AHCCCS. Except as specified in subsection (C), the Administration shall reimburse pharmacy services according to the terms of the contract.
- C. FQHC Pharmacy reimbursement.
  1. For purposes of this Section the following terms are defined:
    - a. "340B Drug Pricing Program" means the discount drug purchasing program described in 42 U.S.C 256b.
    - b. "340B Ceiling Price" means the maximum price that drug manufacturers can charge covered entities participating in the 340B Drug Pricing Program as reported by the drug manufacturer to HRSA.
    - c. "340B entity" means a covered entity, eligible to participate in the 340B Drug Pricing Program, as defined by the Health Resources and Human Services Administration.
    - d. "Actual Acquisition Cost (AAC)" means the purchase price of a drug paid by a pharmacy net of discounts, rebates, chargebacks and other adjustments to the price of the drug. The AAC excludes dispensing fees.
    - e. "Contracted Pharmacy" means an arrangement through which a 340B entity may contract with an outside pharmacy to provide comprehensive pharmacy services utilizing medications subject to 340B pricing.
    - f. "Dispensing Fee" means the amount paid for the professional services provided by the pharmacist for dispensing a prescription. The Dispensing Fee does not include any payment for the drugs being dispensed.
    - g. "Federally Qualified Health Center" means a public or private non-profit health care organization that has been identified by HRSA and certified by CMS as meeting the criteria under sections 1861(aa)(4) and 1905(l)(2)(B) of the Social Security Act and receives funds under section 330 of the Public Health Service Act.
    - h. "Federally Qualified Health Center Look-Alike" means a public or private non-profit health care organization that has been identified by HRSA and certified by CMS as meeting the definition of "health center" under section 330 of the Public Health Service Act, but does not receive grant funding under section 330.
    - i. "FQHC or FQHC Look-Alike pharmacy" means a pharmacy that dispenses drugs to FQHC or FQHC-LA patients and that is owned and/or operated by an FQHC/FQHC-LA or by an entity that reports the costs of an FQHC/FQHC-LA on its Medicare Cost Report, whether or not collocated with an FQHC or an FQHC Look-Alike.
  2. Effective the later of February 1, 2012, or CMS approval of a State Plan Amendment, an FQHC or FQHC Look-Alike shall:

## Arizona Health Care Cost Containment System - Administration

- a. Notify the AHCCCS provider registration unit of its status as a 340B covered entity no later than:
    - i. 30 days after the effective date of this Section;
    - ii. 30 days after registration with the Health Resources and Services Administration (HRSA) for participation in the 340B program, or
    - iii. The time of application to become an AHCCCS provider.
  - b. Provide the 340B pricing file to the AHCCCS Administration upon request. The 340B pricing file shall be provided in the file format as defined by AHCCCS.
  - c. Identify 340B drug claims submitted to the AHCCCS FFS PBM or the Managed Care Contractors' PBMs for reimbursement. The 340B drug claim identification and claims processing for a drug claim submission shall be consistent with claim instructions issued and required by AHCCCS to identify such claims.
3. The FQHC and the FQHC Look-Alike pharmacies shall submit claims for AHCCCS members for drugs that are identified in the 340B pricing file, whether or not purchased under the 340B pricing file, with the lesser of:
    - a. The actual acquisition cost, or
    - b. The 340B ceiling price.
  4. The AHCCCS Fee-for-Service and Managed Care Contractors' PBMs shall reimburse claims for drugs which are identified in the 340B pricing file dispensed by FQHC and FQHC Look-Alike pharmacies, whether or not purchased under the 340B pricing file, at the amount submitted under subsection (C)(3) plus a dispensing fee listed in the AHCCCS Capped Fee-For-Service Schedule unless a contract between the 340B entity and a Managed Care Contractor's PBM specifies a different dispensing fee.
  5. Contracted pharmacies shall not submit claims for drugs dispensed under an agreement with the 340B entity as part of the 340B drug pricing program, and the AHCCCS Administration and Managed Care Contractors shall not reimburse such claims.
  6. The AHCCCS Administration and Managed Care Contractors shall reimburse contracted pharmacies for drugs not dispensed under an agreement with the 340B entity as part of the 340B program at the price and dispensing fee set forth in the contract between the contracted pharmacy and the AHCCCS or its Managed Care Contractors' PBMs. Neither the Administration nor its Managed Care Contractors will reimburse a contracted pharmacy that does not have a contract with the Administration or MCO's PBM.
  7. The AHCCCS Administration and its Managed Care Contractors shall reimburse FQHC and FQHC Look-Alike pharmacies for drugs that are not eligible under the 340B Drug Pricing Program at the price and dispensing fee set forth in their contract with the AHCCCS or its Managed Care Contractors' PBMs.
  8. AHCCCS may periodically conduct audits to ensure compliance with this Section.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-710 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended as a

permanent rule effective May 16, 1983; text of amended rule identical to emergency (Supp. 83-3). Former Section R9-22-710 repealed, new Section R9-22-710 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985. The capped fee-for-service schedules, deleted from Section R9-22-710, are now on file at the central office of the Administration (Supp. 85-5). Amended subsections (B) through (D) effective October 1, 1986 (Supp. 86-5). Amended subsection (B) effective July 1, 1988 (Supp. 88-3). Amended subsection (B) effective April 27, 1989 (Supp. 89-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 3830, effective November 12, 2005 (Supp. 05-3). Amended by exempt rulemaking at 18 A.A.R. 212, effective February 1, 2012 (Supp. 12-1). Amended by exempt rulemaking at 18 A.A.R. 1971, effective August 1, 2012 (Supp. 12-3). Amended by exempt rulemaking at 18 A.A.R. 2630, effective October 1, 2012 (Supp. 12-4). Amended by final rulemaking at 19 A.A.R. 1681, effective August 9, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3525, effective October 18, 2013 (Supp. 13-4).

**R9-22-711. Copayments****A. For purposes of this Article:**

1. A copayment is a monetary amount that a member pays directly to a provider at the time a covered service is rendered.
2. An eligible individual is assigned to a hierarchy established in subsections (B) through (E), for the purposes of establishing a copayment amount.
3. No refunds shall be made for a retroactive period if there is a change in an individual's status that alters the amount of a copayment.

**B. The following services are exempt from AHCCCS copayments for all members:**

1. Family planning services and supplies,
2. Services related to a pregnancy or any other medical condition that may complicate the pregnancy, including tobacco cessation treatment for a pregnant woman,
3. Emergency services as described in 42 CFR 447.56(2)(i),
4. All services paid on a fee-for-service basis,
5. Preventive services, such as well visits, immunizations, pap smears, colonoscopies, and mammograms,
6. Provider preventable services.

**C. The following individuals are exempt from AHCCCS copayments:**

1. An individual under age 19, including individuals eligible for the KidsCare Program in A.R.S. § 36-2982;
2. An individual determined to be Seriously Mentally Ill (SMI) by the Arizona Department of Health Services;
3. An individual eligible for the Arizona Long-Term Care Program in A.R.S. § 36-2931;
4. An individual eligible for QMB under Chapter 29;
5. An individual eligible for the Children's Rehabilitative Services program under A.R.S. § 36-2906(E);
6. An individual receiving nursing facility or HCBS services under R9-22-216;
7. An individual receiving hospice care as defined in 42 U.S.C. 1396d(o);
8. An American Indian individual enrolled in a health plan and has received services through an IHS facility, tribal 638 facility or urban Indian health program;

## Arizona Health Care Cost Containment System - Administration

9. An individual eligible in the Breast and Cervical Cancer program as described under Article 20;
  10. An individual who is pregnant and through the postpartum period following the pregnancy;
  11. An individual with respect to whom child welfare services are made available under Part B of Title IV of the Social Security Act on the basis of being a child in foster care, without regard to age;
  12. An individual with respect to whom adoption or foster care assistance is made available under Part E of Title IV of the Social Security Act, without regard to age; and
  13. An adult eligible under R9-22-1427(E), with income at or below 106% of the FPL.
- D. Non-mandatory copayments.** Unless otherwise listed in subsection (B) or (C), individuals under subsections (D)(1) through (6) are subject to the copayments listed in this subsection. A provider shall not deny a service when a member states to the provider an inability to pay a copayment.
1. A caretaker relative eligible under R9-22-1427(A);
  2. An individual eligible for Young Adult Transitional Insurance (YATI) in A.R.S. § 36-2901(6)(a)(iii);
  3. An individual eligible for State Adoption Assistance in R9-22-1433;
  4. An individual eligible for Supplemental Security Income (SSI);
  5. An individual eligible for SSI Medical Assistance Only (SSI/MAO) in Article 15; and
  6. An individual eligible for the Freedom to Work program in A.R.S. § 36-2901(6)(g).
  7. Copayment amount per service:
    - a. \$2.30 per prescription drug.
    - b. \$3.40 per outpatient visit, excluding an emergency room visit, if any of the services rendered during the visit are coded as evaluation and management services or non-emergent surgical procedures according to the National Standard Code Sets. An outpatient visit includes any setting where these services are performed such as a physician's office, an Ambulatory Surgical Center (ASC), or a clinic.
    - c. \$2.30 per visit, if a copayment is not being imposed under subsection (D)(7)(b) and any of the services rendered during the visit are coded as physical, occupational or speech therapy services according to the National Standard Code Sets.
- E. Mandatory copayments.**
1. Copayments for individuals eligible for Transitional Medical Assistance (TMA) under R9-22-1427(B)(1)(c)(i). Unless otherwise listed in subsection (C), an individual is required to pay the following copayments for prescription drugs and outpatient services unless the service is provided during an emergency room visit or the service is otherwise exempt under subsection (B). An outpatient visit includes any setting where these outpatient services are performed such as, an outpatient hospital, a physician's provider's office, HCBS setting, an Ambulatory Surgical Center (ASC), or a clinic:
    - a. \$2.30 per prescription drug.
    - b. \$4.00 per outpatient visit, if any of the services rendered during the visit are coded as evaluation and management services according to the National Standard Code Sets.
    - c. If a copayment is not being imposed under subsection (E)(1)(b), \$3.00 per visit if any of the services rendered during the visit are coded as physical, occupational or speech therapy services according to the National Standard Code Sets.
  2. Copayments for persons eligible under R9-22-1427(E) with income above 106% of the FPL and for persons eligible under A.R.S. §§ 36-2907.10 and 36-2907.11. Subject to CMS approval, unless otherwise listed in subsection (C), these individuals are required to pay the following copayments for prescription drugs and outpatient services unless the service is provided during an emergency room visit or the service is otherwise exempt under subsection (B). An outpatient visit includes any setting where these outpatient services are performed such as, an outpatient hospital, a physician's provider's office, HCBS setting, an Ambulatory Surgical Center (ASC), or a clinic:
    - a. \$4.00 per prescription drug.
    - b. \$5.00 per outpatient visit when the AHCCCS fee schedule for the visit code is a rate from \$50 to less than \$100, if any of the services rendered during the visit are coded as evaluation and management services according to the National Standard Code Sets.
    - c. \$10.00 per outpatient visit when the AHCCCS fee schedule for the visit code is a rate of \$100 or greater, if any of the services rendered during the visit are coded as evaluation and management services according to the National Standard Code Sets.
    - d. If a copayment is not being imposed under subsection (E)(2)(b) or (E)(2)(c), for services coded as physical, occupational or speech therapy services according to the National Standard Code Sets.
      - i. \$2.00 if the rate on the fee schedule is \$20 to \$39.99,
      - ii. \$4.00 if the rate on the fee schedule is \$40 to \$49.99, or
      - iii. \$5.00 if the rate on the fee schedule is \$50 and above per visit.
    - e. If a copayment is not being imposed under subsection (E)(2)(b) – (E)(2)(d), for services coded as non-emergent surgical procedures according to the National Standard Code Sets,
      - i. \$30.00 if the rate on the fee schedule is \$300 to \$499.99, or
      - ii. \$50.00 if the rate on the fee schedule is \$500 and above per visit.
    - f. Unless the individual is otherwise exempt in subsection (C) or the service is exempted under subsection (B) the individual is required to pay \$2.00 per trip for non-emergency transportation in an urban area.
    - g. Unless the individual is otherwise exempt in subsection (C) or the service is exempted under subsection (B) the individual is required to pay \$8.00 for non-emergency use of the emergency room.
    - h. Unless the individual is otherwise exempt in subsection (C) or the service is exempted under subsection (B) the individual is required to pay \$75 for an Inpatient stay.
  3. The provider may deny a service if the member does not pay the copayment required by subsection (E), however, a provider may choose to reduce or waive copayments under this subsection on a case-by-case basis.
- F. A provider is responsible for collecting any copayment imposed under this Section.**

## Arizona Health Care Cost Containment System - Administration

- G.** The total aggregate amount of copayments under subsections (D) or (E) may not exceed 5% of the family's income as applied on a quarterly basis. The member may establish that the aggregate limit has been met on a quarterly basis by providing the Administration with records of copayments incurred during the quarter. In addition, the Administration shall also use claims and encounters information available to the Administration to establish when a member's copayment obligation has reached 5% of the family's income.
- H.** Reduction in payments to providers. The Administration and its contractors shall reduce the payment it makes to any provider by the amount of a member's copayment obligation under subsection (E), regardless of whether the provider successfully collects the copayments described in this Section.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Sections R9-22-711 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-711 repealed, new Section R9-22-711 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by exempt rulemaking at 9 A.A.R. 4557, effective October 1, 2003 (Supp. 03-4). Amended by exempt rulemaking at 10 A.A.R. 2194, effective May 3, 2004 (Supp. 04-2). Amended by exempt rulemaking at 10 A.A.R. 4266, effective October 1, 2004 (Supp. 04-3). Amended by final rulemaking at 16 A.A.R. 1449, effective October 1, 2010 (Supp. 10-3). Section amended by exempt rulemaking at 18 A.A.R. 461, effective April 1, 2012 (Supp. 12-1). Section amended by final rulemaking at 19 A.A.R. 2954, effective November 11, 2013 (Supp. 13-3). Amended by exempt rulemaking at 20 A.A.R. 128, effective December 30, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 2755, effective January 1, 2015 (Supp. 14-3).

**Editor's Note:** The following Section was adopted and amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify this rule. This Section was subsequently amended through the regular rulemaking process.

**R9-22-712. Reimbursement: General**

- A.** Inpatient and outpatient discounts and penalties. If a claim is pending for additional documentation required under A.R.S. § 36-2903.01(G)(4), the period during which the claim is pending is not used in the calculation of the quick-pay discounts and slow-pay penalties under A.R.S. § 36-2903.01(G)(5).
- B.** Inpatient and outpatient in-state or out-of-state hospital payments.
1. Payment for inpatient out-of-state hospital services for claims with discharge dates on or before September 30, 2014. In the absence of a contract with an out-of-state

hospital that specifies payment rates, AHCCCS shall reimburse out-of-state hospitals for covered inpatient services by multiplying covered charges by the most recent statewide urban cost-to-charge ratio as determined in R9-22-712.01(6)(d).

2. Payment for inpatient in-state hospital services for claims with discharge dates on or before September 30, 2014. AHCCCS shall reimburse an in-state provider of inpatient hospital services rendered with a discharge date on or before September 30, 2014, at the prospective tiered-per-diem amount in A.R.S. § 36-2903.01 and this Article.
  3. Payment for inpatient in-state or out-of-state hospital services for claims with discharge dates on and after October 1, 2014 regardless of admission date. Subject to R9-22-718 and A.R.S. § 36-2905.01 regarding urban hospitals, a contractor shall reimburse an in-state or out-of-state provider of inpatient hospital services, at either a rate specified by subcontract or, in the absence of a subcontract, the DRG rate established by the Administration and this Article. Subcontract rates, terms, and conditions are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715.
  4. Outpatient out-of-state hospital payments. In the absence of a contract with an out-of-state hospital that specifies payment rates, AHCCCS shall reimburse an out-of-state hospital for covered outpatient services by applying the methodology described in R9-22-712.10 through R9-22-712.50. If the outpatient procedure is not assigned a fee schedule amount, the Administration shall pay the claim by multiplying the covered charges for the outpatient services by the statewide outpatient cost-to-charge ratio.
  5. Outpatient in-state hospital payments. A contractor shall reimburse an in-state provider of outpatient hospital services rendered on or after July 1, 2005, at either a rate specified by a subcontract or, in absence of a subcontract, as provided under R9-22-712.10, A.R.S. § 36-2903.01 and other sections of this Article. The terms of the subcontract are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715.
- C.** Access to records. Subcontracting and noncontracting providers of outpatient or inpatient hospital services shall allow the Administration access to medical records regarding eligible persons and shall in all other ways fully cooperate with the Administration or the Administration's designated representative in performance of the Administration's utilization control activities. The Administration shall deny a claim for failure to cooperate.
- D.** Prior authorization. The Administration or contractor may deny a claim if a provider fails to obtain prior authorization as required under R9-22-210.
- E.** Review of claims. Regardless of prior authorization or concurrent review activities, the Administration may subject all hospital claims, including outliers, to prepayment medical review or post-payment review, or both. The Administration shall conduct post-payment reviews consistent with A.R.S. § 36-2903.01 and may recoup erroneously paid claims.
- F.** Claim receipt.
1. The Administration's date of receipt of inpatient or outpatient hospital claims is the date the claim is received by the Administration as indicated by the date stamp on the claim and the system-generated claim reference number or system-generated date-specific number.
  2. Hospital claims are considered paid on the date indicated on disbursement checks.
  3. A denied claim is considered adjudicated on the date the claim is denied.

## Arizona Health Care Cost Containment System - Administration

4. Claims that are denied and are resubmitted are assigned new receipt dates.
  5. For a claim that is pending for additional supporting documentation specified in A.R.S. § 36-2903.01 or 36-2904, the Administration shall assign a new date of receipt upon receipt of the additional documentation.
  6. For a claim that is pending for documentation other than the minimum required documentation specified in either A.R.S. § 36-2903.01 or 36-2904, the Administration shall not assign a new date of receipt.
- G. Outpatient hospital reimbursement.** The Administration shall pay for covered outpatient hospital services provided to eligible persons with dates of service from March 1, 1993 through June 30, 2005, at the AHCCCS outpatient hospital cost-to-charge ratio, multiplied by the amount of the covered charges.
1. Computation of outpatient hospital reimbursement. The Administration shall compute the cost-to-charge ratio on a hospital-specific basis by determining the covered charges and costs associated with treating eligible persons in an outpatient setting at each hospital. Outpatient operating and capital costs are included in the computation but outpatient medical education costs that are included in the inpatient medical education component are excluded. To calculate the outpatient hospital cost-to-charge ratio annually for each hospital, the Administration shall use each hospital's Medicare Cost Reports and a database consisting of outpatient hospital claims paid and encounters processed by the Administration for each hospital, subjecting both to the data requirements specified in R9-22-712.01. The Administration shall use the following methodology to establish the outpatient hospital cost-to-charge ratios:
    - a. Cost-to-charge ratios. The Administration shall calculate the costs of the claims and encounters for outpatient hospital services by multiplying the ancillary line item cost-to-charge ratios by the covered charges for corresponding revenue codes on the claims and encounters. Each hospital shall provide the Administration with information on how the revenue codes used by the hospital to categorize charges on claims and encounters correspond to the ancillary line items on the hospital's Medicare Cost Report. The Administration shall then compute the overall outpatient hospital cost-to-charge ratio for each hospital by taking the average of the ancillary line items cost-to-charge ratios for each revenue code weighted by the covered charges.
    - b. Cost-to-charge limit. To comply with 42 CFR 447.325, the Administration may limit cost-to-charge ratios to 1.00 for each ancillary line item from the Medicare Cost Report. The Administration shall remove ancillary line items that are non-covered or not applicable to outpatient hospital services from the Medicare Cost Report data for purposes of computing the overall outpatient hospital cost-to-charge ratio.
  2. New hospitals. The Administration shall reimburse new hospitals at the weighted statewide average outpatient hospital cost-to-charge ratio multiplied by covered charges. The Administration shall continue to use the statewide average outpatient hospital cost-to-charge ratio for a new hospital until the Administration rebases the outpatient hospital cost-to-charge ratios and the new hospital has a Medicare Cost Report for the fiscal year being used in the rebasing.
  3. Specialty outpatient services. The Administration may negotiate, at any time, reimbursement rates for outpatient hospital services in a specialty facility.
  4. Reimbursement requirements. To receive payment from the Administration, a hospital shall submit claims that are legible, accurate, error free, and have a covered charge greater than zero. The Administration shall not reimburse hospitals for emergency room treatment, observation hours or days, or other outpatient hospital services performed on an outpatient basis, if the eligible person is admitted as an inpatient to the same hospital directly from the emergency room, observation area, or other outpatient department. Services provided in the emergency room, observation area, and other outpatient hospital services provided before the hospital admission are included in the tiered per diem payment.
  5. Rebasing. The Administration shall rebase the outpatient hospital cost-to-charge ratios at least every four years but no more than once a year using updated Medicare Cost Reports and claim and encounter data.
  6. If a hospital files an increase in its charge master for an existing outpatient service provided on or after July 1, 2004, and on or before June 30, 2005, which represents an aggregate increase in charges of more than 4.7%, the Administration shall adjust the hospital-specific cost-to-charge ratio as calculated under subsection (G)(1) through (5) by applying the following formula:  

$$CCR * [1.047 / (1 + \% \text{ increase})]$$
 Where "CCR" means the hospital-specific cost-to-charge ratio as calculated under subsection (G)(1) through (5) and "% increase" means the aggregate percentage increase in charges for outpatient services shown on the hospital charge master.  
 "Charge master" means the schedule of rates and charges as described under A.R.S. § 36-436 and the rules that relate to those rates and charges that are filed with the Director of the Arizona Department of Health Services.

**Historical Note**

Adopted as an emergency effective February 23, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of adopted rule identical to emergency (Supp. 83-3). Former Section R9-22-712 repealed, new Section R9-22-712 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-712 renumbered and amended as Section R9-22-1001 effective October 1, 1985 (Supp. 85-5). New Section R9-22-712 adopted under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended effective January 14, 1997 (Supp. 97-1). Amended by exempt rulemaking at 10 A.A.R. 3831, effective August 25, 2004 (Supp. 04-3). Amended by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 11 A.A.R. 3231, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 14 A.A.R. 1439, effective May 31, 2008 (Supp. 08-2). Amended by exempt rulemaking at 17 A.A.R. 1337, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended

## Arizona Health Care Cost Containment System - Administration

by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.01. Inpatient Hospital Reimbursement for claims with admission dates and discharge dates from October 1, 1998 through September 30, 2014**

Inpatient hospital reimbursement. The Administration shall pay for covered inpatient acute care hospital services provided to eligible persons for claims with admission dates and discharge dates from October 1, 1998 through September 30, 2014, on a prospective reimbursement basis. The prospective rates represent payment in full, excluding quick-pay discounts, slow-pay penalties, and third-party payments for both accommodation and ancillary department services. The rates include reimbursement for operating and capital costs. The Administration shall make reimbursement for direct graduate medical education as described in A.R.S. § 36-2903.01. For payment purposes, the Administration shall classify each AHCCCS inpatient hospital day of care into one of several tiers appropriate to the services rendered. The rate for a tier is referred to as the tiered per diem rate of reimbursement. The number of tiers is seven and the maximum number of tiers payable per continuous stay is two. Payment of outlier claims, transplant claims, or payment to out-of-state hospitals, freestanding psychiatric hospitals, and other specialty facilities may differ from the inpatient hospital tiered per diem rates of reimbursement described in this Section.

1. Tier rate data. The Administration shall base tiered per diem rates effective on and after October 1, 1998 on Medicare Cost Reports for Arizona hospitals for the fiscal year ending in 1996 and a database consisting of inpatient hospital claims and encounters for dates of service matching each hospital's 1996 fiscal year end.
  - a. Medicare Cost Report data. Because Medicare Cost Report years are not standard among hospitals and were not audited at the time of the rate calculation, the Administration shall inflate all the costs to a common point in time as described in subsection (2) for each component of the tiered per diem rates. The Administration shall not make any changes to the tiered per diem rates if the Medicare Cost Report data are subsequently updated or adjusted. If a single Medicare Cost Report is filed for more than one hospital, the Administration shall allocate the costs to each of the respective hospitals. A hospital shall submit information to assist the Administration in this allocation.
  - b. Claim and encounter data. For the database, the Administration shall use only those inpatient hospital claims paid by the Administration and encounters that were accepted and processed by the Administration at the time the database was developed for rates effective on and after October 1, 1998. The Administration shall subject the claim and encounter data to a series of data quality, reasonableness, and integrity edits and shall exclude from the database or adjust claims and encounters that fail these edits. The Administration shall also exclude from the database the following claims and encounters:
    - i. Those missing information necessary for the rate calculation,
    - ii. Medicare crossovers,
    - iii. Those submitted by freestanding psychiatric hospitals, and
    - iv. Those for transplant services or any other hospital service that the Administration would pay on a basis other than the tiered per diem rate.
2. Tier rate components. The Administration shall establish inpatient hospital prospective tiered per diem rates based

on the sum of the operating and capital components. The rate for the operating component is a statewide rate for each tier except for the NICU and Routine tiers, which are based on peer groups. The rate for the capital component is a blend of statewide and hospital-specific values, as described in A.R.S. § 36-2903.01. The Administration shall use the following methodologies to establish the rates for each of these components.

- a. Operating component. Using the Medicare Cost Reports and the claim and encounter database, the Administration shall compute the rate for the operating component as follows:
  - i. Data preparation. The Administration shall identify and group into department categories, the Medicare Cost Report data that provide ancillary department cost-to-charge ratios and accommodation costs per day. To comply with 42 CFR 447.271, the Administration shall limit cost-to-charge ratios to 1.00 for each ancillary department.
  - ii. Operating cost calculation. To calculate the rate for the operating component, the Administration shall derive the operating costs from claims and encounters by combining the Medicare Cost Report data and the claim and encounter database for all hospitals. In performing this calculation, the Administration shall match the revenue codes on the claims and encounters to the departments in which the line items on the Medicare Cost Reports are grouped. The ancillary department cost-to-charge ratios for a particular hospital are multiplied by the covered ancillary department charges on each of the hospital's claims and encounters. The AHCCCS inpatient days of care on the particular hospital's claims and encounters are multiplied by the corresponding accommodation costs per day from the hospital's Medicare Cost Report. The ancillary cost-to-charge ratios and accommodation costs per day do not include medical education and capital costs. The Administration shall inflate the resulting operating costs for the claims and encounters of each hospital to a common point in time, December 31, 1996, using the DRI inflation factor and shall reduce the operating costs for the hospital by an audit adjustment factor based on available national data and Arizona historical experience in adjustments to Medicare reimbursable costs. The Administration shall further inflate operating costs to the midpoint of the rate year (March 31, 1999).
  - iii. Operating cost tier assignment. After calculating the operating costs, the Administration shall assign the claims and encounters used in the calculation to tiers based on diagnosis, procedure, or revenue codes, or NICU classification level, or a combination of these. For the NICU tier, the Administration shall further assign claims and encounters to NICU Level II or NICU Level III peer groups, based on the hospital's certification by the Arizona Perinatal Trust. For the Routine tier, the Administration shall further assign claims and encounters to the general acute care hospital or rehabilitation hospital peer groups, based on state licensure

## Arizona Health Care Cost Containment System - Administration

- by the Department of Health Services. For claims and encounters assigned to more than one tier, the Administration shall allocate ancillary department costs to the tiers in the same proportion as the accommodation costs. Before calculating the rate for the operating component, the Administration shall identify and exclude any claims and encounters that are outliers as defined in subsection (6).
- iv. Operating rate calculation. The Administration shall set the rate for the operating component for each tier by dividing total statewide or peer group hospital costs identified in this subsection within the tier by the total number of AHCCCS inpatient hospital days of care reflected in the claim and encounter database for that tier.
  - b. Capital component. For rates effective October 1, 1999 the capital component is calculated as described in A.R.S. § 36-2903.01.
  - c. Statewide inpatient hospital cost-to-charge ratio. For dates of service prior to October 1, 2007, the statewide inpatient hospital cost-to-charge ratio is used for payment of outliers, as described in subsections (4), (5), and (6), and out-of-state hospitals, as described in R9-22-712(B). The Administration shall calculate the AHCCCS statewide inpatient hospital cost-to-charge ratio by using the Medicare Cost Report data and claim and encounter database described in subsection (1) and used to determine the tiered per diem rates. For each hospital, the covered inpatient days of care on the claims and encounters are multiplied by the corresponding accommodation costs per day from the Medicare Cost Report. Similarly, the covered ancillary department charges on the claims and encounters are multiplied by the ancillary department cost-to-charge ratios. The accommodation costs per day and the ancillary department cost-to-charge ratios for each hospital are determined in the same way described in subsection (2)(a) but include costs for operating and capital. The Administration shall then calculate the statewide inpatient hospital cost-to-charge ratio by summing the covered accommodation costs and ancillary department costs from the claims and encounters for all hospitals and dividing by the sum of the total covered charges for these services for all hospitals.
  - d. Unassigned tiered per diem rates. If a hospital has an insufficient number of claims to set a tiered per diem rate, the Administration shall pay that hospital the statewide average rate for that tier.
3. Tier assignment. The Administration shall assign AHCCCS inpatient hospital days of care to tiers based on information submitted on the inpatient hospital claim or encounter including diagnosis, procedure, or revenue codes, peer group, NICU classification level, or a combination of these.
    - a. Tier hierarchy. In assigning claims for AHCCCS inpatient hospital days of care to a tier, the Administration shall follow the Hierarchy for Tier Assignment through September 30, 2014 in R9-22-712.09. The Administration shall not pay a claim for inpatient hospital services unless the claim meets medical review criteria and the definition of a clean claim. The Administration shall not pay for a hospital stay on the basis of more than two tiers, regardless of the number of interim claims that are submitted by the hospital.
    - b. Tier exclusions. The Administration shall not assign to a tier or pay AHCCCS inpatient hospital days of care that do not occur during a period when the person is eligible. Except in the case of death, the Administration shall pay claims in which the day of admission and the day of discharge are the same, termed a same day admit and discharge, including same day transfers, as an outpatient hospital claim. The Administration shall pay same day admit and discharge claims that qualify for either the maternity or nursery tiers based on the lesser of the rate for the maternity or nursery tier, or the outpatient hospital fee schedule.
    - c. Seven tiers. The seven tiers are:
      - i. Maternity. The Administration shall identify the Maternity Tier by a primary diagnosis code. If a claim has an appropriate primary diagnosis, the Administration shall pay the AHCCCS inpatient hospital days of care on the claim at the maternity tiered per diem rate.
      - ii. NICU. The Administration shall identify the NICU Tier by a revenue code. A hospital does not qualify for the NICU tiered per diem rate unless the hospital is classified as either a NICU Level II or NICU Level III perinatal center by the Arizona Perinatal Trust. The Administration shall pay AHCCCS inpatient hospital days of care on the claim that meet the medical review criteria for the NICU tier and have a NICU revenue code at the NICU tiered per diem rate. The Administration shall pay any remaining AHCCCS inpatient hospital day on the claim that does not meet NICU Level II or NICU Level III medical review criteria at the nursery tiered per diem rate.
      - iii. ICU. The Administration shall identify the ICU Tier by a revenue code. The Administration shall pay AHCCCS inpatient hospital days of care on the claim that meets the medical review criteria for the ICU tier and has an ICU revenue code at the ICU tiered per diem rate. The Administration may classify any AHCCCS inpatient hospital days on the claim without an ICU revenue code, as surgery, psychiatric, or routine tiers.
      - iv. Surgery. The Administration shall identify the Surgery Tier by a revenue code and a valid surgical procedure code that is not on the AHCCCS excluded surgical procedure list. The excluded surgical procedure list identifies minor procedures such as sutures that do not require the same hospital resources as other procedures. The Administration shall only split a surgery tier with an ICU tier. AHCCCS shall pay at the surgery tier rate only when the surgery occurs on a date during which the member is eligible.
      - v. Psychiatric. The Administration shall identify the Psychiatric Tier by either a psychiatric revenue code and a psychiatric diagnosis or any routine revenue code if all diagnosis codes on the claim are psychiatric. The Administration shall not split a claim with AHCCCS inpatient

## Arizona Health Care Cost Containment System - Administration

- hospital days of care in the psychiatric tier with any tier other than the ICU tier.
- vi. Nursery. The Administration shall identify the Nursery Tier by a revenue code. The Administration shall not split a claim with AHCCCS inpatient hospital days of care in the nursery tier with any tier other than the NICU tier.
  - vii. Routine. The Administration shall identify the Routine Tier by revenue codes. The routine tier includes AHCCCS inpatient hospital days of care that are not classified in another tier or paid under any other provision of this Section. The Administration shall not split the routine tier with any tier other than the ICU tier.
4. Annual update. The Administration shall annually update the inpatient hospital tiered per diem rates through September 30, 2011.
  5. New hospitals. For rates effective on and after October 1, 1998, the Administration shall pay new hospitals the statewide average rate for each tier, as appropriate. The Administration shall update new hospital tiered per diem rates through September 30, 2011.
  6. Outliers. The Administration shall reimburse hospitals for AHCCCS inpatient hospital days of care identified as outliers under this Section by multiplying the covered charges on a claim by the Medicare Urban or Rural Cost-to-Charge Ratio. The Urban cost-to-charge ratio will be used for hospitals located in a county of 500,000 residents or more. The Rural cost-to-charge ratio will be used for hospitals located in a county of fewer than 500,000 residents.
    - a. Outlier criteria. For rates effective on and after October 1, 1998, the Administration set the statewide outlier cost threshold for each tier at the greater of three standard deviations from the statewide mean operating cost per day within the tier, or two standard deviations from the statewide mean operating cost per day across all the tiers. If the covered costs per day on a claim exceed the urban or rural cost threshold for a tier, the claim is considered an outlier. Outliers will be paid by multiplying the covered charges by the applicable Medicare Urban or Rural CCR. The resulting amount will be the outlier payment. If there are two tiers on a claim, the Administration shall determine whether the claim is an outlier by using a weighted threshold for the two tiers. The weighted threshold is calculated by multiplying each tier rate by the number of AHCCCS inpatient hospital days of care for that tier and dividing the product by the total tier days for that hospital. Routine maternity stays shall be excluded from outlier reimbursement. A routine maternity is any one-day stay with a delivery of one or two babies. A routine maternity stay will be paid at tier.
    - b. Update. The CCR is updated annually by the Administration for dates of service beginning October 1, using the most current Medicare cost-to-charge ratios published or placed on display by CMS by August 31 of that year. The Administration shall update the outlier cost thresholds for each hospital through September 30, 2011 as described under A.R.S. § 36-2903.01. For inpatient hospital admissions with begin dates of service on and after October 1, 2011, AHCCCS will increase the outlier cost thresholds by 5% of the thresholds that were effective on September 30, 2011.
    - c. Medicare Cost-to-Charge Ratio Phase-In. AHCCCS shall phase in the use of the Medicare Urban or Rural Cost-to-Charge Ratios for outlier determination, calculation and payment. The three-year phase-in does not apply to out-of-state or new hospitals.
      - i. Medicare Cost-to-Charge Ratio Phase-In outlier determination and threshold calculation. For outlier claims with dates of service on or after October 1, 2007 through September 30, 2008, AHCCCS shall adjust each hospital specific inpatient cost-to-charge ratio in effect on September 30, 2007 by subtracting one-third of the difference between the hospital specific inpatient cost-to-charge ratio and the effective Medicare Urban or Rural Cost-to-Charge Ratio. For outlier claims with dates of service on or after October 1, 2008 through September 30, 2009, AHCCCS shall adjust each hospital specific inpatient cost-to-charge ratio in effect on September 30, 2007 by subtracting two-thirds of the difference between the hospital specific inpatient cost-to-charge ratio and the effective Medicare Urban or Rural Cost-to-Charge Ratio. The adjusted hospital specific inpatient cost-to-charge ratios shall be used for all calculations using the Medicare Urban or Rural Cost-to-Charge Ratios, including outlier determination, and threshold calculation.
      - ii. Medicare Cost-to-Charge Ratio Phase-In calculation for payment. For payment of outlier claims with dates of service on or after October 1, 2007 through September 30, 2008, AHCCCS shall adjust the statewide inpatient hospital cost-to-charge ratio in effect on September 30, 2007 by subtracting one-third of the difference between the statewide inpatient hospital cost-to-charge ratio and the effective Medicare urban or rural cost-to-charge ratio. For payment of outlier claims with dates of service on or after October 1, 2008 through September 30, 2009, AHCCCS shall adjust the statewide inpatient hospital cost-to-charge ratio in effect on September 30, 2007 by subtracting two-thirds of the difference between the statewide inpatient hospital cost-to-charge ratio and the effective Medicare urban or rural cost-to-charge ratio.
      - iii. Medicare Cost-to-Charge Ratio for outlier determination, threshold calculation, and payment. For outlier claims with dates of service on or after October 1, 2009, the full Medicare Urban or Rural Cost-to-Charge Ratios shall be utilized for all outlier calculations.
    - d. Cost-to-Charge Ratio used for qualification and payment of outlier claims.
      - i. For qualification and payment of outlier claims with begin dates of service on or after April 1, 2011 through September 30, 2011, the CCR will be equal to 95% of the ratios in effect on October 1, 2010.
      - ii. For qualification and payment of outlier claims with begin dates of service on or after October 1, 2011, the CCR will be equal to 90.25% of the most recent published Urban or Rural Medicare CCR as described in subsection (6)(b).



## Arizona Health Care Cost Containment System - Administration

- iii. For qualification and payment of outlier claims with begin dates of service on or after October 1, 2011 through September 30, 2012, AHCCCS will reduce the cost-to-charge ratio determined under subsection (6)(d)(ii) for a hospital that filed a charge master with ADHS on or after April 1, 2011 by an additional percentage equal to the total percent increase reported on the charge master.
  - iv. Subject to approval by CMS, for qualification and payment of outlier claims with begin dates of service on or after October 1, 2012, AHCCCS will reduce the cost-to-charge ratio determined under subsection (6)(d)(ii) for a hospital that filed a charge master with ADHS on or after June 1, 2012 by an additional percentage equal to the total percent increase reported on the charge master.
7. Transplants. The Administration shall reimburse hospitals for an AHCCCS inpatient stay in which a covered transplant as described in R9-22-206 is performed through the terms of the relevant contract. If the Administration and a hospital that performs transplant surgery on an eligible person do not have a contract for the transplant surgery, the Administration shall not reimburse the hospital more than what would have been paid to the contracted hospital for that same surgery.
  8. Ownership change. The Administration shall not change any of the components of a hospital's tiered per diem rates upon an ownership change.
  9. Psychiatric hospitals. The Administration shall pay free-standing psychiatric hospitals an all-inclusive per diem rate based on the contracted rates used by the Department of Health Services.
  10. Specialty facilities. The Administration may negotiate, at any time, reimbursement rates for inpatient specialty facilities or inpatient hospital services not otherwise addressed in this Section as provided by A.R.S. § 36-2903.01. For purposes of this subsection, "specialty facility" means a facility where the service provided is limited to a specific population, such as rehabilitative services for children.
  11. Outliers for new hospitals. Outliers for new hospitals will be calculated using the Medicare Urban or Rural Cost-to-Charge Ratio times covered charges. If the resulting cost is equal to or above the cost threshold, the claim will be paid at the Medicare Urban or Rural Cost-to-Charge ratio.
  12. Reductions to tiered per diem payment for inpatient hospital services. Inpatient hospital admissions with begin dates of service on or after October 1, 2011, shall be reimbursed at 95 percent of the tiered per diem rates in effect on September 30, 2011.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 3231, effective October 1, 2005 (Supp. 05-3). Amended by exempt rulemaking at 13 A.A.R. 3190, effective October 1, 2007 (Supp. 07-3). Amended by exempt rulemaking at 17 A.A.R. 1337, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1914, effective July 18, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 3315, effective November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

- R9-22-712.02. Reserved**
- R9-22-712.03. Reserved**
- R9-22-712.04. Reserved**
- R9-22-712.05. Graduate Medical Education Fund Allocation**
  - A.** Graduate medical education (GME) reimbursement as of September 30, 1997. Subject to legislative appropriation, the Administration shall make a distribution based on direct graduate medical education costs as described in A.R.S. § 36-2903.01(G)(9)(a).
  - B.** Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for the expansions of GME programs approved by the Administration to hospitals for direct program costs eligible for funding under A.R.S. § 36-2903.01(G)(9)(b). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (B)(3).
    1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (B) if all of the following apply:
      - a. It is a hospital in Arizona that is the sponsoring institution of, or a participating institution in, one or more of the GME programs in Arizona;
      - b. It incurs direct costs for the training of residents in the GME programs, which costs are or will be reported on the hospital's Medicare Cost Report;
      - c. It is not administered by or does not receive its primary funding from an agency of the federal government.
    2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (B)(4) the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (B)(1)(c):
      - a. Filled resident positions in approved programs established as of October 1, 1999 at hospitals that receive funding as described in A.R.S. § 36-2903.01(G)(9)(a) that are additional to the number of resident positions that were filled as of October 1, 1999; and
      - b. All filled resident positions in approved programs other than GME programs described in A.R.S. § 36-2903.01(G)(9)(a) that were established before July 1, 2006.
    3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (B) shall provide the applicable information listed in this subsection to the Administration:
      - a. A GME program shall provide all of the following:
        - i. The program name and number assigned by the accrediting organization;
        - ii. The original date of accreditation;
        - iii. The names of the sponsoring institution and all participating institutions current as of the date of reporting;
        - iv. The number of approved resident positions and the number of filled resident positions current as of the date of reporting;
        - v. For programs established as of October 1, 1999, the number of resident positions that were filled as of October 1, 1999, if the pro-

## Arizona Health Care Cost Containment System - Administration

- gram has not already provided this information to the Administration;
- b. A hospital seeking a distribution under subsection (B) shall provide all of the following that apply:
    - i. If the hospital uses the Intern and Resident Information System (IRIS) for tracking and reporting its resident activity to the fiscal intermediary, copies of the IRIS master and assignment files for the hospital's two most recently completed Medicare cost reporting years as filed with the fiscal intermediary;
    - ii. If the hospital does not use the IRIS or has less than two cost reporting years available in the form of the IRIS master and assignment files, the information normally contained in the IRIS master and assignment files in an alternative format for the hospital's two most recently completed Medicare cost reporting years;
    - iii. At the request of the Administration, a copy of the hospital's Medicare Cost Report or any part of the report for the most recently completed cost reporting year.
4. Allocation of expansion funds. Annually the Administration shall allocate available funds to each approved GME program in the following manner:
- a. Information provided by hospitals under subsection (B)(3)(b) shall be used to determine the program in which each eligible resident is enrolled and the number of days that each eligible resident worked in any area of the hospital complex or in a non-hospital setting under agreement with the reporting hospital during the period of assignment to that hospital. For this purpose, the Administration shall use data relating to the most recent 12-month period that is common to all information provided under subsections (B)(3)(b)(i) and (ii).
  - b. The number of eligible residents allocated to each participating institution within each approved GME program shall be determined as follows:
    - i. Total the number of days determined for each participating institution under subsection (B)(4)(a) and divide each total by 365.
    - ii. Proportionally adjust the result of subsection (B)(4)(b)(i) for each participating institution within each program according to the number of residents determined to be eligible under subsection (B)(2).
  - c. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) shall be adjusted for Arizona Medicaid utilization using the most recent Medicare Cost Report information on file with the Administration as of the date of reporting under subsection (B)(3) and the Administration's inpatient hospital claims and encounter data for the time period corresponding to the Medicare Cost Report information for each hospital. The Administration shall use only those inpatient hospital claims paid by the Administration and encounters that were adjudicated by the Administration as of the date of reporting under subsection (B)(3). The Medicaid-adjusted eligible residents shall be determined as follows:
    - i. For each hospital, the total AHCCCS inpatient hospital days of care shall be divided by the total Medicare Cost Report inpatient hospital days, multiplied by 100 and rounded up to the nearest multiple of 5 percent.
  - ii. The number of allocated eligible residents determined for each participating hospital under subsection (B)(4)(b)(ii) shall be multiplied by the percentage derived under subsection (B)(4)(c)(i) for that hospital. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) for a participating institution that is not a hospital and not a health care facility made ineligible under subsection (B)(1)(c) shall be multiplied by the percentage derived under subsection (B)(4)(c)(i) for the program's sponsoring institution or, if the sponsoring institution is not a hospital, the sponsoring institution's affiliated hospital. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) for a participating institution that is made ineligible under subsection (B)(1)(c) shall be multiplied by zero percent.
  - d. The total allocation for each approved program shall be determined by multiplying the Medicaid-adjusted eligible residents determined under subsection (B)(4)(c)(ii) by the per-resident conversion factor determined below and totaling the resulting dollar amounts for all participating institutions in the program. The per-resident conversion factor shall be determined as follows:
    - i. Calculate the total direct GME costs from the most recent Medicare Cost Reports on file with the Administration for all hospitals that have reported such costs.
    - ii. Calculate the total allocated residents determined under subsection (B)(4)(b)(i) for those hospitals described under subsection (B)(4)(d)(i).
    - iii. Divide the total GME costs calculated under subsection (B)(4)(d)(i) by the total allocated residents calculated under subsection (B)(4)(d)(ii).
5. Distribution of expansion funds. On an annual basis subject to available funds, the Administration shall distribute the allocated amounts determined under subsection (B)(4) in the following manner:
- a. The allocated amounts shall be distributed in the following order of priority:
    - i. To eligible hospitals that do not receive funding in accordance with A.R.S. § 36-2903.01(G)(9)(a) for the direct costs of programs established before July 1, 2006;
    - ii. To eligible hospitals that receive funding in accordance with A.R.S. § 36-2903.01(G)(9)(a) for the direct costs of programs established before July 1, 2006;
  - b. The allocated amounts shall be distributed to the eligible hospitals in each approved program in proportion to the number of Medicaid-adjusted eligible residents allocated to each hospital within that program under subsection (B)(4)(c)(ii).
  - c. If funds are insufficient to cover all distributions within any priority group described under subsection (B)(5)(a), the Administration shall adjust the distributions proportionally within that priority group.
- C. Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for the expansions of GME programs approved by the Administration

## Arizona Health Care Cost Containment System - Administration

to hospitals for direct program costs eligible for funding under A.R.S. § 36-2903.01(G)(9)(c)(i). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (C)(3).

1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (C) if it meets all the conditions of subsections (B)(1)(a) through (c).
2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (C)(4), the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (B)(1)(c):
  - a. All filled resident positions in approved programs established on or after July 1, 2006; and
  - b. For approved programs established on or after July 1, 2006 that have been established for less than one year as of the date of reporting under subsection (C)(3) and have not yet filled their first-year resident positions, all prospective residents reasonably expected by the program to be enrolled as a result of the most recently completed annual resident match.
3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (C) shall provide to the Administration:
  - a. A GME program shall provide all of the following:
    - i. The requirements of subsections (B)(3)(a)(i) through (iv);
    - ii. The academic year rotation schedule on file with the program current as of the date of reporting; and
    - iii. For programs described under subsection (C)(2)(b), the number of residents expected to be enrolled as a result of the most recently completed annual resident match.
  - b. A hospital seeking a distribution under subsection (C) shall provide the requirements of subsection (B)(3)(b).
4. Allocation of expansion funds. Annually the Administration shall allocate available funds to approved GME programs in the following manner:
  - a. Information provided by hospitals in accordance with subsection (B)(3)(b) shall be used to determine the program in which each eligible resident is enrolled and the number of days that each eligible resident worked in any area of the hospital complex or in a non-hospital setting under agreement with the reporting hospital during the period of assignment to that hospital. For this purpose, the Administration shall use data relating to the most recent 12-month period that is common to all information provided in accordance with subsections (B)(3)(b)(i) and (ii).
  - b. For approved programs whose resident activity is not represented in the information provided in accordance with subsection (B)(3)(b), information provided by GME programs under subsection (C)(3)(a) shall be used to determine the number of days that each eligible resident is expected to work at each participating institution.
  - c. The number of eligible residents allocated to each participating institution for each approved GME program shall be determined by totaling the number

of days determined under subsections (C)(4)(a) and (b) and dividing the totals by 365.

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

## Arizona Health Care Cost Containment System - Administration

- persons at the time the residency rotation was added to the academic year rotation schedule.
3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (D) shall provide to the Administration:
    - a. A GME program shall provide all of the following:
      - i. The requirements of subsections (B)(3)(a)(i) through (iv);
      - ii. The academic year rotation schedule on file with the program current as of the date of reporting;
      - iii. For programs described under subsection (D)(2)(c), the number of residents expected to be enrolled as a result of the most recently completed annual resident match.
    - b. A hospital seeking a distribution under subsection (D) shall provide the requirements of subsection (B)(3)(b)(iii).
  4. Allocation of funds for indirect program costs. Annually the Administration shall allocate available funds to approved GME programs in the following manner:
    - a. Using the information provided by programs under subsection (D)(3), the Administration shall determine for each program the number of residents in the program who are eligible under subsection (D)(2) and the number of months per year that each eligible resident will perform rotations in counties described by subsection (D)(2), multiply the number of eligible residents by the number of months and multiply the result by the per resident per month conversion factor determined under subsection (D)(4)(b).
    - b. Using the most recent Medicare Cost Reports on file with the Administration for all hospitals that have calculated a Medicare indirect medical education payment, the Administration shall determine a per resident per month conversion factor as follows:
      - i. Calculate each hospital's Medicare share by dividing the Medicare inpatient discharges on the Medicare Cost Report by the total inpatient hospital discharges on the Medicare Cost Report.
      - ii. Calculate the ratio of residents to beds by dividing the total allocated residents described in subsection (B)(4)(d)(ii) by the number of bed days available from the Medicare Cost Report and dividing the result by the number of days in the cost reporting period.
      - iii. Calculate the indirect medical education adjustment factor by adding 1 to the value calculated in (D)(4)(b)(ii), multiplying the result by the exponential value 0.405, subtracting 1 from the result, and multiplying that result by 1.35.
      - iv. Calculate each hospital's total indirect medical education cost by adding the DRG amounts other than outlier payments from the Medicare cost report and the managed care simulated payments from the Medicare Cost Report, multiplying the total by the indirect medical education adjustment factor determined in (D)(4)(b)(iii) and dividing the result by the Medicare share determined in (D)(4)(b)(i).
      - v. Calculate each hospital's Medicaid indirect medical education cost by multiplying the amount determined in (D)(4)(b)(iv) by the value determined in subsection (B)(4)(c)(i).
      - vi. Total the amounts determined in (D)(4)(b)(v) for all hospitals, divide the result by the total allocated residents described in subsection (B)(4)(d)(ii) for all hospitals, and divide that result by 12.
  5. Distribution of funds for indirect program costs. On an annual basis subject to available funds, the Administration shall distribute to each eligible hospital the amount calculated for the hospital at subsection (D)(4)(a).
  - E. Reallocation of funds. If funds appropriated for subsection (B) are not allocated by the Administration and funds appropriated for subsections (C) and (D) are insufficient to cover all distributions under subsections (C)(5) and (D)(5), the funds not allocated under subsection (B) shall be allocated under subsections (C) and (D) to the extent of the calculated distributions. If funds are insufficient to cover all distributions under subsections (C)(5) and (D)(5), the Administration shall adjust the distributions proportionally. If funds appropriated for subsections (C) and (D) are not allocated by the Administration and funds appropriated for subsection (B) are insufficient to cover all distributions under subsection (B)(5), the funds not allocated under subsections (C) and (D) shall be allocated under subsection (B) to the extent of the calculated distributions.
  - F. The Administration may enter into intergovernmental agreements with local, county, and tribal governments wherein local, county and tribal governments may transfer funds or certify public expenditures to the Administration. Such funds or certification, subject to approval by CMS, will be used to qualify for additional federal funds. Those funds will be used for the purposes of reimbursing hospitals that are eligible under subsection (D)(1) and specified by the local, county, or tribal government for indirect program costs other than those reimbursed under subsection (D). The Administration shall allocate available funds in accordance with subsection (D) except that reimbursement with such funds is not limited to resident positions or rotations in counties with populations of less than 500,000 persons. On an annual basis subject to available funds, the Administration shall distribute to each eligible hospital the greatest among the following amounts, less any amounts distributed under subsection (D)(5):
    1. The amount that results from multiplying the total number of eligible residents allocated to the hospital under subsection (B)(4)(d)(ii) by 12 by the per resident per month conversion factor determined under subsection (D)(4)(b);
    2. The amount calculated for the hospital at subsection (D)(4)(b)(v); or
    3. The median of all amounts calculated at subsection (D)(4)(b)(v) if the hospital does not have an indirect medical education payment calculated on the Medicare Cost Report.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1782, effective June 30, 2007 (Supp. 07-2). Amended by exempt rulemaking at 13 A.A.R. 4032, effective November 1, 2007 (Supp. 07-4). Amended by final rulemaking at 21 A.A.R. 3469, effective January 30, 2016 (Supp. 15-4). Amended by final rulemaking at 24 A.A.R. 185, effective January 9, 2018 (Supp. 18-1).

**R9-22-712.06. Reserved****R9-22-712.07. Rural Hospital Inpatient Fund Allocation**

- A. For purposes of this Section, the following words and phrases have the following meanings unless the context specifically requires another meaning:

## Arizona Health Care Cost Containment System - Administration

1. "Calculated inpatient costs" means the sum of inpatient covered charges multiplied by the Milliman study's implied cost-to-charge ratio of .8959.
  2. "Claims paid amount" means the sum of all claims paid by the Administration and contractors, as reported by the contractor to the Administration, to a rural hospital for covered inpatient services rendered for dates of service during the previous state fiscal year.
  3. "Fund" means any state funds appropriated by the Legislature for the purposes set forth in A.R.S. § 36-2905.02 and any federal funds that are available for matching the state funds.
  4. "Inpatient covered charges" means the sum of all covered charges billed by a hospital to the Administration or contractors, as reported by the contractors to the Administration, for inpatient services rendered during the previous state fiscal year.
  5. "Milliman study" means the report issued by Milliman USA on March 11, 2004, to the Arizona Hospital and Healthcare Association that updated a portion of a cost study entitled "Evaluation of the AHCCCS Inpatient Hospital Reimbursement System" prepared by Milliman USA for AHCCCS on November 15, 2002. A copy of each report is on file with the Administration.
  6. "Rural hospital" means a health care institution that is licensed as an acute care hospital by the Arizona Department of Health Services for the previous state fiscal year and is not an IHS hospital or a tribally owned or operated facility and:
    - a. Has 100 or fewer PPS beds, not including beds reported as sub provider beds on the hospital's Medicare Cost Report, and is located in a county with a population of less than 500,000 persons, or
    - b. Is designated as a critical access hospital for the majority of the previous state fiscal year.
- B.** Each February, the Administration shall allocate the Fund to the following three pools for the fiscal year:
1. Rural hospitals with 25 or fewer PPS beds not including sub provider beds and all Critical Access Hospitals, regardless of the number of beds in the Critical Access Hospital;
  2. Rural hospitals other than Critical Access Hospitals with 26 to 75 PPS beds not including sub provider beds; and
  3. Rural hospitals other than Critical Access Hospitals with 76 to 100 PPS beds not including sub provider beds.
- C.** The Administration shall allocate the Fund to each pool according to the ratio of claims paid amount for all hospitals assigned to the pool to total claims paid amount for all rural hospitals.
- D.** The Administration shall determine each hospital's claims paid amount and allocate the funds in each pool to each hospital in the pool based on the ratio of each hospital's claims paid amount to the sum of the claims paid amount for all hospitals assigned to the pool.
- E.** The Administration shall not make a Fund payment to a hospital that will result in the hospital's claims paid amount plus that hospital's Fund payment being greater than that hospital's calculated inpatient costs.
1. If a hospital's claims paid amount plus the hospital's Fund payment would be greater than the hospital's calculated inpatient costs, the Administration shall make a Fund payment to the hospital equal to the difference between the hospital's calculated inpatient costs and the hospital's claims paid amount.
  2. The Administration shall reallocate any portion of a hospital's Fund allocation that is not paid to the hospital due to the reason in subsection (E)(1) to the other eligible hospitals in the pool based upon the ratio of the claims paid amount for each hospital remaining in the pool to the sum of the claims paid amount for each hospital remaining in the pool.
- F.** If funds remain in a pool after allocations to each hospital in the pool under subsections (D) and (E), the Administration shall reallocate the remaining funds to the other pools based upon the ratio of each pool's original allocation of the Fund as determined under subsection (C) to the sum of the remaining pools' original Fund allocations under subsection (C). The Administration shall allocate remaining funds to the hospitals in the remaining pools under subsection (D) and (E). See Exhibit 1 for an example.
- G.** Subject to CMS approval of the method and distribution of the Fund, the administration or its contractors will distribute the Fund as a lump sum allocation to the rural hospitals in either one or two installments by the end of each state fiscal year.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 2188, effective June 6, 2006 (Supp. 06-2). Amended by final rulemaking at 22 A.A.R. 3476, effective January 30, 2016 (Supp. 15-4).

**Exhibit 1. Pool Example**

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

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

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

**Historical Note**

Exhibit 1 made by final rulemaking at 12 A.A.R. 2188, effective June 6, 2006 (Supp. 06-2).

**R9-22-712.08. Reserved****R9-22-712.09. Hierarchy for Tier Assignment through September 30, 2014**

TIER	IDENTIFICATION CRITERIA	ALLOWED SPLITS
MATERNITY	A primary diagnosis defined as maternity 640.xx - 643.xx, 644.2x - 676.xx, v22.xx - v24.xx or v27.xx.	None

NICU	Revenue Code of 174 and the provider has a Level II or Level III NICU.	Nursery
ICU	Revenue Codes of 200-204, 207-212, or 219.	Surgery Psychiatric Routine
SURGERY	Surgery is identified by a revenue code of 36x. To qualify in this tier, there must be a valid surgical procedure code that is not on the excluded procedure list.	ICU

## Arizona Health Care Cost Containment System - Administration

PSYCHIATRIC	Psychiatric Revenue Codes of 114, 124, 134, 144, or 154 AND primary Psychiatric Diagnosis = 290.xx - 316.xx. If a routine revenue code is present and all diagnoses codes on the claim are equal to 290.xx - 316.xx, classify as a psychiatric claim.	ICU
NURSERY	Revenue Code of 17x, not equal to 174.	NICU
ROUTINE	Revenue Codes of 100 - 101, 110-113, 116 - 123, 126 - 133, 136 - 143, 146 - 153, 156 - 159, 16x, 206, 213, or 214.	ICU

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 3231, effective October 1, 2005 (Supp. 05-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.10. Outpatient Hospital Reimbursement: General**

- A. Effective rule. The outpatient hospital reimbursement rules apply to dates of service beginning July 1, 2005, subject to Laws 2004, Ch. 279, § 19.
- B. Basis For Payment. Except as provided under R9-22-712.30, AHCCCS shall pay for designated outpatient procedures provided to AHCCCS members according to the AHCCCS Outpatient Capped Fee-For-Service Schedule as defined in R9-22-712.20.
- C. Data. AHCCCS shall use Medicare Cost Report and adjudicated claim and encounter data from non-IHS acute care hospitals located in the state of Arizona to develop fees for the AHCCCS Outpatient Capped Fee-For-Service Schedule.
- D. Hospital Services Subject To Fees. AHCCCS shall reimburse services, in the following outpatient hospital categories under the AHCCCS Outpatient Capped Fee-For-Service Schedule:
  1. Surgery,
  2. Emergency Department,
  3. Laboratory,
  4. Radiology,
  5. Clinic, and
  6. Other services.
- E. Reimbursement. AHCCCS shall reimburse outpatient hospital services by procedure codes, in proper combination with revenue codes, as prescribed by AHCCCS.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2).

**R9-22-712.11. Reserved****R9-22-712.12. Reserved****R9-22-712.13. Reserved****R9-22-712.14. Reserved****R9-22-712.15. Outpatient Hospital Reimbursement: Affected Hospitals**

Except as provided in R9-22-712(G), the AHCCCS Outpatient Capped Fee-For-Service Schedule shall apply to AHCCCS payments for outpatient services in all non-IHS acute hospitals.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2).

**R9-22-712.16. Reserved****R9-22-712.17. Reserved****R9-22-712.18. Reserved****R9-22-712.19. Reserved****R9-22-712.20. Outpatient Hospital Reimbursement: Methodology for the AHCCCS Outpatient Capped Fee-For-Service Schedule**

- A. To establish the AHCCCS Outpatient Capped Fee-for-service Schedule for all claims with a begin date of service on or before September 30, 2011, AHCCCS shall:
  1. Define the dataset of claims and encounters that shall be used to establish the AHCCCS Outpatient Capped Fee-for-service Schedule.
  2. Identify all the claims and encounters from non-IHS acute hospitals located in Arizona for services to be paid under the AHCCCS Outpatient Capped Fee-for-service Schedule.
  3. Match the revenue code on each detail of each claim and encounter to the ancillary line item CCR as reported on hospital-specific mapping documents and hospital-specific Medicare Cost Report for those hospitals that have submitted Medicare Cost Reports FYE 2002.
  4. Multiply the line item CCR from subsection (A)(3) by the covered billed charge for that revenue code to establish the cost for the service.
  5. Inflate the cost for the service from subsection (A)(4) using Global Insight Health-care Cost Review inflation factors from date of service month to the midpoint of the rate year in which the fees are initially effective.
  6. Include associated costs under R9-22-712.25 to calculate the rates for emergency room and surgery services.
  7. Combine data from all Arizona hospitals identified in subsection (A)(3) for each procedure code to establish the statewide median cost for each procedure.
  8. Group procedure codes according to the Ambulatory Payment Classification (APC) System groups as listed in 69 FR 65682, November 15, 2004, and establish a statewide median cost for each APC. Multiply each statewide median APC cost by 116 percent to establish the AHCCCS-based fee for each procedure in that specific APC group. AHCCCS shall assign each procedure in the group the same fee.
  9. For those procedure codes that are not grouped into any APC, establish a procedure-specific fee using either:
    - a. The AHCCCS Non-hospital Capped Fee-for-service Fee Schedule,
    - b. 116 percent of the procedure-specific median cost AHCCCS-based fee, or
    - c. The Medicare Clinical Laboratory Fee Schedule for laboratory services.
  10. Compare the AHCCCS-based fee established in subsections (A)(8) and (9) against the comparable Medicare fee established for the Medicare APC group as listed in the 69 FR 65682, November 15, 2004. The fee for each procedure shall be the greater of the AHCCCS-based fee or the Medicare fee but no more than 150 percent of the AHCCCS-based fee; however, for those laboratory services for which a limit is established in the Medicare Clinical Laboratory Fee Schedule, the fee shall not exceed that limit.

## Arizona Health Care Cost Containment System - Administration

11. Assign the 2005 Medicare fee in the AHCCCS Outpatient Capped Fee-for-service Schedule for those procedures for which there are fewer than 20 occurrences of the procedure code in the dataset, either independently, or, if applicable, for all procedure codes within an APC Group.
- B. For all claims with a begin date of service on or after October 1, 2011, the AHCCCS Outpatient Capped Fee-for-Service Schedule shall be derived from the CMS Medicare Outpatient Prospective Payment System (OPPS) fee schedule modified by an Arizona conversion factor determined annually.
  1. When clinic services are billed using 51X revenue codes, the reimbursement to the hospital is the difference between the facility and non-facility rates payable to the practitioner for the procedures listed in the Administration's Capped Fee-for-service Schedule under R9-22-710.
  2. Observation services, when not billed in conjunction with a service for which a single payment is made under R9-22-712.25, are reimbursed at an hourly rate published in the Outpatient Capped Fee-for-service Schedule. This hourly rate includes reimbursement for associated services.
- C. The AHCCCS Outpatient Capped Fee-for-service Schedule including the effective date of any changes to the listing are on file and posted on AHCCCS' web site.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1914, effective July 18, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 3315, effective November 30, 2013 (Supp. 13-4).

**R9-22-712.21. Reserved****R9-22-712.22. Reserved****R9-22-712.23. Reserved****R9-22-712.24. Reserved****R9-22-712.25. Outpatient Hospital Fee Schedule Calculations: Associated Service Costs**

- A. AHCCCS shall include the costs of associated services, as defined by revenue codes and procedure codes, when determining the specific fees for the outpatient hospital procedures for emergency department and surgery services.
- B. Payment made under subsection (A) or R9-22-712.20(B)(2) is inclusive of all services on the claim regardless of whether the services are provided on one or more days.
- C. A complete listing of the revenue codes and procedure codes for associated costs included in the payment for emergency and surgery services including the effective date of any changes to the listing are on file and posted on AHCCCS' web site.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3).

**R9-22-712.26. Reserved****R9-22-712.27. Reserved****R9-22-712.28. Reserved****R9-22-712.29. Reserved****R9-22-712.30. Outpatient Hospital Reimbursement: Pay-****ment for a Service Not Listed in the AHCCCS Outpatient Capped Fee-For-Service Schedule**

- A. AHCCCS shall calculate a statewide CCR for a service where a specific fee cannot be determined under R9-22-712.20.
- B. For claims with a begin date of service on or before September 30, 2011, the statewide CCR shall be calculated based on the costs and covered charges associated with a service under subsection (A) for all Arizona hospitals, using the method specified in R9-22-712.20(A)(3).
- C. For all claims with a begin date of service on or after October 1, 2011, the statewide CCR calculation shall equal either the CMS Medicare Outpatient Urban Cost-to-charge Ratio or the CMS Medicare Outpatient Rural Cost-to-charge Ratio published by CMS for the state of Arizona. AHCCCS shall use the urban cost-to-charge ratio for hospitals located in a county of 500,000 residents or more and for out-of-state hospitals. AHCCCS shall use the rural cost-to-charge ratio for hospitals located in a county of fewer than 500,000 residents. On October 1st of each year, AHCCCS shall adjust urban and rural CCRs to the CCRs as published by CMS in the *Federal Register* on or before August 1st of that year.
- D. To determine the payment amount for procedures where a specific fee is not determined under R9-22-712.20, the statewide CCR is multiplied by the covered charges.
- E. Reductions to payments for outpatient hospital services not listed in the AHCCCS Outpatient Capped Fee-For-Service Schedule. Outpatient hospital services not listed in the AHCCCS Outpatient Capped Fee-For-Service Schedule with dates of service on or after October 1, 2011, shall be reimbursed at 95 percent of the rate published by CMS pursuant to subsection (C) of this Section.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1914, effective July 18, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 3315, effective November 30, 2013 (Supp. 13-4).

**R9-22-712.31. Reserved****R9-22-712.32. Reserved****R9-22-712.33. Reserved****R9-22-712.34. Reserved****R9-22-712.35. Outpatient Hospital Reimbursement: Adjustments to Fees**

- A. For all claims with a begin date of service on or before September 30, 2011, AHCCCS shall increase the Outpatient Capped Fee-for-service Schedule established under R9-22-712.20 (except for laboratory services and out-of-state hospital services) for the following hospitals submitting any claims:
  1. By 48 percent for public hospitals on July 1, 2005, and hospitals that were public anytime during the calendar year 2004;
  2. By 45 percent for hospitals in counties other than Maricopa and Pima with more than 100 Medicare PPS beds during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective;
  3. By 50 percent for hospitals in counties other than Maricopa and Pima with 100 or less Medicare PPS beds during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective;
  4. By 115 percent for hospitals designated as Critical Access Hospitals or hospitals that have not been desig-

## Arizona Health Care Cost Containment System - Administration

nated as Critical Access Hospitals but meet the criteria during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective;

5. By 113 percent for a Freestanding Children's Hospital with at least 110 pediatric beds during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective; or
  6. By 14 percent for a University Affiliated Hospital which is a hospital that has a majority of the members of its board of directors appointed by the Board of Regents during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective.
- B.** For all claims with a begin date of service on or after October 1, 2011, AHCCCS shall increase the Outpatient Capped Fee-for-service Schedule (except for laboratory services, and out-of-state hospital services) for the following hospitals. A hospital shall receive an increase from only one of the following categories:
1. By 73 percent for public hospitals;
  2. By 31 percent for hospitals in counties other than Maricopa and Pima with more than 100 licensed beds as of October 1 of that contract year;
  3. By 37 percent for hospitals in counties other than Maricopa and Pima with 100 or fewer licensed beds as of October 1 of that contract year;
  4. By 100 percent for hospitals designated as Critical Access Hospitals or hospitals that have not been designated as Critical Access Hospitals but meet the critical access criteria;
  5. By 78 percent for a Freestanding Children's Hospital with at least 110 pediatric beds as of October 1 of that contract year; or
  6. By 41 percent for a University Affiliated Hospital, this is a hospital that has a majority of the members of its board of directors appointed by the Arizona Board of Regents.
- C.** In addition to subsections (A) and (B), an Arizona Level 1 trauma center as defined by R9-22-2101 shall receive a 50 percent increase to the Outpatient Capped Fee-for-service Schedule (except for laboratory services and out-of-state hospital services) for Level 2 and 3 emergency department procedures.
- D.** Hospitals with greater than 100 pediatric beds not receiving an increase under subsection (B) shall receive an 18 percent increase to the Outpatient Capped Fee-for-service Schedule (except for laboratory services, and out-of-state hospital services).
- E.** For outpatient services with dates of service from October 1, 2017 through September 30, 2018, the payment otherwise required for outpatient hospital services provided by qualifying hospitals shall be increased by a percentage established by the administration. The percentage is published on the Administration's public website as part of its fee schedule subsequent to the public notice published no later than September 1, 2017. To qualify, by May 15, 2017, the hospital must have executed an agreement with and electronically submitted laboratory, radiology, transcription, and medication information, plus admission, discharge, and transfer information (including data from the hospital emergency department), to a qualifying health information exchange organization.
- F.** Fee adjustments made under subsection (A), (B), (C), (D), and (E) are on file with AHCCCS and current adjustments are posted on AHCCCS' web site.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 13 A.A.R. 3584, effective October 1, 2007 (Supp. 07-4). Amended by final rulemaking at 14

A.A.R. 1439, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2338, effective October 1, 2017 (Supp. 17-3).

**R9-22-712.36. Reserved**

**R9-22-712.37. Reserved**

**R9-22-712.38. Reserved**

**R9-22-712.39. Reserved**

**R9-22-712.40. Outpatient Hospital Reimbursement: Annual and Periodic Update**

- A.** Procedure codes. When procedure codes are issued by CMS and added to the Current Procedural Terminology published by the American Medical Association, AHCCCS shall add to the Outpatient Capped Fee-for-Service Schedule the new procedure codes for covered outpatient services and shall either assign the default CCR under R9-22-712.40(F)(2), the Medicare rate, or calculate an appropriate fee.
- B.** APC changes. AHCCCS may reassign procedure codes to new or different APC groups when APC groups are revised by CMS. AHCCCS may reassign procedure codes to a different APC group than Medicare. If AHCCCS determines that utilization of a procedure code within the Medicare program is substantially different from utilization of the procedure code in the AHCCCS program, AHCCCS may choose not to assign the procedure code to any APC group. For procedure codes not grouped into an APC by Medicare, AHCCCS may assign the code to an APC group when AHCCCS determines that the cost and resources associated with the non-assigned code are substantially similar to those in the APC group.
- C.** Annual update for Outpatient Hospital Fee Schedule. Beginning October 1, 2006, through September 30, 2011, AHCCCS shall adjust outpatient fee schedule rates:
1. Annually by multiplying the rates effective during the prior year by the Global Insight Prospective Hospital Market Basket Inflation Index; or
  2. In a particular year the director may substitute the increases in subsection (C)(1) by calculating the dollar value associated with the inflation index in subsection (C)(1), and applying the dollar value to adjust rates at varying levels.
- D.** Reductions to the Outpatient Capped Fee-For-Service Schedule. Claims paid using the Outpatient Capped Fee-For-Service Schedule with dates of service on or after October 1, 2011, shall be reimbursed at 95 percent of the rates in effect on September 30, 2011, subject to the annual adjustments to procedure codes and APCs under this Section.
- E.** Rebase. AHCCCS shall rebase the outpatient fees every five years.
- F.** Statewide CCR:
1. For begin dates of service on or before September 30, 2011, the statewide CCR calculated in R9-22-712.30 shall be recalculated at the time of rebasing. When rebasing, AHCCCS may recalculate the statewide CCR based on the costs and charges for services excluded from the outpatient hospital fee schedule.
  2. For begin dates of service on or after October 1, 2011, the statewide CCR shall be set under R9-22-712.30(C).
- G.** Other Updates. In addition to the other updates provided for in this section, the Administration may adjust the Outpatient Capped Fee-For-Service Fee Schedule and the Statewide CCR to the extent necessary to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient



## Arizona Health Care Cost Containment System - Administration

to enlist enough providers so that care and services are available at least to the extent that such care and services are available to the general population in the geographic area.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 13 A.A.R. 3584, effective October 1, 2007 (Supp. 07-4). Amended by final rulemaking at 14 A.A.R. 1439, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1914, effective July 18, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 3315, effective November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.41. Reserved**

**R9-22-712.42. Reserved**

**R9-22-712.43. Reserved**

**R9-22-712.44. Reserved**

**R9-22-712.45. Outpatient Hospital Reimbursement: Outpatient Payment Restrictions**

- A. AHCCCS shall not reimburse hospitals for emergency room treatment, observation hours, or other outpatient hospital services performed on an outpatient basis if the member is admitted as an inpatient to the same hospital directly from the emergency room, observation, or other outpatient department.
- B. AHCCCS shall include payment for the emergency room, observation, and other outpatient hospital services provided to the member before the hospital admission in the AHCCCS Inpatient Tiered Per Diem Capped Fee-For-Service Schedule under Article 7 of this Chapter.
- C. Same day admit and discharge.
  1. For discharges before September 30, 2014. Same day admit and discharge claims that qualify for either the maternity or nursery tiers shall be paid based on the lesser of the rate for the maternity or nursery tier, or the outpatient hospital fee schedule.
  2. For discharge dates on and after October 1, 2014. Same day admit and discharge claims are paid for through the outpatient fee schedule.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.46. Reserved**

**R9-22-712.47. Reserved**

**R9-22-712.48. Reserved**

**R9-22-712.49. Reserved**

**R9-22-712.50. Outpatient Hospital Reimbursement: Billing**  
To receive appropriate reimbursement, hospitals shall:

1. Bill outpatient hospital services on the CMS approved Uniform Billing Form or in electronic format using the appropriate HIPAA transaction.
2. Follow the UB Manual Guidelines, as published by the National Uniform Billing Committee, and use the appropriate revenue code and procedure code combination as prescribed by AHCCCS and on file and online with AHCCCS.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2).

**R9-22-712.51. Reserved**

**R9-22-712.52. Reserved**

**R9-22-712.53. Reserved**

**R9-22-712.54. Reserved**

**R9-22-712.55. Reserved**

**R9-22-712.56. Reserved**

**R9-22-712.57. Reserved**

**R9-22-712.58. Reserved**

**R9-22-712.59. Reserved**

**R9-22-712.60. Diagnosis Related Group Payments**

- A. Inpatient hospital services with discharge dates on or after October 1, 2014, shall be reimbursed using the diagnosis related group (DRG) payment methodology described in this section and sections R9-22-712.61 through R9-22-712.81.
- B. Payments made using the DRG methodology shall be the sole reimbursement to the hospital for all inpatient hospital services and related supplies provided by the hospital. Services provided in the emergency room, observation area, or other outpatient departments that are directly followed by an inpatient admission to the same hospital are not reimbursed separately. Are reimbursed through the DRG methodology and not reimbursed separately.
- C. Each claim for an inpatient hospital stay shall be assigned a DRG code and a DRG relative weight based on the All Patient Refined Diagnosis Related Group (APR-DRG) classification system established by 3M Health Information Systems. The applicable version of the APR-DRG classification system shall be available on the agency's website.
- D. Payments for inpatient hospital services reimbursed using the DRG payment methodology are subject to quick pay discounts and slow pay penalties under A.R.S. 36-2904.
- E. Payments for inpatient hospital services reimbursed using the DRG payment methodology are subject to the Urban Hospital Reimbursement Program under R9-22-718.
- F. For purposes of this section and sections R9-22-712.61 through R9-22-712.81:
  1. "DRG National Average length of stay" means the national arithmetic mean length of stay published in the All Patient Refined Diagnosis Related Group (APR-DRG) classification established by 3M Health Information Systems.
  2. "Length of stay" means the total number of calendar days of an inpatient stay beginning with the date of admission through discharge, but not including the date of discharge (including the date of a discharge to another hospital, i.e., a transfer) unless the member expires.
  3. "Medicare" means Title XVIII of the Social Security Act, 42 U.S.C. 1395 *et seq.*
  4. "Medicare labor share" means a hospital's labor costs as a percentage of its total costs as determined by CMS for purposes of the Medicare Inpatient Prospective Payment System.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016

## Arizona Health Care Cost Containment System - Administration

(Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.61. DRG Payments: Exceptions**

- A.** Notwithstanding section R9-22-712.60, claims for inpatient services from the following hospitals shall be paid on a per diem basis, including provisions for outlier payments, where rates and outlier thresholds are included in the capped fee schedule published by the Administration on its website and available for inspection during normal business hours at 701 E. Jefferson, Phoenix, Arizona. If the covered costs per day on a claim exceed the published threshold for a day, the claim is considered an outlier. Outliers will be paid by multiplying the covered charges by the outlier CCR. The outlier CCR will be the sum of the urban or rural default operating CCR appropriate to the location of the hospital and the statewide capital cost-to-charge ratio in the data file established as part of the Medicare Inpatient Prospective Payment System by CMS. The resulting amount will be the total reimbursement for the claim. There is no provision for outlier payments for hospitals described under subsection (A)(3).
- Hospitals designated as type: hospital, subtype; rehabilitation in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website in March of each year;
  - Hospitals designated as type: hospital, subtype: long term in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for March of each year;
  - Hospitals designated as type: hospital, subtype; psychiatric in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for March of each year;
- B.** Notwithstanding section R9-22-712.60, claims for inpatient services that are covered by a RBHA or TRBHA, where the principal diagnosis on the claim is a behavioral health diagnosis, shall be reimbursed as prescribed by a per diem rate described by a fee schedule established by the Administration; however, if the principal diagnosis is a physical health diagnosis, the claim shall be processed under the DRG methodology described in this section, even if behavioral health services are provided during the inpatient stay.
- C.** Notwithstanding section R9-22-712.60, claims for services associated with transplant services shall be paid in accordance with the contract between the AHCCCS administration and the transplant facility.
- D.** Notwithstanding section R9-22-712.60, claims from an IHS facility or 638 Tribal provider shall be paid the all-inclusive rate on a per visit basis in accordance with the rates published annually by IHS in the federal register.
- E.** For hospitals that have contracts with the Administration for the provision of transplant services, inpatient days associated with transplant services are paid in accordance with the terms of the contract.
- F.** For inpatient services with a date of admission from January 1, 2018 through September 30, 2018, provided by a hospital in subsection (A) that qualifies, the administration shall pay the hospital an Inpatient VBP Differential Adjusted Payment equal to the sum of the payment otherwise provided for in subsection (A) plus the product of the amount otherwise provided for in subsection (A) and a percentage published on the Administration's public website as part of its fee schedule, subsequent to a public notice published no later than Decem-

ber 1, 2017. To qualify for the Inpatient VBP Differential Adjusted Payment, the exempt hospital must have:

- Executed an agreement with a qualifying health information exchange by May 15, 2017;
- Been determined by a qualifying health information exchange organization, based on a readiness review conducted by the organization, capable of connecting with the exchange by October 1, 2017; and
- Electronically submitted admission, discharge, and transfer information to a qualifying health information exchange organization by October 1, 2017, including information from the emergency department if the hospital operates an emergency department.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2338, effective October 1, 2017 (Supp. 17-3).

**R9-22-712.62. DRG Base Payment**

- A.** The initial DRG base payment is the product of the DRG base rate, the DRG relative weight for the post-HCAC DRG code assigned to the claim, and any applicable provider and service policy adjusters.
- B.** The DRG base rate for each hospital is the statewide standardized amount of which the hospital's labor-related share of that amount is adjusted by the hospital's wage index. The hospital's labor share is determined based on the labor share for the Medicare inpatient prospective payment system published in Volume 81 of the Federal Register at page 57312 published August 22, 2016. The hospital's wage index is determined based on the wage index tables reference in Volume 81 of the Federal Register at page 57311 published August 22, 2016. The statewide standardized amount is included in the AHC-CCS capped fee schedule available on the agency's website.
- C.** Claims shall be assigned both a DRG code derived from all diagnosis and surgical procedure codes included on the claim (the "pre-HCAC" DRG code) and a DRG code derived excluding diagnosis and surgical procedure codes associated with the health care acquired conditions that were not present on admission or any other provider-preventable conditions (the "post-HCAC" DRG code). The DRG code with the lower relative weight shall be used to process claims using the DRG methodology.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.63. DRG Base Payments Not Based on the Statewide Standardized Amount**

- A.** Notwithstanding section R9-22-712.62, a select specialty hospital standardized amount shall be used in place of the statewide standardized amount in subsection R9-22-712.62(B) to calculate the DRG base rate for the following hospitals:
- Hospitals located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the 2011 Medicare Cost Report are reimbursed by Medicare.
  - Hospitals designated as type: hospital, subtype: short-term that has a license number beginning "SH" in the Provider & Facility Database for Arizona Medical Facili-

## Arizona Health Care Cost Containment System - Administration

ties posted by the ADHS Division of Licensing Services on its website for March of each year.

- B.** The select specialty hospital standardized amount is included in the AHCCCS capped fee schedule available on the agency's website.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.64. DRG Base Payments and Outlier CCR for Out-of-State Hospitals****A.** DRG Base payment:

1. For high volume out-of-state hospitals defined in subsection (C), the wage adjusted DRG base payment is determined as described in R9-22-712.62.
2. Notwithstanding subsection R9-22-712.62 the wage adjusted DRG base rate for out-of-state hospitals that are not high volume hospitals shall be included in the AHCCCS capped fee schedule available on the agency's website.

**B.** Outlier CCR:

1. Notwithstanding subsection R9-22-712.68, the CCR used for the outlier calculation for out-of-state hospitals that are not high volume hospitals shall be the sum of the statewide urban default operating cost-to-charge ratio and the statewide capital CCR in the data file established as part of the Medicare Inpatient Prospective Payment System by CMS.
2. The CCR used for the outlier calculation for high volume out-of-state hospitals is the same as in-state hospitals as described in R9-22-712.68.

- C.** A high volume out-of-state hospital is a hospital not otherwise excluded under R9-22-712.61, that is located in a county that borders the State of Arizona and had 500 or more AHCCCS covered inpatient days for the fiscal year beginning October 1, 2015.

- D.** Other than as required by this section, DRG reimbursement for out-of-state hospitals is determined under R9-22-712.60 through R9-22-712.81.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.65. DRG Provider Policy Adjustor**

- A.** After calculating the DRG base payment as required in sections R9-22-712.62, R9-22-712.63, or R9-22-712.64, for claims from a high-utilization hospital, the product of the DRG base rate and the DRG relative weight for the post-HCAC DRG code shall be multiplied by a provider policy adjustor that is included in the AHCCCS capped fee schedule available on the agency's website.

- B.** A hospital is a high-utilization hospital if the hospital had:

1. Covered inpatient days subject to DRG reimbursement, determined using adjudicated claim and encounter data during the fiscal year beginning October 1, 2015, equal to at least four hundred percent of the statewide average number of AHCCCS-covered inpatient days at all hospitals;
2. A Medicaid inpatient utilization rate greater than 30% calculated as the ratio of AHCCCS-covered inpatient days to total inpatient days as reported in the hospital's

Medicare Cost Report for the fiscal year ending 2016; and,

3. Received less than \$2 million in add-on payment for outliers under R9-22-712.68, based on adjudicated claims and encounters for fiscal year beginning October 1, 2015.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.66. DRG Service Policy Adjustor**

In addition to Section R9-22-712.65, for claims with DRG codes in the following categories, the product of the DRG base rate, the DRG relative weight for the post-HCAC DRG code, and the DRG provider policy adjustor shall be multiplied by the service policy adjustor listed in the AHCCCS capped fee schedule, available on the agency's website, corresponding to the following DRG codes:

1. Normal newborn DRG codes,
2. Neonates DRG codes,
3. Obstetrics DRG codes,
4. Psychiatric DRG codes,
5. Rehabilitation DRG codes,
6. Burn DRG codes.
7. Claims for members under age 19 assigned DRG codes other than listed above:
  - a. For dates of discharge occurring on or after October 1, 2014 and ending no later than December 31, 2015 regardless of severity of illness level,
  - b. For dates of discharge on or after January 1, 2016, for severity of illness levels 1 and 2,
  - c. For dates of discharge on or after January 1, 2016 and before January 1, 2017, for severity of illness levels 3 and 4.
  - d. For dates of discharge on or after January 1, 2017, and before January 1, 2018 for severity of illness levels 3 and 4.
  - e. For dates of discharge on or after January 1, 2018, for severity of illness levels 3 and 4.
8. Claims for members assigned DRG codes other than listed above.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.67. DRG Reimbursement: Transfers**

- A.** For purposes of this Section a "transfer" means the transfer of a member from a hospital to a short-term general hospital for inpatient care, a designated cancer center, children's hospital, or a critical access hospital except when a member is moved for the purpose of receiving sub-acute services.
- B.** Designated cancer center or children's hospitals are those hospitals identified as such in the UB-04 billing manual published by the National Uniform Billing Committee.
- C.** The hospital the member is transferred from shall be reimbursed either the initial DRG base payment or the transfer DRG base payment, whichever is less.
- D.** The transfer DRG base payment is an amount equal to the initial DRG base payment, as determined after making any provider or service policy adjustors, divided by the DRG National Average length of stay for the DRG code multiplied by the sum of one plus the length of stay.

## Arizona Health Care Cost Containment System - Administration

- E. The hospital the member is transferred to shall be reimbursed under the DRG payment methodology without a reduction due to the transfer.
- F. Unadjusted DRG base payment. The unadjusted DRG base payment is either the initial DRG base payment, as determined after making any provider or service policy adjusters, or the transfer DRG base payment, whichever is less.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4).

**R9-22-712.68. DRG Reimbursement: Unadjusted Outlier Add-on Payment**

- A. Claims for inpatient hospital services qualify for an outlier add-on payment if the claim cost exceeds the outlier cost threshold.
- B. The claim cost is determined by multiplying covered charges by an outlier CCR as described by the following subsections:
  - 1. For hospitals designated as type: hospital, subtype: children's in the Provider & Facility Database for Arizona Medical Facilities posted by the ADHS Division of Licensing Services on its website for March of each year. The outlier CCR will be calculated by dividing the hospital total costs by the total charges using the most recent Medicare Cost Report available as of September 1 of that year.
  - 2. For Critical Access Hospitals the outlier CCR will be the sum of the statewide rural default operating cost-to-charge ratio and the statewide capital cost-to-charge ratio in the data file established as part of the Medicare Inpatient Prospective Payment System by CMS.
  - 3. For all other hospitals the outlier CCR will be the sum of the operating cost-to-charge ratio and the capital cost-to-charge ratio established for each hospital in the impact file established as part of the Medicare Inpatient Prospective Payment System by CMS.
- C. AHCCCS shall update the CCRs described in subsection (B) to conform to the most recent CCRs established by CMS as of September 1 of each year, and the CCRs so updated shall be used for claims with dates of discharge on or after October 1 of that year.
- D. The outlier threshold is equal to the sum of the unadjusted DRG base payment plus the fixed loss amount. The fixed loss amount for critical access hospitals and for all other hospitals are included in the AHCCCS capped fee schedule available on the agency's website.
- E. For those inpatient hospital claims that qualify for an outlier add-on payment, the payment is calculated by subtracting the outlier threshold from the claim cost and multiplying the result by the DRG marginal cost percentage. The DRG marginal cost percentage for claims assigned DRG codes associated with the treatment of burns and for all other claims are included in the AHCCCS capped fee schedule available on the agency's website.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.69. DRG Reimbursement: Covered Day Adjusted DRG Base Payment and Covered Day Adjusted Outlier Add-on Payment**

Adjustments to the payments are made to account for days not covered by AHCCCS as follows:

1. A covered day reduction factor unadjusted is determined if the member is not eligible on the first day of the inpatient stay but is eligible for subsequent days during the inpatient stay. In this case, a covered day reduction factor unadjusted is calculated by dividing the number of AHCCCS covered days by the DRG National Average length of stay. The number of AHCCCS covered days is equal to the number of days the member is eligible during the inpatient stay.
2. A covered day reduction factor unadjusted is also determined if the member is eligible on the first day of the inpatient stay but is determined ineligible for one or more days prior to the date of discharge. In this case, a covered day reduction factor unadjusted is calculated by adding one to the number of AHCCCS covered days and dividing the result by the DRG National Average length of stay. The number of AHCCCS covered days is equal to the number of days the member is eligible during the inpatient stay.
3. If the covered day reduction factor unadjusted is greater than one, then the covered day reduction factor final is one; otherwise, the covered day reduction factor final is equal to the covered day reduction factor unadjusted.
4. The covered day adjusted DRG base payment is an amount equal to the product of the unadjusted DRG base payment and the covered day reduction factor final.
5. The covered day adjusted DRG outlier add-on payment is an amount equal to the product of the unadjusted DRG outlier add-on payment and the covered day reduction factor final.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.70. Covered Day Adjusted DRG Base Payment and Covered Day Adjusted Outlier Add-on Payment for FES members**

In addition to the covered day reduction factor in R9-22-712.69, a covered day reduction factor unadjusted is determined for an inpatient stay during which an FES member receives services for the treatment of an emergency medical condition and also receives services once the condition no longer meets the criteria as an emergency medical condition described in R9-22-217.

1. A covered day reduction factor unadjusted is calculated by adding one to the AHCCCS covered days and dividing the result by the DRG National Average length of stay. The number of AHCCCS covered days is equal to the number of inpatient days during which an FES member receives services for an emergency medical condition as described in R9-22-217. For purposes of this adjustment, any portion of a day during which the FES member receives treatment for an emergency medical condition is counted as an AHCCCS covered day.
2. If the covered day reduction factor unadjusted is greater than one, then the covered day reduction factor final is one; otherwise, the covered day reduction factor final is equal to the covered day reduction factor unadjusted.
3. The covered day adjusted DRG base payment is an amount equal to the product of the unadjusted DRG base payment and the covered day reduction factor final.
4. The covered day adjusted DRG outlier add-on payment is an amount equal to the product of the unadjusted DRG outlier add-on payment and the covered day reduction factor final.

## Arizona Health Care Cost Containment System - Administration

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.71. Final DRG Payment**

The final DRG payment is the sum of the final DRG base payment, the final DRG outlier add-on payment, and the Inpatient Value Based Purchasing (VBP) Differential Adjusted Payment.

1. For claims with dates of discharge prior to January 1, 2018, the final DRG base payment is an amount equal to the product of the covered day adjusted DRG base payment and a hospital-specific factor established to limit the financial impact to individual hospitals of the transition from the tiered per diem payment methodology and to account for improvements in documentation and coding that are expected as a result of the transition. For claims with dates of discharge on and after January 1, 2018, no adjustment will be made to limit the financial impact to individual hospitals of the transition from the tiered per diem payment methodology or to account for improvements in documentation and coding.
2. For claims with dates of discharge prior to January 1, 2018, the final DRG outlier add-on payment is an amount equal to the product of the covered day adjusted DRG outlier add-on payment and a hospital-specific factor established to limit the financial impact to individual hospitals of the transition from the tiered per diem payment methodology and to account for improvements in documentation and coding that are expected as a result of the transition. For claims with dates of discharge on and after January 1, 2018, no adjustment will be made to limit the financial impact to individual hospitals of the transition from the tiered per diem payment methodology or to account for improvements in documentation and coding.
3. The factor for each hospital and for claims with dates of discharge prior to January 1, 2018 is published as part of the AHCCCS capped fee schedule and is available on the AHCCCS administration's website and is on file for public inspection at the AHCCCS administration located at 701 E. Jefferson Street, Phoenix, Arizona.
4. For inpatient services with a date of discharge from October 1, 2017 through September 30, 2018, the Inpatient VBP Differential Adjusted Payment is the sum of the final DRG base payment and the final DRG outlier add-on payment multiplied by a percentage published on the Administration's public website as part of its fee schedule, subsequent to the public notice published no later than September 1, 2017. To qualify for the Inpatient VBP Differential Adjusted Payment, a hospital providing inpatient hospital services must by May 15, 2017, have executed an agreement with a qualifying health information exchange organization and electronically submitted laboratory, radiology, transcription, and medication information, plus admission, discharge, and transfer information (including data from the hospital emergency department), to a qualifying health information exchange organization.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2338, effective October 1, 2017 (Supp. 17-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.72. DRG Reimbursement: Enrollment Changes During an Inpatient Stay**

- A. If a member's enrollment changes during an inpatient stay, including changing enrollment from fee-for-service to a contractor, or vice versa, or changing from one contractor to another contractor, the contractor with whom the member is enrolled on the date of discharge shall be responsible for reimbursing the hospital for the entire length of stay under the DRG payment rules in sections R9-22-712.60 through R9-22-712.81. If the member is eligible but not enrolled with a contractor on the date of discharge, then the AHCCCS administration shall be responsible for reimbursing the hospital for the entire length of stay under the DRG payment rules in sections R9-22-712.60 through R9-22-712.81.
- B. When a member's enrollment changes during an inpatient stay, the hospital shall use the date of enrollment with the payer responsible on the date of discharge as the "from" date of service on the claim regardless of the date of admission.
- C. Interim claims submitted to a payer other than the payer responsible on the day of discharge shall be processed in the same manner as other interim claims as described in R9-22-712.76.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.73. DRG Reimbursement: Inpatient Stays for Members Eligible for Medicare**

If the hospital receives less than the full Medicare payment for a member eligible for benefits under Part A of Medicare because the member has exceeded the maximum benefit permitted under Part A of Medicare, the hospital shall submit a separate claim for services performed after the date the maximum Medicare Part A benefit is exceeded. The claim may include all diagnosis codes for the entire inpatient stay, but the hospital is only required to include revenue codes, surgical procedure codes, service units, and charges for services performed after the date the Medicare Part A benefit is exceeded. A claim so submitted shall be reimbursed using the DRG payment methodology.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.74. DRG Reimbursement: Third Party Liability**

DRG payments are subject to reduction based on cost avoidance under section R9-22-1003 and other rules regarding first-and third-party liability under Article 10 of this Chapter including cost avoidance for claims for ancillary services covered under Part B of Medicare.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.75. DRG Reimbursement: Payment for Administrative Days**

- A. Administrative days are days in which a member is admitted as an inpatient to an acute care hospital, does not meet the criteria for an acute inpatient stay, but is admitted or not discharged because (1) an appropriate placement outside the hospital is not available, (2) the member cannot be safely discharged or transferred, or (3) the Administration or the contractor failed to provide for the appropriate placement outside the hospital in a timely manner.
  1. Administrative days may occur prior to an acute care episode, for example, when a woman with a high-risk pregnancy is admitted to a hospital while awaiting delivery.

## Arizona Health Care Cost Containment System - Administration

2. Administrative days may also occur at the end of an acute care episode, for example, when a member is not discharged while awaiting placement in a nursing facility or other sub-acute or post-acute setting.
  3. Administrative days may also include days in a receiving hospital when the member has been discharged from one acute care hospital for the purpose of receiving sub-acute services at the receiving hospital.
- B.** Administrative days do not include days when the member is awaiting appropriate placement or services that are currently available but the hospital has not transferred or discharged the member because of the hospital's administrative or operational delays.
- C.** Prior authorization is required for administrative days.
- D.** A hospital shall submit a claim for administrative days separate from any claim for reimbursement for the inpatient stay otherwise reimbursable under the DRG payment methodology.
- E.** Administrative days are reimbursed at the rate the claim would have paid had the services not been provided in an inpatient hospital setting but had been provided at the appropriate level of care (e.g., as nursing facility days).

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4).

**R9-22-712.76. DRG Reimbursement: Interim Claims**

- A.** For inpatient stays with a length of stay greater than 29 days, a hospital may submit interim claims for each 30 day period during the inpatient stay.
- B.** Hospitals shall be reimbursed for interim claims at a per diem rate of \$500 per day.
- C.** Following discharge, the hospital shall void all interim claims. In such circumstances, the hospital shall submit a claim to the payer with whom the member is enrolled on the date of discharge, whether the Administration or a contractor, for the entire inpatient stay for which the final claim shall be reimbursed under the DRG payment methodology. Interim claims will be recouped.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.77. DRG Reimbursement: Admissions and Discharges on the Same Day**

- A.** Except as provided for in subsection (B), for any claim for inpatient services with an admission date and discharge date that are the same calendar date, the contractor or the Administration shall process the claim as an outpatient claim and the hospital shall be reimbursed under R9-22-712.10 through R9-22-712.50.
- B.** Claims with an admission date and discharge date that are the same calendar date that also indicate that the member expired on the date of discharge shall be reimbursed under the DRG methodology.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.78. DRG Reimbursement: Readmissions**

If a member is readmitted without prior authorization to the same hospital that the member was discharged from within 72 hours and the DRG code assigned to the claim for the prior admission has the same first three digits as the DRG code assigned to the claim for the readmission, then payment for the claim for the readmission will be

disallowed only if the readmission could have been prevented by the hospital.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.79. DRG Reimbursement: Change of Ownership**

The administration shall not change any of the components of the calculation of reimbursement for inpatient services using the DRG methodology based upon a change in the hospital's ownership except to the extent those components would change under the methodology had the hospital not changed ownership (e.g., updating the hospital's cost-to-charge ratio as of September 1 of each year under R9-22-712.68).

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.80. DRG Reimbursement: New Hospitals**

- A.** DRG base payment for new hospitals. For any hospital that does not have a labor share or wage index published by CMS as described in section R9-22-712.62(B) because the hospital was not in operation, the DRG base rate described in section R9-22-712.62(B) shall be calculated as the statewide standardized amount after adjusting that amount for the labor-related share and the wage index published by CMS as described in section R9-22-712.62(B) that is appropriate to the location of the hospital published by CMS as described in section R9-22-712.62(B).
- B.** Outlier calculations for new hospitals. For any hospital that does not have an operating cost-to-charge ratio listed in the impact file described in section R9-22-712.68(B) because the hospital was not in operation prior to the publication of the impact file, the statewide urban or rural default operating cost-to-charge ratio appropriate to the location of the hospital and the statewide capital cost-to-charge ratio shall be used to determine the unadjusted outlier add-on payment. The statewide urban or rural default operating cost-to-charge ratio and the statewide capital cost-to-charge ratio shall be based on the ratios published by CMS and updated by the Administration as described in section R9-22-712.68(C).
- C.** In addition to the requirement of this section, DRG reimbursement for new hospitals is determined under R9-22-712.60 through R9-22-712.79.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.81. DRG Reimbursement: Updates**

In addition to the other updates provided for in sections R9-22-712.60 through R9-22-712.80, the Administration may update the version of the APR-DRG classification system established by 3M Health Information Systems, adjust the statewide standardized amount in section R9-22-712.62, the base payments in sections R9-22-712.63 and R9-22-712.64, the provider policy adjustor in section R9-22-712.65, service policy adjustors section R9-22-712.66, and the fixed loss amounts and marginal cost percentages used to calculate the outlier threshold in section R9-22-712.68 to the extent necessary to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available at least to the extent that such care and services are available to the general population in the geographic area. The Administration shall publish any proposed

## Arizona Health Care Cost Containment System - Administration

classification system on the agency's website at least 30 days prior to the effective date, to ensure a sufficient period for public comment, as required by 42 C.F.R. § 447.205. In addition, the public notice shall be available for inspection during normal business hours at 701 E. Jefferson, Phoenix, Arizona. The requirements of 42 CFR § 447.205 as of November 2, 2015 are incorporated by reference and do not include any later amendments.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.90. Reimbursement of Hospital-based Freestanding Emergency Departments**

- A.** "Hospital-based freestanding emergency department" (hospital-based FSED) means an outpatient treatment center, as defined in R9-10-101, that: (1) provides emergency room services under R9-10-1019, (2) is subject to the requirements of 42 CFR 489.24, and (3) shares an ownership interest with a hospital, regardless of whether the outpatient treatment center operates under a hospital's single group license as described in A.R.S. § 36-422.
- B.** A hospital-based FSED shall register with the Administration separately from the hospital with which an ownership interest is shared and shall obtain a separate provider identification number. The Administration shall not charge a separate provider enrollment fee for registration of a hospital-based FSED. The Administration shall accept a hospital's compliance with the provider screening and enrollment requirements of 42 CFR Part 455 as compliance by the hospital-based FSED.
- C.** For dates of service on and after March 1, 2017, and except as provided in subsection (D), services provided by a hospital-based FSED for evaluation and management CPT codes 99281 through 99285 shall be reimbursed at the following percentages of the amounts otherwise reimbursable under sections R9-22-712.20 through R9-22-712.30. All other covered codes shall be reimbursed in accordance with sections R9-22-712.20 through R9-22-712.30 without a percentage reduction.
  1. 60% for a level 1 emergency department visit as indicated by CPT 99281.
  2. 80% for a level 2 emergency department visit as indicated by CPT 99282.
  3. 90% for a level 3 emergency department visit as indicated by CPT 99283.
  4. 100% for a level 4 or 5 emergency department visit as indicated by CPT codes 99284 and 99285.
- D.** A hospital-based FSED located in a city or town in a county with less than 500,000 residents, where the only hospital in the city or town operating an emergency department closed on or after January 1, 2015, shall be reimbursed under sections R9-22-712.20 through R9-22-712.35 using the adjustment in R9-22-712.35 associated with the nearest hospital with which the freestanding emergency department shares an ownership interest.
- E.** Services provided by an outpatient treatment center that provides emergency room services under R9-10-1019, but does not otherwise meet the criteria in subsection A, shall be reimbursed based on the non-hospital AHCCCS capped fee-for-service schedule under R9-22-710.
- F.** The Administration shall not reimburse a hospital for services provided at a hospital-based FSED if the member is admitted directly from a hospital-based FSED to a hospital with an ownership interest in the hospital-based FSED. As provided in R9-22-712.60(B), payments made for the inpatient stay using the DRG methodology shall be the sole reimbursement.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 22, February 11, 2017 (Supp. 16-4).

**R9-22-713. Overpayment and Recovery of Indebtedness**

- A.** If a contractor or a subcontracting provider receives an overpayment from the Administration or otherwise becomes indebted to the Administration, the contractor or subcontracting provider shall immediately remit the amount of the indebtedness or overpayment to the Administration for deposit in the AHCCCS fund.
- B.** If the funds described in subsection (A) are not remitted, the Administration may recover the funds paid by the Administration to a contractor or subcontracting provider through:
  1. A repayment agreement executed with the Administration;
  2. Withholding or offsetting against current or future payments to be paid to the contractor or subcontracting provider; or
  3. Enforcement of, or collection against, the performance bond, financial reserve, or other financial security under A.R.S. § 36-2903.

**Historical Note**

Adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of adopted rule identical to the emergency (Supp. 83-3). Former Section R9-22-713 repealed, new Section R9-22-713 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-713 renumbered and amended as Section R9-22-714, former Section R9-22-709 renumbered and amended as Section R9-22-713 effective October 1, 1985 (Supp. 85-5). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 856, effective May 5, 2007 (Supp. 07-1).

**R9-22-714. Payments to Providers**

- A.** Provider agreement. The Administration or a contractor shall not reimburse a covered service provided to a member unless the provider has signed a provider agreement with the Administration that establishes the terms and conditions of participation and payment under A.R.S. § 36-2904.
- B.** Provider reimbursement. The Administration or a contractor shall reimburse a provider for a service furnished to a member only if:
  1. The provider personally furnishes the service to a specific member. For purposes of this Section, services personally furnished by a provider include:
    - a. Services provided by medical residents or dental students in a teaching environment; or
    - b. Services provided by a licensed or certified assistant under the general supervision of a licensed practitioner in accordance with 4 A.A.C. 24, 9 A.A.C. 16, 4 A.A.C. 43, or 4 A.A.C. 45;
  2. The provider verifies that individuals who have provided services described in subsection (B)(1) have not been placed on the List of Excluded Individuals/Entities (LEIE) maintained by the United States Department of Health and Human Services Office of the Inspector General (OIG), located at OIG's web site;
  3. The service contributes directly to the diagnosis or treatment of the member; and
  4. The service ordinarily requires performance by the type of provider seeking reimbursement.
- C.** The Administration or a contractor may make a payment for covered services only:

## Arizona Health Care Cost Containment System - Administration

1. To the provider;
  2. To anyone specified in a reassignment from the provider to a government agency or reassignment by a court order;
  3. To a business agent, if the agent's compensation for the service is:
    - a. Related to the cost of processing the billing;
    - b. Not related on a percentage or other basis to the amount that is billed or collected; and
    - c. Not dependent upon collection of the payment;
  4. To the employer of the provider, if the provider is required as a condition of employment to turn over the provider's fees to the employer;
  5. To the inpatient facility in which the service is provided, if the provider has a contract under which the inpatient facility submits the claim; or
  6. To a foundation, plan, or similar organization operating an organized health care delivery system, if the provider has a contract under which the foundation, plan or similar organization submits the claim.
- D.** The Administration or a contractor shall not make a payment to or through a factor, either directly or by power of attorney, for a covered service furnished to a member by a provider.
- E.** Reimbursement for a pathology service. Unless otherwise specified in a contract, the Administration or a contractor shall reimburse a pathologist for a pathology service furnished to a member only if the other requirements in this Section are met and the service is:
1. A surgical pathology service;
  2. A specific cytopathology, hematology, or blood banking pathology service that requires performance by a physician and is listed in the capped fee-for-service schedule;
  3. A clinical consultation service that:
    - a. Is requested by the member's attending physician or primary care physician,
    - b. Is related to a test result that is outside the clinically significant normal or expected range in view of the condition of the member,
    - c. Results in a written narrative report included in the member's medical record,
    - d. Requires the exercise of medical judgment by the consultant pathologist, and
    - e. Is listed in the capped fee-for-service schedule; or
  4. A clinical laboratory interpretative service that:
    - a. Is requested by the member's attending physician or primary care physician,
    - b. Results in a written narrative report included in the member's medical record,
    - c. Requires the exercise of medical judgment by the consultant pathologist, and
    - d. Is listed in the capped fee-for-service schedule.

**Historical Note**

Adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of adopted rule is similar to the emergency (Supp. 83-3). Repealed effective October 1, 1983 (Supp. 83-5). Former Section R9-22-713 renumbered and amended as Section R9-22-714 effective October 1, 1985 (Supp. 85-5). Section repealed; new Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 9 A.A.R. 3800, effective October 4, 2003 (Supp. 03-3). Amended by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1).

*Editor's Note: The following Section was amended under an*

*exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-715. Hospital Rate Negotiations**

- A.** A contractor that negotiates with hospitals for inpatient or outpatient services shall reimburse hospitals for services rendered on or after March 1, 1993, as described in A.R.S. § 36-2903.01 and this Article, or at the negotiated rate that, in the aggregate, does not exceed reimbursement levels that would have been paid under A.R.S. § 36-2903.01, and this Article. This subsection does not apply to urban hospitals described under R9-22-718. Contractors may engage in rate negotiations with a hospital at any time during the contract period.
- B.** The Administration may negotiate or contract with a hospital on behalf of a contractor for discounted hospital rates and may require that the negotiated discounted rates be included in a subcontract between the contractor and hospital.

**Historical Note**

Adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of adopted rule identical to the emergency (Supp. 83-3). Repealed effective October 1, 1983 (Supp. 83-5). New Section R9-22-715 adopted effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective January 14, 1997 (Supp. 97-1). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 3222, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

*Editor's Note: The following Section was amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-716. Repealed****Historical Note**

Adopted effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Section repealed by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1).

**R9-22-717. Repealed****Historical Note**

Adopted effective July 30, 1993 (Supp. 93-3). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 11 A.A.R. 3222, effective October 1, 2005 (Supp. 05-3).



## Arizona Health Care Cost Containment System - Administration

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council. The agency was required to submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and was required to hold a public hearing.*

### R9-22-718. Urban Hospital Inpatient Reimbursement Program

- A. Definitions.** The following definitions apply to this Section:
1. "Noncontracted Hospital" means an urban hospital which does not have a contract under this Section with an urban contractor in the same county.
  2. "Rural Contractor" means a contractor or program contractor as defined in A.R.S. Title 36, Chapter 29 that does not provide services to members residing in either Maricopa or Pima County.
  3. "Urban Contractor" means a contractor or program contractor as defined in A.R.S. Title 36, Chapter 29, that provides services to members residing in Maricopa or Pima County and may also provide services to members who reside in other counties. An urban contractor does not include ADHS/BHS, or a TRBHA.
  4. "Rural Hospital" means a hospital, as defined in R9-22-712.07, that is physically located in Arizona but in a county other than Maricopa and Pima County.
  5. "Urban Hospital" means a hospital that is not a rural hospital and is physically located in Maricopa or Pima County.
- B. General Provisions.**
1. This Section applies to an urban hospital who receives payment for inpatient hospital services under A.R.S. §§ 36-2903.01 and 36-2904.
  2. AHCCCS shall operate an inpatient hospital reimbursement program under A.R.S. § 36-2905.01 and this Section.
  3. Residency of the member receiving inpatient AHCCCS covered services is not a factor in determining which hospitals are required to contract with which contractors.
  4. An urban contractor shall enter into a contract for reimbursement for inpatient AHCCCS covered services with one or more urban hospitals located in the same county as the urban contractor.
  5. A noncontracted urban hospital shall be reimbursed for inpatient services by an urban contractor at 95% of the amount calculated as defined in A.R.S. § 36-2903.01 and this Article, unless otherwise negotiated by both parties.
- C. Contract Begin Date.** A contract under this Article shall cover inpatient acute care hospital services for members with hospital admissions on and after October 1, 2003.
- D. Outpatient urban hospital services.** Outpatient urban hospital services, including observation days and emergency room treatments that do not result in an admission, shall be reimbursed either through an urban hospital contract negotiated between a contractor and an urban hospital, or the reimbursement rates set forth in A.R.S. § 36-2903.01. Outpatient services in an urban hospital that result in an admission shall be paid as inpatient services in accordance with this Section.
- E. Urban Hospital Contract.**
1. Provisions of an urban hospital contracts. The urban hospital contract shall contain but is not limited to the following provisions:
    - a. Required provisions as described in the Request for Proposals (RFP);
    - b. Dispute settlement procedures. If the AHCCCS Grievance System prescribed in A.R.S. § 36-

2903.01(B) and rule is not used, then arbitration shall be used;

- c. Arbitration procedure. If arbitration is used, the urban hospital contract shall identify:
    - i. The parties' agreement on arbitrating claims arising from the contract,
    - ii. Whether arbitration is nonbinding or binding,
    - iii. Timeliness of arbitration,
    - iv. What contract provisions may be appealed,
    - v. What rules will govern arbitrations,
    - vi. The number of arbitrators that shall be used,
    - vii. How arbitrators shall be selected, and
    - viii. How arbitrators shall be compensated.
  - d. Timeliness of claims submission and payment;
  - e. Prior authorization;
  - f. Concurrent review;
  - g. Electronic submission of claims;
  - h. Claims review criteria;
  - i. Payment of discounts or penalties such as quick-pay and slow-pay provisions;
  - j. Payment of outliers;
  - k. Claim documentation specifications under A.R.S. § 36-2904.
  - l. Treatment and payment of emergency room services; and
  - m. Provisions for rate changes and adjustments.
2. AHCCCS review and approval of urban hospital contracts:
    - a. AHCCCS may review, approve, or disapprove the hospital contract rates, terms, conditions, and amendments to the contract;
    - b. The AHCCCS evaluation of each urban hospital contract shall include but not be limited to the following areas:
      - i. Availability and accessibility of services to members,
      - ii. Related party interests,
      - iii. Inclusion of required terms pursuant to this Section, and
      - iv. Reasonableness of the rates.
- F. Quick-Pay/Slow-Pay.** A payment made by urban contractor to a noncontracted hospital shall be subject to quick-pay discounts and slow-pay penalties under A.R.S. § 36-2904.

#### Historical Note

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective January 29, 1997; pursuant to Laws 1996, Ch. 288, § 24 (Supp. 97-1). Amended by exempt rulemaking at 10 A.A.R. 500, effective February 1, 2004 (Supp. 04-1). Amended by exempt rulemaking at 13 A.A.R. 3190, effective October 1, 2007 (Supp. 07-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

### R9-22-719. Contractor Performance Measure Outcomes

The Administration may retain a specified percentage of capitation reimbursement to distribute to contractors based on their performance measure outcomes under A.R.S. § 36-2904. The Administration shall notify contractors 60 days prior to a new contract year if this methodology is implemented. The Administration shall specify the details of the reimbursement methodology in contract.

#### Historical Note

New Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1).

### R9-22-720. Reinsurance

## Arizona Health Care Cost Containment System - Administration

- A. Reinsurance is a stop-loss program provided by the Administration to a contractor for partial reimbursement of the cost of covered services for a member with an acute medical condition when the cost of covered services exceeds a pre-determined deductible level amount within a contract year. The Administration self-insures the reinsurance program through a reduction to capitation rates. The reinsurance program also includes a catastrophic reinsurance program for members diagnosed with specific medical conditions.
  - B. The Administration shall specify in contract guidelines for claims submission, processing, payment, and the types of care and services that are provided to a member whose care is covered by reinsurance.
  - C. When the Administration determines that a contractor does not follow the specified guidelines for care or services and the care or services could have been provided at a lower cost according to the guidelines, the Administration shall reimburse the contractor as if the care or services had been provided as specified in the guidelines.
- 2. "2011 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of December 19, 2012.
  - 3. "2012 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of August 2, 2013.
  - 4. "Quarter" means the three month period beginning January 1, April 1, July 1, and October 1 of each year.
- B. Beginning January 1, 2014, each Arizona licensed hospital not excluded under subsection (I) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of each hospital as of the first day of the quarter, and except as otherwise required by subsections (D), (E) and (F). For the period beginning July 1, 2017, the assessment shall be calculated by multiplying the number of discharges reported on the hospital's 2011 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as "Other Long Term Care Discharges" by the following rates based on the hospital's peer group:
    - 1. \$483.00 per discharge for hospitals located in a county with a population less than 500,000 that are designated as type: hospital, subtype: short-term.
    - 2. \$483.00 per discharge for hospitals designated as type: hospital, subtype: critical access hospital.
    - 3. \$120.75 per discharge for hospitals designated as type: hospital, subtype: long term.
    - 4. \$120.75 per discharge for hospitals designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the 2011 Medicare Cost Report.
    - 5. \$386.50 per discharge for hospitals designated as type: hospital, subtype: short-term with 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
    - 6. \$434.75 per discharge for hospitals designated as type: hospital, subtype: short-term with at least 10% but less than 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
    - 7. \$483.00 per discharge for hospitals designated as type: hospital, subtype: short-term not included in another peer group.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 856, effective May 5, 2007 (Supp. 07-1).

<b>R9-22-721.</b>	<b>Reserved</b>
<b>R9-22-722.</b>	<b>Reserved</b>
<b>R9-22-723.</b>	<b>Reserved</b>
<b>R9-22-724.</b>	<b>Reserved</b>
<b>R9-22-725.</b>	<b>Reserved</b>
<b>R9-22-726.</b>	<b>Reserved</b>
<b>R9-22-727.</b>	<b>Reserved</b>
<b>R9-22-728.</b>	<b>Reserved</b>
<b>R9-22-729.</b>	<b>Reserved</b>

*Editor's Note: Amendments to Section R9-22-730 were filed as a final exempt rulemaking. AHCCCS provided an opportunity for public comment on the amended rules under Laws 2013, 1st Special Session, Ch. 10. A proposed exempt rulemaking was published in the Arizona Administrative Register at 21 A.A.R. 1041 (Supp. 15-3).*

*Editor's Note: Amendments to Section R9-22-730 were filed as a final exempt rulemaking. AHCCCS provided an opportunity for public comment on the amended rules under Laws 2013, 1st Special Session, Ch. 10. A proposed exempt rulemaking was published in the Arizona Administrative Register at 21 A.A.R. 491 (Supp. 15-2).*

**R9-22-730. Hospital Assessment**

- A. For purposes of this Section, the following terms are defined as provided below unless the context specifically requires another meaning:
  - 1. "2011 Medicare Cost Report" means:
    - a. The Medicare Cost Report for the hospital fiscal year ending in calendar year 2011 as reported in the CMS Healthcare Provider Cost Reporting Information System (HCRIS) release dated December 31, 2012; or
    - b. For hospitals not included in that CMS HCRIS report, the "as filed" Medicare Cost Report for the hospital fiscal year ending in calendar year 2011 submitted by the hospital to the Administration.

- 2. "2011 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of December 19, 2012.
- 3. "2012 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of August 2, 2013.
- 4. "Quarter" means the three month period beginning January 1, April 1, July 1, and October 1 of each year.
- B. Beginning January 1, 2014, each Arizona licensed hospital not excluded under subsection (I) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of each hospital as of the first day of the quarter, and except as otherwise required by subsections (D), (E) and (F). For the period beginning July 1, 2017, the assessment shall be calculated by multiplying the number of discharges reported on the hospital's 2011 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as "Other Long Term Care Discharges" by the following rates based on the hospital's peer group:
  - 1. \$483.00 per discharge for hospitals located in a county with a population less than 500,000 that are designated as type: hospital, subtype: short-term.
  - 2. \$483.00 per discharge for hospitals designated as type: hospital, subtype: critical access hospital.
  - 3. \$120.75 per discharge for hospitals designated as type: hospital, subtype: long term.
  - 4. \$120.75 per discharge for hospitals designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the 2011 Medicare Cost Report.
  - 5. \$386.50 per discharge for hospitals designated as type: hospital, subtype: short-term with 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
  - 6. \$434.75 per discharge for hospitals designated as type: hospital, subtype: short-term with at least 10% but less than 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
  - 7. \$483.00 per discharge for hospitals designated as type: hospital, subtype: short-term not included in another peer group.
- C. Peer groups for the four quarters beginning July 1 of each year are established based on hospital license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website April 1, 2017.
- D. Notwithstanding subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital's 2011 Medicare Cost Report, are assessed a rate of \$120.75 for each discharge from the psychiatric sub-provider as reported in the 2011 Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).
- E. Notwithstanding subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital's 2011 Medicare Cost Report, are assessed a rate of \$0 for each discharge from the rehabilitative sub-provider as reported in the 2011 Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required by subsection (B).

## Arizona Health Care Cost Containment System - Administration

- F.** Notwithstanding subsection (B), for any hospital that reported more than 28,200 discharges on the hospital's 2011 Medicare Cost Report, discharges in excess of 28,200 are assessed a rate of \$48.25 for each discharge in excess of 28,200. The initial 28,200 discharges are assessed at the rate required by subsection (B).
- G.** Assessment notice. On or before the 15th day of the first month of the quarter or upon CMS approval, whichever is later, the Administration shall send to each hospital a notification that the assessment invoice is available to be viewed on a secure website. The invoice shall include the hospital's peer group assignment and the assessment due for the quarter.
- H.** Assessment due date. The assessment must be received by the Administration no later than:
1. The 15th day of the second month of the quarter or
  2. In the event CMS approves the assessment after the 15th day of the first month of the quarter, 30 days after notification by the Administration that the assessment invoice is available.
- I.** Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital's 2011 Medicare Cost Report and Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for April 1, 2017:
1. Hospitals owned and operated by the state, the United States, or an Indian tribe.
  2. Hospitals designated as type: hospital, subtype: short-term that have a license number beginning "SH".
  3. Hospitals designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the 2011 Medicare Cost Report.
  4. Hospitals designated as type: hospital, subtype: rehabilitation.
  5. Hospitals designated as type: hospital, subtype: children's.
  6. Hospitals designated as type: med-hospital, subtype: special hospitals.
  7. Hospitals designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the 2011 Medicare Cost Report are reimbursed by Medicare.
- J.** New hospitals. For hospitals that did not file a 2011 Medicare Cost Report because of the date the hospital began operations:
1. If the hospital was open on the April 1 preceding the July assessment start date, the hospital assessment will begin on July 1 following the date the hospital began operating.
  2. If the hospital began operating between April 2 and June 30, the assessment will begin on July 1 of the following calendar year.
  3. A hospital is not considered a new hospital based on a change in ownership.
  4. Until the first full year of data is available, the assessment will be based on the annualized number of discharges from the date hospital operations began through April 30 preceding the July assessment start date. The hospital shall submit the discharge data and all other data requested by the Administration necessary to determine the appropriate assessment to the Administration no later than May 15 preceding the assessment start date for the new hospitals. Thereafter, the assessment will be based on the discharges reported in the hospital's first Medicare Cost Report and Uniform Accounting Report which includes 12 months worth of data; however, when a new hospital shares a Medicare Identification Number with an existing hospital, the assessment amount will be based on self reported data from the new hospital instead of the Medicare Cost Report. The data shall include the number of discharges and all other data requested by the Administration necessary to determine the appropriate assessment. No later than August 15, 2017, new hospitals shall also submit to the Administration discharge data and all other data requested by the Administration necessary to determine the appropriate assessment beginning July 1, 2018.
- 5.** For hospitals providing self-reported data:
- a. Psychiatric discharges will be annualized to determine if subsections (B)(4) or (I)(3) apply to the assessment amount.
  - b. Discharges will be annualized to determine if subsection (F) applies to the assessment amount.
- K.** Changes of ownership. The parties to a change of ownership shall promptly provide written notice to the Administration of a change of ownership and any agreement regarding the payment of the assessment. The assessed amount will continue at the same amount applied to the prior owner. Assessments are the responsibility of the owner of record as of the first day of the quarter; however, this rule is not intended to prohibit the parties to a change of ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.
- L.** Hospital closures. Hospitals that close shall pay a proportion of the quarterly assessment equal to that portion of the quarter during which the hospital operated.
- M.** Required information. For any hospital that has not filed a 2011 Medicare Cost report, or if the 2011 Medicare Cost report does not include the reliable information sufficient for the Administration to calculate the assessment, the Administration shall use data reported on the 2011 Uniform Accounting Report filed by the hospital in place of the 2011 Medicare Cost report to calculate the assessment. If the 2011 Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2011 Medicare Cost report to calculate the assessment.
- N.** The Administration will review and update as necessary rates and peer groups periodically to ensure the assessment is sufficient to fund the state match obligation to cover the cost of the populations as specified in A.R.S. § 36-2901.08.
- O.** Enforcement. If a hospital does not comply with this section, the director may suspend or revoke the hospital's provider agreement. If the hospital does not comply within 180 days after the hospital's provider agreement is suspended or revoked, the director shall notify the director of the Department of Health Services who shall suspend or revoke the hospital's license.

**Historical Note**

New Section R9-22-730 made by exempt rulemaking at 20 A.A.R. 281, effective January 15, 2014 (Supp. 14-1).

Amended by exempt rulemaking at 20 A.A.R. 1833, effective July 1, 2014 (Supp. 14-2). Amended by final exempt rulemaking at 21 A.A.R. 637, effective April 15, 2015 (Supp. 15-2). Amended by final exempt rulemaking at 21 A.A.R. 1486, effective July 16, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 2050, effective July 14, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 23 A.A.R. 1945, effective July 1, 2017 (Supp. 17-2).

## Arizona Health Care Cost Containment System - Administration

**ARTICLE 8. REPEALED**

*Article 8, consisting of Sections R9-22-801 through R9-22-804 and Exhibit A, repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004. The subject matter of Article 8 is now in 9 A.A.C. 34 (Supp. 04-1).*

**R9-22-801. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-801 adopted as an emergency adoption now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-801 repealed, new Section R9-22-801 adopted effective October 29, 1985 (Supp. 85-5). Amended subsections (C), (F), (H), (I), and (K) effective October 1, 1986 (Supp. 86-5). Change of heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (H) effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Section heading amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended effective December 13, 1993 (Supp. 93-4). Former Section R9-22-801 repealed, new Section R9-22-801 adopted January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-802. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-802 adopted as an emergency adoption now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 29, 1985 (Supp. 85-5). Amended subsections (A), (B), (C) and (D) effective October 14, 1988 (Supp. 88-4). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Former Section R9-22-802 repealed, new Section R9-22-802 adopted effective January 14, 1997 (Supp. 97-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-803. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-803 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-803 repealed, new Section R9-22-803 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-803 renumbered and amended as Section R9-22-804. Adopted effective January 31, 1986 (Supp. 86-1). Amended effective September 29, 1992 (Supp. 92-3). Former Section R9-22-803 repealed, new Section R9-22-803 adopted January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Sec-

tion repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-804. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-804 adopted as an emergency adoption now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Former Section R9-22-804 repealed, former Section R9-22-803 renumbered and amended as Section R9-22-804 effective October 29, 1985 (Supp. 85-5). Amended effective October 14, 1988 (Supp. 88-4). Amended subsections (B) and (C) effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Former Section R9-22-804 repealed, new Section R9-22-804 adopted effective January 14, 1997 (Supp. 97-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**Exhibit A. Repealed****Historical Note**

New Exhibit adopted by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Exhibit repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-805. Repealed****Historical Note**

Former Section R9-22-805 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective January 31, 1986 (Supp. 86-1).

**ARTICLE 9. REPEALED****R9-22-901. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-901 adopted as an emergency adoption now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1983 (Supp. 83-5). Adopted effective August 29, 1985 (Supp. 85-4). Amended effective October 1, 1986 (Supp. 86-5). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-902. Repealed**

## Arizona Health Care Cost Containment System - Administration

**Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-902 renumbered and amended as Section R9-22-904, former Section R9-22-903 renumbered and amended as Section R9-22-902 effective October 1, 1986 (Supp. 86-5). Former Section R9-22-902 repealed, new Section R9-22-902 adopted effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-903. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-903 renumbered and amended as Section R9-22-902, former Section R9-22-904 renumbered and amended as Section R9-22-903 effective October 1, 1986 (Supp. 86-5). Former Section R9-22-903 repealed, new Section R9-22-903 adopted effective May 30, 1989 (Supp. 89-2). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-904. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-904 renumbered and amended as Section R9-22-903, former Section R9-22-902 renumbered and amended as Section R9-22-904 effective October 1, 1986 (Supp. 86-5). Amended effective May 30, 1989 (Supp. 89-2). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-905. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-905 renumbered without change as Section R9-22-908, former Section R9-22-907 renumbered and amended as Section R9-22-905 effective October 1, 1986 (Supp. 86-5). Amended effective May 30, 1989 (Supp. 89-2). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-906. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Amended effective October 1, 1986 (Supp. 86-5). Amended effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-907. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-907 renumbered and amended as Section R9-22-905, former Section R9-22-908 renumbered and amended as Section R9-22-907 effective October 1, 1986 (Supp. 86-5). Amended effective May 30, 1989 (Supp. 89-2). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-908. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-908 renumbered and amended as Section R9-22-907, former Section R9-22-905 renumbered without change as Section R9-22-908 effective October 1, 1986 (Supp. 86-5). Former R9-22-908 repealed effective May 30, 1989 (Supp. 89-2). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-909. Repealed****Historical Note**

New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**ARTICLE 10. FIRST- AND THIRD-PARTY LIABILITY AND RECOVERIES****R9-22-1001. Definitions**

In addition to the definitions in A.R.S. §§ 36-2901, 36-2923 and 9 A.A.C. 22, Article 1, the following definitions apply to this Article: "Absent parent" means an individual who is absent from the home and is legally responsible for providing financial and/or medical support for a dependent child.

"Cost avoid" means to deny a claim and return the claim to the provider for a determination of the amount of first- or third-party liability.

"First-party liability" means the obligation of any insurance plan or other coverage obtained directly or indirectly by a member that provides benefits directly to the member to pay all or part of the expenses for medical services incurred by AHCCCS or a member.

## Arizona Health Care Cost Containment System - Administration

“Third-party” means a person, entity, or program that is, or may be, liable to pay all or part of the medical cost of injury, disease, or disability of an applicant or member.

“Third-party liability” means any individual, entity, or program that is or may be liable to pay all or part of the expenditures for medical assistance furnished to a member under a state plan.

**Historical Note**

Former Section R9-22-712 renumbered and amended as Section R9-22-1001 effective October 1, 1985 (Supp. 85-5). Amended subsections (E) through (H) effective October 1, 1986 (Supp. 86-5). Amended subsections (B), (C), (E), and (F) effective December 22, 1987 (Supp. 87-4). Section repealed; new Section adopted effective November 7, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 21 A.A.R. 1237, effective July 7, 2015 (Supp. 15-3).

**R9-22-1002. General Provisions**

AHCCCS is the payor of last resort unless specifically prohibited by applicable state or federal law. AHCCCS is not the payor of last resort when the following entities are the third-party:

1. Indian Health Services (IHS/638), contract health,
2. Title IV-E,
3. Arizona Early Intervention Program (AZEIP),
4. Local educational agencies providing services under the Individuals with Disabilities Education Act under 34 CFR Part 300,
5. Entities and contractors of entities providing services under grants awarded as part of the HIV Health Care Services Program under 42 USC 300ff et seq., and
6. The Arizona Refugee Resettlement Program operated under 45 CFR Part 400, Subpart (G).

**Historical Note**

Section R9-22-529 adopted effective October 1, 1985, then renumbered as Section R9-22-1002 effective October 1, 1985 (Supp. 85-5). Amended subsections (C) and (D) effective October 1, 1986 (Supp. 86-5). Amended effective December 22, 1987 (Supp. 87-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed; new Section adopted effective November 7, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 21 A.A.R. 1237, effective July 7, 2015 (Supp. 15-3).

**R9-22-1003. Cost Avoidance**

- A.** The Administration’s reimbursement responsibility.
  1. The Administration shall pay no more than the difference between the Capped Fee-For-Service schedule and the amount of the third-party liability, unless Medicare is the third-party.
  2. If Medicare is the third-party that is liable, the Administration shall pay the Medicare copayment, coinsurance, and deductible regardless of the Capped Fee-For-Service Schedule, as described under 9 A.A.C. 29, Article 3.
- B.** The Contractor’s reimbursement responsibility.
  1. If the contract between the contractor and the provider does not state otherwise, a contractor shall pay no more

than the difference between the contracted rate and the amount of the third-party liability.

2. If the provider does not have a contract with the contractor, a contractor shall pay no more than the difference between the Capped Fee-For-Service rate and the amount of the third-party liability.
- C.** The following parties shall take reasonable measures to identify potentially legally liable first- or third-party sources:
  1. AHCCCS, the Administration, or a contractor;
  2. A provider;
  3. A noncontracting provider; and
  4. A member.
- D.** Except as specified under subsection (E), the Administration or a contractor shall cost avoid a claim for AHCCCS covered services under Article 2 if the Administration or a contractor has established the probable existence of a liable party at the time the claim is filed. Establishing liability takes place when the Administration or the contractor receives confirmation that another party is legally responsible for payment of a health care service under Article 2.
- E.** The Administration or contractor shall pay the full amount of the claim according to the Capped-Fee-For-Service Schedule or the contracted rate as described under subsection (B), and then seek reimbursement from any liable parties if the claim is for:
  1. Prenatal care for pregnant women,
  2. Preventive pediatric services, including E.P.S.D.T. and administration of vaccines to children under the Vaccines for Children (VFC) program; or
  3. Services covered by third-party liability that is derived from an absent parent whose obligation to pay support is being enforced by the Division of Child Support Enforcement.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 3012, effective September 11, 2004 (Supp. 04-3). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 21 A.A.R. 1237, effective July 7, 2015 (Supp. 15-3).

**R9-22-1004. Member Participation**

A member shall cooperate in identifying potentially legally liable first- or third-parties and timely assist the Administration and a contractor, provider, or noncontracting provider in pursuing any first- or third-party who may be liable to pay for covered services.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1).

**R9-22-1005. Collections**

- A.** Parties that notify AHCCCS. A provider or noncontracting provider shall cooperate with AHCCCS by identifying all potential sources of first- or third-party liability and notify AHCCCS of these sources.
- B.** Parties that pursue collection or reimbursement. AHCCCS, a provider, or noncontracting provider shall pursue collection or reimbursement from all potential sources of first- or third-party liability.

## Arizona Health Care Cost Containment System - Administration

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1).

**R9-22-1006. AHCCCS Monitoring Responsibilities**

AHCCCS shall monitor first- or third-party liability payments to a provider or noncontracting provider, which include but are not limited to payments by or for:

1. Private health insurance;
2. Employment-related disability and health insurance;
3. Long-term care insurance;
4. Other federal programs not excluded by statute from recovery;
5. Court ordered or non-court ordered medical support from an absent parent;
6. State worker's compensation;
7. Automobile insurance, including underinsured and uninsured motorists insurance;
8. Court judgment or settlement from a liability insurer including settlement proceeds placed in a trust;
9. First-party probate estate recovery;
10. Adoption-related payment; or
11. A tortfeasor.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1).

**R9-22-1007. Notification for Perfection, Recording, and Assignment of AHCCCS Liens**

- A. Hospital requirements. A hospital providing medical services to a member for an injury or condition resulting from circumstances reflecting the probable liability of a first- or third-party shall within 30 days after a member's discharge:
  1. Notify AHCCCS via facsimile or mail under R9-22-1008, or
  2. Mail AHCCCS a copy of the lien the hospital proposes to record or has recorded under A.R.S. § 33-932.
- B. Provider and noncontracting provider requirements. A provider or noncontracting provider, other than a hospital, rendering medical services to a member for an injury or condition resulting from circumstances reflecting the probable liability of a first- or third-party shall notify AHCCCS via facsimile or mail under R9-22-1008 within 30 days after providing the service.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1).

**R9-22-1008. Notification Information for Liens**

- A. Except as provided in subsection (B), a hospital, provider, and noncontracting provider identified in R9-22-1007 shall provide the following information to AHCCCS in writing:
  1. Name of the hospital, provider or noncontracting provider;
  2. Address of the hospital, provider or noncontracting provider;
  3. Name of member;
  4. Member's Social Security Number or AHCCCS identification number;
  5. Address of member;
  6. Date of member's admission or date service is provided;
  7. Amount estimated to be due for care of member;
  8. Date of discharge, if member has been discharged;
  9. Name of county in which injuries were sustained; and

10. Name and address of all persons, firms, and corporations and their insurance carriers identified by the member or legal representative as being liable for damages.

- B. If the date of discharge is not known at the time the information in subsection (A) is provided, a party identified in subsection (A) shall notify AHCCCS of the date of discharge within 30 days after the member has been discharged.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1).

**R9-22-1009. Notification of Health Insurance Information**

A provider or noncontracting provider shall notify AHCCCS, in writing, of the following health insurance information within 10 days of receipt of the health insurance information:

1. Name of member,
2. Member's Social Security Number or AHCCCS identification number,
3. Insurance carrier name,
4. Insurance carrier address,
5. Policy number or insurance holder's Social Security Number,
6. Policy begin and end dates, and
7. Insurance holder's name.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1).

**ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS****R9-22-1101. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims; Definitions**

- A. Scope. This Article applies to prohibited acts as described under A.R.S. § 36-2918(A), and submissions of encounters to the Administration. The Administration considers a person who aids and abets a prohibited act affecting any of the AHCCCS programs or Health Care Group to be engaging in a prohibited act under A.R.S. § 36-2918(A).
- B. Purpose. This Article describes the circumstances AHCCCS considers and the process that AHCCCS uses to determine the amount of a penalty, assessment, or penalty and assessment as required under A.R.S. § 36-2918. This Article includes the process and time-frames used by a person to request a State Fair Hearing.
- C. Definitions. The following definitions apply to this Article:
  1. "Assessment" means a monetary amount that does not exceed twice the dollar amount claimed by the person for each service.
  2. "Claim" means a request for payment submitted by a person for payment for a service or line item of service, including a submission of an encounter.
  3. "Day" means calendar day unless otherwise specified.
  4. "File" means the date that AHCCCS receives a written acceptance, request for compromise, request for a counter proposal, or a request for a State Fair Hearing as established by a date stamp on the written document or other record of receipt.
  5. "Penalty" means a monetary amount, based on the number of items of service claimed or reported, that does not exceed \$2,000 times the number of line items of service.
  6. "Person" means an individual or entity as described under A.R.S. § 1-215.
  7. "Reason to know" or "had reason to know" means that a person, acts in deliberate ignorance of the truth or falsity

## Arizona Health Care Cost Containment System - Administration

of, or with reckless disregard of the truth or falsity of information. No proof of specific intent to defraud is required.

**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5).  
Amended subsection A. effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective June 9, 1998 (Supp. 98-2).  
Amended by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3). Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1102. Determining the Amount of a Penalty and an Assessment**

- A. AHCCCS shall determine the amount of a penalty and assessment according to A.R.S. § 36-2918(B) and (C), R9-22-1104, and R9-22-1105.
- B. AHCCCS shall include in the amount of the penalty and assessment the cost incurred by AHCCCS for conducting the following:
1. An investigation,
  2. Audit, or
  3. Inquiry.

**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5).  
Amended effective December 13, 1993 (Supp. 93-4).  
Amended effective June 9, 1998 (Supp. 98-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1103. Repealed****Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5).  
Amended effective December 13, 1993 (Supp. 93-4).  
Amended effective June 9, 1998 (Supp. 98-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Section repealed by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1104. Mitigating Circumstances**

AHCCCS shall consider any of the following to be mitigating circumstances when determining the amount of a penalty, assessment, or penalty and assessment.

1. Nature and circumstances of a claim. The following are mitigating circumstances:
  - a. All the services are of the same type,
  - b. All the dates of services occurred within six months or less,
  - c. The number of claims submitted is less than 25,
  - d. The nature and circumstances do not indicate a pattern of inappropriate claims for the services, and
  - e. The total amount claimed for the services is less than \$1,000.
2. Degree of culpability. The degree of culpability of a person who presents or causes to present a claim is a mitigating circumstance if:
  - a. Each service is the result of an unintentional and unrecognized error in the process that the person followed in presenting or in causing to present the service,
  - b. Corrective steps were taken promptly by the person after the error was discovered, and

- c. The person had a fraud and abuse control plan that was operating effectively at the time each claim was presented or caused to be presented.
3. Financial condition. The financial condition of a person who presents or causes to present a claim is a mitigating circumstance if the imposition of a penalty, assessment, or penalty and assessment without reduction will render the provider incapable to continue providing services. AHCCCS shall consider the resources available to the person when determining the amount of the penalty, assessment, or penalty and assessment.
4. Other matters as justice may require. AHCCCS shall take into account other circumstances of a mitigating nature, if in the interest of justice, the circumstances require a reduction of the penalty, assessment, or penalty and assessment.

**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5).  
Amended effective June 9, 1998 (Supp. 98-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1105. Aggravating Circumstances**

AHCCCS shall consider any of the following to be aggravating circumstances when determining the amount of a penalty, assessment, or penalty and assessment.

1. Nature and circumstances of each claim. The nature and circumstances of each claim and the circumstances under which the claim is presented or caused to be presented are aggravating circumstances if:
  - a. A person has forged, altered, recreated, or destroyed records;
  - b. The person refuses to provide pertinent documentation to AHCCCS for a claim or refuses to cooperate with investigators;
  - c. The services are of several types;
  - d. All the dates of services did not occur within six months or less;
  - e. The number of claims submitted is greater than 25;
  - f. The nature and circumstances indicate a pattern of inappropriate claims for the services; and
  - g. The total amount claimed for the services is \$5,000 or greater.
2. Degree of culpability. The degree of culpability of a person who presents or causes to present each claim is an aggravating circumstance if:
  - a. The person knows or had reason to know that each service was not provided as claimed,
  - b. The person knows or had reason to know that no payment could be made because the person had been excluded from reimbursement by AHCCCS, or
  - c. The person knows or had reason to know that the payment would violate the terms of an agreement between the person and AHCCCS system.
3. Prior offenses. The prior offenses of a person who presents or causes to present each claim are an aggravating circumstance if:
  - a. At any time before the submittal of the claim the person was held criminally or civilly liable for any act, or
  - b. The person had received an administrative sanction in connection with:
    - i. A Medicaid program,
    - ii. A Medicare program, or



## Arizona Health Care Cost Containment System - Administration

- iii. Any other public or private program of reimbursement for medical services.
- 4. Effect on patient care. The adverse effect on patient care that resulted, or could have resulted, from the failure to provide medically necessary care by a person in connection with a claim.
- 5. Other matters as justice may require. AHCCCS shall take into account other circumstances of an aggravating nature, if in the interest of justice, the circumstances require an increase of the penalty, assessment, or penalty and assessment.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1106. Notice of Intent**

If AHCCCS imposes a penalty, assessment, or a penalty and assessment, AHCCCS shall hand deliver or send by certified mail return receipt requested or Federal Express to the person, a written Notice of Intent to impose a penalty, assessment, or a penalty and assessment. The Notice of Intent shall include:

1. The statutory basis for the penalty, assessment, or the penalty and assessment;
2. Identification of the state or federal regulation and state or federal law that AHCCCS alleges has been violated;
3. The factual basis for AHCCCS' determination that the penalty, assessment, or the penalty and assessment should be imposed;
4. The amount of the penalty, assessment, or penalty and assessment;
5. The process for the person to accept or request a compromise of the penalty, assessment, or penalty and assessment; and
6. The process for requesting a State Fair Hearing.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1107. Reserved****R9-22-1108. Request for a Compromise**

- A. To request a compromise, the person shall file a written request with AHCCCS within 30 days from the date of receipt of the Notice of Intent. The written request for compromise shall contain the person's reasons for the reduction or modification of the penalty, assessment, or penalty and assessment.
- B. Within 30 days from the date of receipt of the request for compromise from the person, AHCCCS shall send a Notice of Compromise Decision that accepts, denies, or offers a counter proposal to the person's request for compromise. If AHCCCS offers a counter proposal the amount of the counter proposal shall represent the penalty, assessment, or penalty and assessment.
  1. If AHCCCS does not withdraw the Notice of Intent under R9-22-1112 or denies the request for compromise the original penalty, assessment, or penalty and assessment is upheld.
  2. To dispute the Compromise Decision, the person shall file a request for a State Fair Hearing under R9-22-1110 within 30 days from the date of receipt of the Notice of Compromise Decision.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1109. Failure to Respond to the Notice of Intent**

If a person fails to respond timely to the Notice of Intent, AHCCCS shall uphold the original penalty, assessment, or penalty and assessment.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1110. Request for State Fair Hearing**

- A. To request a State Fair Hearing regarding a dispute concerning a penalty, assessment, or penalty and assessment, the person shall file a written request for a State Fair Hearing with AHCCCS within 60 days from the date of the receipt of the Notice of Intent under R9-22-1106 or within 30 days from the date of receipt of the Notice of Compromise Decision under R9-22-1108, if applicable.
- B. AHCCCS shall mail a Notice of Hearing under A.R.S. § 41-1092.05 if AHCCCS receives a timely request for a State Fair Hearing from the person.
- C. AHCCCS shall mail a Director's Decision to the person no later than 30 days after the date the Administrative Law Judge sends the decision of the Office of Administrative Hearings (OAH) to AHCCCS.
- D. AHCCCS shall accept a written request for withdrawal of a hearing request if the written request for withdrawal is received from the person before AHCCCS mails a Notice of Hearing under A.R.S. § 41-1092 et seq. If AHCCCS mailed a Notice of Hearing under A.R.S. § 41-1092 et seq., a person may withdraw the hearing request only by sending a written request for withdrawal to OAH.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1111. Issues and Burden of Proof**

- A. Preponderance of evidence. In any State Fair Hearing conducted under R9-22-1110, AHCCCS shall prove by a preponderance of the evidence that a person presented or caused to be presented each claim in violation of this Article and any aggravating circumstances under R9-22-1105. A person shall bear the burden of producing and proving by a preponderance of the evidence any circumstance that would justify reducing the amount of the penalty, assessment, or penalty and assessment.
- B. Statistical sampling.
  1. In meeting the burden of proof described in subsection (A), AHCCCS may introduce the results of a statistical sampling study as evidence of the number and amount of claims that were presented or caused to be presented by the person. A statistical sampling study constitutes prima facie evidence of the number and amount of claims if computed by valid statistical methods.
  2. The burden of proof shall shift to the person to produce evidence reasonably calculated to rebut the findings of the statistical sampling study once AHCCCS has made a prima facie case as described in subsection (B)(1). AHCCCS shall be given the opportunity to rebut this evidence.

## Arizona Health Care Cost Containment System - Administration

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1112. Withdrawal and Continuances**

AHCCCS may withdraw the Notice of Intent at any time. Prior to referring a matter to the Office of Administrative Hearings the parties may mutually agree to a continuance.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).

**ARTICLE 12. BEHAVIORAL HEALTH SERVICES****R9-22-1201. Definitions**

Definitions. The following definitions apply to this Article:

“Adult behavioral health therapeutic home” as defined in 9 A.A.C. 10, Article 1.

“Agency” for the purposes of this Article means a behavioral health facility, a classification of a health care institution, including a mental health treatment agency defined in A.R.S. § 36-501, that is licensed to provide behavioral health services according to A.R.S. Title 36, Chapter 4.

“Assessment” means an analysis of a patient’s need for physical health services or behavioral health services to determine which services a health care institution will provide to the patient.

“Behavior management services” means services that assist the member in carrying out daily living tasks and other activities essential for living in the community, including personal care services.

“Behavioral health therapeutic home care services” means interactions that teach the client living, social, and communication skills to maximize the client’s ability to live and participate in the community and to function independently, including assistance in the self-administration of medication and any ancillary services indicated by the client’s treatment plan, as appropriate.

“Behavioral health services” means medical services, nursing services, health-related services, or ancillary services provided to an individual to address the individual’s behavioral health issue.

“Behavioral health technician” means an individual who is not a behavioral health professional who provides behavioral health services at or for a health care institution according to the health care institution’s policies and procedures that:

If the behavioral health services were provided in a setting other than a licensed health care institution, the individual would be required to be licensed as a behavioral professional under A.R.S. Title 32, Chapter 33; and

Are provided with clinical oversight by a behavioral health professional.

“Case management” for the purposes of this Article, means services and activities that enhance treatment, compliance, and effectiveness of treatment.

“Certified psychiatric nurse practitioner” means a registered nurse practitioner who meets the psychiatric specialty area requirements under A.A.C. R4-19-505(C).

“Clinical oversight” means as described under 9 A.A.C. 10.

“Cost avoid” means to avoid payment of a third-party liability claim when the probable existence of third-party liability has been established under 42 CFR 433.139(b).

“Court-ordered evaluation” has the same meaning as “evaluation” in A.R.S. § 36-501.

“Court-ordered pre-petition screening” has the same meaning as “pre-petition screening” in A.R.S. § 36-501.

“Court-ordered treatment” means treatment provided according to A.R.S. Title 36, Chapter 5.

“Crisis services” means immediate and unscheduled behavioral health services provided to a patient to address an acute behavioral health issue affecting the patient.

“Direct supervision” has the same meaning as “supervision” in A.R.S. § 36-401.

“Emergency medical services provider” has the same meaning as in A.R.S. § 36-2201.

“Health care institution” has the same meaning as defined in A.R.S. § 36-401.

“Health care practitioner” means a:

Physician;

Physician assistant;

Nurse practitioner; or

Other individual licensed and authorized by law to use and prescribe medication and devices, as defined in A.R.S. § 32-1901.

“Licensee” means the same as in 9 A.A.C. 10, Article 1.

“Medical practitioner” means a physician, physician assistant, or nurse practitioner.

“Partial care” means a day program of services provided to individual members or groups that is designed to improve the ability of a person to function in a community, and includes basic, therapeutic, and medical day programs.

“Physician assistant” means the same as in A.R.S. § 32-2501 except that when providing a behavioral health service, the physician assistant shall be supervised by an AHCCCS-registered psychiatrist.

“Psychiatrist” means a physician who meets the licensing requirements under A.R.S. § 32-1401 or a doctor of osteopathy who meets the licensing requirements under A.R.S. § 32-1800, and meets the additional requirements of a psychiatrist under A.R.S. § 36-501.

“Psychologist” means a person who meets the licensing requirements under A.R.S. §§ 32-2061 and 36-501.

“Qualified behavioral health service provider” means a behavioral health service provider that meets the requirements of R9-22-1206.

“Respite” means a period of care and supervision of a member to provide rest or relief to a family member or other person caring for the member. Respite provides activities and services to meet the social, emotional, and physical needs of the member during respite.

“TRBHA” or “Tribal Regional Behavioral Health Authority” means a Native American tribe under contract with ADHS/DBHS to coordinate the delivery of behavioral health services to eligible and enrolled members of the federally-recognized tribal nation.

## Arizona Health Care Cost Containment System - Administration

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1202. ADHS, Contractor, Administration and CRS Responsibilities**

- A. ADHS responsibilities. ADHS is responsible for payment of behavioral health services provided to members, except as specified under subsection (D). ADHS' responsibility for payment of behavioral health services includes claims for inpatient hospital services, which may include physical health services, when the principal diagnosis on the hospital claim is a behavioral health diagnosis. Behavioral health diagnoses are identified as "mental disorders" in the latest International Classification of Diseases (ICD) code set as required by AHC-CCS claims and encounters.
- B. ADHS/DBHS may contract with a TRBHA for the provision of behavioral health services for American Indian members. American Indian members may receive covered behavioral health services:
  1. From an IHS or tribally operated 638 facility,
  2. From a TRBHA, or
  3. From a RBHA.
- C. Contractor responsibilities. A contractor shall:
  1. Refer a member to a RBHA under the contract terms;
  2. Provide EPSDT developmental and behavioral health screening as specified in R9-22-213;
  3. Coordinate a member's transition of care and medical records; and
  4. Be responsible for providing covered inpatient hospital services, which may include behavioral health inpatient hospital services, when the principal diagnosis on the hospital claim is not a behavioral health diagnosis.
- D. Administration and CRS responsibilities.
  1. The Administration shall be responsible for payment of behavioral health services provided to an ALTCS FFS or an FES member and for behavioral health services provided by IHS and tribally operated 638 facilities. The Administration is also responsible for payment of behavioral health services provided to these members during prior quarter coverage.
  2. CRS shall be responsible for payment of behavioral health services provided to members enrolled with CRS.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S.

Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4).

Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended to correct typographical errors, filed in the Office of the Secretary of State October 30, 2001 (Supp. 01-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4). Amended by final rulemaking at 21 A.A.R. 1225, effective July 7, 2015 (Supp. 15-3).

**R9-22-1203. Eligibility for Covered Services**

Title XIX members. A member determined eligible under A.R.S. § 36-2901(6)(a) or (g) except for the failure to meet U.S. citizenship or qualified alien status requirements, shall receive medically necessary covered services under Article 12 and Article 2.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed, new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1204. General Service Requirements**

- A. Services. Behavioral health services include mental health, substance abuse, and physical services. Medically necessary services shall be covered and service requirements met as described under Article 2 and Article 5.
- B. Notification to Administration for American Indians enrolled with a tribal contractor. A provider shall notify the Administration no later than 72 hours after an American Indian member enrolled with a tribal contractor presents to a behavioral health hospital for inpatient emergency behavioral health services.
- C. Restrictions and limitations. Room and board is not a covered service unless provided in a behavioral health inpatient facility under R9-22-1205.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective January 1, 1996; filed

## Arizona Health Care Cost Containment System - Administration

with the Secretary of State December 22, 1995 (Supp. 95-

4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

#### **R9-22-1205. Scope and Coverage of Behavioral Health Services**

**A.** Inpatient behavioral health services. The following inpatient services are covered subject to the limitations and exclusions in this Article and Article 2.

1. Covered inpatient behavioral health services include all behavioral health services, medical detoxification, accommodations and staffing, supplies, and equipment, if the service is provided under the direction of a physician in a Medicare-certified:
  - a. General acute care hospital,
  - b. Inpatient psychiatric unit in a general acute care hospital, or
  - c. Behavioral health hospital.
2. Inpatient service limitations:
  - a. Inpatient services, other than emergency services specified in this Section, are not covered unless prior authorization is obtained.
  - b. Inpatient services and room and board are reimbursed on a per diem basis. The per diem rate includes all services, except the following licensed or certified providers may bill independently for services:
    - i. A licensed psychiatrist,
    - ii. A certified psychiatric nurse practitioner,
    - iii. A licensed physician assistant,
    - iv. A licensed psychologist,
    - v. A licensed clinical social worker,
    - vi. A licensed marriage and family therapist,
    - vii. A licensed professional counselor,
    - viii. A licensed independent substance abuse counselor, and
    - ix. A medical practitioner.

**B.** Behavioral Health Inpatient facility for children. Services provided in a Behavioral Health Inpatient facility for children as defined in 9 A.A.C. 10, Article 3 are covered subject to the limitations and exclusions under this Article.

1. Behavioral Health Inpatient facility for children services are not covered unless provided under the direction of a licensed physician in a licensed Behavioral Health Inpatient facility for children accredited by an AHCCCS-approved accrediting body as specified in contract.
2. Covered Behavioral Health Inpatient facility for children services include room and board and treatment services for behavioral health and substance abuse conditions.
3. Inpatient Behavioral Health Inpatient facility for children service limitations.
  - a. Services are not covered unless prior authorized, except for emergency services as specified in this Section.
  - b. Services are reimbursed on a per diem basis. The per diem rate includes all services, except the following licensed or certified providers may bill independently for services:
    - i. A licensed psychiatrist,
    - ii. A certified psychiatric nurse practitioner,
    - iii. A licensed physician assistant,

- iv. A licensed psychologist,
- v. A licensed clinical social worker,
- vi. A licensed marriage and family therapist,
- vii. A licensed professional counselor,
- viii. A licensed independent substance abuse counselor, and
- ix. A medical practitioner.

4. The following may be billed independently if prescribed by a provider as specified in this Section who is operating within the scope of practice:

- a. Laboratory services, and
- b. Radiology services.

**C.** Covered Inpatient sub-acute agency services. Services provided in a inpatient sub-acute facility as defined in 9 A.A.C. 10, Article 1 are covered subject to the limitations and exclusions under this Article.

1. Inpatient sub-acute facility services are not covered unless provided under the direction of a licensed physician in a licensed inpatient sub-acute facility that is accredited by an AHCCCS-approved accrediting body.
2. Covered Inpatient sub-acute facility services include room and board and treatment services for behavioral health and substance abuse conditions.
3. Services are reimbursed on a per diem basis. The per diem rate includes all services, except the following licensed or certified providers may bill independently for services:
  - a. A licensed psychiatrist,
  - b. A certified psychiatric nurse practitioner,
  - c. A licensed physician assistant,
  - d. A licensed psychologist,
  - e. A licensed clinical social worker,
  - f. A licensed marriage and family therapist,
  - g. A licensed professional counselor,
  - h. A licensed independent substance abuse counselor, and
  - i. A medical practitioner.
4. The following may be billed independently if prescribed by a provider specified in this Section who is operating within the scope of practice:
  - a. Laboratory services, and
  - b. Radiology services.

**D.** Behavioral health residential facility services. Services provided in a licensed behavioral health residential facility as defined in 9 A.A.C. 10, Article 1 are covered subject to the limitations and exclusions under this Article.

1. Behavioral health residential facility services are not covered unless provided by a licensed behavioral health residential facility.
2. Covered services include all non-prescription drugs as defined in A.R.S. § 32-1901, non-customized medical supplies, and clinical oversight or direct supervision of the behavioral health residential facility staff, whichever is applicable. Room and board are not covered services.
3. The following licensed and certified providers may bill independently for services:
  - a. A licensed psychiatrist,
  - b. A certified psychiatric nurse practitioner,
  - c. A licensed physician assistant,
  - d. A licensed psychologist,
  - e. A licensed clinical social worker,
  - f. A licensed marriage and family therapist,
  - g. A licensed professional counselor,
  - h. A licensed independent substance abuse counselor, and

## Arizona Health Care Cost Containment System - Administration

- E.** Partial care. Partial care services are covered subject to the limitations and exclusions in this Article.
1. Partial care services are not covered unless provided by a licensed and AHCCCS-registered behavioral health agency that provides a regularly scheduled day program of individual member, group, or family activities that are designed to improve the ability of the member to function in the community. Partial care services include basic, therapeutic, and medical day programs.
  2. Partial care services. Educational services that are therapeutic and are included in the member's behavioral health treatment plan are included in per diem reimbursement for partial care services.
- F.** Outpatient services. Outpatient services are covered subject to the limitations and exclusions in this Article and Article 2.
1. Outpatient services include the following:
    - a. Screening provided by a behavioral health professional or a behavioral health technician as defined in R9-22-1201;
    - b. A behavioral health assessment provided by a behavioral health professional or a behavioral health technician;
    - c. Counseling including individual therapy, group therapy, and family therapy provided by a behavioral health professional or a behavioral health technician;
    - d. Behavior management services as defined in R9-22-1201; and
    - e. Psychosocial rehabilitation services as defined in R9-22-201.
  2. Outpatient service limitations.
    - a. The following licensed or certified providers may bill independently for outpatient services:
      - i. A licensed psychiatrist;
      - ii. A certified psychiatric nurse practitioner;
      - iii. A licensed physician assistant as defined in R9-22-1201;
      - iv. A licensed psychologist;
      - v. A licensed clinical social worker;
      - vi. A licensed professional counselor;
      - vii. A licensed marriage and family therapist;
      - viii. A licensed independent substance abuse counselor;
      - ix. A medical practitioner; and
      - x. An outpatient treatment center or substance abuse transitional facility licensed under 9 A.A.C. 10, Article 14, that is an AHCCCS-registered provider.
    - b. A behavioral health practitioner not specified in subsections (F)(2)(a)(i) through (x), who is contracted with or employed by an AHCCCS-registered behavioral health agency shall not bill independently.
- G.** Emergency behavioral health services are covered subject to the limitations and exclusions under this Article. In order to be covered, behavioral health services shall be provided by qualified service providers under R9-22-1206. ADHS/DBHS shall ensure that emergency behavioral health services are available 24 hours per day, seven days per week in each GSA for an emergency behavioral health condition for a non-FES member as defined in R9-22-201.
- H.** Other covered behavioral health services. Other covered behavioral health services include:
1. Case management as defined in 9 A.A.C. 10, Article 1;
  2. Laboratory and radiology services for behavioral health diagnosis and medication management;
  3. Medication;
  4. Monitoring, administration, and adjustment for psychotropic medication and related medications;
  5. Respite care as described within subsection (J);
  6. Behavioral health therapeutic home care services provided by a RBHA in a professional foster home defined in 6 A.A.C. 5, Article 58 or in an adult behavioral health therapeutic home as defined in 9 A.A.C. 10, Article 1;
  8. Other support services to maintain or increase the member's self-sufficiency and ability to live outside an institution.
- I.** Transportation services. Transportation services are covered under R9-22-211.
- J.** Limited Behavioral Health services. Respite services are limited to no more than 600 hours per benefit year.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed, new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by exempt rulemaking at 17 A.A.R. 1870, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1206. Repealed****Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed, new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Repealed by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1207. General Provisions for Payment**

- A.** Claims submissions.
1. A provider of behavioral health services shall submit a claim for non-emergency behavioral health services provided to a member to the appropriate RBHA.
  2. A provider of behavioral health services shall submit a claim for non-inpatient emergency behavioral health services provided to a member to the appropriate RBHA.

## Arizona Health Care Cost Containment System - Administration

3. A provider of behavioral health services shall submit a claim for non-inpatient emergency behavioral health services provided to a member enrolled in a TRBHA to the Administration.
  4. A provider of behavioral health services shall submit a claim for non-emergency behavioral health services provided to a member enrolled in a TRBHA to the Administration.
  5. A provider of emergency behavioral health services, that are the responsibility of ADHS/DBHS or a contractor, shall submit a claim to the entity responsible for emergency behavioral health services under R9-22-210.01(A).
  6. A provider shall comply with the time-frames and other payment procedures in Article 7 of this Chapter, if applicable, and A.R.S. § 36-2904.
  7. ADHS/DBHS or a contractor, whichever entity is responsible for covering behavioral health services, shall cost avoid any behavioral health service claims if it establishes the existence or probable existence of first-party liability or third-party liability.
- B.** Prior authorization. Payment to a provider for behavioral health services or items requiring prior authorization may be denied if a provider does not obtain prior authorization from a RBHA, ADHS/DBHS, a TRBHA, the Administration or a contractor.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1208. Repealed****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4).

**ARTICLE 13. CHILDREN'S REHABILITATIVE SERVICES (CRS)**

*Article 13, consisting of Sections R9-22-1301 through R9-22-1306, made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1306, made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Exemption to promulgate rules repealed under Laws 2012, Chapter 299, Section 7 (Supp. 13-3).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1309, repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004. The subject matter of Article 13 is now in 9 A.A.C. 34 (Supp. 04-1).*

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

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

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

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

"CRS condition" means a list of medical condition(s) in R9-22-1303 and which are referred to as covered conditions in A.R.S. § 36-2912.

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

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

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

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2022, effective October 1, 2015 (Supp. 15-3).

**R9-22-1302. Children's Rehabilitative Services (CRS) Eligibility Requirements**

Beginning October 1, 2013, an AHCCCS member who needs active treatment for one or more of the qualifying medical condition(s) in R9-22-1303 shall be enrolled with the CRS contractor. An American Indian member shall obtain CRS services through the CRS contractor. A member enrolled in CMDP shall also obtain CRS services through the CRS contractor. Initial enrollment with the CRS contractor is limited to individuals under the age of 21. The CRS contractor shall provide covered services necessary to treat the CRS condition(s) and other services described within the CRS contract. The effective date of enrollment in CRS shall be as specified in contract.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3).

**R9-22-1303. Medical Eligibility**

The following lists identify those medical condition(s) that do qualify for the CRS program as well as those that do not qualify for the

## Arizona Health Care Cost Containment System - Administration

CRS program. The list of condition(s) that qualify for CRS medical eligibility is all inclusive. The list of condition(s) that do not qualify for CRS medical eligibility is not an all-inclusive list.

## 1. Cardiovascular System

## a. CRS condition(s) that qualify for CRS medical eligibility:

- i. Arrhythmia,
- ii. Arteriovenous fistula,
- iii. Cardiomyopathy,
- iv. Conduction defect,
- v. Congenital heart defect other than isolated small Ventricular Septal Defects (VSD), Patent Ductus Arteriosus (PDA), Atrial Septal Defects (ASD),
- vi. Coronary artery and aortic aneurysm,
- vii. Renal vascular hypertension,
- viii. Rheumatic heart disease, and
- ix. Valvular disorder.

## b. Condition(s) not medically eligible for CRS:

- i. Arteriovenous fistula that is not expected to cause cardiac failure or threaten loss of function;
- ii. Benign heart murmur;
- iii. Branch artery pulmonary stenosis;
- iv. Essential hypertension;
- v. Patent foramen ovale (PFO);
- vi. Peripheral pulmonary stenosis;
- vii. Postural orthopedic tachycardia; and
- viii. Premature atrial, nodal or ventricular contractions that are of no hemodynamic significance.

## 2. Endocrine system:

## a. CRS condition(s) that qualify for CRS medical eligibility:

- i. Addison's disease,
- ii. Adrenogenital syndrome,
- iii. Cystic fibrosis (including atypical cystic fibrosis),
- iv. Diabetes insipidus,
- v. Hyperparathyroidism,
- vi. Hyperthyroidism,
- vii. Hypoparathyroidism, and
- viii. Panhypopituitarism.

## b. Condition(s) not medically eligible for CRS:

- i. Diabetes mellitus,
- ii. Hypopituitarism associated with a malignancy and requiring treatment of less than 90 days,
- iii. Isolated growth hormone deficiency, and
- iv. Precocious puberty.

## 3. Genitourinary system medical condition(s):

## a. CRS condition(s) that qualify for CRS medical eligibility:

- i. Ambiguous genitalia,
- ii. Bladder extrophy,
- iii. Deformity and dysfunction of the genitourinary system secondary to trauma 90 days or more after the trauma occurred,
- iv. Ectopic ureter,
- v. Hydronephrosis, that is not resolved with antibiotics,
- vi. Polycystic and multicystic kidneys,
- vii. Pyelonephritis when treatment with drugs or biologicals has failed to cure or ameliorate and surgical intervention is required,
- viii. Ureteral stricture, and
- ix. Vesicoureteral reflux, at a grade 3 or higher.

## b. Condition(s) not medically eligible for CRS:

- i. Enuresis,
- ii. Hydrocele,
- iii. Hypospadias,
- iv. Meatal stenosis,
- v. Nephritis, infectious or noninfectious,
- vi. Nephrosis,
- vii. Phimosis, and
- viii. Undescended testicle.

## 4. Ear, nose, or throat medical condition(s):

## a. CRS condition(s) that qualify for CRS medical eligibility:

- i. Cholesteatoma,
- ii. Congenital/Craniofacial anomaly that is functionally limiting,
- iii. Deformity and dysfunction of the ear, nose, or throat secondary to trauma, 90 days or more after the trauma occurred,
- iv. Mastoiditis that continues 90 days or more after the first diagnosis of the condition,
- v. Microtia that requires multiple surgical interventions,
- vi. Neurosensory hearing loss, and
- vii. Significant conductive hearing loss due to an anomaly in one ear or both ears equal to or greater than a pure tone average of 30 decibels that despite medical treatment, requires a hearing aid.

## b. Condition(s) not medically eligible for CRS:

- i. A craniofacial anomaly that is not functionally limiting,
- ii. Adenoiditis,
- iii. Cranial or temporal mandibular joint syndrome,
- iv. Hypertrophic lingual frenum,
- v. Isolated preauricular tag or pit,
- vi. Nasal polyp,
- vii. Obstructive apnea,
- viii. Perforation of the tympanic membrane,
- ix. Recurrent otitis media,
- x. Simple deviated nasal septum,
- xi. Sinusitis,
- xii. Tonsillitis, and
- xiii. Uncontrolled salivation.

## 5. Musculoskeletal system medical condition(s):

## a. CRS condition(s) that qualify for CRS medical eligibility:

- i. Achondroplasia,
- ii. Arthrogryposis (multiple joint contractures),
- iii. Bone infection that continues 90 days or more after the initial diagnosis,
- iv. Chondrodysplasia,
- v. Chondroectodermal dysplasia,
- vi. Clubfoot,
- vii. Collagen vascular disease, including but not limited to, ankylosis spondylitis, polymyositis, dermatomyositis, polyarteritis nodosa, psoriatic arthritis, scleroderma, rheumatoid arthritis and lupus,
- viii. Congenital or developmental cervical spine abnormality,
- ix. Congenital spinal deformity,
- x. Diastrophic dysplasia,
- xi. Enchondromatosis,
- xii. Femoral anteversion and tibial torsion,
- xiii. Fibrous dysplasia,
- xiv. Hip dysplasia,

## Arizona Health Care Cost Containment System - Administration

- xv. Hypochondroplasia,
- xvi. Joint infection that continues 90 days or more after the initial diagnosis,
- xvii. Juvenile rheumatoid arthritis,
- xviii. Kyphosis (Scheurmann's Kyphosis) 50 degrees or over,
- xix. Larsen syndrome,
- xx. Leg length discrepancy of two centimeters or more,
- xxi. Legg-Calve-Perthes disease,
- xxii. Limb amputation or limb malformation,
- xxiii. Metaphyseal and epiphyseal dysplasia,
- xxiv. Metatarsus adductus,
- xxv. Muscular dystrophy,
- xxvi. Orthopedic complications of hemophilia,
- xxvii. Osgood Schlatter's disease that requires surgical intervention,
- xxviii. Osteogenesis imperfecta,
- xxix. Rickets,
- xxx. Scoliosis when 25 degrees or greater, or when there is a need for bracing or surgery,
- xxxi. Seronegative spondyloarthropathy such as Reiters, psoriatic arthritis, and ankylosing spondylitis,
- xxxii. Slipped capital femoral epiphysis,
- xxxiii. Spinal muscle atrophy,
- xxxiv. Spondyloepiphyseal dysplasia, and
- xxxv. Syndactyly.
- b. Condition(s) not medically eligible for CRS:
  - i. Back pain with no structural abnormality,
  - ii. Benign bone tumor,
  - iii. Bunion,
  - iv. Carpal tunnel syndrome,
  - v. Deformity and dysfunction secondary to trauma or injury,
  - vi. Ehlers Danlos,
  - vii. Flat foot,
  - viii. Fracture,
  - ix. Ganglion cyst,
  - x. Ingrown toenail,
  - xi. Kyphosis under 50 degrees,
  - xii. Leg length discrepancy of less than two centimeters at skeletal maturity,
  - xiii. Polydactyly without bone involvement,
  - xiv. Popliteal cyst,
  - xv. Trigger finger, and
  - xvi. Varus and valgus deformities.
- 6. Gastrointestinal system medical condition(s):
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Anorectal atresia,
    - ii. Biliary atresia,
    - iii. Cleft lip,
    - iv. Cleft palate,
    - v. Congenital atresia, stenosis, fistula, or rotational abnormalities of the gastrointestinal tract,
    - vi. Deformity and dysfunction of the gastrointestinal system secondary to trauma, 90 days or more after the trauma occurred,
    - vii. Diaphragmatic hernia,
    - viii. Gastroschisis,
    - ix. Hirschsprung's disease,
    - x. Omphalocele, and
    - xi. Tracheoesophageal fistula.
  - b. Condition(s) not medically eligible for CRS:
    - i. Celiac disease,
    - ii. Crohn's disease,
    - iii. Hernia other than a diaphragmatic hernia,
    - iv. Intestinal polyp,
    - v. Malabsorption syndrome, also known as short bowel syndrome,
    - vi. Pyloric stenosis,
    - vii. Ulcer disease, and
    - viii. Ulcerative colitis.
- 7. Nervous system medical condition(s):
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Benign intracranial tumor,
    - ii. Benign intraspinal tumor,
    - iii. Central nervous system degenerative disease,
    - iv. Central nervous system malformation or structural abnormality,
    - v. Cerebral palsy,
    - vi. Craniosynostosis requiring surgery,
    - vii. Deformity and dysfunction secondary to trauma in an individual that continues 90 days or more after the incident,
    - viii. Hydrocephalus,
    - ix. Muscular dystrophy or other myopathy,
    - x. Myelomeningocele, also known as spina bifida,
    - xi. Myoneural disorder, including but not limited to, amyotrophic Lateral Sclerosis or ALS, myasthenia gravis, Eaton-Lambert syndrome, muscular dystrophy, trojer sclerosis, polymyositis, dermatomyositis, progressive bulbar palsy, polio,
    - xii. Neurofibromatosis,
    - xiii. Neuropathy/polyneuropathy, hereditary or idiopathic,
    - xiv. Residual dysfunction that continues 90 days or more after a vascular accident, inflammatory condition, or infection of the central nervous system,
    - xv. Residual dysfunction that continues 90 days or more after near drowning,
    - xvi. Residual dysfunction that continues 90 days or more after the spinal cord injury, and
    - xvii. Uncontrolled seizure disorder, in which there have been more than two seizures with documented compliance of one or more medications.
  - b. Condition(s) not medically eligible for CRS:
    - i. Central apnea secondary to prematurity,
    - ii. Febrile seizures,
    - iii. Headaches,
    - iv. Near sudden infant death syndrome,
    - v. Plagiocephaly, and
    - vi. Spina bifida occulta.
- 8. Ophthalmology:
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Cataracts,
    - ii. Disorder of the iris, ciliary bodies, retina, lens, or cornea,
    - iii. Disorder of the optic nerve,
    - iv. Glaucoma,
    - v. Non-malignant enucleation and post-enucleation reconstruction, and
    - vi. Retinopathy of prematurity.
  - b. Condition(s) not medically eligible for CRS:
    - i. Astigmatism,



## Arizona Health Care Cost Containment System - Administration

- ii. Ptosis,
  - iii. Simple refraction error, and
  - iv. Strabismus.
- 9. Respiratory system medical condition(s):
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Anomaly of the larynx, trachea, or bronchi that requires surgery, and
    - ii. Nonmalignant obstructive lesion of the larynx, trachea, or bronchi.
  - b. Condition(s) not medically eligible for CRS:
    - i. Allergies,
    - ii. Asthma,
    - iii. Bronchopulmonary dysplasia,
    - iv. Chronic obstructive pulmonary disease,
    - v. Emphysema, and
    - vi. Respiratory distress syndrome.
- 10. Dermatological system medical condition(s):
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. A burn scar that is functionally limiting,
    - ii. A hemangioma that is functionally limiting that requires laser or surgery,
    - iii. Complicated nevi requiring multiple procedures,
    - iv. Cystic hygroma such as lymphangioma, and
    - v. Malocclusion that is functionally limiting.
  - b. Condition(s) not medically eligible for CRS:
    - i. A deformity that is not functionally limiting,
    - ii. Ectodermal dysplasia,
    - iii. Isolated malocclusion that is not functionally limiting,
    - iv. Pilonidal cyst,
    - v. Port wine stain,
    - vi. Sebaceous cyst,
    - vii. Simple nevi, and
    - viii. Skin tag.
- 11. Metabolic CRS condition(s) that qualify for CRS medical eligibility:
  - i. Amino acid or organic acidopathy,
  - ii. Biotinidase deficiency,
  - iii. Homocystinuria,
  - iv. Inborn error of metabolism,
  - v. Maple syrup urine disease,
  - vi. Phenylketonuria, and
  - vii. Storage disease.
- 12. Hemoglobinopathies CRS condition(s) that qualify for CRS medical eligibility:
  - a. Sickle cell anemia, and
  - b. Thalassemia.
- 13. Additional medical/behavioral condition(s) which are not medically eligible for CRS:
  - a. Allergies,
  - b. Anorexia nervosa or obesity,
  - c. Attention deficit disorder,
  - d. Autism,
  - e. Cancer,
  - f. Depression or other mental illness,
  - g. Developmental delay,
  - h. Dyslexia or other learning disabilities,
  - i. Failure to thrive,
  - j. Hyperactivity, and
  - k. Immunodeficiency, such as AIDS and HIV.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).  
Amended by final rulemaking at 6 A.A.R. 3317, effective

August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2022, effective October 1, 2015 (Supp. 15-3).

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

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

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).  
Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2022, effective October 1, 2015 (Supp. 15-3).

**R9-22-1305. CRS Redetermination**

- A. Continued eligibility for the CRS program shall be redetermined by verifying active treatment status of the CRS qualifying medical condition(s) as follows:
  - 1. The CRS Contractor is responsible for notifying the AHCCCS Administration of the date when a CRS member is no longer in active treatment for the CRS qualifying condition(s).
  - 2. The Administration may request, at any time, that the CRS contractor submit the medical documentation requested in the CRS medical redetermination form within the specified time-frames in contract.
  - 3. The Administration shall notify the CRS member or authorized representative of the redetermination process.
- B. If the Administration determines that a CRS member is no longer medically eligible for CRS, the Administration shall provide the CRS member or authorized representative a written notice that informs the CRS member that the Administration is transitioning the CRS member's enrollment according to R9-22-1306. The member may appeal the redetermination under Chapter 34.
- C. Upon reaching his or her 21st birthday, the CRS member will be enrolled with a non-CRS contractor unless the member requests to continue enrollment with the CRS contractor.

## Arizona Health Care Cost Containment System - Administration

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3).

**R9-22-1306. Transition or Termination**

- A. The Administration shall transition a CRS member from the CRS contractor when the Administration determines the CRS member does not meet the medical eligibility requirements under this Article.
- B. The Administration shall terminate a CRS member from the CRS contractor and the AHCCCS program when the Administration determines the CRS member does not meet the AHCCCS eligibility requirements. The member may appeal the termination under Chapter 34.
- C. If the Administration transitions a CRS member from the CRS contractor, the Administration shall provide the CRS member, or authorized representative a written notice of transition. The member may appeal the transition under Chapter 34.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3).

**R9-22-1307. Covered Services**

The Administration will cover medically necessary services as described within Article 2 unless otherwise specified in contract.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3).

**R9-22-1308. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-1309. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**ARTICLE 14. AHCCCS MEDICAL COVERAGE FOR HOUSEHOLDS****R9-22-1401. General Information**

- A. Scope. This Article contains eligibility criteria to determine whether a household or individual is eligible for AHCCCS medical coverage. Eligibility criteria described under Article 3 applies to this Article.
- B. Definitions. In addition to definitions contained in R9-22-101 and A.R.S. § 36-2901, the words and phrases in this Article, Article 3 and Article 15 have the following meanings unless the context explicitly requires another meaning:
  - “Burial plot” means a space reserved in a cemetery, crypt, vault, or mausoleum for the remains of a deceased person.
  - Caretaker relative” means:
    - A parent of a dependent child with whom the child is living;
    - When the dependent child does not live with a parent or the parent in the home is incapacitated, another relative of the child by blood, adoption, or marriage in the home who assumes primary responsibility for the child’s care; or
    - A woman in her third trimester of pregnancy with no other dependent children.
  - “Cash assistance” means a program administered by the Department that provides assistance to needy families with dependent children under 42 U.S.C. 601 et seq.
  - “Dependent child” means a child under the age of 18, or if age 18 is a full-time student in secondary school or equivalent vocational or technical training, if reasonably expected to complete such school or training before turning age 19.
  - “MAGI – based income” means Modified Adjusted Gross Income as defined under 42 CFR 435.603(e).
  - “Medical expense deduction” or “MED” means the cost of the following expenses if incurred in the United States:
    - A medical service or supply that would be covered if provided to an AHCCCS member of any age under Articles 2 and 12 of this Chapter;
    - A medical service or supply that would be covered if provided to an Arizona Long-term Care System member under 9 A.A.C. 28, Articles 2 and 11;
    - Other necessary medical services provided by a licensed practitioner or physician;
    - Assistance with daily living if the assistance is documented in an individual plan of care by a nurse, social service worker, registered therapist, or dietician under the supervision of a physician except when provided by the spouse of an applicant or the parent of a minor child;
    - Medical services provided in a licensed nursing home or in an alternative HCBS setting under R9-28-101;
    - Purchasing and maintaining an animal guide or service animal for the assistance of a member of the MED family unit under R9-22-1436; and
    - Health insurance premiums, deductibles, and coinsurance, if the insured is a member of the MED family unit.

## Arizona Health Care Cost Containment System - Administration

"Monthly income" means the gross countable income received or projected to be received during the month or the monthly equivalent.

"Monthly equivalent" means a monthly countable income amount established by averaging, prorating, or converting a person's income.

"Spendthrift restriction" means a legal restriction on the use of a resource that prevents a payee or beneficiary from alienating the resource.

"Tax dependent" is described under 42 CFR 435.4.

"Taxpayer" means a person who expects to file a tax return, and does not expect to be claimed as a tax dependent by another person.

"Title IV-D" means Title IV-D of the Social Security Act, 42 U.S.C. 651-669, the statutes establishing the child support enforcement and paternity program.

"Title IV-E" means Title IV-E of the Social Security Act 42 U.S.C. 670-679, the statutes establishing the foster care and adoption assistance programs.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1402. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1403. Agency Responsible for Determining Eligibility**

The Administration or its designee shall determine eligibility under the provisions of this Article. The Administration or its designee shall not discriminate against an applicant or member because of race, color, creed, religion, ancestry, national origin, age, sex, or physical or mental disability.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1404. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1405. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1406. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1407. Deceased Applicants**

- A. If an applicant dies while an application is pending, the Administration or Administration's designee shall complete an eligibility determination for all applicants listed on the application, including the deceased applicant.
- B. The Administration or Administration's designee shall complete an eligibility determination on an application filed on behalf of a deceased applicant.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1). Amended by final rulemaking at 19 A.A.R. 3309, November 30, 2013 (Supp. 13-4).

**R9-22-1408. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1409. Repealed**

## Arizona Health Care Cost Containment System - Administration

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1410. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1411. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1412. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by exempt rulemaking at 10 A.A.R. 23, effective December 9, 2003 (Supp. 03-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1413. Time-frames, Reinstatement of an Application**

- A. The Administration or its designee shall complete an eligibility determination under R9-22-306(A)(1) unless:
  1. The applicant is pregnant. The Administration or its designee shall complete an eligibility determination for a pregnant woman within 20 days after the application date unless additional information is required to determine eligibility; or
  2. The applicant is in a hospital as an inpatient at the time of application. Within seven days of the Administration or its designee's receipt of a signed application the Administration or its designee shall complete an eligibility determination if the Administration or its designee does not need additional information or verification to determine eligibility.
- B. The Administration or its designee shall reopen or reinstate eligibility of an individual who is discontinued for failure to

submit the renewal form or necessary information, without requiring a new application, if the individual submits the renewal form or necessary information within 90 days after the date of discontinuance.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1414. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1415. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1416. Effective Date of Eligibility**

- A. Except as provided in R9-22-303 and subsections (B), (C) and (D), the effective date of eligibility is the first day of the month that the applicant files an application if the applicant is eligible that month, or the first day of the first eligible month following the application month except for:
  1. The MED program under R9-22-1439, and
  2. Eligibility for a newborn under R9-22-1429.
- B. The effective date of eligibility for an applicant who moves into Arizona is no sooner than the date Arizona residency is established.
- C. The effective date of eligibility for an inmate applying for medical coverage is the date the applicant no longer meets the definition of an inmate of a public institution.
- D. The effective date of eligibility for a newborn is no sooner than the date of birth.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1417. Repealed**

## Arizona Health Care Cost Containment System - Administration

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1418. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1419. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1419.01. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1419.02. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1419.03. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1419.04. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1420. Income Eligibility Criteria**

- A.** Evaluation of income. In determining eligibility, the Administration or its designee shall evaluate the following types of income received by a person identified in subsection (B):

1. Earned income, including in-kind income, before any deductions. For purposes of this Section, in-kind income means room, board, or provision for other needs in exchange for work performed. The person identified in subsection (B) shall ensure that the provider of the in-kind income establishes and verifies the monetary value of the item provided. The provider may be, but is not limited to:
    - a. A landlord who provides all or a portion of rent or utilities in exchange for services;
    - b. A store owner who gives goods such as groceries, clothes, or furniture in exchange for services; or
    - c. An individual who trades goods such as a car, tools, trailer, building material, or gasoline in exchange for services;
  2. Self-employment income under R9-22-1424, including gross business receipts minus business expenses; and
  3. Unearned income, including deemed income under R9-22-317 from the sponsor of a non-citizen applicant.
- B.** MAGI income group. The Administration or its designee shall include the following persons in the MAGI income group:
1. When the applicant is a taxpayer include:
    - a. The applicant,
    - b. Everyone the applicant expects to claim as a tax dependent for the current year, and
    - c. The applicant's spouse, when living with the applicant.
  2. Except as provided in subsection (B)(3), when the applicant expects to be claimed as a tax dependent for the current year include:
    - a. The taxpayer claiming the applicant,
    - b. Everyone else the taxpayer expects to claim as a tax dependent,
    - c. The taxpayer's spouse when living with the taxpayer, and
    - d. The applicant's spouse, when living with the applicant.
  3. When any of the following apply, determine the persons whose income is included as described in subsection (4)(a) or (4)(b) based on the applicant's age:
    - a. The applicant expects to be claimed as a tax dependent by someone other than a spouse or natural, adopted or step-parent;
    - b. The applicant is under age 19, expects to be claimed as a tax dependent by a natural, adopted or step-parent, lives with more than one such parent and the parents do not expect to file a joint tax return; or
    - c. The applicant is under age 19 and expects to be claimed as a tax dependent by a non-custodial parent.
  4. When the applicant is not a taxpayer, does not expect to be claimed as a tax dependent and is:
    - a. Under age 19. Include the income of the applicant and when living with the applicant, the applicant's:
      - i. Spouse;
      - ii. Natural, adopted and step-children;
      - iii. Natural, adopted and step-parents;
      - iv. Natural, adopted and step-siblings; and
    - b. Age 19 or older. Include the income of the applicant and when living with the applicant, the applicant's:
      - i. Spouse;
      - ii. Natural, adopted and step-children under age 19.
  5. When the applicant is a pregnant woman, the Administration or its designee shall also include the number of

## Arizona Health Care Cost Containment System - Administration

expected babies only for the pregnant woman's income group.

6. When the taxpayer cannot reasonably establish that a person is the taxpayer's tax dependent, inclusion of the person in the taxpayer's MAGI income group is determined as provided in subsection (B)(4).
- C. A person whose income is counted. The Administration or its designee shall count the MAGI-based income of all members of an applicant's MAGI income group with the following exceptions:
  1. The income of an individual who is included in the MAGI income group of his or her natural, adoptive or step parent and is not expected to be required to file a tax return for the year in which eligibility for Medicaid is being determined, is not counted whether or not the individual files a tax return.
  2. The income of a tax dependent other than the taxpayer's spouse or biological, adopted or stepchild who is not expected to be required to file a tax return for the year in which eligibility for Medicaid is being determined is not counted when the tax dependent is included in the taxpayer's MAGI income group, whether or not the tax dependent files a tax return.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1421. MAGI based Income Eligibility**

- A. In determining eligibility, if an individual would otherwise be ineligible under this Article due to excess income, the Administration or its designee shall subtract an amount equivalent to five percentage points of the Federal Poverty Level (FPL) from the household income.
- B. A person is eligible under this Article when:
  1. Subject to subsection (A), the monthly household income does not exceed the appropriate FPL;
  2. If ineligible under (B)(1), the household income determined in accordance with 26 CFR 1.36B-1(e) is below 100 percent FPL; or
  3. For eligibility under R9-22-1437, the person's income during the period defined in R9-22-1437(C) does not exceed the FPL under R9-22-1437(B).
- C. The Administration or its designee shall consider the following factors when determining the income period to use to determine monthly income:
  1. Type of income,
  2. Frequency of income,
  3. If source of income is new or terminated, or
  4. Income fluctuation.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1422. Methods for Calculating Monthly Income**

- A. Projecting income.
  1. Description. Projecting income is a method of determining the amount of income that a person will receive.
  2. Calculation. The Administration or its designee shall project income by:
    - a. Converting income to a monthly equivalent,
    - b. Using unconverted income, or
    - c. Prorating income to determine a monthly equivalent.
  3. Exclusion. When calculating projected monthly income, the Administration or its designee shall exclude an unusual variation in income under R9-22-1424(E), except for a month in which the variation is anticipated to occur.
- B. Averaged income.
  1. Description. Averaging income proportionally distributes the person's income received on a regular basis.
  2. Calculation. To average income, the Administration or its designee shall add the amount of the income and divide by the total number of pay periods. If the amount of income received per pay period fluctuates, and the fluctuation is expected to continue, the Administration or its designee shall:
    - a. Use the averaged weekly or bi-weekly amounts to convert weekly or bi-weekly income to a monthly equivalent;
    - b. Use the averaged monthly or semi-monthly amounts to project monthly income; and
    - c. Use the averaged hours worked and multiply the average by the current rate of pay. If there is a change in the rate of pay, use the new rate of pay when calculating projected income under subsection (A).
- C. Prorated income.
  1. Description. Prorated income evenly distributes a person's income over the period the income is intended to cover to calculate a monthly equivalent.
  2. Calculation. To prorate income, the Administration or its designee shall divide the total amount of the person's income received during the period by the number of months that the income is intended to cover.
- D. Converted income.
  1. Description. Converted income is income received weekly or biweekly that is changed to a monthly equivalent.
  2. Calculation.
    - a. The Administration or its designee shall average the weekly or bi-weekly income amounts before converting to the monthly equivalent if the person's past income fluctuates and the fluctuation is expected to recur.
    - b. To convert income paid weekly to a monthly equivalent, the Administration or its designee shall multiply the weekly average by 4.3 weeks.
    - c. To convert income paid bi-weekly to a monthly equivalent, the Administration or its designee shall multiply the bi-weekly average by 2.15 weeks.
- E. Unconverted income.
  1. Description. Unconverted income is the actual amount of income received or projected to be received during a month.
  2. Calculation. The Administration or its designee shall sum the actual amount of income received or projected to be received during a month.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7

## Arizona Health Care Cost Containment System - Administration

A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).  
 Section repealed; new Section made by final rulemaking  
 at 11 A.A.R. 4942, effective December 31, 2005  
 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R.  
 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1423. Calculations and Use of Methods Listed in R9-22-1422 Based on Frequency of Income**

- A.** Monthly income. If otherwise countable income is received monthly or in a lump sum, the Administration or its designee shall use the unconverted method for calculating monthly income.
1. Lump sum means a nonrecurring payment that serves as a complete payment.
  2. Lump sum payments include but are not limited to: rebates or credits; inheritances; insurance settlements; and payments for prior months from such sources as Social Security, Railroad Retirement, or other benefits.
  3. A lump sum payment may include a portion intended for the current month.
- B.** Weekly income. If income is received weekly, the Administration or its designee shall convert the income to a monthly equivalent under R9-22-1422(D).
- C.** Bi-weekly income. If income is received bi-weekly, the Administration or its designee shall convert the income to a monthly equivalent under R9-22-1422(D).
- D.** Semi-monthly or daily income. If income is received semi-monthly or daily, the Administration or its designee shall use the unconverted method for calculating monthly income under R9-22-1422(E).
- E.** Bimonthly, quarterly, semi-annual, or annual income. If income is received bimonthly, quarterly, semi-annually, or annually, the Administration or its designee shall prorate the income received or projected to be received under R9-22-1422(C).

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1424. Use of Methods Listed in R9-22-1423 Based on Type of Income**

- A.** New income.
1. Description. New income is income received from a new source during the first calendar month that the income is received from the source.
  2. Calculating monthly income.
    - a. If a full month's income is received, the Administration or its designee shall use the appropriate method described in R9-22-1423 to calculate the monthly income.
    - b. If less than a full month's income is received, the Administration or its designee shall use the unconverted method to calculate the monthly income.
- B.** Terminated income.
1. Terminated income is income received during the last calendar month when no more income is expected to be received from that source.
  2. Calculating monthly income.
    - a. If a full month's income is received, the Administration or its designee shall use the appropriate method

described in R9-22-1423 to calculate the monthly income.

- b. If less than a full month's income is received, the Administration or its designee shall use the unconverted method to calculate the monthly income.

**C.** Break in income.

1. Description. A break in income is a break in established frequency of income of one calendar month or more.
2. Calculating monthly income.
  - a. If a full month's income is received, the Administration or its designee shall use the appropriate method described in R9-22-1423 to calculate the monthly income.
  - b. If less than a full month's income is received, the Administration or its designee shall use the unconverted method to calculate the monthly income.

**D.** Contract or regular seasonal income.

1. Descriptions.
  - a. Contract income is income a person earns under a contract that specifies a length of time the contract covers, the amount of income to be paid, and the frequency of payment.
  - b. Regular seasonal income is income that fluctuates based on season or is only received during a certain season, and can reasonably be anticipated based on history or other verification.
2. Calculating monthly income.
  - a. When the contract or regular seasonal income will not fluctuate over the 12-month period beginning with the month the application or renewal is submitted, the Administration or its designee shall use the appropriate income calculation method in R9-22-1423 for the frequency of receipt.
  - b. When the contract or regular seasonal income is anticipated to fluctuate over the 12-month period beginning with the month the application or renewal is submitted, the Administration or its designee shall calculate the monthly income as follows:
    - i. For a one-time contract that ends between the month the application or renewal is submitted and the end of the calendar year, divide the income that will be received from the application or renewal month through the end of the calendar year by the number of months in that period to get a monthly equivalent;
    - ii. For contracts that extend into the next calendar year, contracts that are anticipated to be renewed and regular seasonal income, the Administration or its designee shall divide the income that will be received in the 12-month period beginning with the application or renewal month by 12 to get the monthly equivalent.

**E.** Unusual variation in the amount of income.

1. Description. Unusual variation is an amount of income that is different from the established amount received and is not projected to continue or recur.
2. Calculating monthly income.
  - a. When calculating income for the month in which an unusual variation in income occurs, the Administration or its designee shall include the unusual variation in the income calculation.
  - b. When an unusual variation in income occurs during the month, the Administration or its designee shall use the converted method for calculating monthly income if income is received weekly or bi-weekly.

## Arizona Health Care Cost Containment System - Administration

- c. When projecting income for the months following the month in which the unusual variation occurs, the Administration or its designee shall exclude the unusual variation in income from the income calculation.

**F. Self-employment income.**

- 1. Description. Self-employment income is income a person earns from the person's own trade or business less allowable expenses.
- 2. Calculating monthly income. The Administration or its designee shall prorate the income under R9-22-1422.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1425. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1426. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1427. Eligibility Under MAGI**

- A. Caretaker Relatives.** An individual is eligible for AHCCCS medical coverage as a Caretaker Relative when the individual meets the following requirements:
  - 1. Is a caretaker relative as defined in R9-22-1401.
  - 2. The total countable income under R9-22-1420(B) does not exceed 106 percent of the FPL for the number of people in the MAGI income group.
- B. Continued medical coverage.**
  - 1. A caretaker relative eligible under subsection (A) and all dependent children eligible under subsection (D) in the caretaker relative's MAGI income group are entitled to continued AHCCCS coverage for up to 12 months if eligible under subsection (B)(1)(c)(i) and up to four months if eligible under subsection (B)(1)(c)(ii) if the MAGI income group's income exceeds the limit for the income group's size and the following conditions are met:
    - a. The caretaker relative still lives with a dependent child;
    - b. A caretaker relative in the income group received AHCCCS medical coverage under this Section for three calendar months out of the most recent six months; and

- c. The loss of AHCCCS coverage under this Section is due to:
  - i. Increased earned income of a caretaker relative, or
  - ii. Increased spousal support.

- 2. An applicant may be added to the continued medical coverage under subsection (B)(1), if the applicant did not reside in the household at the time continued medical coverage under this Section was determined and the applicant is:
  - a. The spouse or dependent child of a caretaker relative receiving continued medical coverage, or
  - b. The parent of a dependent child who is receiving continued medical coverage.

- C. Pregnant Women.** A pregnant woman is eligible for AHCCCS medical coverage when the total countable income under R9-22-1420(B) does not exceed 156 percent of the FPL for the number of people in the MAGI income group. A pregnant woman who applies for AHCCCS medical coverage during the pregnancy or postpartum period and is determined eligible, remains eligible throughout the postpartum period. The postpartum period begins the day the pregnancy terminates and ends the last day of the month in which the 60th day following pregnancy termination occurs.
- D. Children.** A child less than 19 years of age is eligible for AHCCCS medical coverage when the total countable income under R9-22-1420(B) does not exceed the following percentage of the FPL for the number of people in the MAGI income group:
  - 1. 147 percent for a child under one year of age,
  - 2. 141 percent for a child age one through five years of age, or
  - 3. 133 percent for all other persons.
- E. Adults.** An individual is eligible for AHCCCS medical coverage when the individual meets the following eligibility requirements:
  - 1. Is 19 years of age or older but less than 65 years of age;
  - 2. Is not pregnant;
  - 3. Is not eligible for AHCCCS Medical Coverage under any other coverage group listed in 42 U.S.C. 1396a(a)(10)(A)(i);
  - 4. Is not entitled to or enrolled for Medicare benefits under Part A or Part B;
  - 5. The total countable income under R9-22-1420(B) does not exceed 133 percent of the FPL for the number of people in the MAGI income group; and
  - 6. When the individual is a caretaker relative, but has income exceeding the limit in subsection (A)(2), each child under age 19 living with the individual is receiving AHCCCS medical coverage or KidsCare, or is enrolled in minimum essential coverage as defined in 42 CFR 435.4.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Section R9-22-1427 repealed; new Section R9-22-1427 made by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1428. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7



## Arizona Health Care Cost Containment System - Administration

A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1429. Eligibility for a Newborn**

A child born to a mother eligible for and receiving medical coverage under this Article, Article 15 of the Chapter, or 9 A.A.C. 28, is automatically eligible for AHCCCS medical coverage for a period not to exceed 12 months. Automatic eligibility begins on the child's date of birth and ends with the last day of the month in which the child turns age one.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1430. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1431. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 2633, effective July 10, 2007 (Supp. 07-3). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1). Repealed by final rulemaking at 21 A.A.R. 1241, effective September 5, 2015 (Supp. 15-3).

**R9-22-1432. Young Adult Transitional Insurance**

An individual is eligible for AHCCCS medical coverage when the individual meets all of the following eligibility requirements:

1. Is 18 through 25 years of age;
2. Was in the custody of the Department of Economic Security under A.R.S. Title 8, Chapter 5 or Chapter 10 on the individual's 18th birthday;
3. Was eligible for and receiving AHCCCS Medical Coverage on the individual's 18th birthday; and
4. Is not eligible for AHCCCS Medical Coverage under 42 U.S.C. 1396a(a)(10)(A)(i)(I) - (VII).

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1433. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1434. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Section repealed by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4).

**R9-22-1435. Eligibility for a Person With Medical Expenses Whose Income is Over 100 Percent FPL**

An applicant who is not eligible for AHCCCS medical coverage due to excess income may become AHCCCS eligible by deducting medical expenses from the applicant's income. This coverage is called Medical Expense Deduction (MED).

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1436. MED Family Unit**

- A. For the purpose of this Section, a child is an unmarried person under age 18.
- B. The Department shall consider each of the following to be a family when living together:
  1. A parent and the parent's children;
  2. A married couple without children;
  3. A married couple and the children of either or both spouses;
  4. Unmarried parents who live with at least one child in common, and the parents' other children, whether in common or not; and
  5. A person without children.
- C. If an applicant is pregnant, the family unit includes the number of unborn children.
- D. A child of the children included in subsections (B)(1), (B)(3), or (B)(4) is considered part of the family unit when living together.

## Arizona Health Care Cost Containment System - Administration

- E. The Department shall not include a SSI-cash recipient in the MED family unit even if the SSI-cash recipient is a parent, spouse, or child.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1437. MED Income Eligibility Requirements**

- A. Income exclusions. The exclusions in R9-22-1420(C) apply to the MED family unit.
- B. Income standard.
1. The Department shall divide the annual FPL for the MED family unit that is in effect during each month of the income period by 12 to determine the monthly FPL.
  2. The Department shall add the monthly FPLs for the income period and multiply the resulting amount by 40 percent.
  3. Changes to the annual FPL are implemented in April of each year.
- C. Income period. The income period is the month of application and the next two months. The Department shall add together the three months' income to establish the MED family unit's income amount.
- D. Medical expense deduction period. The medical expense deduction period is a three-month period consisting of:
1. For a new application, the month before the application month, the month of application, and month following the application month; or
  2. For a MED eligibility review, the last month of the prior MED eligibility period and the following two months.
- E. The Department shall calculate the amount of countable monthly income as follows:
1. Subtract a \$90 cost of employment allowance from the gross amount of earned income for each person whose earned income is counted;
  2. Disregard from the remaining earned income an amount billed by the provider for the care of each dependent child under age 18 or incapacitated adult member of the MED family unit if the care is for the purpose of allowing the person to work. If more than one person in the household is responsible for and billed for the care of a dependent child, the disregard may be split between the wage earners if splitting the disregard is to the benefit of the family, but shall not exceed the maximum disregards as follows:
    - a. A maximum of \$200 for a child under age two and \$175 for other dependents for a wage-earner employed full-time (86 or more hours per month); and
    - b. A maximum of \$100 for a child under age two, and \$88 for other dependents for a wage earner employed part-time (less than 86 hours a month);
  3. Add the remaining earned income for each MED family member to the unearned income of all MED family members;
  4. Compare the MED family's unit countable income amount to the income standard in subsection (B). The difference is the amount of medical expenses the family shall incur during the medical expense deduction period to become eligible;
  5. Subtract allowable medical expense deductions that were incurred by:
    - a. A member of the MED family unit;

- b. A deceased spouse or minor child of a MED family unit if this person would have been a member of the MED unit during the MED expense deduction period;
  - c. A person who was a minor child of a MED family unit member when the expense was incurred but who is no longer a minor child; or
  - d. A minor child, including a child who is a runaway, who left home before the date of application to live with someone other than a parent; and
6. Compare the net MED family income to the income standard listed in subsection (B).
- F. The family is eligible if the net income in subsection (E)(6) does not exceed the income standard in subsection (B).

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1438. MED Resource Eligibility Requirements**

- A. Including countable resources. The Department shall include the resources not excluded that belong to and are available to members of the family of a qualified alien under A.R.S. § 36-2903.03 and the sponsor and sponsor's spouse of a person who is a qualified alien.
- B. Ownership and availability. The Department shall evaluate the ownership of resources to determine the availability of resources to a person listed in subsection (A).
1. Jointly owned resources with ownership records containing the words "and" or "and/or" between the owners' names are available to each owner except if one of the owners refuses to sell. A consent to sale is not required if all owners are members of the MED family unit.
  2. Jointly owned resources with ownership records containing the word "or" between the owners' names are presumed to be available in full to each owner. The applicant or member may rebut the presumption by providing clear and convincing evidence of intent to establish a different type of ownership. If the presumption is rebutted, the resource is available to the owners:
    - a. Consistent with the intent of the owners, or
    - b. Based on each owner's proportionate net contribution if there is not clear and convincing evidence of a different allocation.
  3. The Department shall establish availability of a trust under 42 U.S.C. 1396p(d)(4)(A) or (C).
- C. Unavailability. The Department shall consider the following resources unavailable:
1. Property subject to spendthrift restriction, such as:
    - a. Accounts established by the SSA, Veteran's Administration, or similar sources that mandate that the funds in the account be used for the benefit of a person not residing with the MED family unit; or
    - b. Trusts established by a will or funded solely by the income and resources of someone other than a member of the MED family unit.
  2. A resource being disputed in a divorce proceeding or probate matter;
  3. Real property located on a Native American reservation;
  4. A resource held by a conservator to the extent court-imposed restrictions make the resource unavailable to the applicant, member, or member of the family unit for:
    - a. Medical care,
    - b. Food,
    - c. Clothing, or
    - d. Shelter.

## Arizona Health Care Cost Containment System - Administration

- D.** Resource exclusion. The Department shall exclude the following resources from the calculation of resources under subsection (E):
1. One burial plot for each person listed in R9-22-1436;
  2. Household furnishings and personal items that are necessary for day-to-day living;
  3. Up to \$1500 of the value of one prepaid funeral plan for each person listed in R9-22-1436 that specifically covers only funeral-related expenses as evidenced by a written contract;
  4. The value of one motor vehicle regularly used for transportation. If the MED family unit owns more than one vehicle, the exclusion is applied to the vehicle with the highest equity value;
  5. The value of a vehicle used to earn income and not used simply for transportation to and from employment;
  6. The value of a vehicle in which a SSI-cash recipient has an ownership interest; and
  7. The value of any vehicle used for medical treatment, employment, or transportation of a SSI-cash disabled child, and that is excluded by SSI for that reason.
  8. Funds set aside in an Individual Development Account under 6 A.A.C. 12, Article 4; and
  9. Any other resource specifically excluded by federal law.
- E.** Calculation of resources. The Department shall determine the value of all household resources as follows:
1. Calculate the total amount of countable liquid resources;
  2. Calculate the equity value of each countable non-liquid resource. The Department shall determine the equity value of a countable non-liquid resource by subtracting the amount of valid encumbrances on that resource from:
    - a. The market value of real property if there is no assessor's evaluation of the property,
    - b. The market value of real property if the assessor's value of the real property does not include the value of permanent structures on that property,
    - c. The assessor's full cash value if subsections (E)(2)(a) and (E)(2)(b) do not apply, and
    - d. The market value of a non-liquid resource that is not real property;
  3. Not assign an equity value to a resource that is less than zero; and
  4. Determine the MED family unit's resources by adding the totals determined in subsections (1) and (2).
- F.** Resource standard to be eligible for MED. A person is not eligible for MED if the resources determined in subsection (E) exceed \$100,000 or if more than \$5,000 are liquid resources.
2. The member presents the verification within 60 days of approval of eligibility under this Section.
- C.** The Department shall not adjust an effective date of eligibility more than one time per application.
- D.** The Department shall adjust the effective date no later than 30 days after the end of the 60-day period under subsection (B)(2).
- E.** The Department shall deny an application and provide the applicant a denial notice when the applicant does not meet the MED requirements under this Article during the month of application or the month following the month of application.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1440. MED Eligibility Period**

The Department shall approve eligibility for six months. Changes in circumstances do not affect eligibility for the first three months.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1441. Eligibility Appeals**

- A.** Adverse actions. An applicant or member may appeal by requesting a hearing from the Department concerning any of the following adverse actions:
1. Complete or partial denial of eligibility under R9-22-1413;
  2. Suspension, termination, or reduction of AHCCCS medical coverage under R9-22-1415;
  3. Delay in the eligibility determination beyond the timeframes under this Article;
  4. The imposition of or increase in a premium or copayment; or
  5. The effective date of eligibility.
- B.** Notice of Adverse Action. The Department shall personally deliver or send, by regular mail, a Notice of Adverse Action to the person affected by the action. For the purpose of this Section, the date of the Notice of Adverse Action shall be the date of personal delivery to the applicant or the postmark date, if mailed.
- C.** Automatic change and hearing rights.
1. An applicant or a member is not entitled to a hearing if the sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients.
  2. An applicant or a member is entitled to a hearing if a federal or state law requires an automatic change and the applicant or member timely files an appeal that alleges a misapplication of the facts to the law.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1439. MED Effective Date of Eligibility**

- A.** A MED family unit is eligible on the day the income and resource eligibility requirements are met but no earlier than the first day of the month of application. If the family unit meets the income requirements in the application month but does not meet the resource limit until the following month, the family unit's effective date of eligibility is the first day of the month following the month of application.
- B.** The Department shall adjust the effective date of eligibility under subsection (A) to an earlier date if:
1. A member presents verification of additional allowable medical expenses incurred on an earlier date during the medical expense deduction period that allow the member to meet the income requirements, and

**R9-22-1442. Cessation of MED Coverage**

The Department shall not approve any individual or family who has applied on or after May 1, 2011 as eligible for MED coverage. With respect to any applications that are pending as of May 1, 2011, the Department shall not approve any individual or family as eligible for MED coverage who has not met all eligibility requirements prior to May 1, 2011.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1028, effective May 1, 2011 (Supp. 11-2).

**R9-22-1443. Closing New Eligibility for Persons Not Covered under the State Plan**

## Arizona Health Care Cost Containment System - Administration

- A. Definition. For purposes of this Section, "AHCCCS Care" refers to the eligibility category that includes individuals encompassed within the expanded definition of "eligible person" under A.R.S. § 36-2901.01 and R9-22-1428(4), but who do not meet eligibility criteria for an optional or mandatory Title XIX coverage group described in the Arizona State Plan for Medicaid.
- B. General Rule. Except as provided by this Section, neither the Department nor the Administration shall approve an individual for AHCCCS Care with an effective date of eligibility on or after July 8, 2011.
- C. Exception for pending applications. With respect to any applications that are pending as of July 8, 2011, the Department and the Administration shall approve any individual as eligible for AHCCCS Care who has met all eligibility requirements for AHCCCS Care during or after the month of application but prior to July 8, 2011, and has continuously met all eligibility requirements for AHCCCS Care since that date.
- D. Exception for children. The Department and the Administration shall approve an individual as eligible for AHCCCS Care on or after July 8, 2011 who:
  - 1. Was determined eligible under the Arizona State Plan for Medicaid based on being under the age of 19;
  - 2. Would otherwise be discontinued due to reaching the age of 19 on or after July 8, 2011, under subsection (B) of this Section; and
  - 3. Meets all eligibility requirements for AHCCCS Care on and after reaching age 19.
- E. Exception for KidsCare. The Department and the Administration shall approve an individual as eligible for AHCCCS Care on or after July 8, 2011 who:
  - 1. Was determined eligible under 9 A.A.C. 31 based on being under the age of 19;
  - 2. Would otherwise be discontinued due to reaching the age of 19 on or after July 8, 2011, under subsection (B) of this Section; and
  - 3. Meets all eligibility requirements for AHCCCS Care on and after reaching age 19.
- F. Exception for Young Adult Transitional Insurance (YATI). The Department and the Administration shall approve an individual as eligible for AHCCCS Care on or after July 8, 2011 who:
  - 1. Was determined eligible for YATI under R9-22-1432;
  - 2. Would otherwise be discontinued due to reaching the age of 21 on or after July 8, 2011 under subsection (A) of this Section; and
  - 3. Meets all eligibility requirements for AHCCCS Care on and after reaching age 21.
- G. Exception for certain SSI-MAO. The Department and the Administration shall approve as eligible for AHCCCS Care, on or after July 8, 2011, an individual who:
  - 1. Was determined eligible for AHCCCS Care; and
  - 2. Whose eligibility category is changed on or after June 28, 2011, from AHCCCS Care to eligibility based on R9-22-1501(A)(1) (SSI Medical Assistance Only) because the individual, at the time of the change in eligibility category, is age 65 or over, under the age of 65 with Medicare coverage, or who has been determined by ADHS to have a Serious Mental Illness; but who
  - 3. Subsequent to the change in eligibility category, is determined not to meet eligibility requirements under Article 15; but only if
  - 4. The individual meets all eligibility requirements for AHCCCS Care on and after the date the individual is determined not to meet eligibility requirements under Article 15.
- H. Exception for redeterminations. This Section does not prohibit the redetermination of an individual as eligible for AHCCCS Care on or after July 8, 2011, if the individual was determined eligible for AHCCCS Care prior to July 8, 2011 and has remained continuously eligible for AHCCCS Care since July 8, 2011 or the date on which the individual was determined eligible for AHCCCS Care under subsections (C), (D), and (E) of this Section.
- I. Discontinuance for other reasons. Nothing in this Section prohibits or restricts the Department or the Administration from discontinuing AHCCCS Care for an individual who does not meet any other eligibility criteria set forth elsewhere in this Chapter including but not limited to discontinuance based on the individual's failure to verify eligibility information upon an application or redetermination.
- J. Review of anticipated expenditures. At least monthly, the Director shall review the most recent estimate of the anticipated expenditures for the remainder of the state fiscal year as compared to funds remaining in the appropriations made to the agency for the state fiscal year as well as any other known or reasonably anticipated sources of other funding. Based on that review the Director may, subject to approval by the Center for Medicare and Medicaid Services, re-open the AHCCCS Care program to new enrollment otherwise prohibited by this Section.
- K. At least 30 days prior to the effective date of any changes to eligibility for the AHCCCS Care program as described in this Section, public notice shall be provided via publication on the AHCCCS web site unless shorter notice is necessary to maintain a program that is reasonably anticipated to remain within available funding.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1345, effective July 8, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 2624, effective July 8, 2011 (Supp. 11-4).

**ARTICLE 15. AHCCCS MEDICAL COVERAGE FOR PEOPLE WHO ARE AGED, BLIND, OR DISABLED****R9-22-1501. General Information**

- A. General. The Administration shall determine eligibility for AHCCCS medical coverage for the following applicants or members using the eligibility criteria and requirements in this Article:
  - 1. A person who is aged, blind, or disabled and does not receive SSI cash; and
  - 2. A person terminated from the SSI cash program under R9-22-1505.
- B. Definitions. In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:
  - "Aged" means a person who is 65 years of age or older as specified in 42 U.S.C. 1382c(a)(1)(A).
  - "Blind" means a person who has been determined blind by the Department of Economic Security, Disability Determination Services Administration, under 42 U.S.C. 1382c(a)(2).
  - "Disabled" means a person who has been determined disabled by the Department of Economic Security, Disability Determination Services Administration, under 42 U.S.C. 1382c(a)(3)(A) through (E).
- C. Confidentiality. The Administration shall maintain the confidentiality of an applicant's or member's records and limit the release of safeguarded information under R9-22-512.
- D. Application process.

## Arizona Health Care Cost Containment System - Administration

1. A person may apply for AHCCCS medical coverage by submitting a signed application to any Administration office or outstation location under R9-22-1406.
  2. The provisions in R9-22-1406(B), (C), and (E) apply to this Section.
  3. The application date is the date a signed application is received at any Administration office or outstation location approved by the Director.
  4. An applicant who files an application may withdraw the application, either orally or in writing. If an applicant withdraws an application, the Administration shall send the applicant a denial notice under subsection (G).
  5. Except as provided in 42 CFR 435.911, the Administration shall determine eligibility within 90 days for an applicant applying on the basis of disability and 45 days for all other applicants.
  6. If an applicant dies while an application is pending, the Administration shall complete an eligibility determination for the deceased applicant.
  7. The Administration shall complete an eligibility determination on an application filed on behalf of a deceased applicant, if the application is filed in the month of the applicant's death.
- E. Redetermination of eligibility for a person terminated from the SSI cash program.**
1. Continuation of AHCCCS medical coverage. The Administration shall continue AHCCCS medical coverage for a person terminated from the SSI cash program until a redetermination of eligibility under subsection (E)(2) is completed.
  2. Coverage group screening. The Administration shall screen a person for eligibility under any coverage group under A.R.S. §§ 36-2901(6)(a)(i), (ii), (iii), (iv), and (v) and 36-2934.
    - a. If a person files an application for Arizona Long-Term Care System (ALTCs) coverage, the Administration shall determine eligibility under 9 A.A.C. 28, Article 4.
    - b. If an applicant or member is aged, blind, or disabled, but not in need of long-term care services, the Administration shall determine eligibility under this Article.
    - c. For all other persons, the Administration shall refer the applicant's case to the Department for an eligibility decision under Article 14.
  3. Eligibility decision.
    - a. If a person is eligible under this Article or 9 A.A.C. 28, Article 4, the Administration shall send a notice as under subsection (G) informing the applicant that AHCCCS medical coverage is approved.
    - b. If a person is ineligible, the Administration shall send a notice as under subsection (G) to deny AHCCCS medical coverage.
- F. Eligibility effective date.** Eligibility is effective on the first day of the month that all eligibility requirements are met, including the period described under R9-22-303.
- G. Notice for approval or denial.** The Administration shall send an applicant a written notice of the decision regarding the application. This notice shall include a statement of the intended action, and:
1. If approved, the notice shall contain the effective date of eligibility.
  2. If approved under FESP, the notice shall also contain:
    - a. The emergency services certification end date,
    - b. A statement detailing the reason for the denial of full services,
    - c. The legal authority supporting the decision,
    - d. Where the legal authority supporting the decision can be found,
    - e. An explanation of the right to request a hearing, and
    - f. The date by which a request for hearing shall be received by the Administration.
- 3. If denied, the notice shall contain:**
- a. The effective date of the denial;
  - b. The reason for the denial, including specific financial calculations and the financial eligibility standard, if applicable;
  - c. Legal authority supporting the decision;
  - d. Where the legal authority supporting the decision can be found;
  - e. An explanation of the right to request a hearing; and
  - f. The date by which a request for hearing shall be received by the Administration.
- H. Reporting and verifying changes.**
1. An applicant or a member shall report to the Administration the following changes for the applicant or member, the applicant's or member's spouse, and the applicant or member's dependent children:
    - a. Change of address;
    - b. Change in the household's members;
    - c. Change in income;
    - d. Death;
    - e. Change in marital status;
    - f. Change in school attendance;
    - g. Change in Arizona state residency; and
    - h. Any other change that may affect the member's or applicant's eligibility.
  2. A member shall report to the Administration the following changes:
    - a. Admission to a penal institution,
    - b. Change in U.S. citizenship or immigrant status,
    - c. Receipt of a Social Security number, and
    - d. Change in first- or third-party liability that may contribute to the payment of all or a portion of the person's medical costs.
  3. A person other than a member or an applicant who reports a change to the Administration either orally or in writing shall include the:
    - a. Name of the affected applicant or member;
    - b. Description of the change;
    - c. Date the change occurred;
    - d. Name of the person reporting the change; and
    - e. Social Security or case number of the applicant or member, if known.
  4. An applicant or a member shall provide verification of changes if requested by the Administration.
  5. An applicant or a member shall report anticipated changes in eligibility to the Administration as soon as the person knows that the change will occur.
  6. An applicant or a member shall report an unanticipated change to the Administration within 10 days following the date the change occurred.
- I. Processing of changes and redeterminations.** If a member receives AHCCCS medical coverage under subsection (A), the Administration shall redetermine the member's eligibility at least once every 12 months or more frequently when changes occur that may affect eligibility.
- J. Actions that may result from a redetermination or change.** In processing a redetermination or change, the Administration shall determine whether there should be:
1. No change in eligibility,

## Arizona Health Care Cost Containment System - Administration

2. Discontinuance of eligibility if a condition of eligibility is no longer met, or
  3. A change in the program under which a person receives AHCCCS medical coverage.
- K. Notice of discontinuance.**
1. Contents of notice. The Administration shall issue a notice when it takes action to discontinue a member's eligibility. The notice shall contain the following information:
    - a. A statement of the action that is being taken;
    - b. The effective date of the action;
    - c. The reason for the discontinuance, including specific financial calculations and the financial eligibility standard if applicable;
    - d. The legal authority that supports the action proposed by the Administration;
    - e. Where the legal authority supporting the decision can be found;
    - f. An explanation of the right to request a hearing; and
    - g. The date by which a hearing request shall be received by the Administration and the right to continue medical coverage pending appeal.
  2. Advance notice of changes in eligibility. Advance notice means a notice of proposed action that is issued to the member at least 10 days before the effective date of the proposed action. Except under subsection (K)(3), the Administration shall issue an advance notice when an adverse action is taken to suspend, reduce or discontinue eligibility.
  3. Exceptions from advance notice. The Administration shall issue a notice to a member to discontinue eligibility no later than the effective date of the action if:
    - a. The member provides to the Administration a clearly written statement, signed by that member, that:
      - i. Services are no longer wanted; or
      - ii. Gives information that requires a discontinuance or reduction of services and indicates that the member understands that this is the result of supplying the information;
    - b. The member provides information to the Administration that requires a discontinuance of eligibility and a member signs a written statement waiving advance notice;
    - c. The member cannot be located and mail sent to the member's last known address has been returned as undeliverable under 42 CFR 431.213(d) subject to reinstatement of discontinued eligibility;
    - d. The member has been admitted to a public institution where a member is ineligible for coverage;
    - e. The member has been approved for Medicaid in another state; or
    - f. The Administration receives information confirming the death of the member.
- L. Request for hearing.** An applicant or member may request a hearing under Chapter 34 for any of the following adverse actions:
1. Complete or partial denial of eligibility,
  2. Discontinuance or reduction of AHCCCS medical coverage, or
  3. Delay in the eligibility determination beyond the timeframes listed in R9-22-1501(D).
- M. Assignment of rights.** A person determined eligible assigns rights to all types of medical benefits to which the person is entitled under operation of law under A.R.S. § 36-2903.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Amended by exempt rulemaking at 10 A.A.R. 23, effective December 9, 2003 (Supp. 03-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1). Amended by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-1502. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1503. Financial Eligibility Criteria**

- A.** General income eligibility. Except as provided under subsection (B) of this rule, the Administration or its designee shall count the identified income under 42 U.S.C. 1382a and 20 CFR 416 Subpart K.
- B.** Exceptions.
1. In-kind support and maintenance under 42 U.S.C. 1382a(a)(2)(A) is excluded.
  2. For a person living with a spouse, the Administration or its designee calculates net income for an eligible couple under 20 CFR 416.1160 as of April 1, 2013, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments, even if the spouse is not eligible for or applying for SSI or coverage under this Article.
  3. In determining the net income of a married couple living with a child or the net income of a person who is not living with a spouse but living with a child, a child allocation is allowed as a deduction from the combined net income of the couple for each child regardless of whether the child is ineligible or eligible. For the purposes of this Section, a child means a person who is unmarried, natural or adopted, and under age 18 or under age 22 if a full-time student. Each child's allocation deduction is reduced by that child's income, including public income maintenance payments, using the methodology under 20 CFR 416.1163(b)(1) and (2) as of April 1, 2013, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
  4. In determining the income deemed available to an applicant who is a child from an ineligible parent or parents, an allocation for each eligible or ineligible child of the parent is allowed as a deduction from the parent's income under 20 CFR 416.1165(b). The child's allocation is

## Arizona Health Care Cost Containment System - Administration

reduced by that child's income, including public income maintenance payments.

5. In determining the income of a person who receives an annual Title II Cost of Living Allowance (COLA) increase, the COLA amount is disregarded from January until the Administration applies the effective income limits under R9-22-1504 based on the FPL for the calendar year.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1504. Eligibility For A Person Who is Aged, Blind, or Disabled**

- A. To be eligible for AHCCCS medical coverage, an applicant shall meet the conditions of eligibility and requirements in this Article and:
  1. Meet one of the income tests described in subsection (B) or (C), or
  2. The special requirements in R9-22-1505.
- B. The Administration shall determine whether the applicant's countable income, as described in R9-22-1503, is less than or equal to 100 percent of the SSI FBR, as adjusted annually.
- C. The Administration shall determine whether the applicant's countable income, as described in R9-22-1503, without deducting the amount from earned income under 42 U.S.C. 1382a(b)(4)(B)(iii), is less than or equal to 100 percent FPL as adjusted annually.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1505. Eligibility for Special Groups**

- A. The following are considered special groups:
  1. A person meeting the requirements in A.R.S. § 36-2903.03 who:
    - a. Is aged, blind, or disabled under 42 CFR 435.520, 42 CFR 435.530, or 42 CFR 435.540 as of October 1, 2012, which are incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
    - b. Received SSI cash or AHCCCS medical coverage under this subsection, or subsections (A)(2), (A)(3), or (A)(4) on or before August 21, 1996;
    - c. Was residing in the United States under color of law on or before August 21, 1996; and
    - d. Meets the requirements under this Article;
  2. A disabled child (DC) under 42 U.S.C. 1396a(a)(10)(A)(i)(II). A disabled child is a child who:
    - a. Was receiving SSI cash benefits as a disabled child on August 22, 1996;

- b. Lost SSI cash benefits effective July 1, 1997, or later, due to a disability determination under Section 211(d) of Subtitle B of P.L. 104-193;
  - c. Continues to meet the disability requirements for a child that were in effect on August 21, 1996; and
  - d. Meets the requirements under this Article;
3. A disabled adult child (DAC), under 42 U.S.C. 1383c(c) who:
  - a. Was determined disabled by the Social Security Administration before attaining the age of 22 years,
  - b. Became entitled to or received an increase in child's insurance benefits under Title II of the Act on the basis of blindness or disability,
  - c. Was terminated from SSI cash benefits due to entitlement to or an increase in income under Title II of the Act,
  - d. Meets the requirements under this Article, and
  - e. Is 18 years of age or older;
4. A disabled widow or widower (DWW) under 42 U.S.C. 1383c(b) and (d) who:
  - a. Is blind or disabled,
  - b. Is ineligible for Medicare Part A benefits,
  - c. Received SSI cash benefits the month before Title II of the Act benefit payments began,
  - d. Meets the requirements under this Article;
  - e. Is at least 50 years of age but under age 65; and
  - f. Is unmarried.
5. Under 42 CFR 435.135, a person who:
  - a. Is aged, blind, or disabled;
  - b. Receives benefits under Title II of the Act;
  - c. Received SSI cash benefits in the past;
  - d. Received SSI cash benefits and Title II of the Social Security Act benefits concurrently for at least one month anytime after April 1977;
  - e. Became ineligible for SSI cash benefits while receiving SSI and benefits under Title II of the Act concurrently; and
  - f. Meets the requirements under this Article.
- B. Income for special groups.
  1. Except as provided in subsection (B)(2), income eligibility is determined using the income criteria in R9-22-1503.
  2. Exceptions to income for special groups.
    - a. For a person in the DAC coverage group under subsection (A)(3), the applicant's Title II of the Social Security Act benefits are disregarded in determining income eligibility under 42 U.S.C. 1383c(c).
    - b. For a person in the DWW coverage group, under subsection (A)(4), the applicant's Title II of the Social Security Act benefits are disregarded in determining income eligibility under 42 U.S.C. 1383c(b) and (d).
    - c. For an applicant or member in the coverage group under subsection (A)(5), the portion of the applicant's or member's Title II of the Social Security Act benefits attributed to cost-of-living adjustments received by the applicant since the effective date of SSI ineligibility is disregarded in determining income eligibility under 42 CFR 435.135.
- C. 100 percent FBR. As a condition of eligibility for all special groups, countable income shall be equal to or less than 100 percent of the SSI FBR, as adjusted annually.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7

## Arizona Health Care Cost Containment System - Administration

A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1).

**R9-22-1506. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1507. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1508. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**ARTICLE 16. HOSPITAL PRESUMPTIVE ELIGIBILITY****R9-22-1601. General Eligibility Requirements**

- A.** Notwithstanding Article 3, a qualified hospital may determine Hospital Presumptive Eligibility (HPE), on the basis of preliminary information, that an individual is eligible for AHCCCS medical coverage during the presumptive eligibility period described in this section, if the individual is a United States citizen or eligible qualified alien, and the individual is:
  1. Pregnant with gross household income that does not exceed 156% of the FPL;
  2. An adult who meets the requirements of R9-22-1427(E);
  3. A caretaker relative as defined in R9-22-1401(B) with gross household income that does not exceed 106% of the FPL;
  4. Under age 19 with gross household income that does not exceed the limit set in R9-22-1427(D) for the child's age;
  5. A woman screened for breast or cervical cancer by an Arizona program of the National Breast and Cervical Cancer Early Detection Program who meets the requirements of R9-22-2003(A); or
  6. A former foster care child who meets the requirements of R9-22-1432.
- B.** Definitions. In addition to definitions contained in R9-22-101 and A.R.S. § 36-2901, the words and phrases in this Article have the following meanings unless the context explicitly requires another meaning: "Qualified hospital" means a hospital that has signed an agreement with the Administration to process HPE applications and has not been disqualified.
- C.** Application Process:
  1. Right to apply. A person may apply for presumptive eligibility for AHCCCS medical coverage by submitting an Administration-approved application to the qualified hospital.
  2. Application. To initiate the application process, the qualified hospital will accept an application from the applicant, an adult who is in the applicant's household, as defined in 42 CFR 435.603(f), or family, as defined in section 36B(d)(1) of the Internal Revenue Service (IRS) Code, an authorized representative, or if the applicant is a minor or incapacitated, someone acting responsibly for the applicant by submitting a written or online application under 42 CFR 435.907.
- D.** To establish presumptive eligibility, an applicant must complete and submit an AHCCCS-approved presumptive eligibility application signed under penalty of perjury to a qualified hospital. The applicant must attest to the name(s), relationship(s), and income of all persons in the household. In addition, the applicant must provide and attest to the following information regarding each household member on whose behalf AHCCCS medical coverage is sought:
  1. The individual's date of birth;
  2. Whether the individual is pregnant;
  3. Whether the individual has been determined eligible for Breast and Cervical Cancer Treatment Program, described under Article 20;
  4. Whether the individual is a former foster child, described under R9-22-1432;
  5. The U.S. citizenship status or eligible qualified alien status under A.R.S. 36-2903.03 of the individual; and
  6. The individual's permanent and mailing addresses;
  7. The individual's Arizona residency status; and
  8. Whether the individual has Medicare coverage.
- E.** Presumptive eligibility begins on the date the hospital determines an individual's presumptive eligibility and ends with the earlier of:
  1. In the case of an individual on whose behalf an application has been submitted to AHCCCS or its designee under Article 3, the day on which AHCCCS or its designee makes a determination on that application; or
  2. In the case of an individual on whose behalf an application has not been submitted to AHCCCS or its designee under Article 3, on the last day of the following month in which the determination of presumptive eligibility was made by the qualified hospital.
- F.** An individual may not be determined presumptively eligible more often than once every two years.
- G.** Coverage and reimbursement of services.
  1. The Administration shall provide coverage of medically necessary services described under Article 2 to persons determined eligible for HPE on a fee-for-service basis.
  2. Providers shall submit claims for services provided to persons determined eligible for HPE to the Administration as described under Article 7.
- H.** A member may withdraw from HPE coverage by notifying the Administration or its designee.
- I.** Upon determining an individual presumptively eligible, the qualified hospital shall:
  1. Notify the applicant at the time a determination regarding presumptive eligibility is made, in writing and orally if appropriate, of the determination for each individual on whose behalf presumptive eligibility was requested and the effective date of the presumptive eligibility;
  2. Provide the applicant with a regular AHCCCS-approved application form and inform the applicant that the applicant may file an application for Medicaid with the Administration or its designee;
  3. Notify AHCCCS of the presumptive eligibility determination;
  4. Notify the applicant at the time the determination is made that presumptive eligibility ends with the earlier of:
    - a. In the case of an individual on whose behalf an application has been submitted to AHCCCS or its designee under Article 3, the day on which AHCCCS or its designee makes a determination on that application; or



## Arizona Health Care Cost Containment System - Administration

- b. In the case of an individual on whose behalf an application has not been submitted to AHCCCS or its designee under Article 3, on the last day of the following month in which the determination of presumptive eligibility was made by the qualified hospital.

J. A determination by a qualified hospital that an individual is not presumptively eligible is not appealable under Chapter 34. If a qualified hospital denies an individual presumptive eligibility, the individual may apply for coverage by submitting an application to the Administration or its designee.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4). New Section made by final rulemaking at 20 A.A.R. 3436, effective January 1, 2015 (Supp. 14-4).

**R9-22-1602. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1603. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1604. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1605. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-

1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1606. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1607. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1608. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1609. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1610. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1611. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000



## Arizona Health Care Cost Containment System - Administration

repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1628. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1629. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1630. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1631. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1632. Reserved****R9-22-1633. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1634. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1635. Reserved****R9-22-1636. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**ARTICLE 17. ENROLLMENT****R9-22-1701. Enrollment-Related Definitions**

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

“Annual enrollment choice” means the annual opportunity for a person to change contractors.

“Auto-assignment algorithm” or “Algorithm” means a formula used by the Administration to assign to a contractor a member who did not make a timely choice under R9-22-1702.

“CMDP” means Comprehensive Medical and Dental Program.

“Disenrollment” means the discontinuance of a person’s entitlement to receive covered services from a contractor of record.

“Enrollment” means the process by which an eligible person becomes a member of a contractor’s plan.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended to correct a typographical error, filed in the Office of the Secretary of State October 30, 2001 (Supp. 01-4). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-1702. Enrollment of a Member with an AHCCCS Contractor**

- A. General enrollment requirements. The Administration shall enroll a member with a contractor as described in this Section, unless the member has pre-selected a contractor on the application:
  1. Except as provided in subsections (A)(3), (A)(5), and (C), a member who is determined to be eligible under this Chapter and resides in an area served by more than one contractor, may choose an available contractor serving the member’s GSA within 30 days from the date of notice of enrollment. A Native American member may select IHS or another available contractor.
  2. If the member does not make a choice under subsection (A)(1), the Administration shall immediately auto-assign the member to:
    - a. IHS if the member is a Native American living on a reservation,
    - b. A contractor based on family continuity, or
    - c. A contractor by using the auto-assignment algorithm.
  3. If the member’s period of ineligibility and disenrollment from the contractor of record is for a period of less than 90 days, the Administration shall enroll the member with the member’s most recent contractor of record, if available, except if:
    - a. The member no longer resides in the contractor’s GSA;
    - b. The contractor’s contract is suspended or terminated;
    - c. The member was previously enrolled with CMDP but at the time of re-enrollment the member is not a foster care child;
    - d. The member chooses another contractor or chooses IHS, if available to the member, during the annual enrollment choice period; or
    - e. The member was previously enrolled with a contractor but at the time of re-enrollment the member is a foster care child.
  4. When the member’s disenrollment period is more than 90 days, the member may select a contractor as described in subsection (A)(1).
  5. The Administration shall not enroll a member with a contractor if a member:

## Arizona Health Care Cost Containment System - Administration

- a. Is eligible for the FESP under R9-22-1419;
  - b. Is eligible for less than 30 days from the date the Administration receives notification of a member's eligibility, except for a member who is enrolled with CMDP or IHS;
  - c. Is eligible only for a retroactive period of eligibility, except for a member who is enrolled with CMDP or IHS; or
  - d. Resides in an area not served by a contractor.
- B.** Fee-for-service coverage. A member not enrolled with a contractor under subsection (A)(5) shall obtain covered medical services from an AHCCCS-registered provider on a fee-for-service basis under Article 7.
- C.** Foster care child. The Administration shall enroll a member with CMDP if the member is a foster care child under A.R.S. § 8-512.
- D.** Family Planning Services Extension Program. A member eligible for the Family Planning Services Extension Program under R9-22-1431, shall remain enrolled with the member's contractor of record or IHS.
- E.** Contractor or IHS enrollment change for a member.
  - 1. The Administration shall change a member's enrollment if the member requests a change to an available contractor or IHS during an annual enrollment period. A Native American may change from an available contractor to IHS or from IHS to an available contractor at any time.
  - 2. The Administration shall approve a change in enrollment for any member if the change is a result of the final outcome of a grievance under 9 A.A.C. 34.
  - 3. A member may choose a different contractor if the member moves into a GSA not served by the current contractor or if the contractor is no longer available. If the member does not select a contractor, the Administration shall auto-assign the member as provided in subsection (A)(2).
  - 4. The Administration shall provide the member 60-day advance notice of the member's option to change plans by the member's annual enrollment date.
  - 5. A member may disenroll from a plan if:
    - a. The member moves out of the GSA;
    - b. The plan does not, because of moral or religious objections, cover the service a member seeks; or
    - c. The member needs related services to be performed at the same time; not all related services are available within the network; and the member's primary care provider or another provider determines that receiving the services separately would subject the member to unnecessary risk.
  - 6. For exceptions to this Article, the Administration shall approve a change for an enrolled member as determined by the Director.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-1703. Effective Date of Enrollment with a Contractor**

- A.** Effective date of enrollment. A member's date of enrollment is the date enrollment action is taken by the Administration. However, if a plan change occurs for an annual enrollment choice, the effective date is the month of the member's enrollment anniversary date.

- B.** Financial liability of the contractor. The contractor shall be financially liable for an enrolled member's care as specified in contract.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-1704. Newborn Enrollment**

- A.** General.
  - 1. The Administration shall enroll a newborn child of an eligible mother with an available contractor or IHS, based on the mother's enrollment.
  - 2. The Administration shall auto-assign a newborn child of an eligible mother who is not enrolled with a contractor or IHS or who is enrolled with CMDP. When a mother enrolled in CMDP has a newborn and the newborn is surrendered to Administration on Children, Youth and Families (ACYF), the newborn is then enrolled with CMDP.
  - 3. The Administration shall notify the mother of the right to choose a different contractor for her newborn child. The mother may make her choice within 30 days from the date of notice of enrollment.
- B.** Financial liability for newborns. The contractor shall be financially liable for the medical care of a newborn as specified in contract.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended to correct a typographical error, filed in the Office of the Secretary of State October 30, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-1705. Guaranteed Enrollment Period**

- A.** General. Except for members enrolled with IHS or CMDP, the Administration shall provide a guaranteed enrollment period for a one-time period that begins on the effective date of the member's initial enrollment with a contractor and ends on the last day of the fifth full calendar month after the date of the member's initial enrollment.
- B.** Exceptions to guaranteed period. The Administration shall not grant a guaranteed enrollment period or shall terminate a guaranteed enrollment period as provided in subsection (C), if the member:
  - 1. Did not meet the conditions of eligibility when initially enrolled with the contractor;
  - 2. Except as provided in 9 A.A.C. 22, Article 12, is an inmate of a public institution as defined in 42 CFR 435.1010;
  - 3. Dies;
  - 4. Moves out-of-state;
  - 5. Voluntarily withdraws from the AHCCCS program;
  - 6. Is adopted; or
  - 7. Has whereabouts that are unknown.
- C.** Disenrollment effective date. The Administration shall terminate any guaranteed enrollment period to which the member is not entitled effective on:

## Arizona Health Care Cost Containment System - Administration

1. The date the member is admitted to a public institution under subsection (B);
2. The member's date of death;
3. The last day of the month in which the Administration receives notification that a member moved out-of-state;
4. The date the Administration receives written notification of the member's voluntary withdrawal from the AHCCCS program;
5. The last day of the month in which the Administration receives notification that a member's adoption proceedings are finalized; or
6. The last day of the month in which the Administration receives notification that a member's whereabouts are unknown.

- D. Retroactive adjustments. The Administration shall adjust the member's eligibility and enrollment retroactively under subsection (C).

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**ARTICLE 18. RESERVED****ARTICLE 19. FREEDOM TO WORK**

*Article 19, consisting of Sections R9-22-1901 through R9-22-1922, made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).*

**R9-22-1901. General Freedom to Work Requirements**

Under 42 U.S.C. 1396a(a)(10)(A)(ii)(XV) and (XVI), the Administration shall determine eligibility for AHCCCS medical services, under Article 2 of this Chapter, using the eligibility criteria and requirements under this Article for an applicant or member who is:

1. At least 16 years of age, but less than 65 years of age,
2. Employed, and
3. Not income eligible under A.R.S. § 36-2901(6)(a).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**R9-22-1902. General Administration Requirements**

The Administration shall comply with the confidentiality rule under R9-22-512(C).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1903. Application for Coverage**

- A. A person may apply by submitting an application to an Administration office.
- B. The application date is the date the application is received at an Administration office or outstation location approved by the Director as described under R9-22-1406(A).
- C. The provisions in R9-22-1406(B) and (D) apply to this Section.
- D. The applicant or representative who files the application may withdraw the application for coverage either orally or in writing. An applicant withdrawing an application shall receive a denial notice under R9-22-1904.
- E. Except as provided in 42 CFR 435.911, the Administration shall determine eligibility within 45 days.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1904. Notice of Approval or Denial**

The Administration shall send an applicant a written notice of the decision regarding the application. This notice shall include a statement of the action, and:

1. If approved, the notice shall contain:
  - a. The effective date of eligibility,
  - b. The amount the person shall pay, and
  - c. An explanation of the person's hearing rights specified in 9 A.A.C. 34.
2. If denied, R9-22-1501(G)(3) applies.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1905. Reporting and Verifying Changes**

An applicant or member shall report and verify changes, as described under R9-22-1501(H), to the Administration.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1906. Actions that Result from a Redetermination or Change**

The processing of a redetermination or change shall result in one of the following actions:

1. No change in eligibility or premium,
2. Discontinuance of eligibility if a condition of eligibility is no longer met,
3. A change in premium amount, or
4. A change in the coverage group under which a person receives AHCCCS medical coverage.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**R9-22-1907. Notice of Adverse Action Requirements**

- A. The requirements under R9-22-1501(K)(1) apply.
- B. Advance notice of a change in eligibility or premium amount. Advance notice means a notice of proposed action that is issued to the member at least 10 days before the effective date of the proposed action. Except under subsection (C), advance notice shall be issued whenever an adverse action is taken to discontinue eligibility, or increase the premium amount.
- C. Exceptions from advance notice. A notice shall be issued to the member to discontinue eligibility no later than the effective date of action if:
  1. A member provides a clearly written statement, signed by that member, that services are no longer wanted.
  2. A member provides information that requires termination of eligibility or reduction of services, indicates that the member understands that this must be the result of supplying that information, and the member signs a written statement waiving advance notice;
  3. A member cannot be located and mail sent to the member's last known address has been returned as undelivered.

## Arizona Health Care Cost Containment System - Administration

able subject to reinstatement of discontinued services under 42 CFR 431.231(d);

4. A member has been admitted to a public institution where a person is ineligible for coverage;
5. A member has been approved for Medicaid in another state; or
6. The Administration receives information confirming the death of a member.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1908. Request for Hearing**

An applicant or member may request a hearing under 9 A.A.C. 34.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1909. Conditions of Eligibility**

An applicant or member shall meet the following conditions to qualify for the Freedom to Work program:

1. Furnish a valid Social Security Number (SSN);
2. Be a resident of Arizona;
3. Be a citizen of the United States, or meet requirements for a qualified alien under A.R.S. § 36-2903.03(B);
4. Be at least 16 years of age, but less than 65 years of age;
5. Have countable income that does not exceed 250 percent of FPL. The Administration shall count the income under 42 U.S.C. 1382a and 20 CFR 416 Subpart K with the following exceptions:
  - a. The unearned income of the applicant or member shall be disregarded,
  - b. The income of a spouse or other family member shall be disregarded, and
  - c. The deduction for a minor child shall not apply;
6. Comply with the member responsibility provisions under R9-22-1502(D) and (F).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1). Section repealed; new Section made by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1910. Prior Quarter Eligibility**

A person may be made eligible during a prior quarter period when applying for the Freedom to Work program, as described under Article 3.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1). New Section made by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-1911. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed

by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1912. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1913. Premium Requirements**

- A. As a condition of eligibility, an applicant or member shall:
  1. Pay the premium required under subsection (B).
  2. Not have any unpaid premiums for more than one month's premium amount.
- B. The Administration shall process premiums under 9 A.A.C. 31, Article 14 with the following exceptions:
  1. A member who has countable income:
    - a. Under \$500, the monthly premium payment shall be \$0.
    - b. Over \$500 but not greater than \$750, the monthly premium payment shall be \$10.
  2. The premium for a member shall be increased by \$5 for each \$250 increase in countable income above \$750.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1914. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1915. Institutionalized Person**

A person is not eligible for AHCCCS medical coverage if the person is:

1. An inmate of a public institution if federal financial participation (FFP) is not available, or
2. Age 21 through age 64 and is residing in an Institution for Mental Disease under 42 CFR 435.1009 except when allowed under the Administration's Section 1115 IMD waiver or allowed under a managed care contract approved by CMS.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1916. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1917. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed

## Arizona Health Care Cost Containment System - Administration

by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1918. Additional Eligibility Criteria for the Basic Coverage Group**

An applicant or member shall meet the following eligibility criteria:

1. Disabled. As a condition of eligibility, an applicant or member shall be disabled. Disabled means a person who has been determined disabled by the Department of Economic Security, Disability Determination Services Administration, under 42 U.S.C. 1382c(a)(3)(A) through (E), except employment activity, earnings, and substantial gainful activity shall not be considered in determining whether the individual meets the definition of disability.
2. Employed. As a condition of eligibility, an applicant or member shall be employed. Employed means that an applicant or member is paid for working and Social Security or Medicare taxes are paid on the applicant or member's work.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**R9-22-1919. Additional Eligibility Criteria for the Medically Improved Group**

As a condition of eligibility for the Medically Improved Group, a member shall:

1. Be employed. Under this Section, employed means an individual who:
  - a. Earns at least the minimum wage and works at least 40 hours per month, or
  - b. Has gross monthly earnings at least equal to those earned by an individual who is earning the minimum wage working 40 hours per month.
2. Cease to be eligible for medical coverage under R9-22-1918 or a similar Basic Coverage Group program administered by another state because the member, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be disabled; and
3. Continues to have a severe medically determinable impairment, as determined under Social Security Act section 1902(a)(10)(A)(ii)(XVI).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1920. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1921. Enrollment**

The Administration shall enroll members under Article 17 of this Chapter. If a member has not paid a required premium, the Administration shall not grant a guaranteed enrollment period.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**R9-22-1922. Redetermination of Eligibility**

- A. Redetermination. Except as provided in subsection (B), the Administration shall complete a redetermination of eligibility at least once a year.
- B. Change in circumstance. The Administration may complete a redetermination of eligibility if there is a change in the member's circumstances, including a change in disability or employment that may affect eligibility.
- C. Medical Improvement. If a member is no longer disabled under R9-22-1918, the Administration shall determine if the member is eligible under other coverage groups including the medically improved group.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**ARTICLE 20. BREAST AND CERVICAL CANCER TREATMENT PROGRAM****R9-22-2001. Breast and Cervical Cancer Treatment Program Related Definitions**

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

"AZ-NBCCEDP" means the Arizona programs of the National Breast and Cervical Cancer Early Detection Program. AZ-NBCCEDP provides breast and cervical cancer screening and diagnosis in Arizona.

"Cryotherapy" means the destruction of abnormal tissue using an extremely cold temperature.

"LEEP" means the loop electrosurgical excision procedure that passes an electric current through a thin wire loop.

"Peer-reviewed study" means that, prior to publication, a medical study has been subjected to the review of medical experts who:

Have expertise in the subject matter of the study,  
Evaluate the science and methodology of the study,  
Are selected by the editorial staff of the publication, and  
Review the study without knowledge of the identity or qualifications of the author.

"WWHP" means the Well Women Healthcheck Program administered by the Arizona Department of Health Services. The WWHP is one of the programs within AZ-NBCCEDP that provides breast and cervical cancer screening and diagnosis.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2002. General Requirements**

- A. Confidentiality. The Administration shall maintain the confidentiality of a woman's records and shall not disclose a woman's financial, medical, or other confidential information except as allowed under R9-22-512.
- B. Covered services. A woman who is eligible under this Article receives all medically necessary services under Articles 2 and 12 of this Chapter.
- C. Choice of health plan. A woman who is eligible under this Article shall be enrolled with a contractor under Article 17 of this Chapter.
- D. A Native American woman who receives services through Indian Health Service (IHS) or through a tribal health program qualifies for services provided under this Article if all eligibility requirements are met.
- E. A woman qualified under this Article shall pay co-pays as described in R9-22-711.

## Arizona Health Care Cost Containment System - Administration

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2003. Eligibility Criteria**

- A.** General. To be eligible under this Article, a woman shall meet the requirements of this Article and:
1. Be screened for breast and cervical cancer through AZ-NBCCEDP;
  2. Be less than 65 years of age;
  3. Be ineligible for Title XIX under Articles 14 and 15 in this Chapter;
  4. Receive a positive screen under subsection (A)(1), a confirmed diagnosis through AZ-NBCCEDP, and need treatment for breast cancer or cervical cancer, including a pre-cancerous cervical lesion, as specified in R9-22-2004;
  5. Not be covered under creditable coverage as specified in Section 2701(c) of the Public Health Services Act, 42 U.S.C. 300gg(c). For purposes of this Article, IHS or Tribal health coverage is not considered creditable coverage as specified in 42 U.S.C. 1396a(a)(10)(A)(ii), as amended by the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2002; and
  6. Meet the requirements under R9-22-1417 and R9-22-1418.
- B.** Ineligible woman. A woman is ineligible under this Article if the woman:
1. Is an inmate of a public institution and federal financial participation (FFP) is not available,
  2. Is at least age 21 but less than age 65 and resides in an Institution for Mental Disease (IMD) as defined in R9-22-112, except if allowed under the Administration's Section 1115 waiver, or
  3. No longer meets an eligibility requirement under this Article.
- C.** Metastasized cancer. The AHCCCS Chief Medical Officer may continue a woman's eligibility under this Article if a metastasized cancer is found in another part of the woman's body and that metastasized cancer is a known or a presumed complication of the breast or cervical cancer as determined by the treating physician.
- D.** Reoccurrence of cancer. A woman shall have eligibility reestablished after eligibility under this Article ends if the woman is screened under the AZ-NBCCEDP program and additional breast cancer or cervical cancer, including a pre-cancerous cervical lesion, is found.
- E.** Ineligible male. A male is precluded from receiving screening and diagnostic services under the AZ-NBCCEDP program and is ineligible under this Article.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Amended by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2004. Treatment**

- A.** Breast cancer. Coverage for treatment for breast cancer under this Article shall conclude on the last provider visit for the specific treatment of the cancer or at the end of hormonal therapy for the cancer, whichever is later. For purposes of this subsection treatment means:
1. Lumpectomy or surgical removal of breast cancer;
  2. Chemotherapy;
  3. Radiation therapy; and

4. A treatment for breast cancer that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- B.** Pre-cancerous cervical lesion. Coverage for treatment for a pre-cancerous cervical lesion under this Article, including moderate or severe cervical dysplasia or carcinoma in situ, shall conclude on the last provider visit for specific treatment for the pre-cancerous lesion. For purposes of this subsection treatment means:
1. Conization;
  2. LEEP;
  3. Cryotherapy; and
  4. A treatment for pre-cancerous cervical lesion that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- C.** Cervical cancer. Coverage for treatment for cervical cancer under this Article shall conclude on the last provider visit for the specific treatment for the cancer. For purposes of this subsection treatment means:
1. Surgery;
  2. Radiation therapy;
  3. Chemotherapy; and
  4. A treatment for cervical cancer that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2005. Application Process**

- A.** Application. A woman may apply for eligibility under this Article by submitting a complete application as specified in R9-22-1406.
- B.** Submitting the application. The woman may complete and submit an application at the time of the AZ-NBCCEDP screening. The AZ-NBCCEDP staff may mail or fax the application directly to the Administration.
- C.** Date of application. The date of the application is the date of the diagnostic procedure that results in a positive diagnosis for breast cancer or cervical cancer, including a pre-cancerous cervical lesion.
- D.** Responsibility of a woman who is applying or who is a member. A woman who is applying or who is a member shall:
1. Provide medical insurance information, including any changes in medical insurance; and
  2. Inform the Administration about a change in address, residence, and alienage status.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2006. Approval, Denial, or Discontinuance of Eligibility**

- A.** Eligibility determination. The Administration shall determine eligibility under this Article and send the notice under subsection (B) or (C) within seven days of receiving a complete application.
- B.** Approval. If a woman meets all the eligibility requirements in this Article, the Administration shall provide the woman with an approval notice. The approval notice shall contain:



## Arizona Health Care Cost Containment System - Administration

1. The name of the eligible woman, and
2. The effective date of eligibility.
- C. Denial. If the Administration denies eligibility, the Administration shall provide the woman with a denial notice. The denial notice shall contain:
  1. The name of the ineligible woman,
  2. The specific reason why the woman is ineligible,
  3. The legal citations supporting the reason for the denial,
  4. The location where the woman can review the legal citations, and
  5. Information regarding the woman's appeal and request for hearing rights.
- D. Discontinuance.
  1. Except as specified in subsection (D)(2), if a woman no longer meets an eligibility requirement under this Article, the Administration shall provide the woman a Notice of Action no later than 10 days before the effective date of the discontinuance.
  2. The Administration may mail the Notice of Action no later than the effective date of the discontinuance if the Administration:
    - a. Receives a written statement from the woman voluntarily withdrawing from AHCCCS,
    - b. Receives information confirming the death of the woman,
    - c. Receives returned mail with no forwarding address from the post office and the woman's whereabouts are unknown, or
    - d. Receives information confirming that the woman has been approved for Title XIX services outside the state of Arizona.
  3. The Notice of Action shall contain the:
    - a. Name of the ineligible woman,
    - b. Effective date of the discontinuance,
    - c. Specific reason why the woman is discontinued,
    - d. Legal citations supporting the reason for the discontinuance,
    - e. Location where the woman can review the legal citations, and
    - f. Information regarding the woman's appeal and request for hearing rights.
- E. Request for hearing. A woman who is denied, or discontinued for the Breast and Cervical Cancer Treatment Program may request a hearing under Chapter 34.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2007. Effective and End Date of Eligibility**

- A. Eligibility is effective on the first day of the month that all eligibility requirements are met, including the period described under R9-22-303.
- B. The end date of eligibility:
  1. For breast cancer, is 12 months after the last provider visit for a treatment specified in R9-22-2004 for the cancer or at the end of hormonal therapy for the cancer, whichever is later.
  2. For pre-cancerous cervical lesion, is four months after the last provider visit for a treatment specified in R9-22-2004 for the pre-cancerous lesion.
  3. For cervical cancer, is 12 months after the last provider visit for a treatment specified in R9-22-2004 for the cancer.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4). Section amended by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-2008. Redetermination of Eligibility**

- A. Redetermination. Except as provided in subsection (B), the Administration shall redetermine eligibility at least once a year. If a woman continues to meet the requirements of eligibility for the Breast and Cervical Cancer Treatment Program under this Article, the Administration shall notify the woman of continued eligibility. A woman is not required to be screened for breast and cervical cancer through AZ-NBC-CEDP at redetermination.
- B. Change in circumstance. The Administration shall complete a redetermination of eligibility if there is a change in the woman's circumstances that may affect eligibility, including a change in treatment.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**ARTICLE 21. TRAUMA AND EMERGENCY SERVICES FUND**

*Article 21, consisting of Sections R9-22-2101 through R9-22-2103, made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3).*

**R9-22-2101. General Provisions**

- A. A.R.S. § 36-2903.07 establishes the Administration as the authority to administer the Trauma and Emergency Services Fund.
- B. The Administration shall distribute 90% of monies from the trauma and emergency services fund to a level I trauma center, as defined in subsection (F) of this Section, for unrecovered trauma center readiness costs as defined in subsection (F) of this Section. Reimbursement is limited to no more than the amount of unrecovered trauma center readiness costs as determined in subsections (D) and (E) of this Section. Unexpended funds may be used to reimburse unrecovered emergency room costs under subsection (C) of this Section.
- C. The Administration shall distribute 10% of monies from the trauma and emergency services fund, for unrecovered emergency services costs, to a hospital having an emergency department, using criteria under R9-22-2103. Reimbursement is limited to no more than the amount of unrecovered emergency services costs as determined in R9-22-2103. The Administration may distribute more than 10% of the monies for unrecovered emergency room costs when there are unexpended monies under subsection (B) of this Section.
- D. The Administration shall distribute a reporting tool and guidelines to level I trauma centers to determine, on an annual basis, the unrecovered trauma center readiness costs for level I trauma centers as defined in subsection (F) of this Section. The reporting time-frame is July 1 of the prior year through June 30 of the reporting year. A level I trauma center shall submit the requested data and a copy of the most recently completed uniform accounting report under A.R.S. § 36-125.04 to the Administration no later than October 31 of each reporting year.
- E. When a level I trauma center closes in a county where there are one or more level I trauma center(s) remaining in operation, the following shall occur:
  1. The closing level I trauma center shall submit the requested data under subsection (D) of this Section for

## Arizona Health Care Cost Containment System - Administration

the months of the reporting time-frame in which it met the definition of a level I trauma center, and

2. The data under subsection (D) of this Section, which is submitted by the closing level I trauma center, shall be added to the remaining level I trauma center(s) in that county for the current reporting time-frame only.

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

1. "Level I trauma center" means any acute care hospital that:
  - a. Provides in-house 24-hour daily dedicated trauma surgical services as defined in A.R.S. § 36-2201(26) pertaining to a trauma center, or
  - b. Is recognized as a rural regional trauma center that was providing formal organized trauma services on or before January 1, 2003.
2. On or after January 1, 2005, "level I trauma center" means any acute care hospital designated by the Arizona Department of Health Services as a level I trauma center.
3. "Unrecovered trauma center readiness costs" means losses incurred treating trauma patients:
  - a. Determined in accordance with Generally Accepted Accounting Principles,
  - b. Based on both clinical and professional costs incurred by a level I trauma center necessary for the provision of level I trauma care, and
  - c. Based on administrative and overhead costs directly associated with providing level I trauma care.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3).

**R9-22-2102. Distribution of Trauma and Emergency Services Fund: Level I Trauma Centers**

- A. On or after November 1, 2003, the Administration shall distribute monies, under R9-22-2101(B), to level I trauma centers using monies available in the trauma and emergency services fund at the time of payment. The Administration shall take into consideration the proportion of those hospitals' trauma case volume. The Administration shall:
  1. Recalculate the November 2003 payments in July 2004 using the formula in subsection (B) of this Section;
  2. Recoup November 2003 overpayments by reducing the July 2004 distributions under subsection (C) as appropriate; and
  3. Redistribute recouped funds, with the July 2004 payment, to level I trauma centers underpaid in November 2003.
- B. On or after January 31 of each year, the Administration shall distribute monies, under R9-22-2101(B), to level I trauma centers using monies available in the trauma and emergency services fund at the time of payment. The Administration shall determine each hospital's unrecovered trauma center readiness costs for the current fiscal year using data from the most recent reporting year as provided under R9-22-2101(D) and (E). The proportion of each hospital's share of the fund for unrecovered trauma center readiness costs is determined after considering:
  1. The professional, clinical, administrative, and overhead costs directly associated with providing level I trauma care, and
  2. The volume and acuity of trauma care provided by each hospital.
- C. On or after July 31 of each year, the Administration shall distribute monies to level I trauma centers using monies, under R9-22-2101(B), available in the trauma and emergency services fund at the time of payment according to the proportions

calculated and used for the January payments in the same year, under subsection (B) of this Section.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3).

**R9-22-2103. Distribution of Trauma and Emergency Services Fund: Emergency Services**

On or after June 30 of each year, the Administration shall distribute monies available in the trauma and emergency services fund at the time of payment as follows:

1. As allocated under R9-22-2101(C),
2. To hospitals that had an emergency department from July 1 through June 30 of the prior year, and
3. On a pro rata share of each hospital's cost of uncompensated emergency care as a percentage of the total statewide cost of uncompensated emergency care provided by hospitals under subsection (2) as reported in the uniform accounting reports to the Arizona Department of Health Services under A.R.S. § 36-125.04.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3). Amended by exempt rulemaking at 18 A.A.R. 1748, effective July 1, 2012 (Supp. 12-2).

**R9-22-2104. Additional Trauma and Emergency Services Payments under the Section 1115 Waiver**

- A. Notwithstanding R9-22-2101(D), for the reporting years ending June 30, 2011 and June 30, 2012, the Administration shall distribute an amount equal to the balance of the Trauma and Emergency Services fund in the following manner:
  1. Ninety percent of the amount shall be distributed to Level I trauma centers based upon each center's pro rata share of each center's acuity-adjusted volume as a percentage of the total acuity-adjusted volume for all centers in the state. The acuity-adjusted volume is calculated by multiplying the Injury Severity Score employed by trauma.org by the number of trauma cases at that level treated at the center during the reporting year. Hospitals shall report trauma scores and case volume on a worksheet prescribed by the Administration.
  2. Ten percent of the amount shall be distributed proportionately to hospitals that had an emergency department from July 1 through June 30 of the reporting year based the pro rata share of each hospital's cost of emergency care as a percentage of the total statewide cost of emergency care provided by hospitals as reported on the Worksheet B, column 27, line 61 of the hospital's most current Medicare Cost Report as of January 31 following the end of each reporting year.
- B. For the reporting years ending June 30, 2011 and June 30, 2012, the Administration shall distribute an amount equal to the federal financial participation made available under the section 1115 waiver for the purpose of making payments for unrecovered trauma and emergency services as follows:
  1. Thirty percent of such funds to a Level I trauma center, in amounts calculated in the same manner as described in subsection (A)(1) of this Section, for any unrecovered trauma center readiness costs not reimbursed under subsection (A) of this Section;
  2. Thirty percent of such funds to a hospital having an emergency department from July 1 through June 30 of the reporting year, in amounts calculated in the same manner as described in subsection (A)(2) of this Section, for any

## Arizona Health Care Cost Containment System - Administration

- unrecovered emergency services costs not reimbursed under subsection (A) of this Section; and
3. Forty percent of such funds to rural hospitals, as defined in R9-22-718 that are not Level 1 trauma centers as defined in R9-22-2101(F), having an emergency department from July 1 through June 30 of the reporting year, in amounts calculated in the same manner as described in subsection (A)(2) of this Section, for any unrecovered emergency services costs not reimbursed under subsections (A) and (B)(2) of this Section.
- C. For the reporting years ending June 30, 2011 and June 30, 2012, payments made under this Article shall not be made in an amount that results in aggregate payments to the hospital by the Administration and contractors exceeding of the upper payment limit for the hospital services as calculated in accordance with 42 CFR 447.
- D. For the reporting years ending June 30, 2011 and June 30, 2012, to ensure compliance with subsection (C), payments under this Article shall be reconciled to the federal fiscal year that is two years subsequent to the payment.
- E. Any payments that are determined under subsection (D) to exceed the limit in subsection (C) shall be distributed as described in this Article to hospitals that have not received payments in excess of the limit in subsection (C).

**Historical Note**

New Section made by exempt rulemaking at 18 A.A.R. 1748, effective July 1, 2012 (Supp. 12-2).

This page intentionally left blank.

# Arizona Administrative CODE

Supplement 18-1

www.azsos.gov

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 9. HEALTH SERVICES

### CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

#### ARTICLE 1. GENERAL

<a href="#">R9-25-301.</a>	<a href="#">Application for Certification (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))</a>	<a href="#">12</a>
<a href="#">R9-25-305.</a>	<a href="#">Supplemental Requirements for Specific Courses (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))</a>	<a href="#">15</a>
<a href="#">R9-25-306.</a>	<a href="#">Training Program Notification and Recordkeeping (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))</a>	<a href="#">16</a>
<a href="#">R9-25-401.</a>	<a href="#">EMCT General Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H) and 36-2204(1), (6), and (7))</a>	<a href="#">19</a>
<a href="#">R9-25-402.</a>	<a href="#">EMCT Certification and Recertification Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H) and 36-2204(1), (6), and (7))</a>	<a href="#">19</a>
<a href="#">R9-25-403.</a>	<a href="#">Application Requirements for EMCT Certification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (H) and 36-2204(1) and (6))</a>	<a href="#">20</a>
<a href="#">R9-25-405.</a>	<a href="#">Extension to File an Application for EMCT Recertification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H) and 36-2204(1), (4), (5), and (7))</a>	<a href="#">21</a>
<a href="#">R9-25-406.</a>	<a href="#">Requirements for Downgrading of Certification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (H) and 36-2204(1) and (6))</a>	<a href="#">22</a>
<a href="#">R9-25-407.</a>	<a href="#">Notification Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), and (A)(4), 36-2204(1) and (6), and 36-2211)</a>	<a href="#">22</a>
<a href="#">R9-25-408.</a>	<a href="#">Unprofessional Conduct: Physical or Mental Incompetence; Gross Incompetence; Gross</a>	

<a href="#">R9-25-409.</a>	<a href="#">Negligence (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H), 36-2204(1), (6), and (7), and 36-2211)</a>	<a href="#">23</a>
<a href="#">Table 12.1.</a>	<a href="#">Enforcement Actions (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H), 36-2204(1), (6), and (7), and 36-2211)</a>	<a href="#">23</a>
	<a href="#">Time-frames (in days)</a>	<a href="#">95</a>

#### Questions about these rules? Contact:

Department: Arizona Department of Health Services  
Name: Terry Mullins, Bureau Chief  
Address: Bureau of Emergency Medical Services and Trauma System  
150 N. 18th Ave., Suite 540  
Phoenix, AZ 85007-3248  
Telephone: (602) 364-3150  
Fax: (602) 364-3568  
E-mail: [Terry.Mullins@azdhs.gov](mailto:Terry.Mullins@azdhs.gov)  
or  
Name: Robert Lane, Chief  
Address: Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007  
Telephone: (602) 542-1020  
Fax: (602) 364-1150  
E-mail: [Robert.Lane@azdhs.gov](mailto:Robert.Lane@azdhs.gov)  
<https://azdhs.gov/director/administrative-counsel-rules/rules/>

**The release of this Chapter in supplement 18-1 replaces supplement 17-3, 117 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

Authority: A.R.S. §§ 36-136(F) and 36-2209(A) et seq.

**Editor's Note:** Article 5 consisting of Sections R9-25-501 through R9-25-508 were recodified from Sections in Article 8 effective September 21, 2004 (Supp. 04-3). The Sections recodified from Article 8 were originally made or amended under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6).

**Editor's Note:** The Office of the Secretary of State publishes all Chapters on white paper.

**Editor's Note:** This Chapter contains rules which were adopted, amended, and repealed under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 36-2205(C). Exemption from A.R.S. Title 41, Chapter 6 means that the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and the Department was not required to hold public hearings on these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.

## ARTICLE 1. GENERAL

Article 1 heading amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

Article 1, consisting of Section R9-25-101, adopted effective October 15, 1996 (Supp. 96-4).

Section	
R9-25-101.	Definitions (Authorized by A.R.S. §§ 36-2201, 36-2202, 36-2204, and 36-2205) ..... 6
R9-25-102.	Individuals to Act for a Person Regulated Under This Chapter (Authorized by A.R.S. § 36-2202) . 7

## ARTICLE 2. MEDICAL DIRECTION; ALS BASE HOSPITAL CERTIFICATION

Article 2, consisting of Sections R9-25-201 through R9-25-213 and Exhibits A through B, adopted effective October 15, 1996 (Supp. 96-4).

Section	
R9-25-201.	Administrative Medical Direction (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), 36-2204(5), (6), and (7), 36-2204.01, and 36-2205(A) and (D)) ..... 7
R9-25-202.	On-line Medical Direction (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), 36-2204(5), (6), and (7), 36-2204.01, and 36-2205(A) and (D)) ..... 9
Exhibit A.	Repealed ..... 10
R9-25-203.	ALS Base Hospital General Requirements (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), and 36-2204(5), (6), and (7)) ..... 10
R9-25-204.	Application Requirements for ALS Base Hospital Certification (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), and 36-2204(5)) ..... 10
R9-25-205.	Changes Affecting an ALS Base Hospital Certificate (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), and 36-2204(5) and (6)) 10
R9-25-206.	ALS Base Hospital Authority and Responsibilities (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), 36-2204(5) and (6), 36-2208(A), and 36-2209(A)(2)) ..... 11
Exhibit B.	Repealed ..... 11
R9-25-207.	ALS Base Hospital Enforcement Actions (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), and 36-2204(7)) ..... 11

R9-25-208.	Renumbered .....12
R9-25-209.	Renumbered .....12
R9-25-210.	Renumbered .....12
R9-25-211.	Renumbered .....12
R9-25-212.	Repealed .....12
R9-25-213.	Renumbered .....12

## ARTICLE 3. TRAINING PROGRAMS

Article 3 repealed; new Article 3 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

Article 3, consisting of Sections R9-25-301 through R9-25-311 and Exhibits C through F and H, adopted effective October 15, 1996 (Supp. 96-4).

Section	
R9-25-301.	Application for Certification (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3)) .....12
R9-25-302.	Administration (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3)) 13
R9-25-303.	Changes Affecting a Training Program Certificate (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3)) .....13
R9-25-304.	Course and Examination Requirements (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1), (2), and (3)) .....14
R9-25-305.	Supplemental Requirements for Specific Courses (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3)) .....15
Exhibit F.	Repealed .....16
R9-25-306.	Training Program Notification and Recordkeeping (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3)) .....16
R9-25-307.	Training Program Enforcement Actions (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3)) .....18
Exhibit H.	Repealed .....18
R9-25-308.	Repealed .....18
R9-25-309.	Repealed .....18
R9-25-310.	Repealed .....18
R9-25-311.	Repealed .....18
Exhibit D.	Repealed .....18
Exhibit C.	Repealed .....18
Exhibit E.	Repealed .....18
R9-25-312.	Repealed .....18
R9-25-313.	Repealed .....18



## Department of Health Services – Emergency Medical Services

R9-25-314.	Repealed .....	18
R9-25-315.	Repealed .....	18
R9-25-316.	Renumbered .....	19
R9-25-317.	Renumbered .....	19
R9-25-318.	Repealed .....	19
Exhibit A.	Repealed .....	19
Exhibit B.	Expired .....	19
Exhibit C.	Repealed .....	19

**ARTICLE 4. EMCT CERTIFICATION**

*Article 4 repealed; new Article 4 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).*

*Article 4, consisting of Sections R9-25-401 through R9-25-411 and Exhibits I through K, adopted effective October 15, 1996 (Supp. 96-4).*

Section	
R9-25-401.	EMCT General Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H) and 36-2204(1), (6), and (7)) .....
R9-25-402.	EMCT Certification and Recertification Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H) and 36-2204(1), (6), and (7)) .....
R9-25-403.	Application Requirements for EMCT Certification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (H) and 36-2204(1) and (6)) .....
R9-25-404.	Application Requirements for EMCT Recertification (Authorized by A.R.S. §§ 36-2202(A)(2), (3), (4), and (6), (B), and (H) and 36-2204(1), (4), and (6)) .....
R9-25-405.	Extension to File an Application for EMCT Recertification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H) and 36-2204(1), (4), (5), and (7)) .....
R9-25-406.	Requirements for Downgrading of Certification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (H) and 36-2204(1) and (6)) .....
R9-25-407.	Notification Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), and (A)(4), 36-2204(1) and (6), and 36-2211) .....
R9-25-408.	Unprofessional Conduct; Physical or Mental Incompetence; Gross Incompetence; Gross Negligence (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H), 36-2204(1), (6), and (7), and 36-2211) .....
R9-25-409.	Enforcement Actions (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H), 36-2204(1), (6), and (7), and 36-2211) .....
R9-25-410.	Renumbered .....
R9-25-411.	Renumbered .....
Exhibit I.	Repealed .....
Exhibit J.	Repealed .....
Exhibit K.	Repealed .....
R9-25-412.	Expired .....

**ARTICLE 5. MEDICAL DIRECTION PROTOCOLS FOR EMERGENCY MEDICAL CARE TECHNICIANS**

*Article 5, consisting of R9-25-501 through R9-25-508, recodified from Article 8 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).*

*Article 5 repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).*

*Article 5, consisting of Sections R9-25-501 through R9-25-515 and Exhibit P, adopted effective October 15, 1996 (Supp. 96-4).*

Section	
R9-25-501.	Definitions .....
R9-25-502.	Scope of Practice for EMCTs .....
Table 1.	Repealed .....
Table 5.1.	Arizona Scope of Practice Skills .....
Table 5.2.	Eligibility for Authorization to Administer, Monitor, and Assist in Patient Self-administration of Agents by EMCT Classification; Administration Requirements; and Minimum Supply Requirements for Agents .....
Table 5.3.	Agents Eligible for Authorization for Administration During a Hazardous Material Incident .....
Table 5.4.	Eligibility for Authorization to Administer and Monitor Transport Agents During Interfacility Transports, by EMCT Classification; Administration Requirements .....
R9-25-503.	Testing of Medical Treatments, Procedures, Medications, and Techniques that May Be Administered or Performed by an EMCT .....
Exhibit 1.	Repealed .....
Exhibit 2.	Repealed .....
Exhibit 3.	Repealed .....
R9-25-504.	Protocol for Selection of a Health Care Institution for Transport .....
R9-25-505.	Protocol for an EMT-I(99) or a Paramedic to Become Eligible to Administer an Immunizing Agent .....
Exhibit 1.	Repealed .....
Exhibit 2.	Repealed .....
R9-25-506.	Renumbered .....
R9-25-507.	Repealed .....
R9-25-508.	Repealed .....
R9-25-509.	Repealed .....
R9-25-510.	Repealed .....
Exhibit P.	Repealed .....
R9-25-511.	Repealed .....
R9-25-512.	Repealed .....
R9-25-513.	Repealed .....
R9-25-514.	Repealed .....
R9-25-515.	Repealed .....

**ARTICLE 6. STROKE CARE**

*Article 6, consisting of new Sections R9-25-601 and R9-25-602 made by exempt rulemaking effective April 5, 2013 (Supp. 13-1).*

*Article 6 repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).*

*Article 6, consisting of Sections R9-25-601 through R9-25-616 and Exhibits L through Q through S, adopted effective October 15, 1996 (Supp. 96-4).*

Section	
R9-25-601.	Definitions (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3)) .....
R9-25-602.	Emergency Stroke Care Protocols (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3)) .....
R9-25-603.	Repealed .....
R9-25-604.	Repealed .....
R9-25-605.	Repealed .....
R9-25-606.	Repealed .....
R9-25-607.	Repealed .....
R9-25-608.	Repealed .....
R9-25-609.	Repealed .....
Exhibit R.	Repealed .....



## Department of Health Services – Emergency Medical Services

R9-25-610.	Repealed	34
R9-25-611.	Repealed	34
R9-25-612.	Repealed	34
R9-25-613.	Repealed	34
R9-25-614.	Repealed	34
R9-25-615.	Repealed	34
R9-25-616.	Repealed	34
Exhibit S.	Repealed	34
Exhibit G.	Repealed	34
Exhibit L.	Repealed	34
Exhibit M.	Repealed	34
Exhibit N.	Repealed	34
Exhibit O.	Repealed	34
Exhibit Q.	Repealed	34

**ARTICLE 7. AIR AMBULANCE SERVICE LICENSING**

*Article 7, consisting of Sections R9-25-701 through R9-25-718 made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).*

Section		
R9-25-701.	Definitions (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, and 36-2215)	34
R9-25-702.	Applicability (A.R.S. §§ 36-2202(A)(4) and 36-2217)	35
R9-25-703.	Requirement and Eligibility for a License (A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, and 36-2215)	35
R9-25-704.	Initial Application and Licensing Process (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2213, 36-2214, and 36-2215)	36
R9-25-705.	Renewal Application and Licensing Process (A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2213, 36-2214, and 36-2215)	37
R9-25-706.	Term and Transferability of License (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), 36-2213, 36-2214, and 41-1092.11)	37
R9-25-707.	Changes Affecting a License (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2213)	37
R9-25-708.	Inspections and Investigations (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), 36-2213, and 36-2214)	38
R9-25-709.	Enforcement Actions (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), 36-2213, 36-2214, 36-2215, 41-1092.03, and 41-1092.11(B))	38
R9-25-710.	Minimum Standards for Operations (A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)	38
R9-25-711.	Minimum Standards for Mission Staffing (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)	39
R9-25-712.	Expired	40
R9-25-713.	Minimum Standards for Training (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2213)	40
R9-25-714.	Minimum Standards for Communications (A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)	40
R9-25-715.	Minimum Standards for Medical Control (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)	40
R9-25-716.	Minimum Standards for Recordkeeping (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2213)	41
R9-25-717.	Minimum Standards for an Interfacility Neonatal Mission (A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)	41

R9-25-718.	Minimum Standards for an Interfacility Maternal Mission (A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)	41
------------	---	----

**ARTICLE 8. AIR AMBULANCE REGISTRATION**

*Article 8, consisting of R9-25-801 through R9-25-808, recodified to Article 5 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).*

*Article 8, consisting of R9-25-801, R9-25-802, Exhibits 1 through 4, and R9-25-803 Exhibit 1, recodified from A.A.C. R9-13-1501, R9-13-1502, Exhibits 1 through 4, and R9-13-1503 Exhibit 1; originally filed under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 98-1).*

*Article 8, consisting of Section R9-25-805 and Exhibits 1 through 3, adopted effective May 19, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6; filed in the Office of the Secretary of State May 21, 1997 (Supp. 97-2).*

Section		
R9-25-801.	Definitions (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2212)	41
R9-25-802.	Requirement, Eligibility, and Application for an Initial or Renewal Certificate of Registration for an Air Ambulance (A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, and 36-2240(4))	42
Exhibit 1.	Repealed	43
Exhibit 2.	Repealed	43
Exhibit 3.	Repealed	43
Exhibit 4.	Repealed	43
R9-25-803.	Term and Transferability of Certificate of Registration (A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, and 41-1092.11)	43
Exhibit 1.	Recodified	43
Exhibit 2.	Recodified	43
R9-25-804.	Changes Affecting Registration (A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), and 36-2212)	43
R9-25-805.	Inspections (A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, and 36-2232(A)(11))	44
Exhibit 1.	Recodified	44
Exhibit 2.	Recodified	44
Exhibit 3.	Repealed	44
R9-25-806.	Enforcement Actions (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), 36-2212, 36-2234(L), 41-1092.03, and 41-1092.11(B))	44
R9-25-807.	Minimum Standards for an Air Ambulance (A.R.S. §§ 36-2202(A)(3), (4), and (5); 36-2209(A)(2); and 36-2212)	44
Table 8.1.	Minimum Equipment and Supplies Required on Air Ambulances, By Mission Level and Aircraft Type (Authorized by A.R.S. §§ 36-2202(A)(3), (4), and (5); 36-2209(A)(2); and 36-2212)	45
Table 1.	Renumbered	47
R9-25-808.	Recodified	47

**ARTICLE 9. GROUND AMBULANCE CERTIFICATE OF NECESSITY**

*Article 9, consisting of Sections R9-25-901 through R9-25-912, adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).*

Section		
R9-25-901.	Definitions (Authorized by A.R.S. § 36-2202 (A))	48

## Department of Health Services – Emergency Medical Services

R9-25-902.	Application for an Initial Certificate of Necessity; Provision of ALS Services; Transfer of a Certificate of Necessity (Authorized by A.R.S. §§ 36-2204, 36-2232, 36-2233(B), 36-2236(A) and (B), 36-2240) .....	49	R9-25-1101.	Application for Establishment of Initial General Public Rates (A.R.S. §§ 36-2232, 36-2239) .....	92
R9-25-903.	Determining Public Necessity (A.R.S. § 36-2233(B)(2)) .....	50	R9-25-1102.	Application for Adjustment of General Public Rates (A.R.S. §§ 36-2234, 36-2239) .....	92
R9-25-904.	Application for Renewal of a Certificate of Necessity (A.R.S. §§ 36-2233, 36-2235, 36-2240) .....	51	R9-25-1103.	Application for a Contract Rate or Range of Rates Less than General Public Rates (A.R.S. §§ 36-2234(G) and (I), 36-2239) .....	92
R9-25-905.	Application for Amendment of a Certificate of Necessity (A.R.S. §§ 36-2232(A)(4), 36-2240) .....	51	R9-25-1104.	Ground Ambulance Service Contracts (A.R.S. §§ 36-2232, 36-2234(K)) .....	93
R9-25-906.	Determining Response Times, Response Codes, and Response-Time Tolerances for Certificates of Necessity and Provision of ALS Services (A.R.S. §§ 36-2232, 36-2233) .....	51	R9-25-1105.	Application for Provision of Subscription Service or to Establish a Subscription Service Rate (A.R.S. § 36-2232(A)(1)) .....	93
R9-25-907.	Observance of Service Area; Exceptions (A.R.S. § 36-2232) .....	51	R9-25-1106.	Rate of Return Setting Considerations (A.R.S. §§ 36-2232, 36-2239) .....	93
R9-25-908.	Transport Requirements; Exceptions (A.R.S. §§ 36-2224, 36-2232) .....	51	R9-25-1107.	Rate Calculation Factors (A.R.S. § 36-2232) .....	93
R9-25-909.	Certificate of Insurance or Self-Insurance (A.R.S. §§ 36-2232, 36-2233, 36-2237) .....	51	R9-25-1108.	Implementation of Rates and Charges (A.R.S. §§ 36-2232, 36-2239) .....	94
R9-25-910.	Record and Reporting Requirements (A.R.S. §§ 36-2232, 36-2241, 36-2246) .....	52	R9-25-1109.	Charges (A.R.S. §§ 36-2232, 36-2239(D)) .....	94
R9-25-911.	Ground Ambulance Service Advertising (A.R.S. § 36-2232) .....	52	R9-25-1110.	Invoices (A.R.S. §§ 36-2234, 36-2239) .....	94
R9-25-912.	Disciplinary Action (A.R.S. §§ 36-2244, 36-2245) .....	52			
Exhibit 9A.	Ambulance Revenue and Cost Report, General Information and Certification .....	53			
Exhibit A.	Renumbered .....	78			
Exhibit 9B.	Ambulance Revenue and Cost Report, Fire District and Small Rural Company .....	79			
Exhibit B.	Renumbered .....	86			

**ARTICLE 10. GROUND AMBULANCE VEHICLE REGISTRATION**

*Article 10, consisting of Sections R9-25-1001 through R9-25-1006, adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).*

Section		
R9-25-1001.	Initial and Renewal Application for a Certificate of Registration (A.R.S. §§ 36-2212, 36-2232, 36-2240) .....	86
R9-25-1002.	Minimum Standards for Ground Ambulance Vehicles (Authorized by A.R.S. § 36-2202(A)(5)) .....	87
R9-25-1003.	Minimum Equipment and Supplies for Ground Ambulance Vehicles (Authorized by A.R.S. § 36-2202(A)(5)) .....	88
R9-25-1004.	Minimum Staffing Requirements for Ground Ambulance Vehicles (Authorized by A.R.S. §§ 36-2201(4), 36-2202(A)(5)) .....	89
R9-25-1005.	Ground Ambulance Vehicle Inspection; Major and Minor Defects (A.R.S. §§ 36-2202(A)(5), 36-2212, 36-2232, 36-2234) .....	89
R9-25-1006.	Ground Ambulance Vehicle Identification (A.R.S. §§ 36-2212, 36-2232) .....	91

**ARTICLE 11. GROUND AMBULANCE SERVICE RATES AND CHARGES; CONTRACTS**

*Article 11, consisting of Sections R9-25-1101 through R9-25-1110, adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).*

Section

**ARTICLE 12. TIME-FRAMES FOR DEPARTMENT APPROVALS**

*Article 12, consisting of Section R9-25-1201, Table 1, and Exhibits A and B, adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).*

Section	
R9-25-1201.	Time-frames (Authorized by A.R.S. §§ 41-1072 through 41-1079) .....94
Table 12.1.	Time-frames (in days) .....95
Table 1.	Renumbered .....96
Exhibit A.	Recodified .....96
Exhibit B.	Recodified .....96

**ARTICLE 13. TRAUMA CENTERS AND TRAUMA REGISTRIES**

*Article 13, consisting of Section R9-25-1301 through R9-25-1315, Table 1 and Exhibit I, made by final rulemaking at 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4).*

Section		
R9-25-1301.	Definitions (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))	96
R9-25-1302.	Eligibility for Designation (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))	97
R9-25-1303.	Application and Designation Process (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))	98
R9-25-1303.01.	Health Care Institutions with Provisional Designation (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))	99
R9-25-1304.	Changes Affecting Designation Status (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))	100
R9-25-1305.	Modification of Designation (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))	100
R9-25-1306.	Inspections (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))	101
R9-25-1307.	Designation and Dedications (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))	101
R9-25-1308.	Trauma Center Responsibilities (A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(4), (5), and (6))	104

## Department of Health Services – Emergency Medical Services

R9-25-1309.	Trauma Registry Data (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(5) and (6)) .....	109	Table 13.1.	Arizona Trauma Center Standards (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4)) .....	114
R9-25-1310.	Trauma Registry Data Quality Assurance (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2220(A), 36-2221, and 36-2225(A)(5) and (6)) .....	112	<b>ARTICLE 14. REPEALED</b>		
R9-25-1311.	Repealed .....	112	<i>Article 14, consisting of Sections R9-25-1401 through R9-25-1406 and Table 1, made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4).</i>		
R9-25-1312.	Renumbered .....	112	Section		
R9-25-1313.	Renumbered .....	113	R9-25-1401.	Repealed .....	117
R9-25-1314.	Expired .....	113	R9-25-1402.	Repealed .....	117
R9-25-1315.	Repealed .....	113	Table 1.	Repealed .....	117
Table 1.	Repealed .....	113	R9-25-1403.	Repealed .....	117
Exhibit I.	Repealed .....	113	R9-25-1404.	Expired .....	117
			R9-25-1405.	Repealed .....	117
			R9-25-1406.	Renumbered .....	117

## Department of Health Services – Emergency Medical Services

**ARTICLE 1. GENERAL****R9-25-101. Definitions (Authorized by A.R.S. §§ 36-2201, 36-2202, 36-2204, and 36-2205)**

In addition to the definitions in A.R.S. § 36-2201, the following definitions apply in this Chapter, unless otherwise specified:

1. “Administer” or “administration” means to directly apply or the direct application of an agent to the body of a patient by injection, inhalation, ingestion, or any other means and includes adjusting the administration rate of an agent.
2. “AEMT” has the same meaning as “advanced emergency medical technician” in A.R.S. § 36-2201.
3. “Agent” means a chemical or biological substance that is administered to a patient to treat or prevent a medical condition.
4. “ALS” has the same meaning as “advanced life support” in A.R.S. § 36-2201.
5. “ALS base hospital” has the same meaning as “advanced life support base hospital” in A.R.S. § 36-2201.
6. “Applicant” means a person requesting certification, licensure, approval, or designation from the Department under this Chapter.
7. “Chain of custody” means the transfer of physical control of and accountability for an item from one individual to another individual, documented to indicate the:
  - a. Date and time of the transfer,
  - b. Integrity of the item transferred, and
  - c. Signatures of the individual relinquishing and the individual accepting physical control of and accountability for the item.
8. “Chief administrative officer” means:
  - a. For a hospital, the same as in A.A.C. R9-10-101; and
  - b. For a training program, an individual assigned to act on behalf of the training program by the body organized to govern and manage the training program.
9. “Clinical training” means experience and instruction in providing direct patient care in a health care institution.
10. “Controlled substance” has the same meaning as in A.R.S. § 32-1901.
11. “Course” means didactic instruction and, if applicable, hands-on practical skills training, clinical training, or field training provided by a training program to prepare an individual to become or remain an EMCT.
12. “Course session” means an offering of a course, during a period of time designated by a training program certificate holder, for a specific group of students.
13. “Current” means up-to-date and extending to the present time.
14. “Day” means a calendar day.
15. “Document” or “documentation” means signed and dated information in written, photographic, electronic, or other permanent form.
16. “Drug” has the same meaning as in A.R.S. § 32-1901.
17. “Electronic signature” has the same meaning as in A.R.S. § 44-7002.
18. “EMCT” has the same meaning as “emergency medical care technician” in A.R.S. § 36-2201.
19. “EMT” has the same meaning as “emergency medical technician” in A.R.S. § 36-2201.
20. “EMT-I(99)” means an individual, other than a Paramedic, who:
  - a. Was certified as an EMCT by the Department before January 28, 2013 to perform ALS, and
  - b. Has continuously maintained the certification.
21. “EMS” has the same meaning as “emergency medical services” subsections (17)(a) through (d) in A.R.S. § 36-2201.
22. “Field training” means emergency medical services experience and training outside of a health care institution or a training program facility.
23. “General hospital” has the same meaning as in A.A.C. R9-10-101.
24. “Health care institution” has the same meaning as in A.R.S. § 36-401.
25. “Hospital” has the same meaning as in A.A.C. R9-10-101.
26. “In use” means in the immediate physical possession of an EMCT and readily accessible for potential imminent administration to a patient.
27. “Infusion pump” means a device approved by the U.S. Food and Drug Administration that, when operated mechanically, electrically, or osmotically, releases a measured amount of an agent into a patient’s circulatory system in a specific period of time.
28. “Interfacility transport” means an ambulance transport of a patient from one health care institution to another health care institution.
29. “IV” means intravenous.
30. “Locked” means secured with a key, including a magnetic, electronic, or remote key, or combination so that opening is not possible except by using the key or entering the combination.
31. “Medical direction” means administrative medical direction or on-line medical direction.
32. “Medical record” has the same meaning as in A.R.S. § 36-2201.
33. “Minor” means an individual younger than 18 years of age who is not emancipated.
34. “Monitor” means to observe the administration rate of an agent and the patient’s response to the agent and may include discontinuing administration of the agent.
35. “On-line medical direction” means emergency medical services guidance or information provided to an EMCT by a physician through two-way voice communication.
36. “Patient” means an individual who is sick, injured, or wounded and who requires medical monitoring, medical treatment, or transport.
37. “Pediatric” means pertaining to a child.
38. “Person” has the same meaning as in A.R.S. § 1-215 and includes governmental agencies.
39. “Physician assistant” has the same meaning as in A.R.S. § 32-2501.
40. “Practical nurse” has the same meaning as in A.R.S. § 32-1601.
41. “Practicing emergency medicine” means acting as an emergency medicine physician in a hospital emergency department.
42. “Prehospital incident history report” has the same meaning as in A.R.S. § 36-2220.
43. “Refresher challenge examination” means a test given to an individual to assess the individual’s knowledge, skills, and competencies compared with the national education standards established for the applicable EMCT classification level.
44. “Refresher course” means a course intended to reinforce and update the knowledge, skills, and competencies of an individual who has previously met the national educational standards for a specific level of EMS personnel.
45. “Registered nurse” has the same meaning as in A.R.S. § 32-1601.
46. “Registered nurse practitioner” has the same meaning as in A.R.S. § 32-1601.
47. “Scene” means the location of the patient to be transported or the closest point to the patient at which an ambulance can arrive.
48. “Special hospital” has the same meaning as in A.A.C. R9-10-101.
49. “STR skill” means “Specialty Training Requirement skill,” a medical treatment, procedure, or technique or administration of a medication for which an EMCT needs specific training beyond the training required in 9 A.A.C. 25, Article 4 in order to perform or administer.
50. “Transfer of care” means to relinquish to the control of another person the ongoing medical treatment of a patient.

## Department of Health Services – Emergency Medical Services

51. “Transport agent” means an agent that an EMCT at a specified level of certification is authorized to administer only during interfacility transport of a patient for whom the agent’s administration was started at the sending health care institution.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4).  
Amended by exempt rulemaking at 7 A.A.R. 4888, effective November 1, 2001 (Supp. 01-4). Amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-102. Individuals to Act for a Person Regulated Under This Chapter (Authorized by A.R.S. § 36-2202)**

When a person regulated under this Chapter is required by this Chapter to provide information on or sign an application form or other document, the following individual shall satisfy the requirement on behalf of the person regulated under this Chapter:

1. If the person regulated under this Chapter is an individual, the individual; or
2. If the person regulated under this Chapter is a business organization, political subdivision, government agency, or tribal government, the individual who the business organization, political subdivision, government agency, or tribal government has designated to act on behalf of the business organization, political subdivision, government agency, or tribal government and who:
  - a. Is a U.S. citizen or legal resident, and
  - b. Has an Arizona address.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**ARTICLE 2. MEDICAL DIRECTION; ALS BASE HOSPITAL CERTIFICATION****R9-25-201. Administrative Medical Direction (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), 36-2204(5), (6), and (7), 36-2204.01, and 36-2205(A) and (D))**

A. An emergency medical services provider or ambulance service shall:

1. Except as specified in subsection (B) or (C), designate a physician as administrative medical director who meets one of the following:
  - a. Has emergency medicine certification issued by a member board of the American Board of Medical Specialties;
  - b. Has emergency medical services certification issued by the American Board of Emergency Medicine;
  - c. Has completed an emergency medicine residency training program accredited by the Accreditation Council for Graduate Medical Education or approved by the American Osteopathic Association; or
  - d. Is an emergency medicine physician in an emergency department located in Arizona and has current certification in:
    - i. Advanced emergency cardiac life support that includes didactic instruction and a practical skills test, consistent with training recognized by the American Heart Association, in:
      - (1) Airway management during respiratory arrest;
      - (2) Recognition of tachycardia, bradycardia, pulseless ventricular tachycardia, ventricular fibrillation, pulseless electrical activity, and asystole;

- (3) Pharmacologic, mechanical, and electrical arrhythmia interventions; and
- (4) Immediate post-cardiac arrest care;
- ii. Advanced trauma life support recognized by the American College of Surgeons; and
- iii. Pediatric advanced life support that includes didactic instruction and a practical skills test, consistent with training recognized by the American Heart Association, in:
  - (1) Pediatric rhythm interpretation;
  - (2) Oral, tracheal, and nasal airway management;
  - (3) Peripheral and central intravenous lines;
  - (4) Intraosseous infusion;
  - (5) Needle thoracostomy; and
  - (6) Pharmacologic, mechanical, and electrical arrhythmia interventions;

2. If the emergency medical services provider or ambulance service designates a physician as administrative director according to subsection (A)(1), notify the Department in writing:
  - a. Of the identity and qualifications of the designated physician within 10 days after designating the physician as administrative medical director; and
  - b. Within 10 days after learning that a physician designated as administrative director is no longer qualified to be an administrative director; and
3. Maintain for Department review:
  - a. A copy of the policies, procedures, protocols, and documentation required in subsection (E); and
  - b. Either:
    - i. The name, e-mail address, telephone number, and qualifications of the physician providing administrative medical direction on behalf of the emergency medical services provider or ambulance service; or
    - ii. If the emergency medical services provider or ambulance service provides administrative medical direction through an ALS base hospital or a centralized medical direction communications center, a copy of a written agreement with the ALS base hospital or centralized medical direction communications center documenting that the administrative medical director is qualified under subsection (A)(1).
- B. Except as provided in R9-25-502(A)(3), if an emergency medical services provider or ambulance service provides only BLS, the emergency medical services provider or ambulance service is not required to have an administrative medical director.
- C. If an emergency medical services provider or ambulance service provides administrative medical direction through an ALS base hospital or a centralized medical direction communications center, the emergency medical services provider or ambulance service shall ensure that the ALS base hospital or centralized medical direction communications center designates a physician as administrative medical director who meets one of the requirements in subsections (A)(1)(a) through (d).
- D. An emergency medical services provider or ambulance service may provide administrative medical direction through an ALS base hospital that is a special hospital, if the emergency medical services provider or ambulance service:
  1. Uses the ALS base hospital that is a special hospital for administrative medical direction only for patients who are children, and
  2. Has a written agreement with an ALS base hospital that meets the requirements in R9-25-203(B)(1) or a centralized medical direction communications center for the provision of administrative medical direction.
- E. An emergency medical services provider or an ambulance service shall ensure that:

## Department of Health Services – Emergency Medical Services

1. An EMCT receives administrative medical direction as required by A.R.S. Title 36, Chapter 21.1 and this Chapter;
  2. Protocols are established, documented, and implemented by an administrative medical director, consistent with A.R.S. Title 36, Chapter 21.1 and this Chapter, that include:
    - a. A communication protocol for:
      - i. How an EMCT requests and receives on-line medical direction,
      - ii. When and how an EMCT notifies a health care institution of the EMCT's intent to transport a patient to the health care institution, and
      - iii. What procedures an EMCT follows in the event of a communications equipment failure;
    - b. A triage protocol for:
      - i. How an EMCT assesses and prioritizes the medical condition of a patient,
      - ii. How an EMCT selects a health care institution to which a patient may be transported,
      - iii. How a patient is transported to the health care institution, and
      - iv. When on-line medical direction is required;
    - c. A treatment protocol for:
      - i. How an EMCT performs a medical treatment on a patient or administers an agent to a patient, and
      - ii. When on-line medical direction is required while an EMCT is providing treatment; and
    - d. A protocol for the transfer of information to the emergency receiving facility, including:
      - i. The information required to be communicated to emergency receiving facility staff upon transfer of care, including the condition of the patient, the treatment provided to the patient, and the patient's response to the treatment;
      - ii. The information required to be documented on a prehospital incident history report; and
      - iii. The time-frame, which is associated with the transfer of care, for completion of a prehospital incident history report;
  3. Policies and procedures are established, documented, and implemented by an administrative medical director, consistent with A.R.S. Title 36, Chapter 21.1 and this Chapter, that:
    - a. Are consistent with an EMCT's scope of practice, as specified in Table 5.1;
    - b. Cover:
      - i. Medical recordkeeping;
      - ii. Medical reporting;
      - iii. Processing of prehospital incident history reports;
      - iv. Obtaining, storing, transferring, and disposing of agents to which an EMCT has access including methods to:
        - (1) Identify individuals authorized by the administrative medical director to have access to agents,
        - (2) Maintain chain of custody for controlled substances, and
        - (3) Minimize potential degradation of agents due to temperature extremes;
      - v. Administration, monitoring, or assisting in patient self-administration of an agent;
      - vi. Monitoring and evaluating an EMCT's compliance with treatment protocols, triage protocols, and communications protocols specified in subsection (E)(2);
      - vii. Monitoring and evaluating an EMCT's compliance with medical recordkeeping, medical reporting, and prehospital incident history report requirements;
      - viii. Monitoring and evaluating an EMCT's compliance with policies and procedures for agents to which the EMCT has access;
      - ix. Monitoring and evaluating an EMCT's competency in performing skills authorized for the EMCT by the EMCT's administrative medical director and within the EMCT's scope of practice, as specified in Table 5.1;
      - x. Ongoing education, training, or remediation necessary to maintain or enhance an EMCT's competency in performing skills within the EMCT's scope of practice, as specified in Table 5.1;
      - xi. The process by which administrative medical direction is withdrawn from an EMCT; and
      - xii. The process for reinstating an EMCT's administrative medical direction; and
    - c. Include a quality assurance process to evaluate the effectiveness of the administrative medical direction provided to EMCTs;
  4. Protocols in subsection (E)(2) and policies and procedures in subsection (E)(3) are reviewed annually by the administrative medical director and updated as necessary;
  5. Requirements in A.R.S. Title 36, Chapter 21.1 and this Chapter are reviewed annually by the administrative medical director; and
  6. The Department is notified in writing no later than ten days after the date:
    - a. Administrative medical direction is withdrawn from an EMCT; or
    - b. An EMCT's administrative medical direction is reinstated.
- F. An administrative medical director for an emergency medical services provider or ambulance service shall ensure that:
1. An EMCT for whom the administrative medical director provides administrative medical direction:
    - a. Has access to at least the minimum supply of agents required for the highest level of service to be provided by the EMCT;
    - b. Administers, monitors, or assists in patient self-administration of an agent according to the requirements in policies and procedures; and
    - c. Has access to a copy of the policies and procedures required in subsection (F)(2) while on duty for the emergency medical services provider or ambulance service;
  2. Policies and procedures for agents to which an EMCT has access:
    - a. Specify that an agent is obtained only from a person:
      - i. Authorized by law to prescribe the agent, or
      - ii. Licensed under A.R.S. Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23 to dispense or distribute the agent;
    - b. Cover chain of custody and transfer procedures for each supply of agents, requiring an EMCT for whom the administrative medical director provides administrative medical direction to:
      - i. Document the name and the EMCT certification number or employee identification number of each individual who takes physical control of the supply of agents;
      - ii. Document the time and date that each individual takes physical control of the supply of agents;
      - iii. Inspect the supply of agents for expired agents, deteriorated agents, damaged or altered agent containers or labels, and depleted, visibly adulterated, or missing agents upon taking physical control of the supply of agents;
      - iv. Document any of the conditions in subsection (F)(2)(b)(iii);
      - v. Notify the administrative medical director of a depleted, visibly adulterated, or missing controlled substance;

## Department of Health Services – Emergency Medical Services

- vi. Obtain a replacement for each affected agent in subsection (F)(2)(b)(iii) for which the minimum supply is not present; and
    - vii. Record each administration of an agent on a prehospital incident history report;
  - c. Cover mechanisms for controlling inventory of agents and preventing diversion of controlled substances; and
  - d. Include that an agent is kept inaccessible to all individuals who are not authorized access to the agent by policies and procedures required under subsection (E)(3)(b)(iv)(1) and, when not being administered, is:
    - i. Secured in a dry, clean, washable receptacle;
    - ii. While on a motor vehicle or aircraft, secured in a manner that restricts movement of the agent and the receptacle specified in subsection (F)(2)(d)(i); and
    - iii. If a controlled substance, in the receptacle specified in subsection (F)(2)(d)(i) and locked in an ambulance in a hard-shelled container that is difficult to breach without the use of a power cutting tool;
  - 3. The Department is notified in writing within 10 days after the administrative medical director receives notice, as required subsection (F)(2)(b)(v), that any quantity of a controlled substance is depleted, visibly adulterated, or missing; and
  - 4. Except when the emergency medical services provider or ambulance service obtains all agents from an ALS base hospital pharmacy, which retains ownership of the agents, agents to which an EMCT has access are obtained, stored, transferred, and disposed of according to policies and procedures; A.R.S. Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; 4 A.A.C. 23; and requirements of the U.S. Drug Enforcement Administration.
- G.** An administrative medical director may delegate responsibilities to an individual as necessary to fulfill the requirements in this Section, if the individual is:
- 1. Another physician,
  - 2. A physician assistant,
  - 3. A registered nurse practitioner,
  - 4. A registered nurse,
  - 5. A Paramedic, or
  - 6. An EMT-I(99).
- Historical Note**
- Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-201 renumbered to R9-25-207; new R9-25-201 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section repealed; new Section R9-25-201 renumbered from R9-25-202 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).
- R9-25-202. On-line Medical Direction (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), 36-2204(5), (6), and (7), 36-2204.01, and 36-2205(A) and (D))**
- A.** An emergency medical services provider or ambulance service shall:
- 1. Ensure that a physician provides on-line medical direction to EMCTs on behalf of the emergency medical services provider or ambulance service only if the physician meets one of the following:
    - a. Has emergency medicine certification issued by a member board of the American Board of Medical Specialties;
    - b. Has emergency medical services certification issued by the American Board of Emergency Medicine;
    - c. Has completed an emergency medicine residency training program accredited by the Accreditation Council for Graduate Medical Education or approved by the American Osteopathic Association; or
  - d. Is an emergency medicine physician in an emergency department located in Arizona and has current certification that meets the requirements in R9-25-201(A)(1)(d)(i) through (iii);
- 2.** For each physician providing on-line medical direction on behalf of the emergency medical services provider or ambulance service, maintain for Department review either:
- a. The name, e-mail address, telephone number, and qualifications of the physician providing on-line medical direction on behalf of the emergency medical services provider or ambulance service; or
  - b. If the emergency medical services provider or ambulance service provides on-line medical direction through an ALS base hospital or a centralized medical direction communications center, a copy of a written agreement with the ALS base hospital or centralized medical direction communications center documenting that the physician providing on-line medical direction is qualified under subsection (A)(1);
- 3.** Ensure that the on-line medical direction provided to an EMCT on behalf of the emergency medical services provider or ambulance service is consistent with:
- a. The EMCT's scope of practice, as specified in Table 5.1; and
  - b. Communication protocols, triage protocols, treatment protocols, and protocols for prehospital incident history reports, specified in R9-25-201(E)(2); and
- 4.** Ensures that a physician providing on-line medical direction on behalf of the emergency medical services provider or ambulance service relays on-line medical direction only through one of the following individuals, under the supervision of the physician and consistent with the individual's scope of practice:
- a. Another physician,
  - b. A physician assistant,
  - c. A registered nurse practitioner,
  - d. A registered nurse,
  - e. A Paramedic, or
  - f. An EMT-I(99).
- B.** An emergency medical services provider or ambulance service may provide on-line medical direction through an ALS base hospital that is a special hospital, if the emergency medical services provider or ambulance service:
- 1. Uses the ALS base hospital that is a special hospital for on-line medical direction only for patients who are children, and
  - 2. Has a written agreement with an ALS base hospital that meets the requirements in R9-25-203(B)(1) or a centralized medical direction communications center for the provision of on-line medical direction.
- C.** An emergency medical services provider or ambulance service shall ensure that the emergency medical services provider or ambulance service, or an ALS base hospital or a centralized medical direction communications center providing on-line medical direction on behalf of the emergency medical services provider or ambulance service, has:
- 1. Operational and accessible communication equipment that will allow on-line medical direction to be given to an EMCT;
  - 2. A written plan for alternative communications with an EMCT in the event of a disaster, communication equipment breakdown or repair, power outage, or malfunction; and
  - 3. A physician qualified under subsection (A)(1) available to give on-line medical direction to an EMCT 24 hours a day, seven days a week.
- Historical Note**
- Adopted effective October 15, 1996 (Supp. 96-4). Former

## Department of Health Services – Emergency Medical Services

R9-25-202 renumbered to R9-25-208; new R9-25-202 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-202 renumbered to Section R9-25-201; new Section R9-25-202 renumbered from R9-25-203 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit A. Repealed****Historical Note**

Exhibit A adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-203. ALS Base Hospital General Requirements (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), and 36-2204(5), (6), and (7))**

- A. A person shall not operate as an ALS base hospital without certification from the Department.
- B. The Department shall certify an ALS base hospital if the applicant:
  1. Is:
    - a. Licensed as a general hospital under 9 A.A.C. 10, Article 2; or
    - b. A facility operated as a hospital in this state by the United States federal government or by a sovereign tribal nation;
  2. Maintains at least one current written agreement described in A.R.S. § 36-2201(4);
  3. Has not been decertified as an ALS base hospital by the Department within five years before submitting the application;
  4. Submits an application that is complete and compliant with the requirements in this Article; and
  5. Has not knowingly provided false information on or with an application required by this Article.
- C. The Department may certify as an ALS base hospital a special hospital, which is licensed under 9 A.A.C. 10, Article 2 and provides surgical services and emergency services only to children, if the applicant:
  1. Meets the requirements in subsection (B)(2) through (5), and
  2. Provides administrative medical direction or on-line medical direction only for patients who are children.
- D. An ALS base hospital certificate is valid only for the name and address listed by the Department on the certificate.
- E. At least every 24 months after certification, the Department shall inspect, according to A.R.S. § 41-1009, an ALS base hospital to determine ongoing compliance with the requirements of this Article.
- F. The Department may inspect an ALS base hospital according to A.R.S. § 41-1009:
  1. As part of the substantive review time-frame required in A.R.S. §§ 41-1072 through 41-1079; or
  2. As necessary to determine compliance with the requirements of this Article.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-203 renumbered to Section R9-25-202; new Section R9-25-203 renumbered from R9-25-207 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-204. Application Requirements for ALS Base Hospital Certification (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), and 36-2204(5))**

- A. An applicant for ALS base hospital certification shall submit to the Department an application, in a Department-provided format, including:

1. A form containing:
    - a. The applicant's name, address, and telephone number;
    - b. The name, email address, and telephone number of the applicant's chief administrative officer;
    - c. The name, email address, and telephone number of the applicant's chief administrative officer's designee if the chief administrative officer will not be the liaison between the ALS base hospital and the Department;
    - d. Whether the applicant is applying for certification of a:
      - i. General hospital licensed under 9 A.A.C. 10, Article 2;
      - ii. Special hospital licensed under 9 A.A.C. 10, Article 2, that provides surgical services and emergency services only to children; or
      - iii. Facility operating as a federal or tribal hospital;
    - e. The name of each emergency medical services provider or ambulance service for which the applicant has a current written agreement described in A.R.S. § 36-2201(4);
    - f. The name, address, email address, and telephone number of each administrative medical director;
    - g. The name of each physician providing on-line medical direction;
    - h. Attestation that the applicant meets the requirements in R9-25-202(C);
    - i. Attestation that the applicant will comply with all requirements in A.R.S. Title 36, Chapter 21.1 and this Chapter;
    - j. Attestation that all information required as part of the application has been submitted and is true and accurate; and
    - k. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature;
  2. A copy of the applicant's current hospital license issued under 9 A.A.C. 10, Article 2, if applicable; and
  3. A copy of each executed written agreement described in A.R.S. § 36-2201(4), including all attachments and exhibits.
- B. The Department shall approve or deny an application under this Section according to Article 12 of this Chapter.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-204 renumbered to R9-25-209; new R9-25-204 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section R9-25-204 repealed; new Section R9-25-204 renumbered from R9-25-208 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-205. Changes Affecting an ALS Base Hospital Certificate (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), and 36-2204(5) and (6))**

- A. No later than 10 days after the date of a change in the name listed on the ALS base hospital certificate, an ALS base hospital certificate holder shall notify the Department of the change, in a Department-provided format, including:
  1. The current name of the ALS base hospital;
  2. The ALS base hospital's certificate number;
  3. The new name and the effective date of the name change;
  4. Documentation supporting the name change;
  5. Documentation of compliance with the requirements in A.A.C. R9-10-109(A), if applicable;
  6. Attestation that all information submitted to the Department is true and correct; and



## Department of Health Services – Emergency Medical Services

7. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- B. No later than 10 days after the date of a change in the address listed on an ALS base hospital certificate or a change in ownership, as defined in A.A.C. R9-10-101, an ALS base hospital certificate holder shall submit to the Department an application required in R9-25-204(A).

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). Section R9-25-205 repealed; new Section R9-25-205 renumbered from R9-25-209 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-206. ALS Base Hospital Authority and Responsibilities (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), 36-2204(5) and (6), 36-2208(A), and 36-2209(A)(2))**

- A. An ALS base hospital certificate holder shall:
  1. Have the capability of providing both administrative medical direction and on-line medical direction;
  2. Provide administrative medical direction and on-line medical direction to an EMCT according to:
    - a. A written agreement described in A.R.S. § 36-2201(4);
    - b. Except as provided in subsection (D), the requirements in R9-25-201 for administrative medical direction; and
    - c. The requirements in R9-25-202 for on-line medical direction; and
  3. Ensure that personnel are available to provide administrative medical direction and on-line medical direction.
- B. No later than 10 days after the date of a change in an administrative medical director listed on the ALS base hospital's application, as required in R9-25-204(A)(1)(f), an ALS base hospital certificate holder shall notify the Department of the change, in a Department-provided format, including:
  1. The name of the ALS base hospital,
  2. The ALS base hospital's certificate number,
  3. The name of the new administrative medical director and the effective date of the change,
  4. Attestation that the new administrative medical director meets the requirements in R9-25-201(A)(1),
  5. Attestation that all information submitted to the Department is true and correct, and
  6. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- C. An ALS base hospital certificate holder shall:
  1. Notify the Department in writing no later than 24 hours after ceasing to meet the requirement in:
    - a. R9-25-203(B)(1) or (2); or
    - b. For a special hospital, R9-25-203(B)(2) or (C); and
  2. No later than 48 hours after terminating, adding, or amending a written agreement required in R9-25-203(B)(2), notify the Department in writing and, if applicable, submit to the Department a copy of the new or amended written agreement described in A.R.S. § 36-2201(4).
- D. An ALS base hospital may act as a training program without training program certification from the Department, if the ALS base hospital:
  1. Is eligible for training program certification as provided in R9-25-301(C); and

2. Complies with the requirements in R9-25-301(D), R9-25-302, R9-25-303(B), (C), and (F), and R9-25-304 through R9-25-306.
- E. If an ALS base hospital's pharmacy provides all of the agents for an emergency medical services provider or ambulance service, and the ALS base hospital owns the agents provided, the ALS base hospital's certificate holder shall ensure that:
  1. Except as stated in subsections (E)(2) and (3), the policies and procedures for agents to which an EMCT has access that are established by the administrative medical director for the emergency medical services provider or ambulance service comply with requirements in R9-25-201(F)(2);
  2. The emergency medical services provider or ambulance service requires an EMCT for the emergency medical services provider or ambulance service to notify the pharmacist in charge of the hospital pharmacy of a missing, visibly adulterated, or depleted controlled substance; and
  3. The pharmacist in charge of the hospital pharmacy notifies the Department, as specified in R9-25-201(F)(3), of a missing, visibly adulterated, or depleted controlled substance.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Amended effective November 30, 1998; filed in the Office of the Secretary of State November 24, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) (Supp. 98-4). Amended by exempt rulemaking at 7 A.A.R. 4888, effective November 1, 2001 (Supp. 01-4). Former R9-25-206 renumbered to R9-25-210; new R9-25-206 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-206 repealed; new Section R9-25-206 renumbered from R9-25-210 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

*The following Exhibit was repealed under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 36-2205(C). Exemption from A.R.S. Title 41, Chapter 6 means that the Department did not submit this change to the Secretary of State's Office for publication in the Arizona Administrative Register as proposed rules; the Department did not submit the change to the Governor's Regulatory Review Council for review; and the Department was not required to hold public hearings on the repealing of this Exhibit (Supp. 98-4).*

**Exhibit B. Repealed****Historical Note**

Exhibit B adopted effective October 15, 1996 (Supp. 96-4). Repealed effective November 30, 1998; filed in the Office of the Secretary of State November 24, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) (Supp. 98-4).

**R9-25-207. ALS Base Hospital Enforcement Actions (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), and 36-2204(7))**

- A. The Department may take an action listed in subsection (B) against an ALS base hospital certificate holder who:
  1. Does not meet the certification requirements in R9-25-203(B)(1) or (2) or (C);
  2. Violates the requirements in A.R.S. Title 36, Chapter 21.1 or 9 A.A.C. 25; or
  3. Knowingly or negligently provides false documentation or information to the Department.
- B. The Department may take the following action against an ALS base hospital certificate holder:

## Department of Health Services – Emergency Medical Services

1. After notice is provided according to A.R.S. Title 41, Chapter 6, Article 10, issue a letter of censure,
2. After notice is provided according to A.R.S. Title 41, Chapter 6, Article 10, issue an order of probation,
3. After notice and an opportunity to be heard is provided according to A.R.S. Title 41, Chapter 6, Article 10, suspend the ALS base hospital certificate, or
4. After notice and an opportunity to be heard is provided according to A.R.S. Title 41, Chapter 6, Article 10, decertify the ALS base hospital.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-207 repealed; new R9-25-207 renumbered from R9-25-201 and amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-207 renumbered to Section R9-25-203; new Section R9-25-207 renumbered from Section R9-25-211 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-208. Renumbered****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-208 repealed; new R9-25-208 renumbered from R9-25-202 and amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-208 renumbered to Section R9-25-204 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-209. Renumbered****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-209 repealed; new R9-25-209 renumbered from R9-25-204 and amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-209 renumbered to Section R9-25-205 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-210. Renumbered****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-210 repealed; new R9-25-210 renumbered from R9-25-206 and amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section R9-25-210 renumbered to Section R9-25-206 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-211. Renumbered****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-211 repealed; new R9-25-211 renumbered from R9-25-213 and amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-211 renumbered to Section R9-25-207 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-212. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective

January 3, 2004 (Supp. 03-4).

**R9-25-213. Renumbered****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section renumbered to R9-25-211 by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**ARTICLE 3. TRAINING PROGRAMS**

*Article 3 repealed; new Article 3 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).*

**R9-25-301. Application for Certification (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A.** To apply for certification as a training program, an applicant shall submit an application to the Department, in a Department-provided format, including:
1. The applicant's name, address, and telephone number;
  2. The name, telephone number, and e-mail address of the applicant's chief administrative officer;
  3. The name of each course the applicant plans to provide;
  4. Attestation that the applicant has the equipment and facilities that meet the requirements established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov](http://www.azdhs.gov) for the courses specified in subsection (A)(3);
  5. The name, telephone number, and e-mail address of the training program medical director;
  6. The name, telephone number, and e-mail address of the training program director;
  7. Attestation that the applicant will comply with all requirements in A.R.S. Title 36, Chapter 21.1 and 9 A.A.C. 25;
  8. Attestation that all information required as part of the application has been submitted and is true and accurate; and
  9. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- B.** An applicant may submit to the Department a copy of an accreditation report if the applicant is currently accredited by a national accrediting organization.
- C.** The Department shall certify a training program if the applicant:
1. Has not operated a training program that has been decertified by the Department within five years before submitting the application,
  2. Submits an application that is complete and compliant with requirements in this Article, and
  3. Has not knowingly provided false information on or with an application required by this Article.
- D.** The Department:
1. Shall assess a training program at least once every 24 months after certification to determine ongoing compliance with the requirements of this Article; and
  2. May inspect a training program according to A.R.S. § 41-1009:
    - a. As part of the substantive review time-frame required in A.R.S. §§ 41-1072 through 41-1079, or
    - b. As necessary to determine compliance with the requirements of this Article.
- E.** The Department shall approve or deny an application under this Article according to Article 12 of this Chapter.
- F.** A training program certificate is valid only for the name of the training program certificate holder and the courses listed by the Department on the certificate and may not be transferred to another person.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9

## Department of Health Services – Emergency Medical Services

A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-302. Administration (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A.** A training program certificate holder shall ensure that a training program medical director:
1. Is a physician or exempt from physician licensing requirements under A.R.S. §§ 32-1421(A)(7) or 32-1821(3);
  2. Meets one of the following:
    - a. Has emergency medicine certification issued by a member board of the American Board of Medical Specialties,
    - b. Has emergency medical services certification issued by the American Board of Emergency Medicine,
    - c. Has completed an emergency medicine residency training program accredited by the Accreditation Council for Graduate Medical Education or approved by the American Osteopathic Association, or
    - d. Is an emergency medicine physician in an emergency department located in Arizona and has current certification that meets the requirements in R9-25-201(A)(1)(d)(i) through (iii); and
  3. Before the start date of a course session, reviews the course content outline and final examinations to ensure consistency with the national educational standards for the applicable EMCT classification level.
- B.** A training program certificate holder shall ensure that a training program director:
1. Is one of the following:
    - a. A physician with at least two years of experience providing emergency medical services as a physician;
    - b. A doctor of allopathic medicine or osteopathic medicine licensed in another state or jurisdiction with at least two years of experience providing emergency medical services as a doctor of allopathic medicine or osteopathic medicine;
    - c. An individual who meets the definition of registered nurse in A.R.S. § 32-1601 with at least two years of experience providing emergency medical services as a registered nurse;
    - d. A physician assistant with at least two years of experience providing emergency medical services as a physician assistant; or
    - e. An EMCT with at least two years of experience at that classification of EMCT, only for courses to prepare an individual for certification or recertification at the same or lower level of EMCT;
  2. Has completed 24 hours of training related to instructional methodology including:
    - a. Organizing and preparing materials for didactic instruction, clinical training, field training, and skills practice;
    - b. Preparing and administering tests and practical examinations;
    - c. Using equipment and supplies;
    - d. Measuring student performance;
    - e. Evaluating student performance;
    - f. Providing corrective feedback; and
    - g. Evaluating course effectiveness;
  3. Supervises the day-to-day operation of the courses offered by the training program;

4. Supervises and evaluates the lead instructor for a course session;
  5. Monitors the training provided by all preceptors providing clinical training or field training; and
  6. Does not participate as a student in a course session, take a refresher challenge examination, or receive a certificate of completion for a course given by the training program.
- C.** A training program certificate holder shall:
1. Maintain with an insurance company authorized to transact business in this state:
    - a. A minimum single claim professional liability insurance coverage of \$500,000, and
    - b. A minimum single claim general liability insurance coverage of \$500,000 for the operation of the training program; or
  2. Be self-insured for the amounts in subsection (C)(1).
- D.** A training program certificate holder shall ensure that policies and procedures are:
1. Established, documented, and implemented covering:
    - a. Student enrollment, including verification that a student has proficiency in reading at the 9th grade level and meets all course admission requirements;
    - b. Maintenance of student records and medical records, including compliance with all applicable state and federal laws governing confidentiality, privacy, and security; and
    - c. For each course offered:
      - i. Student attendance requirements, including leave, absences, make-up work, tardiness, and causes for suspending or expelling a student for unsatisfactory attendance;
      - ii. Grading criteria, including the minimum grade average considered satisfactory for continued enrollment and standards for suspending or expelling a student for unsatisfactory grades;
      - iii. Administration of final examinations; and
      - iv. Student conduct, including causes for suspending or expelling a student for unsatisfactory conduct;
  2. Reviewed annually and updated as necessary; and
  3. Maintained on the premises and provided to the Department at the Department's request.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-303. Changes Affecting a Training Program Certificate (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A.** No later than 10 days after a change in the name, address, or e-mail address of the training program certificate holder listed on a training program certificate, the training program certificate holder shall notify the Department of the change, in a Department-provided format, including:
1. The current name, address, and e-mail address of the training program certificate holder;
  2. The certificate number for the training program;
  3. The new name, new address, or new e-mail address and the date of the name, address, or e-mail address change;
  4. If applicable, attestation that the training program certificate holder has insurance required in R9-25-302(C) that is valid for the new name or new address;
  5. Attestation that all information submitted to the Department is true and correct; and
  6. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative

## Department of Health Services – Emergency Medical Services

- officer's designated representative and date of signature or electronic signature.
- B.** No later than 10 days after a change in the training program medical director or training program director, a training program certificate holder shall notify the Department, in a Department-provided format, including:
1. The name and address of the training program certificate holder;
  2. The certificate number for the training program;
  3. The name, telephone number, and e-mail address of the new training program medical director or training program director and the date of the change; and
  4. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- C.** A training program certificate holder that intends to add a course shall submit to the Department a request for approval, in a Department-provided format, including:
1. The name and address of the training program certificate holder;
  2. The certificate number for the training program;
  3. The name, telephone number, and e-mail address of the applicant's chief administrative officer;
  4. The name of each course the training program certificate holder plans to add;
  5. Attestation that the training program certificate holder has the equipment and facilities that meet the requirements established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov](http://www.azdhs.gov) for the courses specified in subsection (C)(4);
  6. Attestation that all information required as part of the request is true and accurate; and
  7. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- D.** For notification made under subsection (A) of a change in the name or address of a certificate holder, the Department shall issue an amended certificate to the training program certificate holder that incorporates the new name or address but retains the date on the current certificate.
- E.** The Department shall approve or deny a request for the addition of a course in subsection (C) according to Article 12 of this Chapter.
- F.** A training program certificate holder shall not conduct a course until an amended certificate is issued by the Department.
- Historical Note**
- Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).
- R9-25-304. Course and Examination Requirements (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1), (2), and (3))**
- A.** For each course provided, a training program director shall ensure that:
1. The required equipment and facilities established for the course are available for use;
  2. The following are prepared and provided to course applicants before the start date of a course session:
    - a. A description of requirements for admission, course content, course hours, course fees, and course completion, including whether the course prepares a student for:
      - i. A national certification organization examination for the specific EMCT classification level,
      - ii. A statewide standardized certification test under the state certification process, or
      - iii. Recertification at a specific EMCT classification level;
    - b. A list of books, equipment, and supplies that a student is required to purchase for the course;
    - c. Notification of eligibility for the course as specified in R9-25-305(B), (D)(1) and (2), or (F)(1) and (2), as applicable;
    - d. Notification of any specific requirements for a student to begin any component of the course, including, as applicable:
      - i. Prerequisite knowledge, skill, and abilities;
      - ii. Physical examinations;
      - iii. Immunizations;
      - iv. Documentation of freedom from infectious tuberculosis;
      - v. Drug screening; and
      - vi. The ability to perform certain physical activities; and
    - e. The policies for the course on student attendance, grading, student conduct, and administration of final examinations, required in R9-25-302(D)(1)(c)(i) through (iv);
- 3.** Information is provided to assist a student to:
- a. Register for and take an applicable national certification organization examination;
  - b. Complete application forms for registration in a national certification organization; and
  - c. Complete application forms for certification under 9 A.A.C. 25, Article 4;
- 4.** A lead instructor is assigned to each course session who:
- a. Is one of the following:
    - i. A physician with at least two years of experience providing emergency medical services;
    - ii. A doctor of allopathic medicine or osteopathic medicine licensed in another state or jurisdiction with at least two years of experience providing emergency medical services;
    - iii. An individual who meets the definition of registered nurse in A.R.S. § 32-1601 with at least two years of experience providing emergency medical services;
    - iv. A physician assistant with at least two years of experience providing emergency medical services; or
    - v. An EMCT with at least two years of experience at that classification of EMCT, only for courses to prepare an individual for certification or recertification at the same or lower EMCT classification level;
  - b. Has completed training related to instructional methodology specified in R9-25-302(B)(2);
  - c. Except as provided in subsection (A)(4)(d), is available for student-instructor interaction during all course hours established for the course session; and
  - d. Designates an individual who meets the requirements in subsections (A)(4)(a) and (b) to be present and act as the lead instructor when the lead instructor is not present; and
- 5.** Clinical training and field training are provided:
- a. Under the supervision of a preceptor who has at least two years of experience providing emergency medical services and is one of the following:
    - i. An individual licensed in this or another state or jurisdiction as a doctor of allopathic medicine or osteopathic medicine;
    - ii. An individual licensed in this or another state or jurisdiction as a registered nurse;
    - iii. An individual licensed in this or another state or jurisdiction as a physician assistant; or
    - iv. An EMCT, only for courses to prepare an individual for certification or recertification at the same or lower EMCT classification level;

## Department of Health Services – Emergency Medical Services

- b. Consistent with the clinical training and field training requirements established for the course; and
  - c. If clinical training or field training are provided by a person other than the training program certificate holder, under a written agreement with the person providing the clinical training or field training that includes a termination clause that provides sufficient time for a student to complete the training upon termination of the written agreement.
- B.** A training program director may combine the students from more than one course session for didactic instruction.
- C.** For a final examination or refresher challenge examination for each course offered, a training program director shall ensure that:
  - 1. The final examination or refresher challenge examination for the course is completed onsite at the training program or at a facility used for course instruction;
  - 2. Except as provided in subsection (D), the final examination or refresher challenge examination for a course includes a:
    - a. Written test:
      - i. With one absolutely correct answer, two incorrect answers, and one distractor, none of which is “all of the above” or “none of the above”;
      - ii. With 150 multiple-choice questions for the:
        - (1) Final examination for a refresher course, or
        - (2) Refresher challenge examination for a course;
      - iii. That covers the learning objectives of the course with representation from all topics covered by the course; and
      - iv. That requires a passing score of 75% or higher in no more than three attempts for a final examination and no more than one attempt for a refresher challenge examination; and
    - b. Comprehensive practical skills test:
      - i. Evaluating the student’s technical proficiency in skills consistent with the national education standards for the applicable EMCT classification level, and
      - ii. Reflecting the skills necessary to pass a national certification organization examination at the applicable EMCT classification level;
  - 3. The identity of each student taking the final examination or refresher challenge examination is verified;
  - 4. A student does not receive verbal or written assistance from any other individual or use notes, books, or documents of any kind as an aid in taking the examination;
  - 5. A student who violates subsection (C)(4) is not permitted to complete the examination or to receive a certificate of completion for the course or refresher challenge examination; and
  - 6. An instructor who allows a student to violate subsection (C)(4) or assists a student in violating subsection (C)(4) is no longer permitted to serve as an instructor.
- D.** A training program director shall ensure that a standardized certification test for a student under the state certification process includes:
  - 1. A written test that meets the requirements in subsection (C)(2)(a); and
  - 2. Either:
    - a. A comprehensive practical skills test that meets the requirements in subsection (C)(2)(b), or
    - b. An attestation of practical skills proficiency on a Department-provided form.
- E.** A training program director shall ensure that:
  - 1. A student is allowed no longer than six months after the date of the last day of classroom instruction for a course session to complete all course requirements,
  - 2. There is a maximum ratio of four students to one preceptor for the clinical training portion of a course, and
  - 3. There is a maximum ratio of one student to one preceptor for the field training portion of a course.
- F.** A training program director shall:
  - 1. For a student who completes a course, issue a certificate of completion containing:
    - a. Identification of the training program,
    - b. Identification of the course completed,
    - c. The name of the student who completed the course,
    - d. The date the student completed all course requirements,
    - e. Attestation that the student has met all course requirements, and
    - f. The signature or electronic signature of the training program director and the date of signature or electronic signature; and
  - 2. For an individual who passes a refresher challenge examination, issue a certificate of completion containing:
    - a. Identification of the training program,
    - b. Identification of the refresher challenge examination administered,
    - c. The name of the individual who passed the refresher challenge examination,
    - d. The date or dates the individual took the refresher challenge examination,
    - e. Attestation that the individual has passed the refresher challenge examination, and
    - f. The signature or electronic signature of the training program director and the date of signature or electronic signature.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-305. Supplemental Requirements for Specific Courses (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A.** Except as specified in subsection (B), a training program certificate holder shall ensure that a certification course offered by the training program:
  - 1. Covers knowledge, skills, and competencies comparable to the national education standards established for a specific EMCT classification level;
  - 2. Prepares a student for:
    - a. A national certification organization examination for the specific EMCT classification level, or
    - b. A standardized certification test under the state certification process;
  - 3. Has no more than 24 students enrolled in each session of the course; and
  - 4. Has a minimum course length of:
    - a. For an EMT certification course, 130 hours;
    - b. For an AEMT certification course, 244 hours, including:
      - i. A minimum of 100 contact hours of didactic instruction and practical skills training, and
      - ii. A minimum of 144 contact hours of clinical training and field training; and
    - c. For a Paramedic certification course, 1000 hours, including:
      - i. A minimum of 500 contact hours of didactic instruction and practical skills training, and
      - ii. A minimum of 500 contact hours of clinical training and field training.
- B.** A training program director shall ensure that, for an AEMT certification course or a Paramedic certification course, a student has one of the following:

## Department of Health Services – Emergency Medical Services

1. Current certification from the Department as an EMT or higher EMCT classification level;
  2. Documentation of completion of prior training in an EMT course or a course for a higher EMCT classification level provided by a training program certified by the Department or an equivalent training program; or
  3. Documentation of current registration in a national certification organization at the EMT classification level or higher EMCT classification level.
- C. A training program director shall ensure that for a course to prepare an EMT-I(99) for Paramedic certification:
1. A student has current certification from the Department as an EMT-I(99);
  2. The course covers the knowledge, skills, and competencies established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov](http://www.azdhs.gov);
  3. The minimum course length is 600 hours, including:
    - a. A minimum of 220 contact hours of didactic instruction and practical skills training; and
    - b. A minimum of 380 contact hours of clinical training and field training; and
  4. A minimum of 60 contact hours of training in anatomy and physiology are completed by the student:
    - a. As a prerequisite to the course,
    - b. As preliminary instruction completed at the beginning of the course session before the didactic instruction required in subsection (C)(3)(a) begins, or
    - c. Through integration of the anatomy and physiology material with the units of instruction required in subsection (C)(3).
- D. A training program director shall ensure that for an EMT refresher course:
1. A student has one of the following:
    - a. Current certification from the Department as an EMT or higher EMCT classification level,
    - b. Documentation of completion of prior training in an EMT course or a course for a higher EMCT classification level provided by a training program certified by the Department or an equivalent training program,
    - c. Documentation of current registration in a national certification organization at the EMT classification level or higher EMCT classification level, or
    - d. Documentation from a national certification organization requiring the student to complete the EMT refresher course to be eligible to apply for registration in the national certification organization;
  2. A student has documentation of current certification in adult, pediatric, and infant cardiopulmonary resuscitation through instruction consistent with American Heart Association recommendations for emergency cardiovascular care by EMCTs;
  3. The EMT refresher course cover the knowledge, skills, and competencies in the national education standards established at the EMT classification level;
  4. No more than 32 students are enrolled in each session of the course; and
  5. The minimum course length is 24 contact hours.
- E. A training program authorized to provide an EMT refresher course may administer a refresher challenge examination covering materials included in the EMT refresher course to an individual eligible for admission into the EMT refresher course.
- F. A training program director shall ensure that for an ALS refresher course:
1. A student has one of the following:
    - a. Current certification from the Department as an AEMT, EMT-I(99), or Paramedic;
    - b. Documentation of completion of a prior training course, at the AEMT classification level or higher, provided by a training program certified by the Department or an equivalent training program;
    - c. Documentation of current registration in a national certification organization at the AEMT or Paramedic classification level; or
    - d. Documentation from a national certification organization requiring the student to complete the ALS refresher course to be eligible to apply for registration in the national certification organization;
  2. A student has documentation of current certification in:
    - a. Adult, pediatric, and infant cardiopulmonary resuscitation through instruction consistent with American Heart Association recommendations for emergency cardiovascular care by EMCTs, and
    - b. For a student who has current certification as an EMT-I(99) or higher level of EMCT classification, advanced emergency cardiac life support;
  3. The ALS refresher course covers:
    - a. For a student who has current certification as an AEMT or documentation of completion of prior training at an AEMT classification level, the knowledge, skills, and competencies in the national education standards established for an AEMT;
    - b. For a student who has current certification as an EMT-I(99), the knowledge, skills, and competencies established according to A.R.S. § 36-2204 for an EMT-I(99) as of the effective date of this Section and available through the Department at [www.azdhs.gov](http://www.azdhs.gov); and
    - c. For a student who has current certification as a Paramedic or documentation of completion of prior training at a Paramedic classification level, the knowledge, skills, and competencies in the national education standards established for a Paramedic;
  4. No more than 32 students are enrolled in each session of the course; and
  5. The minimum course length is 48 contact hours.
- G. A training program authorized to provide an ALS refresher course may administer a refresher challenge examination covering materials included in the ALS refresher course to an individual eligible for admission into the ALS refresher course.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**Exhibit F. Repealed****Historical Note**

Exhibit F adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-306. Training Program Notification and Recordkeeping (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A. At least 10 days before the start date of a course session, a training program certificate holder shall submit to the Department the following information in a Department-provided format:
1. Identification of the training program;
  2. Identification of the course;
  3. The name of the training program medical director;
  4. The name of the training program director;

## Department of Health Services – Emergency Medical Services

5. The name of the course session's lead instructor;
  6. The course session start date and end date;
  7. The physical location at which didactic training and practical skills training will be provided;
  8. The days of the week and times of each day during which didactic training and practical skills training will be provided;
  9. The number of clock hours of didactic training and practical skills training;
  10. If applicable, the number of hours of clinical training and field training included in the course session;
  11. The date, start time, and location of the final examination for the course;
  12. Attestation that the lead instructor is qualified under R9-25-304(A)(4)(a); and
  13. The name and signature of the chief administrative officer or program director and the date signed.
- B.** The Department shall review the information submitted according to subsection (A) and, within five days after receiving the information:
1. Approve a course session, issue an identifying number to the course session, and notify the training program certificate holder of the approval and identifying number; or
  2. Disapprove a course session that does not comply with requirements in this Article and notify the training program certificate holder of the disapproval.
- C.** A training program certificate holder shall ensure that:
1. No later than 10 days after the date a student completes all course requirements, the training program director submits to the Department the following information in a Department-provided format:
    - a. Identification of the training program;
    - b. The name of the training program director;
    - c. Identification of the course and the start date and end date of the course session completed by the student;
    - d. The name, date of birth, and mailing address of the student who completed the course;
    - e. The date the student completed all course requirements;
    - f. The score the student received on the final examination;
    - g. Attestation that the student has met all course requirements;
    - h. Attestation that all information submitted is true and accurate; and
    - i. The signature of the training program director and the date signed; and
  2. No later than 10 days after the date an individual passes a refresher challenge examination administered by the training program, the training program director submits to the Department the following information in a Department-provided format:
    - a. Identification of the training program;
    - b. Identification of the:
      - i. Refresher challenge examination administered, and
      - ii. Course for which the refresher challenge examination substitutes;
    - c. The name of the training program medical director;
    - d. The name of the training program director;
    - e. The name, date of birth, and mailing address of the individual who passed the refresher challenge examination;
    - f. The date and location at which the refresher challenge examination was administered;
    - g. The score the individual received on the refresher challenge examination;
    - h. Attestation that the individual:
      - i. Met the requirements for taking the refresher challenge examination, and
      - ii. Passed the refresher challenge examination;
    - i. Attestation that all information submitted is true and accurate; and
- D.** A training program certificate holder shall ensure that:
1. A record is established for each student enrolled in a course session, including:
    - a. The student's name and date of birth;
    - b. A copy of the student's enrollment agreement or contract;
    - c. Identification of the course in which the student is enrolled;
    - d. The start date and end date for the course session;
    - e. Documentation supporting the student's eligibility to enroll in the course;
    - f. Documentation that the student meets prerequisites for the course, established as specified in R9-25-304(A)(2)(d)(i);
    - g. The student's attendance records;
    - h. The student's clinical training records, if applicable;
    - i. The student's field training records, if applicable;
    - j. The student's grades;
    - k. Documentation of the final examination for the course, including:
      - i. A copy of each scored written test attempted or completed by the student, and
      - ii. All forms used as part of the comprehensive practical skills test attempted or completed by the student; and
  2. A copy of the student's certificate of completion required in R9-25-304(F)(1);
  3. A student record required in subsection (D)(1) is maintained for at least three years after the end date of a student's course session and provided to the Department at the Department's request;
  4. A record is established for each individual to whom a refresher challenge examination is administered, including:
    - a. The individual's name and date of birth;
    - b. Identification of the refresher challenge examination administered to the individual;
    - c. Documentation supporting the individual's eligibility for a refresher challenge examination;
    - d. The date the refresher challenge examination was administered;
    - e. Documentation of the refresher challenge examination, including:
      - i. A copy of the scored written test attempted or completed by the individual, and
      - ii. All forms used as part of the comprehensive practical skills test attempted or completed by the individual; and
    - f. A copy of the individual's certificate of completion required in R9-25-304(F)(2); and
  5. A record required in subsection (D)(3) is maintained for at least three years after the date the refresher challenge examination was administered and provided to the Department at the Department's request.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 11 A.A.R. 553, effective March 5, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). R9-25-306 repealed; new Section R9-25-306 renumbered from R9-25-316 and amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate

## Department of Health Services – Emergency Medical Services

effective date of January 9, 2018 (Supp. 18-1).

**R9-25-307. Training Program Enforcement Actions (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A.** The Department may take an action listed in subsection (B) against a training program certificate holder who:
1. Violates the requirements in A.R.S. Title 36, Chapter 21.1 or 9 A.A.C. 25; or
  2. Knowingly or negligently provides false documentation or information to the Department.
- B.** The Department may take the following action against a training program certificate holder:
1. After notice is provided according to A.R.S. Title 41, Chapter 6, Article 10, issue:
    - a. A letter of censure, or
    - b. An order of probation; or
  2. After notice and opportunity to be heard is provided according to A.R.S. Title 41, Chapter 6, Article 10:
    - a. Suspend the training program certificate, or
    - b. Decertify the training program.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). Section expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (12-3). New Section R9-25-307 renumbered from R9-25-317 and amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit H. Repealed**

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-308. Repealed**

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-309. Repealed**

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 11 A.A.R. 553, effective March 5, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-310. Repealed**

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-311. Repealed**

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**Exhibit D. Repealed**

**Historical Note**

Exhibit D adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit C. Repealed**

**Historical Note**

Exhibit C adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit E. Repealed**

**Historical Note**

Exhibit E adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-312. Repealed**

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-313. Repealed**

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-314. Repealed**

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-315. Repealed**

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007



## Department of Health Services – Emergency Medical Services

(Supp. 06-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-316. Renumbered****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). R9-25-316 renumbered to R9-25-306 by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-317. Renumbered****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). R9-25-317 renumbered to R9-25-307 by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-318. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**Exhibit A. Repealed****Historical Note**

New Exhibit made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Exhibit A repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**Exhibit B. Expired****Historical Note**

New Exhibit made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Exhibit B expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (12-3).

**Exhibit C. Repealed****Historical Note**

New Exhibit made by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). Exhibit C repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**ARTICLE 4. EMCT CERTIFICATION**

*Article 4 repealed; new Article 4 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).*

**R9-25-401. EMCT General Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H) and 36-2204(1), (6), and (7))**

- A. Except as provided in R9-25-404(E) and R9-25-405, an individual shall not act as an EMCT unless the individual has current certification or recertification from the Department.
- B. An EMCT shall act as an EMCT only:
  - 1. As authorized under the EMCT's scope of practice as specified in Article 5 of this Chapter; and

- 2. For an EMCT required to have medical direction according to A.R.S. Title 36, Chapter 21.1 and R9-25-502, as authorized by the EMCT's administrative medical director under:
  - a. Treatment protocols, triage protocols, and communication protocols approved by the EMCT's administrative medical director as specified in R9-25-201(E)(2); and
  - b. Medical recordkeeping, medical reporting, and pre-hospital incident history report requirements approved by the EMCT's administrative medical director as specified in R9-25-201(E)(3)(b).
- C. Except as provided in A.R.S. § 36-2211, the Department shall certify or re-certify an individual as an EMCT for a period of two years.
- D. An individual whose EMCT certificate is expired shall not apply for recertification, except as provided in R9-25-404(A).
- E. The Department shall comply with the confidentiality requirements in A.R.S. §§ 36-2220(E) and 36-2245(M).

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 13 A.A.R. 1713, effective June 30, 2007 (Supp. 07-2). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-402. EMCT Certification and Recertification Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H) and 36-2204(1), (6), and (7))**

- A. The Department shall not certify an EMCT if the applicant:
  - 1. Is currently:
    - a. Incarcerated for a criminal conviction,
    - b. On parole for a criminal conviction,
    - c. On supervised release for a criminal conviction, or
    - d. On probation for a criminal conviction;
  - 2. Within 10 years before the date of filing an application for certification required by this Article, has been convicted of any of the following crimes, or any similarly defined crimes in this state or in any other state or jurisdiction, unless the conviction has been absolutely discharged, expunged, or vacated:
    - a. 1st or 2nd degree murder;
    - b. Attempted 1st or 2nd degree murder;
    - c. Sexual assault;
    - d. Attempted sexual assault;
    - e. Sexual abuse of a minor;
    - f. Attempted sexual abuse of a minor;
    - g. Sexual exploitation of a minor;
    - h. Attempted sexual exploitation of a minor;
    - i. Commercial sexual exploitation of a minor;
    - j. Attempted commercial sexual exploitation of a minor;
    - k. Molestation of a child;
    - l. Attempted molestation of a child; or
    - m. A dangerous crime against children as defined in A.R.S. § 13-705;
  - 3. Within five years before the date of filing an application for certification required by this Article, has been convicted of a misdemeanor involving moral turpitude or a felony in this state or any other state or jurisdiction, other than a misdemeanor involving moral turpitude or a felony listed in subsection (A)(2), unless the conviction has been absolutely discharged, expunged, or vacated;
  - 4. Within five years before the date of filing an application for certification required by this Article, has had EMCT certification or recertification revoked in this state or certification, recertification, or licensure at an EMCT classification level revoked in any other state or jurisdiction; or

## Department of Health Services – Emergency Medical Services

5. Knowingly provides false information in connection with an application required by this Article.
  - B. The Department shall not re-certify an EMCT, if:
    1. While certified, the applicant has been convicted of a crime listed in subsection (A)(2), or any similarly defined crimes in this state or in any other state or jurisdiction, unless the conviction has been absolutely discharged, expunged, or vacated; or
    2. The applicant knowingly provides false information in connection with an application required by this Article.
  - C. The Department shall make probation a condition of EMCT certification if, within two years before the date of filing an application under R9-25-403, an applicant has been convicted of a misdemeanor in this state or in any other state or jurisdiction, involving:
    1. Possession, use, administration, acquisition, sale, manufacture, or transportation of an intoxicating liquor, dangerous drug, or narcotic drug, as defined in A.R.S. § 13-3401, unless the conviction has been absolutely discharged, expunged, or vacated; or
    2. Driving or being in physical control of a vehicle while under the influence of an intoxicating liquor, a dangerous drug, or a narcotic drug, as defined in A.R.S. § 13-3401, unless the conviction has been absolutely discharged, expunged, or vacated.
  - D. Except as provided in subsection (E), the Department shall make probation a condition of EMCT recertification if an applicant:
    1. Is currently:
      - a. Incarcerated for a criminal conviction,
      - b. On parole for a criminal conviction,
      - c. On supervised release for a criminal conviction, or
      - d. On probation for a criminal conviction; or
    2. Within five years before the date of filing an application under R9-25-404, has been convicted of a misdemeanor involving moral turpitude or a felony in this state or any other state or jurisdiction, other than those listed in subsection (A)(2), unless the conviction has been absolutely discharged, expunged, or vacated.
  - E. As specified in R9-25-409, the Department may make probation a condition of EMCT recertification if an applicant, within two years before the date of filing an application under R9-25-404, has been convicted of a misdemeanor in this state or in any other state or jurisdiction, involving:
    1. Possession, use, administration, acquisition, sale, manufacture, or transportation of an intoxicating liquor, dangerous drug, or narcotic drug, as defined in A.R.S. § 13-3401, unless the conviction has been absolutely discharged, expunged, or vacated; or
    2. Driving or being in physical control of a vehicle while under the influence of an intoxicating liquor, a dangerous drug, or a narcotic drug, as defined in A.R.S. § 13-3401, unless the conviction has been absolutely discharged, expunged, or vacated.
  - F. If the Department makes probation a condition of EMCT certification or recertification, the Department shall fix the period and terms of probation that will:
    1. Protect the public health and safety, and
    2. Rehabilitate and educate the applicant.
- Historical Note**
- Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).
- R9-25-403. Application Requirements for EMCT Certification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (H) and 36-2204(1) and (6))**
- A. An individual may apply for initial EMCT certification if:
    1. The individual is at least 18 years of age;
    2. The individual complies with the requirements in A.R.S. § 41-1080;
    3. The individual is not ineligible under R9-25-402; and
    4. One of the following applies to the individual:
      - a. The individual has not previously applied for certification from the Department or has withdrawn an application for certification;
      - b. An application for certification submitted by the individual was denied by the Department two or more years before the present date;
      - c. Except as provided in R9-25-404(A)(2) or (3), the individual's certification as an EMCT is expired;
      - d. The individual's certification as an EMCT was revoked by the Department five or more years before the present date; or
      - e. The individual has current certification as an EMCT and is applying for certification at a different classification level of EMCT.
  - B. An applicant for initial EMCT certification shall submit to the Department an application in a Department-provided format, including:
    1. A form containing:
      - a. The applicant's name, address, telephone number, email address, date of birth, gender, and Social Security number;
      - b. The level of EMCT certification being requested;
      - c. Responses to questions addressing the applicant's criminal history according to R9-25-402(A)(1) through (3) and (C);
      - d. Whether the applicant has within the five years before the date of the application had:
        - i. EMCT certification or recertification revoked in Arizona; or
        - ii. Certification, recertification, or licensure at an EMCT classification level revoked in another state or jurisdiction;
      - e. Attestation that all information required as part of the application has been submitted and is true and accurate; and
      - f. The applicant's signature or electronic signature and date of signature;
    2. For each affirmative response to a question addressing the applicant's criminal history required in subsection (B)(1)(c), a detailed explanation on a Department-provided form and supporting documentation;
    3. For each affirmative response to subsection (B)(1)(d), a detailed explanation on a Department-provided form and supporting documentation;
    4. If applicable, a copy of certification, recertification, or licensure at an EMCT classification level issued to the applicant in another state or jurisdiction;
    5. A copy of one of the following for the applicant:
      - a. U.S. passport, current or expired;
      - b. Birth certificate;
      - c. Naturalization documents; or
      - d. Documentation of legal resident alien status; and
    6. One of the following:
      - a. Either:
        - i. A certificate of completion showing that within two years before the date of the application, the applicant completed statewide standardized training; and
        - ii. A statewide standardized certification test; or
      - b. Documentation of current registration in a national certification organization at the applicable or higher level of EMCT classification.
  - B. The Department shall approve or deny an application for initial EMCT certification according to Article 12 of this Chapter.
  - C. If the Department denies an application for initial EMCT certification, the applicant may request a hearing according to A.R.S. Title 41, Chapter 6, Article 10.

## Department of Health Services – Emergency Medical Services

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-403 repealed; new Section R9-25-403 renumbered from Section R9-25-404 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-404. Application Requirements for EMCT Recertification (Authorized by A.R.S. §§ 36-2202(A)(2), (3), (4), and (6), (B), and (H) and 36-2204(1), (4), and (6))**

- A.** An individual may apply for recertification at the same level of EMCT certification held or at a lower level of EMCT certification:
1. Within 90 days before the expiration date of the individual's current EMCT certification;
  2. Within the 30-day period after the expiration date of the individual's EMCT certification, as provided in subsection (E); or
  3. Within the extension time period granted under R9-25-405.
- B.** To apply for recertification, an applicant shall submit to the Department an application, in a Department-provided format, including:
1. A form containing:
    - a. The applicant's name, address, telephone number, email address, date of birth, and Social Security number;
    - b. The applicant's current certification number;
    - c. Responses to questions addressing the applicant's criminal history according to R9-25-402(B), (D), and (E);
    - d. Whether the applicant has within the five years before the date of the application had:
      - i. EMCT certification or recertification revoked in Arizona; or
      - ii. Certification, recertification, or licensure at an EMCT classification level revoked in another state or jurisdiction;
    - e. An indication of the level of EMCT certification held currently or within the past 30 days and of the level of EMCT certification for which recertification is requested;
    - f. Attestation that all information required as part of the application has been submitted and is true and accurate; and
    - g. The applicant's signature or electronic signature and date of signature;
  2. For each affirmative response to a question addressing the applicant's criminal history required in subsection (B)(1)(c), a detailed explanation on a Department-provided form and supporting documentation;
  3. For an affirmative response to subsection (B)(1)(d), a detailed explanation on a Department-provided form; and
  4. For an application submitted within 30 days after the expiration date of EMCT certification, a nonrefundable certification extension fee of \$150.
- C.** In addition to the application in subsection (B), an applicant for EMCT recertification shall submit one of the following to the Department:
1. A certificate of course completion issued by the training program director under R9-25-304(F) showing that within two years before the date of the application, the applicant completed either the applicable refresher course or applicable refresher challenge examination;
  2. Documentation of current registration in a national certification organization at the applicable or higher level of EMCT classification; or

3. Attestation on a Department-provided form that the applicant:
  - a. Has documentation of current certification in adult, pediatric, and infant cardiopulmonary resuscitation through instruction consistent with American Heart Association recommendations for emergency cardiovascular care by EMCTs;
  - b. For EMT-I(99) recertification or Paramedic recertification, has documentation of current certification in advanced emergency cardiac life support;
  - c. Has documentation of having completed within the previous two years the following number of hours of continuing education in topics that are consistent with the content of the applicable refresher course:
    - i. For EMT recertification, a minimum of 24 hours;
    - ii. For AEMT recertification, EMT-I(99) recertification, or Paramedic recertification, a minimum of 48 hours; and
    - iii. Included in the hours required in subsections (C)(3)(c)(i) or (ii), as applicable, a minimum of 5 hours in pediatric emergency care; and
  - d. For EMT recertification, has functioned in the capacity of an EMT for at least 240 hours during the previous two years.
- D.** An applicant who submits an attestation under subsection (C)(3) shall maintain the applicable documentation for at least three years after the date of the application.
- E.** If an individual submits an application for recertification, with a certification extension fee, within 30 days after the expiration date of the individual's EMCT certification, the individual:
  1. Was authorized to act as an EMCT during the period between the expiration date of the individual's EMCT certification and the date the application was submitted, and
  2. Is authorized to act as an EMCT until the Department makes a final determination on the individual's application for recertification.
- F.** If an individual does not submit an application for recertification before the expiration date of the individual's EMCT certification or, with a certification extension fee, within 30 days after the expiration date of the individual's EMCT certification, the individual:
  1. Is not an EMCT,
  2. Was not authorized to act as an EMCT during the 30-day period after the expiration date of the individual's EMCT certification, and
  3. May submit an application to the Department for initial EMCT certification according to R9-25-403.
- G.** The Department shall approve or deny an application for recertification according to Article 12 of this Chapter.
- H.** If the Department denies an application for recertification, the applicant may request a hearing according to A.R.S. Title 41, Chapter 6, Article 10.
- I.** The Department may deny, based on failure to meet the standards for recertification in A.R.S. Title 36, Chapter 21.1 and this Article, an application submitted with a certification extension fee.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section R9-25-404 renumbered to R9-25-403; new Section R9-25-404 renumbered from Section R9-25-406 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-405. Extension to File an Application for EMCT Recertification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3),**

## Department of Health Services – Emergency Medical Services

**(A)(4), (A)(6), and (H) and 36-2204(1), (4), (5), and (7))**

A. Before the expiration of a current certificate, an EMCT who is unable to meet the recertification requirements in R9-25-404 because of personal or family illness, military service, or authorized federal or state emergency response deployment may apply to the Department in writing for an extension of time to file for recertification by submitting:

1. The following information in a Department-provided format:
  - a. The EMCT's name, address, telephone number, and email address;
  - b. The EMCT's current certification number;
  - c. The reason for requesting the extension; and
  - d. The EMCT's signature or electronic signature and date of signature; and
2. For an exemption based on military service or authorized federal or state emergency response deployment, a copy of the EMCT's military orders or documentation of authorized federal or state emergency response deployment.

B. The Department may grant an extension of time to file for recertification:

1. For personal or family illness, for no more than 180 days; or
2. For each military service or authorized federal or state emergency response deployment, for the term of service or deployment plus 180 days.

C. An individual applying for or granted an extension of time to file for recertification:

1. Remains certified according to A.R.S. § 41-1092.11 during the extension period, and
2. Shall submit an application for recertification according to R9-25-404.

D. An individual who does not meet the recertification requirements in R9-25-404 within the extension period or has the application for recertification denied by the Department:

1. Is not an EMCT, and
2. May submit an application to the Department for initial EMCT certification according to R9-25-403.

E. The Department shall approve or deny a request for an extension to file for EMCT recertification according to Article 12 of this Chapter.

F. If the Department denies a request for an extension to file for EMCT recertification, the applicant may request a hearing according to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-405 repealed; new Section R9-25-405 renumbered from Section R9-25-407 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-406. Requirements for Downgrading of Certification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (H) and 36-2204(1) and (6))**

An individual who holds current EMCT certification at a classification level higher than EMT and who is not under investigation according to A.R.S. § 36-2211 may apply for:

1. Continued certification at a lower EMCT classification level for the remainder of the certification period by submitting to the Department:
  - a. A written request containing:
    - i. The EMCT's name, address, email address, telephone number, date of birth, and Social Security number;
    - ii. The lower EMCT classification level requested;

iii. Attestation that the applicant has not committed an act or engaged in conduct that would warrant revocation of a certificate under A.R.S. § 36-2211;

iv. Attestation that all information submitted is true and accurate; and

v. The applicant's signature or electronic signature and date of signature; and

b. Either:

i. A written statement from the EMCT's administrative medical director attesting that the EMCT is able to perform at the lower EMCT classification level requested; or

ii. If applying for continued certification as an EMT, an Arizona EMT refresher certificate of completion or an Arizona EMT refresher challenge examination certificate of completion signed by the training program director designated for the Arizona EMT refresher course; or

2. Recertification at a lower EMCT classification level according to R9-25-404.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 1713, effective June 30, 2007 (Supp. 07-2). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Section R9-25-406 renumbered to Section R9-25-404; new Section R9-25-406 renumbered from Section R9-25-408 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-407. Notification Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), and (A)(4), 36-2204(1) and (6), and 36-2211)**

A. No later than 30 days after the date an EMCT's name legally changes, the EMCT shall submit to the Department:

1. A completed form provided by the Department containing:
  - a. The name under which the EMCT is currently certified by the Department;
  - b. The EMCT's address, telephone number, and Social Security number; and
  - c. The EMCT's new name; and
2. Documentation showing that the name has been legally changed.

B. No later than 30 days after the date an EMCT's address or email address changes, the EMCT shall submit to the Department a completed form provided by the Department containing:

1. The EMCT's name, telephone number, and Social Security number; and
2. The EMCT's new address or email address.

C. An EMCT shall notify the Department in writing no later than 10 days after the date the EMCT:

1. Is incarcerated or is placed on parole, supervised release, or probation for any criminal conviction;
2. Is convicted of:
  - a. A crime specified in R9-25-402(A)(2),
  - b. A misdemeanor involving moral turpitude,
  - c. A felony in this state or any other state or jurisdiction, or
  - d. A misdemeanor specified in R9-25-402(E);
3. Has registration revoked or suspended by a national certification organization; or

## Department of Health Services – Emergency Medical Services

4. Has certification, recertification, or licensure at an EMCT classification level revoked or suspended in another state or jurisdiction.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-407 renumbered to Section R9-25-405; new Section R9-25-407 renumbered from Section R9-25-409 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-408. Unprofessional Conduct; Physical or Mental Incompetence; Gross Incompetence; Gross Negligence (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H), 36-2204(1), (6), and (7), and 36-2211)**

- A. For purposes of A.R.S. § 36-2211(A)(1), unprofessional conduct is an act or omission made by an EMCT that is contrary to the recognized standards or ethics of the Emergency Medical Technician profession or that may constitute a danger to the health, welfare, or safety of a patient or the public, including:
  1. Impersonating an EMCT of a higher level of certification or impersonating a health professional as defined in A.R.S. § 32-3201;
  2. Permitting or allowing another individual to use the EMCT's certification for any purpose;
  3. Aiding or abetting an individual who is not certified according to this Chapter in acting as an EMCT or in representing that the individual is certified as an EMCT;
  4. Engaging in or soliciting sexual relationships, whether consensual or non-consensual, with a patient while acting as an EMCT;
  5. Physically or verbally harassing, abusing, threatening, or intimidating a patient or another individual while acting as an EMCT;
  6. Making false or materially incorrect entries in a medical record or willful destruction of a medical record;
  7. Failing or refusing to maintain adequate records on a patient;
  8. Soliciting or obtaining monies or goods from a patient by fraud, deceit, or misrepresentation;
  9. Aiding or abetting an individual in fraud, deceit, or misrepresentation in meeting or attempting to meet the application requirements for EMCT certification or EMCT recertification contained in this Article, including the requirements established for:
    - a. Completing and passing a course provided by a training program; and
    - b. The national certification organization examination process and national certification organization registration process;
  10. Providing false information or making fraudulent or untrue statements to the Department or about the Department during an investigation conducted by the Department;
  11. Being incarcerated or being placed on parole, supervised release, or probation for any criminal conviction;
  12. Being convicted of a misdemeanor identified in R9-25-402(E), which has not been absolutely discharged, expunged, or vacated;
  13. Having national certification organization registration revoked or suspended by the national certification organization rules or standards; and
  14. Having certification, recertification, or licensure at an EMCT classification level revoked or suspended in another state or jurisdiction.

- B. Under A.R.S. § 36-2211, physical or mental incompetence of an EMCT is the EMCT's lack of physical or mental ability to provide emergency medical services as required under this Chapter.
- C. Under A.R.S. § 36-2211 gross incompetence or gross negligence is an EMCT's willful act or willful omission of an act that is made in disregard of an individual's life, health, or safety and that may cause death or injury.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section R9-25-408 renumbered to Section R9-25-406; new Section R9-25-408 renumbered from Section R9-25-410 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-409. Enforcement Actions (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H), 36-2204(1), (6), and (7), and 36-2211)**

- A. If the Department determines that an applicant or EMCT is not in substantial compliance with applicable laws and rules, under A.R.S. §§ 36-2204 or 36-2211, the Department may:
  1. Take the following action against an applicant or EMCT:
    - a. After notice is provided according to A.R.S. § 36-2211 and, if applicable, A.R.S. Title 41, Chapter 6, Article 10, issue:
      - i. A decree of censure to the EMCT, or
      - ii. An order of probation to the EMCT; or
    - b. After notice and opportunity to be heard is provided according to A.R.S. Title 41, Chapter 6, Article 10:
      - i. Deny an application,
      - ii. Suspend the EMCT's certificate, or
      - iii. Revoke the EMCT's certificate; and
  2. Assess civil penalties against the EMCT.
- B. In determining which action in subsection (A) is appropriate, the Department shall consider:
  1. Prior disciplinary actions;
  2. The time interval since a prior disciplinary action, if applicable;
  3. The applicant's or EMCT's motive;
  4. The applicant's or EMCT's pattern of conduct;
  5. The number of offenses;
  6. Whether the applicant or EMCT failed to comply with instructions from the Department;
  7. Whether interim rehabilitation efforts were made by the applicant or EMCT;
  8. Whether the applicant or EMCT refused to acknowledge the wrongful nature of the misconduct;
  9. Whether the applicant or EMCT made timely and good-faith efforts to rectify the consequences of the misconduct;
  10. The submission of false evidence, false statements, or other deceptive practices during an investigation or disciplinary process;
  11. The vulnerability of a patient or other victim of the applicant's or EMCT's conduct, if applicable; and
  12. How much control the applicant or EMCT had over the processes or situation leading to the misconduct.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-409 renumbered to Section R9-25-407; new Section R9-25-409 renumbered from Section R9-25-411 and amended by exempt rulemaking at 19 A.A.R.

## Department of Health Services – Emergency Medical Services

4032, effective December 1, 2013 (Supp. 13-4).  
Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-410. Renumbered****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-410 renumbered to Section R9-25-408 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-411. Renumbered****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-411 renumbered to Section R9-25-409 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit I. Repealed****Historical Note**

Exhibit I adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit J. Repealed****Historical Note**

Exhibit J adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit K. Repealed****Historical Note**

Exhibit K adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-412. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (12-3).

**ARTICLE 5. MEDICAL DIRECTION PROTOCOLS FOR EMERGENCY MEDICAL CARE TECHNICIANS**

*Article 5, consisting of R9-25-501 through R9-25-508, recodified from Article 8 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).*

*Article 5 repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).*

**R9-25-501. Definitions**

In addition to the definitions in A.R.S. § 36-2201 and R9-25-101, the following definitions apply in this Article, unless otherwise specified:

1. “ALS skill” means a medical treatment, procedure, or technique or administration of a medication that is indicated by a check mark in Table 5.1 under AEMT, EMT-I(99), or Paramedic, but not under EMT.

2. “Immunizing agent” means an immunobiologic recommended by the Advisory Committee on Immunization Practices of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-501 recodified from R9-25-801 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Amended by exempt rulemaking 14 A.A.R. 3491, effective August 14, 2008 (Supp. 08-3).

Section R9-25-501 repealed; new Section R9-25-501 made by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-502. Scope of Practice for EMCTs**

- A. An EMCT shall perform a medical treatment, procedure, or technique or administer a medication only:
  1. If the skill is within the EMCT’s scope of practice skills, as specified in Table 5.1;
  2. For an ALS skill:
    - a. If authorized for the EMCT by the EMCT’s administrative medical director; and
    - b. If the EMCT is able to receive on-line medical direction;
  3. For a STR skill:
    - a. If the EMCT has documentation of having completed training specific to the skill that is consistent with the knowledge, skills, and competencies established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov](http://www.azdhs.gov);
    - b. If authorized for the EMCT by the EMCT’s administrative medical director; and
    - c. If the EMCT is able to receive on-line medical direction;
  4. If the medication is listed as an agent in Table 5.2, Table 5.3, or Table 5.4 under the classification for which the EMCT is certified;
  5. If the EMCT is authorized to administer the medication by the:
    - a. EMCT’s administrative medical director, if applicable; or
    - b. If the EMCT is an EMT with no administrative medical director, emergency medical services provider or ambulance service by which the EMCT is employed or for which the EMCT volunteers; and
  6. In a manner consistent with standards described in R9-25-408 and, if applicable, with the training in 9 A.A.C. 25, Article 3.
- B. An administrative medical director:
  1. Shall:
    - a. Ensure that an EMCT has completed training in administration or monitoring of an agent before authorizing the EMCT to administer or monitor the agent;
    - b. Ensure that an EMCT has competency in an ALS skill before authorizing the EMCT to perform the ALS skill;
    - c. Before authorizing an EMCT to perform a STR skill, ensure that the EMCT has:
      - i. Completed training specific to the skill, consistent with the knowledge, skills, and competencies established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov](http://www.azdhs.gov); and
      - ii. Demonstrated competency in the skill;
    - d. Periodically thereafter assess an EMCT’s competency in an authorized ALS skill and STR skill, according to policies and procedures required in R9-25-201(C)(3)(b)(viii), to ensure continued competency; e. Document the EMCT’s:

## Department of Health Services – Emergency Medical Services

- i. Completion of training in administration or monitoring of an agent required in subsection (B)(1)(a),
  - ii. Competency in performing an ALS skill required in subsection (B)(1)(b),
  - iii. Specific training required in subsection (B)(1)(c)(i) and competency required in subsection (B)(1)(c)(ii), and
  - iv. Periodic reassessment required in subsection (B)(1)(d); and
  - f. Maintain documentation of an EMCT's completion of training in administration or monitoring of an agent and competency in performing an authorized ALS skill or STR skill; and
2. May authorize an EMCT to perform all of the ALS skills in Table 5.1 for the applicable level of EMCT or restrict the EMCT to a subset of the ALS skills in Table 5.1 for the applicable level of EMCT.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-502 recodified from R9-25-802 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Amended by exempt rulemaking

at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Table 1. Repealed****Historical Note**

Table 1 adopted by exempt rulemaking at 13 A.A.R. 27, effective January 6, 2007 (Supp. 06-4). Amended by exempt rulemaking at 13 A.A.R. 578, effective January 31, 2007 (Supp. 07-1). Historical note added to Table 1; amended by exempt rulemaking 14 A.A.R. 3491, effective August 14, 2008 (Supp. 08-3). Amended by exempt rulemaking at 15 A.A.R. 234, effective January 2, 2009 (Supp. 09-1). Amended by exempt rulemaking at 14 A.A.R. 3491, effective August 14, 2008 (Supp. 08-3). Amended by exempt rulemaking at 15 A.A.R. 234, effective January 2, 2009 (Supp. 09-1). Amended by exempt rulemaking at 16 A.A.R. 2116, effective October 15, 2010 (Supp. 10-4). Amended by exempt rulemaking at 18 A.A.R. 102, effective January 1, 2012 (Supp. 11-4). Table 1 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Table 5.1. Arizona Scope of Practice Skills****KEY:**

✓ = Arizona Scope of Practice skill

STR = STR skill

\* = Already intubated

Airway/Ventilation/Oxygenation		EMT	AEMT	EMT-I(99)	Paramedic
	Airway - esophageal	STR	✓	✓	✓
	Airway - supraglottic	STR	✓	✓	✓
	Airway - nasal	✓	✓	✓	✓
	Airway - oral	✓	✓	✓	✓
	Automated transport ventilator	STR	STR	✓	✓
	Bag-valve-mask (BVM)	✓	✓	✓	✓
	BiPAP/CPAP				✓
	Chest decompression - needle			✓	✓
	Chest tube placement - assist only				STR
	Chest tube monitoring and management				STR
	Cricoid pressure (Sellick's maneuver)	✓	✓	✓	✓
	Cricothyrotomy- needle			STR	✓
	Cricothyrotomy- percutaneous			STR	✓
	Cricothyrotomy- surgical			STR	STR
	Demand valve- manually triggered ventilation	✓	✓	✓	✓
	End tidal CO2 monitoring/capnography			✓	✓
	Gastric decompression - NG tube			✓	✓
	Gastric decompression - OG tube			✓	✓
	Head-tilt chin lift	✓	✓	✓	✓
	Intubation - nasotracheal			STR	✓
	Intubation - orotracheal	STR	STR	✓	✓
	Jaw-thrust	✓	✓	✓	✓
	Jaw-thrust – modified (trauma)	✓	✓	✓	✓
	Medication Assisted Intubation (paralytics)				STR
	Mouth-to-barrier	✓	✓	✓	✓
	Mouth-to-mask	✓	✓	✓	✓
	Mouth-to-mouth	✓	✓	✓	✓
	Mouth-to-nose	✓	✓	✓	✓
	Mouth-to-stoma	✓	✓	✓	✓
	Obstruction - direct laryngoscopy			✓	✓
	Obstruction - manual	✓	✓	✓	✓
	Oxygen therapy - humidifiers	✓	✓	✓	✓
	Oxygen therapy - nasal cannula	✓	✓	✓	✓
	Oxygen therapy - non-rebreather mask	✓	✓	✓	✓

## Department of Health Services – Emergency Medical Services

	Oxygen therapy - partial rebreather mask	✓	✓	✓	✓
	Oxygen therapy - simple face mask	✓	✓	✓	✓
	Oxygen therapy - venturi mask	✓	✓	✓	✓
	PEEP - therapeutic			✓	✓
	Pulse oximetry	✓	✓	✓	✓
	Suctioning - upper airway	✓	✓	✓	✓
	Suctioning - tracheobronchial		✓*	✓	✓
<b>Cardiovascular/Circulation</b>		<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
	Cardiac monitoring - multiple lead (interpretive)			✓	✓
	Cardiac monitoring - single lead (interpretive)			✓	✓
	Cardiac - multiple lead acquisition (non-interpretive)	STR	STR	✓	✓
	Cardiopulmonary resuscitation	✓	✓	✓	✓
	Cardioversion - electrical			✓	✓
	Carotid massage – (≤17 years)			STR	STR
	Defibrillation - automatic/semi-automatic	✓	✓	✓	✓
	Defibrillation - manual			✓	✓
	Hemorrhage control - direct pressure	✓	✓	✓	✓
	Hemorrhage control - tourniquet	✓	✓	✓	✓
	Internal; cardiac pacing - monitoring only			✓	✓
	Mechanical CPR device	STR	STR	STR	STR
	Transcutaneous pacing - manual			✓	✓
<b>Immobilization</b>		<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
	Spinal immobilization - cervical collar	✓	✓	✓	✓
	Spinal immobilization - long board	✓	✓	✓	✓
	Spinal immobilization - manual	✓	✓	✓	✓
	Spinal immobilization - seated patient (KED, etc.)	✓	✓	✓	✓
	Spinal immobilization - rapid manual extrication	✓	✓	✓	✓
	Extremity stabilization - manual	✓	✓	✓	✓
	Extremity splinting	✓	✓	✓	✓
	Splint- traction	✓	✓	✓	✓
	Mechanical patient restraint	✓	✓	✓	✓
	Emergency moves for endangered patients	✓	✓	✓	✓
<b>Medication administration - routes</b>		<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
	Aerosolized/nebulized (beta agonist)	STR	✓	✓	✓
	Assisting patient with his/her own prescribed medications (aerosolized/nebulized)	✓	✓	✓	✓
	Assisting patient with his/her own prescribed medications (Aspirin or Nitroglycerin)	✓	✓	✓	✓
	Assisting patient with his/her own prescribed medications (auto-injector)	✓	✓	✓	✓
	Assisting patient with his/her own prescribed medications (hydrocortisone sodium succinate)		✓	✓	✓
	Auto-injector	STR	✓	✓	✓
	Buccal	STR	✓	✓	✓
	Endotracheal tube			✓	✓
	Inhaled self-administered (nitrous oxide)		✓	✓	✓
	Intradermal			STR	STR
	Intramuscular (including patient-assisted hydrocortisone)		✓	✓	✓
	Intranasal	STR	✓	✓	✓
	Intravenous push		✓	✓	✓
	Intravenous piggyback			✓	✓
	Intraosseous		STR	✓	✓
	Nasogastric				✓
	Oral	✓	✓	✓	✓
	Rectal		STR	✓	✓
	Small volume nebulizer	STR	✓	✓	✓
	Subcutaneous		✓	✓	✓
	Sublingual		✓	✓	✓
<b>IV initiation/maintenance fluids</b>		<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
	Access indwelling catheters and implanted central IV ports				✓
	Central line - monitoring				✓
	Intraosseous - initiation		✓	✓	✓



## Department of Health Services – Emergency Medical Services

Intravenous access		✓	✓	✓
Intravenous initiation - peripheral	STR	✓	✓	✓
Intravenous- maintenance of non-medicated IV fluids or capped access	✓	✓	✓	✓
Intravenous- maintenance of medicated IV fluids			✓	✓
Umbilical initiation				STR
<b>Miscellaneous</b>	<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
Assisted delivery (childbirth)	✓	✓	✓	✓
Assisted complicated delivery (childbirth)	✓	✓	✓	✓
Blood glucose monitoring	✓	✓	✓	✓
Blood pressure- automated	✓	✓	✓	✓
Blood pressure- manual	✓	✓	✓	✓
Eye irrigation	✓	✓	✓	✓
Eye irrigation (Morgan lens)				STR
Thrombolytic therapy- initiation				STR
Urinary catheterization				STR
Venous blood sampling			✓	✓
Blood chemistry analysis				STR
Use/monitoring of agents specified in Table 5.4 during interfacility transports			STR	STR
Use/monitoring of infusion pump for agent administration during inter-facility transports			STR	STR

**Historical Note**

Table 5.1 made by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final exempt rulemaking, pursuant to Laws 2014, Ch. 233, § 5 at 20 A.A.R. 3554, effective January 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking, pursuant to Laws 2015, Ch. 222, § 3, at 21 A.A.R. 3241, effective November 24, 2015 (Supp. 15-4). Amended by final exempt rulemaking at 23 A.A.R. 1161, effective April 19, 2017 (Supp. 17-2).

**Table 5.2. Eligibility for Authorization to Administer, Monitor, and Assist in Patient Self-administration of Agents by EMCT Classification; Administration Requirements; and Minimum Supply Requirements for Agents**

**KEY:**

A = Authorized to administer the agent

SVN = Agent shall be administered by small volume nebulizer

MDI = Agent shall be administered by metered dose inhaler

\* = Authorized to assist in patient self-administration

[ ] = Minimum supply required if an EMS provider chooses to make the optional agent available for EMCT administration

AGENT	MINIMUM SUPPLY	EMT	AEMT	EMT-I (99)	Paramedic
Adenosine	18 mg	-	-	A	A
Albuterol Sulfate SVN or MDI (sulfite free)	10 mg	A	A	A	A
Amiodarone or Lidocaine	300 mg or 3 prefilled syringes, total of 300 mg and 1 g vials or premixed infusion, total of 2 g	- -	- -	- A	A A
Aspirin	324 mg	A	A	A	A
Atropine Sulfate	1 prefilled syringe, total of 1 mg	-	-	A	A
Atropine Sulfate	Optional [8 mg multidose vial (1)]	-	-	A	A
Atropine Sulfate Auto-Injector	None	A	A	A	A
Atropine Sulfate and Pralidoxime Chloride (Combined) Auto-Injector	None	A	A	A	A
Calcium Chloride	1 g	-	-	-	A
Calcium Gluconate, 2.5% topical gel	Optional [50 g]	A	A	A	A
Charcoal, Activated (without sorbitol)	Optional [50 g]	A	A	A	A
Cyanokit	Optional [5 g]	-	-	-	A
Dexamethasone	Optional [8 mg]	-	-	A	A
Dextrose	50 g	-	A	A	A
Dextrose, 5% in H2O	Optional [250 mL bag (1)]	A	A	A	A
Diazepam or Lorazepam or Midazolam	20 mg  8 mg  10 mg	- - -	- - -	A A A	A A A
Diazepam Rectal Delivery Gel	Optional [20 mg]	-	-	A	A

## Department of Health Services – Emergency Medical Services

Diltiazem or Verapamil HCl	25 mg	-	-	-	A
Diphenhydramine HCl	10 mg	-	-	-	A
Dopamine HCl	50 mg	-	-	A	A
Dopamine HCl	400 mg	-	-	-	A
Epinephrine Auto-Injector	Optional [1 adult auto-injector and 1 pediatric auto-injector]	A	A	A	A
Epinephrine HCl, 1 mg/mL (formerly 1:1,000)	2 mg	-	A	A	A
Epinephrine HCl, 1 mg/mL (formerly 1:1,000)	Optional [30 mg multidose vial (1)]	-	A	A	A
Epinephrine HCl, 0.1 mg/mL (formerly 1:10,000)	5 mg	-	-	A	A
Etomidate	Optional [40 mg]	-	-	-	A
Furosemide or Bumetanide	Optional [100 mg]	-	-	A	A
	Optional [4 mg]	-	-	A	A
Glucagon	1 mg	-	A	A	A
Glucose, oral	Optional [30 gm]	A	A	A	A
Hemostatic Agents	Optional	A	A	A	A
Hydrocortisone Sodium Succinate	Optional	-	*	*	*
Immunizing Agent	Optional	-	-	A	A
Ipratropium Bromide 0.02% SVN or MDI	5 mL	-	-	A	A
Ketamine	Optional [200 mg]	-	-	-	A
Lactated Ringers	1 L bag (2)	A	A	A	A
Lidocaine 2%, Preservative-free (IO Insertion)	Optional [100 mg]	-	A	A	A
Magnesium Sulfate	5 g	-	-	-	A
Methylprednisolone Sodium Succinate	250 mg	-	-	A	A
Morphine Sulfate or Fentanyl	20 mg	-	A	A	A
	200 mcg	-	-	A	A
Nalmefene HCl	Optional [4 mg]	-	A	A	A
Naloxone HCl	10 mg	-	A	A	A
Naloxone HCl	Optional [Prefilled atomizers or auto-injectors; 2 doses]	A	A	A	A
Nitroglycerin Sublingual Spray or Nitroglycerin Tablets	1 bottle	*	A	A	A
	1 bottle	*	A	A	A
Normal Saline	1 L bag (2) Optional [250 mL bag (1)] Optional [50 mL bag (2)]	A	A	A	A
Ondansetron HCl	Optional [4 mg]	-	-	A	A
Oxygen	13 cubic feet	A	A	A	A
Oxytocin	Optional [10 units]	-	-	A	A
Phenylephrine Nasal Spray 0.5%	Optional [1 bottle]	-	-	A	A
Pralidoxime Chloride Auto-Injector	None	A	A	A	A
Proparacaine Ophthalmic	Optional [1 bottle]	-	-	A	A
Rocuronium	Optional [100 mg]	-	-	-	A
Sodium Bicarbonate 8.4%	Optional [100 mEq]	-	-	A	A
Succinylcholine	Optional [400 mg]	-	-	-	A
Thiamine HCl	Optional [100 mg]	-	-	A	A
Tuberculin PPD	Optional [5 mL]	-	-	A	A
Vasopressin	Optional [40 units]	-	-	-	A

**Historical Note**

Table 5.2 made by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final exempt rulemaking, pursuant to Laws 2014, Ch. 233, § 5 at 20 A.A.R. 3554, effective January 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking, pursuant to Laws 2015, Ch. 222, § 3, at 21 A.A.R. 3241, effective November 24, 2015 (Supp. 15-4). Amended by final exempt rulemaking at 23 A.A.R. 1161, effective April 19, 2017 (Supp. 17-2).

**Table 5.3. Agents Eligible for Authorization for Administration During a Hazardous Material Incident****KEY:**

[ ] = Minimum supply required if an EMS provider chooses to make the optional agent available for Paramedic administration

## Department of Health Services – Emergency Medical Services

Drug Preparation	Minimum Supply
Activated Charcoal	Optional [as determined by administrative medical director]
Albuterol	Optional [as determined by administrative medical director]
Amyl Nitrite Inhalants	Optional [as determined by administrative medical director]
Atropine	Optional [as determined by administrative medical director]
Atrovent	Optional [as determined by administrative medical director]
Calcium Carbonate	Optional [as determined by administrative medical director]
Calcium Gluconate	Optional [as determined by administrative medical director]
CyanoKit (Hydroxocobalamin)	Optional [as determined by administrative medical director]
Dextrose 50%	Optional [as determined by administrative medical director]
Diazepam	Optional [as determined by administrative medical director]
DuoDote Auto Injector	Optional [as determined by administrative medical director]
Glucagon	Optional [as determined by administrative medical director]
Methylene Blue	Optional [as determined by administrative medical director]
Neosynephrine	Optional [as determined by administrative medical director]
Propanolol	Optional [as determined by administrative medical director]
Protopam Chloride (pralidoxime)	Optional [as determined by administrative medical director]
Pyridoxine	Optional [as determined by administrative medical director]
Sodium Chloride .95	Optional [as determined by administrative medical director]
Sterile Water	Optional [as determined by administrative medical director]
Tetracaine	Optional [as determined by administrative medical director]

**Historical Note**

Table 5.3 made by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Table 5.4. Eligibility for Authorization to Administer and Monitor Transport Agents During Interfacility Transports, by EMCT Classification; Administration Requirements****KEY:**

- TA = Transport agent for an EMCT with the specified certification  
 IP = Agent shall be administered by infusion pump  
 SVN = Agent shall be administered by small volume nebulizer

AGENT	MINIMUM SUPPLY	EMT	AEMT	EMT-I (99)	Paramedic
Amiodarone IP	None	-	-	-	TA
Antibiotics	None	-	-	TA	TA
Blood	None	-	-	-	TA
Calcium Chloride	None	-	-	-	TA
Colloids	None	-	-	TA	TA
Corticosteroids IP	None	-	-	TA	TA
Diltiazem IP	None	-	-	-	TA
Diuretics	None	-	-	TA	TA
Dopamine HCl IP	None	-	-	-	TA
Electrolytes/Crystalloids (Commercial Preparations)	None	TA	TA	TA	TA
Epinephrine IP	None	-	-	TA	TA
Fentanyl IP	None	-	-	TA	TA
Fosphenytoin Na IP or Phenytoin Na IP	None	-	-	-	TA
Glucagon	None	-	-	TA	TA
Glycoprotein IIb/IIIa Inhibitors	None	-	-	-	TA
H2 Blockers	None	-	-	TA	TA
Heparin Na IP	None	-	-	-	TA
Insulin IP	None	-	-	-	TA
Levophed IP	None	-	-	-	TA
Lidocaine IP	None	-	-	TA	TA
Magnesium Sulfate IP	None	-	-	-	TA

## Department of Health Services – Emergency Medical Services

Midazolam IP	None	-	-	TA	TA
Morphine IP	None	-	-	TA	TA
Nitroglycerin IV Solution IP	None	-	-	-	TA
Phenobarbital Na IP	None	-	-	-	TA
Potassium Salts IP	None	-	-	-	TA
Procainamide HCl IP	None	-	-	-	TA
Propofol IP	None	-	-	-	TA
Racemic Epinephrine SVN	None	-	-	-	TA
Total Parenteral Nutrition, with or without lipids IP	None	-	-	-	TA
Vitamins	None	-	-	TA	TA

**Historical Note**

Table 5.4 made by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-503. Testing of Medical Treatments, Procedures, Medications, and Techniques that May Be Administered or Performed by an EMCT**

- A.** Under A.R.S. § 36-2205, the Department may authorize the testing and evaluation of a medical treatment, procedure, technique, practice, medication, or piece of equipment for possible use by an EMCT or an emergency medical services provider.
- B.** Before authorizing any test and evaluation according to subsection (A), the Department director shall approve the test and evaluation according to subsections (C), (D), (E).
- C.** The Department director shall consider approval of a test and evaluation conducted according to subsection (A), only if a written request for testing and evaluation:
1. Is submitted to the Department director from:
    - a. The Department,
    - b. A state agency other than the Department,
    - c. A political subdivision of this state,
    - d. An EMCT,
    - e. An emergency medical services provider,
    - f. An ambulance service, or
    - g. A member of the public; and
  2. Includes:
    - a. A cover letter, signed and dated by the individual making the request;
    - b. An identification of the person conducting the test and evaluation;
    - c. An identification of the medical treatment, procedure, technique, practice, medication, or piece of equipment to be tested and evaluated;
    - d. An explanation of the reasons for and the benefits of the test and evaluation;
    - e. The scope of the test and evaluation, including the:
      - i. Projected number of individuals, EMCTs, emergency medical services providers, or ambulance services involved; and
      - ii. Proposed length of time required to complete the test and evaluation; and
    - f. The methodology to be used to evaluate the test's and evaluation's findings.
- D.** The Department director shall approve a test and evaluation if:
1. The test and evaluation does not pose a threat to the public health, safety, or welfare;
  2. The test is necessary to evaluate the safest and most current advances in medical treatments, procedures, techniques, practices, medications, or equipment; and
  3. The medical treatment, procedure, technique, practice, medication, or piece of equipment being tested and evaluated may:
    - a. Reduce or eliminate the use of outdated or obsolete medical treatments, procedures, techniques, practices, medications, or equipment;
    - b. Improve patient care; or
    - c. Benefit the public's health, safety, or welfare.
- E.** Within 180 days after receiving a written request for testing and evaluation that contains all of the information in subsection (C), the Department director shall send written notification of approval or denial of the test and evaluation to the individual making the request.
- F.** Upon completion of a test and evaluation authorized by the Department director, the person conducting the test and evaluation shall submit a written report to the Department director that includes:
1. An identification of the test and evaluation;
  2. A detailed evaluation of the test; and
  3. A recommendation regarding future use of the medical treatment, procedure, technique, practice, medication, or piece of equipment tested and evaluated.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-503 recodified from R9-25-803 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Amended by exempt rulemaking at 13 A.A.R. 27, effective January 6, 2007 (Supp. 06-4). Amended by exempt rulemaking at 13 A.A.R. 578, effective January 31, 2007 (Supp. 07-1). Amended by exempt rulemaking at 14 A.A.R. 3491, effective August 14, 2008 (Supp. 08-3). Section R9-25-503 renumbered to R9-25-505; new Section R9-25-503 renumbered from R9-25-506 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit 1. Repealed****Historical Note**

New Exhibit 1 recodified from Article 8, Exhibit 1 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Amended by exempt rulemaking at 11 A.A.R. 1438, effective March 25, 2005 (Supp. 05-1). Amended by exempt rulemaking at 11 A.A.R. 2379, effective June 8, 2005 (Supp. 05-2). Amended by exempt rulemaking at 11 A.A.R. 3177, effective September 1, 2005 (Supp. 05-3). Exhibit 1 repealed by exempt rulemaking at 13 A.A.R. 27, effective January 6, 2007 (Supp. 06-4).

**Exhibit 2. Repealed****Historical Note**

New Exhibit 2 recodified from Article 8, Exhibit 2 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Amended by exempt rulemaking at 11 A.A.R. 1438, effective March 25, 2005 (Supp. 05-1). Exhibit 2 repealed by exempt rulemaking at 13 A.A.R. 27, effective January 6, 2007 (Supp. 06-4).

**Exhibit 3. Repealed****Historical Note**

Exhibit made by exempt rulemaking at 11 A.A.R. 1438, effective March 25, 2005 (Supp. 05-1). Exhibit 3 repealed by exempt rulemaking at 13 A.A.R. 27, effective January

## Department of Health Services – Emergency Medical Services

6, 2007 (Supp. 06-4).

**R9-25-504. Protocol for Selection of a Health Care Institution for Transport**

- A.** Except as provided in subsection (B), an EMCT shall transport a patient accessing emergency medical services through a call to 9-1-1 or a similar public emergency dispatch number to:
1. An emergency receiving facility, or
  2. A special hospital that is physically connected to an emergency receiving facility.
- B.** Under A.R.S. §§ 36-2205(D) and 36-2232(F), an EMCT who responds to a call made to 9-1-1 or a similar public emergency dispatch number may refer, advise, or transport the patient at the scene to a health care institution other than a health care institution specified in subsection (A), if the EMCT determines that:
1. The patient's condition does not pose an immediate threat to life or limb, based on medical direction; and
  2. The health care institution is the most appropriate for the patient, based on the following:
    - a. The patient's:
      - i. Medical condition,
      - ii. Choice of health care institution, and
      - iii. Health care provider;
    - b. The location of the health care institution and the emergency medical resources available at the health care institution; and
    - c. A determination by the administrative medical director that the health care institution is able to accept and capable of treating the patient.
- C.** Before initiating transport of a patient accessing emergency medical services through a call to 9-1-1 or a similar public emergency dispatch number, an EMCT, emergency medical services provider, or ambulance service shall:
1. Notify, by radio or telephone communication, a health care institution that is not an emergency receiving facility of the EMCT's intent to transport the patient to the health care institution; and
  2. Receive confirmation of the willingness of the health care institution to accept the patient.
- D.** An EMCT transporting a patient accessing emergency medical services through a call to 9-1-1 or a similar public emergency dispatch number to a health care institution that is not an emergency receiving facility shall transfer care of the patient to a designee authorized by:
1. A physician,
  2. A registered nurse practitioner,
  3. A physician assistant, or
  4. A registered nurse.
- E.** An emergency medical services provider or an ambulance service that implements this rule shall make available for Department review and inspection written records relating to the transport of a patient under subsections (B), (C), and (D).

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-504 recodified from R9-25-804 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Amended by exempt rulemaking at 14 A.A.R. 3124, effective July 9, 2008 (Supp. 08-3). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final exempt rulemaking, pursuant to Laws 2014, Ch. 233, § 5 at 20 A.A.R. 3554, effective January 1, 2015 (Supp. 14-4).

**R9-25-505. Protocol for an EMT-I(99) or a Paramedic to****Become Eligible to Administer an Immunizing Agent**

- A.** An EMT-I(99) or a Paramedic may be authorized by the EMT-I(99)'s or Paramedic's administrative medical director to administer an immunizing agent if the EMT-I(99) or Paramedic completes training that:
1. Includes:
    - a. Basic immunology and the human immune response;
    - b. Mechanics of immunity, adverse effects, dose, and administration schedule of available immunizing agents;
    - c. Response to an emergency situation, such as an allergic reaction, resulting from the administration of an immunization;
    - d. Routes of administration for available immunizing agents;
    - e. A description of the individuals to whom an EMCT may administer an immunizing agent; and
    - f. The requirements in 9 A.A.C. 6, Article 7 related to:
      - i. Obtaining written consent for administration of an immunizing agent,
      - ii. Providing immunization information and written immunization records, and
      - iii. Recordkeeping and reporting;
  2. Requires the EMT-I(99) or Paramedic to demonstrate competency in the subject matter listed in subsection (A)(1); and
  3. Is approved by the EMT-I(99)'s or Paramedic's administrative medical director based upon a determination that the training meets the requirements in subsections (A)(1) and (A)(2).
- B.** An administrative medical director of an EMT-I(99) or a Paramedic who completes the training required in subsection (A) shall maintain for Department review and inspection written evidence that the EMT-I(99) or Paramedic has completed the training required in subsection (A), including at least:
1. The name of the training,
  2. The date the training was completed, and
  3. A signed and dated attestation from the administrative medical director that the training is approved.
- C.** Before administering an immunizing agent to an individual, an EMT-I(99) or a Paramedic shall:
1. Receive written consent consistent with the requirements in 9 A.A.C. 6, Article 7;
  2. Provide immunization information and written immunization records consistent with the requirements in 9 A.A.C. 6, Article 7; and
  3. Provide documentary proof of immunity to the individual consistent with the requirements in 9 A.A.C. 6, Article 7.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-505 recodified from R9-25-805 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Section R9-25-505 repealed; new Section R9-25-505 renumbered from R9-25-503 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit 1. Repealed****Historical Note**

New Exhibit 1 recodified from Article 8, Exhibit 1 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Exhibit 1 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit 2. Repealed****Historical Note**

New Exhibit 2 recodified from Article 8, Exhibit 2 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).

## Department of Health Services – Emergency Medical Services

Exhibit 2 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-506. Renumbered****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-506 recodified from R9-25-806 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Section R9-25-506 renumbered to R9-25-503 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-507. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-507 recodified from R9-25-807 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Section R9-25-507 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-508. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Subsection (A)(2) corrected to reflect adopted rules on file with the Office of the Secretary of State, effective October 15, 1996 (Supp. 97-1). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-508 recodified from R9-25-808 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Section R9-25-508 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-509. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 11 A.A.R. 2379, effective June 8, 2005 (Supp. 05-2). Section repealed by exempt rulemaking at 13 A.A.R. 3038, effective October 6, 2007 (Supp. 07-3).

**R9-25-510. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 11 A.A.R. 1502, effective April 1, 2005 (Supp. 05-1). Amended by exempt rulemaking at 11 A.A.R. 2379, effective June 8, 2005 (Supp. 05-2). Section R9-25-510 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit P. Repealed****Historical Note**

Exhibit P adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-511. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Sub-

section (C) corrected to reflect adopted rules on file with the Office of the Secretary of State, effective October 15, 1996 (Supp. 97-3). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 11 A.A.R. 4982, effective November 1, 2005 (Supp. 05-4). Section R9-25-511 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-512. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Subsection (A) corrected to reflect adopted rules on file with the Office of the Secretary of State, effective October 15, 1996 (Supp. 97-1). Subsection (A) corrected again to reflect adopted rules on file with the Office of the Secretary of State, effective October 15, 1996 (Supp. 97-3). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 13 A.A.R. 27, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 16 A.A.R. 2116, effective October 15, 2010 (Supp. 10-4).

**R9-25-513. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 13 A.A.R. 3038, effective October 6, 2007 (Supp. 07-3). R9-25-513 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-514. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Amended by exempt rulemaking at 7 A.A.R. 4888, effective November 1, 2001 (Supp. 01-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-515. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**ARTICLE 6. STROKE CARE**

*Article 6, consisting of new Sections R9-25-601 and R9-25-602, made by exempt rulemaking effective April 5, 2013 (Supp. 13-1).*

*Article 6 repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).*

**R9-25-601. Definitions (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

In addition to the definitions in A.R.S. § 36-2201 and R9-25-101, the following definitions apply in this Article, unless otherwise specified:

1. "Acute stroke-ready hospital" means a hospital that is certified by a national stroke center certification organization as meeting national stroke care standards for the initial assessment, diagnosis, stabilization, and either:
  - a. Transfer of a stroke patient to a primary stroke center or comprehensive stroke center, or

## Department of Health Services – Emergency Medical Services

- b. Care of a stroke patient with input from the staff of a primary stroke center or comprehensive stroke center.
  2. "Comprehensive stroke center" means a hospital that is certified by a national stroke center certification organization as meeting national stroke care standards for the assessment, diagnosis using advanced imaging devices, and treatment of stroke patients with complex cases of ischemic stroke, caused by the loss of the blood supply to a part of the brain, or hemorrhagic stroke, caused by bleeding into a part of the brain.
  3. "Council" means the emergency medical services council established under A.R.S. § 36-2203.
  4. "Health care provider" means an individual licensed according to A.R.S. Title 32, Chapter 13, 15, 17, 19, 25, or 34.
  5. "Local EMS coordinating system" means the same as in A.R.S. § 36-2210.
  6. "National stroke care standards" means criteria for the assessment and treatment of stroke that are consistent with guidelines established by the American Heart Association/American Stroke Association, an organization that focuses on reducing the impact of stroke.
  7. "National stroke center certification organization" means an entity:
    - a. Such as:
      - i. The Joint Commission;
      - ii. The Healthcare Facilities Accreditation Program;
      - iii. Det Norske Veritas Healthcare, Inc.; or
      - iv. The American Heart Association/American Stroke Association;
    - b. That assesses the compliance of a hospital with national stroke care standards; and
    - c. That documents hospitals that meet national stroke care standards.
  8. "Primary stroke center" means a hospital that is certified by a national stroke center certification organization as meeting national stroke care standards for the assessment, diagnosis, and treatment of stroke patients.
  9. "Stroke patient" means an individual who has signs or symptoms of a stroke and is receiving assessment or treatment for a stroke.
  10. "Transport" means the same as in A.A.C. R9-10-101.
2. Include procedures for the pre-hospital assessment and treatment of stroke patients, which may include education about identifying stroke patients who may have an emergent large vessel occlusion, the blockage of a large blood vessel that causes an individual to have an ischemic stroke;
  3. Provide for transport of stroke patients to the most appropriate emergency receiving facility, consistent with A.R.S. § 36-2205(E), taking into account the:
    - a. Needs of a stroke patient;
    - b. Availability of resources in urban areas, suburban areas, rural areas, and wilderness areas;
    - c. Capability of an emergency receiving facility to practice telemedicine, as defined in A.R.S. § 36-3601, with specialists in stroke care;
    - d. Location of emergency receiving facilities that:
      - i. Are:
        - (1) Acute stroke-ready hospitals,
        - (2) Primary stroke centers, or
        - (3) Comprehensive stroke centers; and
      - ii. Participate in quality improvement activities, including the submission of data on stroke care provided by the emergency receiving facility that may be compiled on a statewide basis;
    - e. Capability of an emergency receiving facility that is not a primary stroke center or comprehensive stroke center to stabilize a stroke patient before initiating a transfer to a primary stroke center or comprehensive stroke center;
    - f. Capability of an emergency receiving facility that is not a primary stroke center or comprehensive stroke center to stabilize and admit a stroke patient; and
    - g. Distance and duration of transport;
  4. Are consistent with national stroke care standards; and
  5. Are based on data on stroke care from:
    - a. National organizations that focus on heart disease and stroke;
    - b. U.S. Department of Transportation, National Highway Traffic Safety Administration; and
    - c. Statewide data on stroke care, as available.
- C. The council shall review and update, as necessary, the emergency stroke care protocols in subsection (A) after seeking input from:
1. Local EMS coordinating systems,
  2. National organizations that focus on heart disease and stroke,
  3. Nonprofit organizations that focus on the development of stroke systems of care,
  4. Emergency medical services providers, and
  5. Health care providers.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 19 A.A.R. 643, effective April 5, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1728, effective July 1, 2017 (Supp. 17-2).

**R9-25-602. Emergency Stroke Care Protocols (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))****A.** The council shall:

1. Establish emergency stroke care protocols, and
2. Support the adoption of emergency stroke care protocols by emergency medical services providers through local EMS coordinating systems.

**B.** The council shall ensure that emergency stroke care protocols:

1. Are developed and implemented in coordination with:
  - a. Local EMS coordinating systems,
  - b. National organizations that focus on heart disease and stroke,
  - c. Emergency medical services providers, and
  - d. Health care providers;

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 19 A.A.R. 643, effective April 5, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1728, effective July 1, 2017 (Supp. 17-2).

**R9-25-603. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-604. Repealed**

## Department of Health Services – Emergency Medical Services

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-605. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-606. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-607. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-608. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-609. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit R. Repealed****Historical Note**

Exhibit R adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-610. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-611. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-612. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-613. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-614. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-615. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Amended by exempt rulemaking at 7 A.A.R. 4888, effective November 1, 2001 (Supp. 01-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-616. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit S. Repealed****Historical Note**

Exhibit S adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit G. Repealed****Historical Note**

Exhibit G adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit L. Repealed****Historical Note**

Exhibit L adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit M. Repealed****Historical Note**

Exhibit M adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit N. Repealed****Historical Note**

Exhibit N adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit O. Repealed****Historical Note**

Exhibit O adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit Q. Repealed****Historical Note**

Exhibit Q adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**ARTICLE 7. AIR AMBULANCE SERVICE LICENSING**

**R9-25-701. Definitions (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, and 36-2215)**



## Department of Health Services – Emergency Medical Services

In addition to the definitions in A.R.S. § 36-2201 and R9-25-101, the following definitions apply in this Article and in Article 8 of this Chapter, unless otherwise specified:

1. “Air ambulance” means an aircraft that is an “ambulance” as defined in A.R.S. § 36-2201.
2. “Air ambulance service” means an ambulance service that operates an air ambulance.
3. “Base location” means a physical location at which a person houses an air ambulance or equipment and supplies used for the operation of an air ambulance service or provides administrative or other support for the operation of an air ambulance service.
4. “Business organization” means an entity such as an association, cooperative, corporation, limited liability company, or partnership.
5. “Call number” means a unique identifier used by an air ambulance service to identify a specific mission.
6. “CAMTS” means the Commission on Accreditation of Medical Transport Systems, formerly known as the Commission on Accreditation of Air Medical Services.
7. “Change of ownership” means a transfer of controlling legal or controlling equitable interest and authority in an air ambulance service.
8. “Critical care” means pertaining to a patient whose condition requires care commensurate with the scope of practice of a physician or registered nurse.
9. “Estimated time of arrival” means the number of minutes from the time that an air ambulance service agrees to perform a mission to the time that an air ambulance arrives at the scene.
10. “Holds itself out” means advertises through print media, broadcast media, the Internet, or other means.
11. “Interfacility” means between two health care institutions.
12. “Licensed respiratory care practitioner” has the same meaning as in A.R.S. § 32-3501.
13. “Maternal” means pertaining to a woman whose pregnancy is considered by a physician to be high risk, who is in need of critical care services related to the pregnancy, and who is being transferred to a medical facility that has the specialized perinatal and neonatal resources and capabilities necessary to provide an appropriate level of care.
14. “Medical team” means personnel whose main function on a mission is the medical care of the patient being transported.
15. “Mission” means a transport job that involves an air ambulance service’s sending an air ambulance to a patient’s location to provide transport of the patient from one location to another, whether or not transport of the patient is actually provided.
16. “Neonatal” means pertaining to an infant who is 28 days of age or younger and who is in need of critical care services.
17. “On-line medical guidance” means emergency medical services direction or information provided to a non-EMCT medical team member by a physician through two-way voice communication.
18. “Operate an air ambulance in this state” means:
  - a. Transporting a patient via air ambulance from a location in this state to another location in this state,
  - b. Operating an air ambulance from a base location in this state, or
  - c. Transporting a patient via air ambulance from a location in this state to a location outside of this state more than once per month.
19. “Owner” means a person that holds a controlling legal or equitable interest and authority in a business enterprise.
20. “Patient reference number” means a unique identifier used by an air ambulance service to identify an individual patient.
21. “Personnel” means individuals who work for an air ambulance service, with or without compensation, whether as employees, contractors, or volunteers.
22. “Premises” means each physical location of air ambulance service operations and includes all equipment and records at each location.
23. “Proficiency in neonatal resuscitation” means current and valid certification in neonatal resuscitation obtained through completing a nationally recognized training program such as the American Academy of Pediatrics and American Heart Association NRP: Neonatal Resuscitation Program.
24. “Publicizes” means makes a good faith effort to communicate information to the general public through print media, broadcast media, the Internet, or other means.
25. “Regularly” means at recurring, fixed, or uniform intervals.
26. “Rescue situation” means an incident in which:
  - a. An individual’s life, limb, or health is imminently threatened; and
  - b. The threat may be reduced or eliminated by removing the individual from the situation and providing medical services.
27. “Subspecialization” means:
  - a. For a physician board certified by a specialty board approved by the American Board of Medical Specialties, subspecialty certification;
  - b. For a physician board certified by a specialty board approved by the American Osteopathic Association, attainment of either a certification of special qualifications or a certification of added qualifications; and
  - c. For a physician who has completed an accredited residency program, completion of at least one year of training pertaining to the specified area of medicine.
28. “Two-way voice communication” means that two individuals are able to convey information back and forth to each other orally, either directly or through a third-party relay.
29. “Valid” means that a license, certification, or other form of authorization is in full force and effect and not suspended.
30. “Working day” means the period between 8:00 a.m. and 5:00 p.m. on a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-702. Applicability (A.R.S. §§ 36-2202(A)(4) and 36-2217)**

This Article and Article 8 of this Chapter do not apply to persons and vehicles exempted from the provisions of A.R.S. Title 36, Chapter 21.1 as provided in A.R.S. § 36-2217(A).

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-703. Requirement and Eligibility for a License (A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, and 36-2215)**

- A. A person shall not operate an air ambulance in this state unless the person has a current and valid air ambulance service license and, except as provided in A.R.S. § 36-2212(C), a current and valid certificate of registration for the air ambulance as required under Article 8 of this Chapter.
- B. To be eligible to obtain an air ambulance service license, an applicant shall:
  1. Hold current and valid Registration and Exemption under 14 CFR 298, as evidenced by a current and valid OST Form 4507 showing the effective date of registration;

## Department of Health Services – Emergency Medical Services

2. Hold the following issued by the Federal Aviation Administration:
    - a. A current and valid Air Carrier Certificate authorizing common carriage under 14 CFR 135;
    - b. If operating a rotor-wing air ambulance, current and valid Operations Specifications authorizing aeromedical helicopter operations;
    - c. If operating a fixed-wing air ambulance, current and valid Operations Specifications authorizing airplane air ambulance operations;
    - d. A current and valid Certificate of Registration for each air ambulance to be operated; and
    - e. A current and valid Airworthiness Certificate for each air ambulance to be operated;
  3. Have applied for a certificate of registration, issued by the Department under Article 8 of this Chapter, for each air ambulance to be operated by the air ambulance service;
  4. Hold a current and valid registration, issued by the Arizona Department of Transportation under A.R.S. Title 28, Chapter 25, Article 4, for each air ambulance to be operated by the air ambulance service;
  5. Have current and valid liability insurance coverage for the air ambulance service that complies with A.R.S. § 36-2215 and that has at least the following maximum liability limits:
    - a. \$1 million for injuries to or death of any one person arising out of any one incident or accident;
    - b. \$3 million for injuries to or death of more than one person in any one incident or accident; and
    - c. \$500,000 for damage to property arising from any one incident or accident;
  6. Have current and valid malpractice insurance coverage for the air ambulance service that complies with A.R.S. § 36-2215 and that has a maximum liability limit of at least \$1 million per occurrence; and
  7. Comply with all applicable requirements of this Article, Articles 2 and 8 of this Chapter, and A.R.S. Title 36, Chapter 21.1.
- C.** To maintain eligibility for an air ambulance service license, an air ambulance service shall meet the requirements of subsections (B)(1)-(2) and (4)-(7) and hold a current and valid certificate of registration, issued by the Department under Article 8 of this Chapter, for each air ambulance operated by the air ambulance service.
- Historical Note**
- New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).
- R9-25-704. Initial Application and Licensing Process (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2213, 36-2214, and 36-2215)**
- A.** An applicant for an initial license shall submit an application to the Department, in a Department-provided format, including:
1. The applicant's name; mailing address; e-mail address; fax number, if any; and telephone number;
  2. Each business name to be used for the air ambulance service;
  3. The physical and mailing addresses to be used for the air ambulance service, if different from the applicant's mailing address;
  4. The name, title, address, e-mail address, and telephone number of the applicant's statutory agent or the individual designated by the applicant to accept service of process and subpoenas for the air ambulance service;
  5. If the applicant is a business organization:
    - a. The type of business organization;
    - b. The following information about the individual who is to serve as the primary contact for information regarding the application:
      - i. Name;
      - ii. Address;
      - iii. E-mail address;
      - iv. Telephone number; and
      - v. Fax number, if any;
    - c. The name, title, and address of each officer and board member or trustee; and
    - d. A copy of the business organization's articles of incorporation, articles of organization, or partnership or joint venture documents, if applicable;
  6. The name and Arizona license number for the physician who is to serve as the administrative medical director for the air ambulance service;
  7. The intended hours of operation for the air ambulance service;
  8. The intended schedule of rates for the air ambulance service;
  9. Which of the following mission types is to be provided:
    - a. Emergency medical services transports,
    - b. Interfacility transports,
    - c. Interfacility maternal transports, and
    - d. Interfacility neonatal transports;
  10. The signature of the applicant and the date signed;
  11. A copy of a current and valid OST Form 4507 showing the effective date of Federal Aviation Administration registration and exemption under 14 CFR 298;
  12. A copy of the following issued by the Federal Aviation Administration:
    - a. A current and valid Air Carrier Certificate authorizing common carriage under 14 CFR 135;
    - b. If intending to operate a rotor-wing air ambulance, current and valid Operations Specifications authorizing aeromedical helicopter operations;
    - c. If intending to operate a fixed-wing air ambulance, current and valid Operations Specifications authorizing airplane air ambulance operations;
    - d. A current and valid Certificate of Registration for each air ambulance to be operated; and
    - e. A current and valid Airworthiness Certificate for each air ambulance to be operated;
  13. For each air ambulance to be operated for the air ambulance service:
    - a. An application for registration that includes all of the information and items required under R9-25-802(C); and
    - b. A copy of a current and valid registration, issued by the Arizona Department of Transportation under A.R.S. Title 28, Chapter 25, Article 4;
  14. A certificate of insurance establishing that the applicant has current and valid liability insurance coverage for the air ambulance service as required under R9-25-703(B)(5);
  15. A certificate of insurance establishing that the applicant has current and valid malpractice insurance coverage for the air ambulance service as required under R9-25-703(B)(6);
  16. If the applicant holds current CAMTS accreditation for the air ambulance service, a copy of the current CAMTS accreditation report;
  17. Attestation that the applicant will comply with all applicable requirements in this Article, Articles 2 and 8 of this Chapter, and A.R.S. Title 36, Chapter 21.1; and
  18. Attestation that the information provided in the application, including the information in the documents accompanying the application form, is accurate and complete.
- B.** Unless an applicant establishes that it holds current CAMTS accreditation as provided in subsection (A)(16) or is applying for an initial license because of a change of ownership as described in R9-25-706(D), the Department shall conduct an inspection, as required under A.R.S. § 36-2214(B) and R9-25-

## Department of Health Services – Emergency Medical Services

708, during the substantive review period for the application for an initial license.

- C. The Department shall review and approve or deny each application as described in Article 12 of this Chapter.
- D. The Department may deny an application if an applicant:
  1. Fails to meet the eligibility requirements of R9-25-703(B);
  2. Fails or has failed to comply with any provision in A.R.S. Title 36, Chapter 21.1;
  3. Fails or has failed to comply with any provision in this Article or Article 2 or 8 of this Chapter;
  4. Knowingly or negligently provides false documentation or false or misleading information to the Department; or
  5. Fails to submit to the Department documents or information requested under R9-25-1201(B)(1) or (C)(3), as required under R9-25-1201(D), and requests a denial as permitted under R9-25-1201(E).

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-705. Renewal Application and Licensing Process (A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2213, 36-2214, and 36-2215)**

- A. Before the expiration date of its current license, an air ambulance service shall submit to the Department a renewal application completed using a Department-provided form and including:
  1. The information and items listed in R9-25-704(A)(1)-(11), (12)(b), and (13)-(18); and
  2. For each air ambulance operated or to be operated by the air ambulance service:
    - a. A copy of a current and valid certificate of registration issued by the Department under Article 8 of this Chapter; or
    - b. An application for registration that includes all of the information and items required under R9-25-802(C).
- B. Unless an air ambulance service establishes that it holds current CAMTS accreditation as provided in subsection (C), the Department shall conduct an inspection, as required under A.R.S. § 36-2214(B) and R9-25-708, during the substantive review period for the renewal application.
- C. To establish current CAMTS accreditation, an air ambulance service shall submit to the Department, as part of the application submitted under subsection (A), a copy of the air ambulance service's current CAMTS accreditation report.
- D. The Department shall review and approve or deny each application as described in Article 12 of this Chapter.
- E. The Department may deny an application if an applicant:
  1. Fails to meet the eligibility requirements of R9-25-703(C);
  2. Fails or has failed to comply with any provision in A.R.S. Title 36, Chapter 21.1;
  3. Fails or has failed to comply with any provision in this Article or Article 2 or 8 of this Chapter;
  4. Knowingly or negligently provides false documentation or false or misleading information to the Department; or
  5. Fails to submit to the Department documents or information requested under R9-25-1201(B)(1) or (C)(3), as required under R9-25-1201(D), and requests a denial as permitted under R9-25-1201(E).

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656,

effective April 8, 2006 (Supp. 06-1).

**R9-25-706. Term and Transferability of License (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), 36-2213, 36-2214, and 41-1092.11)**

- A. The Department shall issue an initial license:
  1. When based on current CAMTS accreditation, with a term beginning on the date of issuance and ending on the expiration date of the CAMTS accreditation upon which licensure is based; and
  2. When based on Department inspection, with a term beginning on the date of issuance and ending three years later.
- B. The Department shall issue a renewal license with a term beginning on the day after the expiration date shown on the previous license and ending:
  1. When based on current CAMTS accreditation, on the expiration date of the CAMTS accreditation upon which licensure is based; and
  2. When based on Department inspection, three years after the effective date.
- C. If an applicant submits an application for renewal as described in R9-25-705 before the expiration date of the current license, the current license does not expire until the Department has made a final determination on the application for renewal, as provided in A.R.S. § 41-1092.11.
- D. A person wanting to transfer an air ambulance service license shall submit to the Department before the anticipated change of ownership:
  1. A letter that contains:
    - a. A request that the air ambulance service license be transferred,
    - b. The name and license number of the currently licensed air ambulance service, and
    - c. The name of the person to whom the air ambulance service license is to be transferred; and
  2. An application that complies with R9-25-704(A) completed by the person to whom the license is to be transferred.
- E. A new owner shall not operate an air ambulance in this state until the Department has transferred an air ambulance service license to the new owner.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-707. Changes Affecting a License (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2213)**

- A. At least 30 days before the date of a change in an air ambulance service's name, the air ambulance service shall send the Department written notice of the name change.
- B. At least 90 days before an air ambulance service ceases to operate, the air ambulance service shall send the Department written notice of the intention to cease operating, effective on a specific date, and the desire to relinquish its license as of that date.
- C. Within 30 days after the date of receipt of a notice described in subsection (A) or (B), the Department shall:
  1. For a notice described in subsection (A), issue an amended license that incorporates the name change but retains the expiration date of the current license; and
  2. For a notice described in subsection (B), send the air ambulance service written confirmation of the voluntary relinquishment of its license, with an effective date consistent with the written notice.
- D. An air ambulance service shall notify the Department in writing within one working day after:

## Department of Health Services – Emergency Medical Services

1. A change in its eligibility for licensure under R9-25-703(B) or (C);
  2. A change in the business organization information most recently submitted to the Department under R9-25-704(A)(5) or R9-25-705(A);
  3. A change in its CAMTS accreditation status, including a copy of its new CAMTS accreditation report, if applicable;
  4. A change in its hours of operation or schedule of rates; or
  5. A change in the scope of the mission types provided.
- E. Before the date of an anticipated change of ownership, a person wanting to transfer an air ambulance service license shall submit to the Department the documents required under R9-25-706(D).

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-708. Inspections and Investigations (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), 36-2213, and 36-2214)**

- A. Except as provided in subsections (D) and (F), the Department shall inspect an air ambulance service before issuing an initial or renewal license, as required under A.R.S. § 36-2214(B), and as often as necessary to determine compliance with this Article, Articles 2 and 8 of this Chapter, and A.R.S. Title 36, Chapter 21.1.
- B. A Department inspection may include the premises and each air ambulance operated or to be operated for the air ambulance service.
- C. If the Department receives written or verbal information alleging a violation of this Article, Article 2 or 8 of this Chapter, or A.R.S. Title 36, Chapter 21.1, the Department shall conduct an investigation.
1. The Department may conduct an inspection as part of an investigation.
  2. An air ambulance service shall allow the Department to inspect the premises and each air ambulance and to interview personnel as part of an investigation.
- D. As required under A.R.S. § 36-2213(8), the Department shall accept proof of current CAMTS accreditation in lieu of the licensing inspections otherwise required before initial and renewal licensure under subsection (A) and A.R.S. § 36-2214(B).
- E. To establish current CAMTS accreditation, an applicant or air ambulance service shall submit to the Department a copy of its current CAMTS accreditation report as required under R9-25-704(C), R9-25-705(C), or R9-25-707(D).
- F. When an application for an air ambulance service license is submitted along with a transfer request due to a change of ownership, the Department shall determine whether an inspection is necessary based upon the potential impact to public health, safety, and welfare.
- G. The Department shall conduct each inspection in compliance with A.R.S. § 41-1009.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-709. Enforcement Actions (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), 36-2213, 36-2214, 36-2215, 41-1092.03, and 41-1092.11(B))**

- A. The Department may take an action listed in subsection (B) against an air ambulance service that:
1. Fails to meet the eligibility requirements of R9-25-703(B) or (C);

2. Fails or has failed to comply with any provision in A.R.S. Title 36, Chapter 21.1;
  3. Fails or has failed to comply with any provision in this Article or Article 2 or 8 of this Chapter; or
  4. Knowingly or negligently provides false documentation or false or misleading information to the Department.
- B. The Department may take the following actions against an air ambulance service:
1. Except as provided in subsection (B)(3), after notice and an opportunity to be heard is provided under A.R.S. Title 41, Chapter 6, Article 10, suspend the air ambulance service license;
  2. After notice and an opportunity to be heard is provided under A.R.S. Title 41, Chapter 6, Article 10, revoke the air ambulance service license; and
  3. If the Department determines that the public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, summarily suspend the air ambulance service license pending proceedings for revocation or other action, as permitted under A.R.S. § 41-1092.11(B).
- C. In determining whether to take action under subsection (B), the Department shall consider:
1. The severity of each violation relative to public health and safety;
  2. The number of violations relative to the transport volume of the air ambulance service;
  3. The nature and circumstances of each violation;
  4. Whether each violation was corrected and, if so, the manner of correction; and
  5. The duration of each violation.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-710. Minimum Standards for Operations (A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)**

- A. An air ambulance service shall ensure that:
1. The air ambulance service maintains eligibility for licensure as required under R9-25-703(C);
  2. The air ambulance service publicizes its hours of operation;
  3. The air ambulance service makes its schedule of rates available to any individual upon request and, if requested, in writing;
  4. The air ambulance service provides an accurate estimated time of arrival to the person requesting transport at the time that transport is requested and provides an amended estimated time of arrival to the person requesting transport if the estimated time of arrival changes;
  5. The air ambulance service transports only patients for whom it has the resources to provide appropriate medical care, unless subsection (B) or (D) applies;
  6. The air ambulance service does not perform interfacility transport of a patient unless:
    - a. The transport is requested by:
      - i. A physician; or
      - ii. A qualified medical person, as determined by the sending health care institution's bylaws or policies, after consultation with and approval by a physician; and
    - b. The destination health care institution confirms that a bed is available for the patient;
  7. The air ambulance service creates a prehospital incident history report, as defined in A.R.S. § 36-2220, for each patient;

## Department of Health Services – Emergency Medical Services

8. The air ambulance service creates a record for each mission that includes:
    - a. Mission date;
    - b. Mission level—basic life support, advanced life support, or critical care;
    - c. Mission type—emergency medical services transport, interfacility transport, interfacility maternal transport, interfacility neonatal transport, or convalescent transport;
    - d. Aircraft type—fixed-wing aircraft or rotor-wing aircraft;
    - e. Name of the person requesting the transport;
    - f. Time of receipt of the transport request;
    - g. Departure time to the patient's location;
    - h. Address of the patient's location;
    - i. Arrival time at the patient's location;
    - j. Departure time to the destination health care institution;
    - k. Name and address of the destination health care institution;
    - l. Arrival time at the destination health care institution;
    - m. Patient reference number or call number; and
    - n. Aircraft tail number for the air ambulance used on the mission; and
  9. The air ambulance service submits to the Department by the 15th day of each month, either in an electronic format approved by the Department or in hard copy, a run log of the previous month's missions that includes the information required under subsections (A)(8)(a)-(d), (f), (g), (i), (j), (l), and (m) in a cumulative tabular format.
- B.** In a rescue situation, when no other practical means of transport, including another air ambulance service, is available, an air ambulance service may deviate from subsection (A)(5) to the extent necessary to meet the rescue situation.
- C.** An air ambulance service that completes a mission under subsection (B) shall create a record within five working days after the mission, including the information required under subsection (A)(8), the manner in which the air ambulance service deviated from subsection (A)(5), and the justification for operating under subsection (B).
- D.** An air ambulance service may provide interfacility transport of a patient for whom it does not have the resources to provide appropriate medical care if the sending health care institution provides medically appropriate life support measures, staff, and equipment to sustain the patient during the interfacility transport.
- E.** An air ambulance service shall ensure that each staff member provided by a sending health care institution under subsection (D) has completed training in the subject areas listed in R9-25-713(A) before serving on a mission.
- Historical Note**
- New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).
- R9-25-711. Minimum Standards for Mission Staffing (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)**
- A.** An air ambulance service shall ensure that, except as provided in subsection (B):
1. Each critical care mission is staffed by a medical team of at least two individuals with at least the following qualifications:
    - a. A physician or registered nurse, and
    - b. A Paramedic or licensed respiratory care practitioner;
  2. Each advanced life support mission is staffed by a medical team of at least two individuals with at least the following qualifications:
    - a. A Paramedic, and
    - b. Another Paramedic or a licensed respiratory care practitioner; and
  3. Each basic life support mission is staffed by a medical team of at least two individuals, each of whom has at least the qualifications of an EMT.
- B.** If the pilot on a mission using a rotor-wing air ambulance determines, in accordance with the air ambulance service's written guidelines required under subsection (C), that the weight of a second medical team member could potentially compromise the performance of the rotor-wing air ambulance and the safety of the mission, and the use of a single-member medical team is consistent with the on-line medical direction or on-line medical guidance received as required under subsection (C), an air ambulance service may use a single-member medical team consisting of an individual with at least the following qualification:
1. For a critical care mission, a physician or registered nurse;
  2. For an advanced life support mission, a Paramedic; and
  3. For a basic life support mission, an EMT.
- C.** An air ambulance service shall ensure that:
1. Each air ambulance service rotor-wing pilot is provided written guidelines to use in determining when the weight of a second medical team member could potentially compromise the performance of a rotor-wing air ambulance and the safety of a mission, including the conditions of density altitude and weight that warrant the use of a single-member medical team;
  2. The following are done, without delay, after an air ambulance service rotor-wing pilot determines that the weight of a second medical team member could potentially compromise the performance of a rotor-wing air ambulance and the safety of a mission:
    - a. The pilot communicates that information to the medical team,
    - b. The medical team obtains on-line medical direction or on-line medical guidance regarding the use of a single-member medical team, and
    - c. The medical team proceeds in compliance with the on-line medical direction or on-line medical guidance;
  3. A single-member medical team has the knowledge and medical equipment to perform one-person cardiopulmonary resuscitation;
  4. The air ambulance service has a quality management process to review regularly the patient care provided by each single-member medical team, including consideration of each patient's status upon arrival at the destination health care institution; and
  5. A single-member medical team is used only when no other transport team is available that would be more appropriate for delivering the level of care that a patient requires.
- D.** An air ambulance service that uses a single-member medical team as authorized under subsection (B) shall create a record within five working days after the mission, including the information required under R9-25-710(A)(8), the name and qualifications of the individual comprising the single-member medical team, and the justification for using a single-member medical team.
- E.** An air ambulance service shall create and maintain for each personnel member a file containing documentation of the personnel member's qualifications, including, as applicable, licenses, certifications, and training records.
- Historical Note**
- New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1,

## Department of Health Services – Emergency Medical Services

2013 (Supp. 13-4).

**R9-25-712. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Section expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (12-3).

**R9-25-713. Minimum Standards for Training (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2213)**

- A.** An air ambulance service shall ensure that each medical team member completes training in the following subjects before serving on a mission:
1. Aviation terminology;
  2. Physiological aspects of flight;
  3. Patient loading and unloading;
  4. Safety in and around the aircraft;
  5. In-flight communications;
  6. Use, removal, replacement, and storage of the medical equipment installed on the aircraft;
  7. In-flight emergency procedures;
  8. Emergency landing procedures; and
  9. Emergency evacuation procedures.
- B.** An air ambulance service shall document each medical team member's completion of the training required under subsection (A), including the name of the medical team member, each training component completed, and the date of completion.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-714. Minimum Standards for Communications (A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)**

An air ambulance service shall ensure that, while on a mission, two-way voice communication is available:

1. Between and among personnel on the air ambulance, including the pilot; and
2. Between personnel on the air ambulance and the following persons on the ground:
  - a. Personnel;
  - b. Physicians providing on-line medical direction or on-line medical guidance to medical team members; and
  - c. For a rotor-wing air ambulance mission:
    - i. Emergency medical services providers, and
    - ii. Law enforcement agencies.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-715. Minimum Standards for Medical Control (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)**

- A.** An air ambulance service shall ensure that:
1. The air ambulance service has a medical director who:
    - a. Meets the qualifications in subsection (B);
    - b. Supervises and evaluates the quality of medical care provided by medical team members;
    - c. Ensures the competency and current qualifications of all medical team members;
    - d. Ensures that each EMCT medical team member receives medical direction as required under Article 2 of this Chapter;
    - e. Ensures that each non-EMCT medical team member receives medical guidance through:
      - i. Written treatment protocols; and

- ii. On-line medical guidance provided by:
  - (1) The medical director;
  - (2) Another physician designated by the medical director; or
  - (3) If the medical guidance needed exceeds the medical director's area of expertise, a consulting specialty physician; and

- f. Approves, ensures implementation of, and annually reviews treatment protocols to be followed by medical team members;

2. The air ambulance service has a quality management program through which:

- a. Data related to patient care and transport services provided and patient status upon arrival at destination are:
  - i. Collected continuously; and
  - ii. Examined regularly, on at least a quarterly basis; and
- b. Appropriate corrective action is taken when concerns are identified; and

3. The air ambulance service documents each concern identified through the quality management program and the corrective action taken to resolve each concern and provides this information, along with the supporting data, to the Department upon request.

**B. A medical director shall:**

1. Be a physician, as defined in A.R.S. § 36-2201; and
2. Comply with one of the following:
  - a. If the air ambulance service provides emergency medical services transports, meet the qualifications of R9-25-201(A)(1); or
  - b. If the air ambulance service does not provide emergency medical services transports, meet the qualifications of R9-25-201(A)(1) or one of the following:
    - i. If the air ambulance service provides only interfacility maternal missions, have board certification or have completed an accredited residency program in one of the following specialty areas:
      - (1) Obstetrics and gynecology, with subspecialization in critical care medicine or maternal and fetal medicine; or
      - (2) Pediatrics, with subspecialization in neonatal-perinatal medicine;
    - ii. If the air ambulance service provides only interfacility neonatal missions, have board certification or have completed an accredited residency program in one of the following specialty areas:
      - (1) Obstetrics and gynecology, with subspecialization in maternal and fetal medicine; or
      - (2) Pediatrics, with subspecialization in neonatal-perinatal medicine, neonatology, pediatric critical care medicine, or pediatric intensive care; or
  - iii. If neither subsection (B)(2)(b)(i) or (ii) applies, have board certification or have completed an accredited residency program in one of the following specialty areas:
    - (1) Anesthesiology, with subspecialization in critical care medicine;
    - (2) Internal medicine, with subspecialization in critical care medicine;
    - (3) If the air ambulance service transports only pediatric patients, pediatrics, with subspecialization in pediatric critical care medicine or pediatric emergency medicine; or
    - (4) If the air ambulance service transports

## Department of Health Services – Emergency Medical Services

only surgical patients, surgery, with sub-specialization in surgical critical care.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-716. Minimum Standards for Recordkeeping (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2213)**

An air ambulance service shall retain each document required to be created or maintained under this Article or Article 2 or 8 of this Chapter for at least three years after the last event recorded in the document and shall produce each document for Department review upon request.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-717. Minimum Standards for an Interfacility Neonatal Mission (A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)**

An air ambulance service shall ensure that:

1. Each interfacility neonatal mission is staffed by a medical team that complies with the requirements for a critical care mission medical team in R9-25-711(A)(1) and that has the following additional qualifications:
  - a. Proficiency in pediatric emergency care, as defined in R9-25-101; and
  - b. Proficiency in neonatal resuscitation and stabilization of the neonatal patient;
2. Each interfacility neonatal mission is conducted using an air ambulance that has the equipment and supplies required for a critical care mission in Table 1 of Article 8 of this Chapter and the following:
  - a. A transport incubator with:
    - i. Battery and inverter capabilities,
    - ii. An infant safety restraint system, and
    - iii. An integrated neonatal-capable pressure ventilator with oxygen-air supply and blender;
  - b. An invasive automatic blood pressure monitor;
  - c. A neonatal monitor or monitors with heart rate, respiratory rate, temperature, non-invasive blood pressure, and pulse oximetry capabilities;
  - d. Neonatal-specific drug concentrations and doses;
  - e. Umbilical catheter insertion equipment and supplies;
  - f. Thoracostomy supplies;
  - g. Neonatal resuscitation equipment and supplies;
  - h. A neonatal size cuff (size 2, 3, or 4) for use with an automatic blood pressure monitor; and
  - i. A neonatal probe for use with a pulse oximeter;
3. On-line medical direction or on-line medical guidance provided to an interfacility neonatal mission medical team member is provided by a physician who meets the qualifications of R9-25-715(B)(2)(b)(ii); and
4. An individual does not serve on an interfacility neonatal mission medical team unless the air ambulance service's medical director has verified and attested in writing to the individual's having the proficiencies described in subsections (1)(a) and (b).

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-718. Minimum Standards for an Interfacility Maternal Mission (A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2),****and 36-2213)**

- A. This Section applies to an air ambulance service that holds itself out as providing interfacility maternal missions.
- B. An air ambulance service shall ensure that:
  1. Each interfacility maternal mission is staffed by a medical team that complies with the requirements for a critical care mission medical team in R9-25-711(A)(1) and that has the following additional qualifications:
    - a. Proficiency in advanced emergency cardiac life support, as defined in R9-25-101;
    - b. Proficiency in neonatal resuscitation; and
    - c. Proficiency in stabilization and transport of the maternal patient;
  2. Each interfacility maternal mission is conducted using an air ambulance that has the equipment and supplies required for a critical care mission in Table 1 of Article 8 of this Chapter and the following:
    - a. A Doppler fetal heart monitor;
    - b. Unless use is not indicated for the patient as determined through on-line medical direction or on-line medical guidance provided as described in subsection (B)(3), an external fetal heart and tocographic monitor with printer capability;
    - c. Tocolytic and anti-hypertensive medications;
    - d. Advanced emergency cardiac life support equipment and supplies; and
    - e. Neonatal resuscitation equipment and supplies;
  3. On-line medical direction or on-line medical guidance provided to an interfacility maternal mission medical team member is provided by a physician who meets the qualifications of R9-25-715(B)(2)(b)(i); and
  4. An individual does not serve on an interfacility maternal mission medical team unless the air ambulance service's medical director has verified and attested in writing to the individual's having the proficiencies described in subsections (B)(1)(a), (b), and (c).

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**ARTICLE 8. AIR AMBULANCE REGISTRATION**

*Article 8, consisting of R9-25-801 through R9-25-808, recodified to Article 5 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).*

*Editor's Note: Article 8, consisting of Sections R9-25-801 through R9-25-803 and Exhibits, was recodified from A.A.C. R9-13-1501 through R9-13-1503. These recodified Sections were originally filed under an exemption from A.R.S. Title 41, Chapter 6. Refer to the historical notes in 9 A.A.C. 13 for adoption dates (Supp. 98-1).*

*Article 8, consisting of Section R9-25-805 and Exhibits 1 through 3, was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 36-2205(C). Exemption from A.R.S. Title 41, Chapter 6 means that the Department did not submit these rules to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit the rules to the Governor's Regulatory Review Council for review; and the Department was not required to hold public hearings on this Section. Under A.R.S. § 36-2205(D) a person may petition the Director to amend an adopted protocol pursuant to A.R.S. § 41-1033 (Supp. 97-2).*

**R9-25-801. Definitions (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2212)**

In addition to the definitions in R9-25-701, the following definitions apply in this Article, unless otherwise specified:

## Department of Health Services – Emergency Medical Services

1. “Certificate holder” means a person who holds a current and valid certificate of registration for an air ambulance.
2. “Drug” has the same meaning as in A.R.S. § 32-1901.

**Historical Note**

R9-25-801 recodified from A.A.C. R9-13-1501 (Supp. 98-1). Amended by exempt rulemaking at 7 A.A.R. 4895, effective October 5, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-501 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-802. Requirement, Eligibility, and Application for an Initial or Renewal Certificate of Registration for an Air Ambulance (A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, and 36-2240(4))**

- A. A person shall not operate an air ambulance in this state unless the person has a current and valid air ambulance service license as required under Article 7 of this Chapter and, except as provided in A.R.S. § 36-2212(C), a current and valid certificate of registration for the air ambulance as required under this Article.
- B. To be eligible to obtain a certificate of registration for an air ambulance, an applicant shall:
  1. Hold a current and valid air ambulance service license issued under Article 7 of this Chapter;
  2. Hold the following issued by the Federal Aviation Administration for the air ambulance:
    - a. A current and valid Certificate of Registration, and
    - b. A current and valid Airworthiness Certificate;
  3. Hold a current and valid registration for the air ambulance, issued by the Arizona Department of Transportation under A.R.S. Title 28, Chapter 25, Article 4; and
  4. Comply with all applicable requirements of this Article, Articles 2 and 7 of this Chapter, and A.R.S. Title 36, Chapter 21.1.
- C. To obtain an initial or renewal certificate of registration for an air ambulance, an applicant shall submit to the Department an application completed using a Department-provided form and including:
  1. The applicant’s name, mailing address, fax number, and telephone number;
  2. All other business names used by the applicant;
  3. The applicant’s physical business address, if different from the mailing address;
  4. The following information about the air ambulance for which registration is sought:
    - a. Each mission level for which the air ambulance will be used:
      - i. Basic life support,
      - ii. Advanced life support, or
      - iii. Critical care;
    - b. Whether a fixed-wing or rotor-wing aircraft;
    - c. Number of engines;
    - d. Manufacturer name;
    - e. Model name;
    - f. Year manufactured;
    - g. Serial number;
    - h. Aircraft tail number;
    - i. Aircraft colors, including fuselage, stripe, and lettering; and
    - j. A description of any insignia, monogram, or other distinguishing characteristics of the aircraft’s appearance;
5. A copy of the following issued to the applicant, for the air ambulance, by the Federal Aviation Administration:
  - a. A current and valid Certificate of Registration, and
  - b. A current and valid Airworthiness Certificate;
6. A copy of a current and valid registration issued to the applicant, for the air ambulance, by the Arizona Department of Transportation under A.R.S. Title 28, Chapter 25, Article 4;
7. The location in Arizona at which the air ambulance will be available for inspection;
8. The name and telephone number of the individual to contact to arrange for inspection, if the inspection is preannounced;
9. Attestation that the applicant knows all applicable requirements in A.R.S. Title 36, Chapter 21.1; this Article; and Articles 2 and 7 of this Chapter;
10. Attestation that the information provided in the application, including the information in the documents accompanying the application form, is accurate and complete;
11. The dated signature of:
  - a. If the applicant is an individual, the individual;
  - b. If the applicant is a corporation, an officer of the corporation;
  - c. If the applicant is a partnership, one of the partners;
  - d. If the applicant is a limited liability company, a manager or, if the limited liability company does not have a manager, a member of the limited liability company;
  - e. If the applicant is an association or cooperative, a member of the governing board of the association or cooperative;
  - f. If the applicant is a joint venture, one of the individuals signing the joint venture agreement;
  - g. If the applicant is a governmental agency, the individual in the senior leadership position with the agency or an individual designated in writing by that individual; and
  - h. If the applicant is a business organization type other than those described in subsections (C)(11)(b) through (f), an individual who is a member of the business organization; and
12. Unless the applicant operates or intends to operate the air ambulance only as a volunteer not-for-profit service, a certified check, business check, or money order made payable to the Arizona Department of Health Services for the following fees:
  - a. A \$50 registration fee, as required under A.R.S. § 36-2212(D); and
  - b. A \$200 annual regulatory fee, as required under A.R.S. § 36-2240(4).
- D. The Department requires submission of a separate application and fees for each air ambulance.
- E. Except as provided under R9-25-805(C), the Department shall inspect each air ambulance to determine compliance with the provisions of A.R.S. Title 36, Chapter 21.1 and this Article before issuing an initial certificate of registration and at least every 12 months thereafter before issuing a renewal certificate of registration.
- F. The Department shall review and approve or deny each application as described in Article 12 of this Chapter.
- G. The Department may deny a certificate of registration for an air ambulance if the applicant:
  1. Fails to meet the eligibility requirements of R9-25-802(B);
  2. Fails or has failed to comply with any provision in A.R.S. Title 36, Chapter 21.1;



## Department of Health Services – Emergency Medical Services

3. Fails or has failed to comply with any provision in this Article or Article 2 or 7 of this Chapter;
4. Knowingly or negligently provides false documentation or false or misleading information to the Department; or
5. Fails to submit to the Department documents or information requested under R9-25-1201(B)(1) or (C)(3), as required under R9-25-1201(D), and requests a denial as permitted under R9-25-1201(E).

**Historical Note**

R9-25-802 recodified from A.A.C. R9-13-1502 (Supp. 98-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4092, effective September 1, 2001 (Supp. 01-3). Amended by exempt rulemaking at 8 A.A.R. 931, effective February 15, 2002 (Supp. 02-1). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-502 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**Exhibit 1. Repealed****Historical Note**

Section R9-25-802, Exhibit 1 recodified from A.A.C. R9-13-1502, Exhibit 1 (Supp. 98-1). Exhibit 1 repealed by exempt rulemaking at 7 A.A.R. 4895, effective October 5, 2001 (Supp. 01-4).

**Exhibit 2. Repealed****Historical Note**

Section R9-25-802, Exhibit 2 recodified from A.A.C. R9-13-1502, Exhibit 2 (Supp. 98-1). Exhibit 2 repealed by exempt rulemaking at 7 A.A.R. 4895, effective October 5, 2001 (Supp. 01-4).

**Exhibit 3. Repealed****Historical Note**

Section R9-25-802, Exhibit 3 recodified from A.A.C. R9-13-1502, Exhibit 3 (Supp. 98-1). Exhibit 3 repealed by exempt rulemaking at 7 A.A.R. 4895, effective October 5, 2001 (Supp. 01-4).

**Exhibit 4. Repealed****Historical Note**

Section R9-25-802, Exhibit 4 recodified from A.A.C. R9-13-1502, Exhibit 4 (Supp. 98-1). Exhibit 4 repealed by exempt rulemaking at 7 A.A.R. 4895, effective October 5, 2001 (Supp. 01-4).

**R9-25-803. Term and Transferability of Certificate of Registration (A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, and 41-1092.11)**

- A. The Department shall issue an initial certificate of registration:
  1. With a term of one year from date of issuance; or
  2. If requested by the applicant, with a term shorter than one year that allows for the Department to conduct annual inspections of all of the applicant's air ambulances at one time.
- B. The Department shall issue a renewal certificate of registration with a term of one year.
- C. If an applicant submits an application for renewal as described in R9-25-802 before the expiration date of the current certificate of registration, the current certificate of registration does not expire until the Department has made a final determination on the application for renewal, as provided in A.R.S. § 41-1092.11.

- D. A certificate of registration is not transferable from one person to another.
- E. If there is a change in the ownership of an air ambulance, the new owner shall apply for and obtain a new certificate of registration before operating the air ambulance in this state.

**Historical Note**

Section R9-25-803 recodified from A.A.C. R9-13-1503, (Supp. 98-1). Section repealed; new Section adopted effective November 30, 1998; filed in the Office of the Secretary of State November 24, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) (Supp. 98-4). Amended by exempt rulemaking at 7 A.A.R. 4888, effective November 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 8 A.A.R. 2625, effective June 1, 2002 (Supp. 02-2). Section recodified to R9-25-503 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**Exhibit 1. Recodified****Historical Note**

Section R9-25-803, Exhibit 1 "EMT-P Drug List" and "EMT-I Drug List" recodified from A.A.C. R9-13-1503, Exhibit 1 "EMT-P Drug List" and "EMT-I Drug List" (Supp. 98-1). Exhibit 1 repealed; new Exhibit 1 adopted effective November 30, 1998; filed in the Office of the Secretary of State November 24, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) (Supp. 98-4). Amended under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) at 6 A.A.R. 1507, effective May 1, 2000 (Supp. 00-1). Amended under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) at 6 A.A.R. 3762, effective October 1, 2000 (Supp. 00-3). Amended by exempt rulemaking at 7 A.A.R. 1654, effective March 30, 2001 (Supp. 01-1). Amended by exempt rulemaking at 8 A.A.R. 2625, effective June 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 9 A.A.R. 1703, effective May 15, 2003 (Supp. 03-2). Exhibit 1 recodified to Article 5, Exhibit 1 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).

**Exhibit 2. Recodified****Historical Note**

Exhibit 2 adopted effective November 30, 1998; filed in the Office of the Secretary of State November 24, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) (Supp. 98-4). Amended under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) at 6 A.A.R. 1507, effective May 1, 2000 (Supp. 00-1). Amended under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) at 6 A.A.R. 3762, effective October 1, 2000 (Supp. 00-3). Amended by exempt rulemaking at 7 A.A.R. 1199, effective February 13, 2001 (Supp. 01-1). Amended by exempt rulemaking at 8 A.A.R. 2625, effective June 1, 2002 (Supp. 02-2). Exhibit 2 recodified to Article 5, Exhibit 2 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).

**R9-25-804. Changes Affecting Registration (A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), and 36-2212)**

## Department of Health Services – Emergency Medical Services

- A. At least 30 days before the date of a change in a certificate holder's name, the certificate holder shall send the Department written notice of the name change.
- B. No later than 10 days after a certificate holder ceases to operate an air ambulance, the certificate holder shall send the Department written notice of the date that the certificate holder ceased to operate the air ambulance and of the desire to relinquish the certificate of registration for the air ambulance as of that date.
- C. Within 30 days after the date of receipt of a notice described in subsection (A) or (B), the Department shall:
  - 1. For a notice described in subsection (A), issue an amended certificate of registration that incorporates the name change but retains the expiration date of the current certificate of registration; and
  - 2. For a notice described in subsection (B), send the certificate holder written confirmation of the voluntary relinquishment of the certificate of registration, with an effective date that corresponds to the written notice.
- D. A certificate holder shall notify the Department in writing within one working day after a change in its eligibility to obtain a certificate of registration for an air ambulance under R9-25-802(B).

**Historical Note**

New Section made by exempt rulemaking at 7 A.A.R. 4888, effective November 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-504 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-805. Inspections (A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, and 36-2232(A)(11))**

- A. An applicant or certificate holder shall make an air ambulance available for inspection within Arizona at the request of the Department.
- B. The Department shall conduct each inspection in compliance with A.R.S. § 41-1009.
- C. As permitted under A.R.S. § 36-2232(A)(11), upon certificate holder request and at certificate holder expense, the annual inspection of an air ambulance required for renewal of a certificate of registration may be conducted by a Department-approved inspection facility.

**Historical Note**

Adopted under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C), effective May 19, 1997; filed in the Office of the Secretary of State May 21, 1997 (Supp. 97-2). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-505 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**Exhibit 1. Recodified****Historical Note**

Adopted under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C), effective May 19, 1997; filed in the Office of the Secretary of State May 21, 1997 (Supp. 97-2). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Exhibit 1 recodified to Article 5, Exhibit 1 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).

04-3).

**Exhibit 2. Recodified****Historical Note**

Adopted under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C), effective May 19, 1997; filed in the Office of the Secretary of State May 21, 1997 (Supp. 97-2). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Exhibit 2 recodified to Article 5, Exhibit 2 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).

**Exhibit 3. Repealed****Historical Note**

Adopted under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C), effective May 19, 1997; filed in the Office of the Secretary of State May 21, 1997 (Supp. 97-2). Exhibit repealed by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4).

**R9-25-806. Enforcement Actions (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), 36-2212, 36-2234(L), 41-1092.03, and 41-1092.11(B))**

- A. The Department may take an action listed in subsection (B) against a certificate holder's certificate of registration if the certificate holder:
  - 1. Fails or has failed to meet the eligibility requirements of R9-25-802(B);
  - 2. Fails or has failed to comply with any provision in A.R.S. Title 36, Chapter 21.1;
  - 3. Fails or has failed to comply with any provision in this Article or Article 2 or 7 of this Chapter; or
  - 4. Knowingly or negligently provides false documentation or false or misleading information to the Department.
- B. The Department may take the following actions against a certificate holder's certificate of registration:
  - 1. After notice and an opportunity to be heard is provided under A.R.S. Title 41, Chapter 6, Article 10, revoke the certificate of registration; and
  - 2. In case of emergency, if the Department determines that a potential threat to the public health and safety exists and incorporates a finding to that effect in its order, immediately suspend the certificate of registration as authorized under A.R.S. § 36-2234(L).
- C. In determining whether to take action under subsection (B), the Department shall consider:
  - 1. The severity of each violation relative to public health and safety;
  - 2. The number of violations relative to the transport volume of the air ambulance service;
  - 3. The nature and circumstances of each violation;
  - 4. Whether each violation was corrected and, if so, the manner of correction; and
  - 5. The duration of each violation.

**Historical Note**

New Section made by exempt rulemaking at 7 A.A.R. 4895, effective October 5, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-506 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-807. Minimum Standards for an Air Ambulance**

## Department of Health Services – Emergency Medical Services

**(A.R.S. §§ 36-2202(A)(3), (4), and (5); 36-2209(A)(2); and 36-2212)**

- A.** An applicant or certificate holder shall ensure that an air ambulance has:
1. A climate control system to prevent temperature extremes that would adversely affect patient care;
  2. If a fixed-wing air ambulance, pressurization capability;
  3. Interior lighting that allows for patient care and monitoring without interfering with the pilot's vision;
  4. For each place where a patient may be positioned, at least one electrical power outlet or other power source that is capable of operating all electrically powered medical equipment without compromising the operation of any electrical aircraft equipment;
  5. A back-up source of electrical power or batteries capable of operating all electrically powered life-support equipment for at least one hour;
  6. An entry that allows for patient loading and unloading without rotating a patient and stretcher more than 30 degrees about the longitudinal axis or 45 degrees about the lateral axis and without compromising the operation of monitoring systems, intravenous lines, or manual or mechanical ventilation;
  7. A configuration that allows each medical team member sufficient access to each patient to begin and maintain treatment modalities, including complete access to the patient's head and upper body for effective airway management;
  8. A configuration that allows for rapid exit of personnel and patients, without obstruction from stretchers and medical equipment;
  9. A configuration that protects the aircraft's flight controls, throttles, and communications equipment from any intentional or accidental interference from a patient or equipment and supplies;
  10. A padded interior or an interior that is clear of objects or projections in the head strike envelope;
  11. An installed self-activating emergency locator transmitter;
  12. A voice communications system that:
    - a. Is capable of air-to-ground communication, and
    - b. Allows the flight crew and medical team members to communicate with each other during flight;
  13. Interior patient compartment wall and floor coverings that are:
    - a. Free of cuts or tears,
    - b. Capable of being disinfected, and
    - c. Maintained in a sanitary manner; and
  14. If a rotor-wing air ambulance, the following:
    - a. A searchlight that:
      - i. Has a range of motion of at least 90 degrees vertically and 180 degrees horizontally,
      - ii. Is capable of illuminating a landing site, and
      - iii. Is located so that the pilot can operate the searchlight without removing the pilot's hands from the aircraft's flight controls;
    - b. Restraining devices that can be used to prevent a patient from interfering with the pilot or the aircraft's flight controls; and
    - c. A light to illuminate the tail rotor.
- B.** An applicant or certificate holder shall ensure that:
1. Except as provided in subsection (C), each air ambulance has the equipment and supplies required in Table 1 for each mission level for which the air ambulance is used; and
  2. The equipment and supplies on an air ambulance are secured, stored, and maintained in a manner that prevents hazards to personnel and patients.
- C.** A certificate holder may conduct an interfacility critical care mission using an air ambulance that does not have all of the equipment and supplies required in Table 1 for the mission level if:
1. Care of the patient to be transported necessitates use of life-support equipment that because of its size or weight or both makes it unsafe or impossible for the air ambulance to carry all of the equipment and supplies required in Table 1 for the mission level, as determined by the certificate holder based upon:
    - a. The individual aircraft's capabilities,
    - b. The size and weight of the equipment and supplies required in Table 1 and of the additional life-support equipment,
    - c. The composition of the required medical team, and
    - d. Environmental factors such as density altitude;
  2. The certificate holder ensures that, during the mission, the air ambulance has the equipment and supplies necessary to provide an appropriate level of medical care for the patient and to protect the health and safety of the personnel on the mission;
  3. The certificate holder ensures that, during the mission, the air ambulance is not directed by the air ambulance service or another person to conduct another mission before returning to a base location;
  4. The certificate holder ensures that the air ambulance is not used for another mission until the air ambulance has all of the equipment and supplies required in Table 1 for the mission level; and
  5. Within five working days after each interfacility critical care mission conducted as permitted under subsection (C), the certificate holder creates a record that includes the information required under R9-25-710(A)(8), a description of the life-support equipment used on the mission, a list of the equipment and supplies required in Table 1 that were removed from the air ambulance for the mission, and the justification for conducting the mission as permitted under subsection (C).

**Historical Note**

New Section made by exempt rulemaking at 8 A.A.R. 2633, effective June 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-507 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**Table 8.1. Minimum Equipment and Supplies Required on Air Ambulances, By Mission Level and Aircraft Type (Authorized by A.R.S. §§ 36-2202(A)(3), (4), and (5); 36-2209(A)(2); and 36-2212)**

X = Required

ALS = Advanced Life Support Mission

BLS = Basic Life Support Mission

CC = Critical Care Mission

FW = Fixed-Wing Aircraft

RW = Rotor-Wing Aircraft

## Department of Health Services – Emergency Medical Services

MINIMUM EQUIPMENT AND SUPPLIES	FW	RW	BLS	ALS	CC
<b>A. Ventilation and Airway Equipment</b>					
1. Portable and fixed suction apparatus, with wide-bore tubing, rigid pharyngeal curved suction tip, tonsillar and flexible suction catheters, 5F-14F	X	X	X	X	X
2. Portable and fixed oxygen equipment, with variable flow regulators	X	X	X	X	X
3. Oxygen administration equipment, including tubing; non-rebreathing masks (adult and pediatric sizes); and nasal cannulas (adult and pediatric sizes)	X	X	X	X	X
4. Bag-valve mask, with hand-operated, self-reexpanding bag (adult size), with oxygen reservoir/accumulator; mask (adult, pediatric, infant, and neonate sizes); and valve	X	X	X	X	X
5. Airways, oropharyngeal (adult, pediatric, and infant sizes)	X	X	X	X	X
6. Laryngoscope handle with extra batteries and bulbs, adult and pediatric	X	X	-	X	X
7. Laryngoscope blades, sizes 0, 1, and 2, straight; sizes 3 and 4, straight and curved	X	X	-	X	X
8. Endotracheal tubes, sizes 2.5-5.0 mm cuffed or uncuffed and 6.0-8.0 mm cuffed	X	X	-	X	X
9. Meconium aspirator	X	X	-	X	X
10. 10 mL straight-tip syringes	X	X	-	X	X
11. Stylettes for Endotracheal tubes, adult and pediatric	X	X	-	X	X
12. Magill forceps, adult and pediatric	X	X	-	X	X
13. Nasogastric tubes, sizes 5F and 8F, Salem sump sizes 14F and 18F	X	X	-	X	X
14. End-tidal CO <sub>2</sub> detectors, colorimetric or quantitative	X	X	-	X	X
15. Portable automatic ventilator with positive end expiratory pressure	X	X	-	X	X
<b>B. Monitoring and Defibrillation</b>					
1. Automatic external defibrillator	X	X	X	-	-
2. Portable, battery-operated monitor/defibrillator, with tape write-out/recorder, defibrillator pads, adult and pediatric paddles or hands-free patches, ECG leads, adult and pediatric chest attachment electrodes, and capability to provide electrical discharge below 25 watt-seconds	X	X	-	X	X
3. Transcutaneous cardiac pacemaker, either stand-alone unit or integrated into monitor/defibrillator	X	X	-	X	X
<b>C. Immobilization Devices</b>					
1. Cervical collars, rigid, adjustable or in an assortment of adult and pediatric sizes	-	X	X	X	X
2. Head immobilization device, either firm padding or another commercial device	-	X	X	X	X
3. Lower extremity (femur) traction device, including lower extremity, limb support slings, padded ankle hitch, padded pelvic support, and traction strap	-	X	X	X	X
4. Upper and lower extremity immobilization splints	-	X	X	X	X
<b>D. Bandages</b>					
1. Burn pack, including standard package, clean burn sheets	X	X	X	X	X
2. Dressings, including sterile multi-trauma dressings (various large and small sizes); abdominal pads, 10" x 12" or larger; and 4" x 4" gauze sponges	X	X	X	X	X
3. Gauze rolls, sterile (4" or larger)	X	X	X	X	X
4. Elastic bandages, non-sterile (4" or larger)	X	X	X	X	X
5. Occlusive dressing, sterile, 3" x 8" or larger	X	X	X	X	X
6. Adhesive tape, including various sizes (1" or larger) hypoallergenic and various sizes (1" or larger) adhesive	X	X	X	X	X
<b>E. Obstetrical</b>					
1. Obstetrical kit (separate sterile kit), including towels, 4" x 4" dressing, umbilical tape, sterile scissors or other cutting utensil, bulb suction, clamps for cord, sterile gloves, at least 4 blankets, and a head cover	X	X	X	X	X
2. An alternate portable patient heat source or 2 heat packs	X	X	X	X	X
<b>F. Miscellaneous</b>					
1. Sphygmomanometer (infant, pediatric, and adult regular and large sizes)	X	X	X	X	X
2. Stethoscope	X	X	X	X	X
3. Pediatric equipment sizing reference guide	X	X	X	X	X

## Department of Health Services – Emergency Medical Services

4. Thermometer with low temperature capability	X	X	X	X	X
5. Heavy bandage or paramedic scissors for cutting clothing, belts, and boots	X	X	X	X	X
6. Cold packs	X	X	X	X	X
7. Flashlight (1) with extra batteries	X	X	X	X	X
8. Blankets	X	X	X	X	X
9. Sheets	X	X	X	X	X
10. Disposable emesis bags or basins	X	X	X	X	X
11. Disposable bedpan	X	X	X	X	X
12. Disposable urinal	X	X	X	X	X
13. Properly secured patient transport system	X	X	X	X	X
14. Lubricating jelly (water soluble)	X	X	X	X	X
15. Small volume nebulizer	X	X	-	X	X
16. Glucometer or blood glucose measuring device with reagent strips	X	X	X	X	X
17. Pulse oximeter with pediatric and adult probes	X	X	X	X	X
18. Automatic blood pressure monitor	X	X	X	X	X
<b>G. Infection Control (Latex-free equipment shall be available)</b>					
1. Eye protection (full peripheral glasses or goggles, face shield)	X	X	X	X	X
2. Masks	X	X	X	X	X
3. Gloves, non-sterile	X	X	X	X	X
4. Jumpsuits or gowns	X	X	X	X	X
5. Shoe covers	X	X	X	X	X
6. Disinfectant hand wash, commercial antimicrobial (towelette, spray, or liquid)	X	X	X	X	X
7. Disinfectant solution for cleaning equipment	X	X	X	X	X
8. Standard sharps containers	X	X	X	X	X
9. Disposable red trash bags	X	X	X	X	X
10. High-efficiency particulate air mask	X	X	X	X	X
<b>H. Injury Prevention Equipment</b>					
1. Appropriate restraints (such as seat belts) for patient, personnel, and family members	X	X	X	X	X
2. Child safety restraints	X	X	X	X	X
3. Safety vest or other garment with reflective material for each personnel member	-	X	X	X	X
4. Fire extinguisher	X	X	X	X	X
5. Hazardous material reference guide	X	X	X	X	X
6. Hearing protection for patient and personnel	X	X	X	X	X
<b>I. Vascular Access</b>					
1. Intravenous administration equipment, with fluid in bags	X	X	-	X	X
2. Antiseptic solution (alcohol wipes and povidone-iodine wipes)	X	X	-	X	X
3. Intravenous pole or roof hook	X	X	-	X	X
4. Intravenous catheters 14G-24G	X	X	-	X	X
5. Intraosseous needles	X	X	-	X	X
6. Venous tourniquet	X	X	-	X	X
7. One of each of the following types of intravenous solution administration sets: a. A set with blood tubing, b. A set capable of delivering 60 drops per cc, and c. A set capable of delivering 10 or 15 drops per cc	X	X	-	X	X
8. Intravenous arm boards, adult and pediatric	X	X	-	X	X
9. IV pump or pumps (minimum of 3 infusion lines)	X	X	-	X	X
10. IV pressure bag	X	X	-	X	X
<b>J. Medications</b>					
1. Agents required in Tables 5.2 and, if applicable, 5.3 for the EMCT classification	X	X	X	X	X

**Historical Note**

New Table 8.1 renumbered from Table 1 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Table 1. Renumbered**

to Table 8.1 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Historical Note**

New Table 1 made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Table 1 renumbered

**R9-25-808. Recodified**

## Department of Health Services – Emergency Medical Services

**Historical Note**

New Section made by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-508 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).

**ARTICLE 9. GROUND AMBULANCE CERTIFICATE OF NECESSITY****R9-25-901. Definitions (Authorized by A.R.S. § 36-2202 (A))**

In addition to the definitions in A.R.S. § 36-2201 and R9-25-101, the following definitions apply in Articles 9, 10, 11, and 12 unless otherwise specified:

1. “Adjustment” means a modification, correction, or alteration to a rate or charge.
2. “ALS base rate” means the monetary amount assessed to a patient according to A.R.S. § 36-2239(F).
3. “Ambulance Revenue and Cost Report” means Exhibit A or Exhibit B, which records and reports the financial activities of an applicant or a certificate holder.
4. “Application packet” means the fee, documents, forms, and additional information the Department requires to be submitted by an applicant or on an applicant’s behalf.
5. “Back-up agreement” means a written arrangement between a certificate holder and a neighboring certificate holder for temporary coverage during limited times when the neighboring certificate holder’s ambulances are not available for service in its service area.
6. “BLS base rate” means the monetary amount assessed to a patient according to A.R.S. § 36-2239(G).
7. “Certificate holder” means a person to whom the Department issues a certificate of necessity.
8. “Certificate of registration” means an authorization issued by the Department to a certificate holder to operate a ground ambulance vehicle.
9. “Change of ownership” means:
  - a. In the case of ownership by a sole proprietor, 20% or more interest or a beneficial interest is sold or transferred;
  - b. In the case of ownership by a partnership or a private corporation, 20% or more of the stock, interest, or beneficial interest is sold or transferred; or
  - c. The controlling influence changes to the extent that the management and control of the ground ambulance service is significantly altered.
10. “Charge” means the monetary amount assessed to a patient for disposable supplies, medical supplies, medication, and oxygen-related costs.
11. “Chassis” means the part of a ground ambulance vehicle consisting of all base components, including front and rear suspension, exhaust system, brakes, engine, engine hood or cover, transmission, front and rear axles, front fenders, drive train and shaft, fuel system, engine air intake and filter, accelerator pedal, steering wheel, tires, heating and cooling system, battery, and operating controls and instruments.
12. “Convalescent transport” means a scheduled transport other than an interfacility transport.
13. “Dispatch” means the direction to a ground ambulance service or vehicle to respond to a call for EMS or transport.
14. “Driver’s compartment” means the part of a ground ambulance vehicle that contains the controls and instruments for operation of the ground ambulance vehicle.
15. “Financial statements” means an applicant’s balance sheet, annual income statement, and annual cash flow statement.
16. “Frame” means the structural foundation on which a ground ambulance vehicle chassis is constructed.
17. “General public rate” means the monetary amount assessed to a patient by a ground ambulance service for ALS, BLS, mileage, standby waiting, or according to a subscription service contract.
18. “Generally accepted accounting principles” means the conventions, and rules and procedures for accounting, including broad and specific guidelines, established by the Financial Accounting Standards Board.
19. “Goodwill” means the difference between the purchase price of a ground ambulance service and the fair market value of the ground ambulance service’s identifiable net assets.
20. “Gross revenue” means:
  - a. The sum of revenues reported in the Ambulance Revenue and Cost Report Exhibit A, page 2, lines 1, 9, and 20; or
  - b. The sum of revenues reported in the Ambulance Revenue and Cost Report Exhibit B, page 3, lines 1, 24, 25, and 26.
21. “Ground ambulance service” means an ambulance service that operates on land.
22. “Ground ambulance service contract” means a written agreement between a certificate holder and a person for the provision of ground ambulance service.
23. “Ground ambulance vehicle” means a motor vehicle, defined in A.R.S. § 28-101, specifically designed to transport ambulance attendants and patients on land.
24. “Indirect costs” means the cost of providing ground ambulance service that does not include the costs of equipment.
25. “Interfacility transport” means a scheduled transport between two health care institutions.
26. “Level of service” means ALS or BLS ground ambulance service, including the type of ambulance attendants used by the ground ambulance service.
27. “Major defect” means a condition that exists on a ground ambulance vehicle that requires the Department or the certificate holder to place the ground ambulance vehicle out-of-service.
28. “Mileage rate” means the monetary amount assessed to a patient for each mile traveled from the point of patient pick-up to the patient’s destination point.
29. “Minor defect” means a condition that exists on a ground ambulance vehicle that is not a major defect.
30. “Needs assessment” means a study or statistical analysis that examines the need for ground ambulance service within a service area or proposed service area that takes into account the current or proposed service area’s medical, fire, and police services.
31. “Out-of-service” means a ground ambulance vehicle cannot be operated to transport patients.
32. “Patient compartment” means the ground ambulance vehicle body part that holds a patient.
33. “Public necessity” means an identified population needs or requires all or part of the services of a ground ambulance service.
34. “Response code” means the priority assigned to a request for immediate dispatch by a ground ambulance service on the basis of the information available to the certificate holder or the certificate holder’s dispatch authority.
35. “Response time” means the difference between the time a certificate holder is notified that a need exists for immediate dispatch and the time the certificate holder’s first ground ambulance vehicle arrives at the scene. Response time does not include the time required to identify the patient’s need, the scene, and the resources necessary to meet the patient’s need.
36. “Response-time tolerance” means the percentage of actual response times for a response code and scene locality that are compliant with the response time approved by the Department for the response code and scene locality, for any 12-month period.
37. “Rural area” means a geographic region with a population of less than 40,000 residents that is not a suburban area.
38. “Scene locality” means an urban, suburban, rural, or wilderness area.

## Department of Health Services – Emergency Medical Services

39. “Scheduled transport” means to convey a patient at a pre-arranged time by a ground ambulance vehicle for which an immediate dispatch and response is not necessary.
  40. “Service area” means the geographical boundary designated in a certificate of necessity using the criteria in A.R.S. § 36-2233(E).
  41. “Settlement” means the difference between the monetary amount Medicare establishes or AHCCCS pays as an allowable rate and the general public rate a ground ambulance service assesses a patient.
  42. “Standby waiting rate” means the monetary amount assessed to a patient by a certificate holder when a ground ambulance vehicle is required to wait in excess of 15 minutes to load or unload the patient, unless the excess delay is caused by the ground ambulance vehicle or the ambulance attendants on the ground ambulance vehicle.
  43. “Subscription service” means the provision of EMS or transport by a certificate holder to a group of individuals within the certificate holder’s service area and the allocation of annual costs among the group of individuals.
  44. “Subscription service contract” means a written agreement for subscription service.
  45. “Subscription service rate” means the monetary amount assessed to a person under a subscription service contract.
  46. “Substandard performance” means a certificate holder’s:
    - a. Noncompliance with A.R.S. Title 36, Chapter 21.1, Articles 1 and 2, or 9 A.A.C. 25, or the terms of the certificate holder’s certificate of necessity, including all decisions and orders issued by the Director to the certificate holder;
    - b. Failure to ensure that an ambulance attendant complies with A.R.S. Title 36, Chapter 21.1, Articles 1 and 2, or 9 A.A.C. 25, for the level of ground ambulance service provided by the certificate holder; or
    - c. Failure to meet the requirements in 9 A.A.C. 25, Article 10.
  47. “Suburban area” means a geographic region within a 10-mile radius of an urban area that has a population density equal to or greater than 1,000 residents per square mile.
  48. “Third-party payor” means a person, other than a patient, who is financially responsible for the payment of a patient’s assessed general public rates and charges for EMS or transport provided to the patient by a ground ambulance service.
  49. “Transfer” means:
    - a. A change of ownership or type of business entity; or
    - b. To move a patient from a ground ambulance vehicle to an air ambulance.
  50. “Transport” means the conveyance of one or more patients in a ground ambulance vehicle from the point of patient pick-up to the patient’s initial destination.
  51. “Type of ground ambulance service” means an interfacility transport, a convalescent transport, or a transport that requires an immediate response.
  52. “Urban area” means a geographic region delineated as an urbanized area by the United States Department of Commerce, Bureau of the Census.
  53. “Wilderness area” means a geographic region that has a population density of less than one resident per square mile.
- A. An applicant for an initial certificate of necessity shall submit to the Department an application packet, in a Department-provided format, that includes:
    1. An application form that contains:
      - a. The legal business or corporate name, address, telephone number, and facsimile number of the ground ambulance service;
      - b. The name, title, address, e-mail address, and telephone number of the following:
        - i. Each applicant and individual responsible for managing the ground ambulance service;
        - ii. The business representative or designated manager;
        - iii. The individual to contact to access the ground ambulance service’s records required in R9-25-910; and
        - iv. The statutory agent for the ground ambulance service, if applicable;
      - c. The name, address, and telephone number of the base hospital or centralized medical direction communications center for the ground ambulance service;
      - d. The address and telephone number of the ground ambulance service’s dispatch center;
      - e. The address and telephone number of each suboperation station located within the proposed service area;
      - f. Whether the ground ambulance service is a corporation, partnership, sole proprietorship, limited liability corporation, or other;
      - g. Whether the business entity is proprietary, non-profit, or governmental;
      - h. A description of the communication equipment to be used in each ground ambulance vehicle and suboperation station;
      - i. The make and year of each ground ambulance vehicle to be used by the ground ambulance service;
      - j. The number of ambulance attendants and the type of licensure, certification, or registration for each attendant;
      - k. The proposed hours of operation for the ground ambulance service;
      - l. The type of ground ambulance service;
      - m. The level of ground ambulance service;
      - n. Acknowledgment that the applicant:
        - i. Is requesting to operate ground ambulance vehicles and a ground ambulance service in this state;
        - ii. Has received a copy of 9 A.A.C. 25 and A.R.S. Title 36, Chapter 21.1; and
        - iii. Will comply with the Department’s statutes and rules in any matter relating to or affecting the ground ambulance service;
      - o. A statement that any information or documents submitted to the Department are true and correct; and
      - p. The signature of the applicant or the applicant’s designated representative and the date signed;
    2. The following information:
      - a. Where the ground ambulance vehicles in subsection (A)(1)(i) are located within the applicant’s proposed service area;
      - b. A statement of the proposed general public rates;
      - c. A statement of the proposed charges;
      - d. The applicant’s proposed response times, response codes, and response-time tolerances for each scene locality in the proposed service area, based on the following:
        - i. The population demographics within the proposed service area;
        - ii. The square miles within the proposed service area;
        - iii. The medical needs of the population within the proposed service area;

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-902. Application for an Initial Certificate of Necessity; Provision of ALS Services; Transfer of a Certificate of Necessity (Authorized by A.R.S. §§ 36-2204, 36-2232, 36-2233(B), 36-2236(A) and (B), 36-2240)**

## Department of Health Services – Emergency Medical Services

- iv. The number of anticipated requests for each type and level of ground ambulance service in the proposed service area;
  - v. The available routes of travel within the proposed service area;
  - vi. The geographic features and environmental conditions within the proposed service area; and
  - vii. The available medical and emergency medical resources within the proposed service area;
  - e. A plan to provide temporary ground ambulance service to the proposed service area for a limited time when the applicant is unable to provide ground ambulance service to the proposed service area;
  - f. Whether a ground ambulance service currently operates in all or part of the proposed service area and if so, where; and
  - g. Whether an applicant or a designated manager:
    - i. Has ever been convicted of a felony or a misdemeanor involving moral turpitude,
    - ii. Has ever had a license or certificate of necessity for a ground ambulance service suspended or revoked by any state or political subdivision, or
    - iii. Has ever operated a ground ambulance service without the required certification or licensure in this or any other state;
  - 3. The following documents:
    - a. A description of the proposed service area by any method specified in A.R.S. § 36-2233(E) and a map that illustrates the proposed service area;
    - b. A projected Ambulance Revenue and Cost Report;
    - c. The financing agreement for all capital acquisitions exceeding \$5,000;
    - d. The source and amount of funding for cash flow from the date the ground ambulance service commences operation until the date cash flow covers monthly expenses;
    - e. Any proposed ground ambulance service contract under A.R.S. §§ 36-2232(A)(1) and 36-2234(K);
    - f. The information and documents specified in R9-25-1101, if the applicant is requesting to establish general public rates;
    - g. Any subscription service contract under A.R.S. §§ 36-2232(A)(1) and 36-2237(B);
    - h. A certificate of insurance or documentation of self-insurance required in A.R.S. § 36-2237(A) and R9-25-909;
    - i. A surety bond if required under A.R.S. § 36-2237(B); and
    - j. The applicant's and designated manager's resume or other description of experience and qualification to operate a ground ambulance service; and
  - 4. Any documents, exhibits, or statements that may assist the Director in evaluating the application or any other information or documents needed by the Director to clarify incomplete or ambiguous information or documents.
- B.** Before an applicant provides ALS, the applicant shall submit to the Department the application packet required in subsection (A) and the following:
- 1. A current written contract for ALS medical direction; and
  - 2. Proof of professional liability insurance for ALS personnel required in R9-25-909(A)(1)(b).
- C.** When requesting a transfer of a certificate of necessity:
- 1. The person wanting to transfer the certificate of necessity shall submit a letter to the Department that contains:
    - a. A request that the certificate of necessity be transferred, and
    - b. The name of the person to whom the certificate of necessity is to be transferred; and
  - 2. The person identified in subsection (C)(1)(b) shall submit:
    - a. The application packet in subsection (A); and
    - b. The information in subsection (B), if ALS is provided.
- D.** An applicant shall submit the following fees:
- 1. \$100 application filing fee for an initial certificate of necessity, or
  - 2. \$50 application filing fee for a transfer of a certificate of necessity.
- E.** The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).  
Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-903. Determining Public Necessity (A.R.S. § 36-2233(B)(2))**

- A.** In determining public necessity for an initial or amended certificate of necessity, the Director shall consider the following:
- 1. The response times, response codes, and response-time tolerances proposed by the applicant for the service area;
  - 2. The population demographics within the proposed service area;
  - 3. The geographic distribution of health care institutions within and surrounding the service area;
  - 4. Whether issuing a certificate of necessity to more than one ambulance service within the same service area is in the public's best interest, based on:
    - a. The existence of ground ambulance service to all or part of the service area;
    - b. The response times of and response-time tolerances for ground ambulance service to all or part of the service area;
    - c. The availability of certificate holders in all or part of the service area; and
    - d. The availability of emergency medical services in all or part of the service area;
  - 5. The information in R9-25-902(A)(1) and (A)(2); and
  - 6. Other matters determined by the Director or the applicant to be relevant to the determination of public necessity.
- B.** In deciding whether to issue a certificate of necessity to more than one ground ambulance service for convalescent or inter-facility transport for the same service area or overlapping service areas, the Director shall consider the following:
- 1. The factors in subsections (A)(2), (A)(3), (A)(4)(a), (A)(4)(c), (A)(4)(d), (A)(5), and (A)(6);
  - 2. The financial impact on certificate holders whose service area includes all or part of the service area in the requested certificate of necessity;
  - 3. The need for additional convalescent or interfacility transport; and
  - 4. Whether a certificate holder for the service area has demonstrated substandard performance.
- C.** In deciding whether to issue a certificate of necessity to more than one ground ambulance service for a 9-1-1 or similarly dispatched transport within the same service area or overlapping service areas, the Director shall consider the following:
- 1. The factors in subsections (A), (B)(2), and (B)(4);
  - 2. The difference between the response times in the service area and proposed response times by the applicant;
  - 3. A needs assessment adopted by a political subdivision, if any; and
  - 4. A needs assessment, referenced in A.R.S. § 36-2210, adopted by a local emergency medical services coordinating system, if any.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.



## Department of Health Services – Emergency Medical Services

1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-904. Application for Renewal of a Certificate of Necessity (A.R.S. §§ 36-2233, 36-2235, 36-2240)**

- A. An applicant for a renewal of a certificate of necessity shall submit to the Department, not less than 60 days before the expiration date of the certificate of necessity, an application packet that includes:
1. An application form that contains the information in R9-25-902(A)(1)(a) through (A)(1)(m) and the signature of the applicant;
  2. Proof of continuous insurance coverage or a statement of continuing self-insurance, including a copy of the current certificate of insurance or current statement of self-insurance required in R9-25-909;
  3. Proof of continued coverage by a surety bond if required under A.R.S. §§ 36-2237(B);
  4. A copy of the list of current charges required in R9-25-1109;
  5. An affirmation that the certificate holder has and is continuing to meet the conditions of the certificate of necessity, including assessing only those rates and charges approved and set by the Director; and
  6. \$50 application filing fee.
- B. A certificate holder who fails to file a timely application for renewal of the certificate of necessity according to A.R.S. § 36-2235 and this Section, shall cease operations at 12:01 a.m. on the date the certificate of necessity expires.
- C. To commence operations after failing to file a timely renewal application, a person shall file an initial certificate of necessity application according to R9-25-902 and meet all the requirements for an initial certificate of necessity.
- D. The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.  
1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-905. Application for Amendment of a Certificate of Necessity (A.R.S. §§ 36-2232(A)(4), 36-2240)**

- A. A certificate holder that wants to amend its certificate of necessity shall submit to the Department the application form in R9-25-902(A)(1) and an application filing fee of \$50 for changes in:
1. The legal name of the ground ambulance service;
  2. The legal address of the ground ambulance service;
  3. The level of ground ambulance service;
  4. The type of ground ambulance service;
  5. The service area; or
  6. The response times, response codes, or response-time tolerances.
- B. In addition to the application form in subsection (A), an amending certificate holder shall submit:
1. For the addition of ALS ground ambulance service, the information required in R9-25-902(B)(1) and (B)(2).
  2. For a change in the service area, the information required in R9-25-902(A)(3)(a);
  3. For a change in response times, the information required in subsection R9-25-902(A)(2)(d);
  4. A statement explaining the financial impact and impact on patient care anticipated by the proposed amendment;
  5. Any other information or documents requested by the Director to clarify incomplete or ambiguous information or documents; and
  6. Any documents, exhibits, or statements that the amending certificate holder wishes to submit to assist the Director in evaluating the proposed amendment.

- C. The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.  
1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-906. Determining Response Times, Response Codes, and Response-Time Tolerances for Certificates of Necessity and Provision of ALS Services (A.R.S. §§ 36-2232, 36-2233)**

In determining response times, response codes, and response-time tolerances for all or part of a service area, the Director may consider the following:

1. Differences in scene locality, if applicable;
2. Requirements of a 9-1-1 or similar dispatch system for all or part of the service area;
3. Requirements in a contract approved by the Department between a ground ambulance service and a political subdivision;
4. Medical prioritization for the dispatch of a ground ambulance vehicle according to procedures established by the certificate holder's medical direction authority; and
5. Other matters determined by the Director to be relevant to the measurement of response times, response codes, and response-time tolerances.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.  
1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-907. Observance of Service Area; Exceptions (A.R.S. § 36-2232)**

A certificate holder shall not provide EMS or transport within an area other than the service area identified in the certificate holder's certificate of necessity except:

1. When authorized by a service area's dispatch, before the service area's ground ambulance vehicle arrives at the scene; or
2. According to a back-up agreement.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.  
1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-908. Transport Requirements; Exceptions (A.R.S. §§ 36-2224, 36-2232)**

A certificate holder shall transport a patient except:

1. As limited by A.R.S. § 36-2224;
2. If the patient is in a health care institution and the patient's medical condition requires a level of care or monitoring during transport that exceeds the scope of practice of the ambulance attendants' certification;
3. If the transport may result in an immediate threat to the ambulance attendant's safety, as determined by the ambulance attendant, certificate holder, or medical direction authority;
4. If the patient is more than 17 years old and refuses to be transported; or
5. If the patient is in a health care institution and does not meet the federal requirements for medically necessary ground vehicle ambulance transport as identified in 42 CFR 410.40.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.  
1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-909. Certificate of Insurance or Self-Insurance (A.R.S. §§ 36-2232, 36-2233, 36-2237)**

- A. A certificate holder shall:

## Department of Health Services – Emergency Medical Services

1. Maintain with an insurance company authorized to transact business in this state:
  - a. A minimum single occurrence automobile liability insurance coverage of \$500,000 for ground ambulance vehicles; and
  - b. A minimum single occurrence malpractice or professional liability insurance coverage of \$500,000; or
2. Be self-insured for the amounts in subsection (A)(1).
- B.** A certificate holder shall submit to the Department:
  1. A copy of the certificate of insurance; or
  2. Documentation of self-insurance.
- C.** A certificate holder shall submit a copy of the certificate of insurance to the Department no later than five days after the date of issuance of:
  1. A renewal of the insurance policy; or
  2. A change in insurance coverage or insurance company.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-910. Record and Reporting Requirements (A.R.S. §§ 36-2232, 36-2241, 36-2246)**

- A.** A certificate holder shall submit to the Department, no later than 180 days after the certificate holder's fiscal year end, the appropriate Ambulance Revenue and Cost Report.
- B.** According to A.R.S. § 36-2241, a certificate holder shall maintain the following records for the Department's review and inspection:
  1. The certificate holder's financial statements;
  2. All federal and state income tax records;
  3. All employee-related expense reports and payroll records;
  4. All bank statements and documents verifying reconciliation;
  5. All documents establishing the depreciation of assets, such as schedules or accounting records on ground ambulance vehicles, equipment, office furniture, and other plant and equipment assets subject to depreciation;
  6. All first care forms required in R9-25-514 and R9-25-615;
  7. All patient billing and reimbursement records;
  8. All dispatch records, including the following:
    - a. The name of the ground ambulance service;
    - b. The month of the record;
    - c. The date of each transport;
    - d. The number assigned to the ground ambulance vehicle by the certificate holder;
    - e. Names of the ambulance attendants;
    - f. The scene;
    - g. The actual response time;
    - h. The response code;
    - i. The scene locality;
    - j. Whether the scene to which the ground ambulance vehicle is dispatched is outside of the certificate holder's service area; and
    - k. Whether the dispatch is a scheduled transport;
  9. All ground ambulance service back-up agreements, contracts, grants, and financial assistance records related to ground ambulance vehicles, EMS, and transport;
  10. All written ground ambulance service complaints; and
  11. Information about destroyed or otherwise irretrievable records in a file including:

- a. A list of each record destroyed or otherwise irretrievable;
- b. A description of the circumstances under which each record became destroyed or otherwise irretrievable; and
- c. The date each record was destroyed or became otherwise irretrievable.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-911. Ground Ambulance Service Advertising (A.R.S. § 36-2232)**

- A.** A certificate holder shall not advertise that it provides a type or level of ground ambulance service or operates in a service area different from that granted in the certificate of necessity.
- B.** When advertising, a certificate holder shall not direct the circumvention of the use of 9-1-1 or another similarly designated emergency telephone number.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-912. Disciplinary Action (A.R.S. §§ 36-2244, 36-2245)**

- A.** After notice and opportunity to be heard is given according to the procedures in A.R.S. Title 41, Chapter 6, Article 10, a certificate of necessity may be suspended, revoked, or other disciplinary action taken for the following reasons:
  1. The certificate holder has:
    - a. Demonstrated substandard performance; or
    - b. Been determined not to be fit and proper by the Director;
  2. The certificate holder has provided false information or documents:
    - a. On an application for a certificate of necessity;
    - b. Regarding any matter relating to its ground ambulance vehicles or ground ambulance service; or
    - c. To a patient, third-party payor, or other person billed for service; or
  3. The certificate holder has failed to:
    - a. Comply with the applicable requirements of A.R.S. Title 36, Chapter 21.1, Articles 1 and 2 or 9 A.A.C. 25; or
    - b. Comply with any term of its certificate of necessity or any rates and charges schedule filed by the certificate holder and approved by the Department.
- B.** In determining the type of disciplinary action to impose under A.R.S. § 36-2245, the Director shall consider:
  1. The severity of the violation relative to public health and safety;
  2. The number of violations relative to the annual transport volume of the certificate holder;
  3. The nature and circumstances of the violation;
  4. Whether the violation was corrected, the manner of correction, and the time-frame involved; and
  5. The impact of the penalty or assessment on the provision of ground ambulance service in the certificate holder's service area.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

## Department of Health Services – Emergency Medical Services

**Exhibit 9A. Ambulance Revenue and Cost Report, General Information and Certification**

Legal Name of Company: \_\_\_\_\_ CON No. \_\_\_\_\_  
 D.B.A. (Doing Business As): \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_  
 Financial Records Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Mailing Address (If Different): \_\_\_\_\_ City: \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Owner/Manager: \_\_\_\_\_  
 Report Contact Person: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_ Ext. \_\_\_\_\_  
 Report for Period From: \_\_\_\_\_ To: \_\_\_\_\_  
 Method of Valuing Inventory: LIFO: ( ) FIFO: ( ) Other (Explain): \_\_\_\_\_

Please attach a list of all affiliated organizations (parents/subsidiaries) that exhibit at least 5% ownership/ vesting.

***CERTIFICATION***

*I hereby certify that I have directed the preparation of the Arizona Ambulance Revenue and Cost Report for the facility listed above in accordance with the reporting requirements of the State of Arizona.*

*I have read this report and hereby certify that the information provided is true and correct to the best of my knowledge.*

***This report has been prepared using the accrual basis of accounting.***

*Authorized Signature:* \_\_\_\_\_

*Title:* \_\_\_\_\_ *Date:* \_\_\_\_\_

Mail to:

Department of Health Services  
 Bureau of Emergency Medical Services and Trauma System  
 Certificate of Necessity and Rates Section  
 150 North 18th Avenue, Suite 540, Phoenix, AZ 85007  
 Telephone: (602) 364-3150; Fax: (602) 364-3567

Revised December 2013

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

STATISTICAL SUPPORT DATA

Line No.	DESCRIPTION	(1) SUBSCRIPTION SERVICE TRANSPORTS	(2)** TRANSPORTS UNDER CONTRACT	(3) TRANSPORTS NOT UNDER CONTRACT	(4) TOTALS
01	Number of ALS Billable Runs . . . . .	_____	_____	_____	_____
02	Number of BLS Billable Runs . . . . .	_____	_____	_____	_____
03	Number of Loaded Billable Miles . . . . .	_____	_____	_____	_____
04	Waiting Time (Hr. & Min.) . . . . .	_____	_____	_____	_____
05	Total Canceled (Non-Billable) Runs . . . . .	_____	_____	_____	_____
					Number
	Volunteer Services: (OPTIONAL)				Donated Hours
06	Paramedic and IEMT . . . . .				_____
07	Emergency Medical Technician - B . . . . .				_____
08	Other Ambulance Attendants . . . . .				_____
09	Total Volunteer Hours . . . . .				_____

\*\*This column reports only those runs where a contracted discount rate was applied. See Page 7 to provide additional information regarding discounted contract runs.

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

STATISTICAL SUPPORT DATA

Line No.	TYPE OF SERVICE	(1) SUBSIDIZED PATIENTS	(2) NON- SUBSIDIZED PATIENTS	(3) TOTALS
01	Number of Advanced Life Support Billable Runs .....	_____	_____	_____
02	Number of Basic Life Support Billable Runs .....	_____	_____	_____
03	Number of Loaded Billable Miles .....	_____	_____	_____
04	Waiting Time (Hours and Minutes) .....	_____	_____	_____
05	Total Canceled (Non-Billable) Runs .....	_____	_____	_____
				Number
	Volunteer Services: (OPTIONAL)			Donated Hours
06	Paramedic, EMT-I(99), and AEMT .....			_____
07	Emergency Medical Technician (EMT) .....			_____
08	Other Ambulance Attendants .....			_____
09	Total Volunteer Hours .....			_____

Note: This page and page 3.1, Routine Operating Revenue, are only for those governmental agencies that apply subsidy to patient billings.

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

STATEMENT OF INCOME

<u>Line</u> <u>No.</u>	<u>DESCRIPTION</u>	<u>FROM</u>	
	Operating Revenue:		
01	Ambulance Service Routine Operating Revenue . . . . .	Page 3 Line 10	\$ _____
	Less:		
02	AHCCCS Settlement . . . . .		_____
03	Medicare Settlement. . . . .		_____
04	Contractual Discounts. . . . .	Page 7 Line 22	_____
05	Subscription Service Settlement. . . . .	Page 8 Line 4	_____
06	Other (Attach Schedule). . . . .		_____
07	Total . . . . .		_____
08	Net Revenue from Ambulance Runs . . . . .		\$ _____
09	Sales of Subscription Service Contracts. . . . .	Page 8 Line 8	_____
10	Total Operating Revenue . . . . .		\$ _____
	Ambulance Operating Expenses:		
11	Bad Debt (Includes Subscription Services Bad Debt) . . .		\$ _____
12	Wages, Payroll Taxes, and Employee Benefits. . . . .	Page 4 Line 22	_____
13	General and Administrative Expenses . . . . .	Page 5 Line 20	_____
14	Cost of Goods Sold. . . . .	Page 3 Line 15	_____
15	Other Operating Expenses . . . . .	Page 6 Line 28	_____
16	Interest Expense (Attach Schedule IV) . . . . .	Page 14 CI 4 & 5 Line 28	_____
17	Subscription Service Direct Selling . . . . .	Page 8 Line 23	_____
18	Total Operating Expenses . . . . .		_____
19	Ambulance Service Income (Loss) (Line 10 minus Line 18) . . . . .		\$ _____
	Other Revenue/Expenses:		
20	Other Operating Revenue and Expenses . . . . .	Page 9 Line 17	\$ _____
21	Non-Operating Revenue and Expense . . . . .		_____
22	Non-Deductible Expenses (Attach Schedule). . . . .		_____
23	Total Other Revenues/Expenses . . . . .		_____
24	Ambulance Service Income (Loss) - Before Income Taxes . . . . .		\$ _____
	Provision for Income Taxes:		
25	Federal Income Tax. . . . .		\$ _____
26	State Income Tax. . . . .		_____
27	Total Income Tax . . . . .		_____
28	Ambulance Service - Net Income (Loss) . . . . .		\$ _____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

ROUTINE OPERATING REVENUE

Line

No. DESCRIPTION

Ambulance Service Routine Operating Revenue:		
01	ALS Base Rate. . . . .	\$ _____
02	BLS Base Rate. . . . .	_____
03	Mileage Charge. . . . .	_____
04	Waiting Charge. . . . .	_____
05	Medical Supplies (Gross Charges). . . . .	_____
06	Nurses Charges. . . . .	_____
07	Total . . . . .	\$ _____
08	Standby Revenue (Attach Schedule) . . . . .	_____
09	Other Ambulance Service Revenue (Attach Schedule) . . . . .	_____
10	Total Ambulance Service Routine Operating Revenue (To Page 2, Line 01) . . .	\$ _____

COST OF GOODS SOLD: (MEDICAL SUPPLIES)

11	Inventory at Beginning of Year . . . . .	_____
12	Plus Purchases. . . . .	_____
13	Plus Other Costs. . . . .	_____
14	Less Inventory at End of Year. . . . .	( _____ )
15	Cost of Goods Sold (To Page 2, Line 14). . . . .	\$ _____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

ROUTINE OPERATING REVENUE

Line No.	TYPE OF SERVICE	(1) SUBSIDIZED PATIENTS	(2) NON- SUBSIDIZED PATIENTS	(3) TOTALS
<b>AMBULANCE SERVICE OPERATING REVENUE</b>				
01	ALS Base Rate . . . . .	\$ _____	\$ _____	\$ _____
02	BLS Base Rate . . . . .	_____	_____	_____
03	Mileage Charge . . . . .	_____	_____	_____
04	Waiting Charge . . . . .	_____	_____	_____
05	Medical Supplies (Gross Charges). . . . .	_____	_____	_____
06	Nurses' Charges. . . . .	_____	_____	_____
07	Total . . . . .	\$ _____	\$ _____	\$ _____
08	Standby Revenue (Attach Schedule) . . . . .			_____
09	Other Ambulance Service Revenue (Attach Schedule) . . . . .			_____
10	Total Ambulance Service Routine Operating Revenue (Column 3 to Page 2, Line 01) . . . . .			\$ _____
Less:				
11	AHCCCS Settlement . . . . .	\$ _____	\$ _____	\$ _____
12	Medicare Settlement . . . . .	_____	_____	_____
13	Subsidy . . . . .	_____	XXXXXXXXXXXXXX	_____
14	Other (Attach Schedule) . . . . .	_____	_____	_____
15	Total Settlements (Column 3 to Page 2, Line 06) . . . . .	\$ _____	\$ _____	\$ _____
<b>Cost of Goods Sold:</b>				
16	Inventory at Beginning of Year. . . . .			\$ _____
17	Plus Purchases. . . . .			_____
18	Plus Other Costs . . . . .			_____
19	Less Inventory at End of Year. . . . .			( _____ )
20	Cost of Goods Sold (Column 3 to Page 2, Line 14) . . . . .			\$ _____



## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

WAGES, PAYROLL TAXES, AND EMPLOYEE BENEFITS

Line No.	DESCRIPTION	No. of *F.T.E.s	AMOUNT
01	Gross Wages - OFFICERS/OWNERS (Attach Schedule I, Page 10, Line 7) .....	_____	\$ _____
02	Payroll Taxes .....	_____	_____
03	Employee Fringe Benefits .....	_____	_____
04	Total .....	_____	\$ _____
05	Gross Wages - MANAGEMENT (Attach Schedule II) .....	_____	\$ _____
06	Payroll Taxes .....	_____	_____
07	Employee Fringe Benefits .....	_____	_____
08	Total .....	_____	\$ _____
<b>Gross Wages - AMBULANCE PERSONNEL (Attach Schedule II)</b>			
	**Casual Labor	Wages	
09	Paramedic, EMT-I(99) and AEMT ..	_____	\$ _____
10	Emergency Medical Technician (EMT). _____	_____	_____
11	Nurses. ....	_____	_____
12	Payroll Taxes. ....	_____	_____
13	Employee Fringe Benefits .....	_____	_____
14	Total. ....	_____	\$ _____
<b>Gross Wages - OTHER PERSONNEL (Attach Schedule II)</b>			
15	Dispatch. ....	_____	\$ _____
16	Mechanics .....	_____	_____
17	Office and Clerical .....	_____	_____
18	Other .....	_____	_____
19	Payroll Taxes. ....	_____	_____
20	Employee Fringe Benefits .....	_____	_____
21	Total. ....	_____	\$ _____
22	Total F.T.E.s' Wages, Payroll Taxes, & Employee Benefits (To Page 2, Line 12) .....	_____	\$ _____

\* Full-time equivalents (F.T.E.) is the sum of all hours for which employee wages were paid during the year divided by 2,080.

\*\* The sum of Casual Labor (wages paid on a per run basis) plus Wages paid is entered in Column 2 by line item. However, when calculating F.T.E.s, do not include casual labor hours worked or expenses incurred.

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

WAGES, PAYROLL TAXES, AND EMPLOYEE BENEFITS

Line No.	DESCRIPTION	(1) No. of *F.T.E.s	(2) Total Expenditure	(3) Allocation Percentage	(4) Ambulance Amount
01	Gross Wages - Management (Attach Schedule II) . . . . .	_____	\$ _____	_____	_____
02	Payroll Taxes. . . . .	_____	_____	_____	_____
03	Employee Fringe Benefits. . . . .	_____	_____	_____	_____
04	Total . . . . .	_____	\$ _____	_____	_____
<b>Gross Wages - Ambulance Personnel (Attach Schedule I):</b>					
		<u>**Contractual</u>	<u>Wages</u>		
05	Paramedic, EMT-I(99) and AEMT . . . . .	_____	\$ _____	_____	_____
06	Emergency Medical Technician (EMT) . . . . .	_____	_____	_____	_____
07	Nurses. . . . .	_____	_____	_____	_____
08	Drivers. . . . .	_____	_____	_____	_____
09	Payroll Taxes. . . . .	_____	_____	_____	_____
10	Employee Fringe Benefits. . . . .	_____	_____	_____	_____
11	Total. . . . .	_____	\$ _____	_____	_____
<b>Gross Wages - Other Personnel (Attach Schedule II):</b>					
12	Dispatch. . . . .	_____	\$ _____	_____	_____
13	Mechanics . . . . .	_____	_____	_____	_____
14	Office and Clerical . . . . .	_____	_____	_____	_____
15	Other . . . . .	_____	_____	_____	_____
16	Payroll Taxes. . . . .	_____	_____	_____	_____
17	Employee Fringe Benefits. . . . .	_____	_____	_____	_____
18	Total. . . . .	_____	\$ _____	_____	_____
19	Total F.T.E.s' Wages, Payroll Taxes, and Employee Benefits (To Page 2, Line 12)	_____	\$ _____	_____	_____

\* Full-Time Equivalents (F.T.E.) is the sum of all hours for which employee wages were paid during the year divided by 2,080.

\*\* The sum of Contractual + Wages paid is entered in Column 2 by line item. However, when calculating F.T.E.s, do not include contractual hours worked or expenses incurred.

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

WAGES, PAYROLL TAXES, AND EMPLOYEE BENEFITS

Line No.	<u>DESCRIPTION</u>	<u>Basis of Allocations</u>	
01	Gross Wages - Management .....	_____	
02	Payroll Taxes .....	_____	
03	Employee Fringe Benefits .....	_____	
04	Total .....	_____	
 <b>Gross Wages - Ambulance Personnel:</b>			
		<u>Contractual</u>	<u>Wages</u>
05	Paramedic, EMT-I(99) and AEMT .....	_____	_____
06	Emergency Medical Technician (EMT) .....	_____	_____
06	Emergency Medical Technician (EMT) .....	_____	_____
07	Nurses .....	_____	_____
08	Drivers .....	_____	_____
09	Payroll Taxes .....	_____	_____
10	Employee Fringe Benefits .....	_____	_____
11	Total .....	_____	_____
 <b>Gross Wages - Other Personnel:</b>			
12	Dispatch .....	_____	
13	Mechanics .....	_____	
14	Office and Clerical .....	_____	
15	Other .....	_____	
16	Payroll Taxes .....	_____	
17	Employee Fringe Benefits .....	_____	
18	Total .....	_____	

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

GENERAL AND ADMINISTRATIVE EXPENSES

Line

**No. DESCRIPTION****Professional Services:**

01	Legal Fees .....	\$	_____
02	Collection Fees .....		_____
03	Accounting and Auditing .....		_____
04	Data Processing Fees .....		_____
05	Other (Attach Schedule) .....		_____
06	Total .....	\$	_____

**Travel and Entertainment:**

07	Meals and Entertainment .....	\$	_____
08	Transportation - Other Company Vehicles .....		_____
09	Travel .....		_____
10	Other (Attach Schedule) .....		_____
11	Total .....	\$	_____

**Other General and Administrative:**

12	Office Supplies .....	\$	_____
13	Postage .....		_____
14	Telephone .....		_____
15	Advertising .....		_____
16	Professional Liability Insurance .....		_____
17	Dues and Subscriptions .....		_____
18	Other (Attach Schedule) .....		_____
19	Total .....	\$	_____
20	Total General and Administrative Expenses (To Page 2, Line 13) .....	\$	_____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

GENERAL AND ADMINISTRATIVE EXPENSES

Line No.	DESCRIPTION	(1) Total Expenditure	(2) Allocation Percentage	(3) Ambulance Amount
<b>Professional Services:</b>				
01	Legal Fees .....	\$ _____	_____	\$ _____
02	Collection Fees. ....	_____	_____	_____
03	Accounting and Auditing .....	_____	_____	_____
04	Data Processing Fees. ....	_____	_____	_____
05	Other (Attach Schedule) .....	_____	_____	_____
06	Total .....	\$ _____		\$ _____
<b>Travel and Entertainment:</b>				
07	Meals and Entertainment .....	\$ _____	_____	\$ _____
08	Transportation - Other Company Vehicles .....	_____	_____	_____
09	Travel .....	_____	_____	_____
10	Other (Attach Schedule) .....	_____	_____	_____
11	Total .....	\$ _____		\$ _____
<b>Other General and Administrative:</b>				
12	Office Supplies .....	\$ _____	_____	\$ _____
13	Postage .....	_____	_____	_____
14	Telephone .....	_____	_____	_____
15	Advertising .....	_____	_____	_____
16	Professional Liability Insurance .....	_____	_____	_____
17	Dues and Subscriptions .....	_____	_____	_____
18	Other (Attach Schedule) .....	_____	_____	_____
19	Total .....	\$ _____		\$ _____
20	Total General & Administrative Expenses (to Page 2, Line 13)	\$ _____		\$ _____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

GENERAL AND ADMINISTRATIVE EXPENSES (cont.)

<u>Line No.</u>	<u>DESCRIPTION</u>	<u>Basis of Allocations</u>
<b>Professional Services:</b>		
01	Legal Fees .....	_____
02	Collection Fees.....	_____
03	Accounting and Auditing .....	_____
04	Data Processing Fees.....	_____
05	Other (Attach Schedule) .....	_____
06	Total .....	_____
<b>Travel and Entertainment:</b>		
07	Meals and Entertainment .....	_____
08	Transportation - Other Company Vehicles .....	_____
09	Travel .....	_____
10	Other (Attach Schedule) .....	_____
11	Total .....	_____
<b>Other General and Administrative:</b>		
12	Office Supplies .....	_____
13	Postage .....	_____
14	Telephone .....	_____
15	Advertising .....	_____
16	Professional Liability Insurance .....	_____
17	Dues and Subscriptions .....	_____
18	Other (Attach Schedule) .....	_____
19	Total .....	_____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

OTHER OPERATING EXPENSES

Line

**No. OTHER OPERATING EXPENSES****Depreciation and Amortization:**

01	Depreciation (Attach Schedule III) (From Line 20, Col I, Page 13) . . . .	\$ _____	
02	Amortization . . . . .	_____	
03	Total . . . . .		\$ _____
04	Rent/Lease (Attach Schedule III) (From Line 20, Col K, Page 13) . . . . .		\$ _____

**Building/Station Expense:**

05	Building and Cleaning Supplies . . . . .	\$ _____	
06	Utilities . . . . .	_____	
07	Property Taxes . . . . .	_____	
08	Property Insurance . . . . .	_____	
09	Repairs and Maintenance . . . . .	_____	
10	Other (Attach Schedule) . . . . .	_____	
11	Total . . . . .		\$ _____

**Vehicle Expense - Ambulance Units:**

12	License/Registration . . . . .	\$ _____	
13	Fuel. . . . .	_____	
14	General Vehicle Service and Maintenance. . . . .	_____	
15	Major Repairs . . . . .	_____	
16	Insurance - Service Vehicles. . . . .	_____	
17	Other (Attach Schedule). . . . .	_____	
18	Total . . . . .		\$ _____

**Other Expenses:**

19	Dispatch . . . . .	_____	
20	Education/Training . . . . .	_____	
21	Uniforms and Uniform Cleaning . . . . .	_____	
22	Meals and Travel for Ambulance Personnel . . . . .	_____	
23	Maintenance Contracts . . . . .	_____	
24	Minor Equipment - Not Capitalized . . . . .	_____	
25	Ambulance Supplies - Nonchargeable . . . . .	_____	
26	Other (Attach Schedule) . . . . .	_____	
27	Total . . . . .		\$ _____
28	Total Other Operating Expenses (To Page 2, Line 15) . . . . .		\$ _____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

OTHER OPERATING EXPENSES

<u>OTHER OPERATING EXPENSES</u>	<u>(1) Total Expenditure</u>	<u>(2) Allocation Percentage</u>	<u>(3) Ambulance Amount</u>
<b>Depreciation and Amortization:</b>			
Depreciation (Attach Schedule III) (From Line 20, Col I, Page 12) .	\$ _____	_____	_____
Amortization . . . . .	_____	_____	_____
Total . . . . .	\$ _____	_____	_____
Rent/Lease (Attach Schedule III) Line 20, Col K, Page 12 . . . . .	\$ _____	_____	_____
<b>Building/Station Expense:</b>			
Building and Cleaning Supplies . . . . .	\$ _____	_____	_____
Utilities . . . . .	_____	_____	_____
Property Taxes . . . . .	_____	_____	_____
Property Insurance . . . . .	_____	_____	_____
Repairs and Maintenance . . . . .	_____	_____	_____
Other (Attach Schedule) . . . . .	_____	_____	_____
Total . . . . .	\$ _____	_____	_____
<b>Vehicle Expense - Ambulance Units:</b>			
License/Registration . . . . .	\$ _____	_____	_____
Fuel. . . . .	_____	_____	_____
General Vehicle Service and Maintenance. . . . .	_____	_____	_____
Major Repairs . . . . .	_____	_____	_____
Insurance - Service Vehicles. . . . .	_____	_____	_____
Other (Attach Schedule). . . . .	_____	_____	_____
Total . . . . .	\$ _____	_____	_____
<b>Other Expenses:</b>			
Dispatch . . . . .	\$ _____	_____	_____
Education/Training . . . . .	_____	_____	_____
Uniforms and Uniform Cleaning . . . . .	_____	_____	_____
Meals and Travel for Ambulance Personnel . . . . .	_____	_____	_____
Maintenance Contracts. . . . .	_____	_____	_____
Minor Equipment - Not Capitalized. . . . .	_____	_____	_____
Ambulance Supplies - Nonchargeable . . . . .	_____	_____	_____
Other (Attach Schedule). . . . .	_____	_____	_____
Total. . . . .	\$ _____	_____	_____
Total Other Operating Expenses (To Page 2, Line 15) . . . . .	\$ _____	_____	_____



## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

OTHER OPERATING EXPENSES

Line No.	<u>OTHER OPERATING EXPENSES</u>	<u>Basis of Allocations</u>
	<b>Depreciation and Amortization:</b>	
01	Depreciation .....	_____
02	Amortization .....	_____
03	Total .....	_____
04	Rent/Lease .....	_____
	<b>Building/Station Expense:</b>	
05	Building and Cleaning Supplies .....	_____
06	Utilities .....	_____
07	Property Taxes .....	_____
08	Property Insurance .....	_____
09	Repairs and Maintenance .....	_____
10	Other (Attach Schedule) .....	_____
11	Total .....	_____
	<b>Vehicle Expense - Ambulance Units:</b>	
12	License/Registration .....	_____
13	Fuel .....	_____
14	General Vehicle Service and Maintenance .....	_____
15	Major Repairs .....	_____
16	Insurance - Service Vehicles .....	_____
17	Other (Attach Schedule) .....	_____
18	Total .....	_____
	<b>Other Expenses:</b>	
19	Dispatch .....	_____
20	Education/Training .....	_____
21	Uniforms and Uniform Cleaning .....	_____
22	Meals and Travel for Ambulance Personnel .....	_____
23	Maintenance Contracts .....	_____
24	Minor Equipment - Not Capitalized .....	_____
25	Ambulance Supplies - Nonchargeable .....	_____
26	Other (Attach Schedule) .....	_____
27	Total .....	_____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

DETAIL OF CONTRACTUAL ALLOWANCES

Line No.	Name of Contracting Entity	Total Billable Runs	Gross Billing	Percent Discount	Allowance
01	_____	_____	_____	_____	_____
02	_____	_____	_____	_____	_____
03	_____	_____	_____	_____	_____
04	_____	_____	_____	_____	_____
05	_____	_____	_____	_____	_____
06	_____	_____	_____	_____	_____
07	_____	_____	_____	_____	_____
08	_____	_____	_____	_____	_____
09	_____	_____	_____	_____	_____
10	_____	_____	_____	_____	_____
11	_____	_____	_____	_____	_____
12	_____	_____	_____	_____	_____
13	_____	_____	_____	_____	_____
14	_____	_____	_____	_____	_____
15	_____	_____	_____	_____	_____
16	_____	_____	_____	_____	_____
17	_____	_____	_____	_____	_____
18	_____	_____	_____	_____	_____
19	_____	_____	_____	_____	_____
20	_____	_____	_____	_____	_____
21	_____	_____	_____	_____	_____
22	Total (To Page 2, Line 4)				_____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

SUBSCRIPTION SERVICE REVENUE AND  
DIRECT SELLING EXPENSES

<b>Line No.</b>	<b>Description</b>	<b>To</b>	
01	Billings at Fully Established Rate . . . . .		\$ _____
	Less:		
02	AHCCCS Settlement . . . . .	_____	
03	Medicare Settlement . . . . .	_____	
04	Subscription Service Settlements . . . . . (To Page 2, Line 5)	_____	
05	Subscription Service Bad Debt . . . . .	_____	
06	Total . . . . .		\$ _____
07	Net Revenue from Subscription Service Runs . . . . .		_____
08	Sales of Subscription Service . . . . . (To Page 2, Line 9) . . . . .		_____
09	Other Revenue (Attach Schedule) . . . . .		_____
10	Total Subscription Service Revenue . . . . .		\$ _____
<b>Direct Expenses Incurred Selling Subscription Contracts:</b>			
11	Salaries/Wages . . . . .		\$ _____
12	Payroll Taxes . . . . .	_____	
13	Employee Fringe Benefits . . . . .	_____	
14	Professional Services . . . . .	_____	
15	Contract Labor . . . . .	_____	
16	Travel . . . . .	_____	
17	Other General and Administrative Expenses . . . . .	_____	
18	Depreciation/Amortization . . . . .	_____	
19	Rent/Lease . . . . .	_____	
20	Building/Station Expense . . . . .	_____	
21	Transportation/Vehicles . . . . .	_____	
22	Other (Attach Schedule) . . . . .	_____	
23	Total Subscription Service Expenses . . . . . (To Page 2, Line 17). . . . .		\$ _____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

OTHER OPERATING REVENUES AND EXPENSES

Line

No. DESCRIPTION**Other Operating Revenues:**

01	Supportive Funding - Local (Attach Schedule) .....	\$ _____	
02	Grant Funds - State (Attach Schedule) .....	_____	
03	Grant Funds - Federal (Attach Schedule) .....	_____	
04	Grant Funds - Other (Attach Schedule) .....	_____	
05	Patient Finance Charges .....	_____	
06	Patient Late Payment Charges .....	_____	
07	Interest Earned - Related Person/Organization .....	_____	
08	Interest Earned - Other .....	_____	
09	Gain on Sale of Operating Property .....	_____	
10	Other: _____ .....	_____	
11	Other: _____ .....	_____	
12	Total Operating Revenue .....		\$ _____

**Other Operating Expenses:**

13	Loss on Sale of Operating Property .....	\$ _____	
14	Other: _____ .....	_____	
15	Other: _____ .....	_____	
16	Total Other Operating Expenses .....		\$ _____
17	Net Other Operating Revenues and Expenses (To Page 2, Line 20) .....		\$ _____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

DETAIL OF SALARIES/WAGES  
OFFICERS/OWNERS  
SCHEDULE 1

Wages Paid by Category

Line No.	Name	Title	% of Ownership	Management	*FTE	EMCT	*FTE	Office	*FTE	Other	*FTE	<u>Totals</u>	
												Wages Paid To Owners	*FTE
01	_____	_____	_____	\$_____	_____	\$_____	_____	\$_____	_____	\$_____	_____	\$_____	_____
02	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
03	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
04	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
05	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
06	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____1	_____
07	<b>TOTAL</b>	=====	=====	\$=====	=====	\$=====	=====	\$=====	=====	\$=====	=====	\$=====	=====

\*Full-time equivalents (F.T.E.) Is the sum of all hours for which employee wages were paid during the year divided by 2080.

1 Total wages paid to owners to Page 4 Col 2 Line 01

2 Total FTEs to Page 4 Col 1 Line 01

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

OPERATING EXPENSES  
 DETAIL OF SALARIES/WAGES  
 SCHEDULE II

LineNo. Detail of Salaries/Wages - Other Than Officers/Owners**01 MANAGEMENT:****METHOD OF COMPENSATION:**

Certification and/or Title	Scheduled Shifts (I.e. 40 or 60 hours a week)	Hourly Wage	Annual Salary	\$s Per Run or Shift
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**02 AMBULANCE PERSONNEL:**

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**03 OTHER PERSONNEL:**

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

DEPRECIATION AND/OR RENT/LEASE EXPENSE  
SCHEDULE IIIAMBULANCE VEHICLES AND  
ACCESSORIAL EQUIPMENT ONLY

	A	B	C	D	E	F	G	H	I	J	K
Line No.	Description of Property	Date Placed in Service	Cost or Other Basis	Business Use Percent	Basis for Depreciation	Method	Recovery Period	Depreciation Prior Years	Current Year Depreciation	Remaining Basis	Rent/Lease Amount*
01											
02											
03											
04											
05											
06											
07											
08											
09											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20	<b>SUBTOTAL</b>	XXX	XXX	XXX	XXX	XXX	XXX	XXX	1	XXX	2

\* Complete Description of property, date placed in service, and rent/lease amount only.

1 To Page 13, Line 19, Column I

2 To Page 13, Line 19, Column K

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**DEPRECIATION AND/OR RENT/LEASE EXPENSE  
SCHEDULE III****ALL OTHER ITEMS**

	A	B	C	D	E	F	G	H	I	J	K
Line No.	Description of Property	Date Placed in Service	Cost or Other Basis	Business Use Percent	Basis for Depreciation	Method	Recovery Period	Depreciation Prior Years	Current Year Depreciation	Remaining Basis	Rent/Lease Amount*
01											
02											
03											
04											
05											
06											
07											
08											
09											
10											
11											
12											
13											
14											
15											
16											
17											
18	SUBTOTAL	XXX	XXX	XXX	XXX	XXX	XXX	XXX		XXX	
19	SUBTOTAL from Page 12, Line 20	XXX	XXX	XXX	XXX	XXX	XXX	XXX		XXX	
20	SUM of Line 18 and 19	XXX	XXX	XXX	XXX	XXX	XXX	XXX	3	XXX	4

\* Complete Description of property, date placed in service, and rent/lease amount only.

3 To Page 6, Line 01

4 To Page 6, Line 04



## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

DETAIL OF INTEREST - Schedule IV

Line No.	Description	(1) Interest Rate	(2) Principal Balance Beginning of Period	(3) End of Period	(4) Interest Expense Related Persons or Organizations	(5) Other
	Service Vehicles & Accessorial Equipment					
	Name of Payee:					
01	_____	% \$	\$	\$	\$	\$
02	_____					
03	_____					
04	_____					
	Communication Equipment					
	Name of Payee:					
05	_____	% \$	\$	\$	\$	\$
06	_____					
07	_____					
	Other Property and Equipment					
	Name of Payee:					
08	_____	% \$	\$	\$	\$	\$
09	_____					
10	_____					
	Working Capital					
	Name of Payee:					
11	_____	% \$	\$	\$	\$	\$
12	_____					
13	_____					
	Other					
	Name of Payee:					
14	_____	% \$	\$	\$	\$	\$
15	TOTAL		\$	\$	\$	\$

------(To Page 2, Column 2, Line 16)-----

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

## BALANCE SHEET

## ASSETS

## CURRENT ASSETS

01	Cash	\$ _____	
02	Accounts Receivable	_____	
03	Less: Allowance for Doubtful Accounts	_____	
04	Inventory	_____	
05	Prepaid Expenses	_____	
06	Other Current Assets	_____	
07	TOTAL CURRENT ASSETS		\$ _____
PROPERTY & EQUIPMENT			
08	Less: Accumulated Depreciation		\$ _____
09	OTHER NONCURRENT ASSETS		\$ _____
10	TOTAL ASSETS		\$ _____

## LIABILITIES AND EQUITY

## CURRENT LIABILITIES

11	Accounts Payable	\$ _____	
12	Current Portion of Notes Payable	_____	
13	Current Portion of Long Term Debt	_____	
14	Deferred Subscription Income	_____	
15	Accrued Expenses and Other	_____	
16	_____	_____	
17	_____	_____	
18	TOTAL CURRENT LIABILITIES		\$ _____
19	NOTES PAYABLE	_____	
20	LONG TERM DEBT OTHER	_____	
21	TOTAL LONG-TERM DEBT		\$ _____

## EQUITY AND OTHER CREDITS

## Paid-in Capital:

22	Common Stock	\$ _____	
23	Paid-In Capital in Excess of Par Value	_____	
24	Contributed Capital	_____	
25	Retained Earnings	_____	
26	Fund Balances	_____	
27	TOTAL EQUITY		\$ _____
28	TOTAL LIABILITIES & EQUITY		\$ _____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

## STATEMENT OF CASH FLOWS

<b>OPERATING ACTIVITIES:</b>		
01	Net (loss) Income	\$ _____
	Adjustments to reconcile net income to net cash provided by operating activities:	
02	Depreciation Expense	_____
03	Deferred Income Tax	_____
04	Loss (gain) on Disposal of Property and Equipment	_____
	(Increase) Decrease in:	
05	Accounts Receivable	_____
06	Inventories	_____
07	Prepaid Expenses	_____
	(Increase) Decrease in:	
08	Accounts Payable	_____
09	Accrued Expenses	_____
10	Deferred Subscription Income	_____
11	Net Cash Provided (Used) by Operating Activities	\$ _____
<b>INVESTING ACTIVITIES:</b>		
12	Purchases of Property and Equipment	\$ _____
13	Proceeds from Disposal of Property and Equipment	_____
14	Purchases of Investments	_____
15	Proceeds from Disposal of Investments	_____
16	Loans Made	_____
17	Collections on Loans	_____
18	Other _____	_____
19	Net Cash Provided (Used) by Investing Activities	\$ _____
<b>FINANCING ACTIVITIES:</b>		
	New Borrowings:	
20	Long-Term	\$ _____
21	Short-Term	_____
	Debt Reduction:	
22	Long-Term	_____
23	Short-Term	_____
24	Capital Contributions	_____
25	Dividends paid	_____
26	Net Cash Provided (Used) by Financing Activities	\$ _____
27	Net Increase (Decrease) in Cash	\$ _____
28	Cash at Beginning of Year	\$ _____
29	Cash at End of Year	\$ _____
30	<b>SUPPLEMENTAL DISCLOSURES:</b>	
	Non-cash Investing and Financing Transactions:	
31	_____	\$ _____
32	_____	_____
33	Interest Paid (Net of Amounts Capitalized)	_____
34	Income Taxes Paid	_____

Page 16

## Historical Note

Exhibit 9A renumbered from Exhibit A and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

## Exhibit A. Renumbered

## Historical Note

New Exhibit adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). New

Exhibit A recodified from Article 12 at 12 A.A.R. 2243, effective June 2, 2006 (Supp. 06-2). Exhibit A renumbered to Exhibit 9A by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

## Department of Health Services – Emergency Medical Services

## Exhibit 9B. Ambulance Revenue and Cost Report, Fire District and Small Rural Company

## Department of Health Services

## Annual Ambulance Financial Report

## Reporting Ambulance Service

Report Fiscal Year  
**From:**    /    /    **To:**    /    /  
          Mo. Day Year       Mo. Day Year

**CERTIFICATION**

*I hereby certify that I have directed the preparation of the enclosed annual report in accordance with the reporting requirements of the State of Arizona.*

*I have read this report and hereby certify that the information provided is true and correct to the best of my knowledge.*

***This report has been prepared using the accrual basis of accounting.***

*Authorized Signature:* \_\_\_\_\_ *Date:* \_\_\_\_\_

*Print Name and Title:* \_\_\_\_\_

I to:

Department of Health Services  
 Bureau of Emergency Medical Services and Trauma System  
 Certificate of Necessity and Rates Section  
 150 North 18th Avenue, Suite 540  
 Phoenix, AZ 85007  
 Telephone: (602) 364-3150  
 Fax: (602) 364-3567

Revised December 2013

M  
a  
i

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

STATISTICAL SUPPORT DATA

Line No.	DESCRIPTION	(1) SUBSCRIPTION SERVICE TRANSPORTS	*(2) TRANSPORTS UNDER CONTRACT	(3) TRANSPORTS NOT UNDER CONTRACT	(4) TOTALS
01	Number of ALS Billable Transports:	_____	_____	_____	_____
02	Number of BLS Billable Transports:	_____	_____	_____	_____
03	Number of Loaded Billable Miles:	_____	_____	_____	_____
04	Waiting Time (Hr. & Min.):	_____	_____	_____	_____
05	Canceled (Non-Billable) Runs:	_____	_____	_____	_____

## AMBULANCE SERVICE ROUTINE OPERATING REVENUE

06	ALS Base Rate Revenue .....				\$ _____
07	BLS Base Rate Revenue .....				_____
08	Mileage Charge Revenue .....				_____
09	Waiting Charge Revenue .....				_____
10	Medical Supplies Charge Revenue .....				_____
11	Nurses Charge Revenue .....				_____
12	Standby Charge Revenue (Attach Schedule) .....				_____
13	TOTAL AMBULANCE SERVICE ROUTINE OPERATING REVENUE .....				\$ _____

SALARY AND WAGE EXPENSE DETAIL  
GROSS WAGES:

		**No. of F.T.E.s
14	Management .....	\$ _____ \$ _____
15	Paramedics, EMT-I(99)s, and AEMTs. ....	\$ _____ \$ _____
16	Emergency Medical Technician (EMT). ....	\$ _____ \$ _____
17	Other Personnel .....	\$ _____ \$ _____
18	Payroll Taxes and Fringe Benefits - All Personnel. ....	\$ _____ \$ _____

\*This column reports only those runs where a contracted discount rate was applied.

\*\*Full-time equivalents (F.T.E.) is the sum of all hours for which employees' wages were paid during the year divided by 2080.

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

SCHEDULE OF REVENUES AND EXPENSES

Line

No. DESCRIPTIONFROM**Operating Revenues:**

01 Total Ambulance Service Operating Revenue . . . . . Page 2, Line 13 \$ \_\_\_\_\_

## Settlement Amounts:

02 AHCCCS . . . . . ( \_\_\_\_\_ )

03 Medicare . . . . . ( \_\_\_\_\_ )

04 Subscription Service . . . . . ( \_\_\_\_\_ )

05 Contractual . . . . . ( \_\_\_\_\_ )

06 Other . . . . . ( \_\_\_\_\_ )

07 Total (Sum of Lines 02 through 06) . . . . . ( \_\_\_\_\_ )

08 Total Operating Revenue (Line 01 minus Line 07) . . . . . \$ \_\_\_\_\_

**Operating Expenses:**

09 Bad Debt \_\_\_\_\_

10 Total Salaries, Wages, and Employee- Related Expenses . . . . . \$ \_\_\_\_\_

11 Professional Services . . . . . \_\_\_\_\_

12 Travel and Entertainment . . . . . \_\_\_\_\_

13 Other General Administrative . . . . . \_\_\_\_\_

14 Depreciation. . . . . \_\_\_\_\_

15 Rent/Leasing . . . . . \_\_\_\_\_

16 Building/Station . . . . . \_\_\_\_\_

17 Vehicle Expense . . . . . \_\_\_\_\_

18 Other Operating Expense . . . . . \_\_\_\_\_

19 Cost of Medical Supplies Charged to Patients . . . . . \_\_\_\_\_

20 Interest . . . . . \_\_\_\_\_

21 Subscription Service Sales Expense . . . . . \_\_\_\_\_

22 Total Operating Expense (Sum of Lines 09 through 21) . . . . . \_\_\_\_\_

23 Total Operating Income or Loss (Line 08 minus Line 22). . . . . \$ \_\_\_\_\_

24 Subscription Contract Sales . . . . . \_\_\_\_\_

25 Other Operating Revenue . . . . . \_\_\_\_\_

26 Local Supportive Funding . . . . . \_\_\_\_\_

27 Other Non-Operating Income (Attach Schedule). . . . . \_\_\_\_\_

28 Other Non-Operating Expense (Attach Schedule). . . . . \_\_\_\_\_

29 NET INCOME/(LOSS) (Line 23 plus Sum of Lines 24 through 28). . . . . \$ \_\_\_\_\_

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

## BALANCE SHEET

## ASSETS

## CURRENT ASSETS

01	Cash	\$ _____	
02	Accounts Receivable	_____	
03	Less: Allowance for Doubtful Accounts	_____	
04	Inventory	_____	
05	Prepaid Expenses	_____	
06	Other Current Assets	_____	
07	TOTAL CURRENT ASSETS		\$ _____
	PROPERTY & EQUIPMENT		
08	Less: Accumulated Depreciation		\$ _____
09	OTHER NONCURRENT ASSETS		\$ _____
10	TOTAL ASSETS		\$ _____

## LIABILITIES AND EQUITY

## CURRENT LIABILITIES

11	Accounts Payable	\$ _____	
12	Current Portion of Notes Payable	_____	
13	Current Portion of Long term Debt	_____	
14	Deferred Subscription Income	_____	
15	Accrued Expenses and Other	_____	
16	_____	_____	
17	_____	_____	
18	TOTAL CURRENT LIABILITIES		\$ _____
19	NOTES PAYABLE	_____	
20	LONG TERM DEBT OTHER	_____	
21	TOTAL LONG-TERM DEBT		\$ _____

## EQUITY AND OTHER CREDITS

## Paid-in Capital:

22	Common Stock	\$ _____	
23	Paid-In Capital in Excess of Par Value	_____	
24	Contributed Capital	_____	
25	Retained Earnings	_____	
26	Fund Balances	_____	
27	TOTAL EQUITY		\$ _____
28	TOTAL LIABILITIES & EQUITY		\$ _____

## Department of Health Services – Emergency Medical Services

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

## STATEMENT OF CASH FLOWS

<b>OPERATING ACTIVITIES:</b>		
01	Net (loss) Income	\$ _____
	Adjustments to reconcile net income to net cash provided by operating activities:	
02	Depreciation Expense	_____
03	Deferred Income Tax	_____
04	Loss (gain) on Disposal of Property and Equipment	_____
	(Increase) Decrease in:	
05	Accounts Receivable	_____
06	Inventories	_____
07	Prepaid Expenses	_____
	(Increase) Decrease in:	
08	Accounts Payable	_____
09	Accrued Expenses	_____
10	Deferred Subscription Income	_____
11	Net Cash Provided (Used) by Operating Activities	\$ _____
<b>INVESTING ACTIVITIES:</b>		
12	Purchases of Property and Equipment	_____
13	Proceeds from Disposal of Property and Equipment	_____
14	Purchases of Investments	_____
15	Proceeds from Disposal of Investments	_____
16	Loans Made	_____
17	Collections on Loans	_____
18	Other _____	_____
19	Net Cash Provided (Used) by Investing Activities	\$ _____
<b>FINANCING ACTIVITIES:</b>		
	New Borrowings:	
20	Long-Term	_____
21	Short-Term	_____
	Debt Reduction:	
22	Long-Term	_____
23	Short-Term	_____
24	Capital Contributions	_____
25	Dividends paid	_____
26	Net Cash Provided (Used) by Financing Activities	\$ _____
27	Net Increase (Decrease) in Cash	\$ _____
28	Cash at Beginning of Year	\$ _____
29	Cash at End of Year	\$ _____
<b>30 SUPPLEMENTAL DISCLOSURES:</b>		
	Non-cash Investing and Financing Transactions:	
31	_____	\$ _____
32	_____	_____
33	Interest Paid (Net of Amounts Capitalized)	_____
34	Income Taxes Paid	_____



## Department of Health Services – Emergency Medical Services

## INSTRUCTIONS

**Page 1: COVER**

1. Enter the name of the ambulance service on the line “Reporting Ambulance Service.”
2. Print the name and title of the ambulance service’s authorized representative on the lines indicated; enter the date of signature; authorized representative must sign the report.

**Page 2: STATISTICAL SUPPORT DATA and ROUTINE OPERATING REVENUE**

Enter the ambulance service’s business name and the appropriate reporting period.

**Statistical Support Data:**

- Lines 01-02: Enter the number of billable ALS and BLS transports for each of the three categories. Subscription Service Transports should not be included with Transports Under Contract.
- Lines 03-04: Enter the total of patient loaded transport miles and waiting times for each of the transport categories.
- Line 05: List TOTAL of canceled/non-billable runs.

**Ambulance Service Routine Operating Revenue:**

- Line 06: Enter the total amount of all ALS Base Rate gross billings.
- Line 07: Enter the total amount of all BLS Base Rate gross billings.
- Line 08: Enter the total of Mileage Charge gross billings.
- Line 09: Enter the total Waiting Time gross billings.
- Line 10: Enter the total of all gross billings of Medical Supplies to patients.
- Line 11: RESERVED FOR FUTURE USE - Charges for Nurses currently are not allowed.
- Line 12: Enter the total of all Standby Time charges. (Attach a schedule showing sources.)
- Line 13: Add the totals from Line 06 through Line 12. Enter sum on Line 13.

**Salary and Wage Expense Detail:**

- Line 14: Enter the total salary amount allocated and paid to Management of the ambulance service.
- Line 15: Enter the total salary amount allocated and paid to Paramedics, EMT-I(99)s, and AEMTs.
- Line 16: Enter the total salary amount allocated and paid to Emergency Medical Technicians (EMTs).
- Line 17: Enter the total salary amount allocated and paid to Other Personnel involved with the ambulance service. (Examples: Dispatch, Mechanics, Office)
- Line 18: Enter the total allocated amount of Payroll Taxes and Fringe Benefits paid to employees included in lines 14 through 17.

## Department of Health Services – Emergency Medical Services

## ANNUAL AMBULANCE FINANCIAL REPORT

EXPENSE CATEGORIES FOR USE ON PAGE 3

- Line 09 Bad Debt
- Line 10 Total Salaries, Wages, and Employee-Related Expenses
  - Salaries, Wages, Payroll Taxes, and Employee Benefits
- Line 11 Professional Services
  - Legal/Management Fees
  - Collection Fees
  - Accounting/Auditing
  - Data Processing Fees
- Line 12 Travel and Entertainment (Administrative)
  - Meals and Entertainment
  - Travel/Transportation
- Line 13 Other General and Administrative
  - Office Related (Supplies, Phone, Postage, Advertising)
  - Professional Liability Insurance
  - Dues, Subscriptions, Miscellaneous
- Line 14 Depreciation
- Line 15 Rent/Leasing
- Line 16 Building/Station
  - Utilities, Property Taxes/Insurance, Cleaning/Maintenance
- Line 17 Vehicle Expenses
  - License/Registration
  - Repairs/Maintenance
  - Insurance
- Line 18 Other Operating Expenses
  - Dispatch Contracts
  - Employee Education/Training, Uniforms, Travel/Meals
  - Maintenance Contracts
  - Minor Equipment, Non-Chargeable Ambulance Supplies
- Line 19 Cost of Medical Supplies Charged to Patients
- Line 20 Interest Expense
  - Interest on: Bank Loans/Lines of Credit
- Line 21 Subscription Service Sales Expenses
  - Sales Commissions, Printing

## Department of Health Services – Emergency Medical Services

## INSTRUCTIONS (cont'd)

**Page 3: SCHEDULE OF REVENUES AND EXPENSES****Operating Revenues:**

- Line 01: Transfer appropriate total from Page 2 as indicated.  
 Line 02: Enter settlement amounts from AHCCCS transports. (DO NOT include settlement amounts resulting from a transport made under a SUBSCRIPTION SERVICE CONTRACT)  
 Line 03: Enter settlement amounts from Medicare transports. (DO NOT include settlement amounts resulting from a transport made under a SUBSCRIPTION SERVICE CONTRACT)  
 Line 04: Enter total of ALL settlement amounts from Subscription Service Contract transports.  
 Line 05: Enter total of ALL settlement amounts from Contractual transports only.  
 Line 06: Enter total from any other settlement sources.  
 Line 07: Enter sum of lines 02 through 06.  
 Line 08: Total Operating Revenue (The amount from Line 01 minus Line 07).

**Operating Expenses:**

- Lines 09-21: Report as either actual or allocated from expenses shared with Fire or other departments.  
 Line 22: Enter the total sum of lines 09 through 21.  
 Line 23: Enter the difference of line 08 minus line 22.  
 Line 24: Enter the gross amount of sales from Subscription Service Contracts.  
 Line 25: Enter the amount of Other Operating Revenues.  
     Ex: Federal, State or Local Grants, Interest Earned, Patient Finance Charges.  
 Line 26: Enter the total of Local Supportive Funding.  
 Line 27: List other non-operating revenues (Ex: Donations, sales of assets, fund raisers).  
 Line 28: List other non-operating expenses (Ex: Civil fines or penalties, loss on sale of assets).  
 Line 29: Net Income (Line 23 plus Lines 24 through 27, minus Line 28).

**Page 4: BALANCE SHEET**

Current audited financial statements may be submitted in lieu of this page.

**Page 5: STATEMENT OF CASH FLOWS**

Current audited financial statements may be submitted in lieu of this page.

Questions regarding this reporting form can be submitted to:

Arizona Department of Health Services  
 Bureau of Emergency Medical Services and Trauma System  
 Certificate of Necessity and Rates Section

150 North 18th Avenue, Suite 540  
 Phoenix, AZ 85007  
 Telephone: (602) 364-3150  
 Fax: (602) 364-3567

**Page 8****Historical Note**

Exhibit 9B renumbered from Exhibit B and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit B. Renumbered****Historical Note**

New Table adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). New Exhibit B recodified from Article 12 at 12 A.A.R. 2243, effective June 2, 2006 (Supp. 06-2). Exhibit B renumbered to Exhibit 9B by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

2. The applicant's mailing address, physical address of the business, and business, facsimile, and emergency tele-

**ARTICLE 10. GROUND AMBULANCE VEHICLE REGISTRATION****R9-25-1001. Initial and Renewal Application for a Certificate of Registration (A.R.S. §§ 36-2212, 36-2232, 36-2240)**

- A.** A person applying for an initial or renewal certificate of registration of a ground ambulance vehicle shall submit an application form to the Department that contains:
1. The applicant's legal business or corporate name; phone numbers;

## Department of Health Services – Emergency Medical Services

3. The identifying information of the ground ambulance vehicle, including:
    - a. The make of the ground ambulance vehicle;
    - b. The ground ambulance vehicle manufacture year;
    - c. The ground ambulance vehicle identification number;
    - d. The unit number of the ground ambulance vehicle;
    - e. The ground ambulance vehicle's state license number; and
    - f. The location at which the ground ambulance vehicle will be available for inspection;
  4. The identification number of the certificate of necessity to which the ground ambulance vehicle is registered;
  5. The name and telephone number of the person to contact to arrange for inspection, if the inspection is pre-announced; and
  6. The signature of the applicant or applicant's designated representative.
- B.** Under A.R.S. § 36-2232(A)(11), the Department shall inspect each ambulance before an initial certificate of registration is issued by the Department.
- C.** Under A.R.S. § 36-2232(A)(11), the Department shall either inspect an ambulance or receive an inspection report that meets the requirements in this Article by a Department-approved inspection facility before a renewal certificate of registration is issued by the Department.
- D.** An applicant shall submit the following fees:
1. \$50 application filing fee for an initial certificate of registration;
  2. \$200 annual regulatory fee for each ground ambulance vehicle issued a certificate of registration; and
  3. \$50 application filing fee for the renewal of a certificate of registration.
- E.** The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.  
1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1002. Minimum Standards for Ground Ambulance Vehicles (Authorized by A.R.S. § 36-2202(A)(5))**

An applicant for a certificate of registration or certificate holder shall ensure a ground ambulance vehicle is equipped with the following:

1. An engine intake air cleaner that meets the ground ambulance vehicle manufacturer's engine specifications;
2. A brake system that meets the requirements in A.R.S. § 28-952;
3. A cooling system in the engine compartment that maintains the engine temperature operating range required to prevent damage to the ground ambulance vehicle engine;
4. A battery:
  - a. With no leaks, corrosion, or other visible defects; and
  - b. As measured by a voltage meter, capable of generating:
    - i. 12.6 volts at rest, and
    - ii. 13.2 to 14.2 volts on high idle with all electrical equipment turned on;
5. A wiring system in the engine compartment designed to prevent the wire from being cut by or tangled in the engine or hood;
6. Hoses, belts, and wiring with no visible defects;
7. An electrical system capable of maintaining a positive amperage charge while the ground ambulance vehicle is stationary and operating at high idle with headlights, running lights, patient compartment lights, environmental systems, and all warning devices turned on;
8. An exhaust pipe, muffler, and tailpipe under the ground ambulance vehicle and securely attached to the chassis;
9. A frame capable of supporting the gross vehicle weight of the ground ambulance vehicle;
10. A horn that meets the requirements in A.R.S. § 28-954(A);
11. A siren that meets the requirements in A.R.S. § 28-954(E);
12. A front bumper that is positioned at the forward-most part of the ground ambulance vehicle extending to the ground ambulance vehicle's outer edges;
13. A fuel cap of a type specified by the manufacturer for each fuel tank;
14. A steering system to include:
  - a. Power-steering belts free from frays, cracks, or slip-page;
  - b. Power-steering that is free from leaks;
  - c. Fluid in the power-steering system that fills the reservoir between the full level and the add level indicator on the dipstick; and
  - d. Bracing extending from the center of the steering wheel to the steering wheel ring that is not cracked;
15. Front and rear shock absorbers that are free from leaks;
16. Tires on each axle that:
  - a. Are properly inflated;
  - b. Are of equal size, equal ply ratings, and equal type;
  - c. Are free of bumps, knots, or bulges;
  - d. Have no exposed ply or belting; and
  - e. Have tread groove depth equal to or more than 4/32 inch;
17. An air cooling system capable of achieving and maintaining a 20° F difference between the air intake and the cool air outlet;
18. Air cooling and heater hoses secured in all areas of the ground ambulance vehicle and chassis to prevent wear due to vibration;
19. Body free of damage or rust that interferes with the physical operation of the ground ambulance vehicle or creates a hole in the driver's compartment or the patient compartment;
20. Windshield defrosting and defogging equipment;
21. Emergency warning lights that provide 360° conspicuity;
22. At least one 5-lb. ABC dry, chemical, multi-purpose fire extinguisher in a quick release bracket with a current inspection tag;
23. A heating system capable of achieving and maintaining a temperature of not less than 68° F in the patient compartment within 30 minutes;
24. Sides of the ground ambulance vehicle insulated and sealed to prevent dust, dirt, water, carbon monoxide, and gas fumes from entering the interior of the patient compartment and to reduce noise;
25. Interior patient compartment wall and floor coverings that are:
  - a. In good repair and capable of being disinfected, and
  - b. Maintained in a sanitary manner;
26. Padding over exit areas from the patient compartment and over sharp edges in the patient compartment;
27. Secured interior equipment and other objects;
28. When present, hangers or supports for equipment mounted not to protrude more than 2 inches when not in use;
29. Functional lamps and signals, including:
  - a. Bright and dim headlamps,
  - b. Brake lamps,
  - c. Parking lamps,
  - d. Backup lamps,
  - e. Tail lamps,
  - f. Turn signal lamps,
  - g. Side marker lamps,
  - h. Hazard lamps,
  - i. Patient loading door lamps and side spot lamps,
  - j. Spot lamp in the driver's compartment and within reach of the ambulance attendant, and

## Department of Health Services – Emergency Medical Services

- k. Patient compartment interior lamps;
30. Side-mounted rear vision mirrors and wide vision mirror mounted on, or attached to, the side-mounted rear vision mirrors;
31. A patient loading door that permits the safe loading and unloading of a patient occupying a stretcher in a supine position;
32. At least two means of egress from the patient compartment to the outside through a window or door;
33. Functional open door securing devices on a patient loading door;
34. Patient compartment upholstery free of cuts or tears and capable of being disinfected;
35. A seat belt installed for each seat in the driver's compartment;
36. Belts or devices installed on a stretcher to be used to secure a patient;
37. A seat belt installed for each seat in the patient compartment;
38. A crash stable side or center mounting fastener of the quick release type to secure a stretcher to a ground ambulance vehicle;
39. Windshield and windows free of obstruction;
40. A windshield free from unrepaired starred cracks and line cracks that extend more than 1 inch from the bottom and sides of the windshield or that extend more than 2 inches from the top of the windshield;
41. A windshield-washer system that applies enough cleaning solution to clear the windshield;
42. Operable windshield wipers with a minimum of two speeds;
43. Functional hood latch for the engine compartment;
44. Fuel system with fuel tanks and lines that meets manufacturer's specifications;
45. Suspension system that meets the ground ambulance vehicle manufacturer's specifications;
46. Instrument panel that meets the ground ambulance vehicle manufacturer's specifications; and
47. Wheels that meet and are mounted according to manufacturer's specifications.
8. Two adult-size, two child-size, and two infant-size oropharyngeal airways;
9. Two large-size, two medium-size, and two small-size cervical immobilization devices;
10. Two small-size, two medium-size, and two large size upper extremities splints;
11. Two small-size, two medium-size, and two large size lower extremities splints;
12. One child-size and one adult-size lower extremity traction splints;
13. Two full-length spine boards;
14. Supplies to secure a patient to a spine board;
15. One cervical-thoracic spinal immobilization device for extrication;
16. Two sterile burn sheets;
17. Two triangular bandages;
18. Three sterile multi-trauma dressings, 10" x 30" or larger;
19. Fifty non-sterile 4" x 4" gauze sponges;
20. Ten non-sterile soft roller bandages, 4" or larger;
21. Four sterile occlusive dressings, 3" x 8" or larger;
22. Two 2" or 3" adhesive tape rolls;
23. Containers for biohazardous medical waste that comply with requirements in 18 A.A.C. 13, Article 14;
24. A sterile obstetrical kit containing towels, 4" x 4" dressing, scissors, bulb suction, and clamps or tape for cord;
25. One blood glucose testing kit;
26. A meconium aspirator adapter;
27. A length/weight-based pediatric reference guide to determine the appropriate size of medical equipment and drug dosing;
28. A pulse oximeter with both pediatric and adult probes;
29. One child-size, one adult-size, and one large adult-size sphygmomanometer;
30. One stethoscope;
31. One heavy duty scissors capable of cutting clothing, belts, or boots;
32. Two blankets;
33. One thermal absorbent blanket with head cover or blanket of other appropriate heat-reflective material;
34. Two sheets;
35. Body substance isolation equipment, including:
  - a. Two pairs of non-sterile disposable gloves;
  - b. Two gowns;
  - c. Two masks that are at least as protective as a National Institute for Occupational Safety and Health-approved N-95 respirator, which may be of universal size;
  - d. Two pairs of shoe coverings; and
  - e. Two sets of protective eye wear;
36. At least three pairs of non-latex gloves; and
37. A wheeled, multi-level stretcher that is:
  - a. Suitable for supporting a patient at each level,
  - b. At least 69 inches long and 20 inches wide,
  - c. Rated for use with a patient weighing up to or more than 350 pounds,
  - d. Adjustable to allow a patient to recline and to elevate the patient's head and upper torso to an angle at least 70° from the horizontal plane,
  - e. Equipped with a mattress that has a protective cover,
  - f. Equipped with at least two attached straps to secure a patient during transport, and
  - g. Equipped to secure the stretcher to the interior of the vehicle during transport using the fastener required under R9-25-1002(38).

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-1003. Minimum Equipment and Supplies for Ground Ambulance Vehicles (Authorized by A.R.S. § 36-2202(A)(5))**

- A. A ground ambulance vehicle used for either BLS or ALS level of service shall contain the following operational equipment and supplies:
  1. A portable and a fixed suction apparatus;
  2. Wide-bore tubing, a rigid pharyngeal curved suction tip, and a flexible suction catheter in the following French sizes:
    - a. Two in 6, 8, or 10; and
    - b. Two in 12, 14, or 16;
  3. One fixed oxygen cylinder or equivalent with a minimum capacity of 106 cubic feet, a minimum pressure of 500 p.s.i., and a variable flow regulator;
  4. One portable oxygen cylinder with a minimum capacity of 13 cubic feet, a minimum pressure of 500 p.s.i., and a variable flow regulator;
  5. Oxygen administration equipment including: tubing, two adult-size and two pediatric-size non-rebreather masks, and two adult-size and two pediatric-size nasal cannula;
  6. One adult-size, one child-size, one infant-size, and one neonate-size hand-operated, disposable, self-expanding bag-valve with one of each size bag-valve mask;
  7. Nasal airways in the following French sizes:
    - a. One in 16, 18, 20, 22, or 24; and
    - b. One in 26, 28, 30, 32, or 34;
- B. In addition to the equipment and supplies in subsection (A), a ground ambulance vehicle equipped to provide BLS shall contain at least:
  1. The minimum supply of agents required in Table 5.2 for an EMT;
  2. By January 1, 2016, the capability of providing automated external defibrillation;
  3. Two 3 mL syringes; and
  4. Two 10-12 mL syringes.

## Department of Health Services – Emergency Medical Services

- C. In addition to the equipment and supplies in subsection (A), a ground ambulance vehicle equipped to provide ALS shall contain at least the minimum supply of agents required in Table 5.2 for the highest level of service to be provided by the ambulance's crew and at least the following:
1. Four intravenous solution administration sets capable of delivering 10 drops per cc;
  2. Four intravenous solution administration sets capable of delivering 60 drops per cc;
  3. Intravenous catheters in:
    - a. Three different sizes from 14 gauge to 20 gauge, and
    - b. Either 22 or 24 gauge;
  4. One child-size and one adult-size intraosseous needle;
  5. Venous tourniquet;
  6. Two endotracheal tubes in each of the following sizes: 2.5 mm, 3.0 mm, 3.5 mm, 4.0 mm, 4.5 mm, 5.0 mm, 5.5 mm, 6.0 mm, 7.0 mm, 8.0 mm, and 9.0 mm;
  7. One pediatric-size and one adult-size stylette for endotracheal tubes;
  8. End tidal CO<sub>2</sub> monitoring/capnography equipment with capability for pediatric and adult patients;
  9. One laryngoscope with blades in sizes 0-4, straight or curved or both;
  10. One pediatric-size and one adult-size Magill forceps;
  11. One scalpel;
  12. One portable, battery-operated cardiac monitor-defibrillator with strip chart recorder and adult and pediatric EKG electrodes and defibrillation capabilities;
  13. Electrocardiogram leads;
  14. The following syringes:
    - a. Two 1 mL tuberculin,
    - b. Four 3 mL,
    - c. Four 5 mL,
    - d. Four 10-12 mL,
    - e. Two 20 mL, and
    - f. Two 50-60 mL;
  15. Three 5 micron filter needles; and
  16. Assorted sizes of non-filter needles.
- D. A ground ambulance vehicle shall be equipped to provide, and capable of providing, voice communication between:
1. The ambulance attendant and the dispatch center;
  2. The ambulance attendant and the ground ambulance service's assigned medical direction authority, if any; and
3. The ambulance attendant in the patient compartment and the ground ambulance service's assigned medical direction authority, if any.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-1004. Minimum Staffing Requirements for Ground Ambulance Vehicles (Authorized by A.R.S. §§ 36-2201(4), 36-2202(A)(5))**

When transporting a patient, a ground ambulance service shall staff a ground ambulance vehicle according to A.R.S. § 36-2202(J).

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-1005. Ground Ambulance Vehicle Inspection; Major and Minor Defects (A.R.S. §§ 36-2202(A)(5), 36-2212, 36-2232, 36-2234)**

- A. A certificate holder shall make the ground ambulance vehicle, equipment, and supplies available for inspection at the request of the Director or the Director's authorized representative.
- B. If inspected by the Department, a certificate holder shall allow the Director or the Director's authorized representative to ride in or operate the ground ambulance vehicle being inspected.
- C. A certificate holder may request the Department to inspect all of the certificate holder's ground ambulance vehicles at the same date and location.
- D. A Department-approved inspection facility may inspect a ground ambulance vehicle under A.R.S. § 36-2232(A)(11).
- E. The Department classifies defects on a ground ambulance vehicle as major or minor as follows:

INSPECTION ITEM	MAJOR DEFECT	MINOR DEFECT
<b>LAMPS:</b>		
Emergency warning lights	Lack of 360° of conspicuity	Cracked, broken, or missing lens Inoperative lamps
Back-up lamps		Inoperative Cracked, broken, or missing lens
Brake lamps	Both inoperative	1 inoperative
Hazard lamps		Inoperative
Head lamps	Inoperative	High beam inoperative Low beam inoperative Inoperative dimmer switch
Loading lamps		Inoperative Cracked, broken, or missing lens
Parking lamps		Inoperative
Patient Compartment interior lamps	All lamps inoperative	Inoperative individual lamps Missing lens
Side marker lamps		Inoperative Cracked, broken, or missing lens
Spot lamp in driver's compartment		Inoperative
Tail lamps	Both inoperative	1 inoperative Cracked, broken, or missing lens
Turn signal lamps		Any turn signal lamp inoperative Cracked, broken, or missing lens
<b>MECHANICAL, STRUCTURAL, ELECTRICAL:</b>		

## Department of Health Services – Emergency Medical Services

Bumpers		Loose or missing bumper
Defroster		Inoperative Ventilation system openings partially blocked
Electrical system	Does not comply with R9-25-1002(6)	
Engine compartment		Inoperative hood latch Deterioration of hoses, belts, or wiring Deterioration of battery hold-down clamps Corrosive acid buildup on battery terminals Incapable of generating voltage in compliance with R9-25-1002(4)(b)
Engine compartment wiring system		Does not comply with R9-25-1002(5)
Engine cooling system	Does not comply with R9-25-1002(3)	Leaks in system
Engine intake air cleaner		Does not comply with R9-25-1002(1)
Exhaust	Exhaust fumes in the patient or driver compartment	Exhaust pipe brackets not securely attached to the chassis and tailpipe End of tailpipe pinched or bent
Frame	Cracks in frame	
Fuel system	Fuel tank not mounted according to manufacturer's specifications Fuel tank brackets cracked or broken Leaking fuel tanks or fuel lines Fuel caps missing or of a type not specified by the manufacturer	
Ground ambulance vehicle body	Damage or rust to the exterior of the ground ambulance vehicle, which interferes with the operation of the ground ambulance vehicle Damage resulting in a hole in the driver's compartment or the patient compartment Holes that may allow exhaust or dust to enter the patient compartment Bolts attaching body to chassis loose, broken, or missing	Damage resulting in cuts or rips to the exterior of the ground ambulance vehicle
Heating and air conditioning systems		Unsecured hoses Does not maintain minimum temperature required in R9-25-1002(23) and 1002(17)
Horn		Inoperative
Parking brake		Inoperative
Siren	Inoperative	
Steering	Steering wheel bracing cracked Inoperative	Power steering belts slipping Power steering belts cracked or frayed Fluid leaks Fluid does not fill the reservoir between the full level and the add level indicator on the dipstick
Suspension	Broken suspension parts U-bolts loose or missing	Bent suspension parts Leaking shock absorbers Cracks or breaks in shock absorber mounting brackets
Vehicle brakes	Inoperative	Fluid leaks
INTERIOR:		
Communication equipment	Lack of operative communication equipment	Inoperative communication equipment in the patient compartment
Edges		Presence of exposed sharp edges
Equipment	Inability to secure oxygen tanks	Inability to secure other equipment
Fire extinguisher	Absent	Not at full charge Expired inspection tag
Hangers		Supports or hangers protruding more than 2" when not in use

## Department of Health Services – Emergency Medical Services

Instrument panel		Inoperative gauges, switches, or illumination
Padding		Missing padding over exits in the patient compartment
Patient compartment	Visible blood, body fluids, or tissue	Unrepaired cuts or holes in seats Missing pieces of floor covering
Seat belts and securing belts	Absence of seat belt or inoperative seat belt in the driver's compartment More than one inoperative seat belt in the patient compartment Absence of securing belts on a stretcher	Frayed seat belt or securing belt material One inoperative seat belt in the patient compartment
Stretcher fastener	Does not comply with R9-25-1002(36)	
<b>EXTERIOR:</b>		
Patient compartment doors	Completely or partially missing window panel	Inoperative open door securing devices Cracked window panels
Marking		Missing company identification Incorrect size or location
Mirrors	Exterior rear vision or wide vision mirrors missing	Cracked mirror glass Loose mounting bracket bolts or screws Broken mirrors Loose or broken mounting brackets Missing mounting bracket bolts or screws
Tires	Tires on each axle are not of equal size, equal ply ratings, and equal type Bumps, knots, or bulges on any tire Exposed ply or belting on any tire Flat tire on any wheel	Tread groove depth less than 4/32" measured in a tread groove on any tire
Wheels	Loose or missing lug nuts Broken lugs Cracked or bent rims	
Windows		Placement of nontransparent materials which obstruct view Cracked or broken
Windshield	Windshield that is obstructed Placement of nontransparent materials which obstruct view	Unrepaired starred cracks or line cracks extending more than 1 inch from the bottom or side of the windshield Unrepaired starred cracks or line cracks extending more than 2 inches from the top of the windshield
Windshield- washer system		Does not comply with R9-25-1002(39)
Windshield wipers	Inoperative wiper on driver's side	Inoperative speed control Split or cracked wiper blade Inoperative wiper on passenger's side

- F.** If the Department determines that there is a major defect on the ground ambulance vehicle after inspection, the certificate holder shall take the ground ambulance vehicle out-of-service until the defect is corrected.
- G.** If the Department finds a minor defect on the ground ambulance vehicle after inspection, the ground ambulance vehicle may be operated to transport patients for up to 15 days until the minor defect is corrected.
1. The Department may grant an extension of time to repair the minor defect upon a written request from the certificate holder detailing the reasons for the need of an extension of time.
  2. If the minor defect is not repaired within the time prescribed by the Department, and an extension has not been granted, the certificate holder shall take the ground ambulance vehicle out-of-service until the minor defect is corrected.
- H.** Within 15 days of the date of repair of the major or minor defect, the certificate holder shall submit written notice of the repair to the Department.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.  
1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1006. Ground Ambulance Vehicle Identification (A.R.S. §§ 36-2212, 36-2232)**

- A.** A ground ambulance vehicle shall be marked on its sides with the certificate of registration applicant's legal business or corporate name with letters not less than 6 inches in height.
- B.** A ground ambulance vehicle marked with a level of ground ambulance service shall be equipped and staffed to provide the level of ground ambulance service identified while in service.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.  
1098, effective February 13, 2001 (Supp. 01-1).

**ARTICLE 11. GROUND AMBULANCE SERVICE RATES AND CHARGES; CONTRACTS****R9-25-1101. Application for Establishment of Initial General Public Rates (A.R.S. §§ 36-2232, 36-2239)**



## Department of Health Services – Emergency Medical Services

- A. An applicant for a certificate of necessity or a certificate holder applying for initial general public rates shall submit an application packet to the Department that includes:
1. The applicant's name;
  2. The requested general public rates;
  3. A copy of the applicant's most recent financial statements or an Ambulance Revenue and Cost Report;
  4. For a consecutive 12-month period:
    - a. A projected income statement; and
    - b. A projected cash-flow statement;
  5. A list of all purchase agreements or lease agreements for real estate, ground ambulance vehicles, and equipment exceeding \$5,000 used in connection with the ground ambulance service, that includes the monetary amount and duration of each agreement;
  6. The identification of:
    - a. Each of the applicant's affiliations, such as a parent company or subsidiary owned or operated by the applicant; and
    - b. The methodology and calculations used in allocating costs among the applicant and government entities or profit or not-for-profit businesses;
  7. A copy of the applicant's contract with each federal or tribal entity for ground ambulance service, if applicable;
  8. Other documents, exhibits, or statements that may assist the Department in setting the general public rates;
  9. An attestation signed by the applicant that the information and documents provided by the applicant are true and correct; and
  10. Any other information or documents requested by the Director to clarify or complete the application.
- B. The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.
5. The effective date of the proposed general public rate adjustment;
6. A copy of the applicant's most recent financial statements;
7. A copy of the Ambulance Revenue and Cost Report;
8. For a consecutive 12-month period:
  - a. A projected income statement; and
  - b. A projected cash-flow statement;
9. A list of all purchase agreements or lease agreements for real estate, ground ambulance vehicle, and equipment exceeding \$5,000 used in connection with the ground ambulance service, that includes the monetary amount and duration of each agreement;
10. The identification of:
  - a. Each of the applicant's affiliations, such as a parent company or subsidiary owned or operated by the applicant; and
  - b. The methodology and calculations used in allocating costs among the applicant and government entities or profit or not for profit businesses;
11. A copy of the applicant's contract with each federal or tribal entity for a ground ambulance service, if applicable;
12. Other documents, exhibits, or statements that may assist the Department in setting the general public rates;
13. An attestation signed by the applicant that the information and documents provided by the applicant are true and correct; and
14. Any other information or documents requested by the Director to clarify or complete the application.
- C. The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1102. Application for Adjustment of General Public Rates (A.R.S. §§ 36-2234, 36-2239)**

- A. A certificate of necessity holder applying for an adjustment of general public rates not exceeding the monetary amount calculated according to A.R.S. § 36-2234(E) shall submit an application form to the Department that includes:
1. The name of the applicant;
  2. A statement that the applicant is making the request according to A.R.S. § 36-2234(E);
  3. A statement that the applicant has not applied for an adjustment to its general public rates within the last six months;
  4. The effective date of the proposed general public rate adjustment; and
  5. An attestation signed by the applicant that the information and documents provided by the applicant are true and correct.
- B. An applicant requesting an adjustment of general public rates exceeding the monetary amount calculated according to A.R.S. § 36-2234(E) shall submit an application packet to the Department that includes:
1. The name of the applicant;
  2. A statement that the applicant is making the request according to A.R.S. § 36-2234(A);
  3. The reason for the general public rate adjustment request;
  4. A statement that the applicant has not applied for an adjustment to its general public rates within the last six months;

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1103. Application for a Contract Rate or Range of Rates Less than General Public Rates (A.R.S. §§ 36-2234(G) and (I), 36-2239)**

- A. Before providing interfacility transports or convalescent transports, a certificate holder shall apply to the Department for approval of a contract rate or range of contract rates under A.R.S. § 36-2234(G).
1. For a contract rate or range of rates under A.R.S. § 36-2234(G), the certificate holder shall submit an application form to the Department that contains:
    - a. The name of the certificate holder;
    - b. A statement that the certificate holder is making the request under A.R.S. § 36-2234(G);
    - c. The contract rate or range of rates being requested; and
    - d. Information demonstrating the cost and economics of providing the transports for the requested contract rate or range of rates.
  2. For a contract rate or range of rates under A.R.S. § 36-2234(I), the certificate holder shall submit the information required in R9-25-1102(B)(1) and (B)(6) through (B)(14).
- B. The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1104. Ground Ambulance Service Contracts (A.R.S. §§ 36-2232, 36-2234(K))**

## Department of Health Services – Emergency Medical Services

- A. Before implementing a ground ambulance service contract, a certificate holder shall submit to the Department for approval a copy of the contract with a cover letter that indicates the total number of pages in the contract. The contract shall:
1. Include the certificate holder's legal name and any other name listed on the certificate holder's initial application required in R9-25-902(A)(1)(a);
  2. List the contract rate or range of rates approved by the Director according to R9-25-1101, R9-25-1102, or R9-25-1103;
  3. Comply with A.R.S. §§ 36-2201 through 36-2246 and 9 A.A.C. 25; and
  4. Not preclude use of the 9-1-1 system or a similarly designated emergency telephone number.
- B. The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1105. Application for Provision of Subscription Service or to Establish a Subscription Service Rate (A.R.S. § 36-2232(A)(1))**

- A. A certificate holder applying to provide subscription service, establish a subscription service rate, or request approval of a subscription service contract shall submit an application packet to the Department that includes:
1. The following information:
    - a. The number of estimated subscription service contracts and documents supporting the estimate, such as a survey of the service area;
    - b. An estimate of the number of annual subscription service transports for the service area;
    - c. The proposed subscription service rate;
    - d. An estimate of the cost of providing subscription service to the service area; and
    - e. Any other information or documents that the certificate holder believes may assist the Department in setting a subscription service rate; and
  2. A copy of the proposed subscription service contract.
- B. The Department shall approve or deny a subscription service rate under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). Section heading corrected at request of the Department, Office File No. M11-313, filed September 12, 2011 (Supp. 10-4).

**R9-25-1106. Rate of Return Setting Considerations (A.R.S. §§ 36-2232, 36-2239)**

- A. In determining the rate of return on gross revenue in A.R.S. § 36-2239(I)(4), the Director shall consider a ground ambulance service's:
1. Direct and indirect costs for operating the ground ambulance service within its service area;
  2. Balance sheet;
  3. Income statement;
  4. Cash flow statement;
  5. Ratio between variable and fixed costs on the financial statements;
  6. Method of indirect costs allocation to specific cost-center areas;
  7. Return on equity;
  8. Reimbursable and non-reimbursable charges;
  9. Type of business entity;
  10. Monetary amount and type of debt financing;

11. Replacement and expansion costs;
12. Number of calls, transports, and billable miles;
13. Costs associated with rules, inspections, and audits;
14. Substantiated prior reported losses;
15. Medicare and AHCCCS settlements; and
16. Any other information or documents needed by the Director to clarify incomplete or ambiguous information or documents.

- B. In determining the rate of return on gross revenue in A.R.S. § 36-2239(I)(4), the Director shall not consider:
1. Depreciation of the portion of ground ambulance vehicles and equipment obtained through Department funding,
  2. The certificate holder's travel and entertainment expenses that do not directly relate to providing the ground ambulance service,
  3. The monetary value of any goodwill accumulated by the certificate holder,
  4. Any penalties or fines imposed on the certificate holder by a court or government agency, and
  5. Any financial contributions received by the certificate holder.
- C. In determining just, reasonable, and sufficient rates in A.R.S. § 36-2232(A)(1) the director shall establish rates to provide for a rate of return that is at least 7% of gross revenue, calculated using the accrual method of accounting according to generally accepted accounting principles, unless the certificate holder requests a lower rate of return.
- D. Rate of return on gross revenue is calculated by dividing Ambulance Revenue and Cost Report Exhibit A or Exhibit B net income or loss by gross revenue.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1107. Rate Calculation Factors (A.R.S. § 36-2232)**

- A. When evaluating a proposed mileage rate, the Department shall consider the following factors:
1. The cost of licensure and registration of each ground ambulance vehicle;
  2. The cost of fuel;
  3. The cost of ground ambulance vehicle maintenance;
  4. The cost of ground ambulance vehicle repair;
  5. The cost of tires;
  6. The cost of ground ambulance vehicle insurance;
  7. The cost of mechanic wages, benefits, and payroll taxes;
  8. The cost of loan interest related to the ground ambulance vehicles;
  9. The cost of the weighted allocation of overhead;
  10. The cost of ground ambulance vehicle depreciation;
  11. The cost of reserves for replacement of ground ambulance vehicles and equipment; and
  12. Mileage reimbursement as established by Medicare guidelines for ground ambulance service.
- B. When evaluating a proposed BLS base rate, the Department shall consider the costs associated with providing EMS and transport.
- C. When evaluating a proposed ALS base rate, the Department shall consider the factors in subsection (B) and the additional costs of ALS ambulance equipment and ALS personnel.
- D. In evaluating rates, the Director shall make adjustments to a certificate holder's rates to maximize Medicare reimbursements.
- E. The Department shall determine the standby waiting rate by dividing the BLS base rate by 4.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.

## Department of Health Services – Emergency Medical Services

1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1108. Implementation of Rates and Charges (A.R.S. §§ 36-2232, 36-2239)**

- A. A certificate holder shall assess rates and charges as follows:
1. When calculating a rate or charge, the certificate holder shall:
    - a. Omit fractions of less than 1/2 of 1 cent; or
    - b. Increase to the next whole cent, fractions of 1/2 of 1 cent or greater.
  2. The certificate holder shall calculate the number of miles for a transport by using:
    - a. The ground ambulance vehicle's odometer reading; or
    - b. A regional map.
  3. The certificate holder shall calculate the reimbursement amount for mileage of a transport by multiplying the number of miles for the transport by the mileage rate.
  4. When transporting two or more patients in the same ground ambulance vehicle, the certificate holder shall assess each patient:
    - a. Fifty percent of the mileage rate and one hundred percent of the ALS or BLS base rate; and
    - b. One hundred percent of:
      - i. The charge for each disposable supply, medical supply, medication, and oxygen-related cost used on the patient; and
      - ii. Waiting time assessed according to subsection (C).
  5. When agreed upon by prior arrangement to transport a patient to one destination and return to the point of pick-up or to one destination and then to a subsequent destination, assess only the ALS or BLS base rate, mileage rate, and standby waiting rate for the transport.
- B. When a certificate holder transfers a patient to an air ambulance, the certificate holder shall assess the patient the rates and charges for EMS and transport provided to the patient before the transfer.
- C. A certificate holder shall assess a standby waiting rate in quarter-hour increments, except for:
1. The first 15 minutes after arrival to load the patient at the point of pick-up;
  2. The time, exceeding the first 15 minutes, required by ambulance attendants to provide necessary medical treatment and stabilization of the patient at the point of pick-up; and
  3. The first 15 minutes to unload the patient at the point of destination.
- D. When a certificate holder responds to a request outside the certificate holder's service area, the certificate holder shall assess its own rates and charges for EMS or transport provided to the patient.
- E. When the Department or the certificate holder determines that a refund of a rate or a charge is required, the certificate holder shall refund the rate or charge within 90 days from the date of the determination.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1109. Charges (A.R.S. §§ 36-2232, 36-2239(D))**

- A. A certificate holder that charges patients for disposable supplies, medical supplies, medications, and oxygen-related costs shall submit to the Department a list of the items and the proposed charges. The list shall include a non-retroactive effective date.

- B. A certificate holder shall submit to the Department a new list each time the certificate holder proposes a change in the items or the amount charged. The list shall contain the information required in subsection (A), including a non-retroactive effective date.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1110. Invoices (A.R.S. §§ 36-2234, 36-2239)**

- A. Each invoice for rates and charges shall contain the following:
1. The patient's name;
  2. The certificate holder's name, address, and telephone number;
  3. The date of service;
  4. An itemized list of the rates and charges assessed;
  5. The total monetary amount owed the certificate holder; and
  6. The payment due date.
- B. Any subsequent invoice to the same patient for the same EMS or transport shall contain all the information in subsection (A) except the information in subsection (A)(4).
- C. Charges may be combined into one line item if the supplies are used for a specific purpose and the name of the combined item is included in the certificate holder's disposable medical supply listing provided to the Department under R9-25-1109.
- D. A certificate holder may combine rates and charges into one line item if required by a third-party payor.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**ARTICLE 12. TIME-FRAMES FOR DEPARTMENT APPROVALS**

**R9-25-1201. Time-frames (Authorized by A.R.S. §§ 41-1072 through 41-1079)**

- A. The overall time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department is listed in Table 12.1. The applicant and the Director may agree in writing to extend the overall time-frame. The substantive review time-frame shall not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department is listed in Table 12.1. The administrative completeness review time-frame begins on the date that the Department receives an application form or an application packet.
1. If the application packet is incomplete, the Department shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the written request until the date the Department receives a complete application packet from the applicant.
  2. When an application packet is complete, the Department shall send a written notice of administrative completeness.
  3. If the Department grants an approval during the time provided to assess administrative completeness, the Department shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072 is listed in Table 12.1 and begins on the postmark date of the notice of administrative completeness.
1. As part of the substantive review time-frame for an application for an approval other than renewal of an ambulance registration, the Department shall conduct

## Department of Health Services – Emergency Medical Services

- inspections, conduct investigations, or hold hearings required by law.
2. If required under R9-25-402, the Department shall fix the period and terms of probation as part of the substantive review.
  3. During the substantive review time-frame, the Department may make one comprehensive written request for additional documents or information and may make supplemental requests for additional information with the applicant's written consent.
  4. The substantive review time-frame and the overall time-frame are suspended from the postmark date of the written request for additional information or documents until the Department receives the additional information or documents.
  5. The Department shall send a written notice of approval to an applicant who meets the qualifications in A.R.S. Title 36, Chapter 21.1 and this Chapter for the type of application submitted.
  6. The Department shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. Title 36, Chapter 21.1, and this Chapter for the type of application submitted.
- D. If an applicant fails to supply the documents or information under subsections (B)(1) and (C)(3) within the number of days specified in Table 12.1 from the postmark date of the written notice or comprehensive written request, the Department shall consider the application withdrawn.
  - E. An applicant that does not wish an application to be considered withdrawn may request a denial in writing within the number of days specified in Table 12.1 from the postmark date of the written notice or comprehensive written request for documents or information under subsections (B)(1) and (C)(3).
  - F. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the Department shall consider the next business day as the time-frame's last day.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).  
 Amended by final rulemaking at 8 A.A.R. 2352, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).  
 Amended by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Table 12.1. Time-frames (in days)**

Type of Application	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Time to Respond to Written Notice	Substantive Review Time-frame	Time to Respond to Comprehensive Written Request
ALS Base Hospital Certification (R9-25-204)	A.R.S. §§ 36-2201, 36-2202(A)(3), and 36-2204(5)	45	15	60	30	60
Training Program Certification (R9-25-301)	A.R.S. §§ 36-2202(A)(3) and 36-2204(1) and (3)	120	30	60	90	60
Addition of a Course (R9-25-303)	A.R.S. §§ 36-2202(A)(3) and 36-2204(1) and (3)	90	30	60	60	60
EMCT Certification (R9-25-403)	A.R.S. §§ 36-2202(A)(2), (3), and (4), 36-2202(H), and 36-2204(1)	120	30	90	90	270
EMCT Recertification (R9-25-404)	A.R.S. §§ 36-2202(A)(2), (3), (4), and (6), 36-2202(H), and 36-2204(1) and (4)	120	30	60	90	60
Extension to File for EMCT Recertification (R9-25-405)	A.R.S. §§ 36-2202(A)(2), (3), (4), and (6), 36-2202(H), and 36-2204(1) and (7)	30	15	60	15	60
Downgrading of Certification (R9-25-406)	A.R.S. §§ 36-2202(A)(2), (3), and (4), 36-2202(H), and 36-2204(1) and (6)	30	15	60	15	60
Initial Air Ambulance Service License (R9-25-704)	A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2213, 36-2214, and 36-2215	150	30	60	120	60
Renewal of an Air Ambulance Service License (R9-25-705)	A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2213, 36-2214, and 36-2215	90	30	60	60	60
Initial Certificate of Registration for an Air Ambulance (R9-25-802)	A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, and 36-2240(4)	90	30	60	60	60
Renewal of a Certificate of Registration for an Air Ambulance (R9-25-802)	A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, and 36-2240(4)	90	30	60	60	60
Initial Certificate of Necessity (R9-25-902)	A.R.S. §§ 36-2204, 36-2232, 36-2233, 36-2240	450	30	60	420	60

## Department of Health Services – Emergency Medical Services

Provision of ALS Services (R9-25-902)	A.R.S. §§ 36-2232, 36-2233, 36-2240	450	30	60	420	60
Transfer of a Certificate of Necessity (R9-25-902)	A.R.S. §§ 36-2236(A) and (B), 36-2240	450	30	60	420	60
Renewal of a Certificate of Necessity (R9-25-904)	A.R.S. §§ 36-2233, 36-2235, 36-2240	90	30	60	60	60
Amendment of a Certificate of Necessity (R9-25-905)	A.R.S. §§ 36-2232(A)(4), 36-2240	450	30	60	420	60
Initial Registration of a Ground Ambulance Vehicle (R9-25-1001)	A.R.S. §§ 36-2212, 36-2232, 36-2240	90	30	60	60	60
Renewal of a Ground Ambulance Vehicle Registration (R9-25-1001)	A.R.S. §§ 36-2212, 36-2232, 36-2240	90	30	60	60	60
Establishment of Initial General Public Rates (R9-25-1101)	A.R.S. §§ 36-2232, 36-2239	450	30	60	420	60
Adjustment of General Public Rates (R9-25-1102)	A.R.S. §§ 36-2234, 36-2239	450	30	60	420	60
Contract Rate or Range of Rates Less than General Public Rates (R9-25-1103)	A.R.S. §§ 36-2234, 36-2239	450	30	60	420	60
Ground Ambulance Service Contracts (R9-25-1104)	A.R.S. § 36-2232	450	30	60	420	60
Ground Ambulance Service Contracts with Political Subdivisions (R9-25-1104)	A.R.S. §§ 36-2232, 36-2234(K)	30	15	15	15	Not Applicable
Subscription Service Rate (R9-25-1105)	A.R.S. § 36-2232(A)(1)	450	30	60	420	60

**Historical Note**

Table 12.1 renumbered from Table 1 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**Table 1. Renumbered****Historical Note**

New Table adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 2352, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Table 1 renumbered to Table 12.1 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit A. Recodified****Historical Note**

New Exhibit adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). Exhibit A recodified to Article 9 at 12 A.A.R. 2243, effective June 2, 2006 (Supp. 06-2).

**Exhibit B. Recodified****Historical Note**

New Table adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). Exhibit B recodified to Article 9 at 12 A.A.R. 2243, effective June 2, 2006 (Supp. 06-2).

**ARTICLE 13. TRAUMA CENTERS AND TRAUMA REGISTRIES****R9-25-1301. Definitions (A.R.S. §§ 36-2202(A)(4), 36-****2209(A)(2), and 36-2225(A)(4))**

In addition to the definitions in A.R.S. § 36-2201 and R9-25-101, the following definitions apply in this Article, unless otherwise specified:

1. “Admitted” means when a patient is either:
  - a. Held for observation of a trauma-related injury; or
  - b. Considered an inpatient, as defined in A.A.C. R9-10-201.
2. “Business day” means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday.
3. “Designation” means a formal determination by the Department that a health care institution complies with requirements in A.R.S. § 36-2225 and this Article for providing a particular Level of trauma service.
4. “Emergency department” means a designated area of a hospital that provides emergency services, as defined in A.A.C. R9-10-201, as an organized service, 24 hours per day, seven days per week, to individuals who present for immediate medical services.
5. “ICD-code” means an International Classification of Diseases code, a set of numbers or letters or a combination of letters and numbers that specify a disease, condition, or injury; the location of the disease, condition, or injury; or the circumstances under which a patient may have incurred the disease, condition, or injury, which is used by a health care institution for billing purposes.
6. “Level I Pediatric trauma center” means a Level I trauma center that has a trauma service specifically intended to meet the needs of children requiring trauma care.
7. “Level II Pediatric trauma center” means a Level II trauma center that has a trauma service specifically

## Department of Health Services – Emergency Medical Services

- intended to meet the needs of children requiring trauma care.
8. “Medical services” means the services pertaining to the “practice of medicine,” as defined in A.R.S. § 32-1401, or “medicine,” as defined in A.R.S. § 32-1800, performed at the direction of a physician.
  9. “National verification organization” has the same meaning as in A.R.S. § 36-2225.
  10. “Nursing services” means services that pertain to the curative, restorative, and preventive aspects of “registered nursing,” as defined in A.R.S. § 32-1601, performed:
    - a. At the direction of a physician; and
    - b. By or under the supervision of a registered nurse licensed:
      - i. According to Title 32, Chapter 15; or
      - ii. When performed in a health care institution operating under federal or tribal law as an administrative unit of the U.S. government or a sovereign tribal nation, by a similar licensing board in another state.
  11. “On-call” means assigned to respond and, if necessary, come to a health care institution when notified by a personnel member of the health care institution.
  12. “Organized service” has the same meaning as in A.A.C. R9-10-201.
  13. “Owner” means one of the following:
    - a. For a health care institution licensed under 9 A.A.C. 10, the licensee;
    - b. For a health care institution operated under federal or tribal laws, the administrative unit of the U.S. government or sovereign tribal nation operating the health care institution.
  14. “Personnel member” means an individual providing medical services, nursing services, or health-related services, as defined in A.R.S. § 36-401, to a patient.
  15. “Physician” means an individual licensed:
    - a. According to A.R.S. Title 32, Chapter 13 or 17; or
    - b. When working in a health care institution operating under federal or tribal law as an administrative unit of the U.S. government or a sovereign tribal nation, by a similar licensing board in another state.
  16. “Signature” means:
    - a. A handwritten or stamped representation of an individual’s name or a symbol intended to represent an individual’s name, or
    - b. An “electronic signature” as defined in A.R.S. § 44-7002.
  17. “Substantial compliance” has the same meaning as in A.R.S. § 36-401.
  18. “Transport” means the conveyance of a patient by ground ambulance or air ambulance from one location to another location.
  19. “Trauma care” means medical services and nursing services provided to a patient suffering from a sudden physical injury.
  20. “Trauma center” has the same meaning as in A.R.S. § 36-2225.
  21. “Trauma critical care course” means a multidisciplinary class or series of classes consisting of interactive tutorials, skills teaching, and simulated patient management scenarios of trauma care, consistent with training recognized by the American College of Surgeons.
  22. “Trauma facility” means a health care institution that provides trauma care to a patient as an organized trauma service.
  23. “Trauma service” means designated personnel members, equipment, and area within a health care institution and the associated policies and procedures for the personnel members to follow when providing trauma care to a patient.
  24. “Trauma team” means a group of personnel members with defined roles and responsibilities in providing trauma care to a patient.
  25. “Trauma team activation” means a notification to respond that is sent to trauma team personnel members in reaction to triage information received concerning a patient with injury or suspected injury.
  26. “Verification” means formal confirmation by a national verification organization that a health care institution meets the national verification organization’s standards for providing trauma care at a specific Level of trauma service.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1302. Eligibility for Designation (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

- A. A health care institution is eligible for designation as a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, Level II Pediatric trauma center, or Level III trauma center if the health care institution:
1. Is either:
    - a. Licensed by the Department under 9 A.A.C. 10 to operate as a hospital; or
    - b. Operating as a hospital under federal or tribal law as an administrative unit of the U.S. government or a sovereign tribal nation; and
  2. For designation as a:
    - a. Level I trauma center:
      - i. Holds verification, issued within the six months before the date of designation, as a Level I trauma facility;
      - ii. Has documentation issued by a national verification organization, within the six months before the date of designation, stating that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for a Level I trauma center; or
      - iii. Meets the requirements in subsection (C);
    - b. Level I Pediatric trauma center:
      - i. Holds verification, issued within the six months before the date of designation, as a Level I Pediatric trauma facility;
      - ii. Has documentation issued by a national verification organization, within the six months before the date of designation, stating that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for a Level I Pediatric trauma center; or
      - iii. Meets the requirements in subsection (C);
    - c. Level II trauma center:
      - i. Holds verification, issued within the six months before the date of designation, as a Level II trauma facility; or
      - ii. Has documentation issued by a national verification organization, within the six months before the date of designation, stating that the health care institution meets the standards spec-

## Department of Health Services – Emergency Medical Services

- ified in R9-25-1308 and Table 13.1 for a Level II trauma center; or
- iii. Meets the requirements in subsection (C);
- d. Level II Pediatric trauma center:
    - i. Holds verification, issued within the six months before the date of designation, as a Level II Pediatric trauma facility;
    - ii. Has documentation issued by a national verification organization, within the six months before the date of designation, stating that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for a Level II Pediatric trauma center; or
    - iii. Meets the requirements in subsection (C); or
  - e. Level III trauma center:
    - i. Holds verification, issued within the six months before the date of designation, as a Level III trauma facility; or
    - ii. Has documentation issued by a national verification organization or the Department, within the six months before the date of designation, stating that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for a Level III trauma center.
- B.** A health care institution is eligible for designation as a Level IV trauma center if the health care institution:
1. Is either:
    - a. Licensed by the Department under 9 A.A.C. 10 to operate as:
      - i. A hospital; or
      - ii. An outpatient treatment center authorized to provide emergency room services, as defined in A.A.C. R9-10-1001, according to A.A.C. R9-10-1019; or
    - b. Operating as a hospital or an outpatient treatment center providing emergency services under federal or tribal law as an administrative unit of the U.S. government or a sovereign tribal nation; and
  2. Either:
    - a. Holds verification, issued within the six months before the date of designation, as a Level IV trauma facility; or
    - b. Has documentation issued by a national verification organization or the Department, within the six months before the date of designation, stating that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for a Level IV trauma center.
- C.** A health care institution is eligible for designation as a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center based on assessment by the Department that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for the Level of trauma center for which designation is requested if the health care institution:
1. Applies for verification from a national verification organization;
  2. Informs the Department, at least 30 calendar days before, of the dates the national verification organization will be on the premises of the health care institution to assess the health care institution for compliance with the national verification organization's standards for verification;
  3. Invites the Department to review the facility and documentation of capabilities of the health care institution during the national verification organization's assessment in subsection (C)(2);
  4. Is not issued verification from the national verification organization at the Level of designation sought;
  5. Does not receive the documentation required in subsection (A)(2)(a)(ii), (b)(ii), (c)(ii), or (d)(ii), as applicable; and
  6. Receives the documentation specified in R9-25-1306(G) and, if applicable, submits to the Department a written plan in R9-25-1306(H), acceptable to the Department, to correct instances of non-compliance.
- D.** A health care institution is eligible to retain designation as a specific Level of trauma center if the health care institution complies with the applicable requirements in this Article for the specific Level of trauma center.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1303. Application and Designation Process (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

**A.** An owner applying for initial designation or to renew designation for a health care institution shall submit to the Department an application including:

1. The following information, in a Department-provided format:
  - a. The name, address, and telephone number of the health care institution for which the owner is requesting designation;
  - b. The owner's name, address, e-mail address, telephone number, and, if available, fax number;
  - c. The name, e-mail address, telephone number, and, if available, fax number of the chief administrative officer, as defined in A.A.C. R9-10-101, for the health care institution for which the owner is requesting designation;
  - d. The designation Level for which the owner is applying;
  - e. Whether the owner is requesting designation for the health care institution based on:
    - i. Verification, or
    - ii. Meeting the applicable standards specified in R9-25-1308 and Table 13.1;
  - f. If the owner is requesting designation for the health care institution based on verification:
    - i. The name of the national verification organization;
    - ii. The name, telephone number, and e-mail address for a representative of the national verification organization;
    - iii. The Level of verification held;
    - iv. The effective date of the verification, and
    - v. The expiration date of the verification;
  - g. If the owner is requesting designation for the health care institution based on the health care institution meeting the applicable standards specified in R9-25-1308 and Table 13.1:
    - i. Whether:
      - (1) A national verification organization has assessed the health care institution, or
      - (2) The Department will be assessing the health care institution;
    - ii. If a national verification organization has assessed the health care institution:
      - (1) The name of the national verification organization;

## Department of Health Services – Emergency Medical Services

- (2) The name, telephone number, and e-mail address for a representative of the national verification organization; and
    - (3) The date the national verification organization assessed the health care institution; and
  - iii. If the Department will be assessing the health care institution, the date the health care institution will be ready for the Department to assess the health care institution;
  - h. Unless the owner is an administrative unit of the U.S. government or a sovereign tribal nation, the license number, issued by the Department, for the health care institution for which designation is being requested;
  - i. The name, e-mail address, telephone number, and, if available, fax number of the health care institution's trauma program manager;
  - j. Whether the health care institution's trauma registry will be located at the health care institution or be part of a centralized trauma registry;
  - k. The name, e-mail address, telephone number, and, if available, fax number of the health care institution's trauma registrar;
  - l. If applying for designation as a Level IV trauma center, whether the health care institution plans to submit, in addition to the information required in R9-25-1309(A), the information specified in R9-25-1309(B);
  - m. If not already submitting trauma registry information to the Department, the time period for which the health care institution plans to begin submitting trauma registry information;
  - n. Except for a health care institution applying for designation as a Level IV trauma center, the name, e-mail address, telephone number, and, if available, fax number of the health care institution's trauma medical director;
  - o. The name, title, address, and telephone number of the owner's statutory agent or the individual designated by the owner to accept service of process and subpoenas;
  - p. Attestation that:
    - i. The owner will comply with all applicable requirements in A.R.S. Title 36, Chapter 21.1 and this Article; and
    - ii. The information and documents provided as part of the application are accurate and complete; and
  - q. The dated signature of the applicable individual according to R9-25-102;
2. If applicable, documentation demonstrating that the health care institution is operating as a hospital or an outpatient treatment center providing emergency services under federal or tribal law as an administrative unit of the U.S. government or a sovereign tribal nation; and
  3. One of the following:
    - a. Documentation from the national verification organization, identified according to subsection (A)(1)(f)(i), establishing that the owner holds verification for the health care institution at the Level of designation being requested and showing the effective date and expiration date of the verification;
    - b. Documentation from the national verification organization, identified according to subsection (A)(1)(g)(ii)(1), demonstrating that the health care institution meets the applicable standards specified in R9-25-1308 and Table 13.1; or
- c. The information and documents required in R9-25-1307(C), (D), or (F), as applicable.
- B. An owner applying to renew designation for a health care institution shall submit the application in subsection (A) to the Department at least 60 calendar days and no more than 90 calendar days before the expiration of the current designation.
  - C. Within 30 calendar days after receiving an application submitted according to subsection (A), the Department shall review the application submitted for completeness, and, if the application is:
    1. Incomplete, provide to the owner a written notice listing each missing item and the information or items needed to complete the application; and
    2. Complete and based on:
      - a. Verification, comply with R9-25-1307(A);
      - b. A national verification organization assessing the health care institution's meeting the applicable standards specified in R9-25-1308 and Table 13.1, comply with R9-25-1307(B); or
      - c. The Department assessing the health care institution's meeting the applicable standards specified in R9-25-1308 and Table 13.1, assess compliance with applicable requirements in A.R.S. Title 36, Chapter 21.1 and this Article according to R9-25-1307(E) or (G).
  - D. The Department shall consider an application withdrawn if an owner:
    1. Fails to submit to the Department all of the information or items listed in a notice of missing items within 60 calendar days after the date on the notice of missing items, unless the Department and the owner agree to an extension of this time; or
    2. Submits a written request withdrawing the application.
  - E. If an owner submits an application for renewal of designation for a health care institution according to subsection (A) before the expiration date of the current designation, the designation of the health care institution remains in effect until the:
    1. Department has determined whether or not to issue a renewal of the designation, or
    2. Application is withdrawn.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (Supp. 12-3). New Section R9-25-1303 renumbered from R9-25-1304 and amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1303.01. Health Care Institutions with Provisional Designation (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

- A. A health care institution that held provisional designation before the effective date of the rules in this Article may retain the provisional designation until the expiration date of the provisional designation.
- B. At least 60 calendar days and no more than 90 calendar days before the expiration of a provisional designation, an owner of a health care institution with a provisional designation shall submit to the Department an application for initial designation according to R9-25-1303(A).
- C. If an owner of a health care institution with a provisional designation does not submit an application for initial designation according to subsection (B), the health care institution is no



## Department of Health Services – Emergency Medical Services

longer designated as a trauma center, as of the expiration date of the provisional designation.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1304. Changes Affecting Designation Status (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

- A.** An owner of a trauma center shall:
1. Notify the Department, in writing or in a Department-provided format, no later than 60 calendar days after the date of a change in the health care institution's:
    - a. Name,
    - b. Trauma program manager, or
    - c. If applicable, trauma medical director; and
  2. Provide the effective date of the change and, as applicable, the:
    - a. Current and new name of the health care institution, or
    - b. Name of the new trauma program manager or trauma medical director.
- B.** An owner of a trauma center shall notify the Department in writing within three business days after:
1. The trauma center's health care institution license expires or is suspended or revoked;
  2. The trauma center's health care institution license is changed to a provisional license under A.R.S. § 36-425;
  3. The trauma center no longer holds verification; or
  4. A change, which is expected to last for more than seven consecutive calendar days, in the trauma center's ability to meet:
    - a. The applicable standards specified in R9-25-1308 and Table 13.1, or
    - b. If designation is based on verification, the national verification organization's standards for verification.
- C.** At least 90 calendar days before a trauma center ceases to provide a trauma service, the owner of the trauma center shall notify the Department, in writing or in a Department-provided format, of the owner's intention to cease providing the trauma service and to relinquish designation, including the effective date.
- D.** The Department shall, upon receiving a notice described in:
1. Subsection (A), issue an amended designation that incorporates the name change but retains the expiration date of the current designation;
  2. Subsection (B)(1), send the owner a written notice stating that the health care institution no longer meets the definition of a trauma center and that the Department intends to dedesignate the health care institution, according to R9-25-1307(J)(2);
  3. Subsection (B)(2), evaluate the restrictions on the provisional license to determine if the trauma service was affected and may send the owner a written notice of the Department's intention to:
    - a. Dedesignate the health care institution, according to R9-25-1307(J) through (M);
    - b. Require a modification of the health care institution's designation within 15 calendar days after the date of the notice, according to R9-25-1305; or
    - c. Require a corrective action plan to address issues of compliance with the applicable standards specified in R9-25-1308 and Table 13.1, according to R9-25-1306(E);
  4. Subsection (B)(3), send the owner written notice that the owner is required, within 15 calendar days after the date of the notice, to submit to the Department:

- a. An application for designation at a specific Level of trauma center, according to R9-25-1303, based on meeting the applicable standards specified in R9-25-1308 and Table 13.1; or
  - b. Written notification of the owner's intention to relinquish designation;
5. Subsection (B)(4), send the owner written notice that the owner is required, within 15 calendar days after the date of the notice, to submit to the Department:
    - a. An application for modification of the health care institution's designation, according to R9-25-1305;
    - b. A corrective action plan to address issues of compliance with the applicable standards specified in R9-25-1308 and Table 13.1, according to R9-25-1306(E); or
    - c. Written notification of the owner's intention to relinquish designation; or
  6. Subsection (C), (D)(4)(b), or (D)(5)(c), send the owner written confirmation of the voluntary relinquishment of designation.
- E.** An owner of a trauma center, who obtains verification for the trauma center during a term of designation that was based on the trauma center meeting the applicable standards specified in R9-25-1308 and Table 13.1, may obtain a new initial designation based on verification, with a designation term based on the dates of the verification, by submitting an application according to R9-25-1303.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1304 renumbered to R9-25-1303; new Section R9-25-1304 renumbered from R9-25-1308 and amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1305. Modification of Designation (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

- A.** Except as provided in R9-25-1304(D)(3)(b) and (5)(a), at least 30 calendar days before ceasing to provide a trauma service consistent with a trauma center's current designation, an owner of a trauma center may request a designation that requires fewer resources and capabilities than the trauma center's current designation by submitting to the Department an application for modification of the trauma center's designation, in a Department-provided format, that includes:
1. The name and address of the trauma center for which the owner is requesting modification of designation;
  2. A list of the criteria for the current designation with which the owner no longer intends to comply;
  3. An explanation of the changes being made in the trauma center's resources or operations, related to each criterion specified according to subsection (A)(2), to ensure the health and safety of a patient;
  4. The Level of designation being requested;
  5. An attestation that:
    - a. The owner will be in compliance with all applicable requirements in A.R.S. Title 36, Chapter 21.1 and this Article for the Level of designation requested if modified designation is issued; and
    - b. The information provided in the application is accurate and complete; and
  6. The dated signature of the applicable individual according to R9-25-102.
- B.** The Department shall review the application submitted according to R9-25-1307(I) to determine whether, with the changes being made in the trauma center's resources and oper-

## Department of Health Services – Emergency Medical Services

ations, the trauma center will be in substantial compliance based the applicable standards specified in R9-25-1308 and Table 13.1 for the Level of designation requested.

- C. To retain trauma center designation for a health care institution, an owner who holds modified designation shall, before the expiration date of the modified designation:
1. Apply for renewal of designation according to R9-25-1303, based on the health care institution's meeting the applicable standards specified in R9-25-1308 and Table 13.1, for the Level of the modified designation; or
  2. Apply for initial designation according to R9-25-1303, based on the health care institution meeting the applicable standards specified in R9-25-1308 and Table 13.1, for a Level other than the Level of the modified designation.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1305 repealed; new Section R9-25-1305 renumbered from R9-25-1309 and amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1306. Inspections (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

- A. When the Department inspects a health care institution applying for a trauma center designation or a health care institution designated as a trauma center to determine compliance with the applicable requirements in this Article, the Department:
1. Shall use criteria for assessing compliance developed using recommendations from the State Trauma Advisory Board, according to A.R.S. § 36-2222(E)(1); and
  2. May:
    - a. Evaluate the health care institution's equipment and physical plant;
    - b. Interview the health care institution's personnel members, including any individuals providing trauma care; and
    - c. Review any of the following:
      - i. Medical records;
      - ii. Patient discharge summaries;
      - iii. Patient care logs;
      - iv. Rosters and schedules of personnel members and individuals who provide trauma care as part of the trauma service;
      - v. Performance-improvement-related documents, including quality management program documents required in A.A.C. R9-10-204 or R9-10-1004 as applicable; and
      - vi. Other documents relevant to the provision of trauma care as part of the trauma service.
- B. The Department shall determine whether there is a need for an inspection of a health care institution and which components in subsection (A)(2) to include in an inspection, based on the health care institution's application; previous inspections, if applicable; and the operating history of the health care institution and may conduct an announced inspection of the identified components:
1. Before issuing an initial, renewal, or modified designation to an owner applying for designation of a health care institution as a trauma center;
  2. If an owner of a health care institution designated as a trauma center has submitted a corrective action plan under subsection (E); or
  3. A health care institution designated as a trauma center is randomly selected to receive an inspection.
- C. If the Department has reason to believe that a trauma center is not complying with applicable requirements in A.R.S. Title

36, Chapter 21.1 and this Article, the Department may conduct an announced or unannounced inspection of the trauma center according to subsection (A).

- D. Within 30 calendar days after completing an inspection, the Department shall send to an owner a written report of the Department's findings, including, if applicable, a list of any instances of non-compliance identified during the inspection and a request for a written corrective action plan.
- E. Within 15 calendar days after receiving a request for a written corrective action plan, an owner shall submit to the Department a written corrective action plan that includes for each identified instance of non-compliance:
1. A description of how the instance of non-compliance will be corrected and reoccurrence prevented, and
  2. A date of correction for the instance of non-compliance.
- F. The Department shall accept a written corrective action plan if the corrective action plan:
1. Describes how each identified instance of non-compliance will be corrected and reoccurrence prevented, and
  2. Includes a date for correcting each instance of non-compliance that is appropriate to the actions necessary to correct the instance of non-compliance.
- G. If the Department reviews a health care institution's facility and documentation of capabilities during a national verification organization's assessment according to R9-25-1302(C)(3) and the health care institution is not issued verification from the national verification organization at the Level of designation sought, the Department shall send to an owner of the health care institution, within 30 calendar days after the review, a written report of the Department's findings, including, if applicable, a list of any instances of non-compliance with requirements in R9-25-1308 and Table 13.1 identified during the review.
- H. A health care institution receiving a written report in subsection (G) containing a list of instances of non-compliance with requirements in R9-25-1308 and Table 13.1 identified during a review of the health care institution's facility and documentation of capabilities may submit to the Department a written plan to correct instances of non-compliance that includes:
1. A description of how the health care institution will correct each instance of non-compliance and prevent the reoccurrence, and
  2. A date by which the health care institution plans to correct each instance of non-compliance.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1306 repealed; new Section R9-25-1306 made by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1307. Designation and Dedications (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

- A. For designation of a health care institution based on verification, the Department shall, within 45 calendar days after receiving a complete application from an owner:
1. If the application complies with the applicable requirements in this Article, issue a designation for the health care institution that is valid for the duration of the verification; or
  2. If the application does not comply with the applicable requirements in this Article, provide a written notice that complies with A.R.S. Title 41, Chapter 6, Article 10 that the Department intends to decline to issue a designation for the health care institution.

## Department of Health Services – Emergency Medical Services

- B.** Except as provided in subsection (F), for designation of a health care institution based on an assessment by a national verification organization, the Department shall, within 60 calendar days after receiving a complete application from an owner, review the application and, if the Department determines that:
1. The application and the health care institution comply with the applicable requirements in this Article, issue a designation for the health care institution that is valid for three years from the issue date;
  2. The application complies with the applicable requirements in this Article, the health care institution is in substantial compliance with the applicable requirements in this Article, and the Department has accepted a written corrective action plan submitted according to R9-25-1306(E), issue a designation for the health care institution that is valid for one year from the issue date; or
  3. The application or the health care institution does not comply with the applicable requirements in this Article, provide a written notice that complies with A.R.S. Title 41, Chapter 6, Article 10 that the Department intends to decline to issue a designation for the health care institution.
- C.** Except as provided in subsection (F) for renewal of a one-year designation, for designation of a health care institution as a Level III trauma center or a Level IV trauma center based on an assessment by the Department, an owner shall include as part of the application required in R9-25-1303(A):
1. The following information in a Department-provided format:
    - a. The name of the health care institution for which the owner is requesting designation;
    - b. The services the health care institution is providing or plans to provide as part of the trauma service;
    - c. The name and title of the liaison to the trauma service from each of the services listed according to subsection (C)(1)(b);
    - d. If applicable, the name, e-mail address, telephone number, and, if available, fax number of the health care institution's emergency department physician director;
    - e. If applicable, the name, e-mail address, telephone number, and, if available, fax number of the health care institution's surgical director or co-director;
    - f. If a multidisciplinary peer review committee is required according to Table 13.1 for the Level of the trauma center, the name and title of each member of the multidisciplinary peer review committee;
    - g. If the health care institution's trauma registry will be part of a centralized trauma registry, a description of the training provided to the trauma program manager to enable the trauma program manager to comply with R9-25-1308(D)(2);
    - h. If applicable, for an application for initial designation, a description of the health care institution's plans for the continuing education activities related to trauma care, required in R9-25-1308(G)(4);
    - i. For renewal of designation, a description of the continuing education activities conducted during the term of the designation;
    - j. If applicable, the name, e-mail address, telephone number, and, if available, fax number of the health care institution's injury prevention coordinator;
    - k. A description of the methods by which trauma team personnel members communicate with EMS personnel;
    - l. A description of the trauma-related training received by registered nurses in the intensive care unit;
    - m. An attestation that the owner of the health care institution will prohibit:
      - i. The trauma medical director from serving as trauma medical director for another health care institution; and
      - ii. A physician on-call for general surgery, neurosurgery, or orthopedic surgery to be on-call or on a back-up call list at another health care institution; and
    - n. The dated signature of the applicable individual according to R9-25-102;
  2. A copy of the policies and procedures required in R9-25-1308(B)(6) for the health care institution's trauma registry;
  3. A copy of the policies and procedures required in R9-25-1308(B)(7) for the health care institution's performance improvement program;
  4. A copy of the policies and procedures required in R9-25-1308(F)(2) for the health care institution's trauma service;
  5. If applicable, a copy of the policies and procedures required in R9-25-1308(F)(9) for operating rooms;
  6. A copy of the applicable policies and procedures required in R9-25-1308(H)(4);
  7. A copy of the health care institution's clinical practice guidelines, describing the health care institution's capability to resuscitate, stabilize, and transfer pediatric patients;
  8. If applicable, a copy of the bylaws of the health care institution's multidisciplinary peer review committee;
  9. Copies of the job descriptions for the health care institution's:
    - a. Trauma program manager;
    - b. Trauma registrar; and
    - c. If applicable, injury prevention coordinator;
  10. A list of the trauma care parameters the health care institution is or will be monitoring as part of the performance improvement program;
  11. A list of trauma team members, including:
    - a. Name,
    - b. Title, and
    - c. Role on the trauma team;
  12. If required for an individual listed according to subsection (C)(11), a copy of documentation of the individual's:
    - a. Board certification or board eligibility,
    - b. Most recent certification in a trauma critical care course,
    - c. Pediatric-specific credentials, and
    - d. Other trauma-related training; and
  13. If the trauma medical director is not a member of the trauma team, the applicable documentation required in subsection (C)(12) for the trauma medical director.
- D.** Except as provided in subsection (F) for renewal of a one-year designation, for designation of a health care institution as a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center based on an assessment by the Department under R9-25-1302(C), an owner shall include as part of the application required in R9-25-1303(A):
1. A copy of the documentation submitted to the national verification organization as part of an application for verification;
  2. If not included in the documentation in subsection (D)(1):

## Department of Health Services – Emergency Medical Services

- a. Any information or documents required in subsection (C);
  - b. For an application for initial designation, a description of the health care institution's plans for:
    - i. Injury prevention activities, required in R9-25-1308(G)(5)(a); and
    - ii. Educational outreach activities, required in R9-25-1308(G)(5)(b); and
  - c. For an application for renewal of designation, a description of the injury prevention activities and educational outreach activities conducted during the term of the designation;
3. A copy of the national verification's organization's written report to the health care institution describing the results of the national verification organization's assessment of the health care organization;
  4. A copy of the written report in R9-25-1306(G); and
  5. If applicable, the written plan to correct instances of non-compliance in R9-25-1306(H).
- E.** Except as provided in subsection (G) for renewal of a one-year designation, for designation of a health care institution based on an assessment by the Department, the Department shall, within 90 calendar days after receiving a complete application from an owner, review the application, inspect the health care institution, if applicable, and, if the Department determines that:
1. The application and the health care institution comply with the applicable requirements in this Article, issue a designation for the health care institution that is valid for three years from the issue date;
  2. The application complies with the applicable requirements in this Article, the health care institution is in substantial compliance with the applicable requirements in this Article, and the Department has accepted the document submitted according to R9-25-1306(E) or subsection (D)(5), issue a designation for the health care institution that is valid for one year from the issue date; or
  3. The application or the health care institution does not comply with the applicable requirements in this Article, provide a written notice that complies with A.R.S. Title 41, Chapter 6, Article 10 that the Department intends to decline to issue a designation for the health care institution.
- F.** For renewal, at the same Level of trauma center, of a one-year designation issued according to subsection (B)(2) or (E)(2), an owner shall include, as part of the application required in R9-25-1303(A), documentation related to the completion of the plan specified in the document accepted by the Department in subsection (B)(2) or (E)(2).
- G.** Except as specified in subsection (H), the Department shall, within 60 calendar days after receiving from an owner an application submitted according to subsection (F), review the information and documentation, inspect the health care institution if applicable, and:
1. Issue a designation for the health care institution that is valid for two years from the issue date if the Department determines that:
    - a. The application and the health care institution comply with the applicable requirements in this Article; and
    - b. The owner has completed the plan specified in the document accepted by the Department in subsection (B)(2) or (E)(2), as applicable; or
  2. Provide a written notice that complies with A.R.S. Title 41, Chapter 6, Article 10 that the Department intends to decline to issue a designation for the health care institution if the Department determines that:
- a. The application or the health care institution do not comply with the applicable requirements in this Article; or
  - b. The owner has not completed all of the components of the plan specified in the document accepted by the Department in subsection (B)(2) or (E)(2), as applicable.
- H.** The Department shall review according to R9-25-1303(C) and subsection (A), (B), or (E), as applicable, an application for renewal of designation submitted by the owner of a trauma center that:
1. Had been issued a one-year designation according to subsection (B)(2) or (E)(2); and
  2. Has not completed all of the components of the plan specified in the document accepted by the Department in subsection (B)(2) or (E)(2), as applicable.
- I.** For modification of a designation according to R9-25-1305, the Department shall, within 30 calendar days after receiving a complete application for modification in R9-25-1305(A) from an owner, review the application, inspect the health care institution, if applicable, and:
1. Issue a modified designation for the Level of designation requested for the health care institution that is valid for the duration of the original designation or one year from the issue date, whichever is longer, if the Department determines that:
    - a. The application and the health care institution comply with the applicable requirements in this Article for the Level of designation requested; or
    - b. The application complies with the applicable requirements in this Article, the health care institution is in substantial compliance with the applicable requirements in this Article for the Level of designation requested, and the Department has accepted a written corrective action plan submitted according to R9-25-1306(E);
  2. Issue a modified designation for a lower Level of designation than the Level of designation requested for the health care institution that is valid for the duration of the original designation or one year from the issue date, whichever is longer, if the Department determines that:
    - a. The application and the health care institution comply with the applicable requirements in this Article for the lower Level of designation and the health care institution:
      - i. Does not comply with the applicable requirements in this Article for the Level of designation requested; or
      - ii. Is in substantial compliance with the applicable requirements in this Article for the Level of designation requested, and the Department has not accepted a written corrective action plan submitted according to R9-25-1306(E); or
    - b. The application complies with the applicable requirements in this Article, the health care institution is in substantial compliance with the applicable requirements in this Article for the lower Level of designation, and the Department has accepted a written corrective action plan according to R9-25-1306(E); or
  3. Provide a written notice that complies with A.R.S. Title 41, Chapter 6, Article 10 that the Department intends to decline to issue a modified designation for the health care institution if the Department determines that the applica-

## Department of Health Services – Emergency Medical Services

- tion or the health care institution does not comply with the applicable requirements in this Article.
- J.** The Department may dedesignate a health care institution as a trauma center if an owner:
- Has provided false or misleading information to the Department;
  - Is not eligible for designation under R9-25-1302(A) or (B); or
  - Fails to comply with an applicable requirement in A.R.S. Title 36, Chapter 21.1 or this Article.
- K.** In determining whether to dedesignate a health care institution as a trauma center, the Department shall consider:
- The severity of each instance relative to public health and safety;
  - The number of instances;
  - The nature and circumstances of each instance;
  - Whether each instance was corrected, the manner of correction, and the duration of the instance; and
  - Whether the instances indicate a lack of commitment to having the trauma center meet the verification standards of a national verification organization or, if applicable, the standards specified in R9-25-1308 and Table 13.1.
- L.** If the Department intends to dedesignate a health care institution, the Department shall send to the owner a written notice that complies with A.R.S. Title 41, Chapter 6, Article 10.
- M.** An owner who receives a written notice in subsection (A)(2), (B)(3), (E)(3), (G)(2), (I)(3), or (J) may file a written notice of appeal with the Department that complies with A.R.S. Title 41, Chapter 6, Article 10.
- Historical Note**
- New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1307 repealed; new Section R9-25-1307 renumbered from R9-25-1312 and amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).
- R9-25-1308. Trauma Center Responsibilities (A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(4), (5), and (6))**
- A.** The owner of a trauma center shall ensure that:
- If designation is based on:
    - Verification, the trauma center meets the applicable standards of the verifying national verification organization; or
    - Meeting the applicable standards specified in this Section and Table 13.1, the trauma center meets the applicable standards for the Level of trauma center for which designation has been issued;
  - The trauma center complies with a written corrective action plan accepted by the Department according to R9-25-1306(F); and
  - The Department has access to:
    - The trauma center and to personnel members present in the trauma center; and
    - Documents that are requested by the Department and not confidential under A.R.S. Title 36, Chapter 4, Article 4 or 5, within two hours after the Department's request.
- B.** The owner of a trauma center shall ensure that the trauma center:
- Except as provided in subsection (D), establishes a trauma registry of patients receiving trauma care who meet the criteria specified in subsection (C)(1) that contains the information required in R9-25-1309, as applicable for the specific Level of the trauma center;
  - Appoint an individual to act as trauma registrar to coordinate trauma registry activities;
  - If necessary to comply with subsections (C)(2) and (3), provides sufficient additional individuals to assist with trauma registry activities;
  - Establishes a performance improvement program for the trauma service to develop and implement processes to improve trauma care parameters;
  - If required according to Table 13.1 for the Level of the trauma center, establishes as part of the performance improvement program, established according to subsection (B)(4), a multidisciplinary peer review committee to review the quality of trauma care provided by the trauma center, including information from the trauma registry, and suggest methods to improve the quality of trauma care;
  - Establishes, documents, and implements policies and procedures for the trauma registry established according to subsection (B)(1) that include:
    - Ensuring that individuals responsible for collecting, entering, or reviewing information in the trauma registry have received training in gaining access to, and retrieving information from, the trauma registry;
    - Collection of the information required in R9-25-1309 about the patients specified in subsection (C)(1) receiving trauma care;
    - Submission to the Department of the information required in subsection (C)(2);
    - Review of information in the trauma center's trauma registry; and
    - Performance improvement activities required in R9-25-1310; and
  - Establishes, documents, and implements policies and procedures for the performance improvement program established according to subsection (B)(4), including:
    - A list of the positions of personnel members who have defined roles in the performance improvement program and, if applicable, a list of positions that are dedicated to performance improvement activities for patients receiving trauma care from the trauma center;
    - The qualifications, skills, and knowledge required of the personnel members in the positions specified according to subsection (B)(6)(a);
    - The role each personnel member specified according to subsection (B)(6)(a) plays in the performance improvement program;
    - The trauma care parameters to be reviewed as part of the performance improvement program;
    - The frequency of review of trauma care parameters;
    - If an issue related to trauma care or to trauma care parameters is identified:
      - How a plan to address the issue is developed to reduce the chance of the issue recurring in the future;
      - How the plan is documented;
      - The mechanism and criteria by which the plan is reviewed and approved;
      - How the plan is implemented; and
      - How implementation of the plan and future recurrences are monitored;
    - If applicable, the composition, duties, responsibilities, and frequency of meetings of the multidisciplinary peer review committee established according to subsection (B)(5);

## Department of Health Services – Emergency Medical Services

- h. If applicable, how the multidisciplinary peer review committee collaborates with the trauma center's quality management program; and
  - i. How changes proposed by the performance improvement program are reviewed by the trauma center's quality management program.
- C. The owner of a trauma center shall ensure that:
  - 1. The trauma registry, established according to subsection (B)(1), includes the information required in R9-25-1309 for each patient with whom the trauma center had contact who meets one or more of the following criteria:
    - a. A patient with injury or suspected injury who is:
      - i. Transported from a scene to a trauma center or an emergency department based on the responding emergency medical services provider's or ambulance service's triage protocol required in R9-25-201(E)(2)(b), or
      - ii. Transferred from one health care institution to another health care institution by an emergency medical services provider or ambulance service;
    - b. A patient with injury or suspected injury for whom a trauma team activation occurs; or
    - c. A patient with injury, who is admitted as a result of the injury or who dies as a result of the injury, and whose medical record includes one or more of specific ICD-codes indicating that:
      - i. At the initial encounter with the patient, the patient had:
        - (1) An injury or injuries to specific body parts,
        - (2) Unspecified multiple injuries,
        - (3) Injury of an unspecified body region,
        - (4) A burn or burns to specific body parts,
        - (5) Burns assessed through Total Body Surface Area percentages, or
        - (6) Traumatic Compartment Syndrome; and
        - ii. The patient's injuries or burns were not only:
          - (1) An isolated distal extremity fracture from a same-level fall,
          - (2) An isolated femoral neck fracture from a same-level fall,
          - (3) Effects resulting from an injury or burn that developed after the initial encounter,
          - (4) A superficial injury or contusion, or
          - (5) A foreign body entering through an orifice;
    - 2. The following information is submitted to the Department, in a Department-provided format, according to subsection (C)(3):
      - a. The name and physical address of the trauma center;
      - b. The date the trauma registry information is being submitted to the Department;
      - c. The total number of patients whose trauma registry information is being submitted;
      - d. The quarter and year for which the trauma registry information is being submitted;
      - e. The range of emergency department or hospital arrival dates for the patients for whom trauma registry information is being submitted;
      - f. The name, title, e-mail address, telephone number, and, if available, fax number of the trauma center's point of contact for the trauma registry information;
      - g. Any special instructions or comments to the Department from the trauma center's point of contact;
    - 3. The information required in subsection (C)(2) is submitted:
      - a. For patients identified between January 1 and March 31, so that the information in subsections (C)(2)(a) through (h) is received by the Department by July 1 of the same calendar year;
      - b. For patients identified between April 1 and June 30, so that the information in subsections (C)(2)(a) through (h) is received by the Department by October 1 of the same calendar year;
      - c. For patients identified between July 1 and September 30, so that the information in subsections (C)(2)(a) through (h) is received by the Department by January 2 of the following calendar year; and
      - d. For patients identified between October 1 and December 31, so that the information in subsections (C)(2)(a) through (h) is received by the Department by April 1 of the following calendar year.
  - D. Trauma centers under the same governing authority, as defined in A.R.S. § 36-401, may establish a single, centralized trauma registry and submit to the Department consolidated information from the trauma registry, according to subsections (C)(2) and (3), if:
    - 1. The information submitted to the Department specifies for each patient in the trauma registry the trauma center that had contact with the patient, and
    - 2. Each trauma center contributing information to the centralized trauma registry is able to:
      - a. Access, edit, and update the information contributed by the trauma center to the centralized trauma registry; and
      - b. Use the information contributed by the trauma center to the centralized trauma registry when complying with performance improvement program requirements in this Section.
  - E. As part of the performance improvement program, the owner of a trauma center shall ensure that the trauma program manager and, if applicable, trauma medical director periodically, according to policies and procedures:
    - 1. Review the information in the trauma center's trauma registry; and
    - 2. Monitor at least the following trauma care parameters, as applicable, for patients in the trauma registry:
      - a. EMS received by a patient;
      - b. Length of stay longer than two hours in the emergency department before transfer;
      - c. Instances of trauma team activation to determine if trauma team activation was timely and appropriate;
      - d. Instances where trauma care was provided to a patient but trauma team activation did not occur;
      - e. Time from notification of a surgeon on the trauma team that a patient described in subsection (H)(6)(b)(i) is in the emergency department to when the surgeon arrives in the emergency department;
      - f. Documentation of the nursing services provided to a patient;
      - g. Instances and reasons for transfer of a patient;
      - h. Instances and reasons for transfer to a hospital not designated as a trauma center;

## Department of Health Services – Emergency Medical Services

- i. For a hospital designated as a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center, instances and reasons for diversion, as defined in A.A.C. R9-10-201, of a patient requiring trauma care;
  - j. Instances of and circumstances related to the death of a patient;
  - k. Other patient outcomes;
  - l. Trauma care parameters for pediatric patients, including pediatric-specific measures; and
  - m. The completeness and timeliness of trauma data submission.
- F. In addition to the requirements in subsections (A) through (E), the owner of a trauma center designated based on meeting the applicable standards specified in this Section and Table 13.1 shall:
  - 1. Ensure that a trauma service is established if required by Table 13.1;
  - 2. Ensure that policies and procedures for the trauma service are established, documented, and implemented that include:
    - a. The composition of the trauma team;
    - b. The qualifications, skills, and knowledge required of each personnel member of the trauma team;
    - c. Continuing education or continuing medical education requirements for each personnel member of the trauma team;
    - d. The roles and responsibilities of each personnel member of the trauma team;
    - e. Under what circumstances the trauma team is activated; and
    - f. How the trauma team is activated;
  - 3. Ensure that the personnel members on the trauma team have the qualifications, skills, and knowledge required in the policies and procedures;
  - 4. If the trauma center is required according to Table 13.1 to have a trauma medical director, appoint a board-certified or board-eligible surgeon as trauma medical director;
  - 5. Prohibit a physician from serving as trauma medical director for the trauma center if the physician is serving as trauma medical director for another health care institution;
  - 6. Ensure that the trauma medical director completes:
    - a. If the trauma center's designation is for a three-year period, at least 48 hours of external trauma-related continuing medical education during the term of the designation;
    - b. If the trauma center's designation is for a one-year period, at least 16 hours of external trauma-related continuing medical education during the term of the designation; and
    - c. If the trauma center is designated as a Level I Pediatric trauma center or Level II Pediatric trauma center, at least 12 of the 48 hours required in subsection (F)(6)(a) or four of the 16 hours required in subsection (F)(6)(b) in pediatric trauma-related continuing medical education;
  - 7. Appoint an individual to act as trauma program manager to coordinate trauma service activities;
  - 8. If the trauma center is required by Table 13.1 to have a multidisciplinary peer review committee, ensure that each surgeon on the trauma team designated according to subsection (F)(3) attends at least 50% of the meetings of the multidisciplinary peer review committee;
  - 9. If the trauma center provides surgical services, ensure that policies and procedures for operating rooms and an operating room team are established, documented, and implemented that include:
    - a. The availability of an operating room for trauma care;
    - b. The composition of an operating room team;
    - c. The qualifications, skills, and knowledge required of each personnel member of an operating room team;
    - d. The roles and responsibilities of each personnel member of an operating room team;
    - e. If an operating room team is not on the premises of the health care institution 24 hours a day, under what circumstances the operating room team is notified to come to the trauma center; and
    - f. How the operating room team is notified;
  - 10. Ensure that the following personnel members on the trauma team:
    - a. Hold current certification in a trauma critical care course:
      - i. Trauma medical director, if applicable;
      - ii. Each emergency medicine physician who is not board-certified or board-eligible; and
      - iii. Each physician assistant or registered nurse practitioner who is responsible for patients in an emergency department in the absence of an emergency physician; or
    - b. Have held certification in a trauma critical care course:
      - i. Each general surgeon other than the trauma medical director, and
      - ii. Each emergency medicine physician who is board-certified or board-eligible;
  - 11. If the trauma center is designated as a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center, ensure that each of the trauma team personnel members required in Table 13.1(C)(2) and (C)(3)(a) through (f) are board-certified or board-eligible;
  - 12. If the trauma center is designated as a Level I Pediatric trauma center, ensure that the following trauma team members are fellowship-trained:
    - a. The surgeon credentialed for pediatric trauma care required in Table 13.1(C)(2)(a)(iii),
    - b. The pediatric emergency medicine physician required in Table 13.1(C)(2)(c),
    - c. The pediatric-credentialed orthopedic surgeon required in Table 13.1(C)(3)(b),
    - d. The pediatric-credentialed neurosurgeon required in Table 13.1(C)(3)(d), and
    - e. The pediatric-credentialed critical care medicine physician required in (C)(3)(f);
  - 13. If the trauma center is designated as a Level II Pediatric trauma center, ensure that:
    - a. The pediatric-credentialed critical care medicine physician required in (C)(3)(f) is fellowship-trained, and
    - b. A fellowship-trained pediatric emergency medicine physician provides supervision for pediatric emergency trauma care and is appointed as a liaison to the multidisciplinary peer review committee established according to subsection (B)(5); and
  - 14. If the trauma center is not designated as a Level I Pediatric trauma center or Level II Pediatric trauma center and annually provides trauma care to 100 or more injured children younger than 15 years of age, ensure that the trauma center:

## Department of Health Services – Emergency Medical Services

- a. Complies with subsection (F)(13) and Table 13.1(C)(2)(a)(iii), (3)(b), (3)(d), and (3)(f) and (F)(2); and
  - b. Has a:
    - i. Pediatric emergency department area,
    - ii. Pediatric intensive care area, and
    - iii. Pediatric-specific trauma performance improvement program.
- G.** In addition to the requirements in subsections (A) through (E), the owner of a trauma center designated based on meeting the applicable standards specified in this Section and Table 13.1 shall ensure that the trauma center:
  - 1. Establishes, documents, and implements a patient transfer plan, consistent with A.A.C. R9-10-211, that include:
    - a. The criteria for transferring a patient,
    - b. The health care institution to which a patient meeting specific criteria will be transferred,
    - c. The personnel members who are responsible for coordinating the transfer of a patient, and
    - d. The process for transferring a patient;
  - 2. Participates in state, local, or regional trauma-related activities such as:
    - a. The State Trauma Advisory Board, established by A.R.S. § 36-2222;
    - b. A regional emergency medical services coordinating council described in A.R.S. § 36-2222(A)(3);
    - c. Trauma Registry Users Group, established by the Department;
    - d. Trauma Managers Workgroup, established by the Department; or
    - e. Injury Prevention Council;
  - 3. Participates in injury prevention programs specific to the trauma center's patient population at the national, regional, state, or local levels;
  - 4. Except for a Level IV trauma center, conducts trauma care continuing education activities for physicians, trauma center personnel members, and EMCTs;
  - 5. If the trauma center holds a designation as a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center, establishes and maintains:
    - a. An injury prevention program:
      - i. Independently or in collaboration with other health care institutions, health advocacy groups, or the Department; and
      - ii. That includes:
        - (1) Designating a prevention coordinator who serves as the trauma center's representative for injury prevention and injury control activities;
        - (2) Carrying out injury prevention and injury control activities, including activities specific to the patient population;
        - (3) Conducting injury control studies;
        - (4) Monitoring the progress and effect of the injury prevention program; and
        - (5) Providing injury prevention and injury control information resources for the public; and
    - b. An educational outreach program:
      - i. Independently or in collaboration with other health care institutions, health advocacy groups, or the Department;
      - ii. That includes providing education to physicians, trauma center personnel members, EMCTs, and the general public; and
  - iii. That may include education about:
    - (1) Injury prevention,
    - (2) Trauma care,
    - (3) Other topics specific to the patient population,
    - (4) Criteria for assessing a patient who may require trauma care,
    - (5) Criteria for the transfer of a patient requiring trauma care; and
- 6. If the trauma center holds a designation as a Level I trauma center or Level I Pediatric trauma center:
  - a. Establishes and maintains, either independently or in collaboration with other hospitals, a residency program or fellowship program that provides advanced medical training in emergency medicine, general surgery, orthopedic surgery, or neurosurgery;
  - b. Participates in the provision of a trauma critical care course;
  - c. Conducts or participates in research related to trauma and trauma care; and
  - d. Maintains an Institutional Review Board, established consistent with 45 CFR Part 46, to review biomedical and behavioral research related to trauma and trauma care involving human subjects, conducted, funded, or sponsored by the trauma center, in order to protect the rights of the human subjects of such research.
- H.** In addition to the requirements in subsections (A) through (E), the owner of a trauma center designated based on meeting the applicable standards specified in this Section and Table 13.1 shall:
  - 1. Ensure the presence of a surgeon at all operative procedures;
  - 2. If the trauma center provides emergency medicine, neurosurgery, orthopedic surgery, anesthesiology, critical care, or radiology as an organized service, ensure that:
    - a. A physician from the organized service is appointed to act as a liaison between the organized service and the trauma center's trauma service;
    - b. The physician in subsection (H)(2)(a) completes:
      - i. If the trauma center's designation is for a three-year period, at least 48 hours of trauma-related continuing medical education during the term of the designation;
      - ii. If the trauma center's designation is for a one-year period, at least 16 hours of trauma-related continuing medical education during the term of the designation; and
      - iii. If the trauma center is designated as a Level I Pediatric trauma center or Level II Pediatric trauma center, at least 12 of the 48 hours required in subsection (H)(2)(b)(i) or four of the 16 hours required in subsection (H)(2)(b)(ii) in pediatric trauma-related continuing medical education; and
    - c. If the trauma center is required by Table 13.1 to have a multidisciplinary peer review committee, ensure the physician in subsection (H)(2)(a) attends at least 50% of the meetings of the multidisciplinary peer review committee;
  - 3. Ensure that, when a physician is on-call for general surgery, neurosurgery, or orthopedic surgery, the physician is not on-call or on a back-up call list at another health care institution;
  - 4. Ensure that policies and procedures are established, documented, and implemented for:



## Department of Health Services – Emergency Medical Services

- a. Except for a Level IV trauma center, the formulation of blood products to be available during an event requiring multiple blood transfusions for a patient or patients; and
- b. For a Level IV trauma center, the expedited release of blood products during an event requiring multiple blood transfusions for a patient or patients;
5. Ensure that the patient transfer plan required in subsection (G)(1) includes processes for transferring a patient needing:
  - a. Acute hemodialysis or pediatric trauma care to a hospital providing the required service if the trauma center is designated as a:
    - i. Level III or Level IV trauma center; or
    - ii. Level II trauma center and does not provide, as applicable, acute hemodialysis or pediatric trauma care;
  - b. Burn care as an organized service, acute spinal cord management, microvascular surgery, or replant surgery to a hospital providing the required service if the trauma center is designated as a:
    - i. Level III or Level IV trauma center; or
    - ii. Level I or Level II trauma center and does not provide, as applicable, burn care as an organized service, acute spinal cord management, microvascular surgery, or replant surgery; or
  - c. Another service that the trauma center is not authorized or not able to provide to a hospital providing the required service;
6. Except for a Level IV trauma center or as provided in subsection (I), require that:
  - a. An emergency medicine physician is present in the emergency department at all times;
  - b. A surgeon on the trauma team is present in the emergency department:
    - i. For a patient:
      - (1) If an adult, with a systolic blood pressure less than 90 mm Hg or, if a child, with confirmed age-specific hypotension;
      - (2) With respiratory compromise, respiratory obstruction, or intubation;
      - (3) Who is transferred from another hospital and is receiving blood to maintain vital signs;
      - (4) Who has a gunshot wound to the abdomen, neck, or chest;
      - (5) Who has a Glasgow Coma Scale score less than 8 associated with an injury attributed to trauma; or
      - (6) Who is determined by an emergency department physician to have an injury that has the potential to cause prolonged disability or death; and
    - ii. No later than the following times:
      - (1) For a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center, within 15 minutes after notification or at the time the patient arrives in the emergency department, whichever is later; or
      - (2) For a Level III trauma center, within 30 minutes after notification or at the time the patient arrives in the emergency department, whichever is later; and
- c. One of the following anesthesia personnel members is available for an operative procedure on a patient at the indicated time point:
  - i. For a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center, an anesthesiologist, anesthesiology chief resident, or certified registered nurse anesthetist is present in the emergency department or in an operating room area awaiting the patient no later than 15 minutes after patient arrival in the emergency department; and
  - ii. For a Level III trauma center, an anesthesiologist, anesthesiology chief resident, or certified registered nurse anesthetist is present in the emergency department or in an operating room area awaiting the patient no later than 30 minutes after patient arrival in the emergency department;
7. For a clinical capability required for the trauma center according to Table 13.1(C)(3), require that the on-call radiologist, critical care medicine physician, or surgical specialist is available to provide medical services, as applicable to the specialist, for a patient requiring trauma care within 45 minutes after notification; and
8. For personnel members assigned to an operating room team according to subsection (F)(9), require that the personnel members on the operating room team are on the premises of the trauma center while on duty or:
  - a. For a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, Level II Pediatric trauma center:
    - i. Are available to provide operative services for a patient requiring trauma care within 15 minutes after notification or patient arrival at the trauma center, whichever is later; and
    - ii. Have response times and patient outcomes monitored through the performance improvement program; and
  - b. For a Level III trauma center or Level IV trauma center, if the Level IV trauma center provides surgical services:
    - i. Are available to provide operative services for a patient requiring trauma care within 30 minutes after notification or patient arrival at the trauma center, whichever is later; and
    - ii. Have response times and patient outcomes monitored through the performance improvement program.
- I. The Department shall consider a trauma center designated based on meeting the applicable standards specified in this Section and Table 13.1 to be in compliance with subsection (H)(6)(a), (b), or (c), as applicable, if the trauma center has documentation showing that:
  1. The individual required to be present at the indicated location and within the indicated time period was present 80% or more of the time; and
  2. The trauma center monitors the rate of compliance with subsection (H)(6) and patient outcomes through the performance improvement program.
- J. The requirement in subsection (H)(6)(b) applies whether or not the owner of a trauma center allows a surgery resident in the fourth or fifth year of residency training to begin treating a patient described in subsection (H)(6)(b)(i) while awaiting the arrival of the surgeon on the trauma team, as required in subsection (H)(6)(b)(ii)(1) or (2).

## Department of Health Services – Emergency Medical Services

K. An ALS base hospital certificate holder that chooses to submit trauma registry information to the Department, as allowed by A.R.S. § 36-2221(A), shall:

1. Include in the ALS base hospital's trauma registry at least the information required in R9-25-1309(A) for each patient who meets one or more of the criteria in subsections (C)(1)(a) through (c), and
2. Comply with the submission requirements in subsections (C)(2) and (3).

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1308 renumbered to R9-25-1304; new Section R9-25-1308 renumbered from R9-25-1313 and amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1309. Trauma Registry Data (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(5) and (6))**

A. A trauma registry established according to R9-25-1308(B)(1) includes the following in the record of a patient's episode of care, as defined in A.A.C. R9-11-101, for each patient meeting the criteria in R9-25-1308(C)(1):

1. An identification code specific to the health care institution that had contact with the patient during the episode of care;
2. Demographic information about the patient:
  - a. The unique number assigned by the health care institution to the patient;
  - b. A code indicating whether the patient's record will be submitted to the Department as required in R9-25-1308(C)(2);
  - c. The unique number assigned by the health care institution for the episode of care;
  - d. The date the patient arrived at the health care institution for the episode of care;
  - e. For the episode of care, a code indicating whether the patient:
    - i. Was directly admitted to the health care institution,
    - ii. Was admitted to the health care institution through the emergency department,
    - iii. Was seen in the emergency department then transferred to another health care institution by an ambulance service or emergency medical services provider,
    - iv. Was seen in the emergency department and discharged, or
    - v. Died in the emergency department or was dead on arrival;
  - f. The patient's first name, middle initial, and last name;
  - g. The patient's Social Security Number;
  - h. The patient's date of birth and age;
  - i. Codes indicating the patient's gender, race, and ethnicity;
  - j. The zip code of the patient's residence or, if applicable, an indication of why no zip code was reported; and
  - k. The city, state, and county of the patient's residence;
3. Information about the occurrence of the patient's injury:
  - a. The date and time the injury occurred;
  - b. The ICD-code describing the type of location where the injury occurred;

- c. The zip code of the location where the injury occurred;
  - d. The city, state, and county where the injury occurred;
  - e. A code indicating whether the patient's injury resulted from blunt force trauma, a penetrating wound, or a burn;
  - f. The ICD-code indicating the primary mechanism or cause of the patient's injury resulting in the episode of care and the manner or intent through which the injury occurred;
  - g. A description of the cause and circumstances leading to the patient's injury;
  - h. Whether the patient was using a protective device or safety equipment at the time of the injury and, if so, the type or types of protective device or safety equipment being used;
  - i. If the patient was subject to the requirements in A.R.S. § 28-907 at the time of the injury, whether the patient was using a child restraint system, as defined in A.R.S. § 28-907, at the time of the injury and, if so, the type of child restraint system being used; and
  - j. If the patient's injury resulted from a motor vehicle crash, a code describing the status of airbag deployment;
4. Information about the patient's arrival at the health care institution:
    - a. A code identifying the mode of transportation by which the patient arrived at the health care institution; and
    - b. If applicable:
      - i. The ambulance service or emergency medical services provider that transported the patient to the health care institution;
      - ii. The unique identifier given by the ambulance service or emergency medical services provider to the incident during which the patient received EMS;
      - iii. The date the ambulance service or emergency medical services provider transported the patient to the trauma center; and
      - iv. If the patient was transferred from another health care institution, the name of the other health care institution;
  5. Information about the health care institution's assessment or treatment of the patient in the emergency department:
    - a. A code indicating which of the criteria in R9-25-1308(C)(1) the patient met;
    - b. A code indicating whether an ambulance service or emergency medical services provider transported the patient to the health care institution and, if so, the criteria used by the transporting ambulance service or emergency medical services provider for transporting the patient to the health care institution;
    - c. The date and time the patient arrived at the emergency department of the health care institution for the episode of care;
    - d. The date and time the patient died or left the emergency department of the health care institution for the episode of care;
    - e. The length of time in hours and in minutes that the patient remained in the emergency department of the health care institution during the episode of care;

## Department of Health Services – Emergency Medical Services

- f. If trauma team activation occurred, the time when the last trauma team personnel member arrived at their assigned location in the health care institution;
  - g. Whether the patient showed signs of life when the patient arrived at the health care institution;
  - h. The values of the following for the patient at the time of their first assessment at the health care institution:
    - i. Pulse rate;
    - ii. Respiratory rate;
    - iii. Oxygen saturation;
    - iv. Systolic blood pressure; and
    - v. Temperature, including the units of temperature and the route used to measure the patient's temperature;
  - i. A code indicating whether the patient was receiving respiratory assistance at the time the patient's respiratory rate was assessed;
  - j. A code indicating whether the patient was receiving supplemental oxygen at the time the patient's oxygen saturation was assessed;
  - k. Codes indicating the Glasgow Coma Score for:
    - i. Eye opening,
    - ii. Verbal response to stimulus, and
    - iii. Motor response to stimulus;
  - l. The patient's total Glasgow Coma Score;
  - m. Whether the patient was intubated at the time of the patient's assessments in subsections (A)(5)(h)(ii), (k)(ii), and (l);
  - n. A code indicating whether a paralytic agent or sedative had been administered to the patient at the time the patient's Glasgow Coma Score was measured;
  - o. A code indicating another factor that may have affected the patient's Glasgow Coma Score;
  - p. A revised trauma score for the patient, auto-calculated based on the patient's systolic blood pressure, respiratory rate, and Glasgow Coma Score;
  - q. A code indicating the status of alcohol use by the patient and, if applicable, the blood alcohol concentration in the patient's blood;
  - r. A code indicating the status of drug use by the patient and, if applicable, the code for each drug class detected in the patient's blood;
  - s. A code indicating the disposition of the patient at the time the patient was discharged from the emergency department; and
  - t. If the patient was transferred to another health care institution upon discharge from the emergency department:
    - i. The name of the health care institution to which the patient was transferred;
    - ii. The name of the ambulance service or emergency medical services provider providing the interfacility transport;
    - iii. A code indicating the reason for transfer; and
    - iv. If there was a delay in transferring the patient to another health care institution, a code indicating the reason for the delay;
6. Information about the patient's discharge from the health care institution:
- a. The date and time the patient was discharged from the health care institution;
  - b. The length of time the patient remained as an inpatient, as defined in A.A.C. R9-10-201, in the health care institution;
  - c. The length of time the patient remained in the health care institution's intensive care unit;
  - d. A code indicating whether the patient was alive or dead at the time of discharge from the health care institution;
  - e. The ICD-code for each injury identified in the patient, including an indication of whether the ICD-code is for:
    - i. The principle diagnosis, the reason believed by the health care institution to be chiefly responsible for the patient's need for the episode of care; or
    - ii. A secondary diagnosis, another reason believed by the health care institution to have contributed to the patient's need for the episode of care;
  - f. The patient's Injury Severity Score;
  - g. A code indicating the disposition of the patient at the time the patient was discharged from the health care institution;
  - h. Whether a report of suspected physical abuse was reported to law enforcement or as required by A.R.S. § 13-3620 or 46-454, if applicable, and, if so:
    - i. Whether an investigation into the suspected physical abuse was initiated by an entity to which the suspected physical abuse was reported; and
    - ii. If the patient is a child, whether the patient was discharged in the care of a person other than the person responsible for the care of the patient at the time the patient arrived at the health care institution; and
  - i. If the patient was transferred to a hospital upon discharge from the health care institution:
    - i. The name of the hospital to which the patient was transferred,
    - ii. The name of the ambulance service or emergency medical services provider providing the interfacility transport, and
    - iii. A code indicating the reason for transfer; and
7. Financial information about the episode of care:
- a. A code for the primary source of payment for the episode of care;
  - b. A code for a secondary source of payment for the episode of care, if applicable;
  - c. The total amount of charges for the episode of care; and
  - d. The total amount collected by the health care institution for the episode of care.
- B.** In addition to the information required in subsection (A), a trauma registry established according to R9-25-1308(B)(1) by a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, Level II Pediatric trauma center, or Level III trauma center includes the following in the record of a patient's episode of care, as defined in A.A.C. R9-11-101, for each patient meeting the criteria in R9-25-1308(C)(1):
1. Demographic information about the patient:
    - a. The country of the patient's residence;
    - b. The country where the patient was found or from which an ambulance service or emergency medical services provider transported the patient; and
    - c. Any pre-existing medical conditions diagnosed for the patient, unrelated to the reason for the episode of care;
  2. Information about the occurrence of the patient's injury:

## Department of Health Services – Emergency Medical Services

- a. Whether the time specified according to subsection (A)(3)(a) is the actual time of occurrence or an estimate;
- b. The street address of the location where the injury occurred or, if the location at which the injury occurred does not have a street address, another indicator of the location at which the injury occurred;
- c. Any additional ICD-code describing the mechanism or cause of the patient's injury resulting in the episode of care and the manner or intent through which the injury occurred;
- d. The ICD-code indicating the activity the patient was engaged in that resulted in the patient's injury;
- e. If the patient's injury resulted from a crash involving a means of transportation, including a motor vehicle, other motorized means of transportation, watercraft, bicycle, or aircraft, a code describing the type of vehicle in use at the time of the injury and the patient's location in the vehicle;
- f. A description of any issues related to a protective device or safety equipment in use at the time of the patient's injury; and
- g. Whether the patient's injury occurred during the patient's paid employment and, if so, a code indicating:
  - i. The type of occupation associated with the patient's employment, and
  - ii. The patient's occupation;
3. A code indicating whether EMS was provided to the patient and, if applicable, the type of transport provided to the patient;
4. If EMS was provided to the patient, whether a prehospital incident history report was provided to the trauma center and, if so:
  - a. The date on the prehospital incident history report;
  - b. The identifying number on the prehospital incident history report assigned by the ambulance service or emergency medical services provider;
  - c. The date and time the ambulance service or emergency medical services provider was dispatched, as defined in R9-25-901, to the scene;
  - d. The date and time the ambulance service or emergency medical services provider responded to the dispatch;
  - e. The date and time the ambulance service or emergency medical services provider arrived at the scene;
  - f. The date and time the ambulance service or emergency medical services provider established contact with the patient;
  - g. The date and time the ambulance service or emergency medical services provider left the scene;
  - h. The date and time the ambulance service or emergency medical services provider arrived at the health care institution that was the transport destination;
  - i. The date and time the patient's pulse, respiration, oxygen saturation, and systolic blood pressure were first measured;
  - j. At the date and time the patient's pulse, respiration, oxygen saturation, and systolic blood pressure were first measured, the patient's:
    - i. Pulse rate,
    - ii. Respiratory rate,
    - iii. Oxygen saturation, and
    - iv. Systolic blood pressure;
- k. Whether the patient was intubated at the date and time the patient's pulse, respiration, and oxygen saturation were first measured;
- l. Codes indicating the Glasgow Coma Score for:
  - i. Eye opening,
  - ii. Verbal response to stimulus, and
  - iii. Motor response to stimulus;
- m. The patient's total Glasgow Coma Score;
- n. A code indicating whether a paralytic agent or sedative had been administered to the patient at the date and time the patient's Glasgow Coma Score was measured;
- o. A revised trauma score for the patient, auto-calculated based on the patient's systolic blood pressure, respiratory rate, and Glasgow Coma Score;
- p. Codes indicating all airway management procedures performed on the patient by an ambulance service or emergency medical services provider before the patient's arrival at the first health care institution; and
- q. Whether the patient experienced cardiac arrest subsequent to the injury before the patient's arrival at the first health care institution;
5. The amount of time that elapsed from the date and time the ambulance service or emergency medical services provider:
  - a. Was dispatched and the date and time the ambulance service or emergency medical services provider arrived at the scene,
  - b. Arrived at the scene and the date and time the ambulance service or emergency medical services provider left the scene,
  - c. Left the scene and the date and time the ambulance service or emergency medical services provider arrived at the transport destination, and
  - d. Was dispatched and the date and time the ambulance service or emergency medical services provider arrived at the transport destination;
6. Whether the patient arrived at the trauma center for treatment of the injury resulting in the episode of care through an interfacility transport;
7. If the patient arrived at the trauma center through an interfacility transport, the following information about the health care institution at which the patient was seen immediately before arriving at the trauma center:
  - a. The name of the health care institution;
  - b. The date and time the patient arrived at the health care institution in subsection (B)(7)(a); and
  - c. The date and time the patient left the health care institution in subsection (B)(7)(a);
8. If the patient arrived at the health care institution in subsection (B)(7)(a) through an interfacility transport, the information in subsections (B)(7)(a) through (c) about each health care institution at which the patient was seen for the injury resulting in the episode of care before arriving at the health care institution in subsection (B)(7)(a);
9. If the patient arrived at the trauma center through an interfacility transport, for each health care institution at which the patient was seen for the injury resulting in the episode of care before arriving at the trauma center, information for the first instance of assessing the patient's:
  - a. Respiratory rate,
  - b. Systolic blood pressure,
  - c. The patient's total Glasgow Coma Score, and
  - d. Revised trauma score; and

## Department of Health Services – Emergency Medical Services

10. Information about the patient's episode of care at the trauma center and the patient's discharge from the trauma center:
  - a. The patient's height and weight when the patient arrived at the trauma center;
  - b. The number of days the patient spent on a mechanical ventilator;
  - c. If applicable, the identification number assigned by a medical examiner or alternate medical examiner, as defined in A.R.S. § 11-591, to the documentation of the patient's autopsy;
  - d. The total length of time the patient remained at the trauma center before discharge;
  - e. For each ICD-code identified according to subsection (A)(6)(e), a code that reflects the severity of the injury to which the ICD-code refers;
  - f. For each ICD-code identified according to subsection (A)(6)(e) that does not include an indication of the part of the patient's body that was injured, a code supplementing the ICD-code that indicates the part of the body that was injured;
  - g. For each procedure performed on the patient:
    - i. The ICD-code for the procedure,
    - ii. The health care institution at which the procedure was performed,
    - iii. A code indicating the organized service unit within the health care institution in which the procedure was performed, and
    - iv. The date and time the procedure was begun;
  - h. Any complications experienced by the patient while the patient remained at the trauma center;
  - i. The Abbreviated Injury Scale code indicating the severity of each of the patient's injuries;
  - j. The Abbreviated Injury Scale code indicating the body region affected by each of the patient's injuries;
  - k. If the trauma center is designated as a Level I trauma center or Level I Pediatric trauma center, the six-digit Abbreviated Injury Scale code and the software version used to calculate the six-digit Abbreviated Injury Scale code; and
  - l. The patient's probability of survival.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1309 renumbered to R9-25-1305; new Section R9-25-1309 made by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1310. Trauma Registry Data Quality Assurance (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2220(A), 36-2221, and 36-2225(A)(5) and (6))**

- A. To ensure the completeness and accuracy of trauma registry reporting, a health care institution submitting trauma registry information to the Department shall allow the Department to review the following, upon prior notice from the Department of at least five business days:
  1. The health care institution's trauma registry or other database containing trauma registry information;
  2. Patient medical records; and
  3. Any record, other than those specified in subsections (A)(1) and (2), that may contain information about diagnostic evaluation or treatment provided to a patient receiving trauma care.
- B. Upon prior notice from the Department of at least five business days, a health care institution submitting trauma registry

information to the Department shall provide the Department with all patient medical records for a time period specified by the Department, to allow the Department to determine the accuracy and completeness of the information submitted to the trauma registry for patients receiving trauma care during the period.

- C. For purposes of subsection (B), the Department considers a health care institution to be in compliance with R9-25-1308(C)(2) if the health care institution submitted to the Department trauma registry information for 97% of the patients receiving trauma care during the period.
- D. If trauma registry information submitted to the Department by a health care institution according to R9-25-1308(C)(2) and (3) is not in compliance with requirements in R9-25-1308 or R9-25-1309, the Department shall:
  1. Notify the health care institution that the trauma registry information submitted to the Department is not in compliance with requirements in R9-25-1308 or R9-25-1309, and
  2. Identify the revisions or actions that are needed to bring the data into compliance with R9-25-1308 and R9-25-1309.
- E. A health care institution that has trauma registry information returned, as provided in subsection (D), shall:
  1. Revise the trauma registry information as identified by the Department, and
  2. Submit the revised data to the Department within 15 business days after the date the Department notified the health care institution according to subsection (D)(1) or within a longer period agreed upon between the Department and the health care institution.
- F. Within 15 business days after receiving a written request from the Department that includes a simulated patient medical record, a health care institution submitting trauma registry information to the Department shall prepare and submit to the Department the information required in R9-25-1309, applicable to the Level of health care institution, for the patient described in the simulated patient medical record.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1310 repealed; new Section R9-25-1310 renumbered from R9-25-1406 and amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1311. Repealed****Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1311 repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1312. Renumbered****Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1312 renumbered to R9-25-1307 by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1313. Renumbered****Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1313 renumbered to R9-25-1308 by final rulemaking at

## Department of Health Services – Emergency Medical Services

23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1314. Expired****Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (12-3).

**R9-25-1315. Repealed****Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**Table 1. Repealed****Historical Note**

New Table made by final rulemaking at 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Table 1 Application Processing Time Periods repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**Exhibit I. Repealed****Historical Note**

New Exhibit made by final rulemaking at 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Exhibit 1 Arizona Trauma Center Standards repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

## Department of Health Services – Emergency Medical Services

**Table 13.1. Arizona Trauma Center Standards (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))****Key:**

- E = Essential and required  
 I(P) = Level I Pediatric trauma center  
 II(P) = Level II Pediatric trauma center  
 ICU = Intensive care unit  
 In-house = On the premises of the health care institution  
 ISS = Injury severity score, the sum of the squares of the abbreviated injury scale scores of the three most severely injured body regions  
 Child life = A program of support to injured children and their families to reduce stress and anxiety by:  
 a. Explaining medical equipment and procedures to children in a non-threatening and age-appropriate manner,  
 b. Explaining a diagnosis to a child in an age-appropriate manner, and  
 c. Helping children and their families develop strategies to cope with the diagnosis and expected outcome

Trauma Facilities Criteria	Levels					
	I	I(P)	II	II(P)	III	IV
<b>A. Institutional Organization</b>						
1. Trauma service	E	E	E	E	E	-
2. Trauma program medical director	E	E	E	E	E	-
3. Trauma multidisciplinary peer review committee	E	E	E	E	E	-
<b>B. Hospital Departments/Divisions/Sections</b>						
1. Surgery	E	E	E	E	E	-
2. Neurosurgery	E	E	E	E	-	-
3. Orthopedic surgery	E	E	E	E	E	-
4. Emergency medicine	E	E	E	E	E	-
5. Pediatric emergency department area	-	E	-	E	-	-
6. Anesthesia	E	E	E	E	E	-
<b>C. Clinical Capabilities</b>						
1. Written on-call schedule for each component of the trauma service if a team member is not in-house	E	E	E	E	E	E
2. Physician specialist available 24 hours/day						
a. General surgeon	E	E	E	E	E	-
i. Published back-up schedule	E	E	E	E	-	-
ii. Dedicated to single hospital when on-call	E	E	E	E	-	-
iii. Surgeon credentialed for pediatric trauma care	-	E	-	E	-	-
b. Emergency medicine physician	E	E	E	E	E	-
c. Pediatric emergency medicine physician	-	E	-	-	-	-
3. Specialist on-call and available 24 hours/day						
a. Orthopedic surgeon	E	E	E	E	E	-
b. Pediatric-credentialed orthopedic surgeon	-	E	-	E	-	-
c. Neurosurgeon	E	E	E	E	-	-
d. Pediatric-credentialed neurosurgeon	-	E	-	E	-	-
e. Critical care medicine physician	E	E	E	E	-	-
f. Pediatric-credentialed critical care medicine physician	-	E	-	E	-	-
g. Radiologist	E	E	E	E	E	
h. Hand surgeon	E	E	E	E	-	-
i. Ophthalmic surgeon	E	E	E	E	-	-
j. Plastic surgeon	E	E	E	E	-	-
k. Thoracic surgeon	E	E	E	E	-	-
l. Cardiac surgeon	E	E	-	-	-	-
m. Obstetrics/gynecologic surgeon	E	E	-	-	-	-
n. Oral/maxillofacial surgeon (plastic surgeon, otolaryngologist, or oral/maxillofacial surgeon)	E	E	E	E	-	-

## Department of Health Services – Emergency Medical Services

Table 13.1 Continued, Arizona Trauma Center Standards (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))

Trauma Facilities Criteria	Levels					
	I	I(P)	II	II(P)	III	IV
n. Oral/maxillofacial surgeon (plastic surgeon, otolaryngologist, or oral/maxillofacial surgeon)	E	E	E	E	-	-
4. Qualified anesthesia personnel member on-call and available 24 hours/day						
a. Physician or certified nurse anesthetist	E	E	E	E	E	-
b. Physician or certified nurse anesthetist with a pediatric credential	-	E	-	E	-	-
5. Volume performance standards:						
a. 1200 trauma admissions per year,	E	-	-	-	-	-
b. 240 admissions with ISS > 15 per year, or						
c. Average of 35 patients with ISS > 15 for each trauma team surgeon per year						
d. 200 trauma admissions < 15 years of age per year,	-	E	-	-	-	-
<b>D. Facilities/Resources/Capabilities</b>						
1. Emergency department						
a. Designated physician director	E	E	E	E	E	-
b. Personnel members with pediatric-specific trauma-related training	-	E	-	E	-	-
c. Resuscitation equipment for patients of all sizes						
i. Airway control and ventilation equipment	E	E	E	E	E	E
ii. Pulse oximetry	E	E	E	E	E	E
iii. Suction devices	E	E	E	E	E	E
iv. Electrocardiograph-oscilloscope-defibrillator	E	E	E	E	E	E
v. Color-coded, length-based tool to assist with medication dosing and equipment selection for children	E	E	E	E	E	E
vi. Central venous pressure monitoring equipment	E	E	E	E	E	-
vii. Standard intravenous fluids and administration sets	E	E	E	E	E	E
viii. Large-bore intravenous catheters	E	E	E	E	E	E
ix. Sterile surgical sets for:						
(1) Airway control/cricothyrotomy	E	E	E	E	E	E
(2) Thoracostomy	E	E	E	E	E	E
(3) Central line insertion	E	E	E	E	E	-
(4) Thoracotomy	E	E	E	E	E	-
x. Arterial catheters	E	E	E	E	-	-
xi. X-ray availability 24 hours/day	E	E	E	E	E	-
xii. Thermal control equipment						
(1) For patient	E	E	E	E	E	E
(2) For fluids and blood	E	E	E	E	E	E
xiii. Rapid infusion system/capability	E	E	E	E	E	E
xiv. Qualitative end-tidal CO2 monitoring	E	E	E	E	E	E
d. Communication with EMS personnel	E	E	E	E	E	E
e. Capability to resuscitate, stabilize, and transfer pediatric patients	E	E	E	E	E	E
2. Operating room						
a. Immediately available 24 hours/day	E	E	E	E	-	-
b. Size-specific equipment						
i. Cardiopulmonary bypass	E	E	-	-	-	-
ii. Operating microscope	E	E	-	-	-	-
c. Thermal control equipment						
i. For patient	E	E	E	E	E	E
ii. For fluids and blood	E	E	E	E	E	E
d. X-ray capability including C-arm image intensifier	E	E	E	E	E	-



## Department of Health Services – Emergency Medical Services

Table 13.1 Continued, Arizona Trauma Center Standards (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))

Trauma Facilities Criteria	Levels					
	I	I(P)	II	II(P)	III	IV
e. Endoscopes, bronchoscope	E	E	E	E	E	-
g. Craniotomy instruments	E	E	E	E	-	-
h. Equipment for long bone and pelvic fixation	E	E	E	E	E	-
i. Rapid infusion system/capability	E	E	E	E	E	E
3. Postanesthesia recovery room or surgical ICU						
a. Registered nurses available 24 hours/day	E	E	E	E	E	E
b. Equipment for monitoring and resuscitation	E	E	E	E	E	E
c. Intracranial pressure monitoring equipment	E	E	E	E	-	-
d. Pulse oximetry	E	E	E	E	E	E
e. Thermal control equipment						
i. For patient	E	E	E	E	E	E
ii. For fluids and blood	E	E	E	E	E	E
4. ICU or critical care unit for injured patients						
a. Pediatric ICU	-	E	-	E	-	-
b. Registered nurses with trauma-related training	E	E	E	E	E	-
c. Registered nurses with pediatric-specific trauma-related training	-	E	-	E	-	-
d. Designated surgical director or surgical co-director	E	E	E	E	E	-
e. Physician (fourth year of residency training or higher) assigned to surgical ICU service and in-house 24 hours/day	E	E	-	-	-	-
f. Physician (fourth year of residency training or higher) with a pediatric credential assigned to surgical ICU service and in-house 24 hours/day	-	E	-	-	-	-
g. Surgically directed and staffed ICU service	E	E	E	E	-	-
h. Equipment for monitoring and resuscitation	E	E	E	E	E	-
i. Intracranial pressure monitoring equipment	E	E	E	E	-	-
5. Respiratory therapy services (Available 24 hours/day)						
a. Available in-house	E	E	E	E	-	-
b. On-call and available within 45 minutes after notification	-	-	-	-	E	-
6. Radiological services (Available 24 hours/day)						
a. In-house radiology technologist	E	E	E	E	-E	-
b. Radiology technologist on-call and available within 45 minutes after notification	-	-	-	-	-	E
c. Resuscitation equipment for patients of all sizes, as specified in subsection (D)(1)(c)(i) to (v)	E	E	E	E	E	E
d. Angiography	E	E	E	E	-	-
e. Sonography	E	E	E	E	E	-
f. Computed tomography (CT)	E	E	E	E	E	-
i. In-house CT technician	E	E	E	E	-	-
ii. CT technician on-call and available within 45 minutes after notification	-	-	-	-	E	-
f. Magnetic resonance imaging	E	E	E	E	-	-
7. Clinical laboratory service (Available 24 hours/day)						
a. Standard analyses of blood, urine, and other body fluids	E	E	E	E	E	E
b. Blood typing and cross-matching	E	E	E	E	E	-
c. Coagulation studies	E	E	E	E	E	E
d. Comprehensive blood bank or access to a community central blood bank and adequate storage facilities	E	E	E	E	E	-
e. Blood gases and pH determinations	E	E	E	E	E	E
f. Microbiology	E	E	E	E	E	-
8. Child maltreatment assessment capability	E	E	E	E	E	E

## Department of Health Services – Emergency Medical Services

Table 13.1 Continued, Arizona Trauma Center Standards (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))

Trauma Facilities Criteria	Levels					
	I	I(P)	II	II(P)	III	IV
<b>E. Rehabilitation Services Specific to the Patient Population</b>						
1. Physical therapy	E	E	E	E	E	-
2. Occupational therapy	E	E	E	E	-	-
3. Speech therapy	E	E	E	E	-	-
<b>F. Social Services Specific to the Patient Population</b>						
1. Social services	E	E	E	E	E	-
2. Child life program	-	E	-	E	-	-
<b>G. Performance Improvement</b>						
1. Multidisciplinary peer review committee	E	E	E	E	E	-
2. Performance improvement personnel dedicated to the trauma service	E	E	E	E	-	-

**Historical Note**

Table 13.1, Arizona Trauma Center Standards, made by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**ARTICLE 14. REPEALED****R9-25-1401. Repealed****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Section repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1402. Repealed****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Section repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**Table 1. Repealed****Historical Note**

New Table 1 made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Table 1 Trauma Registry Data Set, repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1403. Repealed****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Section

repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1404. Expired****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Section expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (12-3).

**R9-25-1405. Repealed****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Section heading corrected at request of the Department, Office File No. M12-82, filed March 5, 2012 (Supp. 11-4). Section repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1406. Renumbered****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Section R9-25-1406 renumbered to R9-25-1310, effective January 1, 2018 (Supp. 17-3).

# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 9. HEALTH SERVICES

### CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ARIZONA LONG-TERM CARE SYSTEM

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

<a href="#">R9-28-408.</a>	<a href="#">Income Criteria for Eligibility .....</a>	<a href="#">21</a>	<a href="#">R9-28-802.</a>	<a href="#">TEFRA Liens – Filings .....</a>	<a href="#">36</a>
<a href="#">R9-28-703.</a>	<a href="#">Nursing Facility Supplemental Payments .....</a>	<a href="#">33</a>	<a href="#">R9-28-803.</a>	<a href="#">TEFRA Liens – Prohibitions .....</a>	<a href="#">36</a>
<a href="#">R9-28-801.</a>	<a href="#">Definitions Related to TEFRA Liens .....</a>	<a href="#">36</a>	<a href="#">R9-28-806.</a>	<a href="#">TEFRA Liens – Recovery .....</a>	<a href="#">37</a>
<a href="#">R9-28-801.01.</a>	<a href="#">Repealed .....</a>	<a href="#">36</a>	<a href="#">R9-28-807.</a>	<a href="#">TEFRA Liens – Release .....</a>	<a href="#">37</a>

#### Questions about these rules? Contact:

Department: AHCCCS  
Name: Nicole Fries  
Address: Office of Administrative Legal Services  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4232  
Fax: (602) 253-9115  
E-mail: [AHCCCSRules@azahcccs.gov](mailto:AHCCCSRules@azahcccs.gov)  
Web site: [www.azahcccs.gov](http://www.azahcccs.gov)

#### The release of this Chapter in supplement 18-1 replaces supplement 16-4, 1-43 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

## TITLE 9. HEALTH SERVICES

## CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ARIZONA LONG-TERM CARE SYSTEM

*Editor's Note: The Office of the Secretary of State publishes all Code Chapters on white paper (Supp. 01-3).*

*Editor's Note: This Chapter contains rules which were adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6, §§ 1001 et seq.) as specified in Laws 1992, Ch. 301, § 61 and Ch. 302, § 13, and Laws 1994, Ch. 322, § 21. Exemption from A.R.S. Title 41, Chapter 6 means that AHCCCS did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; AHCCCS did not submit these rules to the Governor's Regulatory Review Council; AHCCCS was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper. The rules affected by this exemption appear throughout this Chapter.*

## ARTICLE 1. DEFINITIONS

*Former Section R9-28-101 repealed; new Sections R9-28-101 thru R9-28-111 adopted effective December 8, 1997 (Supp. 97-4).*

Section	
R9-28-101.	General Definitions ..... 4
R9-28-102.	Covered Services Related Definitions ..... 6
R9-28-103.	Preadmission Screening Related Definitions ..... 6
R9-28-104.	Repealed ..... 7
R9-28-105.	Repealed ..... 7
R9-28-106.	Request for Proposals and Contract Process Related Definitions ..... 7
R9-28-107.	Repealed ..... 7
R9-28-108.	Repealed ..... 7
R9-28-109.	Repealed ..... 7
R9-28-110.	Reserved ..... 7
R9-28-111.	Behavioral Health Services Related Definitions . 7

## ARTICLE 2. COVERED SERVICES

Section	
R9-28-201.	General Requirements ..... 7
R9-28-202.	Scope of Services ..... 7
R9-28-203.	Coverage for CRS Services ..... 8
R9-28-204.	Institutional Services ..... 8
R9-28-205.	Home and Community Based Services (HCBS) . 9
R9-28-206.	ALTCS Services that may be Provided to a Member Residing in either an Institutional or HCBS Setting ..... 9

## ARTICLE 3. PREADMISSION SCREENING (PAS)

Section	
R9-28-301.	Definitions ..... 10
R9-28-302.	General Provisions ..... 12
R9-28-303.	Preadmission Screening (PAS) Process ..... 12
R9-28-304.	Preadmission Screening Criteria for an Applicant or Member who is Elderly and Physically Disabled (EPD) ..... 13
R9-28-305.	Preadmission Screening Criteria for an Applicant or Member who is Developmentally Disabled (DD) ..... 15
R9-28-306.	Reassessments ..... 18
R9-28-307.	The ALTCS Transitional Program for a Member who is Elderly and Physically Disabled (EPD) or Developmentally Disabled (DD) ..... 18

## ARTICLE 4. ELIGIBILITY AND ENROLLMENT

Section	
R9-28-401.	Eligibility and Enrollment-Related Definitions . 18
R9-28-401.01.	General ..... 19

R9-28-402.	Repealed .....20
R9-28-403.	Repealed .....20
R9-28-404.	Repealed .....20
R9-28-405.	Repealed .....20
R9-28-406.	ALTCS Living Arrangements .....20
R9-28-407.	Resource Criteria for Eligibility .....20
R9-28-408.	Income Criteria for Eligibility .....21
R9-28-409.	Transfer of Assets .....22
R9-28-410.	Community Spouse .....23
R9-28-411.	Changes, Redeterminations, and Notices .....24
R9-28-412.	General Enrollment .....25
R9-28-413.	Enrollment with an Elderly and Physically Disabled (EPD) Program Contractor .....25
R9-28-414.	Enrollment with the DD Program Contractor ....25
R9-28-415.	Enrollment with a Tribal Program Contractor ....25
R9-28-416.	Enrollment with the Fee-for-Service (FFS) Program .....26
R9-28-417.	Notification Requirements ..... 26
R9-28-418.	Disenrollment .....26

## ARTICLE 5. PROGRAM CONTRACTOR AND PROVIDER STANDARDS

Section	
R9-28-501.	Program Contractor and Provider Standards – Related Definitions .....26
R9-28-501.01.	Pre-Existing Conditions .....26
R9-28-502.	Long-term Care Provider Requirements .....26
R9-28-503.	Licensure and Certification for Long-term Care Institutional Facilities .....27
R9-28-504.	Standards of Participation, Licensure, and Certification for HCBS Providers .....27
R9-28-505.	Standards, Licensure, and Certification for Providers of Hospital and Medical Services .....27
R9-28-506.	Requirements for Spouse as Paid Caregiver .....28
R9-28-507.	Program Contractor General Requirements .....28
R9-28-508.	Self-directed Attendant Care (SDAC) .....29
R9-28-509.	Agency with Choice .....29
R9-28-510.	Case Management .....30
R9-28-511.	Quality Management/Utilization Management (QM/UM) Requirements .....30
R9-28-512.	Expired ..... 30
R9-28-513.	Program Compliance Audits .....30
R9-28-514.	Release of Safeguarded Information by the Administration and Contractors .....30
R9-28-515.	Repealed .....30

## ARTICLE 6. RFP AND CONTRACT PROCESS

*Article 6, consisting of Sections R9-28-601 through R9-28-610, repealed; new Article 6, consisting of Sections R9-28-601*

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

through R9-28-608, adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1).

## Section

R9-28-601.	General Provisions .....	31
R9-28-602.	RFP .....	31
R9-28-603.	Contract Award .....	31
R9-28-604.	Contract or Proposal Protests; Appeals .....	31
R9-28-605.	Waiver of Contractor's Subcontract with Hospitals .....	31
R9-28-606.	Contract Compliance Sanction .....	31
R9-28-607.	Repealed .....	31
R9-28-608.	Repealed .....	31
R9-28-609.	Repealed .....	31
R9-28-610.	Repealed .....	32

**ARTICLE 7. STANDARDS FOR PAYMENTS**

## Section

R9-28-701.	Standards for Payment Related Definitions .....	32
R9-28-701.10.	General Requirements .....	32
R9-28-702.	Nursing Facility Assessment .....	32
R9-28-703.	Nursing Facility Supplemental Payments .....	33
R9-28-704.	Repealed .....	34
R9-28-705.	Repealed .....	34
R9-28-706.	Repealed .....	34
R9-28-707.	Repealed .....	34
R9-28-708.	Repealed .....	34
R9-28-709.	Repealed .....	35
R9-28-710.	Repealed .....	35
R9-28-711.	Repealed .....	35
R9-28-712.	County of Fiscal Responsibility .....	35
R9-28-713.	Repealed .....	35
R9-28-714.	Repealed .....	35
R9-28-715.	Repealed .....	35

**ARTICLE 8. TEFRA LIENS AND RECOVERIES**

Article 8, consisting of Sections R9-28-801 through R9-28-807, made by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

Article 8, consisting of Sections R9-28-801 through R9-28-803, repealed by final rulemaking at 10 A.A.R. 820, effective April 3, 2004. The subject matter of Article 8 is now in 9 A.A.C. 34 (Supp. 04-1).

## Section

R9-28-801.	Definitions Related to TEFRA Liens .....	36
R9-28-801.01.	Repealed .....	36
R9-28-802.	TEFRA Liens – Filings .....	36
R9-28-803.	TEFRA Liens – Prohibitions .....	36
R9-28-804.	TEFRA Liens – AHCCCS Notice of Intent .....	36
R9-28-805.	TEFRA Liens and Estate Recovery – Member's Request for a State Fair Hearing .....	37
R9-28-806.	TEFRA Liens – Recovery .....	37
R9-28-807.	TEFRA Liens – Release .....	37

**ARTICLE 9. FIRST- AND THIRD-PARTY LIABILITY AND RECOVERIES**

## Section

R9-28-901.	Definitions .....	37
R9-28-902.	General Provisions .....	37
R9-28-903.	Cost Avoidance .....	38
R9-28-904.	Member Participation .....	38
R9-28-905.	Collections .....	38
R9-28-906.	AHCCCS Monitoring Responsibilities .....	38
R9-28-907.	Notification for Perfection, Recording, and Assignment of AHCCCS Liens .....	38
R9-28-908.	Notification Information for Liens .....	38

R9-28-909.	Notification of Health Insurance Information .....	38
R9-28-910.	Recoveries .....	38
R9-28-911.	Estate Recovery and Undue Hardship .....	38
R9-28-912.	Partial Recovery .....	39
R9-28-913.	Repealed .....	39
R9-28-914.	Repealed .....	39
R9-28-915.	Repealed .....	39
R9-28-916.	Repealed .....	39
R9-28-917.	Repealed .....	39
R9-28-918.	Repealed .....	39
R9-28-919.	Repealed .....	39

**ARTICLE 10. CIVIL MONETARY PENALTIES AND ASSESSMENTS**

## Section

R9-28-1001.	Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims .....	39
R9-28-1002.	Repealed .....	39
R9-28-1003.	Repealed .....	39
R9-28-1004.	Repealed .....	39

**ARTICLE 11. BEHAVIORAL HEALTH SERVICES**

Article 11, consisting of Sections R9-28-1101 through R9-28-1106, repealed; new Article 11, consisting of Sections R9-28-1101 through R9-28-1108, adopted by final rulemaking at 6 A.A.R. 200, effective December 13, 1999 (Supp. 99-4).

## Section

R9-28-1101.	General Requirements .....	39
R9-28-1102.	ALTCS Contractor or Tribal Contractor Responsibilities .....	40
R9-28-1103.	Eligibility for Covered Services .....	40
R9-28-1104.	General Service Requirements .....	40
R9-28-1105.	Scope of Behavioral Health Services .....	41
R9-28-1106.	Standards for Service Providers .....	41
R9-28-1107.	Repealed .....	41
R9-28-1108.	Repealed .....	41

**ARTICLE 12. REPEALED**

Article 12, consisting of Section R9-28-1201, repealed by final rulemaking at 10 A.A.R. 820, effective April 3, 2004. The subject matter of Article 12 is now in 9 A.A.C. 34 (Supp. 04-1).

Article 12, consisting of Section R9-28-1201, adopted effective September 9, 1998 (Supp. 98-3).

## Section

R9-28-1201.	Repealed .....	41
-------------	----------------	----

**ARTICLE 13. FREEDOM TO WORK**

Article 13, consisting of Sections R9-28-1301 through R9-28-1324, made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4).

## Section

R9-28-1301.	General Freedom to Work Requirements .....	41
R9-28-1302.	General Administration Requirements .....	42
R9-28-1303.	Application for Coverage .....	42
R9-28-1304.	Notice of Approval or Denial .....	42
R9-28-1305.	Reporting and Verifying Changes .....	42
R9-28-1306.	Actions that Result from a Redetermination or Change .....	42
R9-28-1307.	Notice of Adverse Action .....	42
R9-28-1308.	Request for Hearing .....	42
R9-28-1309.	Conditions of Eligibility .....	42
R9-28-1310.	Repealed .....	43
R9-28-1311.	Repealed .....	43
R9-28-1312.	Repealed .....	43

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

R9-28-1313.	Premium Requirements .....	43	R9-28-1320.	Additional Eligibility Criteria for the Basic	
R9-28-1314.	Repealed .....	43		Coverage Group .....	43
R9-28-1315.	Repealed .....	43	R9-28-1321.	Share of Cost .....	44
R9-28-1316.	Institutionalized Person .....	43	R9-28-1322.	Repealed .....	44
R9-28-1317.	Repealed .....	43	R9-28-1323.	Enrollment .....	44
R9-28-1318.	Repealed .....	43	R9-28-1324.	Redetermination of Eligibility .....	44
R9-28-1319.	Repealed .....	43			

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

**ARTICLE 1. DEFINITIONS****R9-28-101. General Definitions**

A. Location of definitions. Definitions applicable to Chapter 28 are found in the following:

Definition	Section or Citation	
"210"	42 CFR 435.211	"Day" R9-22-101 or R9-22-1101
"217"	42 CFR 435.217	"De novo hearing" 42 CFR 431.201
"236"	42 CFR 435.236	"Department" A.R.S. § 36-2901
"Acute"	R9-28-301	"Developmental disability" or "DD" A.R.S. § 36-551
"ADHS"	R9-22-101	"Diagnostic services" R9-22-101
"ADL"	R9-28-101	"Director" R9-22-101
"Administration"	A.R.S. § 36-2931	"Disabled" R9-28-402
"Advance notice"	R9-28-411	"Disenrollment" R9-22-1701
"Aged"	R9-28-402	"Disruptive behavior" R9-28-301
"Aggregate"	R9-22-701	"DME" R9-22-101
"Aggression"	R9-28-301	"Dressing" R9-28-301
"AHCCCS"	R9-22-101	"Eating" R9-28-301
"AHCCCS registered provider"	R9-22-101	"Eating or drinking" R9-28-301
"ALTCS"	R9-28-101	"Emergency medical services for the non-FES member" R9-22-201
"ALTCS acute care services"	R9-28-401	"Emotional and cognitive functioning" R9-28-301
"Alternative HCBS setting"	R9-28-101	"Employed" R9-28-1320
"Ambulance"	A.R.S. § 36-2201	"Encounter" R9-22-701
"Ambulation"	R9-28-301	"Enrollment" R9-22-1701
"Applicant"	R9-22-101	"EPD" R9-28-301
"Assessor"	R9-28-301	"E.P.S.D.T. services" 42 CFR 440.40(b)
"Auto-assignment algorithm" or "Algorithm"	R9-22-1701	"Estate" A.R.S. § 14-1201
"Bathing"	R9-28-301	"Experimental services" R9-22-203
"Bathing or showering"	R9-28-301	"Expressive verbal communication" R9-28-301
"Bed hold"	R9-28-102	"Facility" R9-22-101
"Behavior intervention"	R9-28-102	"Factor" 42 CFR 447.10
"Behavior management services"	R9-22-1201	"Fair consideration" R9-28-401
"Behavioral health evaluation"	R9-22-1201	"FBR" R9-22-101
"Behavioral health medical practitioner"	R9-22-1201	"Federal financial participation" or "FFP" 42 CFR 400.203
"Behavioral health professional"	R9-20-101	"Fee-For-Service" or "FFS" R9-22-101
"Behavioral health service"	R9-20-101	"File" R9-28-801
"Behavioral health technician"	R9-20-101	"First continuous period of institutionalization" R9-28-401
"Billed charges"	R9-22-701	"Food preparation" R9-28-301
"Blind"	42 U.S.C. 1382c(a)(2)	"Frequency" R9-28-301
"Capped fee-for-service"	R9-22-101	"Functional assessment" R9-28-301
"Case management plan"	R9-28-101	"Grievance" R9-34-202
"Case management"	R9-28-1101	"Grooming" R9-28-301
"Case manager"	R9-28-101	"GSA" R9-22-101
"Case record"	R9-22-101	"Guardian" A.R.S. § 14-5311
"Categorically-eligible"	R9-22-101	"Hand use" R9-28-301
"Certification"	R9-28-501	"HCBS" or "Home and community based services" A.R.S. § 36-2931
"Certified psychiatric nurse practitioner"	R9-22-1201	"Health care practitioner" R9-22-1201
"CFR"	R9-28-101	"History" R9-28-301
"Child"	R9-22-1503	"Home" R9-28-101 and R9-28-801
"Clarity of communication"	R9-28-301	"Home health services" R9-22-201
"Clean claim"	A.R.S. § 36-2904	"Hospice" A.R.S. § 36-401
"Clinical supervision"	R9-22-201	"Hospital" R9-22-101
"CMS"	R9-22-101	"ICF-MR" or "Intermediate care facility for the mentally retarded" 42 U.S.C. 1396d(d)
"Community mobility"	R9-28-301	"IADL" R9-28-101
"Community spouse"	R9-28-401	"IHS" R9-22-101
"Consecutive days"	R9-28-801	"IMD" or "Institution for mental diseases" 42 CFR 435.1010
"Continence"	R9-28-301	"Immediate risk of institutionalization" R9-28-301
"Contract"	R9-22-101	"Individual Representative" R9-28-509
"Contract year"	R9-22-101	"Institutionalized" R9-28-401
"Contractor"	A.R.S. § 36-2901	"Institutionalized spouse" R9-28-101
"Cost avoid"	R9-22-1201 or R9-22-1001	"Interested Party" R9-28-106
"County of fiscal responsibility"	R9-28-701	"Intergovernmental agreement" or "IGA" R9-28-1101
"Covered services"	R9-28-101	"Intervention" R9-28-301
"CPT"	R9-22-701	"JCAHO" R9-28-101
"Crawling and standing"	R9-28-301	"License" or "licensure" R9-22-101
"CSRD"	R9-28-401	"Medical assessment" R9-28-301
"Current"	R9-28-301	"Medical or nursing services and treatments" or "services and treatments" R9-28-301



## Arizona Health Care Cost Containment System - Arizona Long-term Care System

"Medical record"	R9-22-101	"TRBHA"	R9-22-1201
"Medical services"	A.R.S. § 36-401	"Tribal contractor"	R9-28-1101
"Medically eligible"	R9-28-401	"Tribal facility"	A.R.S. § 36-2981
"Medically necessary"	R9-22-101	"Utilization management/review"	R9-22-501
"Member"	A.R.S. § 36-2931 and R9-28-901	"Ventilator dependent"	R9-28-102
"Mental disorder"	A.R.S. § 36-501	"Verbal or physical threatening"	R9-28-301
"MMMNA"	R9-28-401	"Vision"	R9-28-301
"Mobility"	R9-28-301	"Wandering"	R9-28-301
"Natural Support Services"	R9-28-101	"Wheelchair mobility"	R9-28-301
"Noncontracting provider"	A.R.S. § 36-2931	<b>B.</b> General definitions. In addition to definitions contained in A.R.S. §§ 36-551, 36-2901, 36-2931, and 9 A.A.C. 22, Article 1, the following words and phrases have the following meanings unless the context of the Chapter explicitly requires another meaning:	
"Nursing facility" or "NF"	42 U.S.C. 1396r(a)		
"Occupational therapy"	R9-22-201	"ADL" or "Activities of Daily Living" mean activities a member must perform daily for the member's regular day-to-day necessities, including but not limited to mobility, transferring, bathing, dressing, grooming, eating, and toileting.	
"Orientation"	R9-28-301	"ALTCS" means the Arizona Long-term Care System as authorized by A.R.S. § 36-2932.	
"Partial care"	R9-22-1201	"Alternative HCBS setting" means a living arrangement approved by the Director and licensed or certified by a regulatory agency of the state, where a member may reside and receive HCBS, including:	
"PAS"	R9-28-103	For a person with a developmental disability specified in A.R.S. § 36-551:	
"Personal hygiene"	R9-28-301	Community residential setting defined in A.R.S. § 36-551;	
"Pharmaceutical service"	R9-22-201	Group home defined in A.R.S. § 36-551;	
"Physical therapy"	R9-22-201	State-operated group home under A.R.S. § 36-591;	
"Physically disabled"	R9-28-301	Group foster home under R6-5-5903;	
"Physician"	R9-22-101	Licensed residential facility for a person with traumatic brain injury under A.R.S. § 36-2939;	
"Physician consultant"	R9-28-301	Behavioral health adult therapeutic home under 9 A.A.C. 20, Articles 1 and 15;	
"Post-stabilization care services"	42 CFR 438.114	Level 2 and Level 3 behavioral health residential agencies under 9 A.A.C. 20, Articles 1, 4, 5, and 6; and	
"Practitioner"	R9-22-101	Rural substance abuse transitional centers under 9 A.A.C. 20, Articles 1 and 14; and	
"Primary care provider" or "(PCP)"	R9-22-101	For a person who is Elderly and Physically Disabled (EPD) under R9-28-301, and the facility, setting, or institution is registered with AHCCCS:	
"Primary care provider services"	R9-22-201	Adult foster care defined in A.R.S. § 36-401 and as authorized in A.R.S. § 36-2939;	
"Prior authorization"	R9-22-101	Assisted living home or assisted living center, units only, under A.R.S. § 36-401, and as authorized in A.R.S. § 36-2939;	
"Prior period coverage" or "PPC"	R9-22-101	Licensed residential facility for a person with a traumatic brain injury specified in A.R.S. § 36-2939;	
"Program contractor"	A.R.S. § 36-2931	Behavioral health adult therapeutic home under 9 A.A.C. 20, Articles 1 and 15;	
"Provider"	A.R.S. § 36-2931	Level 2 and Level 3 behavioral health residential agencies under 9 A.A.C. 20, Articles 1, 4, 5, and 6; and	
"Psychiatrist"	R9-22-1201	Rural substance abuse transitional centers under 9 A.A.C. 20, Articles 1 and 14.	
"Psychologist"	R9-22-1201	"Case management plan" means a service plan developed by a case manager that involves the overall management of a member's care, and the continued monitoring and reassessment of the member's need for services.	
"Psychosocial rehabilitation services"	R9-22-201		
"Qualified behavioral health service provider"	R9-28-1101		
"Quality management"	R9-22-501		
"Radiology"	R9-22-101		
"Reassessment"	R9-28-103		
"Recover"	R9-28-901		
"Redetermination"	R9-28-401		
"Referral"	R9-22-101		
"Regional behavioral health authority" or "RBHA"	A.R.S. § 36-3401		
"Reinsurance"	R9-22-701		
"Representative"	R9-28-401		
"Resistiveness"	R9-28-301		
"Respiratory therapy"	R9-22-201		
"Respite care"	R9-28-102		
"RFP"	R9-22-101		
"Room and board"	R9-28-102		
"Rolling and sitting"	R9-28-301		
"Running or wandering away"	R9-28-301		
"Scope of services"	R9-28-102		
"Section 1115 Waiver"	A.R.S. § 36-2901		
"Self-injurious behavior"	R9-28-301		
"Sensory"	R9-28-301		
"Seriously mentally ill" or "SMI"	A.R.S. § 36-550		
"Social worker"	R9-28-301		
"Special diet"	R9-28-301		
"Speech therapy"	R9-22-201		
"Spouse"	R9-28-401		
"SSA"	42 CFR 1000.10		
"SSI"	42 CFR 435.4		
"Subcontract"	R9-22-101		
"TEFRA lien"	R9-28-801		
"Therapeutic leave"	R9-28-501		
"Toileting"	R9-28-301		
"Transferring"	R9-28-301		

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

“Case manager” means a person who is either a degreed social worker, a licensed registered nurse, or has a minimum of two years of experience in providing case management services to a person who is EPD.

“CFR” means Code of Federal Regulations, unless otherwise specified in this Chapter.

“Covered services” means the health and medical services described in Articles 2 and 11 of this Chapter as being eligible for reimbursement by AHCCCS.

“Home” means a residential dwelling that is owned, rented, leased, or occupied by a member, at no cost to the member, including a house, a mobile home, an apartment, or other similar shelter. A home is not a facility, a setting, or an institution, or a portion of any of these that is licensed or certified by a regulatory agency of the state as a:

Health care institution under A.R.S. § 36-401;  
Residential care institution under A.R.S. § 36-401;  
Community residential setting under A.R.S. § 36-551; or  
Behavioral health facility under 9 A.A.C. 20, Articles 1, 4, 5, and 6.  
“IADL” or “Instrumental Activities of Daily Living” mean activities related to independent living that a member must perform, including but not limited to:  
Preparing meals,  
Managing money,  
Shopping for groceries or personal items,  
Performing light or heavy housework, and  
Use of the telephone.

“IHS” means the Indian Health Service.

“Institutionalized spouse” means the same as defined in 42 U.S.C. 1396r-5.

“JCAHO” means the Joint Commission on Accreditation of Healthcare Organizations.

“Natural Support Services” are services provided voluntarily by a person not legally obligated to provide those services. The services are specified in the service plan as described under R9-28-510 and cannot supplant other covered services.

#### Historical Note

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Amended effective July 13, 1992 (Supp. 92-3). Amended effective November 5, 1993 (Supp. 93-4). Section repealed; new Section adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Amended by final rulemaking at 5 A.A.R. 874, effective March 4, 1999 (Supp. 99-1). Subsection (A)(69) amended to correct a printing error, filed in the Office of the Secretary of State August 13, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 200, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 2461, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 6 A.A.R. 3365, effective August 7, 2000 (Supp. 00-3). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 2356, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 8 A.A.R. 3340, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 3810, effective

October 4, 2003 (Supp. 03-3). Amended by final rulemaking at 10 A.A.R. 1312, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 3165, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 1090, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 2090, effective July 5, 2008 (Supp. 08-2). Amended by final rulemaking at 18 A.A.R. 3380, effective January 1, 2013 (Supp. 12-4).

#### R9-28-102. Covered Services Related Definitions

Definitions. The following words and phrases, in addition to definitions contained in A.R.S. §§ 36-2901 and 36-2931, and 9 A.A.C. 22, Article 1, have the following meanings unless the context of the Chapter explicitly requires another meaning:

“Bed hold” means a 24 hour per day unit of service that is authorized by an ALTCS case manager or designee during a period of short-term hospitalization or therapeutic leave that meets the requirement specified in 42 CFR 483.12.

“Behavior intervention” means the planned interruption of a member’s inappropriate behavior using techniques such as reinforcement, training, behavior modification, and other systematic procedures intended to result in more acceptable behavior.

“Respite care” means a short-term service provided in a NF or a home and community based service setting to an individual if necessary to relieve a family member or other person caring for the individual.

“Room and board” means lodging and meals.

“Scope of services” means the covered, limited, and excluded services under Articles 2 and 12 of this Chapter.

“Ventilator dependent,” for purposes of ALTCS eligibility, means an individual is medically dependent on a ventilator for life support at least six hours per day and has been dependent on ventilator support as an inpatient in a hospital, NF, or ICF-MR for at least 30 consecutive days.

#### Historical Note

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 2461, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 9 A.A.R. 3810, effective October 4, 2003 (Supp. 03-3).

#### R9-28-103. Preadmission Screening Related Definitions

Definitions. The following words and phrases, in addition to definitions contained in A.R.S. §§ 36-2901 and 36-2931, and 9 A.A.C. 22, Article 1, have the following meanings unless the context of the Chapter explicitly requires another meaning:

“Developmental disability” is defined in A.R.S. § 36-551.

“PAS” means preadmission screening, which is the process of determining an individual’s risk of institutionalization at a NF or ICF-MR level of care, as specified in Article 3 of this Chapter.

“Reassessment” means the process of redetermining PAS eligibility for ALTCS services as appropriate, for all members.

#### Historical Note

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 2461, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 9 A.A.R. 3810, effective October 4, 2003 (Supp. 03-3).

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

Amended by final rulemaking at 10 A.A.R. 1312, effective May 1, 2004 (Supp. 04-1).

**R9-28-104. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4).  
Amended effective November 4, 1998 (Supp. 98-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1).  
Amended by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Amended by final rulemaking at 6 A.A.R. 2461, effective June 9, 2000 (Supp. 00-2). Repealed by final rulemaking at 14 A.A.R. 2090, effective July 5, 2008 (Supp. 08-2).

**R9-28-105. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4).  
Amended by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Section repealed by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4).

**R9-28-106. Request for Proposals and Contract Process Related Definitions**

Definitions. The following words and phrases, in addition to definitions contained in A.R.S. §§ 36-2901 and 36-2931, and 9 A.A.C. 22 Article 1, have the following meanings unless the context of the Chapter explicitly requires another meaning: "Interested Party" means an actual or prospective offeror whose economic interest may be affected substantially and directly by the issuance of a request for proposals, the award of a contract, or the failure to award a contract.

**Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4).  
Amended by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1).

**R9-28-107. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4).  
Amended effective November 4, 1998 (Supp. 98-4).  
Amended by final rulemaking at 6 A.A.R. 2461, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 9 A.A.R. 3810, effective October 4, 2003 (Supp. 03-3).  
Section repealed by final rulemaking at 11 A.A.R. 3165, effective October 1, 2005 (Supp. 05-3).

**R9-28-108. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4).  
Amended by final rulemaking at 6 A.A.R. 3365, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 820, effective April 3, 2004 (Supp. 04-1).

**R9-28-109. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1).

**R9-28-110. Reserved****R9-28-111. Behavioral Health Services Related Definitions**

Definitions. The words and phrases in this Chapter, in addition to definitions contained in A.R.S. §§ 36-2901 and 36-2931, have the same meaning as specified in 9 A.A.C. 22, Article 1.

**Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4).  
Amended by final rulemaking at 6 A.A.R. 200, effective December 13, 1999 (Supp. 99-4).

**ARTICLE 2. COVERED SERVICES****R9-28-201. General Requirements**

In addition to the exclusions and limitations specified in this Article, services provided to a member are covered services if:

1. Medically necessary, cost effective, and federally reimbursable;
2. Coordinated by a case manager in accordance with requirements specified in R9-28-510;
3. The provider obtains prior authorization as required by a member's program contractor or by the Administration:
  - a. Failure of the provider to obtain prior authorization is cause for denial.
  - b. Services provided during prior period coverage are exempt from prior authorization requirements;
4. Provided in facilities or areas of facilities that are licensed or certified under Article 5 of this Chapter, or meet other requirements described in Article 5 of this Chapter;
5. Rendered by AHCCCS registered providers as permitted under this Chapter and within their scope of practice; and
6. Provided at an appropriate level of care, as determined by the case manager or the primary care provider.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Section repealed; new Section adopted effective September 22, 1997 (Supp. 97-3).  
Amended by final rulemaking at 8 A.A.R. 2356, effective May 9, 2002 (Supp. 02-2).

**R9-28-202. Scope of Services**

- A. The Administration or a contractor shall cover medical services specified in 9 A.A.C. 22, Article 2 for a member, subject to the limitations and exclusions specified in Article 2, unless otherwise specified in this Chapter.
- B. In addition, for members living in an HCBS setting, incontinence briefs for a member 21 years of age and older, including pull-ups, are covered in order to:
  1. Treat a medical condition; and
  2. Prevent skin breakdown when all the following are met:
    - a. The member is incontinent due to a documented medical condition that causes incontinence of bowel and/or bladder,
    - b. The PCP or attending physician has issued a prescription ordering the incontinence briefs,
    - c. Incontinence briefs do not exceed 180 briefs per month unless the prescribing physician presents evidence of medical necessity for more than 180 briefs per month,
    - d. The member obtains incontinence briefs from vendors within the Contractor's network, and
    - e. Prior authorization has been obtained if required by the Administration, Contractor, or Contractor's designee, as appropriate. Contractors shall not require prior authorization more frequently than every twelve months.
- C. Incontinence brief coverage for a member under age 21 is described under R9-22-212.

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Amended under an exemption from the provisions of the Administrative Procedure Act effective March 22, 1993; received in the Office of the Secretary of State March 24, 1993 (Supp. 93-1). Amended effective November 5, 1993 (Supp. 93-4). Section repealed; new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2356, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 21 A.A.R. 1243, effective July 7, 2015 (Supp. 15-3).

**R9-28-203. Coverage for CRS Services**

- A.** Beginning October 1, 2013, ALTCS DD members who need active treatment for one or more of the qualifying medical condition(s) in A.A.C. R9-22-1303 shall receive CRS services through the CRS contractor as described under Chapter 22, Article 13.
- B.** Beginning October 1, 2013, AHCCCS ALTCS EPD members who need active treatment for one or more of the qualifying medical conditions in A.A.C. R9-22-1303 shall not receive CRS services through the CRS contractor as described under Chapter 22, Article 13. These members shall receive treatment for those conditions through their assigned ALTCS EPD contractor. However, an American Indian member with a CRS condition(s) who is enrolled with a tribal contractor or Native American Community Health (NACH) shall obtain CRS services through the CRS contractor.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Amended effective July 13, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act effective March 22, 1993; received in the Office of the Secretary of State March 24, 1993 (Supp. 93-1). Repealed effective September 22, 1997 (Supp. 97-3). New Section R9-28-203 made by final rulemaking at 19 A.A.R. 2963, effective November 10, 2013 (Supp. 13-3).

**R9-28-204. Institutional Services**

- A.** Institutional services are provided in:
  - 1. A NF;
  - 2. An ICF-MR; or
  - 3. A facility identified in R9-28-1105(A)(1)(b), (B), or (C).
- B.** The Administration and a contractor shall include the following services in the per diem rate for a facility listed in subsection (A):
  - 1. Nursing care services;
  - 2. Rehabilitative services prescribed as a maintenance regimen;
  - 3. Restorative services, such as range of motion;
  - 4. Social services;
  - 5. Nutritional and dietary services;
  - 6. Recreational therapies and activities;
  - 7. Medical supplies and non-customized durable medical equipment under 9 A.A.C. 22, Article 2;
  - 8. Overall management and evaluation of a member's care plan;
  - 9. Observation and assessment of a member's changing condition;
  - 10. Room and board services, including supporting services such as food and food preparation, personal laundry, and housekeeping;
  - 11. Non-prescription and stock pharmaceuticals; and

- 12. Respite care services not to exceed 600 hours per benefit year.

- C.** Each facility listed in subsection (A) is responsible for coordinating the delivery of at least the following auxiliary services:
  - 1. Under 9 A.A.C. 22, Article 2:
    - a. Attending physician, practitioner, and primary care provider services;
    - b. Pharmaceutical services;
    - c. Diagnostic services under A.A.C. R9-22-208;
    - d. Emergency medical services; and
    - e. Emergency and medically necessary transportation services.
  - 2. Therapy services under R9-28-206.
- D.** Limitations. The following limitations apply:
  - 1. A private room in a NF, ICF-MR, or facility identified in R9-28-1105(A)(1)(b), (B), or (C) is covered only if:
    - a. The member or has a medical condition that requires isolation, and
    - b. The member's primary care provider or attending physician provides written authorization;
  - 2. Each ICF-MR shall meet the standards in A.R.S. § 36-2939(B)(1), and in 42 CFR 483, Subpart I, February 28, 1992, incorporated by reference and on file with the Administration and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation contains no future editions or amendments;
  - 3. Bed hold days as authorized by the Administration or its designee for a fee-for-service provider shall meet the following criteria:
    - a. Short-term hospitalization leave for a member age 21 and over is limited to 12 days per AHCCCS benefit year, and is available if a member is admitted to a hospital for a short stay. After the short-term hospitalization, the member is returned to the institutional facility from which leave is taken, and to the same bed if the level of care required can be provided in that bed; and
    - b. Therapeutic leave for a member age 21 and older is limited to nine days per AHCCCS benefit year. A physician order is required for therapeutic leave from the facility for one or more overnight stays to enhance psycho-social interaction, or as a trial basis for discharge planning. After the therapeutic leave, the member is returned to the same bed within the institutional facility;
    - c. Therapeutic leave and short-term hospitalization leave are limited to any combination of 21 days per benefit year for a member under age 21;
  - 4. The Administration or a contractor shall cover services that are not part of a per diem rate but are ALTCS covered services included in this Article, and deemed necessary by a member's case manager or the case manager's designee if:
    - a. The services are ordered by the member's primary care provider; and
    - b. The services are specified in a case management plan under R9-28-510;
  - 5. A member age 21 through 64 is eligible for behavioral health services provided in a facility under subsection (A)(3) that has more than 16 beds, for up to 30 days per admission and no more than 60 days per benefit year as allowed under the Administration's Section 1115 Waiver with CMS and except as specified by 42 CFR 441.151, May 22, 2001, incorporated by reference, on file with the Administration and available from the U.S. Government

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation contains no future editions or amendments; and

6. The limitations in subsection (D)(5) do not apply to a member:
  - a. Under age 21 or age 65 or over, or
  - b. In a facility with 16 beds or less.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended subsections (A) and (D) effective June 6, 1989 (Supp. 89-2). Amended effective November 5, 1993 (Supp. 93-4). Section repealed; new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 2356, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 17 A.A.R. 1876, effective October 1, 2011 (Supp. 11-3). Exemption to amend rules to expire December 31, 2013 under Laws 2012, Chapter 299, Section 8 therefore this Section was amended by final rulemaking at 19 A.A.R. 2758, effective October 8, 2013 (Supp. 13-3).

**R9-28-205. Home and Community Based Services (HCBS)**

- A. Subject to the availability of federal funds, HCBS are covered services if provided to a member residing in the member's own home or an alternative residential setting. Room and board services are not covered in a HCBS setting.
- B. The case manager shall authorize and specify in a case management plan any additions, deletions, or changes in home and community based services provided to a member or in accordance with R9-28-510.
- C. Home and community based services include the following:
  1. Home health services provided on a part-time or intermittent basis. These services include:
    - a. Nursing care;
    - b. Home health aide;
    - c. Medical supplies, equipment, and appliances;
    - d. Physical therapy;
    - e. Occupational therapy;
    - f. Respiratory therapy; and
    - g. Speech and audiology services;
  2. Private duty nursing services;
  3. Medical supplies and durable medical equipment, including customized DME, as described in 9 A.A.C. 22, Article 2;
  4. Transportation services to obtain covered medically necessary services;
  5. Adult day health services provided to a member in an adult day health care facility licensed under 9 A.A.C. 10, Article 5, including:
    - a. Supervision of activities specified in the member's care plan;
    - b. Personal care;
    - c. Personal living skills training;
    - d. Meals and health monitoring;
    - e. Preventive, therapeutic, and restorative health related services; and
    - f. Behavioral health services, provided either directly or through referral, if medically necessary;
  6. Personal care services;
  7. Homemaker services;
  8. Home delivered meals, that provide at least one-third of the recommended dietary allowance, for a member who does not have a developmental disability under A.R.S. § 36-551;

9. Respite care services for no more than 600 hours per benefit year;
10. Habilitation services including:
  - a. Physical therapy;
  - b. Occupational therapy;
  - c. Speech and audiology services;
  - d. Training in independent living;
  - e. Special development skills that are unique to the member;
  - f. Sensory-motor development;
  - g. Behavior intervention; and
  - h. Orientation and mobility training;
11. Developmentally disabled day care provided in a group setting during a portion of a 24-hour period, including:
  - a. Supervision of activities specified in the member's care plan;
  - b. Personal care;
  - c. Activities of daily living skills training; and
  - d. Habilitation services;
12. Supported employment services provided to a member in the ALTCS transitional program under R9-28-306 who is developmentally disabled under A.R.S. § 36-551.

**Historical Note**

Adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2356, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 17 A.A.R. 1876, effective October 1, 2011 (Supp. 11-3). Exemption to amend rules to expire December 31, 2013 under Laws 2012, Chapter 299, Section 8 therefore this Section was amended by final rulemaking at 19 A.A.R. 2758, effective October 8, 2013 (Supp. 13-3).

**R9-28-206. ALTCS Services that may be Provided to a Member Residing in either an Institutional or HCBS Setting**

The Administration shall cover the following services if the services are provided to a member within the limitations listed:

1. Occupational and physical therapies, speech and audiology services, and respiratory therapy:
  - a. The duration, scope, and frequency of each therapeutic modality or service is prescribed by the member's primary care provider or attending physician;
  - b. The therapy or service is authorized by the member's contractor or the Administration; and
  - c. The therapy or service is included in the members case management plan;
  - d. AHCCCS will not cover more than 15 outpatient physical therapy visits for the contract year with the exception of the required Medicare coinsurance and deductible payment as described in 9 A.A.C. 29, Article 3.
2. Medical supplies, durable medical equipment, and customized durable medical equipment, which conform with the requirements and limitations of 9 A.A.C. 22, Article 2 and as described under R9-28-202 for persons in HCBS settings;
3. Ventilator dependent services:
  - a. Inpatient or institutional services are limited to services provided in a general hospital, special hospital, NF, or ICF-MR. Services provided in a general or special hospital are included in the hospital's unit tier rate under 9 A.A.C. 22, Article 7;
  - b. A ventilator dependent member may receive the array of home and community based services under R9-28-205 as appropriate.
4. Hospice services:

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

- a. Hospice services are covered only for a member who is in the final stages of a terminal illness and has a prognosis of death within six months;
- b. Covered hospice services for a member are those allowable under 42 CFR 418.202, December 20, 1994, incorporated by reference and on file with the Administration and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments; and
- c. Covered hospice services do not include:
  - i. Medical services provided that are not related to the terminal illness, or
  - ii. Home delivered meals.
- d. Medicare is the primary payor of hospice services for a member if applicable.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Amended effective July 13, 1992 (Supp. 92-3). Amended effective November 5, 1993 (Supp. 93-4). Section repealed; new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2356, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 16 A.A.R. 1664, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 21 A.A.R. 1243, effective July 7, 2015 (Supp. 15-3).

**ARTICLE 3. PREADMISSION SCREENING (PAS)****R9-28-301. Definitions**

- A.** Common definitions. In addition to definitions contained in A.R.S. Title 36, Chapter 29, and 9 A.A.C. 28, Article 1, the words and phrases in this Article have the following meanings for an individual who is elderly or physically disabled (EPD) or developmentally disabled (DD) unless the context explicitly requires another meaning:

“Applicant” is defined in A.A.C. R9-22-101.

“Assessor” means a social worker as defined in this subsection or a licensed registered nurse (RN) who:

Is employed by the Administration to conduct PAS assessments,  
Completes a minimum of 30 hours of classroom training in both EPD and DD PAS for a total of 60 hours, and  
Receives intensive oversight and monitoring by the Administration during the first 30 days of employment and ongoing oversight by the Administration during all periods of employment.

“Current” means belonging to the present time.

“Disruptive behavior” means inappropriate behavior by the applicant or member including urinating or defecating in inappropriate places, sexual behavior inappropriate to time, place, or person or excessive whining, crying, or screaming that interferes with an applicant’s or member’s normal activities or the activities of others and requires intervention to stop or interrupt the behavior.

“Frequency” means the number of times a specific behavior occurs within a specified interval.

“Functional assessment” means an evaluation of information about an applicant’s or member’s ability to perform activities related to:

Developmental milestones,  
Activities of daily living,  
Communication, and  
Behavior.

“Immediate risk of institutionalization” means the status of an applicant or member under A.R.S. § 36-2934(A)(5) and as specified in A.R.S. § 36-2936 and in the Administration’s Section 1115 Waiver with Centers for Medicare and Medicaid Services (CMS).

“Intervention” means therapeutic treatment, including the use of medication, behavior modification, and physical restraints to control behavior. Intervention may be formal or informal and includes actions taken by friends or family to control the behavior.

“Medical assessment” means an evaluation of an applicant’s or member’s medical condition and the applicant’s or member’s need for medical services.

“Medical or nursing services and treatments” or “services and treatments” means specific, ongoing medical, psychiatric, or nursing intervention used actively to resolve or prevent deterioration of a medical condition. Durable medical equipment and activities of daily living assistive devices are not treatment unless the equipment or device is used specifically and actively to resolve the existing medical condition.

“Physician consultant” means a physician who contracts with the Administration.

“Social worker” means an individual with two years of case management-related experience or a baccalaureate or master’s degree in:

Social work,  
Rehabilitation,  
Counseling,  
Education,  
Sociology,  
Psychology, or  
Other closely related field.

“Special diet” means a diet planned by a dietitian, nutritionist, or nurse that includes high fiber, low sodium, or pureed food.

“Toileting” means the process involved in an applicant’s or member’s managing of the elimination of urine and feces in an appropriate place.

“Vision” means the ability to perceive objects with the eyes.

- B.** EPD. In addition to definitions contained in subsection (A), the following also apply to an applicant or member who is EPD:

“Aggression” means physically attacking another, including:

Throwing an object,  
Punching,  
Biting,  
Pushing,  
Pinching,  
Pulling hair,  
Scratching, and  
Physically threatening behavior.

“Bathing” means the process of washing, rinsing, and drying all parts of the body, including an applicant’s or member’s ability to transfer to a tub or shower and to obtain bath water and equipment.

“Continence” means the applicant’s or member’s ability to control the discharge of body waste from bladder and bowel.

“Dressing” means the physical process of choosing, putting on, securing fasteners, and removing clothing and footwear. Dressing includes choosing a weather-appropriate article of clothing but excludes aesthetic concerns. Dressing includes the applicant’s or member’s ability to

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

put on artificial limbs, braces, and other appliances that are needed daily.

"Eating" means the process of putting food and fluids by any means into the digestive system.

"Emotional and cognitive functioning" means an applicant's or member's orientation and mental state, as evidenced by aggressive, self-injurious, wandering, disruptive, and resistive behaviors.

"EPD" means an applicant or member who is elderly and physically disabled.

"Grooming" means an applicant's or member's process of tending to appearance. Grooming includes: combing or brushing hair; washing face and hands; shaving; oral hygiene (including denture care); and menstrual care. Grooming does not include aesthetics such as styling hair, skin care, nail care, and applying cosmetics.

"Mobility" means the extent of an applicant's or member's purposeful movement within a residential environment.

"Orientation" means an applicant's or member's awareness of self in relation to person, place, and time.

"Physically disabled" means an applicant or member who is determined to be physically impaired by the Administration through the PAS assessment as allowed under the Administration's Section 1115 Waiver with CMS.

"Resistiveness" means inappropriately obstinate and uncooperative behaviors, including passive or active obstinate behaviors, or refusing to participate in self-care or to take necessary medications. Resistiveness does not include difficulties with auditory processing or reasonable expressions of self-advocacy.

"Self-injurious behavior" means repeated self-induced, abusive behavior that is directed toward infliction of immediate physical harm to the body.

"Sensory" means of or relating to the senses.

"Transferring" means an applicant's or member's ability to move horizontally or vertically between two surfaces within a residential environment, excluding transfer for toileting or bathing.

"Wandering" means an applicant's or member's moving about with no rational purpose and with a tendency to go beyond the physical parameter of the residential environment.

C. DD. In addition to definitions contained in subsection (A), the following also apply to an applicant or member who is DD:

"Acute" means an active medical condition having a sudden onset, lasting a short time, and requiring immediate medical intervention.

"Aggression" means physically attacking another, including:

- Throwing objects,
- Punching,
- Biting,
- Pushing,
- Pinching,
- Pulling hair, and
- Scratching.

"Ambulation" means the ability to walk and includes quality of the walking and the degree of independence in walking.

"Bathing or showering" means an applicant's or member's ability to complete the bathing process including drawing the bath water, washing, rinsing, and drying all parts of the body, and washing the hair.

"Clarity of communication" means an ability to speak in recognizable language or use a formal symbolic substitution, such as American-Sign Language.

"Community mobility" means the applicant's or member's ability to move about a neighborhood or community independently, by any mode of transportation.

"Crawling and standing" means an applicant's or member's ability to crawl and stand with or without support.

"DD" means developmentally disabled.

"Developmental milestone" means a measure of an applicant's or member's functional abilities, including:

- Fine motor skills,
- Gross motor skills,
- Communication,
- Socialization,
- Daily living skills, and
- Behaviors.

"Dressing" means the ability to put on and remove an article of clothing. Dressing does not include the ability to put on or remove braces nor does it reflect an applicant's or member's ability to match colors or choose clothing appropriate for the weather.

"Eating or drinking" means the process of putting food and fluid by any means into the digestive system.

"Expressive verbal communication" means an applicant's or member's ability to communicate thoughts with words or sounds.

"Food preparation" means the ability to prepare a simple meal including a sandwich, cereal, or a frozen meal.

"Hand use" means the applicant's or member's ability to use both hands, or one hand if an applicant or member has only one hand or has the use of only one hand.

"History" means a medical condition that occurred in the past, regardless of whether the medical condition required treatment in the past, and is not now active.

"Personal hygiene" means the process of tending to one's appearance. Personal hygiene may include: combing or brushing hair, washing face and hands, shaving, performing routine nail care, oral hygiene including denture care, and menstrual care. This does not include aesthetics such as styling hair, skin care, and applying cosmetics.

"Rolling and sitting" means an applicant's or member's ability to roll and sit independently or with the physical support of another person or with a device such as a pillow or specially-designed chair.

"Running or wandering away" means an applicant or member leaving a physical environment without notifying or receiving permission from the appropriate individuals.

"Self-injurious behavior" means an applicant's or member's repeated behavior that causes injury to the applicant or member.

"Verbal or physical threatening" means any behavior in which an applicant or member uses words, sounds, or action to threaten harm to self, others, or an object.

"Wheelchair mobility" means an applicant's or member's mobility using a wheelchair and does not include the ability to transfer to the wheelchair.

#### Historical Note

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended subsection (C) effective June 6, 1989 (Supp. 89-2). Amended effective July 13, 1992 (Supp. 92-3). Amended effective November 5, 1993 (Supp. 93-4). Section repealed by emergency action, new Section adopted by emergency action, subsection (A) effective June 30, 1995, subsection (B) effective Septem-

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

ber 1, 1995, pursuant to A.R.S. § 41-1026, valid for 180 days; entire Section filed in the Secretary of State's Office June 30, 1995 (Supp. 95-2). Section repealed by emergency action, new Section adopted again by emergency action with changes effective January 2, 1996, pursuant to A.R.S. § 41-1026, valid for 180 days (Supp. 96-1). Emergency expired June 1, 1996. Section in effect before emergency action restored. Section repealed; new Section adopted effective January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 7 A.A.R. 5824, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 12 A.A.R. 4007, effective October 5, 2006 (Supp. 06-4). Amended by final rulemaking at 17 A.A.R. 167, effective March 12, 2011 (Supp. 11-1).

**R9-28-302. General Provisions**

To qualify for services described in A.R.S. § 36-2939:

1. An applicant shall meet the financial criteria described in Article 4, and
2. AHCCCS shall determine that the applicant is at immediate risk of institutionalization under the PAS assessment as specified in this Article.

**Historical Note**

New Section adopted by emergency action, subsection (A) effective June 30, 1995, subsection (B) effective September 1, 1995, pursuant to A.R.S. § 41-1026, valid for 180 days; entire Section filed in the Office of the Secretary of State June 30, 1995 (Supp. 95-2). New Section adopted again by emergency action with changes effective January 2, 1996, pursuant to A.R.S. § 41-1026 (Supp. 96-1). Emergency expired June 1, 1996. New Section adopted effective January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 7 A.A.R. 5824, effective December 7, 2001 (Supp. 01-4).

**R9-28-303. Preadmission Screening (PAS) Process**

- A. The assessor shall use the PAS instrument to determine whether the following applicants or members are at immediate risk of institutionalization:
  1. The assessor shall use the PAS instrument prescribed in R9-28-304 to assess an applicant or member who is EPD except as specified in subsection (A)(2) for an applicant or member who is physically disabled and who is less than 6 years old. After assessing a child who is physically disabled and age 6 years to less than 12 years, the assessor shall refer the child for physician consultant review under subsections (G) through (J).
  2. The assessor shall use the age-specific PAS instrument prescribed in R9-28-305 to assess an applicant or member who is physically disabled and less than 6 years old. After assessing the child, the assessor shall refer the child for physician consultant review under subsections (G) through (J).
  3. The assessor shall use the PAS instrument prescribed in R9-28-305 to assess an applicant or member who is DD, except as specified in subsection (A)(4) for an applicant or member who is DD and residing in a NF. After assessing a child who is DD and less than 6 months of age, the assessor shall refer the child for physician consultant review under subsections (G) through (J).
  4. The assessor shall use the PAS instrument prescribed in R9-28-304 for an applicant or a member who is DD and residing in a NF.
  5. The assessor shall use the PAS instrument prescribed in R9-28-304 or R9-28-305, whichever is applicable, to assess an applicant or member who is classified as venti-

lator-dependent, under Section 1902(e)(9) of the Social Security Act.

- B. For an initial assessment of an applicant who is in a hospital or other acute care setting:
  1. A registered nurse assessor shall complete the PAS assessment; or
  2. In the event that a registered nurse assessor is not available, a social worker assessor shall complete the PAS assessment; and
  3. The assessor shall conduct the PAS assessment and determine medical eligibility when discharge is scheduled within seven days.
- C. An assessor shall conduct a face-to-face PAS assessment with an applicant or member, except as provided in subsection (F). The assessor shall make reasonable efforts to obtain the applicant's or member's available medical records. The assessor may also obtain information for the PAS assessment from face-to-face interviews with the:
  1. Applicant or member,
  2. Parent,
  3. Guardian,
  4. Caregiver, or
  5. Any person familiar with the applicant's or member's functional or medical condition.
- D. Using the information described in subsection (C), an assessor shall complete the PAS assessment based on the assessor's education, experience, professional judgment, and training.
- E. After the assessor completes the PAS assessment, the assessor shall calculate a PAS score. The assessor shall compare the PAS score to an established threshold score. The scoring methodology and threshold scores are specified in R9-28-304 and R9-28-305. Except as determined by physician consultant review as provided in subsections (G) through (J), the threshold score is the point at which an applicant or member is determined to be at immediate risk of institutionalization.
- F. Upon request from a person acting on behalf of the applicant, the Administration shall conduct a PAS assessment to determine whether a deceased applicant who was residing in a NF or who received services in an ICF-MR any time during the time period covered by the application would have been eligible to receive ALTCS benefits for those months.
- G. In the following circumstances, the Administration shall request that a physician consultant review the PAS assessment, the available medical records, and use professional judgment to make the determination that an applicant or member has a developmental disability or has a nonpsychiatric medical condition that, by itself or in combination with other medical conditions, places an applicant or member at immediate risk of institutionalization:
  1. The PAS score of an applicant or member who is EPD is less than the threshold specified in R9-28-304, but is at least 56;
  2. The PAS score of an applicant or member who is DD is less than the threshold specified in R9-28-305, but is at least 38;
  3. An applicant or member scores below the threshold specified in R9-28-304, but the Administration has reasonable cause to believe that the applicant's or member's unique functional abilities or medical condition may place the applicant or member at immediate risk of institutionalization;
  4. An applicant or member scores below the threshold specified in R9-28-304 and has a documented diagnosis of autism, autistic-like behavior, or pervasive developmental disorder;



## Arizona Health Care Cost Containment System - Arizona Long-term Care System

5. An applicant or member who is seriously mentally ill as defined in A.R.S. § 36-550 who scores at or above the threshold specified in R9-28-304, but may not meet the requirements of A.R.S. § 36-2936. When an applicant or member who is seriously mentally ill scores at or above the threshold, the physician consultant shall exercise professional judgment to determine whether the applicant or member meets the requirements of A.R.S. § 36-2936.
  6. An applicant is an AHCCCS acute care member and scores at or above the threshold specified in R9-28-304 but the Administration has reasonable cause to believe that the applicant's condition is convalescent and requires less than 90 days of institutional care;
  7. An applicant or member is a child who is physically disabled and is at least 6 but less than 12 years of age;
  8. An applicant or member is a child who is physically disabled and is under 6 years of age; and
  9. An applicant is under 6 months of age.
- H.** The physician consultant shall consider the following:
1. Activities of daily living dependence;
  2. Delay in development;
  3. Continence;
  4. Orientation;
  5. Behavior;
  6. Any medical condition, including stability and prognosis of the condition;
  7. Any medical nursing treatment provided to the applicant or member including skilled monitoring, medication, and therapeutic regimens;
  8. The degree to which the applicant or member must be supervised;
  9. The skill and training required of the applicant or member's caregiver; and
  10. Any other factor of significance to the individual case.
- I.** If the physician consultant is unable to make the determination from the PAS assessment and the available medical records, the physician consultant may conduct a face-to-face review with the applicant or member or contact others familiar with the applicant's or member's needs, including a primary care physician or other caregiver, to make the determination.
- J.** The physician consultant shall state the reasons for the determination in the physician review comment section of the PAS instrument.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective July 13, 1992 (Supp. 92-3). Amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective July 1, 1993 (Supp. 93-3). Amended effective November 5, 1993 (Supp. 93-4). Section repealed by emergency action, new Section adopted by emergency action effective June 30, 1995, pursuant to A.R.S. § 41-1026, valid for 180 days (Supp. 95-2). Section repealed by emergency action, new Section adopted again by emergency action effective January 2, 1996, pursuant to A.R.S. § 41-1026, valid for 180 days (Supp. 96-1). Emergency expired June 1, 1996. Section in effect before emergency action restored. Section repealed; new Section adopted effective January 14, 1997 (Supp. 97-1). Former Section R9-28-303 renumbered to R9-28-304; new Section R9-28-303 made by final rulemaking at 7 A.A.R. 5824, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 12 A.A.R. 4007, effective October 5, 2006 (Supp. 06-4). Amended by final

rulemaking at 17 A.A.R. 167, effective March 12, 2011 (Supp. 11-1).

**R9-28-304. Preadmission Screening Criteria for an Applicant or Member who is Elderly and Physically Disabled (EPD)**

- A.** The PAS instrument for an applicant or member who is EPD includes the following categories:
1. Intake information category. The assessor solicits intake information category information on an applicant's or member's demographic background. The components of the intake information category are not included in the calculated PAS score.
  2. Functional assessment category. The assessor solicits functional assessment category information on an applicant's or member's:
    - a. Need for assistance with activities of daily living, including:
      - i. Bathing,
      - ii. Dressing,
      - iii. Grooming,
      - iv. Eating,
      - v. Mobility,
      - vi. Transferring, and
      - vii. Toileting in the residential environment or other routine setting;
    - b. Communication and sensory skills, including hearing, expressive communication, and vision; and
    - c. Continence, including bowel and bladder functioning.
  3. Emotional and cognitive functioning category. The assessor solicits emotional and cognitive functioning category information on an applicant's or member's:
    - a. Orientation to person, place, and time. In soliciting this information, the assessor shall also take into account the caregiver's judgment; and
    - b. Behavior, including:
      - i. Wandering,
      - ii. Self-injurious behavior,
      - iii. Aggression,
      - iv. Resistiveness, and
      - v. Disruptive behavior.
  4. Medical assessment category. The assessor solicits medical assessment category information on an applicant's or member's:
    - a. Medical conditions that have an impact on the applicant's or member's functional ability in relation to activities of daily living, continence, and vision;
    - b. Medical condition that requires medical or nursing service and treatment;
    - c. Medication, treatment, and allergies;
    - d. Specific services and treatments that the applicant or member is currently receiving; and
    - e. Physical measurements, hospitalization history, and ventilator dependency.
- B.** The assessor shall use the PAS instrument to assess an applicant or member who is EPD as specified in this Section. A copy of the PAS instrument is available from the Administration. The Administration uses the assessor's PAS assessment to calculate three scores: a functional score, a medical score, and a total score.
1. Functional score.
    - a. The Administration calculates the functional score from responses to scored items in the functional assessment and emotional and cognitive functioning categories. For each response to a scored item, a number of points is assigned, which is multiplied by

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

- a weighted numerical value. The result is a weighted score for each response.
- b. In the functional assessment matrix, all items in the following categories are scored according to subsection (C):
    - i. Activities of daily living,
    - ii. Continence,
    - iii. Sensory,
    - iv. Orientation, and
    - v. Behavior.
  - c. The sum of the weighted scores equals the functional score. The weighted score per item can range from 0 to 15. The maximum functional score attainable by an applicant or member is 166.
2. Medical score.
- a. In the medical assessment matrix, all items in the following categories are scored according to:
    - i. Medical conditions as specified in subsection (C), and
    - ii. Medical or nursing services and treatments in subsection (C).
  - b. The Administration calculates the medical score based on the applicant's or member's:
    - i. Diagnosis of Alzheimer's, dementia, or organic brain syndrome (OBS);
    - ii. Diagnosis of paralysis; and
    - iii. Current use of oxygen.
- c. The maximum medical score attainable by an applicant or member is 31.5.
3. Total score.
- a. The sum of an applicant's or member's functional and medical scores equals the total score.
  - b. The total score is compared to the established threshold score as calculated under this Section. The threshold score is 60.
  - c. As defined in R9-28-303, an applicant or member is determined at immediate risk of institutionalization if the total score is equal to or greater than 60.
- C. The following matrices represent the number of points available and the respective weight for each scored item.
1. Functional assessment points. The lowest value in the range of points available per item in the functional assessment category, zero, indicates minimal to no impairment. Conversely, the highest value indicates severe impairment.
  2. Medical assessment points. The lowest value in the range of points available per item in the medical assessment category, zero, indicates that the applicant or member:
    - a. Does not have the scored medical condition,
    - b. Does not need the scored medical or nursing services, or
    - c. Does not receive the scored medical or nursing services.

FUNCTIONAL ASSESSMENT	# of Points Available Per Item (P)	Weight (W)	Range of Possible Weighted Score per Item (P)x(W)
<b>Activities of Daily Living Section</b>			
Mobility	0-3	5	0-15
Transfer	0-3	5	0-15
Bathing	0-3	5	0-15
Dressing	0-3	5	0-15
Grooming	0-3	5	0-15
Eating	0-3	5	0-15
Toileting	0-3	5	0-15
<b>Continence Section</b>			
Bowel	0-3	1	0-3
Bladder	0-3	1	0-3
<b>Sensory Section</b>			
Vision	0-3	2	0-6
<b>Orientation Section</b>			
Place	0-4	.5	0-2
Time	0-4	.5	0-2
<b>Emotional or Cognitive Behavior Section</b>			
Aggression-Frequency	0-3	1.5	0-4.5
Aggression-Intervention	0-3	1.5	0-4.5
Self-injurious-Frequency	0-3	1.5	0-4.5
Self-injurious-Intervention	0-3	1.5	0-4.5
Wandering-Frequency	0-3	1.5	0-4.5
Wandering-Intervention	0-3	1.5	0-4.5
Resistiveness-Frequency	0-3	1.5	0-4.5
Resistiveness-Intervention	0-3	1.5	0-4.5
Disruptive-Frequency	0-3	1.5	0-4.5
Disruptive-Intervention	0-3	1.5	0-4.5

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

MEDICAL ASSESSMENT	# of Points Available Per Item (P)	Weight (W)	Range of Possible Weighted Score Per Item (P)x(W)
Medical Conditions Section			
Paralysis	0-1	6.5	0 or 6.5
Alzheimer's, or OBS, or Dementia	0-1	20	0 or 20
Services and Treatments Section			
Oxygen	0-1	5	0 or 5

**Historical Note**

New Section adopted by emergency action, subsection (A) effective June 30, 1995, subsection (B) effective September 1, 1995, pursuant to A.R.S. § 41-1026, valid for 180 days; entire Section filed as an emergency rule with the Secretary of State's Office June 30, 1995 (Supp. 95-2). New Section adopted again by emergency action with changes effective January 2, 1996, pursuant to A.R.S. § 41-1026, valid for 180 days (Supp. 96-1). Emergency expired. New Section adopted effective January 14, 1997 (Supp. 97-1). Former Section R9-28-304 renumbered to R9-28-305; new Section R9-28-304 renumbered from R9-28-303 and amended by final rulemaking at 7 A.A.R. 5824, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 12 A.A.R. 4007, effective October 5, 2006 (Supp. 06-4).

**R9-28-305. Preadmission Screening Criteria for an Applicant or Member who is Developmentally Disabled (DD)**

- A.** The Administration shall conduct a PAS assessment of an applicant or member who is DD using one of three PAS instruments specifically designed to assess an applicant or member in the following age groups:
- Twelve years of age and older,
  - Six through 11 years of age, and
  - Birth through 5 years of age.
- B.** The PAS instruments for an applicant or member who is DD include three major categories:
- Intake information category. The assessor solicits intake information category information on an applicant's or member's demographic background. The components of this category are not included in the calculated PAS score.
  - Functional assessment category. The functional assessment category differs by age group as indicated in subsections (B)(2)(a) through (e):
    - For an applicant or member 12 years of age and older, the assessor solicits the functional assessment category information on an applicant's or member's:
      - Need for assistance with independent living skills, including hand use, ambulation, wheelchair mobility, transfer, eating or drinking, dressing, personal hygiene, bathing or showering, food preparation, community mobility, and toileting;
      - Communication skills and cognitive abilities, including expressive verbal communication, clarity of communication, associating time with an event and action, and remembering an instruction and a demonstration; and
      - Behavior, including aggression, verbal or physical threatening, self-injurious behavior, and resistive or rebellious behavior.
    - For an applicant or member 6 through 11 years of age, the assessor solicits the functional assessment category information on an applicant's or member's:
      - Need for assistance with independent living skills, including rolling and sitting, crawling and standing, ambulation, climbing stairs or ramps, wheelchair mobility, dressing, personal hygiene, bathing or showering, toileting, level of bladder control, and orientation to familiar settings;
      - Communication, including expressive verbal communication and clarity of communication; and
      - Behavior, including aggression, verbal or physical threatening, self-injurious behavior, running or wandering away, and disruptive behavior.
  - Medical assessment category. The assessor solicits medical assessment category information on an applicant's or member's:
    - Medical condition;
    - Specific services and treatments the applicant or member receives or needs and the frequency of those services and treatments;
    - Current medication;
    - Medical stability;
    - Sensory functioning;
    - Physical measurements; and
    - Current living arrangement, ventilator dependency and eligibility for DES Division of Developmental Disabilities program services.
- C.** The assessor shall use the PAS instrument to assess an applicant or member who is DD. A copy of the PAS instrument is available from the Administration. The Administration uses the assessor's PAS instrument responses to calculate three scores: a functional score, a medical score, and a total score.
- Functional score.
    - The Administration calculates the functional score from responses to scored items in the functional assessment category. Each response is assigned a number of points which is multiplied by a weighted

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

numerical value, resulting in a weighted score for each response.

- b. The following items are scored as indicated in subsection (D), under the Functional Assessment matrix:
  - i. For an applicant or member 12 years of age and older, all items in the behavior section are scored. Designated items in the independent living skills, communication skills, and cognitive abilities sections are also scored;
  - ii. For an applicant or member 6 through 11 years of age, all items in the communication section are scored. Designated items in the independent living skills and behavior sections are scored;
  - iii. For an applicant or member 6 months of age through 5 years of age, items in the developmental milestones section are scored based on the age of the applicant.
- c. The sum of the weighted scores equals the functional score. The range of weighted score per item and maximum functional score for each age group is presented below:

AGE GROUP	RANGE FOR WEIGHTED SCORE PER ITEM	MAXIMUM FUNCTIONAL SCORE ATTAINABLE
12+	0 - 11.2	124.1
6-11	0 - 24	112.5
0-5	0 - 5.0	106.02

- d. No minimum functional score is required.

## 2. Medical score.

- a. Subsections (C)(2)(a)(i) through (iii) are scored as indicated in subsection (D), under the Medical Assessment matrix:
  - i. The assessor shall score designated items in the medical conditions for an applicant or member 12 years of age and older and 6 years of age through 11 years of age.
  - ii. The assessor shall score designated items in the medical conditions and medical stability sections for an applicant or member 6 months of age through 5 years of age.
  - iii. The assessor shall complete only the medical assessment section of the PAS for an applicant or member less than 6 months of age. There is no weighted or calculated score assigned. The assessor shall refer the applicant or member for physician consultant review.

- iv. The assessor shall complete only the medical assessment section of the PAS for an applicant or member less than 6 months of age. There is no weighted or calculated score assigned. The assessor shall refer the applicant or member for physician consultant review.

- b. The Administration calculates the medical score from information obtained in the medical assessment category. Each response to a scored item is assigned a number of points. The sum of the points equals the medical score. The range of points per item and the maximum medical score attainable by an applicant or member is presented below:

AGE GROUP	RANGE OF POINTS PER ITEM	MAXIMUM MEDICAL SCORE ATTAINABLE
12+	0 - 20.6	21.4
6-11	0 - 2.5	5
0-5	0 - 10	60

- c. No minimum medical score is required.

## 3. Total score.

- a. The sum of an applicant's or member's functional and medical scores equals the total score.
- b. The total score is compared to an established threshold score in R9-28-304. For an applicant or member who is DD, the threshold score is 40. Based upon the PAS instrument an applicant or member with a total score equal to or greater than 40 is at immediate risk of institutionalization.

## D. The following matrices represent the number of points available and the weight for each scored item.

1. Functional assessment points. An applicant or member age group 0 to 5: The value is received for each negative response. An applicant or member age groups 6 to 11 and 12+: the lowest value in the range of points available per item in the functional assessment category indicates minimal to no impairment. Conversely, the highest value indicates severe impairment.
2. Medical assessment points. The lowest value in the range of points available per item in the medical assessment category, zero, indicates that the applicant or member:
  - a. Does not have a medical condition specified in the following matrices,
  - b. Does not need medical or nursing service as specified in the following matrices, or
  - c. Does not receive any medical or nursing service as specified in the following matrices.

AGE GROUP 12 AND OLDER FUNCTIONAL ASSESSMENT	# of Points Available Per Item (P)	Weight (W)	Range of Possible Weighted Score Per Item (P) x (W)
Independent Living Skills Section			
Hand Use, Food Preparation	0-3	3.5	0-10.5
Ambulation, Toileting, Eating, Dressing, Personal Hygiene	0-4	2.8	0-11.2
Communicative Skills and Cognitive Abilities Section			
Associating Time, Remembering Instructions	0-3	0.5	0 - 1.5
Behavior Section			
Aggression, Threatening, Self Injurious	0-4	2.8	0-11.2
Resistive	0-3	3.5	0-10.5

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

AGE GROUP 12 AND OLDER MEDICAL ASSESSMENT	# of Points Available Per Item (P)	Weight (W)	Range of Possible Weighted Score Per Item (P) x (W)
Medical Conditions Section			
Cerebral Palsy, Epilepsy	0-1	0.4	0-.4
Moderate, Severe, Profound Mental Retardation	0-1	20.6	0-20.6

AGE GROUP 6-11 FUNCTIONAL ASSESSMENT	# of Points Available Per Item (P)	Weight (W)	Range of Possible Weighted Score Per Item (P) x (W)
Independent Living Skills Section			
Climbing Stairs, Wheelchair Mobility, Bladder Control	0-3	1.875	0-5.625
Ambulation, Dressing, Bathing, Toileting	0-4	1.5	0-6
Crawling or Standing	0-5	1.25	0-6.25
Rolling or Sitting	0-8	0.833	0-6.66
Communication Section			
Clarity	0-4	1.5	0-6
Expressive Communication	0-5	1.25	0-6.25
Behavior Section			
Wandering	0-4	6	0-24
Disruptive	0-3	7.5	0-22.5

AGE GROUP 6 - 11 MEDICAL ASSESSMENT	# of Points Available Per Item (P)	Weight (W)	Range of Possible Weighted Score Per Item (P) x (W)
Medical Conditions Section			
Cerebral Palsy, Epilepsy	0-1	2.50	0-2.5

AGE GROUP 0 – 5 FUNCTIONAL ASSESSMENT	Weight
6 -9 Months	5.0
9-11 Months	4.1
12-17 Months	2.9
18-23 Months	2.125
24-29 Months	1.75
30-35 Months	1.55
36-47 Months	1.34
48-59 Months	1.14
60 Months+	1.03

AGE GROUP 0 - 5 MEDICAL ASSESSMENT	Weight
Cerebral Palsy	5.0
Epilepsy	5.0
Moderate, Severe, or Profound Mental Retardation (36 Months and older only)	15.0
Autism + M-CHAT (18 Months and older only) Fails at least six M-CHAT based questions	7.0
Autism + Behaviors (30-35 Months only) Exhibits at least 3 of 4 specific behaviors	5.0
Autism + Behaviors (36 Months and older only) Exhibits at least 6 of 8 specific behaviors	10.0
Drug Regulation + Administration (6 Months to 35 Months)	1.0
Drug Regulation + Administration (36 Months and older)	1.5
Non-Bowel/Bladder Ostomy Care (6 Months to 35 Months)	7.0
Non-Bowel/Bladder Ostomy Care (36 Months and older)	5.0
Tube Feeding (6 Months to 35 Months)	7.0
Tube Feeding (36 Months and older)	5.0
Physical Therapy or Occupational Therapy (6 Months to 35 Months)	1.0

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

Physical Therapy or Occupational Therapy (36 Months and older)	1.5
Acute Hospital Admission (One)	1.0
Acute Hospital Admissions (Two or more)	2.0
Direct Care Staff Trained (6 Months to 11 Months)	0.5
Direct Care Staff Trained (12 Months and older)	1.0
Special Diet	2.0

**Historical Note**

Section adopted by emergency action effective June 30, 1995, pursuant to A.R.S. § 41-1026, valid for 180 days (Supp. 95-2). Section adopted again by emergency action effective January 2, 1996, pursuant to A.R.S. § 41-1026, valid for 180 days (Supp. 96-1). Emergency expired. New Section adopted effective January 14, 1997 (Supp. 97-1). Former Section R9-28-305 renumbered to R9-28-306; new Section R9-28-305 renumbered from R9-28-304 and amended by final rulemaking at 7 A.A.R. 5824, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 17 A.A.R. 167, effective March 12, 2011 (Supp. 11-1).

**R9-28-306. Reassessments**

- A. An assessor shall reassess an ALTCS member to determine continued eligibility:
  1. In connection with a routine audit of the PAS assessment by AHCCCS;
  2. In connection with a request by a provider, program contractor, case manager, or other party, if AHCCCS determines that continued eligibility is uncertain due to substantial evidence of a change in the member's circumstances or error in the PAS assessment; or
  3. Annually when part of a population group identified by the Director in a written report as having an increased likelihood of becoming ineligible.
- B. An assessor shall determine continued eligibility for ALTCS using the same criteria used for the initial PAS assessment as prescribed in R9-28-303.
- C. An assessor shall refer the reassessment to physician consultant review if the member is:
  1. Determined ineligible,
  2. In the ALTCS Transitional Program under R9-28-307 and resides in a NF or ICF-MR, or
  3. Seriously mentally ill and no longer has a non-psychiatric medical condition that impacts the member's ability to function.

**Historical Note**

Adopted effective September 1, 1995, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1994, Ch. 322, § 21; filed with the Office of the Secretary of State June 29, 1995 (Supp. 95-3). Former Section R9-28-306 renumbered to R9-28-307; new Section R9-28-306 renumbered from R9-28-305 and amended by final rulemaking at 7 A.A.R. 5824, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 10 A.A.R. 1312, effective May 1, 2004 (Supp. 04-1).

**R9-28-307. The ALTCS Transitional Program for a Member who is Elderly and Physically Disabled (EPD) or Developmentally Disabled (DD)**

- A. The ALTCS transitional program serves members enrolled in the ALTCS program who, at the time of reassessment as described in R9-28-306, no longer meet the threshold specified in R9-28-304 for EPD or in R9-28-305 for DD but do meet all other ALTCS eligibility criteria. The Administration shall compare the member's PAS assessment to a scoring methodology for eligibility in the ALTCS transitional program as defined in subsections (B) and (C).
- B. The Administration shall transfer a member who is DD from the ALTCS program to the ALTCS transitional program if, at the time of a reassessment, the total PAS score is less than the threshold described in R9-28-305 but is at least 30, or the

member is diagnosed with moderate, severe, or profound mental retardation.

- C. The Administration shall transfer a member who is EPD from the ALTCS program to the ALTCS transitional program if, at the time of a reassessment, the PAS score is less than the threshold described in R9-28-304 but is at least 40.
- D. For a member residing in a NF or ICF-MR, the program contractor or the Administration shall ensure that the member is moved to an approved home- and community-based setting within 90 continuous days from the enrollment date of the member's eligibility for the ALTCS transitional program.
- E. A member in the ALTCS transitional program shall continue to receive all medically necessary covered services as specified in Article 2.
- F. A member in the ALTCS transitional program is eligible to receive up to 90 continuous days per NF or ICF-MR admission when the member's condition worsens to the extent that an admission is medically necessary.
- G. For a member requiring medically necessary NF or ICF-MR services for longer than 90 days, the program contractor shall request the Administration to conduct a reassessment under R9-28-306.

**Historical Note**

New Section renumbered from R9-28-306 and amended by final rulemaking at 7 A.A.R. 5824, effective December 7, 2001 (Supp. 01-4). Amended by final rulemaking at 12 A.A.R. 4007, effective October 5, 2006 (Supp. 06-4).

**ARTICLE 4. ELIGIBILITY AND ENROLLMENT****R9-28-401. Eligibility and Enrollment-Related Definitions**

Definitions. For purposes of this Article, the following words and phrases, in addition to definitions contained in A.R.S. §§ 36-2901 and 36-2931, and 9 A.A.C. 22, Article 1, have the following meanings unless the context of the Chapter explicitly requires another meaning:

"ALTCS acute care services" means services under 9 A.A.C. 22, Articles 2 and 12, that are provided to a person who meets ALTCS eligibility requirements in 9 A.A.C. 28, Article 4 and who:

- Lives in an acute care living arrangement described in R9-28-406; or
- Is not eligible for long-term care benefits, described in R9-28-409, due to a transfer under R9-28-409 without receiving fair consideration, or
- Has refused institutionalized or HCBS services.

"Community spouse" means the husband or wife of an institutionalized person who has entered into a contract of marriage, recognized as valid by the state of Arizona, and who does not live in a medical institution.

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

“CSRD” means Community Spouse Resource Deduction, the amount of a married couple’s resources that is excluded in the eligibility determination to prevent impoverishment of the community spouse as determined under R9-28-410.

“Fair consideration” means income, real or personal property, services, or support and maintenance equal to or exceeding the fair market value of the income or resources that were transferred.

“First continuous period of institutionalization” means the first period beginning on or after September 30, 1989 that the applicant was institutionalized for 30 consecutive days or more. To be considered institutionalized, the applicant must:

- Have resided in a medical institution;
- Have received paid formal Home and Community Based Services (HCBS);
- Have received a combination of medical institutionalization and HCBS, or
- Intend to receive HCBS and either:

- Requests a Resource Assessment and is determined in need if institutional services by a Resource Assessment Medical Evaluation; or
- Applies for ALTCS and is determined medically eligible by the Pre-Admission Screening (PAS).

“Institutionalized” means residing in a medical institution or receiving or expecting to receive HCBS that prevent the person from being placed in a medical institution as determined by the PAS.

“Medically eligible” means meeting the ALTCS medical eligibility criteria under Article 3 of this Chapter.

“MMMNA” means Minimum Monthly Maintenance Needs Allowance.

“Redetermination” means a periodic review of all eligibility factors for a recipient.

“Representative” means a person other than a spouse or a parent of a dependent child, who applies for ALTCS on behalf of another person.

“Share of costs” means the amount an ALTCS recipient is required to pay toward the cost of long term care services.

“Spouse” means a person legally married under Arizona law, a person eligible for Social Security benefits as the spouse of another person, or a person living with another person of the opposite sex and the couple represents themselves in the community as husband and wife.

#### Historical Note

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 5138, effective January 3, 2004 (Supp. 03-4). Section repealed; new Section made by final rulemaking at 14 A.A.R. 2090, effective July 5, 2008 (Supp. 08-2). Amended by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

#### R9-28-401.01. General

##### A. Application for ALTCS coverage.

1. The Administration shall provide a person the opportunity to apply for ALTCS as described under Chapter 22, Article 3, unless specified otherwise in this Section.

2. To apply for ALTCS, a person shall submit an application to an ALTCS eligibility office.
    - a. The application shall contain the applicant’s name and address.
    - b. Before the application is approved, a person listed in A.A.C. R9-22-302(2) shall sign the application.
    - c. A witness shall also sign the application if an applicant signs the application with a mark.
    - d. The date of application is the date the application is received by the Administration or its designee as described in R9-22-302.
  3. Except as provided in R9-22-306, the Administration shall determine eligibility within 45 days from the date of application.
  4. An applicant or representative who files an ALTCS application may withdraw the application for ALTCS coverage either orally or in writing to the ALTCS eligibility office where the application was filed. The Administration shall provide the applicant with a denial notice under subsection (E).
  5. If an applicant dies while an application is pending, the Administration shall complete an eligibility determination for the deceased applicant.
  6. If a person dies before an application is filed, the Administration shall complete an eligibility determination on an application filed on behalf of the deceased applicant, if the application is filed in the month of the person’s death.
- B.** Conditions of ALTCS eligibility. Except for persons identified in subsection (C), the Administration shall approve a person for ALTCS if all conditions of eligibility are met. The conditions of eligibility are:
1. Citizenship and alien status under Chapter 22, Article 3;
  2. SSN under Chapter 22, Article 3;
  3. Living arrangements under R9-28-406;
  4. Resources under R9-28-407;
  5. Income under R9-28-408;
  6. Transfers under R9-28-409;
  7. A legally authorized person shall assign rights to the Administration for medical support and for payment of medical care from any first- and third-parties as described under R9-22-311;
  8. A person shall take all necessary steps to obtain annuity, pension, retirement, and disability benefits for which a person may be entitled;
  9. State residency under R9-22-305;
  10. Medical eligibility as specified in Chapter 28, Article 3; and
  11. Providing information and verification as specified under Chapter 22, Article 3.
- C.** Persons eligible for Title IV-E or Title XVI are only required to meet the conditions under subsection (B)(6), (B)(10), (B)(11) and with respect to trusts, A.R.S. § 36-2934.01.
- D.** Eligibility effective date.
1. Eligibility is effective on the first day of the month that all eligibility requirements are met, including the period described under R9-22-303.
  2. The effective date of eligibility for an applicant who moves into Arizona is no sooner than the date Arizona residency is established.
  3. The effective date of eligibility for an inmate applying for medical coverage is the date the applicant no longer meets the definition of an inmate of a public institution.
- E.** Notice. The Administration shall send a person a notice of the decision regarding the person’s application. The notice shall include a statement of the action and an explanation of the person’s hearing rights as specified in 9 A.A.C. 34 and:

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

1. Approval. If the applicant meets all the eligibility requirements and conditions of eligibility of this Article, the Administration or its designee shall approve the application and provide the applicant with an approval notice. The approval notice shall contain:
    - a. The name of each approved applicant,
    - b. The effective date of eligibility for each approved applicant,
    - c. The amount of share of cost, and
    - d. The applicant's right to appeal the decision.
  2. Denial. If an applicant fails to meet the eligibility requirements or conditions of eligibility of this Article, the Administration or its designee shall deny the application and provide the applicant with a denial notice. The denial notice shall contain:
    - a. The name of each ineligible applicant,
    - b. The specific reason why the applicant is ineligible,
    - c. The income and resource calculations for the applicant compared to the income or resource standards for eligibility when the reason for the denial is due to the applicant's income or resources exceeding the applicable standard,
    - d. The legal citations supporting the reason for the ineligibility,
    - e. The location where the applicant can review the legal citations, and
    - f. The applicant's right to appeal the decision and request a hearing.
- F. Confidentiality. The Administration shall maintain the confidentiality of a person's record under A.A.C. R9-22-512.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2090, effective July 5, 2008 (Supp. 08-2). Amended by final rulemaking at 19 A.A.R. 3320, effective November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**R9-28-402. Repealed****Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Amended effective July 13, 1992 (Supp. 92-3). Amended effective November 5, 1993 (Supp. 93-4). Repealed effective November 4, 1998 (Supp. 98-4). New Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Repealed by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**R9-28-403. Repealed****Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective April 25, 1990 (Supp. 90-2). Amended effective July 13, 1992 (Supp. 92-3). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Repealed by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**R9-28-404. Repealed****Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective April 25, 1990 (Supp. 90-2). Amended effective July 13, 1992 (Supp.

92-3). Amended effective November 5, 1993 (Supp. 93-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Repealed by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**R9-28-405. Repealed****Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Repealed by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**R9-28-406. ALTCS Living Arrangements**

- A. Long-term care living arrangements. A person may be eligible for ALTCS services, under Article 2, while living in one of the following settings:
1. Institutional settings:
    - a. A Nursing Facility (NF) defined in 42 U.S.C. 1396r(a),
    - b. An Institution for Mental Diseases (IMD) for a person who is either under age 21 or age 65 or older,
    - c. An Intermediate Care Facility for the Mentally Retarded (ICF-MR) for a person with developmental disabilities,
    - d. A hospice (free-standing, hospital, or nursing facility subcontracted beds) defined in A.R.S. § 36-401; or
  2. Home and community-based services (HCBS) settings:
    - a. A person's home defined in R9-28-101(B), or
    - b. Alternative HCBS settings defined in R9-28-101(B).
- B. ALTCS acute care living arrangements.
1. A person applying for and otherwise entitled to receive ALTCS coverage shall receive only ALTCS acute care coverage if residing in one of the following living arrangements, settings, or locations:
    - a. A noncertified medical facility, or
    - b. A medical facility that is registered with AHCCCS but does not have a contract with an ALTCS program contractor, or
    - c. At home or in an alternative HCBS setting when the person refuses HCBS services, or
    - d. A licensed or certified HCBS facility that is not registered with AHCCCS.
  2. Eligibility income limits.
    - a. For a person residing in a setting described in subsection (1)(a) or (1)(b), the gross income limit is 300 percent of the Federal Benefit Rate (FBR).
    - b. For a person residing in a setting described in subsection (1)(c) or (1)(d), the net income limit is 100 percent of the FBR.
- C. Inmate of a public institution. An inmate of a public institution is not eligible for the ALTCS program if federal financial participation (FFP) is not available as described under R9-22-310.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**R9-28-407. Resource Criteria for Eligibility**



## Arizona Health Care Cost Containment System - Arizona Long-term Care System

- A. The following Medicaid-eligible persons shall be deemed to meet the resource requirements for ALTCS eligibility unless ineligible due to federal and state laws regarding trusts.
1. A person receiving Supplemental Security Income (SSI);
  2. A person receiving Title IV-E Foster Care Maintenance payment; or
  3. A person receiving a Title IV-E Adoption Assistance.
- B. Except as provided in subsection (C), if a person's ALTCS eligibility is most closely related to SSI and is not included in subsection (A), the Administration shall determine eligibility using resource criteria in 42 U.S.C. 1382(a)(1)(B), 42 U.S.C. 1382b, and 20 CFR 416 Subpart L. The resource limit for an individual is \$2,000 or \$3,000 for a couple under 20 CFR 416.1205.
- C. The Administration permits the following exceptions to the resource criteria for a person identified in subsection (B):
1. Resources of the spouse or parent of a minor child are disregarded beginning the first day in the month the person is institutionalized.
  2. The value of household goods and personal effects is excluded.
  3. The value of oil, timber, and mineral rights is excluded.
  4. The value of all of the following shall be disregarded:
    - a. Term insurance;
    - b. Burial insurance;
    - c. Assets that a person has irrevocably assigned to fund the expense of a burial;
    - d. The cash value of all life insurance if the face value does not exceed \$1,500 total per insured person and the policy has not been assigned to fund a pre-need burial plan or has a legally binding designation as a burial fund;
    - e. The value of any burial space held for the purpose of providing a place for the burial of the person, a spouse, or any other member of the immediate family;
    - f. \$1,500 of the equity value of an asset that has a legally binding designation as a burial fund or a revocable burial arrangement if there is no irrevocable burial arrangement;
    - g. During the time a person remains continuously eligible, all appreciation in the value of the assets in subsection (C)(4)(f) will be disregarded; and
    - h. The amount of a payment refunded by a nursing facility after ALTCS approval is only excluded for six months beginning with the month the refund was received. The Administration shall evaluate the refund in accordance with R9-28-409 if transferred without receiving something of equal value.
- D. For an institutionalized spouse, a resource disregard is allowed under 42 U.S.C. 1396r-5(c).
- E. Trusts are evaluated in accordance with federal and state laws to determine eligibility.
- F. A person shall provide information and verification necessary to determine the countable value of resources.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 2090, effective July 5, 2008 (Supp. 08-2). Amended by final

rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**R9-28-408. Income Criteria for Eligibility**

- A. The following Medicaid-eligible persons shall be deemed to meet the income requirements for ALTCS eligibility unless ineligible due to federal and state laws regarding trusts.
1. A person receiving Supplemental Security Income (SSI);
  2. A person receiving Title IV-E Foster Care Maintenance Payments; or
  3. A person receiving Title IV-E Adoption Assistance.
- B. If the person is not included in subsection (A), the Administration shall count the income described in 42 U.S.C. 1382a and 20 CFR 416 Subpart K to determine eligibility with the following exceptions:
1. Income types excluded by 42 U.S.C. 1382a(b) for determining net income are also excluded in determining gross income to determine eligibility;
  2. Income of the parent or spouse of a minor child is counted as part of income under 42 CFR 435.602, except that the income of the parent or spouse is disregarded for the month beginning when the person is institutionalized;
  3. In-kind support and maintenance, under 42 U.S.C. 1382a(a)(2)(A), are excluded for both net and gross income tests;
  4. The income exceptions under A.A.C. R9-22-1503(B) apply to the net income test; and
  5. Income described in subsection (C) is excluded.
- C. The following are income exceptions:
1. Disbursements from a trust are considered in accordance with federal and state law; and
  2. For an institutionalized spouse, a person defined in 42 U.S.C. 1396r-5(h)(1), income is calculated in accordance with 42 U.S.C. 1396r-5(b).
- D. Income eligibility. Except as provided in R9-28-406(B)(2)(b), countable income shall not exceed 300 percent of the FBR.
- E. The Administration shall determine the amount a person shall pay for the cost of ALTCS services and the post-eligibility treatment of income (share-of-cost) under A.R.S. § 36-2932(L) and 42 CFR 435.725 or 42 CFR 435.726. The Administration shall consider the following in determining the share-of-cost:
1. Income types excluded by 42 U.S.C. 1382a(b) for determining net income are excluded in determining share-of-cost.
  2. SSI benefits paid under 42 U.S.C. 1382(e)(1)(E) and (G) to a person who receives care in a hospital or nursing facility are not included in calculating the share-of-cost.
  3. The share-of-cost of a person with a spouse is calculated as follows:
    - a. If an institutionalized person has a community spouse under 42 U.S.C. 1396r-5(h), share-of-cost is calculated under R9-28-410 and 42 U.S.C. 1396r-5(b) and (d); and
    - b. If an institutionalized person does not have a community spouse, share of cost is calculated solely on the income of the institutionalized person.
  4. Income assigned to a trust is considered in accordance with federal and state law.
  5. The following expenses are deducted from the share-of-cost of an eligible person to calculate the person's share-of-cost:
    - a. A personal-needs allowance (PNA) equal to 300 percent of the FBR for a person who receives or intends to receive HCBS or who resides in a medical institution for less than the full calendar month. A personal-needs allowance equal to 15 percent of the

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

FBR for a person residing in a medical institution for a full calendar month, except:

- i. The PNA shall be increased above 15% of the FBR by the amount of income garnished for child support under a court order, including administrative fees garnished for collection efforts, but only to the extent that the amount garnished is not deducted as a monthly allowance for the dependent under any other provision of the post-eligibility process. The increase to the PNA due to the garnishment shall not exceed the actual garnishment paid in the month for which the PNA is calculated; and
- ii. The PNA shall be increased above 15% of the FBR by the amount of income garnished for spousal maintenance under a judgment and decree for dissolution of marriage, including administrative fees garnished for collection efforts, but only to the extent that the amount garnished is not deducted as a monthly allowance for the spouse under any other provision of the post-eligibility process. The increase to the PNA due to the garnishment shall not exceed the actual garnishment paid in the month for which the PNA is calculated.
- b. A spousal allowance, equal to the FBR minus the income of the spouse, if a spouse but no children remain at home;
- c. A household allowance equal to the standard specified in Section 2 of the Aid for Families with Dependent Children (AFDC) State Plan as it existed on July 16, 1996 for the number of household members minus the income of the household members if a spouse and children remain at home;
- d. Expenses for medical and remedial care services if the expenses were for services rendered to the applicant or beneficiary and prescribed by a health care practitioner acting within the scope of practice as defined by State law. The applicant or recipient must have, or have had, a legal obligation to pay the medical or remedial expense. Deductions do not include the cost of services to the extent a third party paid for, or is liable for, the service. Deductions for expenses incurred prior to application are limited to expenses incurred during the three months prior to the filing of an application. Documents shall be submitted within a reasonable time as determined by the Director.
- e. An amount determined by the Director for the maintenance of a single person's home for not longer than six months if a physician certifies that the person is likely to return home within that period; or
- f. An amount for Medicare and other health insurance premiums, deductibles, or coinsurance not subject to third-party reimbursement; and
6. The deductible expense under subsection (5)(d) shall not include any amount for a service covered under the Title XIX State Plan.
- F. A person shall provide information and verification of income under A.R.S. § 36-2934(G) and 20 CFR 416.203.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 2090, effective July 5, 2008 (Supp. 08-2).

Amended by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1). Amended by final rulemaking at 24 A.A.R. 667, effective March 6, 2018 (Supp. 18-1).

**R9-28-409. Transfer of Assets**

- A. The provisions in this Section apply to an institutionalized person who has, or whose spouse has, transferred assets and received less than the fair market value (uncompensated value) as specified in A.R.S. § 36-2934(B) and 42 U.S.C. 1396p(c)(1)(A), July 1, 2009, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
- B. A person shall report transfer of assets. The Administration shall evaluate all transfers made during or after the look-back period under 42 U.S.C. 1396p(c)(1)(B), July 1, 2009, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments. The person shall provide verification of any transfer.
- C. Certain transfers are permitted under 42 U.S.C. 1396p(c)(2), July 1, 2009, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
- D. If the Administration determines a disqualification period applies due to a transfer, and the person is otherwise eligible, the person may remain eligible for ALTCS acute care services but shall be disqualified for receiving ALTCS coverage under 42 U.S.C. 1396p(c)(1)(E), July 1, 2009, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
- E. Period of disqualification for transfers.
  1. Calculating a period of disqualification at application. The uncompensated value of all transfers shall be divided by the monthly private pay rate. The result of this calculation equals the number of months of ineligibility.
  2. Calculating a period of disqualification after approval:
    - a. For one or more transfers occurring in one calendar month or in consecutive months, the period of disqualification is determined under subsection (E)(1). The period of disqualification begins with the month that the first transfer was made.
    - b. For transfers occurring in nonconsecutive calendar months, the period of disqualification for each transfer of assets shall be determined separately under subsection (E)(1) to determine if the periods of disqualification overlap.
      - i. Periods of disqualification that overlap shall be added together and shall run consecutively, beginning with the month the first transfer was made.
      - ii. Periods of disqualification that do not overlap are each applied separately beginning the month that the transfer was made.
- F. Transfers of assets for less than fair market value are presumed to have been made to establish eligibility for ALTCS services.
- G. Rebuttal of disqualification.

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

1. A person found ineligible for ALTCS services by reason of a transfer of assets for uncompensated value shall have the right to rebut the disqualification for reasons stated under 42 U.S.C. 1396p(c)(2)(C), July 1, 2009, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
  2. The person shall have the burden of rebutting the presumption.
  3. If a person rebuts a transfer on the basis of debt repayment, the Administration shall determine the validity of the debt and payment amount under A.R.S. § 44-101.
- H. Undue hardship.** The transfer penalty period may be waived if denial of eligibility for long term care services creates an undue hardship.
1. The Administration shall consider whether the transfer penalty period can be waived when:
    - a. The individual is otherwise eligible for ALTCS benefits and application of the transfer of assets provision would deprive the individual of medical care such that the individual's life or health would be endangered, or
    - b. The individual is otherwise eligible for ALTCS benefits and is deprived of food, clothing, shelter or other necessities of life as evidenced by the fact that the individual's income is less than or equal to the Federal Poverty Level (FPL);
  2. The transfer penalty period shall be waived when:
    - a. The individual is incapacitated as established by the Court or by a physician; and
    - b. The individual who had the legal authority to handle the applicant's finances has violated the terms of that legal authority; and
    - c. An individual acting on the applicant's behalf has exhausted all legal remedies to regain the asset, such as but not limited to, filing a police report and seeking recovery through civil court.
  3. The transfer penalty period shall not be waived when:
    - a. The applicant was mentally competent and would have been aware of the consequences of the transfers at the time the transfers occurred; or
    - b. The applicant gave another person specific legal authority to make the transfers, such as a conservator, or a person granted the applicant's financial power of attorney when the applicant was competent to do so, and the person did not violate the limits of that authority in making the transfers.
- Historical Note**
- New Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Amended by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).
- R9-28-410. Community Spouse**
- A.** The methodology in this Section applies to an institutionalized person who has a community spouse.
- B.** If the institutionalized person's most current period of continuous institutionalization began on or after September 30, 1989, the Administration shall use the methodology for the treatment of resources under 42 U.S.C. 1396r-5(c).
1. The following resource criteria shall be used in addition to the criteria specified in R9-28-407 to be eligible:
    - a. Resources owned by a couple at the beginning of the first continuous period of institutionalization from and after September 30, 1989, shall be computed from the first day of institutionalization. The total value of resources owned by the institutionalized spouse and the community spouse, and a spousal share equal to one-half of the total value, are computed under 42 U.S.C. 1396r-5(c)(1).
  - b. The Community Spouse Resource Deduction (CSRD) is calculated under 42 U.S.C. 1396r-5(f)(2).
  - c. The CSRD is subtracted from the total resources of the couple to determine the amount of the couple's resources considered available to the institutionalized spouse at the time of application under 42 U.S.C. 1396r-5(c)(2).
    - i. Resources in excess of the CSRD must be equal to or less than the standard for a person specified in R9-28-407.
    - ii. The CSRD is allowed as a deduction for 12 consecutive months beginning with the first month in which the institutionalized spouse is eligible for ALTCS benefits. Beginning with the 13th month, the separate property of the institutionalized spouse must be within the resource standard for a person specified in R9-28-407.
    - iii. If a person who was previously eligible for ALTCS as an institutionalized person with a community spouse reapplies for ALTCS after a break in institutionalization of more than 30 days, the CSRD will be allowed as a deduction from resources for a 12-month period in addition to the period in subsection (c)(ii).
  2. Resources are excluded as specified in R9-28-407, except that one vehicle is totally excluded regardless of its value, and any additional vehicles are included using equity value.
  3. The Director may grant eligibility if the Administration determines that a denial of eligibility would create an undue hardship for the institutionalized spouse.
- C.** This Section applies to the income eligibility and post-eligibility treatment of income beginning September 30, 1989, regardless of when the first period of institutionalization began.
1. Income payments are attributed to the institutionalized person and the community spouse under 42 U.S.C. 1396r-5(b)(2).
  2. Income is excluded as specified in R9-28-408.
  3. The institutionalized spouse's income eligibility is determined by combining the income of the institutionalized person and the community spouse and dividing by two. If the institutionalized person is not eligible using this method, the income eligibility shall be based on the income received in the person's name.
  4. The following allowances described in 42 U.S.C. 1396r-5(d)(1) and (2) are allowed as deductions from the institutionalized spouse's income in determining share-of-cost:
    - a. A personal-needs allowance specified in R9-28-408(E)(5);
    - b. A community spouse monthly income allowance, but only to the extent that the institutionalized spouse's income is made available to or for the benefit of the community spouse;
    - c. A family allowance for each family member equal to one-third of the amount remaining after deducting the countable income of the household member from a Minimum Monthly Maintenance Needs Allowance (MMMNA);

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

- d. An amount for medical or remedial services as specified in R9-28-408; and
  - e. An amount for Medicare and other health insurance premiums, deductibles, or coinsurance not subject to third-party reimbursement.
- D. Transfers.**
1. The institutionalized spouse may transfer to any of the following an amount of resources equal to the CSRD without affecting eligibility under 42 U.S.C. 1396r-5(f). The institutionalized spouse may transfer resources to:
    - a. The community spouse; or
    - b. Someone other than the community spouse if the resources are for the sole benefit of the community spouse.
  2. The institutionalized spouse is allowed a period of 12 consecutive months, beginning with the first month of eligibility, to transfer resources in excess of the resource standard in R9-28-407 to the persons listed in subsection (D)(1).
  3. All other transfers by the institutionalized person or transfers by the community spouse are treated under the provisions in R9-28-409.
- E. Specific hearing rights as described under 9 A.A.C. 34 apply to a person whose eligibility is determined under this Section.**
1. The institutionalized spouse or the community spouse is entitled to a fair hearing if dissatisfied with the determination of any of the following:
    - a. The community spouse monthly income allowance,
    - b. The amount of monthly income allocated to the community spouse,
    - c. The computation of the spousal share of resources,
    - d. The attribution of resources, or
    - e. The CSRD.
  2. The hearing officer may increase the amount of the MMMNA if either the community spouse or institutionalized spouse establishes that the community spouse needs income above the established MMMNA due to exceptional circumstances.
  3. The hearing officer may increase the amount of the CSRD to allow the community spouse to retain enough resources to generate income to meet the MMMNA. The hearing officer may allow the community spouse to retain an amount of resources necessary to purchase a single premium life annuity that would furnish monthly income sufficient to bring the community spouse's total monthly income up to the MMMNA.
- Historical Note**
- New Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Amended by final rulemaking at 14 A.A.R. 2090, effective July 5, 2008 (Supp. 08-2). Amended by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).
- R9-28-411. Changes, Redeterminations, and Notices**
- A. Reporting and verifying changes.**
1. A person shall report to the ALTCS eligibility office the following changes for a person, a person's spouse, or a person's dependent children under 42 CFR 435.916:
    - a. A change of address;
    - b. An admission to or discharge from a medical facility, public institution, or private institution;
    - c. A change in the household's composition;
    - d. A change in income;
    - e. A change in resources;
    - f. A determination of eligibility for other benefits;
    - g. A death;
    - h. A change in marital status;
    - i. An improvement in the person's medical condition;
    - j. A change in school attendance;
    - k. A change in Arizona state residency;
    - l. A change in citizenship or alien status;
    - m. Receipt of an SSN under R9-22-305;
    - n. A transfer of assets under R9-28-409;
    - o. A change in trust income and disbursements in accordance with state and federal law;
    - p. A change in first- or third-party liability that may be responsible for payment of all or a portion of the person's medical costs;
    - q. A change in first-party medical insurance premiums;
    - r. A change in the household expenses used to calculate the community spouse monthly income allowance described in R9-28-410;
    - s. A change in the amount of the community spouse monthly income allowance that is provided to the community spouse by the institutionalized spouse under R9-28-410; and
    - t. Any other change that may affect the person's eligibility or share-of-cost.
  2. A change shall be reported either orally or in writing as described under R9-22-306.
- B. Processing of changes and redeterminations.** A person's eligibility shall be redetermined at least one time every 12 months and when changes occur, under 42 CFR 435.916. A person's share-of-cost, specified in R9-28-408, shall be redetermined whenever a change occurs that may affect the post-eligibility computation of income.
- C. Actions that may result from a redetermination or change.** Processing a redetermination or change shall result in one of the following findings:
1. No change in eligibility or the post-eligibility computation of income;
  2. Discontinuance of eligibility if a condition of eligibility is no longer met;
  3. Suspension of eligibility if a condition of eligibility is temporarily not met;
  4. A change in the post-eligibility computation of income and the person's share-of-cost; or
  5. A change in service from ALTCS to ALTCS acute care services, or from ALTCS acute care services to ALTCS, caused by changes in a person's living arrangement, specified in R9-28-406, or a transfer of assets specified in R9-28-409.
- D. Notices.**
1. Contents of notice. The Administration shall issue a notice when an action is taken regarding a person's eligibility or computation of share-of-cost. The notice shall contain the following information:
    - a. A statement of the action being taken;
    - b. The effective date of the action;
    - c. The specific reason for the intended action;
    - d. The actual figures used in the eligibility determination and specify the amount by which the person exceeds income standards if eligibility is being discontinued because either a person's resources exceed the resource limit, or a person's income exceeds the income limit;
    - e. The specific law or regulation that supports the action, or a change in federal or state law that requires an action;
    - f. An explanation of a person's right to request an evidentiary hearing as described under 9 A.A.C. 34; and

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

- g. An explanation of the date by which a request for hearing must be received so that eligibility or the current share-of-cost may be continued.
- 2. Advance notice of changes in eligibility or share-of-cost. "Advance notice" means a notice that is issued to a person at least 10 days before the effective date of change. Except as specified in subsection (D)(3), advance notice shall be issued whenever the following adverse action is taken:
  - a. To discontinue or suspend eligibility if an eligible person no longer meets a condition of eligibility, either ongoing or temporarily;
  - b. To affect post-eligibility computation of income and increase a person's share-of-cost; or
  - c. To reduce benefits from ALTCS to ALTCS acute care services due to a change from a long-term care living arrangement to an acute care living arrangement, specified in R9-28-406(B), or due to a transfer with uncompensated value, specified in R9-28-409.
- 3. Adverse actions. An applicant or member may appeal, as described under 9 A.A.C. 34, by requesting a hearing from the Administration or its designee concerning any of the adverse actions if:
  - a. A person provides a clear, written statement, signed by the person, that a person no longer desires services;
  - b. A person provides information that requires termination of eligibility or an increase in the share-of-cost and the person signs a clear written statement waiving advance notice;
  - c. A person cannot be located and mail sent to that person has been returned as undeliverable;
  - d. A person has been admitted to a public institution where the person is ineligible for ALTCS under R9-28-406; or
  - e. A person has been approved for Medicaid in another state;
  - f. The Administration has information that confirms the death of the person;
  - g. The person's primary care provider has prescribed a change in the level of medical care; or
  - h. The notice involves an adverse determination regarding the PAS, specified in A.R.S. § 36-2936.
- E. Transitional. HCBS services may be provided to a person who is no longer at risk of institutionalization but who continues to require significant long-term care services under A.R.S. § 36-2936(D).
- C. Annual enrollment. If an ALTCS member is elderly or physically disabled and lives in a GSA served by more than one program contractor, a member may change to an available program contractor during the annual enrollment choice period.
- D. A program contractor is responsible for the enrolled ALTCS member as described in R9-28-712, County-of-Fiscal Responsibility.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Amended by final rulemaking at 14 A.A.R. 2090, effective July 5, 2008 (Supp. 08-2).

**R9-28-413. Enrollment with an Elderly and Physically Disabled (EPD) Program Contractor**

- A. A member's enrollment with an EPD program contractor. The Administration shall enroll an ALTCS elderly or physically disabled member with an EPD program contractor assigned to that GSA.
- B. New member makes a choice of an EPD program contractor. The Administration shall provide a new member an opportunity to choose an EPD program contractor, if an ALTCS member is elderly or physically disabled, and lives in a GSA served by more than one EPD program contractor.
- C. New member who makes no choice of an EPD program contractor. The Administration shall enroll an elderly or physically disabled new member that lives in a GSA with more than one EPD program contractor and who makes no choice of an EPD program contractor under the following:
  - 1. Criteria. The Administration will prioritize enrollment based on continuity of care and enroll a member with an EPD program contractor chosen under the following criteria, including but not limited to:
    - a. A member's living arrangement, and
    - b. A member's primary care practitioner.
  - 2. Algorithm. The Administration shall enroll a member through an algorithm as specified in contract, when a member has a choice of more than one EPD program contractor and the criteria in subsection (C)(1) does not apply.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Amended by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**R9-28-414. Enrollment with the DD Program Contractor**

A member's DD program contractor. The Administration shall enroll a member including an American Indian with the DES Division of Developmental Disabilities as specified in A.R.S. § 36-2940, if the ALTCS member is eligible for services for the developmentally disabled.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Amended by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**R9-28-415. Enrollment with a Tribal Program Contractor**

- A. On-reservation. Notwithstanding R9-28-412, the Administration shall enroll an American Indian ALTCS member who is elderly or physically disabled with the ALTCS tribal program contractor as specified in A.R.S. § 36-2932 if the person:

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 369, effective January 6, 1999 (Supp. 99-1). Amended by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**R9-28-412. General Enrollment**

- A. Program contractors. The Administration shall enroll each ALTCS member with:
  - 1. An elderly and physically disabled (EPD) program contractor,
  - 2. The developmentally disabled (DD) program contractor,
  - 3. A tribal program contractor, or
  - 4. The AHCCCS fee-for-service program.
- B. Enrollment choice. An ALTCS member may choose a program contractor:
  - 1. At the time of application, or
  - 2. If the ALTCS member establishes a home outside of the GSA.

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

1. Lives on-reservation of a tribe participating as an ALTCS tribal program contractor, or
  2. Lived on-reservation of a tribe participating as an ALTCS tribal program contractor immediately prior to placement in an off-reservation NF or alternative HCBS setting.
- B.** Off-reservation. The Administration shall enroll an American Indian ALTCS member who is elderly or physically disabled with an EPD program contractor under R9-28-413, if the member lives off-reservation, and does not have on-reservation status as specified in subsection (A)(2).

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Amended by final rulemaking at 14 A.A.R. 2090, effective July 5, 2008 (Supp. 08-2). Amended by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**R9-28-416. Enrollment with the Fee-for-Service (FFS) Program**

- A.** No tribal or EPD program contractor in GSA. The Administration shall enroll an ALTCS elderly or physically disabled member who resides in an area with no ALTCS tribal program contractor or EPD program contractor in the AHCCCS FFS program under A.R.S. § 36-2945.
- B.** Prior period coverage. The Administration shall enroll a member in AHCCCS fee-for-service program if a member is eligible for ALTCS services only during prior period coverage.
- C.** The Administration shall enroll a member in the AHCCCS fee-for-service program if the member is eligible for ALTCS services during the prior quarter period.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**R9-28-417. Notification Requirements**

- A.** Administration responsibilities. The Administration shall notify a member's program contractor when a member is enrolled or disenrolled from the ALTCS program. The Administration shall include the following in the notification:
1. The member's name,
  2. The member's identification number,
  3. The member's effective date of enrollment or disenrollment, and
  4. The member's share-of-cost on a monthly enrollment roster.
- B.** Program contractor's responsibilities. The program contractor shall notify the Administration if an ALTCS member has any change that may affect eligibility including but not limited to:
1. A change in residential address,
  2. A change in medical or functional condition,
  3. A change in living arrangement including:
    - a. Alternative HCBS setting,
    - b. Home,
    - c. Nursing facility, or
    - d. Other living arrangement not specified in this subsection,
  4. Change in resource or income, or
  5. Death.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1).

**R9-28 418. Disenrollment**

The Administration shall disenroll an ALTCS member on the last day of the month following receipt of appropriate notification under R9-28-411 except:

1. The Administration shall disenroll an ALTCS member who dies. A member's last day of enrollment shall be the date of death.
2. The Administration shall disenroll a member immediately when the member voluntarily withdraws from the ALTCS program.
3. If ALTCS benefits have been continued pending an eligibility appeal decision and the discontinuance is upheld as specified in 9 A.A.C. 34, the Administration shall disenroll a member effective on the date of the hearing decision.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Amended by final rulemaking at 14 A.A.R. 2090, effective July 5, 2008 (Supp. 08-2). Amended by final rulemaking at 20 A.A.R. 234, effective January 7, 2014 (Supp. 14-1).

**ARTICLE 5. PROGRAM CONTRACTOR AND PROVIDER STANDARDS****R9-28-501. Program Contractor and Provider Standards – Related Definitions**

**Definitions.** The following words and phrases, in addition to definitions contained in A.R.S. §§ 36-2901 and 36-2931, and 9 A.A.C. 22, Article 1, have the following meanings unless the context of the Chapter explicitly requires another meaning:

“Certification” means a voluntary process by which a federal or state regulatory entity grants recognition to a person, facility, or organization that has met certain qualifications specified by the regulatory entity, allowing the person, facility, or organization to use the word “certified” in a title or designation.

“Therapeutic leave” means that a member leaves an institutional facility for a period that does not exceed nine days per contract year.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1).

New Section made by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4).

Amended by final rulemaking at 14 A.A.R. 4406, effective January 3, 2009 (Supp. 08-4).

**R9-28-501.01. Pre-Existing Conditions**

A program contractor shall comply with the pre-existing condition requirements in A.A.C. R9-22-502.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4406, effective January 3, 2009 (Supp. 08-4).

**R9-28-502. Long-term Care Provider Requirements**

- A.** A provider shall obtain any necessary authorization from the program contractor or the Administration for services provided to a member.
- B.** A provider shall maintain and make available to a program contractor and to the Administration, financial, and medical records for not less than five years from the date of final payment, or for records relating to costs and expenses to which the Administration has taken exception, five years after the date of final disposition or resolution of the exception. The provider

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

shall maintain records that meet uniform accounting standards and generally accepted practices for maintenance of medical records, including detailed specification of all patient services delivered, the rationale for delivery, and the service date.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended subsection (E) effective June 6, 1989 (Supp. 89-2). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4).

**R9-28-503. Licensure and Certification for Long-term Care Institutional Facilities**

- A. A nursing facility shall not provide services to a member unless the facility is licensed by Arizona Department of Health Services, Medicare- and Medicaid-certified, and meets the requirements in 42 CFR 442, as of October 1, 2004, and 42 CFR 483, as of October 1, 2004, incorporated by reference, on file with the Administration, and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments.
- B. An ICF-MR shall not provide services to a member unless the ICF-MR is Medicaid-certified and meets the requirements in A.R.S. § 36-2939(B)(1) and 42 CFR 442, Subpart C, as of October 1, 2004, and 42 CFR 483, as of October 1, 2004, incorporated by reference, on file with the Administration and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments.
- C. A nursing facility or ICF-MR that provides services to a member shall register as a provider with the Administration to receive reimbursement. The Administration shall not register a provider unless the provider meets the licensure and certification requirements of subsection (A) or (B).

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Amended effective November 5, 1993 (Supp. 93-4). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4406, effective January 3, 2009 (Supp. 08-4).

**R9-28-504. Standards of Participation, Licensure, and Certification for HCBS Providers**

- A. A noninstitutional long-term care provider shall not register with the Administration unless the provider meets the requirements of the Arizona Department of Health Services' rules for licensure, if applicable.
- B. Additional qualifications to provide services to a member:
  1. A community residential setting and a group home for a person with developmental disabilities shall be licensed by the appropriate regulatory agency of the state as described in A.A.C. R9-33-107 and A.A.C. R6-6-714;
  2. An adult foster care home shall be certified or licensed under 9 A.A.C. 10;
  3. A home health agency shall be Medicare-certified and licensed under 9 A.A.C. 10;
  4. A person providing a homemaker service shall meet the requirements specified in the contract between the person and the Administration;
  5. A person providing a personal care service shall meet the requirements specified in the contract between the person and the Administration;

6. An adult day health care provider shall be licensed under 9 A.A.C. 10;
7. A therapy provider shall meet the following requirements:
  - a. A physical therapy provider shall meet the requirements in 4 A.A.C. 24;
  - b. A speech therapist provider shall meet the applicable requirements under 9 A.A.C. 16, Article 2.
  - c. An occupational therapy provider shall meet the requirements in 4 A.A.C. 43; and
  - d. A respiratory therapy provider shall meet the requirements in 4 A.A.C. 45;
8. A respite provider shall meet the requirements specified in contract;
9. A hospice provider shall be Medicare-certified and licensed under 9 A.A.C. 10;
10. A provider of home-delivered meal service shall comply with the requirements in 9 A.A.C. 8;
11. A provider of non-emergency transportation shall be licensed by the Arizona Department of Transportation, Motor Vehicle Division;
12. A provider of emergency transportation shall meet the licensure requirements in 9 A.A.C. 13;
13. A day care provider for the developmentally disabled under A.R.S. § 36-2939 shall meet the licensure requirements in 6 A.A.C. 6;
14. A habilitation provider shall meet the requirements in A.A.C. R6-6-1523 or the therapy requirements in this Section;
15. A service provider, other than a provider specified in subsections (B)(1) through (B)(14), approved by the Director shall meet the requirements specified in a program contractor's contract with the Administration;
16. A behavioral health provider shall have all applicable state licenses or certifications and meet the service specifications in A.A.C. R9-22-1205; and
17. An assisted living home or a residential unit shall meet the requirements as defined in A.R.S. § 36-401 and as authorized in A.R.S. § 36-2939.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Amended effective July 13, 1992 (Supp. 92-3). Amended effective November 5, 1993 (Supp. 93-4). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 874, effective March 4, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4).

**R9-28-505. Standards, Licensure, and Certification for Providers of Hospital and Medical Services**

A provider shall not provide hospital services to a member unless the hospital is licensed by the Arizona Department of Health Services, and meets the requirements in 42 CFR 441 and 482, as of October 1, 2004, and 42 CFR 456, Subpart C, as of October 1, 2004, incorporated by reference, on file with the Administration and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation contains no future editions or amendments. An Indian Health Service (IHS) hospital and a Veterans Administration hospital shall not provide services to a member unless accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective December 8, 1997

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

(Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4).  
Amended by final rulemaking at 14 A.A.R. 4406, effective January 3, 2009 (Supp. 08-4).

**R9-28-506. Requirements for Spouse as Paid Caregiver**

- A.** For purposes of this Section, the following definitions apply:
1. "Extraordinary care" means care that exceeds the range of activities that a spouse would ordinarily perform in the household on behalf of the ALTCS member if the member did not have a disability or chronic illness, and that is necessary to ensure the health and welfare of the member and avoid institutionalization.
  2. "Personal care or similar services" means assistance provided to an ALTCS member with a disability or chronic illness to enable the member to perform Activities of Daily Living (ADL) or Instrumental Activities of Daily Living (IADL) that the member would normally perform for himself or herself if the member did not have a disability or chronic illness. Assistance may involve performing a personal care task for the member or cueing the member so that the member performs the task for himself or herself.
- B.** As authorized by the Section 1115 Waiver, a member may choose to have personal care or similar services provided by the member's spouse as a paid caregiver if the following conditions and limitations are met:
1. The member resides in his or her own home;
  2. The Administration or a Program Contractor offers the member the choice of a provider of personal care or similar services other than the member's spouse;
  3. The personal care or similar services is described in the member's plan of care prepared by the member's case manager;
  4. The case manager records at least annually in the member's plan of care the member's choice to have personal care or similar services provided by the member's spouse as a paid caregiver;
  5. The personal care or similar services provided by the spouse are extraordinary care;
  6. The spouse is one of the following:
    - a. Employed by a provider that subcontracts with the member's Program Contractor;
    - b. If the member is developmentally disabled, the spouse is either employed by a provider that subcontracts with the member's Program Contractor, or registered with AHCCCS as an independent provider; or
    - c. If the member is a Native American enrolled in FFS, the spouse is either employed by an AHCCCS registered provider or registered with AHCCCS as an independent provider;
  7. The spouse meets the training and other qualifications that apply to other providers of personal care or similar services registered with AHCCCS;
  8. The Program Contractor does not pay a spouse providing personal care or similar services at a rate that exceeds the rate that would be paid to a provider of personal care or similar services who is not a spouse and the Administration does not pay a spouse providing personal care or similar services at a rate that exceeds the capped fee-for-service payment for personal care or similar services; and
  9. A spouse providing personal care or similar services as a paid caregiver is not paid for more than 40 hours of services in a seven-day period.
- C.** For a member who elects to have the member's spouse provide personal care or similar services as a paid caregiver, personal

care or similar services in excess of 40 hours in a seven-day period are not covered. If a spouse elects to provide less than the hours authorized by the Administration or Program Contractor, the remaining hours of medically necessary personal care or similar services may be provided by another personal caregiver, but the total hours of care provided by the spouse and any other personal caregiver shall not exceed 40 hours in a seven-day period.

- D.** By electing to have the member's spouse provide personal care and similar services as a paid caregiver, the member is not precluded from receiving medically necessary, cost effective home and community based services other than personal care or similar services.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 3587, effective October 2, 2007 (Supp. 07-4).

**R9-28-507. Program Contractor General Requirements**

- A.** To participate in the ALTCS program, through a program contractor or directly through the Administration, a provider of ALTCS-covered services shall be registered with the Administration.
- B.** An ALTCS program contractor shall ensure that providers of service meet the requirements of this Article.
- C.** Each ALTCS program contractor shall maintain member service records for five years, that include, at a minimum, a case management plan, medical records, encounter data, grievances, complaints, and service information for each ALTCS member.
- D.** An ALTCS program contractor shall produce and distribute informational materials that are approved by the Administration to each enrolled ALTCS member or designated representative within 12 business days after the program contractor receives notification of enrollment from the Administration. The program contractor shall ensure that the informational materials include:
1. A description of all covered services as specified in contract;
  2. An explanation of service limitations and exclusions;
  3. An explanation of the procedure for obtaining services, including a notice stating that the program contractor is liable only for those services authorized by an ALTCS member's case manager;
  4. An explanation of the procedure for obtaining emergency services;
  5. An explanation of the procedure for filing a grievance and appeal; and
  6. An explanation of when plan changes may occur as specified in contract.
- E.** A subcontractor shall collect the member's share of cost and report to the program contractor the amount collected as specified in the subcontractor contract. The program contractor shall report the share of cost collected to the Administration.
- F.** An ALTCS program contractor shall monitor a trust fund account for an institutionalized ALTCS member to verify that expenditures from the member's trust fund account are in compliance with federal regulations 42 U.S.C. 1396p(d)(4) and A.R.S. § 36-2934.01.
- G.** A program contractor shall ensure that an institutionalized ALTCS member transferred to an acute care facility to receive services is, whenever possible, returned to the original institution upon completion of acute care.
- H.** A program contractor shall ensure that an institutionalized ALTCS member granted therapeutic leave is, whenever medically appropriate, returned to the same bed in the original institution upon completion of the therapeutic leave.



## Arizona Health Care Cost Containment System - Arizona Long-term Care System

- I. A program contractor shall ensure that services are paid under A.A.C. R9-22-705.
- J. A program contractor shall comply with the marketing provisions in A.A.C. R9-22-504.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4).

**R9-28-508. Self-directed Attendant Care (SDAC)**

- A. For purposes of this Article the following terms are defined:
  - “Competent member” means a person who is oriented, exhibits evidence of logical thought, and can provide directions.
  - “Fiscal and Employer Agent” or “FEA” is a company specified by the program contractor or the Administration in contract to serve as an employment/payroll processing center for attendant care workers employed by the member to provide SDAC services.
  - “Medically stable” means the member’s skilled-care medical needs are routine and not subject to frequent change because of health issues.
  - “Personal care” means activities of daily life such as dressing, bathing, eating and mobility.
- B. In lieu of receiving other attendant care services a competent member who meets the requirements of A.R.S. § 36-2951 or the member’s legal guardian may choose to employ through the FEA a person to provide Self-directed Attendant Care (SDAC) services. A paid caregiver described under R9-28-506 and a parent of a minor child shall not receive reimbursement for SDAC services.
- C. The attendant care worker chosen to provide SDAC services does not need to be a registered provider. The attendant care worker shall have, at a minimum, hands-on training in First Aid, CPR, Universal Precautions, and state and federal laws regarding privacy of health information or training of similar efficacy as approved by the Administration.
- D. The Administration or Program Contractor shall cover SDAC services only if the member resides in the member’s home, and shall not cover SDAC services if the member is institutionalized or residing in an alternative residential setting. If the member has a legal guardian, the legal guardian shall be present when SDAC services are provided.
- E. A member who chooses to receive SDAC services is not precluded from receiving medically necessary, cost-effective home health services from other agencies or providers if the services provided are not duplicative of the specific attendant care or skilled service already received through the program contractor.
- F. A competent member or legal guardian may employ an SDAC attendant care worker to provide personal care, homemaker and general supervision services.
- G. A competent member, who is medically stable, or the member’s legal guardian may employ an attendant care worker to also provide the following skilled services:
  1. Bowel care, including suppositories, enemas, manual evacuation, and digital stimulation;
  2. Bladder catheterizations (non-indwelling) that do not require a sterile procedure;
  3. Wound care (non-sterile);
  4. Glucose monitoring;
  5. Glucagon as directed by the health care provider;

6. Insulin by subcutaneous injection only if the member is not able to self-inject;
7. Permanent gastrostomy tube feeding; and
8. Additional services requested in writing with the approval of the Director and the Arizona State Board of Nursing.

- H. The Administration or program contractor shall not cover services under subsection (G) unless:
  1. For each SDAC attendant care worker employed by a member or legal guardian, a registered nurse licensed under A.R.S. Title 32, Chapter 15 visits the member and SDAC attendant care worker before a skilled service is provided. The registered nurse will assess, educate, and train the member and SDAC attendant care worker regarding the specific skilled service that the member requires; and
  2. The registered nurse determines in writing that the attendant care worker understands how and demonstrates the skill to perform the processes or procedures required to provide the specific skilled service.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective April 25, 1990 (Supp. 90-2). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). New Section made by final rulemaking at 16 A.A.R. 2386, effective January 16, 2011 (Supp. 10-4). Amended by final rulemaking at 18 A.A.R. 2344, effective November 11, 2012 (Supp. 12-3).

**R9-28-509. Agency with Choice**

- A. Definitions. The following words and phrases, in addition to definitions contained in A.R.S. §§ 36-2901 and 36-2931, and 9 A.A.C. 22, Article 1, have the following meanings specific to this Section:
  - “Agency” means a provider of home and community based services, other than an individual, that has a co-employment relationship with one or more members for purposes of this Section.
  - “Co-employment relationship” means a situation where the Agency serves as the legal employer of record and the ALTCS member or authorized representative assumes certain responsibilities related to directing and or managing care.
  - “Individual’s representative” means a parent, family member, guardian, advocate, or other person authorized by the member to serve as a representative in connection with the provision of services and supports. This authorization should be in writing, when feasible, or by another method that clearly indicates the individual’s free choice. An individual’s representative may not also be a paid caregiver of an individual receiving services and supports.
  - “Standardized training” means minimum training standards required of all paid caregivers by the Administration as specified in contract.
- B. Purpose. The Agency with Choice program is an ALTCS member directed service model for the provision of home and community based services. Under this model, the ALTCS member or individual’s representative and the agency enter into a co-employment relationship.
- C. In lieu of receiving HCBS services under a traditional service model, a member or the member’s individual’s representative

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

may choose to participate in the Agency with Choice service model. Under the Agency with Choice service model, the agency shall maintain the authority to hire and fire paid caregivers and provide standardized training to the caregiver, and the member or individual representative may elect to recruit, select, dismiss, determine duties, schedule, specify training to meet the unique needs of the member, and supervise the paid caregivers on a day-to-day basis.

- D. Setting. This program is applicable to ALTCS members who reside in their own home.
- E. A member who chooses to receive services under the Agency with Choice service model is not precluded from receiving medically necessary, cost-effective services and supports from other agencies or providers if the services provided are not duplicative of the specific attendant care or skilled service already received through the contractor.

**Historical Note**

Section made by final rulemaking at 18 A.A.R. 3380, effective January 1, 2013 (Supp. 12-4).

**R9-28-510. Case Management**

- A. A program contractor shall assign to each member a case manager to identify, plan, coordinate, monitor, and reassess the need for and provision of long-term care services.
- B. A case manager shall:
  - 1. Ensure that appropriate ALTCS placement and services are provided for a member within 30 days of enrollment;
  - 2. Develop a service plan by:
    - a. Completing a case management plan when a member is enrolled in ALTCS and authorizing services for a member who continues to be financially and medically eligible for services;
    - b. Ensuring that a member participates in the preparation of the member's case management plan;
    - c. Specifying the paid and natural support services to be received by the member, including the duration, scope of services, units of service, frequency of service delivery, provider of services, and effective time period; and
    - d. Coordinating with the primary care provider in determining the necessary services for the member, including hospital and medical services;
  - 3. Submit a written justification to the case manager's supervisor to include HCBS in the case management plan if the services exceed 80 percent of the institutional cost;
  - 4. Manage a case management plan by:
    - a. Re-evaluating and revising the case management plan when the member transfers to another facility, transfers to a hospital, has a change in level of care; and
    - b. Monitoring receipt of services by a member;
  - 5. Assist the member to maintain or progress toward the highest level of functioning;
  - 6. Ensure that records are transferred when the member is transferred from a facility or provider to a new facility or provider;
  - 7. Perform additional monitoring of a member with rehabilitation potential and whose condition is fragile or unstable, whose case management plan is marginally cost effective, or whose use of medical and hospital services is unusual;
  - 8. Arrange behavioral health services, if necessary. The case manager shall have initial and quarterly consultation and collaboration with a behavioral health professional to review the treatment plan, unless the case manager meets

the definition of a behavioral health professional under A.A.C. R9-20-101.

- C. A program contractor shall submit a service plan and other information related to the case management plan upon request to the Administration.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Amended effective July 13, 1992 (Supp. 92-3). Amended effective November 5, 1993 (Supp. 93-4). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 18 A.A.R. 3380, effective January 1, 2013 (Supp. 12-4).

**R9-28-511. Quality Management/Utilization Management (QM/UM) Requirements**

A program contractor shall:

- 1. Comply with all requirements specified in A.A.C. R9-22-522; and
- 2. Submit a quarterly utilization control report within time lines specified in contract, and meet the requirements in 42 CFR 456 Subparts C, D, and F, October 1, 2004, incorporated by reference in R9-28-505.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Amended under an exemption from the provisions of the Administrative Procedure Act effective March 1, 1993 (Supp. 93-1). Amended effective November 5, 1993 (Supp. 93-4). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 874, effective March 4, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4).

**R9-28-512. Expired****Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective December 8, 1997 (Supp. 97-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4851, effective October 9, 2002 (Supp. 02-4).

**R9-28-513. Program Compliance Audits**

The Administration shall meet the requirements specified under A.A.C. R9-22-521 for a program contractor.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4).

**R9-28-514. Release of Safeguarded Information by the Administration and Contractors**

The Administration, program contractors, providers, and noncontracting providers shall meet the requirements specified under A.A.C. R9-22-512 for an ALTCS applicant, or member.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4).

**R9-28-515. Repealed**

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Section repealed by final rulemaking at 11 A.A.R. 4286, effective December 5, 2005 (Supp. 05-4).

**ARTICLE 6. RFP AND CONTRACT PROCESS**

*Article 6, consisting of Sections R9-28-601 through R9-28-610, repealed; new Article 6, consisting of Sections R9-28-601 through R9-28-608, adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1).*

**R9-28-601. General Provisions**

- A. The Director has full operational authority to adopt rules for the RFP process and the award of contract under A.R.S. § 36-2944.
- B. The Administration shall follow the provisions under 9 A.A.C. 22, Article 6 for members, subject to limitations and exclusions under that Article, unless otherwise specified in this Chapter.
- C. The Administration shall award contracts under A.R.S. § 36-2932 to provide services under A.R.S. § 36-2939.
- D. The Administration is exempt from the procurement code under A.R.S. § 41-2501.
- E. The Administration and contractors shall retain all records relating to contract compliance for five years under A.R.S. § 36-2932 and dispose of the records under A.R.S. § 41-2550.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective August 11, 1997 (Supp. 97-3). Amended by final rulemaking at 5 A.A.R. 874, effective March 4, 1999 (Supp. 99-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1).

**R9-28-602. RFP**

The ALTCS RFP for a program contractor serving members who are EPD shall meet the requirements of A.R.S. §§ 36-2944, A.R.S. § 36-2939, A.A.C. R9-22-602, and Articles 2 and 11 of this Chapter.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Amended effective August 11, 1997 (Supp. 97-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1).

**R9-28-603. Contract Award**

The Administration shall award a contract under A.R.S. § 36-2944 and A.A.C. R9-22-603.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective August 11, 1997 (Supp. 97-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1).

**R9-28-604. Contract or Proposal Protests; Appeals**

Contract or proposal protests or appeals shall be under A.A.C. R9-22-604 and 9 A.A.C. 34.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective August 11, 1997 (Supp. 97-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2502, effective November 13, 2012 (Supp. 12-3).

**R9-28-605. Waiver of Contractor's Subcontract with Hospitals**

A contractor's subcontract with hospitals may be waived under A.A.C. R9-22-605.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective August 11, 1997 (Supp. 97-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1).

**R9-28-606. Contract Compliance Sanction**

- A. The Administration shall follow sanction provisions under A.A.C. R9-22-606.
- B. The Administration shall apply remedies found in 42 CFR 488, Subpart F, effective January 1, 2012, incorporated by reference and on file with the Administration and the Office of the Secretary of State, for a nursing facility that does not meet requirements of participation under 42 U.S.C. 1396r. This incorporation by reference contains no future editions or amendments.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective August 11, 1997 (Supp. 97-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2502, effective November 13, 2012 (Supp. 12-3).

**R9-28-607. Repealed****Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective November 5, 1993 (Supp. 93-4). Amended effective August 11, 1997 (Supp. 97-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Section repealed by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1).

**R9-28-608. Repealed****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Section repealed by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1).

**R9-28-609. Repealed**

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Section repealed by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1).

**R9-28-610. Repealed****Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended under an exemption from the provisions of the Administrative Procedure Act effective March 1, 1993 (Supp. 93-1). Section repealed by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1).

**ARTICLE 7. STANDARDS FOR PAYMENTS****R9-28-701. Standards for Payment Related Definitions**

Definitions. In this Article, in addition to definitions contained in A.R.S. §§ 36-2901 and 36-2931, and 9 A.A.C. 22, Article 1, the following phrase has the following meaning unless the context of the Article explicitly requires another meaning:

“County of fiscal responsibility” means the county that is financially responsible for the state’s share of ALTCS funding.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1). Section repealed; new Section made by final rulemaking at 11 A.A.R. 3165, effective October 1, 2005 (Supp. 05-3).

**R9-28-701.10. General Requirements**

The following Sections of A.A.C. Chapter 22, Articles 2 and 7, are applicable to reimbursement for services provided under the ALTCS program, except that the term “program contractor” shall be substituted for “contractor.”

1. Scope of the Administration’s and Contractor’s Liability, R9-22-701.10;
2. Charges to Members, R9-22-702;
3. Payments by the Administration or by a program contractor, R9-22-703 and R9-22-705;
4. Contractor’s Liability to Hospitals for the Provision of Emergency and Post-stabilization Care, R9-22-709;
5. Payment for Non-hospital services, R9-22-710;
6. Specialty Contracts, R9-22-712(G)(3), R9-22-712.01 (10) and Article 2;
7. Payments by the Administration for Hospital Services Provided to an Eligible Person, R9-22-712; R9-22-712.01 and R9-22-712.10;
8. Overpayment and Recovery of Indebtedness, R9-22-713;
9. Payments to Providers, R9-22-714;
10. Hospital Rate Negotiations, R9-22-715; and
11. Reinsurance, R9-22-720.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1).

**R9-28-702. Nursing Facility Assessment**

A. For purposes of R9-28-702 and R9-28-703, in addition to the definitions under A.R.S. § 36-2999.51, the following terms have the following meaning unless the context specifically requires another meaning:

“820 transaction” means the standard health care premium payments transaction required by 45 CFR 162.1702.

“Assessment year” means the 12 month period beginning October 1st each year.

“Medicaid patient days” means patient days reported on the Nursing Care Institution Uniform Accounting Report (UAR) as attributable to AHCCCS and its contractors as the primary payor.

“Medicare days” means resident days where the Medicare program, a Medicare advantage or special needs plan, or the Medicare hospice program is the primary payor.

“Medicare patient days” means patient days reported on the Nursing Care Institution UAR as Skilled Medicare Patient Days or Part C/Advantage/Medicare Replacement Days.

“Nursing Care Institution UAR” means the Nursing Care Institution Uniform Accounting Report described by R9-11-204.

- B. Subject to Centers for Medicare and Medicaid Services (CMS) approval, effective October 1, 2012, nursing facilities shall be subject to a provider assessment payable on a quarterly basis.
- C. All nursing facilities licensed in the state of Arizona shall be subject to the provider assessment except for:
  1. A continuing care retirement community,
  2. A facility with 58 or fewer beds, according to the Arizona Department of Health Services, Division of Licensing Services, Provider & Facility Database,
  3. A facility designated by the Arizona Department of Health Services as an Intermediate Care Facility for the Intellectually Disabled,
  4. A tribally owned or operated facility located on a reservation, or
  5. Arizona Veteran’s Homes.
- D. The Administration shall calculate the prospective nursing facility provider assessment for qualifying nursing facilities as follows:
  1. In September of each year, the Administration shall obtain from the Arizona Department of Health Services the most recently published Nursing Care Institution UAR and the information required in subsection (C)(2). At the request of the Administration, a nursing facility shall provide the Administration with any additional information necessary to determine the assessment.
  2. The Administration shall use the information obtained under subsection (D)(1) to determine:
    - a. Each nursing facility’s total annual Medicaid patient days,
    - b. Each nursing facility’s total annual Medicare patient days,
    - c. Each nursing facility’s total annual patient days,
    - d. The aggregate net patient service revenue of all assessed providers, and
    - e. The slope described under 42 CFR 433.68(e)(2).
  3. For each nursing facility, other than a nursing facility exempted in subsection (C) or described in subsection (D)(4), the provider assessment is calculated by multiplying the nursing facility’s total annual patient days, other than Medicare patient days, by \$15.63.
  4. For a nursing facility, other than a nursing facility exempted in subsection (C), with a number of total annual Medicaid patient days greater than or equal to the number required to achieve a slope of at least 1 applying the uniformity tax waiver test described in 42 CFR 433.68(e)(2), the provider assessment is calculated by

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

- multiplying the nursing facility's total annual patient days, other than Medicare patient days, by \$1.80.
5. For each assessment year the slope described under 42 CFR 433.68(e)(2) shall be recalculated.
  6. The total annual assessment calculated under subsections (D)(3), (D)(4) and (D)(5), shall not exceed 3.5 percent of the aggregate net patient service revenue of all assessed providers as reported on the Nursing Care Institution UAR obtained under subsection (D)(1).
  7. All calculations and determinations necessary for the provider assessment shall be based on information possessed by the Administration on or before November 1 of the assessment year.
  8. The Administration shall forward the provider assessments for all assessed facilities to the Arizona Department of Revenue on or before December 1 of the assessment year.
  9. In the event a nursing facility closes during the assessment year, the nursing facility shall cease to be responsible for the portion of the assessment applied to the dates the nursing facility is not operating.
  10. In the event a nursing facility begins operation during the assessment year, that facility will have no responsibility for the assessment until such time as the facility has submitted to the Arizona Department of Health Services the report required by R9-11-204(A) covering a full year of operation.
  11. In the event a nursing facility has a change of ownership such that the facility remains open and the ownership of the facility changes, the assessment liability transfers with the change in ownership.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3340, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 3244, effective October 1, 2005 (Supp. 05-3). Section repealed by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1). New Section made by final rulemaking at 19 A.A.R. 137, effective January 8, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 4168, effective February 1, 2014 (Supp. 13-4). Amended by final rulemaking at 20 A.A.R. 1989, effective September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 3332, effective January 3, 2017 (Supp. 16-4).

**R9-28-703. Nursing Facility Supplemental Payments****A. Determination of amounts available for payment.**

1. Using Medicaid resident bed day information from the most recent and complete 12 months of paid claim and adjudicated encounter data, for every facility eligible for a supplemental payment, the Administration shall determine annually;
  - a. A ratio equal to the number of bed days paid by the Administration's contractors divided by the total number of bed days paid, and
  - b. A ratio equal to the number of bed days paid by the Administration divided by the total number of bed days paid.
2. The Administration shall determine quarterly the amount available in the nursing facility assessment fund established by A.R.S. § 36-2999.53 plus the corresponding federal financial participation and divide the total amount as follows:

- a. The total amount multiplied by the ratio determined in subsection (A)(1)(a) shall be distributed according to subsection (B).
- b. The total amount multiplied by the ratio determined in subsection (A)(1)(b) shall be distributed according to subsection (C).

**B. Payments to facilities by contractors.**

1. The Administration shall distribute quarterly to its contractors an amount equal to the total amount of Nursing Facility Enhanced Payments made by the Administration's contractors for the period of October 1, 2015 through September 30, 2016 divided by 4, which shall be paid to eligible facilities as follows:
  - a. Using the adjudicated encounter data described in subsection (A)(1), the Administration shall determine annually for each facility a ratio equal to the number of bed days for the facility paid by each contractor divided by the total number of bed days paid to all facilities by all contractors.
  - b. Each contractor shall make payments quarterly to each facility in an amount equal to 98% of the amounts identified as Nursing Facility Enhanced Payments in the 820 transaction sent by the Administration to the contractor for the quarter multiplied by the ratio determined in subsection (B)(1)(a) applicable to the contractor and to each facility. In the event the Administration does not produce an 820 transaction, each contractor shall distribute quarterly an amount equal to 98% of the payment received from AHCCCS for Nursing Facility Enhanced Payments.
  - c. Contractors shall not be required to make quarterly payments to a facility until the Administration has made a retroactive adjustment to the capitation rates paid to contractors to correct the Nursing Facility Enhanced Payments based on actual member months for the specified quarter.
  - d. Beginning October 1, 2018, any amounts that would otherwise have been distributed under subsection (B)(1) shall be distributed under subsection (B)(2).
2. Subject to annual approval by CMS in accordance with 42 CFR § 438.6(c), the Administration shall distribute quarterly to its contractors an amount equal to the amount determined in subsection (A)(2)(a) minus the amount distributed under subsection (B)(1), which shall be paid to eligible facilities as follows:
  - a. Using the Medicaid resident bed day information described by subsection (A)(1), the Administration shall determine quarterly a per bed day enhanced support uniform increase by dividing the quarterly distribution amount by one fourth of the total resident bed days paid by the Administration's contractors. Using the same Medicaid resident bed day information, the Administration shall determine the quarterly bed days paid to each facility by each contractor by summing the total bed days paid to each facility by each contractor and dividing by 4.
  - b. The Administration shall communicate to the contractors quarterly the per bed day enhanced support uniform increase and the quarterly bed days paid to each facility by the contractor.
  - c. Each contractor shall distribute quarterly an amount equal to 98% of the payment received from AHCCCS, to be paid to each facility in an amount equal to the per bed day enhanced support uniform

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

increase multiplied by the number of bed days paid by the contractor to the facility.

3. Each contractor must pay each eligible facility the amounts required under subsections (B)(1) and (B)(2) within 20 calendar days of receiving the Nursing Facility Enhanced Payment from the Administration. The contractors must confirm each payment and payment date to the Administration within 20 calendar days from receipt of the funds.

**C. Payments to facilities by the Administration.**

1. Using the paid claim data described in subsection (A)(1), the Administration shall determine annually for each facility a ratio equal to the number of bed days for the facility paid by the Administration divided by the total number of bed days paid to all facilities by the Administration.
2. The Administration shall make payments quarterly to each eligible facility in an amount equal to 99% of the amount determined in subsection (A)(2)(b) multiplied by the ratio determined in subsection (C)(1) applicable to the facility.
3. The Administration shall make the supplemental payments to the eligible facilities within 20 calendar days of determining the amounts required under subsection (C)(2).

**D. Assurance of sufficient funds for payments. Neither the Administration nor its contractors shall be required to make quarterly payments to facilities otherwise required by subsections (B) and (C) until the amount available in the nursing facility assessment fund established by A.R.S. § 36-2999.53, plus the corresponding federal financial participation, is equal to or greater than 101% of the amount necessary to make such payments in full.**

**E. General requirements for all payments.**

1. A facility must be open on the date the supplemental payment is made in order to receive a payment. In the event a nursing facility closes during the assessment year, the nursing facility shall cease to be eligible for supplemental payments.
2. In the event a nursing facility begins operation during the assessment year, that facility shall not receive a supplemental payment until such time as the facility has claim and encounter data that falls within the collection period for the payment calculation.
3. In the event a nursing facility has a change of ownership, payments shall be made to the owner of the facility as of the date of the supplemental payment.
4. Subsection (E)(3) shall not be interpreted to prohibit the current and prior owner from agreeing to a transfer of the payment from the current owner to the prior owner.
5. The Arizona State Veterans' Homes are not eligible for supplemental payments.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective November 5, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3340, effective July 15, 2002 (Supp. 02-3). Section repealed by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1). New Section made by final rulemaking at 19 A.A.R. 137, effective January 8, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 4168, effective February 1, 2014 (Supp. 13-4). Amended by final rulemaking at 20 A.A.R. 1989, effective September

ber 6, 2014 (Supp. 14-3). Amended by final rulemaking at 24 A.A.R. 191, effective January 9, 2018 (Supp. 18-1).

**R9-28-704. Repealed**

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3340, effective July 15, 2002 (Supp. 02-3). Section repealed by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1).

**R9-28-705. Repealed**

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective April 25, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective November 5, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 874, effective March 4, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3165, effective October 1, 2005 (Supp. 05-3). Section repealed by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1).

**R9-28-706. Repealed**

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended subsections (A) and (B) effective June 6, 1989 (Supp. 89-2). Amended effective April 25, 1990 (Supp. 90-2). Amended effective November 5, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 10 A.A.R. 4658, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 3852, effective November 12, 2005 (Supp. 05-3). Section repealed by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1).

**R9-28-707. Repealed**

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1). Section repealed by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1).

*Editor's Note: The following Section was amended under an exemption from the provisions of the Administrative Procedure Act which means that the amendment was not reviewed by the Governor's Regulatory Review Council; the agency did not submit a notice of proposed rulemaking for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rulemaking; and the Attorney General has not certified the rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-28-708. Repealed**

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective April 26, 1989 (Supp. 89-2). Amended under an exemption from the pro-

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

visions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective November 5, 1993 (Supp. 93-4). Amended by final rulemaking at 11 A.A.R. 3852, effective November 12, 2005 (Supp. 05-3). Section repealed by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1).

**R9-28-709. Repealed****Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended subsection (B) effective June 6, 1989 (Supp. 89-2). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3340, effective July 15, 2002 (Supp. 02-3). Section repealed by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1).

**R9-28-710. Repealed****Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended subsections (C) and (D) effective June 6, 1989 (Supp. 89-2). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1).

**R9-28-711. Repealed****Historical Note**

Adopted effective November 5, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3340, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 3165, effective October 1, 2005 (Supp. 05-3). Section repealed by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1).

**R9-28-712. County of Fiscal Responsibility****A. General requirements.**

1. The Administration shall determine the county of fiscal responsibility under A.R.S. § 36-2913 for an applicant or member who is elderly or physically disabled.
2. A program contractor shall cover services and provisions specified in 9 A.A.C. 22, Articles 2 and 7 and Article 11 of this Chapter.

**B. Criteria for determining county of fiscal responsibility for an applicant.**

1. If the applicant resides in the applicant's own home, the county of fiscal responsibility is the county where the applicant currently resides.
2. This applies only if subsection (B)(3) does not apply. If the applicant is residing in a NF or alternative HCBS setting, the county of fiscal responsibility is the county in which the applicant last resided in the applicant's own home.
3. If the applicant moves from another state directly into a NF or alternative HCBS setting in this state, the county of fiscal responsibility is the county in which the person currently resides.
4. If the applicant moves from the Arizona State Hospital (ASH) into a NF or alternative HCBS setting, or is an inmate of a public institution moving from the public institution into a NF or alternative HCBS setting, the county of fiscal responsibility is the county in which the applicant resided in the applicant's own home prior to admission to ASH or the public institution.

**C. Criteria for determining if there is a change in county of fiscal responsibility for a member moving from one county to another county.**

1. No change in the county of fiscal responsibility. There is no change in the county of fiscal responsibility for a member if:
  - a. The member moves from a NF to another NF in a different county,
  - b. The member moves from a NF to an alternative HCBS setting in a different county,
  - c. The member moves from an alternative HCBS setting to another alternative HCBS setting in a different county,
  - d. The member moves from an alternative HCBS setting to a NF in a different county,
  - e. The member moves from the member's own home to an alternative HCBS setting in a different county,
  - f. The member moves from the member's own home to a NF in a different county,
  - g. The member moves from a NF or alternative HCBS setting into ASH, or
  - h. The member moves from ASH to a NF or alternative HCBS setting.
2. Change in the county of fiscal responsibility. If a member moves from one county to another, the county of fiscal responsibility changes to the new county if the member moves from:
  - a. An alternative HCBS setting to the member's own home in a different county,
  - b. A NF to the member's own home in a different county,
  - c. The member's own home to the member's own home in a different county, or
  - d. ASH to the member's own home.
3. Transfers between program contractors. The county of fiscal responsibility changes if the Administration transfers a member from one program contractor to a different program contractor and if:
  - a. Both program contractors agree, or
  - b. The Administration determines that it is in the best interest of the member.

**Historical Note**

Adopted effective November 4, 1998 (Supp. 98-4). Amended by final rulemaking at 8 A.A.R. 3340, effective July 15, 2002 (Supp. 02-3).

**R9-28-713. Repealed****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 896, effective February 8, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 3165, effective October 1, 2005 (Supp. 05-3). Section repealed by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1).

**R9-28-714. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1). Section repealed by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1).

**R9-28-715. Repealed**

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 444, effective January 10, 2002 (Supp. 02-1). Section repealed by final rulemaking at 13 A.A.R. 458, effective April 7, 2007 (Supp. 07-1).

**ARTICLE 8. TEFRA LIENS AND RECOVERIES****R9-28-801. Definitions Related to TEFRA Liens**

In addition to the definitions in A.R.S. §§ 36-2901 and 36-2931, 9 A.A.C. 22, Article 1, and 9 A.A.C. 28, Article 1, the following definitions apply to this Article:

“Consecutive days” means days following one after the other without an interruption resulting from a discharge.

“File” means the date that AHCCCS receives a request for a State Fair Hearing under R9-28-805, as established by a date stamp on the request or other record of receipt.

“Home” means property in which a member has an ownership interest and that serves as the member’s principal place of residence. This property includes the shelter in which a member resides, the land on which the shelter is located, and related outbuildings.

“Recover” means that AHCCCS takes action to collect from a claim.

“TEFRA lien” means a lien under 42 U.S.C. 1396p of the Tax Equity and Fiscal Responsibility Act of 1982. This type of lien is placed on an AHCCCS member’s interest in any real property before the member is deceased.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective November 5, 1993 (Supp. 93-4). Section repealed; new Section adopted effective August 11, 1997 (Supp. 97-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3365, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 820, effective April 3, 2004 (Supp. 04-1). New Section made by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 24 A.A.R. 670, effective May 5, 2018 (Supp. 18-1).

**R9-28-801.01. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3). Repealed by final rulemaking at 24 A.A.R. 670, effective May 5, 2018 (Supp. 18-1).

**R9-28-802. TEFRA Liens – Filings**

- A. Except for members under R9-28-803, AHCCCS shall file a TEFRA lien against the real property of all members who are:
  1. Receiving ALTCS services, and
  2. Permanently institutionalized.
- B. A rebuttable presumption exists that a member is permanently institutionalized if the member has continually resided in a nursing facility, Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID), or other medical institution defined in 42 CFR 435.1010 for 90 or more consecutive days. A member may rebut the presumption by providing a written opinion from a treating physician, rendered to a reasonable degree of medical certainty, that the member’s condition is likely to improve to the point that the member will be discharged from the medical institution and will be capable of returning home by a date certain.

- C. A TEFRA lien may also be imposed against the property of a member where a court judgment determined that benefits were incorrectly paid on behalf of the member.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective November 5, 1993 (Supp. 93-4). Section repealed; new Section adopted effective August 11, 1997 (Supp. 97-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3365, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 820, effective April 3, 2004 (Supp. 04-1). New Section made by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 24 A.A.R. 670, effective May 5, 2018 (Supp. 18-1).

**R9-28-803. TEFRA Liens – Prohibitions**

AHCCCS shall not file a TEFRA lien against a member’s home if one of the following individuals is lawfully residing in the member’s home:

1. Member’s spouse;
2. Member’s child who is under the age of 21;
3. Member’s child who is blind or disabled under 42 U.S.C. 1382c; or
4. Member’s sibling who has an equity interest in the home and who was residing in the member’s home for at least one year immediately before the date the member was admitted to a nursing facility, ICF/IID, or other medical institution as defined under 42 CFR 435.1010.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Section repealed; new Section adopted effective August 11, 1997 (Supp. 97-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3365, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 820, effective April 3, 2004 (Supp. 04-1). New Section made by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 24 A.A.R. 670, effective May 5, 2018 (Supp. 18-1).

**R9-28-804. TEFRA Liens – AHCCCS Notice of Intent**

- A. Time-frame. At least 30 days before filing a TEFRA lien, AHCCCS shall send the member or member’s representative a Notice of Intent.
- B. Content of the Notice of Intent. The Notice of Intent shall include the following information:
  1. A description of a TEFRA lien and the action that AHCCCS intends to take,
  2. How a TEFRA lien affects a member’s property,
  3. The legal authority for filing a TEFRA lien,
  4. The time-frames and procedures involved in filing a TEFRA lien, and
  5. The member’s right to request an exemption.
- C. Request for exemption. A member or a member’s representative may request an exemption. To request an exemption the member or the member’s representative shall submit a written statement to AHCCCS within 30 days from the receipt of the Notice of Intent describing the factual basis for a claim that the property should be exempt from placement of a TEFRA lien or from recovery of lien based on R9-28-802, R9-28-803, or R9-28-806. AHCCCS shall respond to the member or member’s representative in writing within 30 days of receiving a request for exemption, unless the parties mutually agree to a longer period of time.



## Arizona Health Care Cost Containment System - Arizona Long-term Care System

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective April 25, 1990 (Supp. 90-2). Section repealed effective August 11, 1997 (Supp. 97-3). New Section made by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

**R9-28-805. TEFRA Liens and Estate Recovery – Member’s Request for a State Fair Hearing**

- A. If the member or member’s representative does not request an exemption under R9-28-804(C), the Administration shall send the member or representative a Notice of TEFRA Lien. The member or representative may file a request for a State Fair Hearing within 30 days of the receipt of the Notice of TEFRA Lien.
- B. If the member requests an exemption and the request is denied, the Administration shall send the member or representative a Denial of a Request for Exemption. The member or representative may file a request for a State Fair Hearing within 30 days of the receipt of the Denial of Request for Exemption. After the 30-day time-frame to file a State Fair Hearing, the member or representative is sent a Notice of a TEFRA Lien.
- C. Hearings regarding TEFRA liens shall be conducted under 9 A.A.C. 34.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

**R9-28-806. TEFRA Liens – Recovery**

- A. AHCCCS shall seek to recover a TEFRA lien for the amount of the medical assistance provided up to the amount of the sale upon the sale or transfer of the real property subject to the lien made prior to the member’s death.
- B. After the member’s death, AHCCCS shall seek to recover a TEFRA lien for the amount of the medical assistance received by the member at the age of 55 years or older from the member’s estate after the sale or transfer of the real property subject to the lien. However, AHCCCS shall not seek to recover the TEFRA lien or attempt recovery against any real property subject to the TEFRA lien so long as the member is survived by the member’s:
  1. Spouse;
  2. Child under the age of 21; or
  3. Child who receives benefits under either Title II or Title XVI of the Social Security Act as blind or disabled, as defined under 42 U.S.C. 1382c.
- C. AHCCCS shall not seek to recover a TEFRA lien on an individual’s home if the member is survived by:
  1. A sibling of the member who currently resides in the deceased member’s home and who has resided in the member’s home on a continuous basis since at least one year immediately before the date of the member’s admission to the nursing facility, ICF/IID, or other medical institution as defined under 42 CFR 435.1010 and has; or
  2. A child of the member who resides in the deceased member’s home and who:
    - a. Was residing in the member’s home for a period of at least two years immediately before the date of the member’s admission to the nursing facility, ICF/IID, or other medical institution as defined under 42 CFR 435.1010;
    - b. Provided care to the member that allowed the member to reside at home rather than in an institution; and

- c. Has resided in the member’s home on a continuous basis since the admission of the deceased member to the medical institution.

- D. To determine whether a child of the member provided care under subsection (B)(2), AHCCCS shall require the following information:

1. A physician’s written statement that describes the member’s physical condition and service needs for the previous two years before the member’s death;
2. Verification that the child actually lived in the member’s home;
3. A written statement from the child providing the services that describes and attests to the services provided;
4. A written statement, if any, made by the member prior to death regarding the services received; and
5. A written statement from physician, friend, or relative as witness to the care provided.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 24 A.A.R. 670, effective May 5, 2018 (Supp. 18-1).

**R9-28-807. TEFRA Liens – Release**

AHCCCS shall issue a release of a TEFRA lien within 30 days of:

1. Satisfaction of the lien; or
2. Notice that the member has been discharged from the nursing facility, ICF/IID, or other medical institution, defined under 42 CFR 435.1010, and the member has returned home and is physically residing in the home with the intention of remaining in the home. Discharge to an alternative HCBS setting defined at R9-28-101 does not constitute a return to the home.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 24 A.A.R. 670, effective May 5, 2018 (Supp. 18-1).

**ARTICLE 9. FIRST- AND THIRD-PARTY LIABILITY AND RECOVERIES****R9-28-901. Definitions**

In addition to the definitions in A.R.S. §§ 36-2901 and 36-2931, 9 A.A.C. 22, Article 1, and 9 A.A.C. 28, Article 1, the following definitions apply to this Article:

“Estate” has the meaning in A.R.S. § 14-1201.

“Member” means a person eligible for AHCCCS-covered services under A.R.S. Title 36, Chapter 29, Article 2.

“Recover” means that AHCCCS takes action to collect from a claim.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective November 7, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 3013, effective September 11, 2004 (Supp. 04-3). Amended by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

**R9-28-902. General Provisions**

The provisions in A.A.C. R9-22-1002 apply to this Section.

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective July 1, 1993 (Supp. 93-3). Amended effective November 7, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1).

**R9-28-903. Cost Avoidance**

The provisions in A.A.C. R9-22-1003 apply to this Section.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1).

**R9-28-904. Member Participation**

The provisions in A.A.C. R9-22-1004 apply to this Section.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1).

**R9-28-905. Collections**

The provisions in A.A.C. R9-22-1005 apply to this Section.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1).

**R9-28-906. AHCCCS Monitoring Responsibilities**

The provisions in A.A.C. R9-22-1006 apply to this Section.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective November 7, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1).

**R9-28-907. Notification for Perfection, Recording, and Assignment of AHCCCS Liens**

The provisions in A.A.C. R9-22-1007 apply to this Section.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1).

**R9-28-908. Notification Information for Liens**

The provisions in A.A.C. R9-22-1008 apply to this Section.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1).

**R9-28-909. Notification of Health Insurance Information**

The provisions in A.A.C. R9-22-1009 apply to this Section.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1).

**R9-28-910. Recoveries**

AHCCCS shall recover funds paid before or after the death of a member for ALTCS benefits including: capitation payments, Medicare Parts A and B premium payments, coinsurance and deductibles paid by AHCCCS, fee-for-service payments, and reinsurance payments from:

1. The estate of a member who was 55 years of age or older when the member received benefits; or
2. The estate or the property of a member under A.R.S. §§ 36-2935, 36-2956, and 42 U.S.C. 1396p.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

**R9-28-911. Estate Recovery and Undue Hardship**

- A. Any recovery of a claim by AHCCCS against a member's estate shall be made only after the death of the member's surviving spouse and only at a time:
  1. When there exists no surviving minor child under age 21; and
  2. When there exists no surviving child who receives benefits under either Title II or Title XVI of the Social Security Act because the child is blind or disabled as defined in 42 U.S.C. 1382c.
- B. Undue hardship exemption request. A member's representative may request an undue hardship exemption. If the member's representative wishes to request an undue hardship exemption, the member's representative shall submit the request within 30 days from the receipt of the notification of the AHCCCS claim against the estate. The member's representative shall submit a written statement to AHCCCS describing the factual basis for a claim that the property should be exempt from estate recovery as provided under this Section. AHCCCS shall respond to the member or member's representative in writing within 30 days of receiving an undue hardship exemption request, unless the parties mutually agree to a longer period of time.
- C. AHCCCS shall waive a claim against a member's estate because of undue hardship if any of the following situations exist:
  1. The estate consists only of real property that is listed as residential property by the Arizona Department of Revenue or County Assessor's Office, and the heir or devisee:
    - a. Owns a business that is located at the residential property and:
      - i. The business was in operation at the residential property for at least 12 months preceding the death of the member,
      - ii. The business provides more than 50 percent of the heir's or devisee's livelihood, and
      - iii. The recovery of the property would result in the heir or devisee losing the heir's or devisee's means of livelihood; or
    - b. Currently resides in the residence and:
      - i. Resided there at the time of the member's death,
      - ii. Made the residence his or her primary residence for the 12 months immediately before the death of the member, and
      - iii. Owns no other residence; or
  2. The estate consists only of personal property and:
    - a. The heir's or devisee's gross annual income for the household size is less than 100 percent of the Federal Poverty Level (FPL). New sources of income such as employment or Social Security that may not have yet been received are included in determining the household's annual gross income; and
    - b. The heir or devisee does not own a home, land, or other real property.
- D. When the estate consists of both personal property and real property that qualify for the undue hardship exemption criteria under subsections (B) and (C), AHCCCS shall not grant an undue hardship waiver; however, AHCCCS shall adjust its claim to the value of the personal property.

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

E. AHCCCS shall exempt the following income, resources, and property of Native Americans (NA) and Alaska Natives (AN) from estate recovery:

1. Income and resources from tribal land and other resources currently held in trust and judgment funds from the Indian Claims Commission or U.S. Claims Court;
2. Ownership interest in trust or non-trust property;
3. Ownership interests left as a remainder in an estate in rents, leases, royalties, or usage rights related to natural resources;
4. Any other ownership interests or rights in a property that has unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional life style according to applicable Tribal law or custom; and
5. Income left as a remainder in an estate derived from any property listed in subsection (E)(1) through (4), that was either collected by a NA, or by a Tribe or Tribal organization and distributed to a NA.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 3013, effective September 11, 2004 (Supp. 04-3). Amended by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

**R9-28-912. Partial Recovery**

AHCCCS shall use the following factors in determining whether to seek a partial recovery of funds when an heir or devisee does not meet the requirements of R9-28-911 and requests a partial recovery:

1. Financial and medical hardship to the heir or devisee;
2. Income of the heir or devisee and whether the heir or devisee's household gross annual income is less than 100 percent of the FPL;
3. Resources of the heir or devisee;
4. Value and type of assets;
5. Amount of AHCCCS' claim against the estate; and
6. Whether other creditors have filed claims against the estate or have foreclosed on the property.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1308, effective May 1, 2004 (Supp. 04-1).

**R9-28-913. Repealed****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3013, effective September 11, 2004 (Supp. 04-3). Repealed by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

**R9-28-914. Repealed****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3013, effective September 11, 2004 (Supp. 04-3). Repealed by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

**R9-28-915. Repealed****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3013, effective September 11, 2004 (Supp. 04-3). Repealed by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

**R9-28-916. Repealed****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3013, effective September 11, 2004 (Supp. 04-3). Repealed by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

**R9-28-917. Repealed****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3013, effective September 11, 2004 (Supp. 04-3). Repealed by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

**R9-28-918. Repealed****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3013, effective September 11, 2004 (Supp. 04-3). Repealed by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

**R9-28-919. Repealed****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3013, effective September 11, 2004 (Supp. 04-3). Repealed by final rulemaking at 14 A.A.R. 3791, effective November 8, 2008 (Supp. 08-3).

**ARTICLE 10. CIVIL MONETARY PENALTIES AND ASSESSMENTS****R9-28-1001. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims**

AHCCCS shall use the provisions in 9 A.A.C. 22, Article 11 for the determination and collection of penalties, assessments, and penalties and assessments.

**Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective June 6, 1989 (Supp. 89-2). Amended effective June 9, 1998 (Supp. 98-2). Amended by final rulemaking at 10 A.A.R. 3065, effective September 11, 2004 (Supp. 04-3).

**R9-28-1002. Repealed****Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective November 5, 1993 (Supp. 93-4). Repealed effective June 9, 1998 (Supp. 98-2).

**R9-28-1003. Repealed****Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Amended effective November 5, 1993 (Supp. 93-4). Repealed effective June 9, 1998 (Supp. 98-2).

**R9-28-1004. Repealed****Historical Note**

Adopted effective October 1, 1988, filed September 1, 1988 (Supp. 88-3). Repealed effective June 9, 1998 (Supp. 98-2).

**ARTICLE 11. BEHAVIORAL HEALTH SERVICES****R9-28-1101. General Requirements**

General requirements. The following general requirements apply to behavioral health services provided under this Article, and Chapter 22 subject to all exclusions and limitations.

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

1. Definitions. The definitions in A.A.C. R9-22-1201 and R9-22-101 apply to this Article, in addition to the following definitions:

“Case manager” means an individual responsible for coordinating the physical health services or behavioral health services provided to a patient at the health care institution.

“Contractor” means an ALTCS contractor or as previously known as program contractor.

“Cost avoid” means the same as in A.A.C. R9-22-1201.

“Intergovernmental agreement” or “IGA” means an agreement for services or joint or cooperative action between the Administration and a tribal contractor.

“Qualified behavioral health service provider” means a behavioral health service provider that meets the requirements of R9-28-1106.

“Tribal contractor” means a tribal organization (The Tribe) or urban Indian organization defined in 25 U.S.C. 1603 and recognized by CMS as meeting the requirements of 42 U.S.C. 1396d(b), that provides or is accountable for providing the services or delivering the items described in the intergovernmental agreement.

2. Case management. A tribal contractor shall provide case management services to FFS American Indian members living on or off-reservation as delineated in the IGA.
3. Reimbursement. For FFS American Indians, the Administration is exclusively responsible for providing reimbursement for covered behavioral health services that are authorized by a tribal contractor or the Administration under the intergovernmental agreement as specified in this Article. A contractor is exclusively responsible for providing reimbursement for covered behavioral health services that are authorized by a contractor as specified in this Article.

#### Historical Note

Adopted under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 200, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 1090, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3122, effective January 4, 2015 (Supp. 14-4).

#### R9-28-1102. ALTCS Contractor or Tribal Contractor Responsibilities

- A. ALTCS contractor. A contractor shall arrange for behavioral health services to all enrolled members, including American Indian members who are not enrolled with a tribal contractor.
- B. Tribal contractor. A tribal contractor shall provide behavioral health services to an American Indian member who is enrolled with a tribal contractor as prescribed in R9-28-1101. When a tribal contractor determines that an EPD American Indian member residing on a reservation needs behavioral health services under R9-28-415, the member shall receive services as authorized by the Administration or a tribal contractor under A.A.C. R9-22-1205 from any AHCCCS-registered provider.

- C. A program or tribal contractor shall cooperate when a transition of care occurs and ensure that medical records are transferred in accordance with A.R.S. §§ 36-2932, 36-509, and R9-28-514 when a member transitions from:
  1. A behavioral health provider to another behavioral health provider,
  2. A RBHA or TRBHA to a contractor,
  3. A contractor or tribal contractor to a RBHA or TRBHA, or
  4. A contractor to a tribal contractor or vice versa.
- D. The Administration, a tribal contractor, or a contractor, as appropriate, shall authorize medical necessary behavioral health services for American Indian members.

#### Historical Note

Adopted under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Office of the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 200, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 13 A.A.R. 1090, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3122, effective January 4, 2015 (Supp. 14-4).

#### R9-28-1103. Eligibility for Covered Services

- A. Eligibility for covered services. A member determined eligible under A.R.S. § 36-2934 shall receive medically necessary covered services specified under Chapter 22, Article 2 and 12.
- B. Behavioral health services are covered as specified in Chapter 22, Article 2 and 12.

#### Historical Note

Adopted under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Office of the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 200, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 1090, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3122, effective January 4, 2015 (Supp. 14-4).

#### R9-28-1104. General Service Requirements

- A. Services. Behavioral health services include both mental health and substance abuse services and are subject to the provisions under Chapter 22, Article 2 and 12.
- B. Enrollment of American Indian member. The Administration shall enroll an EPD American Indian member with a tribal contractor on a FFS basis if:
  1. The member lives on-reservation of an American Indian tribal organization that is an ALTCS tribal contractor, or

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

2. The member lived on-reservation of an American Indian tribal organization that is an ALTCS tribal contractor immediately before placement in an off-reservation Nursing Facility or an alternative HCBS setting.
- C. Services. A tribal contractor or the Administration may authorize behavioral health services for FFS American Indian members enrolled with a tribal contractor as delineated in the intergovernmental agreement.
- D. Enrollment of American Indian members off-reservation. Except as provided in R9-28-1104(B)(2), an EPD American Indian who resides off-reservation shall be enrolled with an ALTCS contractor to receive behavioral health services, including case management, under R9-28-415.
- E. Enrollment of developmentally disabled American Indian member. A developmentally disabled American Indian member who resides on or off-reservation shall be enrolled with the Department of Economic Security's Division of Developmental Disabilities under R9-28-414 and shall receive behavioral health services from the Department of Economic Security's Division of Developmental Disabilities.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective July 1, 1993; amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Ch. 204, § 11, effective January 1, 1996; filed with the Office of the Secretary of State December 22, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 200, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 1090, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3122, effective January 4, 2015 (Supp. 14-4).

**R9-28-1105. Scope of Behavioral Health Services**

Scope of Services. The provisions of A.A.C. R9-22-1205 are the scope of behavioral health services for a member under this Article.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Office of the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 200, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Amended by exempt rulemaking at 8 A.A.R. 933, effective February 12, 2002 (Supp. 02-1). Amended by final rulemaking at 13 A.A.R. 1090, effective May 5, 2007 (Supp. 07-1). Amended by

final rulemaking at 20 A.A.R. 3122, effective January 4, 2015 (Supp. 14-4).

**R9-28-1106. Standards for Service Providers**

- A. Applicability. The provisions of A.A.C. R9-22-1206 are the general provisions and standards for service providers. References in A.A.C. R9-22-1206 to ADHS/DBHS or to a RBHA apply to a contractor.
- B. The Administration or a contractor shall cost avoid any behavioral health service claims if the Administration or the contractor establishes the probable existence of first-party liability or third-party liability.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1992, Ch. 301, § 61, effective July 1, 1993 (Supp. 93-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 200, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4691, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 1090, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3122, effective January 4, 2015 (Supp. 14-4).

**R9-28-1107. Repealed****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 200, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 13 A.A.R. 1090, effective May 5, 2007 (Supp. 07-1). Repealed by final rulemaking at 20 A.A.R. 3122, effective January 4, 2015 (Supp. 14-4).

**R9-28-1108. Repealed****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 200, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3365, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 13 A.A.R. 1090, effective May 5, 2007 (Supp. 07-1).

**ARTICLE 12. REPEALED**

*Article 12, consisting of Section R9-28-1201, repealed by final rulemaking at 10 A.A.R. 820, effective April 3, 2004. The subject matter of Article 12 is now in 9 A.A.C. 34 (Supp. 04-1).*

**R9-28-1201. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3365, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 820, effective April 3, 2004 (Supp. 04-1).

**ARTICLE 13. FREEDOM TO WORK**

*Article 13, consisting of Sections R9-28-1301 through R9-28-1324, made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4).*

**R9-28-1301. General Freedom to Work Requirements**

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

The Administration shall determine eligibility for AHCCCS medical services under Article 2 of this Chapter and A.A.C. R9-22-1901.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section amended by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1302. General Administration Requirements**

The Administration shall comply with the confidentiality rule under A.A.C. R9-22-512(C).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section amended by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1303. Application for Coverage**

- A. A person may apply by submitting an application to an Administration office.
- B. The application date is the date the application is received at an Administration office.
- C. The provisions of A.A.C. R9-22-1406(B) and (D) apply to this Section.
- D. An applicant or representative who files an application may withdraw the application either orally or in writing. The Administration shall send an applicant withdrawing an application a denial notice under R9-28-1304.
- E. Except as provided in 42 CFR 435.911, the Administration shall determine eligibility within 45 days.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 5138, effective January 3, 2004 (Supp. 03-4). Section amended by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1304. Notice of Approval or Denial**

The Administration shall send an applicant a written notice of the decision regarding the application. This notice shall include a statement of the action and:

1. If approved:
  - a. The effective date of eligibility,
  - b. The amount the person shall pay, and
  - c. An explanation of the person's hearing rights specified in 9 A.A.C. 34; or
2. If denied, the information required by R9-28-401.01(G)(2).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section amended by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1305. Reporting and Verifying Changes**

An applicant or member shall report and verify changes as described under R9-28-411(A), to the Administration, including any changes in the spouse's income that may affect the share of cost.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section amended by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1306. Actions that Result from a Redetermination or****Change**

The processing of a redetermination or change shall result in one of the following actions:

1. No change in eligibility, share-of-cost, or premium,
2. Discontinuance of eligibility if a condition of eligibility is no longer met,
3. A change in the person's share-of-cost,
4. A change in premium amount, or
5. A change in the coverage group under which a person receives AHCCCS medical coverage.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4).

**R9-28-1307. Notice of Adverse Action**

- A. The requirements under R9-28-411(D)(1) apply.
- B. Advance notice of a change in eligibility, share of cost, or premium amount. Advance notice means a notice of proposed action that is issued to the member at least 10 days before the effective date of the proposed action. Except under subsection (C), advance notice shall be issued whenever an adverse action is taken to:
  1. Discontinue eligibility,
  2. Increase a person's share-of-cost,
  3. Increase the premium amount, or
  4. Reduce benefits from ALTCs to acute care services.
- C. Exceptions from advance notice. A notice shall be issued to the member to discontinue eligibility no later than the effective date of action if:
  1. A member provides a clearly written statement, signed by that member, that services are no longer wanted;
  2. A member provides information that requires termination of eligibility or reduction of services, indicates that the member understands that termination of eligibility or reduction of services will be the result of supplying the information and signs a written statement waiving advance notice;
  3. A member cannot be located and mail sent to the member's last known address has been returned as undeliverable. A member whose eligibility is discontinued under this subsection is subject to reinstatement of discontinued services under 42 CFR 431.231(d);
  4. A member has been admitted to a public institution where a person is ineligible for coverage;
  5. A member has been approved for Medicaid in another state; or
  6. The Administration receives information confirming the death of a member.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section amended by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1308. Request for Hearing**

An applicant or member may request a hearing under 9 A.A.C. 34.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section amended by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1309. Conditions of Eligibility**

An applicant or member shall meet the following conditions to qualify for the Freedom to Work program:

1. Furnish a valid Social Security Number (SSN);

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

2. Be a resident of Arizona;
3. Be a citizen of the United States, or meet requirements for a qualified alien under A.R.S. § 36-2903.03(B);
4. Be at least 16 years of age, but less than 65 years of age;
5. Have countable income that does not exceed 250 percent of FPL. The Administration shall count income under 42 U.S.C. 1382a and 20 CFR 416 Subpart K with the following exceptions:
  - a. The unearned income of the applicant or member shall be disregarded,
  - b. The income of a spouse or other family members shall be disregarded, and
  - c. The deduction for a minor child shall not apply;
6. Reside in a living arrangement specified under R9-28-406(A);
7. Be determined as physically disabled by meeting the medical criteria under Article 3 of this Chapter; and
8. Comply with the member responsibility provisions under A.A.C. R9-22-1502(D) and (F).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section repealed; new Section made by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1310. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1311. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1312. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1313. Premium Requirements**

- A. As a condition of eligibility, an applicant or member shall:
  1. Pay the premium required under subsection (B).
  2. Not have any unpaid premiums that exceed the premium amount for one month.
- B. The Administration shall process premiums under 9 A.A.C. 31, Article 14 with the following exceptions:
  1. A member who has countable income:
    - a. Under \$500, the monthly premium payment shall be \$0.
    - b. Over \$500 but not greater than \$750, the monthly premium payment shall be \$10.
  2. The premium for a member shall be increased by \$5 for each \$250 increase in countable income above \$750.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section amended

by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1314. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1315. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1316. Institutionalized Person**

A person is not eligible for AHCCCS medical coverage if the person is:

1. An inmate of a public institution and federal financial participation (FFP) is not available, or
2. Older than age 20 but younger than age 65 and is residing in an Institution for Mental Disease under 42 CFR 435.1009 except when allowed under the Administration's Section 1115 IMD waiver or allowed under a managed care contract approved by CMS.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section amended by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1317. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1318. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1319. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1320. Additional Eligibility Criteria for the Basic Coverage Group**

As a condition of eligibility, an applicant or member shall be employed. Employed means that an applicant or member is paid for working and Social Security or Medicare taxes are paid on the applicant's or member's income.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section amended

## Arizona Health Care Cost Containment System - Arizona Long-term Care System

by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1321. Share of Cost**

The Director shall determine the amount a person shall pay for the cost of ALTCS services (share-of-cost) under A.R.S. § 36-2932(L) and 42 CFR 435.725 or 42 CFR 435.726. Share of cost shall be calculated for people who reside in a medical institution for an entire calendar month under R9-28-408(G) and R9-28-410(C) except that the personal-needs allowance shall be increased by 50 percent of the member's earned income.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4).

**R9-28-1322. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 269, effective March 7, 2009 (Supp. 09-1).

**R9-28-1323. Enrollment**

The Administration shall enroll members under R9-28-412 through R9-28-418.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4).

**R9-28-1324. Redetermination of Eligibility**

- A. Redetermination. Except as provided in subsection (B), the Administration shall complete a redetermination of eligibility at least once a year.
- B. Change in circumstance. The Administration may complete a redetermination of eligibility if there is a change in the member's circumstances, including a change in disability or employment that may affect eligibility.
- C. Medical Improvement. If a member is no longer disabled under Article 3 of this Chapter, the Administration shall determine if the member is eligible under other coverage groups.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 99, effective January 1, 2003 (Supp. 02-4).

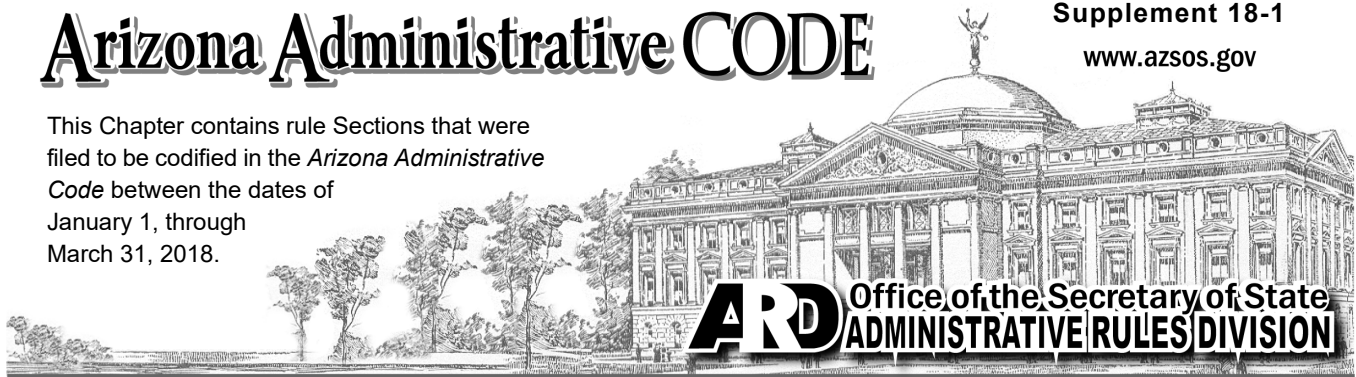


# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

<a href="#">R10-4-101.</a>	<a href="#">Definitions .....</a>	<a href="#">2</a>	<a href="#">R10-4-109.</a>	<a href="#">Hearing; Request for Rehearing .....</a>	<a href="#">8</a>
<a href="#">R10-4-102.</a>	<a href="#">Administration of the Fund .....</a>	<a href="#">3</a>	<a href="#">R10-4-110.</a>	<a href="#">State-level Claim Review .....</a>	<a href="#">8</a>
<a href="#">R10-4-103.</a>	<a href="#">Statewide Operation .....</a>	<a href="#">3</a>	<a href="#">R10-4-201.</a>	<a href="#">Definitions .....</a>	<a href="#">9</a>
<a href="#">R10-4-104.</a>	<a href="#">Operational Unit Requirements .....</a>	<a href="#">4</a>	<a href="#">R10-4-202.</a>	<a href="#">Administration of the Fund .....</a>	<a href="#">9</a>
<a href="#">R10-4-106.</a>	<a href="#">Prerequisites for a Compensation Award .....</a>	<a href="#">5</a>	<a href="#">R10-4-203.</a>	<a href="#">Grant Eligibility Requirements .....</a>	<a href="#">10</a>
<a href="#">R10-4-107.</a>	<a href="#">Submitting a Claim .....</a>	<a href="#">5</a>	<a href="#">R10-4-204.</a>	<a href="#">Services .....</a>	<a href="#">10</a>
<a href="#">R10-4-108.</a>	<a href="#">Compensation Award Criteria .....</a>	<a href="#">6</a>			

## Questions about these rules? Contact:

Commission: Arizona Criminal Justice Commission  
Name: Larry Grubbs, Program Manager  
Address: 1110 W. Washington St., Suite 230  
Phoenix, AZ 85007  
Telephone: (602) 364-1154  
Fax: (602) 364-1175  
[E-mail: lgrubbs@azcjc.gov](mailto:lgrubbs@azcjc.gov)  
[Web site: www.azcjc.gov](http://www.azcjc.gov)

**The release of this Chapter in supplement 18-1 replaces supplement 12-4, 15 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 10. LAW****CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION**

(Authority: A.R.S. §§ 41-1308 and 41-1309)

**ARTICLE 1. CRIME VICTIM COMPENSATION PROGRAM**

(Authority: A.R.S. §§ 41-2407 and 41-2402)

*Article 1, consisting of Sections R10-4-101 through R10-4-111, adopted effective December 31, 1986.*

Section	
R10-4-101.	Definitions ..... 2
R10-4-102.	Administration of the Fund ..... 3
R10-4-103.	Statewide Operation ..... 3
R10-4-104.	Operational Unit Requirements ..... 4
R10-4-105.	Crime Victim Compensation Board ..... 4
R10-4-106.	Prerequisites for a Compensation Award ..... 5
R10-4-107.	Submitting a Claim ..... 5
R10-4-108.	Compensation Award Criteria ..... 6
R10-4-109.	Hearing; Request for Rehearing ..... 8
R10-4-110.	State-level Claim Review ..... 8
R10-4-111.	Emergency Compensation Award ..... 9

**ARTICLE 2. CRIME VICTIM ASSISTANCE PROGRAM**

(Authority: A.R.S. §§ 41-2408 and 41-2402)

*Article 2, consisting of Sections R10-4-201 through R10-4-207, adopted effective December 22, 1986.*

Section	
R10-4-201.	Definitions ..... 9
R10-4-202.	Administration of the Fund ..... 9
R10-4-203.	Grant Eligibility Requirements ..... 10
R10-4-204.	Services ..... 10
R10-4-205.	Renumbered ..... 11
R10-4-206.	Renumbered ..... 11
R10-4-207.	Repealed ..... 11

**ARTICLE 3. CRIMINAL JUSTICE ENHANCEMENT FUND**

*Article 3, consisting of R10-4-301 through R10-4-305, made by final rulemaking at 17 A.A.R. 1469, effective September 10, 2011 (Supp. 11-3).*

*Article 3, consisting of R10-4-301 through R10-4-305, adopted summary rules filed March 16, 1998; interim effective date of November 28, 1997, now the permanent effective date (Supp. 98-1).*

*Article 3, consisting of R10-4-301 through R10-4-305, repealed by summary action with an interim effective date of November 28, 1997; filed in the Office of the Secretary of State November 3, 1997 (Supp. 97-4).*

*Article 3, consisting of Sections R10-4-301 through R10-4-305, adopted effective September 11, 1986.*

Section	
R10-4-301.	Definitions ..... 11
R10-4-302.	Contact Information Required ..... 11
R10-4-303.	Fund Guidelines Required ..... 11
R10-4-304.	Records Required ..... 12
R10-4-305.	Complaints ..... 12

**ARTICLE 4. DRUG AND GANG ENFORCEMENT ACCOUNT GRANTS**

*Article 4 consisting of Sections R10-4-401 through R10-4-404 adopted as permanent rules effective July 18, 1988.*

*Article 4 consisting of Sections R10-4-401 through R10-4-404 adopted as an emergency effective February 22, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.*

Section	
R10-4-401.	Definitions ..... 12
R10-4-402.	General Information Regarding Grants ..... 13
R10-4-403.	Grant Application ..... 13
R10-4-404.	Application Evaluation; Standards for Award .... 13
R10-4-405.	Request for Modification of Recommended Allocation Plan ..... 14
R10-4-406.	Required Reports ..... 14

**ARTICLE 5. FULL-SERVICE FORENSIC CRIME LABORATORY ACCOUNT**

*Article 5, consisting of Sections R10-4-501 through R10-4-504, made by final rulemaking at 7 A.A.R. 2217, effective May 11, 2001 (Supp. 01-2).*

Section	
R10-4-501.	Definitions ..... 14
R10-4-502.	Grant Solicitation Process ..... 14
R10-4-503.	Grant Application Evaluation; Decision of the Commission ..... 15
R10-4-504.	Reports ..... 15

## Arizona Criminal Justice Commission

**ARTICLE 1. CRIME VICTIM COMPENSATION PROGRAM****R10-4-101. Definitions**

In this Article:

1. "Board" means the Crime Victim Compensation Board of an operational unit.
2. "Claim" means an application for compensation submitted under this Article.
3. "Claimant" means a natural person who files a claim.
4. "Collateral source" means a source of compensation for economic loss that a claimant received or is accessible to and obtainable by the claimant or that is payable to or on behalf of the victim. Collateral source includes the following sources of compensation:
  - a. The perpetrator or a third party responsible for the perpetrator's actions;
  - b. The United States government or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless:
    - i. The law providing for the compensation makes the compensation excess or secondary to benefits under this Article, or
    - ii. The compensation is made with federal funds granted under 42 U.S.C. 10602;
  - c. Social Security, Medicare, or Arizona Health Care Cost Containment System payments;
  - d. State-required, insurance for a temporary, non-occupational disability;
  - e. Worker's compensation insurance;
  - f. Wage continuation program of any employer;
  - g. Insurance proceeds payable to cover a specific compensable cost due to criminally injurious conduct;
  - h. A contract providing for prepaid hospital and other health care services or disability benefits; and
  - i. A gift, devise, or bequest to cover a specific compensable cost.
5. "Commission" means the Arizona Criminal Justice Commission, as established by A.R.S. § 41-2404.
6. "Compensable cost" means an economic loss for which a compensation award is allowed under this Article.
7. "Compensation award" means a payment made to a claimant under the standards at R10-4-108.
8. "Crime scene cleanup expense" means the reasonable and customary cost for:
  - a. Removing or attempting to remove bodily fluids, dirt, stains, and other debris that result from criminally injurious conduct occurring within a residence or the surrounding curtilage;
  - b. Repairing or replacing exterior doors, locks, or windows damaged as a direct result of criminally injurious conduct occurring within a residence or the surrounding curtilage.
9. "Criminally injurious conduct" means conduct that:
  - a. Constitutes a crime as defined by state or federal law regardless of whether the perpetrator of the conduct is apprehended, charged, or convicted;
  - b. Poses a substantial threat of physical injury, mental distress, or death; and
  - c. Is punishable by fine, imprisonment, or death, or would be punishable but the perpetrator of the conduct lacked the capacity to commit the crime under applicable laws.
10. "Derivative victim" means:
  - a. The spouse, child, parent, stepparent, stepchild, sibling, grandparent, grandchild, or guardian of a victim who died as a result of criminally injurious conduct;
  - b. A child born to a victim after the victim's death;
  - c. A person living in the household of a victim who died as a result of criminally injurious conduct, in a relationship determined by the Board to be substantially similar to a relationship listed in subsection (10)(a);
  - d. A member of the victim's family who witnessed the criminally injurious conduct or who discovered the scene of the criminally injurious conduct;
  - e. A natural person who is not related to the victim but who witnessed the criminally injurious conduct or discovered the scene of the criminally injurious conduct; or
  - f. A natural person whose own mental health counseling and care or presence during the victim's mental health counseling and care is recommended for the successful treatment of the victim.
11. "Durable medical equipment" means an appliance, apparatus, device, or product that:
  - a. Is medically necessary to treat an injury or condition resulting from criminally injurious conduct;
  - b. Improves the function of an injured body part or delays deterioration of a patient's physical condition;
  - c. Is primarily and customarily used to serve a medical purpose rather than primarily for transportation, comfort, or convenience; and
  - d. Provides the medically appropriate level of performance and quality for the medical injury or condition present.
12. "Economic loss" means financial detriment resulting from medical expense, mental health counseling and care expense, crime scene cleanup expense, funeral expense, or work loss.
13. "Fund" means all State, Federal, and jurisdiction financial resources dedicated to the compensation program through statute, this chapter, or federal grant award.
14. "Funeral expense" means a reasonable and customary cost, such as those listed on the Statement of Funeral Goods and Services Selected required under A.A.C. R4-12-307, incurred as a direct result of a victim's funeral, cremation, Native American ceremony, or burial.
15. "Good cause" means a reason that the Board determines is substantial enough to afford a legal excuse.
16. "Inactive claim" means a claim for which no compensation award is made for 12 consecutive months.
17. "Incident of criminally injurious conduct" means all criminal actions that are related to or dependent upon each other regardless of the time involved in perpetrating the actions, number of persons perpetrating the actions, or the number of crimes with which the perpetrator is or could be charged.
18. "Jurisdiction" means any county in this state.
19. "Medical expense" means a reasonable and customary cost for medical care provided to a victim due to a physical injury, mental health condition, or medical condition that is a direct result of criminally injurious conduct.
20. "Mental distress" means a substantial disorder of emotional processes, thought, or cognition that impairs judgment, behavior, or ability to cope with the ordinary demands of life.
21. "Mental health counseling and care expense" means a reasonable and customary cost to assess, diagnose, and treat a victim's or derivative victim's mental distress resulting from criminally injurious conduct.

## Arizona Criminal Justice Commission

22. "Minimum wage standard" means the uniform minimum wage payable in Arizona under federal or state law, whichever is greater.
23. "Operational unit" means a public or private agency authorized by the Commission to receive, evaluate, and present to the Board a claim.
24. "Program" means the Crime Victim Compensation Program.
25. "Proximate cause" means an event sufficiently related to criminally injurious conduct to be held the cause of the criminally injurious conduct.
26. "Reasonable and customary" means the normal charge within a specific geographic area for a specific service by a provider of a particular level of experience or expertise.
27. "Resident" means a natural person who is domiciled in Arizona or is in Arizona for other than a temporary or transitory purpose.
28. "Subrogation" means the substitution of the state or an operational unit in place of a claimant to enforce a lawful claim against a collateral source to recover any part of a compensation award made to the claimant using funds of the state or operational unit.
29. "Total and permanent disability" means a physical or mental condition that the Board finds is a proximate result of criminally injurious conduct and:
  - a. Produces a significant and sustained reduction in the victim's former mental or physical abilities dramatically altering the victim's ability to interact with others and carry on normal functions of life;
  - b. Lessens the victim's ability to work to a material degree; or
  - c. Causes a physical or neuropsychological impairment from which no fundamental or marked improvement in the victim's crime-related condition can reasonably be expected.
30. "Transportation costs" means a travel expense that may be reimbursed to a claimant as follows:
  - a. Mileage, calculated at the rate established by:
    - i. The operational unit, or
    - ii. The state if the operational unit has not established a mileage rate;
  - b. Fare or fee expenses; and
  - c. Vehicle rental at the cost specified in the rental agreement.
31. "Victim" means a natural person who suffers a physical injury or medical condition, mental distress, or death as a direct result of:
  - a. Criminally injurious conduct,
  - b. The person's good faith effort to prevent criminally injurious conduct, or
  - c. The person's good faith effort to apprehend a person suspected of engaging in criminally injurious conduct.
32. "Work loss" means a reduction in income from:
  - a. Work that a victim or derivative victim would have performed if the victim had not been a victim; and
  - b. Social Security or Supplemental Security Income that a victim would have received or from which a derivative victim would have benefited if the victim had not been killed.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed; new Section R10-4-101 renumbered from R10-4-103 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective

January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-102. Administration of the Fund**

- A. The Commission shall include in the Fund all funds received for compensating a claimant under this Chapter.
- B. The Commission shall designate one operational unit for a jurisdiction or jurisdictions to receive an allocation from the Fund each state fiscal year.
- C. The Commission shall distribute a portion of the Fund to each operational unit for expenditure by the Board. The Commission shall distribute the funds using an allocation formula approved by the Commission.
- D. The Commission shall reserve the lesser of \$50,000 or 10 percent of the Fund to be used in the event of an unforeseen increase of victimization that causes an operational unit for a particular jurisdiction to lack the funds needed to provide compensation.
- E. If there is an unforeseen increase in victimization in a particular jurisdiction, the Commission shall designate an additional operational unit to accept claims from that jurisdiction or make a compensation award based on the criteria established by R10-4-108.
- F. If, at the end of a fiscal year, an operational unit has unexpended funds received from the Commission, the operational unit shall return the funds to the Commission within 90 days after the end of the fiscal year. The Commission shall deposit the returned funds in the Fund for use in the next fiscal year.
- G. Funds collected by an operational unit through subrogation or restitution may be retained by the operational unit to the extent authorized by the Commission and shall be used to pay compensation awards based on the criteria established by R10-4-108.
- H. An operational unit shall use funds to pay administrative costs only to the extent authorized by the Commission.
- I. An operational unit shall pay approved compensation program benefit expenses using benefit category cost rate schedules approved by the Commission. If the Commission has not approved a cost rate schedule for a benefit category, or if an eligible benefit cost is not covered by the approved rate schedule, the operational unit may negotiate a reasonable and customary cost with the service provider for the approved benefit expense.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Section repealed; new Section R10-4-102 renumbered from R10-4-104 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-103. Statewide Operation**

For any jurisdiction not served by an operational unit, the Commission shall operate a program in accordance with this Article, designate another operational unit as described in R10-4-104, or provide for a program by contract.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Amended effective June 12, 1997 (Supp. 97-2). Former

## Arizona Criminal Justice Commission

Section R10-4-103 renumbered to R10-4-101; new Section R10-4-103 renumbered from R10-4-105 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-104. Operational Unit Requirements**

- A. To be designated by the Commission as an operational unit for a jurisdiction, a public or private agency shall submit to the Commission a written request for designation.
- B. The Commission shall designate a public or private agency as the operational unit for a jurisdiction or jurisdictions:
  1. Only if the public or private agency agrees not to:
    - a. Use Commission funds or federal funds to supplant funds otherwise available to compensate a victim or claimant;
    - b. Make a distinction between a resident and a non-resident in evaluating a claim; and
    - c. Make a distinction in evaluating a claim relating to a federal crime that occurs in Arizona and one relating to a state crime; and
  2. Only if the public or private agency agrees to:
    - a. Forward to the Board a claim relating to an incident of criminally injurious conduct occurring in the public or private agency's jurisdiction or jurisdictions;
    - b. Forward to the Board a claim made by or on behalf of a resident of the public or private agency's jurisdiction or jurisdictions who is a victim or derivative victim of an incident of criminally injurious conduct occurring in another state, the District of Columbia, Puerto Rico, or any other possession or territory of the United States that does not have a crime victim compensation program that meets the requirements of 42 U.S.C. 10602(b);
    - c. Forward to the Board a claim made by or on behalf of a resident of the public or private agency's jurisdiction or jurisdictions who is a victim or derivative victim of an incident of criminally injurious conduct occurring outside of the United States in an area without an accessible crime compensation program;
    - d. Notify the Commission of any change in the public or private agency's program procedures or program policies before the change takes effect and if the change is material, obtain written approval from the Commission before instituting the change;
    - e. Submit financial and program activity reports to the Commission, in a format required by the Commission, and at a frequency established annually by the Commission;
    - f. Provide an application form to a claimant;
    - g. Comply with all civil rights requirements;
    - h. Ensure that each claim is investigated and substantiated before forwarding the claim to the Board for a compensation award; and
    - i. Monitor a compensation award to ensure that amounts paid are consistent with this Article.
- C. If more than one agency requests to be designated by the Commission as an operational unit for a jurisdiction, the Commission shall designate the agency that it determines is better able to evaluate claims and manage the expenditure of public funds. The Commission shall give preference to a public agency if both a public and private agency request designation.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Amended effective June 12, 1997 (Supp. 97-2). Former Section R10-4-104 renumbered to R10-4-102; new Section R10-4-104 renumbered from R10-4-106 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-105. Crime Victim Compensation Board**

- A. Each operational unit shall establish a Crime Victim Compensation Board that consists of an odd number of members with at least three members. Members of the Board shall not receive compensation for their services but are eligible for travel reimbursement under A.R.S. § 38-621.
- B. Board members serve a three-year term and are eligible for reappointment.
- C. When a Board is first established, approximately one-third of the members shall be appointed for a three-year term, one-third for a two-year term, and one-third for a one-year term. If a Board member is unable to complete the term of the Board member's appointment, the Commission Chairman shall appoint a new Board member for the unexpired term only.
- D. When a Board is first established and when a new member is appointed to an existing Board, the Commission Chairman shall choose the individual to be appointed from a list submitted by the operational unit.
- E. A majority of the Board membership constitutes a quorum that may transact the business of the Board.
- F. The Board shall elect from its membership a chairman and other necessary officers to serve terms determined by the Board.
- G. The Board shall make a compensation award according to this Article and perform other acts necessary for operation of the program.
- H. As required by A.R.S. Title 38, Chapter 3, Article 8, a Board member shall not participate in making any decision regarding a claim or compensation award if the Board member or a relative of the Board member, as defined at A.R.S. § 38-502, has a substantial interest in the decision.
- I. An employee of an operational unit shall not serve as a Board member.
- J. A newly appointed Board member shall meet all training requirements established by the Commission for new Board members within six months of the Board member's date of appointment.
- K. A Board member who is reappointed shall meet all training requirements established by the Commission for reappointed Board members within six months of the Board member's date of reappointment.
- L. A Board member shall not miss more than one-third of Board meetings in a year due to unexcused absence.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Former Section R10-4-105 renumbered to R10-4-103; new Section R10-4-105 renumbered from R10-4-107 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4).

## Arizona Criminal Justice Commission

**R10-4-106. Prerequisites for a Compensation Award**

- A.** The Board shall make a compensation award only if it determines that:
1. Criminally injurious conduct:
    - a. Occurred in Arizona; or
    - b. Occurred outside of Arizona in an area without an accessible crime compensation program and affected a resident;
  2. The criminally injurious conduct directly resulted in the victim's physical injury, mental distress, medical condition, or death;
  3. The victim of the criminally injurious conduct or a person who submits a claim regarding criminally injurious conduct was not:
    - a. The perpetrator, an accomplice of the perpetrator, or a person who encouraged or in any way participated in or facilitated the criminally injurious conduct that is the subject of the claim;
    - b. At the time of the criminally injurious conduct that is the subject of the claim:
      - i. Serving a sentence of imprisonment in any detention facility, home arrest program, or work furlough; or
      - ii. Incarcerated in any detention facility awaiting criminal sentencing or disposition.
    - c. At the time of claim submission to the operational unit for a jurisdiction:
      - i. Escaped from serving a sentence of imprisonment in any detention facility, home arrest program, or work furlough;
      - ii. Convicted of a federal crime and delinquent in paying a fine, monetary penalty, or restitution imposed for the offense if the U.S. Attorney General and the Director of the Administrative Office of the U.S. Courts have issued a written determination that the entities administering federal victim compensation programs have access to an accurate and efficient criminal debt payment tracking system; or
      - iii. Convicted of a state crime and delinquent in paying a fine, monetary penalty, or restitution imposed for the crime if the delinquency is identified by the Arizona Administrative Office of the Courts or the Clerk of the Superior Court.
    - d. Wanted in Arizona on an active warrant, if warrant status is discovered anytime following submission of the claim.
  4. The criminally injurious conduct was reported to an appropriate law enforcement authority within 72 hours after its discovery;
  5. The victim, derivative victim, or claimant cooperated with law enforcement agencies;
  6. The victim, derivative victim, or claimant incurred economic loss as a direct result of the criminally injurious conduct that is not compensable by a collateral source; and
  7. A claim, as described in R10-4-107, was submitted to the operational unit within two years after discovery of the criminally injurious conduct.
- B.** The Board shall extend the time limits under subsections (A)(4) and (A)(7) if the Board determines there is good cause for a delay.
- C.** If a victim died as a result of criminally injurious conduct, the requirements under subsections (A)(3)(c)(ii), (A)(3)(c)(iii), and (A)(3)(d) are waived for the deceased victim. Expenses

incurred by the deceased victim and eligible claimants may be covered.

- D.** If the Board determines that a compensation award does not solely benefit a claimant who is delinquent under subsections (A)(3)(c)(ii) and (A)(3)(c)(iii), the requirements under subsections (A)(3)(c)(ii) and (A)(3)(c)(iii) may be waived for:
1. A claimant who is the parent or legal guardian of a minor victim of criminally injurious; or
  2. A compensation award for expenses under R10-4-108(C)(3).

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).  
 Amended effective December 12, 1990 (Supp. 90-4).  
 Amended effective October 28, 1994 (Supp. 94-4).  
 Amended effective June 12, 1997 (Supp. 97-2). Former Section R10-4-106 renumbered to R10-4-104; new Section R10-4-106 renumbered from R10-4-108 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Former R10-4-106 renumbered to R10-4-108; new R10-4-106 made by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-107. Submitting a Claim**

- A.** If the prerequisites in R10-4-106 are met, a natural person is eligible to submit a claim if the person is:
1. A victim;
  2. A derivative victim;
  3. A person authorized to act on behalf of a victim or a deceased victim's dependent; or
  4. A person who assumed an obligation for or paid an expense directly related to a victim's economic loss.
- B.** If a person is eligible under subsection (A) to submit a claim regarding more than one incident of criminally injurious conduct, the person shall submit a separate claim regarding each incident of criminally injurious conduct.
- C.** If more than one person is eligible under subsection (A) to submit a claim regarding an incident of criminally injurious conduct, each person shall submit a separate claim.
- D.** To apply for a compensation award, a person who is eligible under subsection (A) shall submit a claim, using a form that is available from the Commission, to the operational unit for the jurisdiction in which the incident of criminally injurious conduct occurred or to the operational unit for the jurisdiction in which a victim lives if the incident of criminally injurious conduct occurred in an area without an accessible victim compensation program. The claimant shall provide the following:
1. About the victim:
    - a. Full name,
    - b. Residential address,
    - c. Gender,
    - d. Date of birth,
    - e. Residential and work telephone numbers,
    - f. Statement of whether the victim is deceased,
    - g. Ethnicity,
    - h. Statement of whether the victim is a resident, and
    - i. Statement of whether the victim is disabled;
  2. About the claimant if the claimant is not the victim:
    - a. Full name;
    - b. Residential address;
    - c. Gender;
    - d. Date of birth;
    - e. Residential and work telephone numbers;



## Arizona Criminal Justice Commission

- f. Relationship to the victim; and
- g. If there are multiple victims or derivative victims of an incident of criminally injurious conduct, the name, residential address, and date of birth of each, and for derivative victims, the relationship to the victim;
3. About the crime:
  - a. Type of crime;
  - b. Statement of whether the crime was related to domestic violence;
  - c. Statement of whether the crime was a federal crime;
  - d. Date on which crime was committed;
  - e. Date on which crime was reported to law enforcement authorities;
  - f. Name of law enforcement agency to which the crime was reported;
  - g. Name of law enforcement officer to whom the crime was reported;
  - h. Law enforcement report number;
  - i. Location of crime;
  - j. Name of perpetrator, if known; and
  - k. Brief description of the crime and resulting injuries;
4. About a civil lawsuit:
  - a. Statement of whether the claimant has or will file a civil lawsuit related to the crime; and
  - b. If the answer to subsection (D)(4)(a) is yes, the name, address, and telephone number of the claimant's attorney;
5. About benefits from collateral sources:
  - a. List of the benefits the claimant has received since the incident of criminally injurious conduct or is entitled to receive; and
  - b. For each benefit identified:
    - i. Type of benefit,
    - ii. Contact address and telephone number; and
    - iii. Claimant's identification or policy number;
6. About the economic loss for which compensation is requested:
  - a. Medical expenses. A statement of whether the claim includes medical expenses and if so, the name, address, telephone number, account number, and date of service for each provider;
  - b. Mental health counseling and care expenses. A statement of whether the claim includes mental health counseling and care expenses and if so, the name, address, telephone number, account number, and date of service for each provider;
  - c. Work loss expenses. A statement of whether the claim includes work loss expenses and if so, the date on which the claimant was first unable to work, date on which the claimant returned to work, total time lost from work, hourly rate of pay, number of hours worked each week, number of hours worked each day, name, address, and telephone number of employer, and name of supervisor;
  - d. Funeral expenses. A statement of whether the claim includes funeral expenses and if so, the name, address, and telephone number of the provider and the amount paid; and
  - e. Crime scene cleanup expenses. A statement of whether the claim includes crime scene cleanup expenses and if so, the name, address, and telephone number of the provider and the amount paid;
  - f. Transportation costs. A statement of whether the claim includes transportation costs and if so, the reason for travel as listed under R10-4-108(C)(6) and if mileage is claimed, the date and mileage of each trip; and
7. The claimant's dated signature:
  - a. Certifying that the claimant is eligible to submit a claim and that the information provided is true and correct to the best of the claimant's knowledge;
  - b. Subrogating to the state and operational unit the claimant's right to receive benefits from a collateral source;
  - c. Authorizing the release of confidential information necessary to administer the claim; and
  - d. Authorizing the release to the Program of protected health information that relates to care provided as a result of the criminally injurious conduct and is necessary to verify the claim.
- E. A claimant shall submit the following in addition to the claim form submitted under subsection (D):
  1. A copy of all bills, contracts, receipts, and insurance statements relating to each expense claimed under subsection (D)(6);
  2. If work loss expenses are claimed, a signed statement on official letterhead:
    - a. From the claimant's employer verifying the information provided under subsection (D)(6)(c); and
    - b. If applicable, from the physician or mental health care provider indicating the claimant:
      - i. Was unable to work as a result of being a victim or derivative victim, the length of time the claimant was unable to work, and the date on which the claimant was or will be able to return to work; or
      - ii. Is totally and permanently disabled.
  3. Any documentation required by the operational unit to fully investigate and substantiate claimant eligibility and all claim expense requests.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).  
 Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-107 renumbered to R10-4-105; new Section R10-4-107 renumbered from R10-4-109 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Former R10-4-107 renumbered to R10-4-109; new R10-4-107 made by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-108. Compensation Award Criteria**

- A. The Board shall meet at least every 60 days to decide, based on the findings made by the operational unit, the eligibility of the claimant, whether to make a compensation award, and the terms and amount of any compensation award. The Board shall make a decision within 60 days after the operational unit receives a complete and actionable claim under R10-4-107 unless good cause for delay exists. The Board shall inform the claimant in writing within 10 business days of the Board's decision.
- B. The Board shall not make a compensation award unless it determines that the prerequisites in R10-4-106 are met.
- C. The Board shall make a compensation award only for the following:
  1. Reasonable and customary medical expenses due to the victim's physical injury, medical condition, mental health condition, or death.



## Arizona Criminal Justice Commission

- a. The Board shall include the following as a medical expense:
  - i. Repair of damage to a victim's prosthetic device, eyeglasses or other corrective lenses, or a dental device; and
  - ii. Durable medical equipment required for treatment of the victim.
- b. The Board shall not include as a medical expense:
  - i. A charge for a private room in a hospital, clinic, convalescent home, nursing care facility, or other institution that provides medical services unless the Board determines that the private room is medically necessary; and
  - ii. Any drug, substance, or chemical included under Schedule I of the Federal Controlled Substances Act 21 U.S.C. § 812(c).
2. Reasonable and customary work loss expenses for:
  - a. A victim whose ability to work is reduced due to physical injury, mental distress, or medical condition resulting from the criminally injurious conduct;
  - b. A victim or derivative victim to:
    - i. Make a medical or mental health counseling and care visit; or
    - ii. Attend a criminal court proceeding, clemency hearing, parole hearing, or execution directly related to the criminally injurious conduct.
  - c. A derivative victim listed in R10-4-101(10)(a) through (c) if the Board determines the death resulted in a loss of support from the victim to the derivative victim;
  - d. A parent or guardian of a minor victim to transport or accompany the minor victim to:
    - i. A medical or mental health counseling and care visit; or
    - ii. A criminal court proceeding, clemency hearing, parole hearing, or execution directly related to the criminally injurious conduct.
  - e. A derivative victim to make funeral arrangements for a deceased victim, or tend to the affairs of a deceased victim; or
  - f. A family member or guardian or a person living in the victim's household in a relationship similar to those listed in R10-4-101(10)(a) to provide non-skilled nursing care for the victim that is medically necessary as a result of the criminally injurious conduct;
3. Reasonable and customary funeral expenses. Personal attendee expenses for clothing, travel, lodging, food, or per diem to attend a victim's funeral, Native American ceremony, or burial are not reasonable and customary funeral expenses and shall not be included in a claim for a compensation award;
4. Reasonable and customary mental health counseling and care expenses due to a victim's or derivative victim's mental distress resulting from the criminally injurious conduct if:
  - a. The mental health counseling and care is provided by an individual who:
    - i. Is licensed for independent practice by the Board of Behavioral Health Examiners,
    - ii. Is a behavioral health professional as defined at A.A.C. R9-20-101, or
    - iii. Is authorized to perform mental health counseling and care by the laws of a federally recognized tribe; and
  - b. The mental health counseling and care expenses do not include a charge for a private room in a hospital, clinic, convalescent home, nursing care facility, or any other institution that provides medical services unless the Board determines that the private room is medically necessary;
5. Reasonable and customary crime scene cleanup expenses due to a victim's homicide, aggravated assault, or sexual assault; and
6. Reasonable and customary transportation costs related to:
  - a. Obtaining medical care as defined in subsection (C)(1),
  - b. Obtaining mental health counseling and care as defined in subsection (C)(4),
  - c. A victim or derivative victim attending a criminal court proceeding, clemency hearing, parole hearing, or execution directly related to the incident of criminally injurious conduct,
  - d. The victim obtaining a medical forensic examination or participating in a medical forensic interview, and
  - e. Responding to a substantiated threat to the safety or well-being of the victim or a derivative victim listed in R10-4-101(10)(d).
- D. The Board shall not make a compensation award to a claimant that exceeds:
  1. Twenty-five thousand dollars for all economic loss submitted under a claim as a result of an incident of criminally injurious conduct;
  2. The amount available to the operational unit and not committed to other compensation awards at the time the Board makes the compensation award determination;
  3. For medical expenses for a victim, the maximum amount specified in subsections (D)(1) and (D)(2).
  4. For work loss expenses:
    - a. Work loss expenses under subsections (C)(2)(a), (C)(2)(b), (C)(2)(d), (C)(2)(e), and (C)(2)(f), are limited to an amount per calendar week equal to 40 hours at the current minimum wage and the maximum amount specified in subsections (D)(1) and (D)(2),
    - b. Loss of support under subsection (C)(2)(c) may be awarded to the maximum allowed under subsections (D)(1) and (D)(2) in a lump sum or periodic payments;
  5. For mental health counseling and care expenses, \$5,000 per victim or derivative victim;
  6. For funeral expenses, \$10,000;
  7. For crime scene cleanup expenses, \$2,000 for cleanup provided by a professional service, of which \$500 may be for crime scene cleanup not provided by a professional service to include only repair or cleanup material costs for one-time use items; and
  8. For transportation costs, \$2,000 per victim or derivative victim paid as reimbursement of actual transportation expenses.
- E. If the Board determines a victim is totally and permanently disabled, the Board may expedite a compensation award for the victim. The Board shall determine the amount of the expedited compensation award to the maximum allowed under subsection (D) and determine whether to provide the amount awarded in a lump sum or periodic payments.
- F. The Board shall deny or reduce a compensation award to a claimant if:
  1. The victim or claimant has recouped or is eligible to recoup the economic loss from an obtainable and accessi-

## Arizona Criminal Justice Commission

ble collateral source, including benefits from a federal or federally financed program;

2. The Board determines that the victim or claimant earned income from substitute work or unreasonably failed to perform available substitute work; or
  3. The Board determines that the incident of criminally injurious conduct that is the subject of the claim was due in substantial part to the victim's:
    - a. Negligence,
    - b. Intentional unlawful conduct that was the proximate cause of the incident of criminally injurious conduct, or
    - c. Conduct intended to provoke or aggravate that was the proximate cause of the incident of criminally injurious conduct.
- G.** The Board shall deny or reduce a compensation award under subsection (F)(3) in proportion to the degree to which the Board determines the victim is responsible for the incident of criminally injurious conduct that is the subject of the claim.
- H.** The Board shall deny a compensation award to a claimant if:
1. The Board determines that the victim or claimant did not cooperate fully with the appropriate law enforcement agency and the failure to cooperate fully was not due to a substantial medical, mental health, or safety risk. The Board shall use the following criteria to determine whether failure to cooperate fully with law enforcement warrants that a claim be denied:
    - a. The victim or claimant failed to assist in the prosecution of a person who engaged in the criminally injurious conduct or failed to appear as a witness for the prosecution;
    - b. The victim or claimant delayed assisting in the prosecution of a suspect and as a result, the suspect of the criminally injurious conduct escaped prosecution or the prosecution of the suspect was negatively affected; or
    - c. A law enforcement authority indicates to the Board that the victim or claimant delayed giving information pertaining to the criminally injurious conduct, failed to appear when requested without good cause, gave false or misleading information, or attempted to avoid law enforcement authorities.
  2. The Board determines that the victim or claimant knowingly made a false or misleading statement on the claim or in writing on supporting documents submitted to the Board or operational unit.
- I.** If there are insufficient funds to make a compensation award, the Board may:
1. Deny the claim,
  2. Make a partial award and reconsider the claim later during the fiscal year, or
  3. Extend the claim into a subsequent fiscal year.
- J.** The Board shall not make a compensation award to pay attorney's fees incurred by a victim or claimant.
- K.** The operational unit, in its discretion, may pay a compensation award directly to a claimant or to a provider.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).  
 Amended effective October 28, 1994 (Supp. 94-4).  
 Amended effective June 12, 1997 (Supp. 97-2). Former Section R10-4-108 renumbered to R10-4-106; new Section R10-4-108 renumbered from R10-4-110 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Former R10-4-108 renumbered to R10-4-110; new R10-4-108 renumbered from R10-4-106 and amended by final rulemaking at 13

A.A.R. 4124, effective January 5, 2008 (Supp. 07-4).

Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-109. Hearing; Request for Rehearing**

- A.** If the prerequisites in R10-4-106 are met, the Board shall conduct a hearing regarding a claim submitted under this Article.
- B.** The Board shall provide a claimant with at least 10 business days' notice of a hearing or rehearing.
- C.** The Board shall provide written notice of its decision to the claimant within 10 business days after a hearing or rehearing.
- D.** The Board shall serve notice of a compensation-award denial or reduction by personal delivery or certified mail to the last known residence or place of business of the person being served. Service is complete upon personal delivery or five days after mailing by certified mail.
- E.** The operational unit may request a rehearing of a decision by the Board at any time and for any reason under this Article.
- F.** A claimant who is aggrieved by a decision of the Board made at a hearing may request a rehearing of the decision within 30 days after the Board serves notice of the decision. A claimant shall request a rehearing in writing and specify the grounds for the request.
- G.** A claimant may amend a request for a rehearing of a Board decision at any time before it is ruled on by the Board.
- H.** The Board may require additional written explanation of an issue raised in a request for rehearing of a Board decision and may provide for oral argument.
- I.** The Board shall grant a rehearing for any of the following reasons materially affecting a claimant's rights:
  1. Irregularity in the proceedings of the Board or its operational unit or any order or abuse of discretion that deprived the claimant of a fair Board decision;
  2. Misconduct of the Board, the operational unit, or staff of the operational unit;
  3. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original Board meeting;
  4. Error in the admission or rejection of evidence or other error of law occurring at the Board meeting; and
  5. The decision is not justified by the evidence or is contrary to law.
- J.** When a rehearing is granted, the Board shall ensure that the rehearing covers only the matters specified under subsection (I) that materially affect a claimant's rights.
- K.** The Board may affirm or modify a decision on all or part of the issues for any of the reasons listed in subsection (I). An order modifying a decision shall specify with particularity the grounds for the order.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6).  
 Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-109 renumbered to R10-4-107 by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Section R10-4-109 renumbered from R10-4-107 and amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-110. State-level Claim Review**

- A.** A claimant who is aggrieved by a decision of a Board made at a rehearing under R10-4-109 may request a state-level claim

## Arizona Criminal Justice Commission

review of the decision within 30 calendar days after the Board serves notice of the decision. The claimant shall request a state-level claim review in writing, specify the grounds for the request, and submit the request directly to the Commission.

- B.** The State Claim Review Panel shall serve as the decision-making body for state-level claim reviews. The State Claim Review Panel shall consist of the following members:
  1. The Arizona Criminal Justice Commission Crime Victim Services Program Manager,
  2. A representative of the Office of the Attorney General, and
  3. A Board chair from an operational unit that is not the operational unit that originally heard the claim being reviewed.
- C.** The State Claim Review Panel shall meet as needed to hear claimant requests for a state-level claim review. The State Claim Review Panel shall complete a state-level claim review within 30 calendar days after receiving the written request required under subsection (A).
- D.** A claimant may amend a request for a state-level claim review of a Board decision at any time before it is ruled on by the State Claim Review Panel.
- E.** When a state-level claim review is granted, the State Claim Review Panel shall ensure that the review:
  1. Considers only evidence previously presented to the Board, and
  2. Decides only whether the Board's decision was consistent with the standards in this Article.
- F.** The State Claim Review Panel may affirm or overturn a decision made by a Board.
- G.** A decision by the State Claim Review Panel is final. If the Panel overturns a decision made by a Board related to:
  1. Eligibility, the operational unit where the claim originated shall proceed with any further action related to the claim; or
  2. An economic loss, the operational unit where the claim originated shall pay the economic loss using compensation funds available to the operational unit.
- H.** The State Claim Review Panel shall provide written notice of the Panel's decision to the claimant and the operational unit that originally heard the claim within 10 business days after the state-level claim review.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-110 renumbered to R10-4-108 by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Section R10-4-110 renumbered from R10-4-108 and amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Section R10-4-110 renumbered to R10-4-111; new Section R10-4-110 made by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-111. Emergency Compensation Award**

- A.** After receiving a claim submitted under R10-4-107, an operational unit may grant one emergency compensation award for a claim if the operational unit determines there is a reasonable likelihood that:
  1. The person to whom the emergency compensation award is made is or will be an eligible claimant, and
  2. Serious hardship will result to the person if an immediate compensation award is not made.

- B.** An operational unit that makes an emergency compensation award shall ensure that the emergency compensation award does not exceed \$1,000.
- C.** If the Board decides under R10-4-108 to make a compensation award to the claimant, the Board shall ensure that the amount of the emergency compensation award is deducted from the final compensation award made to the claimant.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Section repealed by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). New Section R10-4-111 renumbered from R10-4-110 and amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4).

**ARTICLE 2. CRIME VICTIM ASSISTANCE PROGRAM****R10-4-201. Definitions**

In this Article:

1. "Commission" means the Arizona Criminal Justice Commission, established by A.R.S. § 41-2404.
2. "Crime" means conduct, completed or preparatory, committed in Arizona that is a misdemeanor or felony under state law regardless of whether the perpetrator of the conduct is convicted. Conduct arising out of owning, maintaining, or operating a motor vehicle, aircraft, or water vehicle is not a crime unless the person engaged in the conduct acts intentionally, knowingly, recklessly, or with criminal negligence, to cause physical injury, threat of physical injury, or death.
3. "Financial support from other sources" means that at least one-fifth of the budget for a victim assistance program is from sources, including in-kind contributions, other than the Fund.
4. "Fund" means the Victim Compensation and Assistance Fund established by A.R.S. § 41-2407.
5. "Immediate family" means spouse, child, stepchild, parent, stepparent, sibling, stepbrother, stepsister, grandparent, grandchild, or guardian.
6. "In-kind contribution" means a non-cash source of program support to which a cash value can be given.
7. "Subrogation" means the substitution of the state or a victim assistance program in the place of a victim to enforce a lawful claim against a third party to recover the cost of services to the victim paid for with financial support from the Fund or other sources.
8. "Victim" means a natural person against whom a crime is perpetrated and the victim's immediate family.

**Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Section repealed; new Section R10-4-201 renumbered from R10-4-203 and amended by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-202. Administration of the Fund**

- A.** The Commission shall deposit in the Fund all funds received for victim assistance under this Chapter.
- B.** The Commission shall make distributions from the Fund through a competitive grant process that complies with A.R.S. § 41-2701 et seq. and ensures statewide distribution when possible and effective and efficient use of the funds.

## Arizona Criminal Justice Commission

- C. At least six weeks before an application for a grant from the Fund is due, the Commission shall make a grant application form and instructions available on its web site, which is [www.azcjc.gov](http://www.azcjc.gov).
- D. To apply for a grant from the Fund, an authorized official of a public agency or private nonprofit organization that operates a program that meets the standards in R10-4-203 shall complete and submit to the Commission the application form referenced in subsection (C).
- E. The Commission's grant period coincides with the state's fiscal year. If funds received from the Commission are unexpended at the end of the grant period, the public agency or private nonprofit organization that received the funds shall return them to the Commission within 30 days after receiving a written request from the Commission. The Commission shall redeposit the unexpended funds in the Fund for use in the next fiscal year.

**Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Section repealed; new Section R10-4-202 renumbered from R10-4-204 and amended by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-203. Grant Eligibility Requirements**

- A. A public agency or private nonprofit organization may apply for and receive a grant from the Commission if, in addition to the other requirements in this Section, the public agency or private nonprofit organization operates a project that:
  - 1. Provides services described in R10-4-204 benefitting victims or addressing victimization;
  - 2. Does not use Commission funds or federal funds to supplant funds otherwise available to the project for victim assistance;
  - 3. Uses volunteers effectively and efficiently to provide services;
  - 4. Promotes coordinated public and private efforts to assist victims or address victimization within the community served;
  - 5. Increases awareness of, and facilitates access to, available victim compensation benefits; and
  - 6. Complies with all applicable civil rights laws.
- B. To receive a grant from the Commission, a public agency or private nonprofit organization that operates a project shall demonstrate to the Commission that the project:
  - 1. Has financial support from other sources; and
  - 2. Has a history of providing effective services in accordance with section (A). The Commission shall determine whether the project's services are effective based on:
    - a. Evidence-based outcomes demonstrating project services are benefitting victims or addressing victimization, and
    - b. Whether data indicate program results are achieved in a cost-effective manner.
- C. To receive a grant from the Commission, a public agency or private nonprofit organization shall agree to:
  - 1. Submit to the Commission financial reports, on a form provided by the Commission, at a frequency established by the Commission, containing detailed expenditures of funds received from the Commission and matching funds;
  - 2. Report project activity to the Commission, on a form provided by the Commission, at a frequency established annually by the Commission.

**Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-203 renumbered to R10-4-201; new Section R10-4-203 renumbered from R10-4-205 and amended by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-204. Services**

- A. A public agency or private nonprofit organization that receives a grant from the Commission shall ensure that the funds are used to provide only the following victim services or services addressing victimization:
  - 1. Crisis intervention services to meet the urgent emotional or physical needs of a victim;
  - 2. Emergency services such as:
    - a. Temporary shelter or relocation for a victim who cannot safely remain in current lodgings;
    - b. Emergency financial assistance for immediate needs related to transportation, food, shelter, and other necessities; and
    - c. Temporary repairs to doors, locks, and windows damaged as a result of a crime to prevent further victimization;
  - 3. Support services, such as:
    - a. Assistance dealing with the effects of victimization;
    - b. Assistance dealing with other social services and criminal justice agencies;
    - c. Assistance in replacing, or obtaining the return of property kept as evidence;
    - d. Assistance in dealing with the victim's landlord or employer; and
    - e. Referral to other sources of assistance as needed;
  - 4. Court-related services, such as:
    - a. Direct services or financial assistance that helps a victim participate in criminal justice proceedings, such as child care, meals, and parking expenses; and
    - b. Advocate services such as escorting a victim to criminal justice-related interviews, court proceedings, and assistance in accessing temporary protection services; and
  - 5. Notification services, such as those found in A.R.S. Title 13, Chapter 40, Crime Victims' Rights.
- B. A public agency or private nonprofit organization that receives a grant from the Commission may use the funds to:
  - 1. Provide training for paid or volunteer staff of agencies who provide services directly benefitting victims;
  - 2. Produce educational or outreach materials describing the services available, how to obtain program assistance, and volunteer opportunities; and
  - 3. Provide training or services focused on preventing initial victimization or further victimization connected to violent crime.
- C. A public agency or private nonprofit organization that receives a grant from the Commission shall ensure that funds are not used for the following:
  - 1. Broad crime prevention efforts, other than those aimed at providing specific services addressing victimization;

## Arizona Criminal Justice Commission

2. General public relations programs;
3. Advocacy for a particular legislative or administrative reform;
4. General criminal justice agency improvement; or
5. A project in which victims are not the primary beneficiaries, or a project not directly addressing victimization.

**Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-204 renumbered to R10-4-202; new Section R10-4-204 renumbered from R10-4-206 and amended by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1).

**R10-4-205. Renumbered****Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-205 renumbered to R10-4-203 by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4).

**R10-4-206. Renumbered****Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-206 renumbered to R10-4-204 by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4).

**R10-4-207. Repealed****Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Section repealed by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4).

**ARTICLE 3. CRIMINAL JUSTICE ENHANCEMENT FUND****R10-4-301. Definitions**

In this Article:

1. "Commission" means the Arizona Criminal Justice Commission.
2. "Contact" means the individual representative of a recipient or the Arizona Sheriffs' Association, on behalf of the various county sheriffs' offices, who communicates with the Commission regarding the Fund.
3. "Enhance" or "enhancing," as used in A.R.S. § 41-2401(D), means to supplement rather than replace monies from other sources.
4. "Fund" means the Criminal Justice Enhancement Fund established by A.R.S. § 41-2401(A).
5. "Head" means:
  - a. The Director of the Arizona Department of Public Safety,
  - b. The Arizona Attorney General,
  - c. The Director of the Administrative Office of the Courts, and
  - d. The sheriff of each Arizona county.

6. "Recipient" means the Arizona Department of Public Safety, Arizona Department of Law, the Supreme Court, and each Arizona county sheriff's office.

**Historical Note**

Adopted effective September 11, 1986 (Supp. 86-5). R10-4-301 repealed by summary action with an interim effective date of November 28, 1997; filed in the Office of the Secretary of State November 3, 1997 (Supp. 97-4). Adopted summary rules filed March 16, 1998; interim effective date of November 28, 1997, now the permanent effective date (Supp. 98-1). New Section made by final rulemaking at 17 A.A.R. 1469, effective September 10, 2011 (Supp. 11-3).

**R10-4-302. Contact Information Required**

- A. Within 60 days after this Article takes effect, each Head and the President of the Arizona Sheriffs' Association shall submit to the Commission the name, address, telephone and fax numbers, and e-mail of the contact.
- B. If any of the information submitted under subsection (A) changes, the Head or the President of the Arizona Sheriffs' Association shall provide immediate notice of the change to the Commission.

**Historical Note**

Adopted effective September 11, 1986 (Supp. 86-5). R10-4-302 repealed by summary action with an interim effective date of November 28, 1997; filed in the Office of the Secretary of State November 3, 1997 (Supp. 97-4). Adopted summary rules filed March 16, 1998; interim effective date of November 28, 1997, now the permanent effective date (Supp. 98-1). New Section made by final rulemaking at 17 A.A.R. 1469, effective September 10, 2011 (Supp. 11-3).

**R10-4-303. Fund Guidelines Required**

- A. Within 60 days after this Article takes effect, the contact within the Arizona Department of Public Safety, Arizona Department of Law, and the Administrative Office of the Courts shall submit to the Commission the recipient's guidelines regarding the following:
  1. The procedure for handling Fund monies until they are allocated for expenditure,
  2. The procedure used to allocate Fund monies,
  3. The procedure used to ensure that Fund monies are expended as specified in A.R.S. § 41-2401(D), and
  4. The procedure used to assess the impact of the Fund monies on enhancing criminal justice in the manner specified in A.R.S. § 41-2401(D).
- B. Within 60 days after this Article takes effect, the contact for each county Sheriff's Office or the Arizona Sheriffs' Association shall submit to the Commission guidelines that meet the standard described in subsections (A)(3) and (4);
- C. Within 60 days after the guidelines submitted under subsections (A) and (B) are received, the Commission shall review the guidelines and assist the contact to make any changes necessary to protect Fund monies and ensure that Fund monies are expended as specified in A.R.S. § 41-2401.
- D. A recipient or the Arizona Sheriffs' Association shall review and, if necessary, update the guidelines. By October 1 of each year, the contact for each recipient or the Arizona Sheriffs' Association shall provide to the Commission the guidelines as revised or inform the Commission that no revision is necessary. Within 60 days after revised guidelines submitted under this subsection are received, the Commission shall review the revised guidelines and assist the contact to make any changes

## Arizona Criminal Justice Commission

necessary to protect Fund monies and ensure that Fund monies are expended as specified in A.R.S. § 41-2401.

**Historical Note**

Adopted effective September 11, 1986 (Supp. 86-5). R10-4-303 repealed by summary action with an interim effective date of November 28, 1997; filed in the Office of the Secretary of State November 3, 1997 (Supp. 97-4). Adopted summary rules filed March 16, 1998; interim effective date of November 28, 1997, now the permanent effective date (Supp. 98-1). New Section made by final rulemaking at 17 A.A.R. 1469, effective September 10, 2011 (Supp. 11-3).

**R10-4-304. Records Required**

- A. A Head shall ensure that the following records are maintained for the recipient:
  1. The amount of Fund monies available to the recipient,
  2. To whom Fund monies were disbursed and the amount of Fund monies disbursed,
  3. A detailed description of the manner in which the Fund monies are expended, and
  4. An assessment of the impact of the Fund monies on enhancing criminal justice.
- B. A Head shall ensure that the records required under subsection (A) are:
  1. Maintained for three years; and
  2. Made available, upon request, for review by the Commission and the Arizona Auditor General.
- C. All reports required of a recipient by statute to be submitted to the Commission are subject to review and verification by the Commission.

**Historical Note**

Adopted effective September 11, 1986 (Supp. 86-5). R10-4-304 repealed by summary action with an interim effective date of November 28, 1997; filed in the Office of the Secretary of State November 3, 1997 (Supp. 97-4). Adopted summary rules filed March 16, 1998; interim effective date of November 28, 1997, now the permanent effective date (Supp. 98-1). New Section made by final rulemaking at 17 A.A.R. 1469, effective September 10, 2011 (Supp. 11-3).

**R10-4-305. Complaints**

- A. An individual who believes that Fund monies are being expended in a manner that is inconsistent with A.R.S. § 41-2401(D) may:
  1. Submit a written complaint to the Commission; and
  2. If the complaint relates to an expenditure by a court, shall submit the complaint to the Director of the Administrative Office of the Courts.
- B. An individual who submits a complaint shall ensure that the complaint includes sufficient information to enable the Commission to investigate the expenditure alleged to be inconsistent with A.R.S. § 41-2401(D).
- C. Except as specified in subsection (E), if the Commission determines that an expenditure about which a complaint is submitted appears to be inconsistent with A.R.S. § 41-2401(D), the Commission shall ask the Head to explain the expenditure.
- D. If the Commission determines that the expenditure is inconsistent with A.R.S. § 41-2401(D), the Commission shall take action allowed by law to remedy the expenditure.
- E. The Director of the Administrative Office of the Courts shall:
  1. Investigate an expenditure about which a complaint is submitted under subsection (A)(2),

2. Determine whether the expenditure is inconsistent with A.R.S. § 41-2401(D), and
3. Notify the Commission of the determination and any action taken to remedy the expenditure.

**Historical Note**

Adopted effective September 11, 1986 (Supp. 86-5). R10-4-305 repealed by summary action with an interim effective date of November 28, 1997; filed in the Office of the Secretary of State November 3, 1997 (Supp. 97-4). Adopted summary rules filed March 16, 1998; interim effective date of November 28, 1997, now the permanent effective date (Supp. 98-1). New Section made by final rulemaking at 17 A.A.R. 1469, effective September 10, 2011 (Supp. 11-3).

**ARTICLE 4. DRUG AND GANG ENFORCEMENT ACCOUNT GRANTS****R10-4-401. Definitions**

In this Article:

“A-133 audit report” means a report on an audit conducted in accordance with the standards for obtaining consistency and uniformity among federal agencies for the audit of non-federal entities expending federal awards established by the Office of Management and Budget in Circular A-133.

“Account” means the Drug and Gang Enforcement Account established by A.R.S. § 41-2402.

“Applicant” means an approved agency or task force that submits an application for a grant from the Account.

“Approved agency” means a unit of state, county, local, or tribal government working to accomplish one or more of the goals established at A.R.S. § 41-2402(A).

“Approved project” means a planned endeavor to accomplish one or more of the goals established at A.R.S. § 41-2402(A) for which a grant is made from the Account.

“Commission” means the Arizona Criminal Justice Commission established by A.R.S. § 41-2404.

“Committee” means the Drug, Gang, and Violent Crime Committee of the Commission.

“Host agency” means an approved agency that submits a grant application and required reports on behalf of a task force.

“Matching funds” means non-federal and non-Account money or program income that a grant recipient adds to a grant from the Account and spends to accomplish the goals of an approved project.

“Program income” means funds generated as a result of the activities funded by a grant from the Account.

“Task force” means multiple approved agencies from different jurisdictions that collaborate to accomplish multiple goals established at A.R.S. § 41-2402(A).

**Historical Note**

Adopted as an emergency effective February 22, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Adopted without change as a permanent rule effective July 18, 1988 (Supp. 88-3). Amended effective October 28, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 1007, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 14 A.A.R. 4654, effective January 31, 2009 (Supp. 08-4).

## Arizona Criminal Justice Commission

**R10-4-402. General Information Regarding Grants**

- A. The Commission shall annually request grant applications and make grant awards of Account funds.
- B. The Commission's ability to make grant awards is contingent upon the availability of Account funds.
- C. The Commission shall publish its priorities for grant awards in a report of the state's strategy for combating drugs, gangs, and violent crime. This report also includes the plan approved by the federal government and referenced under A.R.S. § 41-2402(F).
- D. The Commission shall make all information regarding grants, including the request for grant applications and application and report forms, available on its web site.
- E. The Commission shall ensure that training regarding grant application procedures and grant management are made available to interested approved agencies.
- F. The Commission shall provide oversight of all grants awarded, which may include conducting a financial review or audit of a grant recipient, to ensure that Account funds are expended in compliance with all terms of the grant agreement and all applicable state and federal laws.
- G. The Commission shall require that a grant recipient provide matching funds in the amount specified in the request for grant applications.
- H. The Commission shall not require a grant recipient to provide matching funds that exceed 25% of the total project budget.

**Historical Note**

Adopted as an emergency effective February 22, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Adopted without change as a permanent rule effective July 18, 1988 (Supp. 88-3). Amended effective October 28, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 1007, effective February 8, 2001 (Supp. 01-1). Former Section R10-4-402 renumbered to R10-4-403; new Section made by final rulemaking 14 A.A.R. 4654, effective January 31, 2009 (Supp. 08-4).

**R10-4-403. Grant Application**

- A. An approved agency or task force may submit an application for a grant from the Account. If application is made by a task force, members of the task force shall identify a host agency.
- B. An applicant shall access, complete, and submit to the Commission the application form that is available on the Commission's web site. The applicant shall provide the following information:
  1. Title of the application and proposed project;
  2. Purpose specified in A.R.S. § 41-2402(A) that the proposed project will address;
  3. Statement of whether the application is a request to continue a previously approved project;
  4. Name and address of the applicant;
  5. List of member agencies of the task force if the applicant is a task force;
  6. Name of the individual authorized to submit the application;
  7. Name of the individual responsible for administering and supervising the proposed project;
  8. Statement of the mission of the proposed project;
  9. Statement of the problem addressed by the proposed project including data reflecting:
    - a. The scope of the problem, and
    - b. The absence or inadequacy of current resources to address the problem;
  10. Summary of the proposed project that explains how the proposed project seeks to address the problem identified;

11. Description of collaborative efforts among law enforcement, prosecution, community organizations, social service agencies, and others that will be involved with the proposed project;
  12. Description of the methodology that will be used to evaluate the effectiveness of the proposed project;
  13. Goals of the proposed project stating what the proposed project is intended to accomplish;
  14. Objectives that are specific, measurable, and directly correlated to the goals of the proposed project;
  15. Detailed budget that includes:
    - a. Total amount to be expended on the proposed project including both Account and matching funds;
    - b. Estimated amount to be expended for various allowable expenses and the manner in which the estimate was determined;
    - c. Sources of the required matching funds; and
    - d. Statement of whether Account funds received will be used as matching funds for another grant program and if so, the name of the grant program and funding agency;
  16. Date of the jurisdiction's current A-133 audit report;
  17. Description of the internal controls the applicant will use to ensure compliance with all terms of the grant agreement;
  18. Description of plan to sustain the project if Account funds are no longer available; and
  19. Signature of the individual identified in subsection (B)(6) certifying that the information presented is correct and that if a grant is received, the applicant will comply with the terms of the grant agreement and all applicable state and federal laws.
- C. In addition to submitting the application form required under subsection (B), an applicant shall submit to the Commission:
1. A copy of the jurisdiction's current A-133 audit report or if the jurisdiction does not have a current A-133 audit report, a copy of all correspondence relating to an extension of time to have an audit completed;
  2. If the applicant is a task force, a letter on agency letterhead or another document from each member agency of the task force describing the manner in which the member intends to contribute to the proposed project; and
  3. If the applicant's jurisdiction applied directly for federal criminal justice grant funding, a copy of the application.

**Historical Note**

Adopted as an emergency effective February 22, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Adopted without change as a permanent rule effective July 18, 1988 (Supp. 88-3). Amended by final rulemaking at 7 A.A.R. 1007, effective February 8, 2001 (Supp. 01-1). Former Section R10-4-403 renumbered to R10-4-404; new Section R10-4-403 renumbered from R10-4-402 and amended by final rulemaking at 14 A.A.C. 4654, effective January 31, 2009 (Supp. 08-4).

**R10-4-404. Application Evaluation; Standards for Award**

- A. The Commission shall ensure that each application that is submitted timely and proposes a project eligible for funding from the Account is evaluated. After the applications are evaluated, the Committee shall forward a recommended allocation plan to the Commission. The Commission shall grant or deny funding within 90 days after the application deadline.
- B. If the Commission determines that it needs additional information to facilitate its review of an application, the Commission shall:

## Arizona Criminal Justice Commission

1. Request the additional information from the applicant, or
2. Request the applicant to amend the application.
- C. The Commission shall approve grant funding, in whole or in part, or deny funding using standards in the plan approved by the federal government and referenced under A.R.S. § 41-2402(F).
- D. The standards referenced in subsection (C) include an assessment of whether the proposed project:
  1. Is directed toward a problem that is demonstrated by statistical data;
  2. Is designed to address the identified problem;
  3. Is a coordinated effort among multiple approved agencies;
  4. Has specific goals;
  5. Has measurable objectives that relate to the goals;
  6. Has appropriate methods for evaluating achievement of objectives;
  7. Has a reasonable budget of allowable expenses;
  8. Has identified the required matching funds;
  9. Has internal controls to monitor expenditure of Account funds; and
  10. If the program was previously funded, all grant requirements were met timely and there were no reportable deficiencies during monitoring reviews.

**Historical Note**

Adopted as an emergency effective February 22, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Adopted without change as a permanent rule effective July 18, 1988 (Supp. 88-3). Amended effective October 28, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 1007, effective February 8, 2001 (Supp. 01-1). Former Section 10-4-404 renumbered to R10-4-406; new Section R10-4-404 renumbered from R10-4-403 and amended by final rulemaking 14 A.A.R. 4654, effective January 31, 2009 (Supp. 08-4).

**R10-4-405. Request for Modification of Recommended Allocation Plan**

- A. Commission staff shall provide an applicant with at least five days' notice of the Committee's recommended allocation plan and the date, time, and location of the meeting at which the Committee will make a decision about forwarding the recommended allocation plan to the Commission for its action.
- B. If an applicant disagrees with the recommended allocation plan, the applicant may verbally request that the Committee modify the recommended allocation plan. The Committee shall consider the request for modification before forwarding the recommended allocation plan to the Commission.
- C. Commission staff shall provide an applicant with at least five days' notice of the date, time, and location of the meeting at which the Commission will consider the recommended allocation plan.
- D. If an applicant disagrees with the recommendation of the Committee, the applicant may verbally request that the Commission modify the recommended allocation plan. The Commission shall consider the request for modification when making a final decision to award or deny a grant of Account funds to the applicant. The Commission's decision is final.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4654, effective January 31, 2009 (Supp. 08-4).

**R10-4-406. Required Reports**

- A. The Commission shall annually prepare and submit the report required under A.R.S. § 41-2405(A)(11) and the report

required by the federal government regarding the current criminal justice grant program. The Commission shall use data submitted by grant recipients as specified in the recipient's grant agreement to prepare these reports.

- B. A grant recipient shall submit to the Commission financial, activity, and progress reports documenting the activities supported by the Account funds. The grant recipient shall submit the reports as specified in the grant agreement. The specific reports required are determined by the nature of the proposed project. A grant recipient shall submit a required report by the 25th day following the end of the month or quarter in which the report is due.
- C. The Commission shall not distribute Account funds to a grant recipient that fails to submit a required report within 60 days of its due date.
- D. A grant recipient shall cooperate with and participate in all assessment, evaluation, or data collection efforts authorized by the Commission.
- E. The Commission has the right to obtain, reproduce, publish, or use information provided in the required reports or assessment, evaluation, or data collection efforts. When in the best interest of the state, the Commission may authorize others to receive and use the information.

**Historical Note**

New Section R10-4-406 renumbered from R10-4-404 and amended by final rulemaking 14 A.A.R. 4654, effective January 31, 2009 (Supp. 08-4).

**ARTICLE 5. FULL-SERVICE FORENSIC CRIME LABORATORY ACCOUNT****R10-4-501. Definitions**

In this Article:

1. "Account" means the Full-service Forensic Crime Laboratories Account established by A.R.S. § 41-2421(J)(5).
2. "Commission" means the Arizona Criminal Justice Commission established by A.R.S. § 41-2404.
3. "Full-service forensic crime laboratory" means a facility that:
  - a. Is operated by a criminal justice agency that is a political subdivision of the state;
  - b. Employs at least one full-time forensic scientist who holds a minimum of a bachelor's degree in a physical or natural science;
  - c. Is registered as an analytical laboratory with the Drug Enforcement Administration of the United States Department of Justice for possession of all scheduled, controlled substances;
  - d. Is accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board; and
  - e. Provides, at a minimum, services in the areas of controlled substances, forensic biology, DNA, blood and breath alcohol, firearms, and toolmarks.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 2217, effective May 11, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 2294, effective August 5, 2006 (Supp. 06-2).

**R10-4-502. Grant Solicitation Process**

- A. The Commission shall annually publish and post on the Commission's internet site, which is [www.azacjc.gov](http://www.azacjc.gov), a grant solicitation for distribution of Account monies. When the grant solicitation is posted, the Commission shall send an electronic notice of the posting to all Arizona criminal justice agencies that operate a full-service forensic crime laboratory.



## Arizona Criminal Justice Commission

- B.** The Commission shall ensure that the grant solicitation contains:
1. The Commission's goals for the grant program for the allocation year,
  2. Applicant eligibility criteria,
  3. The format in which a grant application is to be submitted,
  4. The date by which a grant application is to be submitted,
  5. Grant application evaluation criteria,
  6. Project expenses for which Account monies may be used,
  7. The period in which all Account monies must be expended,
  8. Account money reversion criteria and process, and
  9. The award denial appeal process.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 2217, effective May 11, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 2294, effective August 5, 2006 (Supp. 06-2).

**R10-4-503. Grant Application Evaluation; Decision of the Commission**

- A.** The Commission shall evaluate each grant application and make a decision to award or deny a grant within 120 days of the date by which grant applications are due.
- B.** If the Commission determines additional information is needed to facilitate its evaluation of an application, the Commission shall request from the applicant:
1. Additional information, or
  2. Application modification.
- C.** An applicant from whom additional information or application modification is requested shall submit the information or modification to the Commission within 10 business days from the date of the request.
- D.** After completing its evaluation of an application, the Commission shall vote to award, in whole or in part, or deny a grant based on:

1. The grant criteria published in the grant solicitation;
2. The amount of funds available for allocation; and
3. Compliance with the application format.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 2217, effective May 11, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 2294, effective August 5, 2006 (Supp. 06-2).

**R10-4-504. Reports**

Within 15 days after the end of each calendar quarter, a grantee shall submit a written report, on a form prescribed by the Commission, containing:

1. A financial report that includes itemized budget information, and
2. An activity report that documents activities supported by the grant funds and includes:
  - a. A narrative of activities undertaken during the reporting period;
  - b. An evaluation of progress toward achieving the goals and objectives in the grant application;
  - c. An evaluation of adherence to the time-frames in the grant application; and
  - d. A description of equipment purchased with grant funds during the reporting period, how the equipment is related to achieving the goals and objectives of the project, and the current status of the equipment, such as whether it is operational, waiting to be installed, or undergoing testing; and
3. A copy of any deliverable provided by a consultant paid with grant funds.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 2217, effective May 11, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 2294, effective August 5, 2006 (Supp. 06-2).

This page intentionally left blank.

# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be recodified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 12. NATURAL RESOURCES

### CHAPTER 1. RECODIFIED

Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter should be archived with the new Chapter, 9 A.A.C. 7 to reference historical notes.

#### Questions about this recodification? Contact:

Name: Colby Bower, Assistant Director  
Address: Department of Health Services  
Public Health Licensing Services  
150 N. 18th Ave., Suite 510  
Phoenix, AZ 85007  
Telephone: (602) 542-6383  
Fax: (602) 364-4808  
E-mail: [Colby.Bower@azdhs.gov](mailto:Colby.Bower@azdhs.gov)  
or  
Name: Robert Lane, Chief  
Address: Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007  
Telephone: (602) 542-1020  
Fax: (602) 364-1150  
E-mail: [Robert.Lane@azdhs.gov](mailto:Robert.Lane@azdhs.gov)

#### The release of this Chapter in supplement 18-1 replaces supplement 16-1, 1-275 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

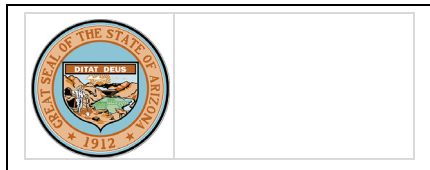
### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

## TITLE 12. NATURAL RESOURCES

## CHAPTER 1. RECODIFIED

Laws 2017, Ch. 313, transferred the Radiation Regulatory Agency to the Arizona Department of Health Services and renamed it the Bureau of Radiation Control. The rules in this Chapter were recodified to 9 A.A.C. 7 at 24 A.A.R. 813 with Section and agency references revised under Laws 2017, Ch. 313. The historical notes of the rules as codified in 12 A.A.C. 1 remain in this Chapter; therefore 12 A.A.C. 1 as released in Supp. 18-1 should be archived with 9 A.A.C. 7 (Supp. 18-1).

Editor's Note: This Chapter has rules in Supp. 16-1 that were filed in the Office on February 3, 2016, with an immediate effective date of February 2, 2016, the date approved by the Governor's Regulatory Review Council, in order to remain in federal compliance with Agreement State status as stipulated in A.R.S. § 41-1032(A)(2).

## ARTICLE 1. RECODIFIED

ARTICLE 1. RECODIFIED			R12-1-304.	Recodified	11
Section			R12-1-305.	Recodified	11
			R12-1-306.	Recodified	11
R12-1-101.	Recodified	8	R12-1-307.	Repealed	11
R12-1-102.	Recodified	8	R12-1-308.	Recodified	11
R12-1-103.	Recodified	8	R12-1-309.	Recodified	11
R12-1-104.	Recodified	8	R12-1-310.	Recodified	12
R12-1-105.	Recodified	8	R12-1-311.	Recodified	12
R12-1-106.	Recodified	8	R12-1-312.	Recodified	12
R12-1-107.	Recodified	8	R12-1-313.	Recodified	12
R12-1-108.	Repealed	8	R12-1-314.	Recodified	12
R12-1-109.	Repealed	8	R12-1-315.	Recodified	12
R12-1-110.	Repealed	8	R12-1-316.	Recodified	12
R12-1-111.	Repealed	8	R12-1-317.	Recodified	13
R12-1-112.	Renumbered	9	R12-1-318.	Recodified	13
Appendix A.	Repealed	9	R12-1-319.	Recodified	13
Appendix B.	Repealed	9	R12-1-320.	Recodified	13

## ARTICLE 2. RECODIFIED

Section					
R12-1-201.	Recodified	9	R12-1-321.	Recodified	13
R12-1-202.	Recodified	9	R12-1-322.	Recodified	13
R12-1-203.	Recodified	9	R12-1-323.	Recodified	13
R12-1-204.	Recodified	9	R12-1-324.	Recodified	13
R12-1-205.	Recodified	9	R12-1-325.	Recodified	13
R12-1-206.	Recodified	9	R12-1-326.	Repealed	14
R12-1-207.	Recodified	9	R12-1-327.	Repealed	14
R12-1-208.	Recodified	9	R12-1-328.	Repealed	14
R12-1-209.	Recodified	10	R12-1-329.	Repealed	14
Appendix A.	Recodified	10	R12-1-330.	Repealed	14
Form ARRA-4.	Repealed	10	R12-1-331.	Repealed	14
Form ARRA-4X.	Repealed	10	R12-1-332.	Repealed	14
Form ARRA-4XT.	Repealed	10	R12-1-333.	Repealed	14
Form ARRA-4PAT.	Repealed	10	R12-1-334.	Repealed	14
Form ARRA-4IG.	Repealed	10	R12-1-335.	Repealed	14
Form ARRA-4IR.	Repealed	10	R12-1-336.	Repealed	14
Form ARRA-4PAR.	Repealed	10	R12-1-337.	Repealed	14
Form ARRA-4PA.	Repealed	10	R12-1-338.	Repealed	14
Form ARRA-13.	Repealed	10	R12-1-339.	Repealed	14
Form ARRA-1004.	Repealed	10	R12-1-340.	Repealed	14
Form ARRA-1005.	Repealed	10	R12-1-341.	Repealed	14
Form ARRA-1030.	Repealed	10	R12-1-342.	Repealed	14
Form ARRA-1050.	Repealed	10	R12-1-343.	Repealed	14
Form ARRA-1070.	Repealed	10	R12-1-344.	Repealed	14
Form ARRA-1090.	Repealed	10	R12-1-345.	Repealed	14
			R12-1-346.	Repealed	14
			R12-1-347.	Repealed	14
			R12-1-348.	Repealed	14

## ARTICLE 3. RECODIFIED

Section			Exhibit C.	Recodified	14
R12-1-301.	Recodified	10	Exhibit D.	Recodified	14
R12-1-302.	Recodified	11	Exhibit E.	Recodified	15
R12-1-303.	Recodified	11			

## Recodified

**ARTICLE 4. RECODIFIED**

## Section

R12-1-401.	Recodified .....	15
R12-1-402.	Recodified .....	15
R12-1-403.	Recodified .....	15
R12-1-404.	Recodified .....	15
R12-1-405.	Recodified .....	15
R12-1-406.	Recodified .....	15
R12-1-407.	Recodified .....	15
R12-1-408.	Recodified .....	15
R12-1-409.	Recodified .....	15
R12-1-410.	Recodified .....	15
R12-1-411.	Recodified .....	16
R12-1-412.	Recodified .....	16
R12-1-413.	Recodified .....	16
R12-1-414.	Recodified .....	16
R12-1-415.	Recodified .....	16
R12-1-416.	Recodified .....	16
R12-1-417.	Recodified .....	16
R12-1-418.	Recodified .....	16
R12-1-419.	Recodified .....	16
R12-1-420.	Recodified .....	17
R12-1-421.	Recodified .....	17
R12-1-422.	Recodified .....	17
R12-1-423.	Recodified .....	17
R12-1-424.	Recodified .....	17
R12-1-425.	Recodified .....	17
R12-1-426.	Recodified .....	17
R12-1-427.	Recodified .....	17
R12-1-428.	Recodified .....	17
R12-1-429.	Recodified .....	17
R12-1-430.	Recodified .....	17
R12-1-431.	Recodified .....	17
R12-1-432.	Recodified .....	18
R12-1-433.	Recodified .....	18
R12-1-434.	Recodified .....	18
R12-1-435.	Recodified .....	18
R12-1-436.	Recodified .....	18
R12-1-437.	Recodified .....	18
R12-1-438.	Recodified .....	18
R12-1-438.01	Recodified .....	18
R12-1-439.	Recodified .....	18
R12-1-440.	Recodified .....	18
R12-1-441.	Recodified .....	18
R12-1-442.	Recodified .....	18
R12-1-443.	Recodified .....	18
R12-1-444.	Recodified .....	19
R12-1-445.	Recodified .....	19
R12-1-446.	Recodified .....	19
R12-1-447.	Recodified .....	19
R12-1-448.	Recodified .....	19
R12-1-449.	Recodified .....	19
R12-1-450.	Recodified .....	19
R12-1-451.	Recodified .....	19
R12-1-452.	Recodified .....	19
Table 1.	Recodified .....	19
R12-1-453.	Recodified .....	19
R12-1-454.	Recodified .....	19
R12-1-455.	Recodified .....	19
Appendix A.	Recodified .....	19
Appendix B.	Recodified .....	19
Appendix C.	Recodified .....	20
Appendix D.	Recodified .....	20
Appendix E.	Recodified .....	20
ARRA-6.	Repealed .....	20

ARRA-7.  
ARRA-8.

Repealed .....	20
Repealed .....	20

**ARTICLE 5. RECODIFIED**

## Section

R12-1-501.	Recodified .....	20
R12-1-502.	Recodified .....	20
R12-1-503.	Recodified .....	20
R12-1-504.	Recodified .....	20
R12-1-505.	Recodified .....	20
R12-1-506.	Recodified .....	20
R12-1-507.	Recodified .....	21
R12-1-508.	Recodified .....	21
R12-1-509.	Recodified .....	21
R12-1-510.	Recodified .....	21
R12-1-511.	Repealed .....	21
R12-1-512.	Recodified .....	21
R12-1-513.	Recodified .....	21
R12-1-514.	Recodified .....	21
R12-1-515.	Recodified .....	21
R12-1-516.	Recodified .....	21
R12-1-517.	Recodified .....	21
R12-1-518.	Recodified .....	21
R12-1-519.	Repealed .....	21
R12-1-520.	Repealed .....	21
R12-1-521.	Repealed .....	21
R12-1-522.	Recodified .....	22
R12-1-523.	Recodified .....	22
R12-1-524.	Recodified .....	22
R12-1-525.	Recodified .....	22
R12-1-526.	Reserved .....	22
R12-1-527.	Reserved .....	22
R12-1-528.	Reserved .....	22
R12-1-529.	Reserved .....	22
R12-1-530.	Reserved .....	22
R12-1-531.	Recodified .....	22
R12-1-532.	Recodified .....	22
R12-1-533.	Recodified .....	22
R12-1-534.	Repealed .....	22
R12-1-535.	Recodified .....	22
R12-1-536.	Reserved .....	22
R12-1-537.	Reserved .....	22
R12-1-538.	Reserved .....	22
R12-1-539.	Recodified .....	22
R12-1-540.	Recodified .....	22
R12-1-541.	Repealed .....	22
R12-1-542.	Repealed .....	22
Appendix A.	Repealed .....	22
R12-1-543.	Recodified .....	22
Appendix A.	Recodified .....	23

**ARTICLE 6. RECODIFIED**

## Section

R12-1-601.	Repealed .....	23
R12-1-602.	Recodified .....	23
R12-1-603.	Recodified .....	23
R12-1-604.	Recodified .....	23
R12-1-605.	Recodified .....	23
R12-1-606.	Recodified .....	23
R12-1-607.	Recodified .....	23
R12-1-608.	Recodified .....	23
R12-1-609.	Recodified .....	23
R12-1-610.	Recodified .....	23
R12-1-610.01.	Recodified .....	24
R12-1-611.	Recodified .....	24
R12-1-611.01.	Recodified .....	24

## Recodified

R12-1-611.02.	Recodified	24
R12-1-612.	Recodified	24
R12-1-613.	Recodified	24
R12-1-614.	Recodified	24
R12-1-615.	Recodified	24
Appendix A.	Recodified	24
Appendix B.	Repealed	24

**ARTICLE 7. RECODIFIED**

Section		
R12-1-701.	Recodified	24
R12-1-702.	Recodified	24
R12-1-703.	Recodified	25
R12-1-704.	Recodified	25
R12-1-705.	Recodified	25
R12-1-706.	Recodified	25
R12-1-707.	Recodified	25
R12-1-708.	Recodified	25
R12-1-709.	Recodified	25
R12-1-710.	Recodified	25
R12-1-711.	Recodified	25
R12-1-712.	Recodified	25
R12-1-713.	Recodified	25
R12-1-714.	Recodified	26
R12-1-715.	Recodified	26
R12-1-716.	Recodified	26
R12-1-717.	Recodified	26
R12-1-718.	Recodified	26
R12-1-719.	Recodified	26
R12-1-720.	Recodified	26
R12-1-721.	Recodified	26
R12-1-722.	Recodified	26
R12-1-723.	Recodified	26
R12-1-724.	Recodified	26
R12-1-725.	Recodified	26
R12-1-726.	Recodified	26
R12-1-727.	Recodified	26
R12-1-728.	Recodified	27
R12-1-729.	Recodified	27
R12-1-730.	Recodified	27
R12-1-731.	Recodified	27
R12-1-732.	Recodified	27
R12-1-733.	Recodified	27
R12-1-734.	Recodified	27
R12-1-735.	Recodified	27
R12-1-736.	Recodified	27
R12-1-737.	Recodified	27
R12-1-738.	Recodified	27
R12-1-739.	Recodified	27
R12-1-740.	Recodified	27
R12-1-741.	Recodified	27
R12-1-742.	Recodified	27
R12-1-743.	Recodified	27
R12-1-744.	Recodified	27
R12-1-745.	Recodified	27
R12-1-746.	Recodified	28
Exhibit A.	Recodified	28

**ARTICLE 8. RECODIFIED**

Section		
R12-1-801.	Recodified	28
R12-1-802.	Recodified	28
R12-1-803.	Recodified	28
R12-1-804.	Recodified	28
R12-1-805.	Recodified	28
R12-1-806.	Recodified	28

R12-1-807.	Recodified	28
R12-1-808.	Recodified	28
R12-1-809.	Recodified	28

**ARTICLE 9. RECODIFIED**

## Section

R12-1-901.	Recodified	28
R12-1-902.	Recodified	28
R12-1-903.	Recodified	29
R12-1-904.	Recodified	29
R12-1-905.	Recodified	29
R12-1-906.	Recodified	29
R12-1-907.	Recodified	29
R12-1-908.	Recodified	29
R12-1-909.	Recodified	29
R12-1-910.	Recodified	29
R12-1-911.	Recodified	29
R12-1-912.	Repealed	29
R12-1-913.	Recodified	29
R12-1-914.	Recodified	29
Appendix A.	Recodified	30

**ARTICLE 10. RECODIFIED**

## Section

R12-1-1001.	Recodified	30
R12-1-1002.	Recodified	30
R12-1-1003.	Recodified	30
R12-1-1004.	Recodified	30
R12-1-1005.	Recodified	30
R12-1-1006.	Recodified	30
R12-1-1007.	Recodified	30
R12-1-1008.	Recodified	30
Exhibit A.	Recodified	30

**ARTICLE 11. RECODIFIED**

*Article 11, consisting of R12-1-1101 through R12-1-1104, repealed effective June 13, 1997 (Supp. 97-2).*

## Section

R12-1-1101.	Repealed	30
R12-1-1102.	Recodified	30
R12-1-1103.	Repealed	30
R12-1-1104.	Recodified	30
R12-1-1105.	Reserved	30
R12-1-1106.	Recodified	30
R12-1-1107.	Reserved	31
R12-1-1108.	Recodified	31
R12-1-1109.	Reserved	31
R12-1-1110.	Recodified	31
R12-1-1111.	Reserved	31
R12-1-1112.	Recodified	31
R12-1-1113.	Reserved	31
R12-1-1114.	Recodified	31
R12-1-1115.	Reserved	31
R12-1-1116.	Recodified	31
R12-1-1117.	Reserved	31
R12-1-1118.	Recodified	31
R12-1-1119.	Reserved	31
R12-1-1120.	Recodified	31
R12-1-1121.	Reserved	31
R12-1-1122.	Recodified	31
R12-1-1123.	Reserved	31
R12-1-1124.	Reserved	31
R12-1-1125.	Reserved	31
R12-1-1126.	Recodified	31
R12-1-1127.	Reserved	31

## Recodified

R12-1-1128.	Recodified .....	31
R12-1-1129.	Reserved .....	31
R12-1-1130.	Recodified .....	31
R12-1-1131.	Reserved .....	31
R12-1-1132.	Recodified .....	31
R12-1-1133.	Reserved .....	31
R12-1-1134.	Recodified .....	31
R12-1-1135.	Reserved .....	31
R12-1-1136.	Recodified .....	31
R12-1-1137.	Reserved .....	31
R12-1-1138.	Recodified .....	31
R12-1-1139.	Reserved .....	32
R12-1-1140.	Recodified .....	32
R12-1-1141.	Reserved .....	32
R12-1-1142.	Recodified .....	32
R12-1-1143.	Reserved .....	32
R12-1-1144.	Reserved .....	32
R12-1-1145.	Reserved .....	32
R12-1-1146.	Recodified .....	32
Appendix A.	Recodified .....	32

**ARTICLE 12. RECODIFIED**

*Article 12, consisting of R12-1-1201 through R12-1-1203 and R12-1-1205, repealed effective January 2, 1996 (Supp. 96-1).*

Section		
R12-1-1201.	Recodified .....	32
R12-1-1202.	Recodified .....	32
R12-1-1203.	Recodified .....	32
R12-1-1204.	Recodified .....	32
R12-1-1205.	Recodified .....	32
R12-1-1206.	Repealed .....	32
R12-1-1207.	Recodified .....	32
R12-1-1208.	Repealed .....	32
R12-1-1209.	Recodified .....	32
R12-1-1210.	Recodified .....	32
R12-1-1211.	Recodified .....	32
R12-1-1212.	Recodified .....	33
R12-1-1213.	Recodified .....	33
R12-1-1214.	Recodified .....	33
R12-1-1215.	Recodified .....	33
R12-1-1216.	Recodified .....	33
R12-1-1217.	Recodified .....	33
R12-1-1218.	Recodified .....	33
R12-1-1219.	Recodified .....	33
R12-1-1220.	Recodified .....	33
R12-1-1221.	Reserved .....	33
R12-1-1222.	Recodified .....	33
R12-1-1223.	Recodified .....	33
Table A.	Recodified .....	33

**ARTICLE 13. RECODIFICATION**

*Article 13, consisting of Sections R12-1-1301 through R12-1-1308, adopted effective November 5, 1993 (Supp. 93-4).*

*Article 13, consisting of Sections R12-1-1301 through R12-1-1303, repealed effective November 5, 1993 (Supp. 93-4).*

Section		
R12-1-1301.	Recodified .....	33
R12-1-1302.	Recodified .....	33
R12-1-1303.	Recodified .....	34
R12-1-1304.	Recodified .....	34
R12-1-1305.	Recodified .....	34
R12-1-1306.	Recodified .....	34
R12-1-1307.	Recodified .....	34
R12-1-1308.	Recodified .....	34
R12-1-1309.	Recodified .....	34

Table 1.	Recodified .....	34
----------	------------------	----

**ARTICLE 14. RECODIFIED**

## Section

R12-1-1401.	Recodified .....	34
R12-1-1402.	Recodified .....	34
R12-1-1403.	Recodified .....	34
R12-1-1404.	Recodified .....	35
R12-1-1405.	Recodified .....	35
R12-1-1406.	Recodified .....	35
R12-1-1407.	Recodified .....	35
R12-1-1408.	Recodified .....	35
R12-1-1409.	Recodified .....	35
R12-1-1410.	Recodified .....	35
R12-1-1411.	Repealed .....	35
R12-1-1412.	Recodified .....	35
R12-1-1413.	Recodified .....	35
R12-1-1414.	Recodified .....	35
R12-1-1415.	Recodified .....	35
R12-1-1416.	Recodified .....	35
R12-1-1417.	Repealed .....	35
R12-1-1418.	Recodified .....	35
R12-1-1419.	Reserved .....	36
R12-1-1420.	Reserved .....	36
R12-1-1421.	Recodified .....	36
R12-1-1422.	Recodified .....	36
R12-1-1423.	Recodified .....	36
R12-1-1424.	Repealed .....	36
R12-1-1425.	Recodified .....	36
R12-1-1426.	Recodified .....	36
R12-1-1427.	Recodified .....	36
R12-1-1428.	Repealed .....	36
R12-1-1429.	Recodified .....	36
R12-1-1430.	Repealed .....	36
R12-1-1431.	Repealed .....	36
R12-1-1432.	Repealed .....	36
R12-1-1433.	Recodified .....	36
R12-1-1434.	Recodified .....	36
R12-1-1435.	Recodified .....	36
R12-1-1436.	Recodified .....	36
R12-1-1437.	Recodified .....	36
R12-1-1438.	Recodified .....	37
R12-1-1438.01.	Recodified .....	37
R12-1-1439.	Recodified .....	37
R12-1-1440.	Recodified .....	37
R12-1-1441.	Recodified .....	37
R12-1-1442.	Recodified .....	37
R12-1-1443.	Recodified .....	37
R12-1-1444.	Recodified .....	37
Appendix A.	Recodified .....	37
Appendix B.	Recodified .....	37
Appendix C.	Recodified .....	37
Appendix D.	Recodified .....	37

**ARTICLE 15. RECODIFIED**

*Article 15 consisting of Sections R12-1-1501 through R12-1-1508, and Appendix A adopted effective December 20, 1985 (Supp. 85-6).*

Section		
R12-1-1501.	Recodified .....	37
R12-1-1502.	Recodified .....	37
R12-1-1503.	Recodified .....	38
R12-1-1504.	Recodified .....	38
R12-1-1505.	Recodified .....	38
R12-1-1506.	Recodified .....	38
R12-1-1507.	Recodified .....	38



## Recodified

R12-1-1508.	Recodified .....	38
R12-1-1509.	Recodified .....	38
R12-1-1510.	Recodified .....	38
R12-1-1511.	Recodified .....	38
R12-1-1512.	Recodified .....	38
R12-1-1513.	Recodified .....	38
R12-1-1514.	Reserved .....	38
R12-1-1515.	Recodified .....	38
Appendix A.	Repealed .....	38

**ARTICLE 16. RESERVED****ARTICLE 17. REPEALED**

## Section

R12-1-1701.	Recodified .....	38
R12-1-1702.	Recodified .....	38
R12-1-1703.	Recodified .....	39
R12-1-1704.	Reserved .....	39
R12-1-1705.	Reserved .....	39
R12-1-1706.	Reserved .....	39
R12-1-1707.	Reserved .....	39
R12-1-1708.	Reserved .....	39
R12-1-1709.	Reserved .....	39
R12-1-1710.	Reserved .....	39
R12-1-1711.	Reserved .....	39
R12-1-1712.	Recodified .....	39
R12-1-1713.	Recodified .....	39
R12-1-1714.	Recodified .....	39
R12-1-1715.	Recodified .....	39
R12-1-1716.	Recodified .....	39
R12-1-1717.	Recodified .....	39
R12-1-1718.	Recodified .....	39
R12-1-1719.	Recodified .....	39
R12-1-1720.	Recodified .....	39
R12-1-1721.	Recodified .....	39
R12-1-1722.	Recodified .....	39
R12-1-1723.	Recodified .....	39
R12-1-1724.	Recodified .....	40
R12-1-1725.	Recodified .....	40
R12-1-1726.	Recodified .....	40
R12-1-1727.	Recodified .....	40
R12-1-1728.	Recodified .....	40
R12-1-1729.	Reserved .....	40
R12-1-1730.	Reserved .....	40
R12-1-1731.	Recodified .....	40
R12-1-1732.	Recodified .....	40
R12-1-1733.	Recodified .....	40
R12-1-1734.	Recodified .....	40
R12-1-1735.	Reserved .....	40
R12-1-1736.	Reserved .....	40
R12-1-1737.	Reserved .....	40
R12-1-1738.	Reserved .....	40
R12-1-1739.	Reserved .....	40
R12-1-1740.	Reserved .....	40
R12-1-1741.	Recodified .....	40
R12-1-1742.	Recodified .....	40
R12-1-1743.	Recodified .....	40
R12-1-1744.	Reserved .....	40
R12-1-1745.	Reserved .....	40
R12-1-1746.	Reserved .....	40
R12-1-1747.	Reserved .....	40
R12-1-1748.	Reserved .....	40
R12-1-1749.	Reserved .....	40
R12-1-1750.	Reserved .....	40
R12-1-1751.	Recodified .....	40

**ARTICLE 18. RESERVED****ARTICLE 19. RECODIFIED**

## Section

R12-1-1901.	Recodified .....	40
R12-1-1902.	Reserved .....	41
R12-1-1903.	Recodified .....	41
R12-1-1904.	Reserved .....	41
R12-1-1905.	Recodified .....	41
R12-1-1906.	Reserved .....	41
R12-1-1907.	Recodified .....	41
R12-1-1908.	Reserved .....	41
R12-1-1909.	Recodified .....	41
R12-1-1910.	Reserved .....	41
R12-1-1911.	Recodified .....	41
R12-1-1912.	Reserved .....	41
R12-1-1913.	Reserved .....	41
R12-1-1914.	Reserved .....	41
R12-1-1915.	Reserved .....	41
R12-1-1916.	Reserved .....	41
R12-1-1917.	Reserved .....	41
R12-1-1918.	Reserved .....	41
R12-1-1919.	Reserved .....	41
R12-1-1920.	Reserved .....	41
R12-1-1921.	Recodified .....	41
R12-1-1922.	Reserved .....	41
R12-1-1923.	Recodified .....	41
R12-1-1924.	Reserved .....	41
R12-1-1925.	Recodified .....	41
R12-1-1926.	Reserved .....	41
R12-1-1927.	Recodified .....	41
R12-1-1928.	Reserved .....	42
R12-1-1929.	Recodified .....	42
R12-1-1930.	Reserved .....	42
R12-1-1931.	Recodified .....	42
R12-1-1932.	Reserved .....	42
R12-1-1933.	Recodified .....	42
R12-1-1934.	Reserved .....	42
R12-1-1935.	Reserved .....	42
R12-1-1936.	Reserved .....	42
R12-1-1937.	Reserved .....	42
R12-1-1938.	Reserved .....	42
R12-1-1939.	Reserved .....	42
R12-1-1940.	Reserved .....	42
R12-1-1941.	Recodified .....	42
R12-1-1942.	Reserved .....	42
R12-1-1943.	Recodified .....	42
R12-1-1944.	Reserved .....	42
R12-1-1945.	Recodified .....	42
R12-1-1946.	Reserved .....	42
R12-1-1947.	Recodified .....	42
R12-1-1948.	Reserved .....	42
R12-1-1949.	Recodified .....	42
R12-1-1950.	Reserved .....	42
R12-1-1951.	Recodified .....	42
R12-1-1952.	Reserved .....	42
R12-1-1953.	Recodified .....	42
R12-1-1954.	Reserved .....	42
R12-1-1955.	Recodified .....	43
R12-1-1956.	Reserved .....	43
R12-1-1957.	Recodified .....	43
R12-1-1958.	Reserved .....	43
R12-1-1959.	Reserved .....	43
R12-1-1960.	Reserved .....	43
R12-1-1961.	Reserved .....	43
R12-1-1962.	Reserved .....	43

## Recodified

R12-1-1963.	Reserved .....	43	R12-1-1988.	Reserved .....	44
R12-1-1964.	Reserved .....	43	R12-1-1989.	Reserved .....	44
R12-1-1965.	Reserved .....	43	R12-1-1990.	Reserved .....	44
R12-1-1966.	Reserved .....	43	R12-1-1991.	Reserved .....	44
R12-1-1967.	Reserved .....	43	R12-1-1992.	Reserved .....	44
R12-1-1968.	Reserved .....	43	R12-1-1993.	Reserved .....	44
R12-1-1969.	Reserved .....	43		.....Reserved 44	
R12-1-1970.	Reserved .....	43	R12-1-1995.	Reserved .....	44
R12-1-1971.	Recodified .....	43	R12-1-1996.	Reserved .....	44
R12-1-1972.	Reserved .....	43	R12-1-1997.	Reserved .....	44
R12-1-1973.	Recodified .....	43	R12-1-1998.	Reserved .....	44
R12-1-1974.	Reserved .....	43	R12-1-1999.	Reserved .....	44
R12-1-1975.	Recodified .....	43	R12-1-19100.	Reserved .....	44
R12-1-1976.	Reserved .....	43	R12-1-19101.	Recodified .....	44
R12-1-1977.	Recodified .....	43	R12-1-19102.	Reserved .....	44
R12-1-1978.	Reserved .....	43	R12-1-19103.	Recodified .....	44
R12-1-1979.	Recodified .....	43	R12-1-19104.	Reserved .....	44
R12-1-1980.	Reserved .....	43	R12-1-19105.	Recodified .....	44
R12-1-1981.	Recodified .....	43	R12-1-19106.	Reserved .....	44
R12-1-1982.	Reserved .....	43	R12-1-19107.	Recodified .....	44
R12-1-1983.	Reserved .....	44	R12-1-19108.	Reserved .....	44
R12-1-1984.	Reserved .....	44	R12-1-19109.	Recodified .....	44
R12-1-1985.	Reserved .....	44	Appendix A.	Recodified .....	44
R12-1-1986.	Reserved .....	44			
R12-1-1987.	Reserved .....	44			

## Recodified

**ARTICLE 1. RECODIFIED****R12-1-101. Recodified****Historical Note**

Former Rule Section A.1; Former Section R12-1-101 repealed, new Section R12-1-101 adopted effective June 30, 1977 (Supp. 77-3). Amended effective April 2, 1990 (Supp. 90-2). Amended effective August 10, 1994 (Supp. 94-3). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-101 recodified to R9-7-101 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-102. Recodified****Historical Note**

Former Rule Section A.2. Former Section R12-1-102 repealed, new Section R12-1-102 adopted effective June 30, 1977 (Supp. 77-3). Amended effective November 19, 1982 (Supp. 82-6). Amended effective February 25, 1985 (Supp. 85-1). Amended by adding a new paragraph (31), subparagraph (w) and renumbering the former paragraph (31), subparagraphs (w) through (z) accordingly effective November 28, 1986 (Supp. 86-6). Amended by adding a new paragraph (34) and renumbering the former paragraphs (34) through (68) accordingly effective June 26, 1987 (Supp. 87-2). Amended effective April 2, 1990 (Supp. 90-2). Amended effective November 5, 1993 (Supp. 93-4). Amended effective February 18, 1994 (Supp. 94-1). Amended effective August 10, 1994 (Supp. 94-3). Amended effective January 2, 1996 (Supp. 96-1). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 18 A.A.R. 1895, effective September 10, 2012 (Supp. 12-3). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-102 recodified to R9-7-102 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-103. Recodified****Historical Note**

Former Rule Section A.3; Former Section R12-1-103 repealed, new Section R12-1-103 adopted effective June 30, 1977 (Supp. 77-3). Amended effective April 2, 1990 (Supp. 90-2). Amended effective August 10, 1994 (Supp. 94-3). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-103 recodified to R9-7-103 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-104. Recodified****Historical Note**

Former Rule Section A.4; Former Section R12-1-104 repealed, new Section R12-1-104 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-104 repealed, new Section R12-1-104 renumbered from R12-1-112 and amended effective April 2, 1990 (Supp. 90-2). Amended effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Section R12-1-104 recodified to R9-7-104 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-105. Recodified****Historical Note**

Former Rule Section A.5; Former Section R12-1-105 repealed, new Section R12-1-105 adopted effective June 30, 1977 (Supp. 77-3). Section repealed effective April 2, 1990 (Supp. 90-2). New Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Section R12-1-105 recodified to R9-7-105 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-106. Recodified****Historical Note**

Former Rule Section A.6; Former Section R12-1-106 repealed, new Section R12-1-106 adopted effective June 30, 1977 (Supp. 77-3). Section repealed effective April 2, 1990 (Supp. 90-2). New Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Section R12-1-106 recodified to R9-7-106 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-107. Recodified****Historical Note**

Former Rule Section A.7; Former Section R12-1-107 repealed, new Section R12-1-107 adopted effective June 30, 1977 (Supp. 77-3). Section repealed effective April 2, 1990 (Supp. 90-2). New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-107 recodified to R9-7-107 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-108. Repealed****Historical Note**

Former Rule Section A.8; Former Section R12-1-108 repealed, new Section R12-1-108 adopted effective June 30, 1977 (Supp. 77-3). Change of address (Supp. 85-6). Section repealed effective April 2, 1990 (Supp. 90-2).

**R12-1-109. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Section repealed effective April 2, 1990 (Supp. 90-2).

**R12-1-110. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Section repealed effective April 2, 1990 (Supp. 90-2).

**R12-1-111. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Section repealed effective April 2, 1990 (Supp. 90-2).

## Recodified

**R12-1-112. Renumbered****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-112 renumbered to R12-1-104 effective April 2, 1990 (Supp. 90-2).

**Appendix A. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Repealed effective August 10, 1994 (Supp. 94-3).

**Appendix B. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Repealed effective August 10, 1994 (Supp. 94-3).

**ARTICLE 2. RECODIFIED****R12-1-201. Recodified****Historical Note**

Former Rule Section B.3. Former Section R12-1-203 repealed, new Section R12-1-203 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-201 repealed, former Section R12-1-203 renumbered as R12-1-201 and amended effective November 22, 1988 (Supp. 88-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-201 recodified to R9-7-201 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-202. Recodified****Historical Note**

Former Rule Section B.4. Former Section R12-1-204 repealed, new Section R12-1-204 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-202 repealed, former Section R12-1-204 renumbered as R12-1-202 and amended effective November 22, 1988 (Supp. 88-4). Amended effective January 2, 1996 (Supp. 96-1). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 1817, effective June 11, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-202 recodified to R9-7-202 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-203. Recodified****Historical Note**

Former Rule Section B.5. Former Section R12-1-205 repealed, new Section R12-1-205 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-205 renumbered as R12-1-203 and amended effective November 22, 1988 (Supp. 88-4). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-203 recodified to R9-7-203 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-204. Recodified****Historical Note**

Former Rule Section B.6. Former Section R12-1-206 repealed, new Section R12-1-206 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-206 renumbered as R12-1-204 and amended effective November 22, 1988 (Supp. 88-4). Amended effective January 2, 1996 (Supp. 96-1). Amended effective June 13, 1997 (Supp. 97-2). Section R12-1-204 recodified to R9-7-204 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-205. Recodified****Historical Note**

Former Rule Section B.7. Former Section R12-1-207 repealed, new Section R12-1-207 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-207 renumbered as R12-1-205 and amended effective November 22, 1988 (Supp. 88-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-205 recodified to R9-7-205 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-206. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-209 renumbered as Section R12-1-206 and amended effective November 22, 1988 (Supp. 88-4). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-206 recodified to R9-7-206 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-207. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-210 renumbered as Section R12-1-207 and amended effective November 22, 1988 (Supp. 88-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-207 recodified to R9-7-207 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-208. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Repealed effective November 22, 1988 (Supp. 88-4). New Section adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Corrected subsection (1) by adding reference to R12-1-614(B)(1) and (2), which was inadvertently omitted in 03-3 rulemaking (Supp. 14-1). Section R12-1-208 recodified to R9-7-208 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

## Recodified

**R12-1-209. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed; new Section made by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-209 recodified to R9-7-209 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Recodified****Historical Note**

Appendix repealed; new Appendix made by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Article 2, Appendix A, recodified to 9 A.A.C. 7, Article 1, Appendix A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Form ARRA-4. Repealed****Historical Note**

Appendix A, Form ARRA-4 adopted effective November 22, 1988 (Supp. 88-4). Appendix A, Form ARRA-4 repealed, new Form ARRA-4 adopted effective April 17, 1996 (Supp. 96-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-4X. Repealed****Historical Note**

Form ARRA-4X adopted effective April 17, 1996 (Supp. 96-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-4XT. Repealed****Historical Note**

Form ARRA-4XT adopted effective April 17, 1996 (Supp. 96-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-4PAT. Repealed****Historical Note**

Form ARRA-4PAT adopted effective April 17, 1996 (Supp. 96-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-4IG. Repealed****Historical Note**

Form ARRA-4IG adopted effective April 17, 1996 (Supp. 96-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-4IR. Repealed****Historical Note**

Form ARRA-4IR adopted effective April 17, 1996 (Supp. 96-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-4PAR. Repealed****Historical Note**

Form ARRA-PAR adopted effective April 17, 1996 (Supp. 96-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-4PA. Repealed****Historical Note**

Form ARRA-4PA adopted effective April 17, 1996 (Supp. 96-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2).

**Form ARRA-13. Repealed****Historical Note**

Form ARRA-13 adopted effective April 17, 1996 (Supp. 96-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-1004. Repealed****Historical Note**

Form ARRA-1004 adopted effective April 17, 1996 (Supp. 96-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-1005. Repealed****Historical Note**

Form ARRA-1005 adopted effective April 17, 1996 (Supp. 96-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-1030. Repealed****Historical Note**

Form ARRA-1030 adopted effective April 17, 1996 (Supp. 96-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-1050. Repealed****Historical Note**

Form ARRA-1050 adopted effective April 17, 1996 (Supp. 96-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-1070. Repealed****Historical Note**

Form ARRA-1070 adopted effective April 17, 1996 (Supp. 96-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**Form ARRA-1090. Repealed****Historical Note**

Form 1090 adopted effective April 17, 1996 (Supp. 96-2). Repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**ARTICLE 3. RECODIFIED****R12-1-301. Recodified****Historical Note**

Former Rule Section C.1. Former Section R12-1-301 repealed, new Section R12-1-301 adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-301 renumbered to R12-1-322, new Section R12-1-301 adopted effective February 18, 1994 (Supp. 94-1). Former Section

## Recodified

R12-1-301 repealed; new Section R12-1-301 renumbered from R12-1-302 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-301 recodified to R9-7-301 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-302. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Amended subsection (C) effective November 22, 1988 (Supp. 88-4). Former Section R12-1-302 renumbered to R12-1-303, new Section R12-1-302 renumbered from R12-1-301 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-302 renumbered to R12-1-301; new Section R12-1-302 renumbered from R12-1-303 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-302 recodified to R9-7-302 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-303. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-303 renumbered to R12-1-304, new Section R12-1-303 renumbered from R12-1-302 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-303 renumbered to R12-1-302; new Section R12-1-303 renumbered from R12-1-304 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 18 A.A.R. 1895, effective September 10, 2012 (Supp. 12-3). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-303 recodified to R9-7-303 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-304. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-304 renumbered to R12-1-305, new Section R12-1-304 renumbered from R12-1-303 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-304 renumbered to R12-1-303; new Section R12-1-304 renumbered from R12-1-305 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-304 recodified to R9-7-304 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-305. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-305 renumbered to R12-1-306, new Section

R12-1-305 renumbered from R12-1-304 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-305 renumbered to R12-1-304; new Section R12-1-305 renumbered from R12-1-306 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by final rulemaking at 18 A.A.R. 1895, effective September 10, 2012 (Supp. 12-3). Section R12-1-305 recodified to R9-7-305 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-306. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-306 renumbered to R12-1-307, new Section R12-1-306 renumbered from R12-1-305 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-306 renumbered to R12-1-305; new Section R12-1-306 renumbered from R12-1-307 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 18 A.A.R. 1895, effective September 10, 2012 (Supp. 12-3). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-306 recodified to R9-7-306 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-307. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Repealed effective December 20, 1985 (Supp. 85-6). Former Section R12-1-307 renumbered to R12-1-308, new Section R12-1-307 renumbered from R12-1-306 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-307 renumbered to R12-1-306; new Section R12-1-307 renumbered from R12-1-308 and repealed by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2).

**R12-1-308. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-308 renumbered to R12-1-309, new Section R12-1-308 renumbered from R12-1-307 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-308 renumbered to R12-1-307; new Section R12-1-308 renumbered from R12-1-309 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-308 recodified to R9-7-308 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-309. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended

## Recodified

effective December 20, 1985 (Supp. 85-6). Former Section R12-1-309 renumbered to R12-1-310, new Section R12-1-309 renumbered from R12-1-308 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-309 renumbered to R12-1-308; new Section R12-1-309 renumbered from R12-1-310 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-309 recodified to R9-7-309 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-310. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Amended effective November 5, 1993 (Supp. 93-4). Former Section R12-1-310 renumbered to R12-1-311, new Section R12-1-310 renumbered from R12-1-309 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-310 renumbered to R12-1-309; new Section R12-1-310 renumbered from R12-1-311 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 18 A.A.R. 1895, effective September 10, 2012 (Supp. 12-3). Section R12-1-310 recodified to R9-7-310 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-311. Recodified****Historical Note**

Former Rule Section C.101; Former Section R12-1-311 repealed, new Section R12-1-311 adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-311 renumbered to R12-1-312, new Section R12-1-311 renumbered from R12-1-310 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-311 renumbered to R12-1-310; new Section R12-1-311 renumbered from R12-1-312 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016; correction made to subsection R12-1-311(D)(2) removing (a) and (b) to reflect renumbering scheme as submitted in Supp. 09-2 (Supp. 16-1). Section R12-1-311 recodified to R9-7-311 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-312. Recodified****Historical Note**

Former Rule Section C.102; Former Section R12-1-312 repealed, new Section R12-1-312 adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-312 renumbered to R12-1-313, new Section R12-1-312 renumbered from R12-1-311 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-312 renumbered to R12-1-311; new Section R12-1-312 renumbered from R12-1-313 and

amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-312 recodified to R9-7-312 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-313. Recodified****Historical Note**

Former Rule Section C.103; Former Section R12-1-313 repealed, new Section R12-1-313 adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Amended effective June 20, 1990 (Supp. 90-2). Former Section R12-1-313 renumbered to R12-1-314, new Section R12-1-313 renumbered from R12-1-312 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-313 renumbered to R12-1-312; new Section R12-1-313 renumbered from R12-1-314 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-313 recodified to R9-7-313 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-314. Recodified****Historical Note**

Former Rule Section C.104; Former Section R12-1-314 repealed, new Section R12-1-314 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-314 renumbered to R12-1-315, new Section R12-1-314 renumbered from R12-1-313 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-314 renumbered to R12-1-313; new Section R12-1-314 renumbered from R12-1-315 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-314 recodified to R9-7-314 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-315. Recodified****Historical Note**

Former Rule Section C.105; Former Section R12-1-315 repealed, new Section R12-1-315 adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-315 renumbered to R12-1-316, new Section R12-1-315 renumbered from R12-1-314 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-315 renumbered to R12-1-314; new Section R12-1-315 renumbered from R12-1-316 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-315 recodified to R9-7-315 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-316. Recodified****Historical Note**

Former Rule Section C.106; Former Section R12-1-316 repealed, new Section R12-1-316 adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-316 renumbered to R12-1-317, new Section R12-1-316 renumbered from R12-1-315 effective February 18, 1994 (Supp. 94-

## Recodified

1). Former Section R12-1-316 renumbered to R12-1-315; new Section R12-1-316 renumbered from R12-1-317 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-316 recodified to R9-7-316 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-317. Recodified****Historical Note**

Former Rule Section C.107; Former Section R12-1-317 repealed, new Section R12-1-317 adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-317 renumbered to R12-1-318, new Section R12-1-317 renumbered from R12-1-316 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-317 renumbered to R12-1-316; new Section R12-1-317 renumbered from R12-1-318 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-317 recodified to R9-7-317 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-318. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-318 renumbered to R12-1-319, new Section R12-1-318 renumbered from R12-1-317 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-318 renumbered to R12-1-317; new Section R12-1-318 renumbered from R12-1-319 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-318 recodified to R9-7-318 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-319. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-319 renumbered to R12-1-320, new Section R12-1-319 renumbered from R12-1-318 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-319 renumbered to R12-1-318; new Section R12-1-319 renumbered from R12-1-320 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-319 recodified to R9-7-319 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-320. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-320 renumbered to R12-1-321, new Section R12-1-320 renumbered from R12-1-319 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-320 renumbered to R12-1-319; new Section R12-1-320 renumbered from R12-1-321 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by final rulemaking at 18 A.A.R. 1895, effective September

10, 2012 (Supp. 12-3). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-320 recodified to R9-7-320 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-321. Repealed****Historical Note**

Former Rule Section C.201; Former Section R12-1-321 repealed, new Section R12-1-321 adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-321 renumbered to R12-1-322, new Section R12-1-321 renumbered from R12-1-320 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-321 renumbered to R12-1-320; new Section R12-1-321 renumbered from R12-1-322 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section repealed by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4).

**R12-1-322. Recodified****Historical Note**

Former Section R12-1-322 repealed effective June 30, 1977 (Supp. 77-3). New Section R12-1-322 renumbered from R12-1-321 effective February 18, 1994 (Supp. 94-1). Former Section R12-1-322 renumbered to R12-1-321; new Section R12-1-322 renumbered from R12-1-323 and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-32 recodified to R9-7-322 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-323. Recodified****Historical Note**

Former Section R12-1-323 repealed effective June 30, 1977 (Supp. 77-3). New Section R12-1-323 adopted effective February 18, 1994 (Supp. 94-1). Former Section R12-1-323 renumbered to R12-1-322; new Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-323 recodified to R9-7-323 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-324. Recodified****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3). New Section made by final rulemaking at 10 A.A.R. 4588, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-324 recodified to R9-7-324 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-325. Recodified****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3). New Section made by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-325 recodified to R9-7-325 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).



## Recodified

**R12-1-326. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-327. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-328. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-329. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-330. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-331. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-332. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-333. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-334. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-335. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-336. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-337. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-338. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-339. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-340. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-341. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-342. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-343. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-344. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-345. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-346. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-347. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**R12-1-348. Repealed****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3).

**Exhibit A. Recodified****Historical Note**

Appendix A repealed, Schedule A adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Article 3, Exhibit A, recodified to 9 A.A.C. 7, Article 3, Exhibit A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Exhibit B. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Exhibit B amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Article 3, Exhibit B, recodified to 9 A.A.C. 7, Article 3, Exhibit B at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Exhibit C. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Schedule C repealed; new Exhibit C renumbered from Exhibit D and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Article 3, Exhibit C, recodified to 9 A.A.C. 7, Article 3, Exhibit C at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Exhibit D. Recodified****Historical Note**

Adopted effective December 20, 1985 (Supp. 85-6). Former Schedule D renumbered to Exhibit C; new Exhibit D renumbered from Schedule E and amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Exhibit D amended by final rulemaking at

## Recodified

20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Article 3, Exhibit D, recodified to 9 A.A.C. 7, Article 3, Exhibit D at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Exhibit E. Recodified****Historical Note**

Adopted effective February 18, 1994 (Supp. 94-1). Former Schedule E renumbered to Exhibit D; new Exhibit adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Article 3, Exhibit E, recodified to 9 A.A.C. 7, Article 3, Exhibit E at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 4. RECODIFIED****R12-1-401. Recodified****Historical Note**

Former Rule Section D.1; Former Section R12-1-401 repealed, new Section R12-1-401 adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-401 recodified to R9-7-401 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-402. Recodified****Historical Note**

Former Rule Section D.2; Former Section R12-1-402 repealed, new Section R12-1-402 adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Amended subsection (A) effective June 26, 1987 (Supp. 87-2). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-402 recodified to R9-7-402 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-403. Recodified****Historical Note**

Former Rule Section D.3, Former Section R12-1-403 repealed, new Section R12-1-403 adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-403 recodified to R9-7-403 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-404. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-404 recodified to R9-7-404 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-405. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-405 recodified to R9-7-405 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-406. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-406 recodified to R9-7-406 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-407. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1812, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-407 recodified to R9-7-407 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-408. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1812, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-408 recodified to R9-7-408 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-409. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1812, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-409 recodified to R9-7-409 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-410. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Amended effective June 20, 1990 (Supp. 90-2). Section repealed,

## Recodified

new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-410 recodified to R9-7-410 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-411. Recodified****Historical Note**

Former Rule Section D.101; Former Section R12-1-411 repealed, new Section R12-1-411 adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Amended subsection (F) effective June 26, 1987 (87-2). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1812, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-411 recodified to R9-7-411 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-412. Recodified****Historical Note**

Former Rule Section D.102; Former Section R12-1-412 repealed, new Section R12-1-412 adopted effective June 30, 1977 (Supp. 77-3). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-412 recodified to R9-7-412 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-413. Recodified****Historical Note**

Former Rule Section D.103. Former Section R12-1-413 repealed, new Section R12-1-413 adopted effective June 30, 1977 (Supp. 77-3). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-413 recodified to R9-7-413 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-414. Recodified****Historical Note**

Former Rule Section D. 104; Former Section R12-1-414 repealed, new Section R12-1-414 adopted effective June 30, 1977 (Supp. 77-3). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Section R12-1-414 recodified to R9-7-414 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-415. Recodified****Historical Note**

Former Rule Section D. 105; Former Section R12-1-415 repealed, new Section R12-1-415 adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1812, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 75, effective

February 7, 2006 (Supp. 05-4). Section R12-1-415 recodified to R9-7-415 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-416. Recodified****Historical Note**

Former Rule Section D. 106; Former Section R12-1-416 repealed, new Section R12-1-416 adopted effective June 30, 1977 (Supp. 77-3). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-416 recodified to R9-7-416 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-417. Recodified****Historical Note**

Former Rule Section D. 107; Former Section R12-1-417 repealed, new Section R12-1-417 adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-417 recodified to R9-7-417 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-418. Recodified****Historical Note**

Former Rule Section D. 108; Former Section R12-1-418 repealed, new Section R12-1-418 adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 1812, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-418 recodified to R9-7-418 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-419. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 1812, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-419 recodified to R9-7-419 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

## Recodified

**R12-1-420. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-420 recodified to R9-7-420 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-421. Recodified****Historical Note**

Former Rule Section D.201; Former Section R12-1-421 repealed, new Section R12-1-421 adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-421 recodified to R9-7-421 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-422. Recodified****Historical Note**

Former Rule Section D.202; Former Section R12-1-422 repealed, new Section R12-1-422 adopted effective June 30, 1977 (Supp. 77-3). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-422 recodified to R9-7-422 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-423. Recodified****Historical Note**

Former Rule Section D.203. Former Section R12-1-423 repealed, new Section R12-1-423 adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Section R12-1-423 recodified to R9-7-423 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-424. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Section R12-1-424 recodified to R9-7-424 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-425. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003

(Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Section R12-1-425 recodified to R9-7-425 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-426. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-426 recodified to R9-7-426 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-427. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-427 recodified to R9-7-427 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-428. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-428 repealed, new Section R12-1-428 adopted effective June 26, 1987 (Supp. 87-2). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-428 recodified to R9-7-428 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-429. Recodified****Historical Note**

Former Section R12-1-429 repealed effective June 30, 1977 (Supp. 77-3). New Section R12-1-429 adopted effective June 26, 1987 (Supp. 87-2). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-429 recodified to R9-7-429 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-430. Recodified****Historical Note**

Former Section R12-1-430 repealed effective June 30, 1977 (Supp. 77-3). New Section R12-1-430 adopted effective June 26, 1987 (Supp. 87-2). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-430 recodified to R9-7-430 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-431. Recodified****Historical Note**

Former Section R12-1-431 repealed effective June 30, 1977 (Supp. 77-3). New Section R12-1-431 adopted effective June 26, 1987 (Supp. 87-2). Amended effective November 5, 1993 (Supp. 93-4). Section repealed, new

## Recodified

Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-431 recodified to R9-7-431 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-432. Recodified****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-432 recodified to R9-7-432 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-433. Recodified****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-433 recodified to R9-7-433 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-434. Recodified****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-434 recodified to R9-7-434 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-435. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-435 recodified to R9-7-435 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-436. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-436 recodified to R9-7-436 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-437. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-437 recodified

to R9-7-437 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-438. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-438 recodified to R9-7-438 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-438.01 Recodified****Historical Note**

Section R12-1-438.01 made by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-438.01 recodified to R9-7-438.01 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-439. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-439 recodified to R9-7-439 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-440. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-440 recodified to R9-7-440 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-441. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-441 recodified to R9-7-441 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-442. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1812, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-442 recodified to R9-7-442 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-443. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2).

## Recodified

Section R12-1-443 recodified to R9-7-443 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-444. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-444 recodified to R9-7-444 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-445. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-445 recodified to R9-7-445 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-446. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-446 recodified to R9-7-446 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-447. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-447 recodified to R9-7-447 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-448. Recodified****Historical Note**

Adopted effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-448 recodified to R9-7-448 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-449. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-449 recodified to R9-7-449 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-450. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R.

2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-450 recodified to R9-7-450 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-451. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-451 recodified to R9-7-451 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-452. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-452 recodified to R9-7-452 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Table 1. Recodified****Historical Note**

Table 1 made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Article 4, Table 1, recodified to 9 A.A.C. 7, Article 4, Table 1 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-453. Recodified****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-453 recodified to R9-7-453 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-454. Recodified****Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-454 recodified to R9-7-454 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-455. Recodified****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-455 recodified to R9-7-455 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Recodified****Historical Note**

Former Appendix A repealed; new Appendix A adopted effective June 30, 1977 (Supp. 77-3). Section repealed; new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Article 4, Appendix A, recodified to 9 A.A.C. 7, Article 4, Appendix A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix B. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Section repealed; new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Article 4, Appendix B and List of Elements recodified to 9 A.A.C. 7, Article 4, Appendix B, effective March 22, 2018 (Supp. 18-1).

## Recodified

**Appendix C. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Article 4, Appendix C, recodified to 9 A.A.C. 7, Article 4, Appendix C at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix D. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Article X, Appendix D, and Tables 1 and 2 recodified to 9 A.A.C. 7, effective March 22, 2018 (Supp. 18-1). Article 4, Appendix D, recodified to 9 A.A.C. 7, Article 4, Appendix D at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix E. Recodified****Historical Note**

Adopted effective August 10, 1994 (Supp. 94-3). Article 4, Appendix E, recodified to 9 A.A.C. 7, Article 4, Appendix E at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARRA-6. Repealed****Historical Note**

Adopted effective February 25, 1985 (Supp. 85-1). Form repealed, new form adopted in Article 10 effective August 10, 1994 (Supp. 94-3).

**ARRA-7. Repealed****Historical Note**

Adopted effective February 25, 1985 (Supp. 85-1). Repealed effective August 10, 1994 (Supp. 94-3).

**ARRA-8. Repealed****Historical Note**

Adopted effective February 25, 1985 (Supp. 85-1). Repealed effective August 10, 1994 (Supp. 94-3).

**ARTICLE 5. RECODIFIED****R12-1-501. Recodified****Historical Note**

Former Rule Section E.1; Former Section R12-1-501 repealed, new Section R12-1-501 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-501 repealed, new Section adopted effective April 2, 1990 (Supp. 90-2). Amended effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section repealed; new Section made by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-501 recodified to R9-7-501 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-502. Recodified****Historical Note**

Former Rule Section E.2; Former Section R12-1-502 repealed, new Section R12-1-502 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-502 repealed, new Section adopted effective April 2, 1990 (Supp. 90-2). Section repealed, new Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001

(Supp. 01-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-502 recodified to R9-7-502 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-503. Recodified****Historical Note**

Former Rule Section E.3; Former Section R12-1-503 repealed, new Section R12-1-503 adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Former Section R12-1-503 repealed, new Section adopted effective April 2, 1990 (Supp. 90-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-503 recodified to R9-7-503 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-504. Recodified****Historical Note**

Former Rule Section E.4; Former Section R12-1-504 repealed, new Section R12-1-504 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-504 repealed, new Section R12-1-504 adopted effective December 20, 1985 (Supp. 85-6). Former Section R12-1-504 repealed, new Section adopted effective April 2, 1990 (Supp. 90-2). Amended effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-504 recodified to R9-7-504 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-505. Recodified****Historical Note**

Former Rule Section E.5; Former Section R12-1-505 repealed, new Section R12-1-505 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-505 repealed, new Section R12-1-505 adopted effective December 20, 1985 (Supp. 85-6). Amended subsections (A), (F) and (G) effective May 2, 1988 (Supp. 88-2). Former Section R12-1-505 repealed, new Section adopted effective April 2, 1990 (Supp. 90-2). Amended effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-505 recodified to R9-7-505 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-506. Recodified****Historical Note**

Former Rule Section E.6; Former Section R12-1-506 repealed, new Section R12-1-506 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-506 repealed, new Section R12-1-506 adopted effective December 20, 1985 (Supp. 85-6). Amended subsection (A) effective May 2, 1988 (Supp. 88-2). Former Section R12-1-506 repealed, new Section adopted effective April 2, 1990 (Supp. 90-2). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-

## Recodified

506 recodified to R9-7-506 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-507. Recodified****Historical Note**

Former Section R12-1-507 repealed effective December 20, 1985 (Supp. 85-6). New Section adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-507 recodified to R9-7-507 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-508. Recodified****Historical Note**

Former Section R12-1-508 repealed effective December 20, 1985 (Supp. 85-6). New Section adopted effective April 2, 1990 (Supp. 90-2). Heading amended effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-508 recodified to R9-7-508 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-509. Recodified****Historical Note**

Former Section R12-1-509 repealed effective December 20, 1985 (Supp. 85-6). New Section adopted effective April 2, 1990 (Supp. 90-2). Amended effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-509 recodified to R9-7-509 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-510. Recodified****Historical Note**

Repealed effective December 20, 1985 (Supp. 85-6). New Section adopted effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-510 recodified to R9-7-510 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-511. Repealed****Historical Note**

Repealed effective December 20, 1985 (Supp. 85-6). New Section adopted effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section repealed by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2).

**R12-1-512. Recodified****Historical Note**

Repealed effective December 20, 1985 (Supp. 85-6). New Section made by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-

512 recodified to R9-7-512 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-513. Recodified****Historical Note**

Repealed effective December 20, 1985 (Supp. 85-6). New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-513 recodified to R9-7-513 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-514. Recodified****Historical Note**

Repealed effective December 20, 1985 (Supp. 85-6). New Section made by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Section R12-1-514 recodified to R9-7-514 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-515. Recodified****Historical Note**

Repealed effective December 20, 1985 (Supp. 85-6). New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-515 recodified to R9-7-515 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-516. Recodified****Historical Note**

Repealed effective December 20, 1985 (Supp. 85-6). New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-516 recodified to R9-7-516 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-517. Recodified****Historical Note**

Repealed effective December 20, 1985 (Supp. 85-6). New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-517 recodified to R9-7-517 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-518. Recodified****Historical Note**

Repealed effective December 20, 1985 (Supp. 85-6). New Section made by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Section R12-1-518 recodified to R9-7-518 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-519. Repealed****Historical Note**

Repealed effective December 20, 1985 (Supp. 85-6).

**R12-1-520. Repealed****Historical Note**

Repealed effective December 20, 1985 (Supp. 85-6).

**R12-1-521. Repealed****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective August 10, 1994 (Supp. 94-3). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section repealed by final rulemaking at 10



## Recodified

A.A.R. 2122, effective July 3, 2004 (Supp. 04-2).

**R12-1-522. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-522 recodified to R9-7-522 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-523. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Section R12-1-523 recodified to R9-7-523 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-524. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-524 recodified to R9-7-524 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-525. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-525 recodified to R9-7-525 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-526. Reserved****R12-1-527. Reserved****R12-1-528. Reserved****R12-1-529. Reserved****R12-1-530. Reserved****R12-1-531. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective August 10, 1994 (Supp. 94-3). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-531 recodified to R9-7-531 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-532. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective August 10, 1994 (Supp. 94-3). Section R12-1-532 recodified to R9-7-532 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-533. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section

R12-1-533 recodified to R9-7-533 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-534. Repealed****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section repealed by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2).

**R12-1-535. Recodified****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Section R12-1-535 recodified to R9-7-535 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-536. Reserved****R12-1-537. Reserved****R12-1-538. Reserved****R12-1-539. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-539 recodified to R9-7-539 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-540. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-540 recodified to R9-7-540 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-541. Repealed****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective August 10, 1994 (Supp. 94-3). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Section repealed by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (05-1).

**R12-1-542. Repealed****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Repealed effective August 10, 1994 (Supp. 94-3). New Section made by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Section repealed by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (05-1).

**Appendix A. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective December 20, 1985 (Supp. 85-6). Repealed effective April 2, 1990 (Supp. 90-2).

**R12-1-543. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-

## Recodified

543 recodified to R9-7-543 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Recodified****Historical Note**

New Appendix made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Article 5, Appendix A, recodified to 9 A.A.C. 7, Article 5, Appendix A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 6. RECODIFIED****R12-1-601. Repealed****Historical Note**

Former Rule Section F.1; Former Section R12-1-601 repealed, new Section R12-1-601 adopted effective June 30, 1977 (Supp. 77-3). Repealed effective August 8, 1986 (Supp. 86-4).

**R12-1-602. Recodified****Historical Note**

Former Rule Section F.2; Former Section R12-1-602 repealed, new Section R12-1-602 adopted effective June 30, 1977 (Supp. 77-3). Amended effective August 8, 1986 (Supp. 86-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 19 A.A.R. 3882, effective January 4, 2014 (Supp. 13-4). Section R12-1-602 recodified to R9-7-602 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-603. Recodified****Historical Note**

Former Rule Section F.3; Former Section R12-1-603 repealed, new Section R12-1-603 adopted effective June 30, 1977 (Supp. 77-3). Amended effective August 8, 1986 (Supp. 86-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 19 A.A.R. 3882, effective January 4, 2014 (Supp. 13-4). Section R12-1-603 recodified to R9-7-603 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-604. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective August 8, 1986 (Supp. 86-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-604 recodified to R9-7-604 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-605. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended subsections (A) and (B) effective August 8, 1986 (Supp. 86-4). Amended effective January 2, 1996 (Supp. 96-1). Amended effective June 13, 1997 (Supp. 97-2). Amended

by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 19 A.A.R. 3882, effective January 4, 2014 (Supp. 13-4). Section R12-1-605 and Tables I and II, recodified to R9-7-605, Tables I and II, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-606. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-606 repealed, new Section R12-1-606 adopted effective August 8, 1986 (Supp. 86-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 19 A.A.R. 3882, effective January 4, 2014 (Supp. 13-4). Section R12-1-606 recodified to R9-7-606 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-607. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-607 repealed, new Section R12-1-607 adopted effective August 8, 1986 (Supp. 86-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 19 A.A.R. 3882, effective January 4, 2014 (Supp. 13-4). Section R12-1-607 recodified to R9-7-607 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-608. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended subsections (A) and (C) effective August 8, 1986 (Supp. 86-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 19 A.A.R. 3882, effective January 4, 2014 (Supp. 13-4). Section R12-1-608 recodified to R9-7-608 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-609. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended subsections (A) and (C) effective August 8, 1986 (Supp. 86-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Section R12-1-609 recodified to R9-7-609 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-610. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective August 8, 1986 (Supp. 86-4). Amended January

## Recodified

2, 1996 (Supp. 96-1). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 19 A.A.R. 3882, effective January 4, 2014 (Supp. 13-4). Section R12-1-610 recodified to R9-7-610 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-610.01. Recodified****Historical Note**

New Section R12-1-610.01 made by final rulemaking at 19 A.A.R. 3882, effective January 4, 2014 (Supp. 13-4). Section R12-1-610.01 recodified to R9-7-610.01 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-611. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-611 repealed, new Section R12-1-611 adopted effective August 8, 1986 (Supp. 86-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 19 A.A.R. 3882, effective January 4, 2014 (Supp. 13-4). Section R12-1-611 recodified to R9-7-611 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-611.01. Recodified****Historical Note**

New Section R12-1-611.01 made by final rulemaking at 20 A.A.R. 811, effective May 3, 2014 (Supp. 14-1). Section R12-1-611.01 recodified to R9-7-611.01 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-611.02. Recodified****Historical Note**

New Section R12-1-611.02 made by final rulemaking at 20 A.A.R. 811, effective May 3, 2014 (Supp. 14-1). Section R12-1-611.02 recodified to R9-7-611.02 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-612. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-612 repealed, new Section R12-1-612 adopted effective August 8, 1986 (Supp. 86-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 19 A.A.R. 3882, effective January 4, 2014 (Supp. 13-4). Section R12-1-612 recodified to R9-7-612 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-613. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended subsection (B) effective August 8, 1986 (Supp. 86-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective

November 14, 2003 (Supp. 03-3). Section R12-1-613 recodified to R9-7-613 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-614. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 19 A.A.R. 3882, effective January 4, 2014 (Supp. 13-4). Section R12-1-614 recodified to R9-7-614 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-615. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 9 A.A.C. 4302, effective November 14, 2003 (Supp. 03-3). New Section R12-1-615 made by final rulemaking at 19 A.A.R. 3882, effective January 4, 2014 (Supp. 13-4). Section R12-1-615 recodified to R9-7-615 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Article 6, Appendix A. recodified to 9 A.A.C. 7, Article 6, Appendix a at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix B. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3).

**ARTICLE 7. RECODIFIED****R12-1-701. Recodified****Historical Note**

Former Rule Section G.1. Former Section R12-1-701 repealed, new Section R12-1-701 adopted effective June 30, 1977 (Supp. 77-3). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (07-1). Section R12-1-701 recodified to R9-7-701 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-702. Recodified****Historical Note**

Former Rule Section G.2; Former Section R12-1-702 repealed, new Section R12-1-702 adopted effective June 30, 1977 (Supp. 77-3). Former Section R121-702 renumbered and amended as Section R12-1-703, new Section R12-1-702 adopted effective December 20, 1985 (Supp. 85-6). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-

## Recodified

702 recodified to R9-7-702 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-703. Recodified****Historical Note**

Former Rule Section G.3; Former Section R12-1-703 repealed, new Section R12-1-703 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-703 renumbered and amended as Section R12-1-704, former Section R12-1-702 renumbered and amended as Section R12-1-703 effective December 20, 1985 (Supp. 85-6).

Section repealed and new Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-703 recodified to R9-7-703 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-704. Recodified****Historical Note**

Repealed effective June 30, 1977 (Supp. 77-3). Former Section R12-1-703 renumbered and amended as Section R12-1-704 effective December 20, 1985 (Supp. 85-6).

Section repealed and new Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-704 recodified to R9-7-704 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-705. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-705 recodified to R9-7-705 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-706. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-706 recodified to R9-7-706 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-707. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003

(Supp. 03-1). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-707 recodified to R9-7-707 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-708. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-708 recodified to R9-7-708 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-709. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). New Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-709 recodified to R9-7-709 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-710. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 18 A.A.R. 1895, effective September 10, 2012 (Supp. 12-3). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-710 recodified to R9-7-710 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-711. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-711 recodified to R9-7-711 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-712. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-712 recodified to R9-7-712 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-713. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section repealed; new Section made

## Recodified

by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-713 recodified to R9-7-713 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-714. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-714 recodified to R9-7-714 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-715. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). New Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-715 recodified to R9-7-715 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-716. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-716 recodified to R9-7-716 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-717. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-717 recodified to R9-7-717 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-718. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-718 recodified to R9-7-718 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-719. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1).

Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-719 recodified to R9-7-719 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-720. Recodified****Historical Note**

New Section made by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-720 recodified to R9-7-720 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-721. Recodified****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-721 recodified to R9-7-721 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-722. Recodified****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-722 recodified to R9-7-722 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-723. Recodified****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-723 recodified to R9-7-723 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-724. Recodified****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-724 recodified to R9-7-724 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-725. Recodified****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-725 recodified to R9-7-725 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-726. Recodified****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-726 recodified to R9-7-726 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-727. Recodified****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by



## Recodified

745 recodified to R9-7-745 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-746. Recodified****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-746 recodified to R9-7-746 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Exhibit A. Recodified****Historical Note**

New Exhibit adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Article 7, Exhibit A, recodified to 9 A.A.C. 7, Article 7, Exhibit A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 8. RECODIFIED****R12-1-801. Recodified****Historical Note**

Former Rule Section H.1; Former Section R12-1-801 repealed, new Section R12-1-801 adopted effective June 30, 1977 (Supp. 77-3). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-801 recodified to R9-7-801 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-802. Recodified****Historical Note**

Former Rule Section H.2; Former Section R12-1-802 repealed, new Section R12-1-802 adopted effective June 30, 1977 (Supp. 77-3). Amended effective Aug. 8, 1986 (Supp. 86-4). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-802 recodified to R9-7-802 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-803. Recodified****Historical Note**

Former Rule Section H.3; Former Section R12-1-803 repealed, new Section R12-1-803 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-803 repealed, new Section R12-1-803 adopted effective Aug. 8, 1986 (Supp. 86-4). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-803 recodified to R9-7-803 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-804. Recodified****Historical Note**

Former Rule Section H.4; Former Section R12-1-804 repealed, new Section R12-1-804 adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-804 renumbered as Section R12-1-805 without change, new Section R12-1-804 adopted effective Aug. 8, 1986 (Supp. 86-4). Amended by final rulemaking at 5 A.A.R. 1817,

effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-804 recodified to R9-7-804 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-805. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Former Section R12-1-805 renumbered as Section R12-1-806 without change. Former Section R12-1-804 renumbered as Section R12-1-805 without change effective Aug. 8, 1986 (Supp. 86-4). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-805 recodified to R9-7-805 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-806. Recodified****Historical Note**

Former Section R12-1-805 renumbered as Section R12-1-806 without change effective Aug. 8, 1986 (Supp. 86-4). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-806 recodified to R9-7-806 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-807. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-807 recodified to R9-7-807 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-808. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-808 recodified to R9-7-808 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-809. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-809 recodified to R9-7-809 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 9. RECODIFIED****R12-1-901. Recodified****Historical Note**

Former Rule Section I.1; Former Section R12-1-901 repealed, new Section R12-1-901 adopted effective June 30, 1977 (Supp. 77-3). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Section R12-1-901 recodified to R9-7-901 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-902. Recodified****Historical Note**

Former Rule Section I.2; Former Section R12-1-902 repealed, new Section R12-1-902 adopted effective June

## Recodified

30, 1977 (Supp. 77-3). Amended effective June 13, 1997 (Supp. 97-2). Section repealed by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). New Section made by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-902 recodified to R9-7-902 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-903. Recodified****Historical Note**

Former Rule Section I.3; Former Section R12-1-903 repealed, new Section R12-1-903 adopted effective June 30, 1977 (Supp. 77-3). Amended effective Aug. 8, 1986 (Supp. 86-4). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-903 recodified to R9-7-903 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-904. Recodified****Historical Note**

Former Rule Section I.4; Former Section R12-1-904 repealed, new Section R12-1-904 adopted effective June 30, 1977 (Supp. 77-3). Amended effective Aug. 8, 1986 (Supp. 86-4). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-904 recodified to R9-7-904 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-905. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Repealed effective August 8, 1986 (Supp. 86-4). New Section made by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-905 recodified to R9-7-905 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-906. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-906 recodified to R9-7-906 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-907. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended subsection (A) effective Aug. 8, 1986 (Supp. 86-4). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking

at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-907 recodified to R9-7-907 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-908. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-908 recodified to R9-7-908 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-909. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-909 recodified to R9-7-909 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-910. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended subsection (D) effective Aug. 8, 1986 (Supp. 86-4). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-910 recodified to R9-7-910 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-911. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective Aug. 8, 1986 (Supp. 86-4). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-911 recodified to R9-7-911 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-912. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective Aug. 8, 1986 (Supp. 86-4). Amended effective June 13, 1997 (Supp. 97-2). Section repealed by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2).

**R12-1-913. Recodified****Historical Note**

New Section made by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 13 A.A.R. 1217, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-913 recodified to R9-7-913 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-914. Recodified****Historical Note**

New Section made by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Section R12-1-914



## Recodified

recodified to R9-7-914 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Recodified****Historical Note**

New Appendix made by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Article 9, Appendix A, recodified to 9 A.A.C. 7, Article 9, Appendix A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 10. RECODIFIED****R12-1-1001. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1001 recodified to R9-7-1001 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1002. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1002 recodified to R9-7-1002 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1003. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Section R12-1-1003 recodified to R9-7-1003 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1004. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3) Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 20 A.A.R. 324, effective March 8, 2014 (Supp. 14-1). Section R12-1-1004 recodified to R9-7-1004 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1005. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1005 recodified to R9-7-1005 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1006. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1006 recodified to R9-7-1006 at 24 A.A.R. 813, effective March 22, 2018

(Supp. 18-1).

**R12-1-1007. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1007 recodified to R9-7-1007 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1008. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Amended effective February 25, 1985 (Supp. 85-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). R12-1-1008 updated to reflect a corrected Arizona Revised Statute article number (Supp. 07-1). Section R12-1-1008 recodified to R9-7-1008 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Exhibit A. Recodified****Historical Note**

Exhibit A amended by final rulemaking at 18 A.A.R. 1895, effective September 10, 2012 (Supp. 12-3). Article 10, Exhibit A, recodified to 9 A.A.C. 7, Article 10 Exhibit A, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 11. RECODIFIED****R12-1-1101. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Repealed effective June 13, 1997 (Supp. 97-2).

**R12-1-1102. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Repealed effective June 13, 1997 (Supp. 9702). New Section made by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (Supp. 05-1). Section R12-1-1102 recodified to R9-7-1102 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1103. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Repealed effective June 13, 1997 (Supp. 97-2).

**R12-1-1104. Recodified****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). Repealed effective June 13, 1997 (Supp. 97-2). New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1104 recodified to R9-7-1104 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1105. Reserved****R12-1-1106. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1106 recodified to R9-7-1106 at 24 A.A.R. 813, effective

## Recodified

March 22, 2018 (Supp. 18-1).

**R12-1-1107. Reserved****R12-1-1108. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1108 recodified to R9-7-1108 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1109. Reserved****R12-1-1110. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1110 recodified to R9-7-1110 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1111. Reserved****R12-1-1112. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1112 recodified to R9-7-1112 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1113. Reserved****R12-1-1114. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1114 recodified to R9-7-1114 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1115. Reserved****R12-1-1116. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1116 recodified to R9-7-1116 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1117. Reserved****R12-1-1118. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1118 recodified to R9-7-1118 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1119. Reserved****R12-1-1120. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1120 recodified to R9-7-1120 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1121. Reserved****R12-1-1122. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R.

2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1122 recodified to R9-7-1122 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1123. Reserved****R12-1-1124. Reserved****R12-1-1125. Reserved****R12-1-1126. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1126 recodified to R9-7-1126 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1127. Reserved****R12-1-1128. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1128 recodified to R9-7-1128 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1129. Reserved****R12-1-1130. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1130 recodified to R9-7-1130 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1131. Reserved****R12-1-1132. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1132 recodified to R9-7-1132 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1133. Reserved****R12-1-1134. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1134 recodified to R9-7-1134 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1135. Reserved****R12-1-1136. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1136 recodified to R9-7-1136 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1137. Reserved****R12-1-1138. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1138 recodified to R9-7-1138 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

## Recodified

**R12-1-1139. Reserved****R12-1-1140. Recodified****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (Supp. 05-1). Section R12-1-1140 recodified to R9-7-1140 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1141. Reserved****R12-1-1142. Recodified****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (Supp. 05-1). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-1142 recodified to R9-7-1142 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1143. Reserved****R12-1-1144. Reserved****R12-1-1145. Reserved****R12-1-1146. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1146 recodified to R9-7-1146 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Recodified****Historical Note**

New Appendix A made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Article 11 Appendix A, recodified to 9 A.A.C. 7, Article 11, Appendix A, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 12. RECODIFIED****R12-1-1201. Recodified****Historical Note**

Adopted effective June 23, 1983 (Supp. 83-3). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1201 recodified to R9-7-1201 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1202. Recodified****Historical Note**

Adopted effective June 23, 1983 (Supp. 83-3). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1202 recodified to R9-7-1202 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1203. Recodified****Historical Note**

Adopted effective June 23, 1983 (Supp. 83-3). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section R12-1-1203 recodified to R9-7-1203 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1204. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section R12-1-1204 recodified to R9-7-1204 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1205. Recodified****Historical Note**

Adopted effective June 23, 1983 (Supp. 83-3). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1205 recodified to R9-7-1205 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1206. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3).

**R12-1-1207. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1207 recodified to R9-7-1207 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1208. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3).

**R12-1-1209. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 2584, effective June 8, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1209 recodified to R9-7-1209 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1210. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1210 recodified to R9-7-1210 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1211. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1211 recodified to R9-7-1211 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

## Recodified

**R12-1-1212. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1212 recodified to R9-7-1212 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1213. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-123 recodified to R9-7-123 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1214. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1214 recodified to R9-7-1214 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1215. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 21 A.A.R. 289, effective April 6, 2015 (Supp. 15-1). Section R12-1-1215 recodified to R9-7-1215 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1216. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1216 recodified to R9-7-1216 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1217. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1217 recodified to R9-7-1217 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1218. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1218 recodified to R9-7-1218 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1219. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1219 recodified to R9-7-1219 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1220. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1220 recodified to R9-7-1220 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1221. Reserved****R12-1-1222. Recodified****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1222 recodified to R9-7-1222 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1223. Recodified****Historical Note**

Adopted effective December 9, 1998 (Supp. 98-4). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1223 recodified to R9-7-1223 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Table A. Recodified****Historical Note**

Adopted effective December 9, 1998 (Supp. 98-4). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 21 A.A.R. 289, effective April 6, 2015 (Supp. 15-1). Article 12, Table 1, recodified to 9 A.A.C. 7, Article 12, Table 1 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 13. RECODIFICATION****R12-1-1301. Recodified****Historical Note**

Adopted effective November 19, 1982 (Supp. 82-6). Amended effective November 28, 1983 (Supp. 83-6). Amended subsection (B) and added a new subsection (C) effective November 28, 1986 (Supp. 86-6). Section repealed, new Section adopted effective November 5, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1301 recodified to R9-7-1301 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1302. Recodified****Historical Note**

Adopted effective November 19, 1982 (Supp. 82-6). Amended effective November 28, 1983 (Supp. 83-6). Section repealed, new Section adopted effective November

## Recodified

ber 5, 1993 (Supp. 93-4). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (05-1). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by exempt rulemaking at 14 A.A.R. 4243, effective November 17, 2008 (Supp. 08-4). Amended by final rulemaking at 21 A.A.R. 289, effective April 6, 2015 (Supp. 15-1). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1302 recodified to R9-7-1302 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1303. Recodified****Historical Note**

Adopted effective November 19, 1982 (Supp. 82-6). Amended effective November 28, 1983 (Supp. 83-6). Amended subsections (A), (C), and (D) effective November 28, 1986 (Supp. 86-6). Section repealed, new Section adopted effective November 5, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by exempt rulemaking at 14 A.A.R. 4243, effective November 17, 2008 (Supp. 08-4). Section R12-1-1303 recodified to R9-7-1303 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1304. Recodified****Historical Note**

Adopted effective November 5, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by exempt rulemaking at 14 A.A.R. 4243, effective November 17, 2008 (Supp. 08-4). Section R12-1-1304 recodified to R9-7-1304 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1305. Recodified****Historical Note**

Adopted effective November 5, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1305 recodified to R9-7-1305 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1306. Recodified****Historical Note**

Amended effective November 5, 1993 (Supp. 93-4). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 12 A.A.R. 75, effective February 7, 2006 (Supp. 05-4). Amended by exempt rulemaking at 14 A.A.R. 4243, effective November 17, 2008 (Supp. 08-4). Amended by final rulemaking at 21 A.A.R. 289, effective April 6, 2015 (Supp. 15-1). Section R12-1-1306 recodified to R9-7-1306 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1307. Recodified****Historical Note**

Adopted effective November 5, 1993 (Supp. 93-4). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by exempt rulemaking at 14 A.A.R. 4243, effective November 17, 2008 (Supp. 08-4). Section R12-1-1307 recodified to R9-7-1307 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1308. Recodified****Historical Note**

Adopted effective November 5, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Amended by exempt rulemaking at 14 A.A.R. 4243, effective November 17, 2008 (Supp. 08-4). Section R12-1-1308 recodified to R9-7-1308 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1309. Recodified****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 1817, effective May 12, 1999 (Supp. 99-2). Section R12-1-1309 recodified to R9-7-1309 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Table 1. Recodified****Historical Note**

New Table made by exempt rulemaking at 14 A.A.R. 4243, effective November 17, 2008 (Supp. 08-4). Article 13, Table 1, recodified to 9 A.A.C. 7, Article 13, Table 1 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 14. RECODIFIED****R12-1-1401. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Repealed effective January 2, 1996 (Supp. 96-1). New Section made by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (04-4). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-1401 recodified to R9-7-1401 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1402. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (05-1). Section R12-1-1402 recodified to R9-7-1402 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1403. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Section heading amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1403 recodified to R9-7-1403 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

## Recodified

**R12-1-1404. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1404 recodified to R9-7-1404 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1405. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1405 recodified to R9-7-1405 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1406. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Section heading amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1406 recodified to R9-7-1406 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1407. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1407 recodified to R9-7-1407 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1408. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1408 recodified to R9-7-1408 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1409. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Section heading amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1409 recodified to R9-7-1409 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1410. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1410 recodified to R9-7-1410 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1411. Repealed****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4).

**R12-1-1412. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1412 recodified to R9-7-1412 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1413. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1413 recodified to R9-7-1413 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1414. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1414 recodified to R9-7-1414 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1415. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Section heading amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1415 recodified to R9-7-1415 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1416. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1416 recodified to R9-7-1416 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1417. Repealed****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Section repealed by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1417 recodified to R9-7-1417 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1418. Recodified****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1418 recodified to R9-7-1418 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

## Recodified

**R12-1-1419. Reserved**

effective January 2, 1996 (Supp. 96-1).

**R12-1-1420. Reserved****R12-1-1429. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1429 recodified to R9-7-1429 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1421. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-2). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (Supp. 05-1). Section R12-1-1421 recodified to R9-7-1421 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1422. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Table referenced in subsection (A) was repealed effective January 2, 1996; Section amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1422 recodified to R9-7-1422 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1423. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1423 recodified to R9-7-1423 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1424. Repealed****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Repealed effective January 2, 1996 (Supp. 96-1).

**R12-1-1425. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1425 recodified to R9-7-1425 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1426. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1426 recodified to R9-7-1426 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1427. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1427 recodified to R9-7-1427 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1428. Repealed****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Repealed

**R12-1-1430. Repealed****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Repealed effective January 2, 1996 (Supp. 96-1).

**R12-1-1431. Repealed****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Repealed effective January 2, 1996 (Supp. 96-1).

**R12-1-1432. Repealed****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Repealed effective January 2, 1996 (Supp. 96-1).

**R12-1-1433. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1433 recodified to R9-7-1433 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1434. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1434 recodified to R9-7-1434 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1435. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Section heading amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1435 recodified to R9-7-1435 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1436. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1); the tables previously referenced in subsection (A) were repealed effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1436 recodified to R9-7-1436 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1437. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended

## Recodified

effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1437 recodified to R9-7-1437 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1438. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Repealed effective January 2, 1996 (Supp. 96-1). New Section made by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (05-1). Amended by final rulemaking at 16 A.A.R. 1703, effective August 10, 2010; Manifest typographical errors corrected at the request of the Agency, filed August 31, 2010, file no. M10-342 (Supp. 10-3). Section R12-1-1438 recodified to R9-7-1438 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1438.01. Recodified****Historical Note**

New Section made by final rulemaking at 16 A.A.R. 1703, effective August 10, 2010 (Supp. 10-3). Section R12-1-1438.01 recodified to R9-7-1438.01 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1439. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Section repealed; new Section made by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (Supp. 05-1). Amended by final rulemaking at 16 A.A.R. 1703, effective August 10, 2010 (Supp. 10-3). Section R12-1-1439 recodified to R9-7-1439 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1440. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Section repealed; new Section made by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1440 recodified to R9-7-1440 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1441. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective January 2, 1996 (Supp. 96-1). Section repealed; new Section made by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1441 recodified to R9-7-1441 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1442. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Repealed effective January 2, 1996 (Supp. 96-1). New Section made by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1442 recodified to R9-7-1442 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1443. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Section

heading amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1443 recodified to R9-7-1443 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1444. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Section heading amended effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Section R12-1-1444 recodified to R9-7-1444 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Article 14, Appendix A, recodified to 9 A.A.C. 7, Article 14, Appendix A at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix B. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Repealed effective January 2, 1996 (Supp. 96-1). Appendix repealed by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). New Appendix B made by final rulemaking at 11 A.A.R. 61, effective February 5, 2005 (Supp. 04-4). Article 14, Appendix B, recodified to 9 A.A.C. 7, Article 14, Appendix B at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix C. Recodified****Historical Note**

New Appendix C made by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (Supp. 05-1). Article 14, Appendix C, recodified to 9 A.A.C. 7, Article 14, Appendix C at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix D. Recodified****Historical Note**

New Appendix D made by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (Supp. 05-1). Article 14, Appendix C, recodified to 9 A.A.C. 7, Article 14, Appendix C at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 15. RECODIFIED****R12-1-1501. Recodified****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 18 A.A.R. 1895, effective September 10, 2012 (Supp. 12-3). Section R12-1-1501 recodified to R9-7-1501 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1502. Recodified****Historical Note**

Adopted effective December 20, 1985 (Supp. 85-6). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-1502 recodified to



## Recodified

R9-7-1502 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1503. Recodified****Historical Note**

Adopted effective December 20, 1985 (Supp. 85-6). Repealed effective June 13, 1997 (Supp. 97-2). New Section made by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-1503 recodified to R9-7-1503 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1504. Recodified****Historical Note**

Adopted effective December 20, 1985 (Supp. 85-6). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-1504 recodified to R9-7-1504 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1505. Recodified****Historical Note**

Adopted effective December 20, 1985 (Supp. 85-6). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-1505 recodified to R9-7-1505 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1506. Recodified****Historical Note**

Adopted effective December 20, 1985 (Supp. 85-6). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-1506 recodified to R9-7-1506 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1507. Recodified****Historical Note**

Adopted effective December 20, 1985 (Supp. 85-6). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-1507 recodified to R9-7-1507 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1508. Recodified****Historical Note**

Adopted effective December 20, 1985 (Supp. 85-6). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 1126, effective May 9, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-1508 recodified to R9-7-1508 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1509. Recodified****Historical Note**

New Section made by final rulemaking at 18 A.A.R. 1895, effective September 10, 2012 (Supp. 12-3). Section R12-1-1509 recodified to R9-7-1509 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1510. Recodified****Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 18 A.A.R. 1895, effective September 10, 2012 (12-3). Section R12-1-1510 recodified to R9-7-1510 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1511. Recodified****Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-1511 recodified to R9-7-1511 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1512. Recodified****Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Amended by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1512 recodified to R9-7-1512 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1513. Recodified****Historical Note**

New Section made by final rulemaking at 18 A.A.R. 1895, effective September 10, 2012 (12-3). Section R12-1-1513 recodified to R9-7-1513 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1514. Reserved****R12-1-1515. Recodified****Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-1515 recodified to R9-7-1515 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Repealed****Historical Note**

Adopted effective December 20, 1985 (Supp. 85-6). Repealed effective June 13, 1997 (Supp. 97-2).

**ARTICLE 16. RESERVED****ARTICLE 17. REPEALED****R12-1-1701. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1701 recodified to R9-7-1701 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1702. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 2122, effective

## Recodified

July 3, 2004 (Supp. 04-2). Section R12-1-1702 recodified to R9-7-1702 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1703. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1703 recodified to R9-7-1703 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1704. Reserved****R12-1-1705. Reserved****R12-1-1706. Reserved****R12-1-1707. Reserved****R12-1-1708. Reserved****R12-1-1709. Reserved****R12-1-1710. Reserved****R12-1-1711. Reserved****R12-1-1712. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1712 recodified to R9-7-1712 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1713. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 15 A.A.R. 1023, effective August 1, 2009 (Supp. 09-2). Section R12-1-1713 recodified to R9-7-1713 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1714. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1714 recodified to R9-7-1714 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1715. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1715 recodified to R9-7-1715 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1716. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Section R12-1-1716 recodified to R9-7-1716 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1717. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1717 recodified to R9-7-1717 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1718. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1718 recodified to R9-7-1718 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1719. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1719 recodified to R9-7-1719 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1720. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Section R12-1-1720 recodified to R9-7-1720 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1721. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Section R12-1-1721 recodified to R9-7-1721 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1722. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1722 recodified to R9-7-1722 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1723. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Section R12-1-1723 recodified to R9-7-1723 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

## Recodified

**R12-1-1724. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1724 recodified to R9-7-1724 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1725. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1725 recodified to R9-7-1725 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1726. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1726 recodified to R9-7-1726 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1727. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1727 recodified to R9-7-1727 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1728. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1728 recodified to R9-7-1728 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1729. Reserved****R12-1-1730. Reserved****R12-1-1731. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1731 recodified to R9-7-1731 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1732. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Section R12-1-1732 recodified to R9-7-1732 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1733. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1733 recodified to R9-7-1733 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1734. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1734 recodified to R9-7-1734 at 24 A.A.R. 813, effective March 22,

2018 (Supp. 18-1).

**R12-1-1735. Reserved****R12-1-1736. Reserved****R12-1-1737. Reserved****R12-1-1738. Reserved****R12-1-1739. Reserved****R12-1-1740. Reserved****R12-1-1741. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section R12-1-1741 recodified to R9-7-1741 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1742. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Section R12-1-1742 recodified to R9-7-1742 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1743. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Amended by final rulemaking at 10 A.A.R. 4458, effective December 4, 2004 (Supp. 04-4). Section R12-1-1743 recodified to R9-7-1743 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1744. Reserved****R12-1-1745. Reserved****R12-1-1746. Reserved****R12-1-1747. Reserved****R12-1-1748. Reserved****R12-1-1749. Reserved****R12-1-1750. Reserved****R12-1-1751. Recodified****Historical Note**

Adopted effective April 2, 1990 (Supp. 90-2). Amended effective June 13, 1997 (Supp. 97-2). Amended by final rulemaking at 9 A.A.R. 4302, effective November 14, 2003 (Supp. 03-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 2122, effective July 3, 2004 (Supp. 04-2). Section R12-1-1751 recodified to R9-7-1751 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**ARTICLE 18. RESERVED****ARTICLE 19. RECODIFIED****R12-1-1901. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603,

## Recodified

effective February 2, 2016 (Supp. 16-1). Section R12-1-1901 recodified to R9-7-1901 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1902. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1903. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1903 recodified to R9-7-1903 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1904. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1905. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1905 recodified to R9-7-1905 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1906. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1907. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1907 recodified to R9-7-1907 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1908. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1909. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1909 recodified to R9-7-1909 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1910. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1911. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1911 recodified to R9-7-1911 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1912. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1913. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1914. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1915. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1916. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1917. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1918. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1919. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1920. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1921. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1921 recodified to R9-7-1921 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1922. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1923. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1923 recodified to R9-7-1923 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1924. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1925. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1925 recodified to R9-7-1925 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1926. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1927. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1927 recodified to R9-7-1927 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

## Recodified

**R12-1-1928. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1929. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1929 recodified to R9-7-1929 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1930. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1931. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1931 recodified to R9-7-1931 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1932. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1933. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1933 recodified to R9-7-1933 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1934. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1935. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1936. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1937. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1938. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1939. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1940. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1941. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1941 recodified to R9-7-1941 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1942. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1943. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1943 recodified to R9-7-1943 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1944. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1945. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1945 recodified to R9-7-1945 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1946. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1947. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1947 recodified to R9-7-1947 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1948. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1949. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1949 recodified to R9-7-1949 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1950. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1951. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1951 recodified to R9-7-1951 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1952. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1953. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1953 recodified to R9-7-1953 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1954. Reserved**

## Recodified

**Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1955. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1955 recodified to R9-7-1955 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1956. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1957. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1957 recodified to R9-7-1957 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1958. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1959. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1960. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1961. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1962. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1963. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1964. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1965. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1966. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1967. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1968. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1969. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1970. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1971. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1971 recodified to R9-7-1971 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1972. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1973. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1973 recodified to R9-7-1973 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1974. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1975. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1975 recodified to R9-7-1975 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1976. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1977. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1977 recodified to R9-7-1977 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1978. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1979. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1979 recodified to R9-7-1979 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1980. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1981. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-1981 recodified to R9-7-1981 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-1982. Reserved**

## Recodified

**Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1983. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1984. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1985. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1986. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1987. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1988. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1989. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1990. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1991. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1992. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1993. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1994. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1995. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1996. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1997. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1998. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-1999. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-19100. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-19101. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-19101 recodified to R9-7-19101 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-19102. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-19103. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-19103 recodified to R9-7-19103 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-19104. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-19105. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-19105 recodified to R9-7-19105 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-19106. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-19107. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-19107 recodified to R9-7-19107 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**R12-1-19108. Reserved****Historical Note**

Section reserved at 22 A.A.R. 603 (Supp. 16-1).

**R12-1-19109. Recodified****Historical Note**

New Section made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Section R12-1-19109 recodified to R9-7-19109 at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

**Appendix A. Recodified****Historical Note**

Appendix A, consisting of Table 1 - Category 1 and Category 2 Threshold, made by final rulemaking at 22 A.A.R. 603, effective February 2, 2016 (Supp. 16-1). Appendix A, consisting of Table 1 - Category 1 and Category 2 Threshold, recodified to 9 A.A.R. 7, Article 19, Appendix A, consisting of Table 1 - Category 1 and Category 2 Threshold, at 24 A.A.R. 813, effective March 22, 2018 (Supp. 18-1).

This page intentionally left blank.

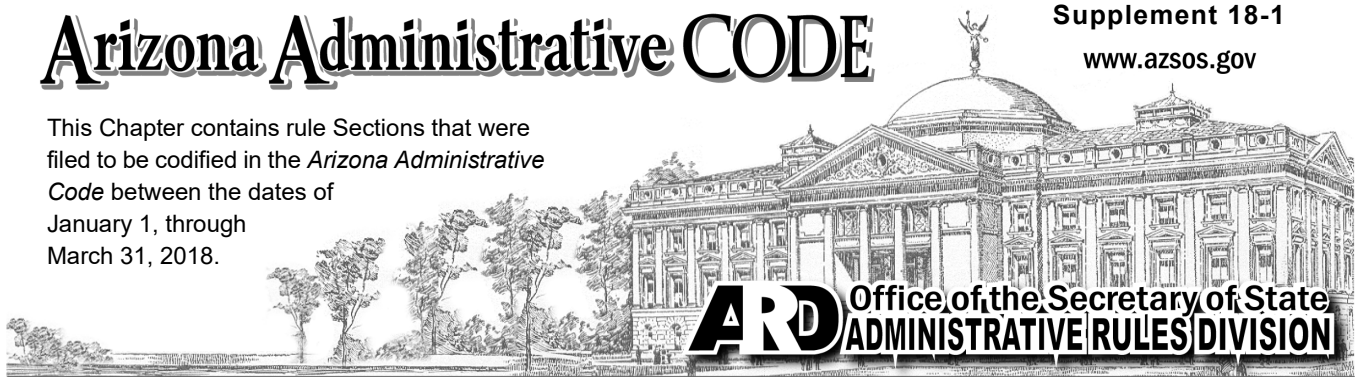


# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 12. NATURAL RESOURCES

### CHAPTER 4. GAME AND FISH COMMISSION

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

<a href="#">R12-4-601.</a>	<a href="#">Definitions .....</a>	<a href="#">113</a>	<a href="#">R12-4-610.</a>	<a href="#">Petitions for the Closure of State or Federal Lands to Hunting, Fishing, Trapping, or Operation of Motor Vehicles .....</a>	<a href="#">116</a>
<a href="#">R12-4-602.</a>	<a href="#">Petition for Rule or Review of Practice or Policy .....</a>	<a href="#">113</a>	<a href="#">R12-4-611.</a>	<a href="#">Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy .....</a>	<a href="#">117</a>
<a href="#">R12-4-603.</a>	<a href="#">Written Comments on Proposed Rules .....</a>	<a href="#">114</a>	<a href="#">R12-4-901.</a>	<a href="#">Definitions .....</a>	<a href="#">138</a>
<a href="#">R12-4-604.</a>	<a href="#">Oral Proceedings Before the Commission .....</a>	<a href="#">114</a>	<a href="#">R12-4-902.</a>	<a href="#">Aquatic Invasive Species; Prohibitions; Inspection, Decontamination Protocols .....</a>	<a href="#">138</a>
<a href="#">R12-4-605.</a>	<a href="#">Ex Parte Communication .....</a>	<a href="#">114</a>	<a href="#">R12-4-1101.</a>	<a href="#">Renumbered .....</a>	<a href="#">139</a>
<a href="#">R12-4-606.</a>	<a href="#">Standards for Revocation, Suspension, or Denial of a License .....</a>	<a href="#">114</a>	<a href="#">R12-4-1102.</a>	<a href="#">Renumbered .....</a>	<a href="#">139</a>
<a href="#">R12-4-607.</a>	<a href="#">Proceedings for License Revocation, Suspension, or Denial of Right to Obtain a License, and Civil Damages .....</a>	<a href="#">115</a>			
<a href="#">R12-4-608.</a>	<a href="#">Rehearing or Review of Commission Decisions .....</a>	<a href="#">116</a>			
<a href="#">R12-4-609.</a>	<a href="#">Commission Orders .....</a>	<a href="#">116</a>			

#### Questions about these rules? Contact:

Department Arizona Game and Fish Department  
Name: Celeste Cook, Rules and Policy Manager  
Address: 5000 W. Carefree Highway  
Phoenix, AZ 85086  
Telephone: (623) 236-7390  
Fax: (623) 236-7110  
E-mail: [CCook@azgfd.gov](mailto:CCook@azgfd.gov)

**The release of this Chapter in supplement 18-1 replaces supplement 17-3, 1-139 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

## TITLE 12. NATURAL RESOURCES

## CHAPTER 4. GAME AND FISH COMMISSION

Authority: A.R.S. § 17-201 et seq.

*Editor's Note: The Office of the Secretary of State publishes all Chapters on white paper (Supp. 01-2).*

*Editor's Note: This Chapter contains rules which were adopted or amended under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6), pursuant to A.R.S. § 41-1005(A)(1). Exemption from A.R.S. Title 41, Chapter 6 means that the Game and Fish Commission did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Governor's Regulatory Review Council did not review these rules; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

## ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

## Section

R12-4-101.	Definitions .....	4
R12-4-102.	License, Permit, Stamp, and Tag Fees .....	5
R12-4-103.	Duplicate Tags and Licenses .....	6
R12-4-104.	Application Procedures for Issuance of Hunt Permit-tags by Computer Draw and Purchase of Bonus Points .....	6
R12-4-105.	License Dealer's License .....	8
R12-4-106.	Special Licenses Licensing Time-frames .....	10
Table 1.	Time-Frames .....	11
R12-4-107.	Bonus Point System .....	11
R12-4-108.	Management Unit Boundaries .....	13
R12-4-109.	Approved Trapping Education Course Fee .....	19
R12-4-110.	Posting and Access to State Land .....	20
R12-4-111.	Identification Number .....	21
R12-4-112.	Diseased, Injured, or Chemically-immobilized Wildlife .....	21
R12-4-113.	Small Game Depredation Permit .....	21
R12-4-114.	Issuance of Nonpermit-tags and Hunt Permit-tags .....	21
R12-4-115.	Restricted Nonpermit-Tags; Supplemental Hunts and Hunter Pool .....	22
R12-4-116.	Reward Payments .....	24
R12-4-117.	Indian Reservations .....	25
R12-4-118.	Hunt Permit-tag Surrender .....	25
R12-4-119.	Arizona Game and Fish Department Reserve .....	26
R12-4-120.	Issuance, Sale, and Transfer of Special Big Game License-tags .....	26
R12-4-121.	Big Game Tag Transfer .....	27
R12-4-122.	Handling, Transporting, Processing, and Storing of Game Meat Given to Public Institutions and Charitable Organizations .....	28
R12-4-123.	Expenditure of Funds .....	28
R12-4-124.	Proof of Domicile .....	29
R12-4-125.	Public Solicitation or Event on Department Property .....	29

## ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS

## Section

R12-4-201.	Pioneer License .....	30
R12-4-202.	Disabled Veteran's License .....	31
R12-4-203.	National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp .....	32
R12-4-204.	Repealed .....	32
R12-4-205.	High Achievement Scout License .....	33
R12-4-206.	General Hunting License; Exemption .....	33
R12-4-207.	General Fishing License; Exemption .....	34
R12-4-208.	Guide License .....	34

R12-4-209.	Community Fishing License; Exemption .....	37
R12-4-210.	Combination Hunting and Fishing License; Exemption .....	37
R12-4-211.	Lifetime License .....	38
R12-4-212.	Benefactor License .....	39
R12-4-213.	Hunt Permit-tags and Nonpermit-tags .....	39
R12-4-214.	Apprentice License .....	39
R12-4-215.	Youth Group Two-day Fishing License .....	40
R12-4-216.	Crossbow Permit .....	40
R12-4-217.	Challenged Hunter Access/Mobility Permit (CHAMP) .....	41
R12-4-218.	Repealed .....	43
R12-4-219.	Renumbered .....	43
R12-4-220.	Repealed .....	43

## ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

## Section

R12-4-301.	Definitions .....	43
R12-4-302.	Use of Tags .....	44
R12-4-303.	Unlawful Devices, Methods, and Ammunition .....	44
R12-4-304.	Lawful Methods for Taking Wild Mammals, Birds, and Reptiles .....	45
R12-4-305.	Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife .....	48
R12-4-306.	Buffalo Hunt Requirements .....	49
R12-4-307.	Trapping Regulations, Licensing; Methods; Tagging of Bobcat Pelts .....	49
R12-4-308.	Wildlife Inspections, Check Stations, and Roadblocks .....	51
R12-4-309.	Authorization for Use of Drugs on Wildlife .....	52
R12-4-310.	Fishing Permits .....	53
R12-4-311.	Exemptions from Requirement to Possess an Arizona Fishing License or Hunting License While Taking Wildlife .....	53
R12-4-312.	Repealed .....	54
R12-4-313.	Lawful Methods of Taking Aquatic Wildlife .....	54
R12-4-314.	Repealed .....	55
R12-4-315.	Possession of Live Fish; Unattended Live Boxes and Stringers .....	55
R12-4-316.	Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs .....	55
R12-4-317.	Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles .....	56
R12-4-318.	Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles .....	56
R12-4-319.	Use of Aircraft to Take Wildlife .....	57
R12-4-320.	Harassment of Wildlife .....	58
R12-4-321.	Restrictions for Taking Wildlife in City, County, or Town Parks and Preserves .....	58

## Game and Fish Commission

R12-4-322.	Pickup and Possession of Wildlife Carcasses or Parts .....	58
------------	--	----

**ARTICLE 4. LIVE WILDLIFE**

*New Article 4, consisting of Sections R12-4-401 through R12-4-420, R12-4-422, and R12-4-424 through R12-4-428 adopted effective April 28, 1989.*

*Former Article 4, Commission Orders, consisting of Sections R12-4-401 through R12-4-424, R12-4-429 through R12-4-431, R12-4-440 through R12-4-443 expired. See R12-4-118.*

Section		
R12-4-401.	Live Wildlife Definitions .....	58
R12-4-402.	Live Wildlife: Unlawful Acts .....	60
R12-4-403.	Escaped or Released Live Wildlife.....	60
R12-4-404.	Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License .....	60
R12-4-405.	Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit .....	61
R12-4-406.	Restricted Live Wildlife .....	61
R12-4-407.	Exemptions from Special License Requirements for Restricted Live Wildlife .....	63
R12-4-408.	Holding Wildlife for the Department .....	65
R12-4-409.	General Provisions and Penalties for Special Licenses .....	65
R12-4-410.	Aquatic Wildlife Stocking License .....	67
R12-4-411.	Live Bait Dealer's License .....	68
R12-4-412.	Special License Fees .....	69
R12-4-413.	Private Game Farm License .....	69
R12-4-414.	Game Bird License .....	71
R12-4-415.	Repealed .....	74
R12-4-416.	Repealed .....	74
R12-4-417.	Wildlife Holding License .....	74
R12-4-418.	Scientific Collecting License .....	76
R12-4-419.	Repealed .....	77
R12-4-420.	Zoo License .....	77
R12-4-421.	Wildlife Service License .....	79
R12-4-422.	Sport Falconry License .....	81
R12-4-423.	Wildlife Rehabilitation License .....	88
R12-4-424.	White Amur Stocking and Holding License .....	91
R12-4-425.	Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments .....	92
R12-4-426.	Possession of Nonhuman Primates .....	93
R12-4-427.	Exemptions from Requirements to Possess a Wildlife Rehabilitation License .....	93
R12-4-428.	Captivity Standards .....	94
R12-4-429.	Expired .....	96
R12-4-430.	Importation, Handling, and Possession of Cervids .....	96

**ARTICLE 5. BOATING AND WATER SPORTS**

*Article 5 Article heading amended effective November 7, 1996 (Supp. 96-4).*

Section		
R12-4-501.	Boating and Water Sports Definitions .....	97
R12-4-502.	Application for Watercraft Registration .....	98
R12-4-503.	Renewal of Watercraft Registration; Duplicate Watercraft Registration or Decal .....	100
R12-4-504.	Watercraft Fees; Penalty for Late Registration; Staggered Registration Schedule .....	101
R12-4-505.	Hull Identification Numbers .....	101
R12-4-506.	Invalidation of Watercraft Registration and Decals .....	102

R12-4-507.	Transfer of Ownership of an Abandoned or Unreleased Watercraft .....	103
R12-4-508.	New Watercraft Exchanges .....	104
R12-4-509.	Watercraft Dealers; Agents .....	104
R12-4-510.	Refund of Fees Paid in Error .....	105
R12-4-511.	Personal Flotation Devices .....	105
R12-4-512.	Fire Extinguishers Required for Watercraft .....	105
R12-4-513.	Watercraft Incident and Casualty Reports .....	106
R12-4-514.	Liveries .....	106
R12-4-515.	Display of AZ Numbers and Registration Decals .....	106
R12-4-516.	Watercraft Sound Level Restriction .....	107
R12-4-517.	Watercraft Motor and Engine Restrictions .....	107
R12-4-518.	Regattas .....	108
R12-4-519.	Reciprocity .....	108
R12-4-520.	Arizona Aids to Navigation System .....	108
R12-4-521.	Repealed .....	109
R12-4-522.	Repealed .....	109
R12-4-523.	Controlled Operation of Watercraft .....	109
R12-4-524.	Towed Water Sports .....	109
R12-4-525.	Revocation of Watercraft Certificate of Number, AZ Numbers, and Decals .....	109
R12-4-526.	Unlawful Mooring .....	110
R12-4-527.	Transfer of Ownership of a Towed Watercraft .....	110
R12-4-528.	Watercraft Checkpoints .....	111
R12-4-529.	Nonresident Boating Safety Infrastructure Fees; Proof of Payment .....	111
R12-4-530.	Authorized Third-party Providers; Agents .....	111
R12-4-531.	Reserved .....	112
R12-4-532.	Reserved .....	112
R12-4-533.	Reserved .....	112
R12-4-534.	Reserved .....	112
R12-4-535.	Reserved .....	112
R12-4-536.	Reserved .....	112
R12-4-537.	Reserved .....	112
R12-4-538.	Reserved .....	112
R12-4-539.	Reserved .....	112
R12-4-540.	Reserved .....	112
R12-4-541.	Repealed .....	112
R12-4-542.	Repealed .....	112
R12-4-543.	Repealed .....	112
R12-4-544.	Repealed .....	112
R12-4-545.	Repealed .....	112

**ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION**

*Article 6, consisting of Sections R12-4-601 through R12-4-606, adopted and Section R12-4-115 renumbered as Section R12-4-607, effective December 22, 1987.*

Section		
R12-4-601.	Definitions .....	113
R12-4-602.	Petition for Rule or Review of Practice or Policy .....	113
R12-4-603.	Written Comments on Proposed Rules .....	114
R12-4-604.	Oral Proceedings Before the Commission .....	114
R12-4-605.	Ex Parte Communication .....	114
R12-4-606.	Standards for Revocation, Suspension, or Denial of a License .....	114
R12-4-607.	Proceedings for License Revocation, Suspension, or Denial of Right to Obtain a License, and Civil Damages .....	115
R12-4-608.	Rehearing or Review of Commission Decisions .....	116
R12-4-609.	Commission Orders .....	116

## Game and Fish Commission

R12-4-610.	Petitions for the Closure of State or Federal Lands to Hunting, Fishing, Trapping, or Operation of Motor Vehicles .....	116
R12-4-611.	Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy .....	117

**ARTICLE 7. HERITAGE GRANTS**

*Article 7, consisting of Sections R12-4-701 through R12-4-712, adopted effective July 12, 1996 (Supp. 96-3).*

Section		
R12-4-701.	Heritage Grant Definitions .....	118
R12-4-702.	General Provisions; Heritage Grant Fund Requirements .....	118
R12-4-703.	Repealed .....	120
R12-4-704.	Repealed .....	120
R12-4-705.	Repealed .....	120
R12-4-706.	Repealed .....	120
R12-4-707.	Repealed .....	120
R12-4-708.	Repealed .....	120
R12-4-709.	Renumbered .....	120
R12-4-710.	Renumbered .....	120
R12-4-711.	Renumbered .....	120
R12-4-712.	Renumbered .....	121

**ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY**

*Article 8, consisting of Sections R12-4-801 through R12-4-803, adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2).*

Section		
R12-4-801.	General Provisions .....	121
R12-4-802.	Wildlife Area and Other Department Managed Property Restrictions .....	121
R12-4-803.	Wildlife Area and Other Department Managed Property Boundary Descriptions .....	126
R12-4-804.	Renumbered .....	138

**ARTICLE 9. AQUATIC INVASIVE SPECIES**

*New Article 11, consisting of Sections R12-4-1101 and R12-4-*

*1102, renumbered from Article 9 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).*

*Article 9, consisting of Sections R12-4-901 through R12-4-906, expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).*

*Article 9, consisting of Sections R12-4-901 through R12-4-906, made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1).*

Section		
R12-4-901.	Definitions .....	138
R12-4-902.	Aquatic Invasive Species; Prohibitions; Inspection, Decontamination Protocols .....	138
R12-4-903.	Expired .....	138
R12-4-904.	Expired .....	139
R12-4-905.	Expired .....	139
R12-4-906.	Expired .....	139

**ARTICLE 10. RESERVED****ARTICLE 11. RENUMBERED**

*Article 11, consisting of Sections R12-4-1101 and R12-4-1102, renumbered to Article 9 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).*

*Article 11, consisting of Sections R12-4-1101 and R12-4-1102, made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1).*

*Article 11, consisting of Sections R12-4-1103 and R12-4-1104, made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Article 11 renewed by emergency rulemaking at 17 A.A.R. 2376 for 180 days, effective November 3, 2012 (Supp. 11-4).*

Section		
R12-4-1101.	Renumbered .....	139
R12-4-1102.	Renumbered .....	139
R12-4-1103.	Emergency Expired .....	139
R12-4-1104.	Emergency Expired .....	139

## Game and Fish Commission

**ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS****R12-4-101. Definitions**

- A. In addition to the definitions provided under A.R.S. § 17-101, R12-4-301, R12-4-401, and R12-4-501, the following definitions apply to this Chapter, unless otherwise specified:

“Bobcat seal” means the tag a person is required to attach to the raw pelt or unskinned carcass of any bobcat taken by trapping in Arizona or exported out of Arizona regardless of the method of take.

“Bonus point” means a credit that authorizes the Department to issue an applicant an additional computer-generated random number.

“Certificate of insurance” means an official document issued by the sponsor’s and sponsor’s vendors or subcontractors insurance carrier providing insurance against claims for injury to persons or damage to property which may arise from or in connection with the solicitation or event as determined by the Department.

“Commission Order” means a document adopted by the Commission that does one or more of the following:

- Open, close, or alter seasons,
- Open areas for taking wildlife,
- Set bag or possession limits for wildlife,
- Set the number of permits available for limited hunts, or
- Specify wildlife that may or may not be taken.

“Day-long” means the 24-hour period from one midnight to the following midnight.

“Department property” means those buildings or real property and wildlife areas under the jurisdiction of the Arizona Game and Fish Commission.

“Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun, or other weapon that will discharge, is designed to discharge, or may readily be converted to discharge a projectile by the action of an explosion caused by the burning of smokeless powder, black powder, or black powder substitute.

“Hunt area” means a management unit, portion of a management unit, or group of management units, or any portion of Arizona described in a Commission Order and not included in a management unit, opened to hunting.

“Hunt number” means the number assigned by Commission Order to any hunt area where a limited number of hunt permits are available.

“Hunt permits” means the number of hunt permit-tags made available to the public as a result of a Commission Order.

“Hunt permit-tag” means a tag for a hunt for which a Commission Order has assigned a hunt number.

“Identification number” means the number assigned to each applicant or license holder by the Department, as established under R12-4-111.

“License dealer” means a business authorized to sell hunting, fishing, and other licenses as established under R12-4-105.

“Live baitfish” means any species of live freshwater fish designated by Commission Order as lawful for use in taking aquatic wildlife under R12-4-317.

“Management unit” means an area established by the Commission for management purposes.

“Nonpermit-tag” means a tag for a hunt for which a Commission Order does not assign a hunt number and the number of tags is not limited.

“Person” has the meaning as provided under A.R.S. § 1-215.

“Proof of purchase,” for the purposes of A.R.S. § 17-331, means an original, or any authentic and verifiable form of the original, of any Department-issued license, permit, or stamp that establishes proof of actual purchase.

“Restricted nonpermit-tag” means a tag issued for a supplemental hunt as established under R12-4-115.

“Solicitation” means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or participation in an event or activity of any kind, including organizational, educational, public affairs, or protest activities, including the distribution or posting of advertising, handbills, leaflets, circulars, posters, or other printed materials for these purposes.

“Solicitation material” means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information.

“Sponsor” means the person or persons conducting a solicitation or event.

“Stamp” means a form of authorization in addition to a license that authorizes the license holder to take wildlife specified by the stamp.

“Tag” means the Department authorization a person is required to obtain before taking certain wildlife as established under A.R.S. Title 17 and 12 A.A.C. 4.

“Waterdog” means the larval or metamorphosing stage of a salamander.

“Wildlife area” means an area established under 12 A.A.C. 4, Article 8.

- B. If the following terms are used in a Commission Order, the following definitions apply:

“Antlered” means having an antler fully erupted through the skin and capable of being shed.

“Antlerless” means not having an antler, antlers, or any part of an antler erupted through the skin.

“Bearded turkey” means a turkey with a beard that extends beyond the contour feathers of the breast.

“Buck antelope” means a male pronghorn antelope.

“Adult bull buffalo” means a male buffalo any age or any buffalo designated by a Department employee during an adult bull buffalo hunt.

“Adult cow buffalo” means a female buffalo any age or any buffalo designated by a Department employee during an adult cow buffalo hunt.

“Bull elk” means an antlered elk.

“Designated” means the gender, age, or species of an animal or the specifically identified animal the Department authorizes to be taken and possessed with a valid tag.

“Ram” means any male bighorn sheep.

## Game and Fish Commission

“Rooster” means a male pheasant.

“Yearling buffalo” means any buffalo less than three years of age or any buffalo designated by a Department employee during a yearling buffalo hunt.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective October 22, 1976 (Supp. 76-5). Amended effective June 29, 1978 (Supp. 78-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-01 renumbered as Section R12-4-101 without change effective August 13, 1981 (Supp. 81-4). Amended effective April 22, 1982 (Supp. 82-2). Amended subsection (A), paragraph (10) effective April 7, 1983 (Supp. 83-2). Amended effective June 4, 1987 (Supp. 87-2). Amended subsection (A) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Amended subsection (A) effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended effective May 27, 1992 (Supp. 92-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-102. License, Permit, Stamp, and Tag Fees**

- A. A person who purchases a license, tag, stamp, or permit listed in this Section shall pay at the time of purchase all applicable fees prescribed under this Section or the fees the Director authorizes under R12-4-115.
- B. A person who applies to purchase a hunt permit-tag shall submit with the application all applicable fees using acceptable forms of payment as required under R12-4-104(F) and (G).
- C. As authorized under A.R.S. § 17-345, the license fees in this section include a \$3 surcharge, except Youth and High Achievement Scout licenses.

Hunting and Fishing License Fees	Resident	Nonresident
General Fishing License	\$37	\$55
Community Fishing License	\$24	\$24
General Hunting License	\$37	Not available
Combination Hunting and Fishing License	\$57	\$160
Youth Combination Hunting and Fishing License, fee applies until the applicant's 18th birthday.	\$5	\$5
High Achievement Scout License, as authorized under A.R.S. § 17-336(B). Fee applies until the applicant's 21st birthday.	\$5	Not available
Short-term Combination Hunting and Fishing License	\$15	\$20

Youth Group Two-day Fishing License	\$25	Not available
-------------------------------------	------	---------------

Hunt Permit-tag Fees	Resident	Nonresident
Antelope	\$90	\$550
Bear	\$25	\$150
Bighorn Sheep	\$300	\$1,800
Buffalo		
Adult Bulls or Any Buffalo	\$1,100	\$5,400
Adult Cows	\$650	\$3,250
Yearling	\$350	\$1,750
Cow or Yearling	\$650	\$3,250
Deer and Archery Deer	\$45	\$300
Youth	\$25	\$25
Elk	\$135	\$650
Youth	\$50	\$50
Javelina	\$25	\$100
Youth	\$15	\$15
Pheasant non-archery, non-falconry	Application fee only	Application fee only
Turkey and Archery Turkey	\$25	\$90
Youth	\$10	\$10
Sandhill Crane	\$10	\$10

Nonpermit-tag and Restricted Non-permit-tag Fees	Resident	Nonresident
Antelope	\$90	\$550
Bear	\$25	\$150
Buffalo		
Adult Bulls or Any Buffalo	\$1,100	\$5,400
Adult Cows	\$650	\$3,250
Yearling	\$350	\$1,750
Cow or Yearling	\$650	\$3,250
Deer	\$45	\$300
Youth	\$25	\$25
Elk	\$135	\$650
Youth	\$50	\$50
Javelina	\$25	\$100
Youth	\$15	\$15
Mountain Lion	\$15	\$75
Turkey	\$25	\$90
Youth	\$10	\$10
Sandhill Crane	\$10	\$10

Stamps and Special Use Fees	Resident	Nonresident
Arizona Colorado River Special Use Permit Stamp. For use by California and Nevada licensees	Not available	\$3
Bobcat Seal	\$3	\$3
State Migratory Bird Stamp	\$5	\$5

Other License Fees	Resident	Nonresident
Fur Dealer's License	\$115	\$115
Guide License	\$300	\$300



## Game and Fish Commission

License Dealer's License	\$100	\$100
License Dealer's Outlet License	\$25	\$25
Taxidermist License	\$150	\$150
Trapping License	\$30	\$275
Youth	\$10	\$10
<b>Administrative Fees</b>		
Duplicate License Fee	\$4	\$4
Application Fee	\$13	\$15

- D. A person desiring a replacement of a Migratory Bird or Arizona Colorado River Special Use Permit Stamp shall repurchase the stamp.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective March 31, 1977 (Supp. 77-2). Amended effective June 28, 1977 (Supp. 77-3). Amended effective October 20, 1977 (Supp. 77-5). Amended effective January 1, 1979 (Supp. 78-6). Amended effective June 4, 1979 (Supp. 79-3). Amended effective January 1, 1980 (Supp. 79-6). Amended paragraphs (1), (7) through (11), (13), (15), (29), (30), and (32) effective January 1, 1981 (Supp. 80-5). Former Section R12-4-30 renumbered as Section R12-4-102 without change effective August 13, 1981. Amended effective August 31, 1981 (Supp. 81-4). Amended effective September 15, 1982 unless otherwise noted in subsection (D) (Supp. 82-5). Amended effective January 1, 1984 (Supp. 83-4). Amended subsections (A) and (C) effective January 1, 1985 (Supp. 84-5). Amended effective January 1, 1986 (Supp. 85-5). Amended subsection (A), paragraphs (1), (2), (8) and (9) effective January 1, 1987; Amended by adding a new subsection (A), paragraph (31) and renumbering accordingly effective July 1, 1987. Both amendments filed November 5, 1986 (Supp. 86-6). Amended subsections (A) and (C) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsections (A) and (C) filed December 30, 1988, effective January 1, 1989"; Amended subsection (C) effective April 28, 1989 (Supp. 89-2). Section R12-4-102 repealed, new Section R12-4-102 filed as adopted November 26, 1990, effective January 1, 1991 (Supp. 90-4). Amended effective September 1, 1992; filed August 7, 1992 (Supp. 92-3). Amended effective January 1, 1993; filed December 18, 1993 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective December 16, 1995 (Supp. 94-4). Amended effective January 1, 1997; filed in the Office of the Secretary of State November 14, 1995 (Supp. 95-4). Amended subsection (D), paragraph (4), and subsection (E), paragraph (10), effective October 1, 1996; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended subsection (B), paragraph (6) and subsection (E) paragraph (4), effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 or January 1, 2001, as designated within the text of the Section (Supp. 00-1). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 1157, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 2823, effective

August 13, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 12 A.A.R. 1391, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 13 A.A.R. 462, effective February 6, 2007 (Supp. 07-1). Amended by final rulemaking at 17 A.A.R. 1472, effective July 12, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-103. Duplicate Tags and Licenses**

- A. Under A.R.S. § 17-332(C), the Department and its license dealers may issue a duplicate license or tag to an applicant who:
1. Pays the applicable fee prescribed under R12-4-102, and
  2. Signs an affidavit. The affidavit is furnished by the Department and is available at any Department office or license dealer.
- B. The applicant shall provide the following information on the affidavit:
1. The applicant's personal information:
    - a. Name;
    - b. Department identification number, when applicable;
    - c. Residency status and number of years of residency immediately preceding application, when applicable;
  2. The original license or tag information:
    - a. Type of license or tag;
    - b. Place of purchase;
    - c. Purchase date, when available; and
  3. Disposition of the original tag for which a duplicate is being purchased:
    - a. The tag was not used and is lost, destroyed, mutilated, or otherwise unusable; or
    - b. The tag was placed on a harvested animal that was subsequently condemned and the carcass and all parts of the animal were surrendered to a Department employee as required under R12-4-112(B) and (C). An applicant applying for a duplicate tag under this subsection shall also submit the condemned meat duplicate tag authorization form issued by the Department.
- C. In the event the Department is unable to verify the expiration date of the original license, the duplicate license shall expire on December 31 of the current year.

**Historical Note**

Amended effective June 7, 1976 (Supp. 76-3). Amended effective October 20, 1977 (Supp. 77-5). Former Section R12-4-07 renumbered as Section R12-4-103 without change effective August 13, 1981 (Supp. 81-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Computer Draw and Purchase of Bonus Points**

- A. For the purposes of this Section, "group" means all applicants who placed their names on a single application as part of the same application.
- B. A person is eligible to apply:
1. For a hunt permit-tag if the person:
    - a. Is at least 10 years of age at the start of the hunt for which the person is applying;
    - b. Has successfully completed a Department-sanctioned hunter education course by the start date of



## Game and Fish Commission

- the hunt for which the person is applying, when the person is under the age of 14;
- c. Has not reached the bag limit established under subsection (J) for that genus; and
  - d. Is not suspended or revoked in this state as a result of an action under A.R.S. §§ 17-340 or 17-502 at the time the person submits an application.
2. For a bonus point if the person:
    - a. Is at least 10 years of age by the application deadline; and
    - b. Is not suspended or revoked in this state as a result of an action under A.R.S. §§ 17-340 or 17-502 at the time the person submits an application.
- C.** An applicant shall apply at the times, locations, and in the manner and method established by the hunt permit-tag application schedule published by the Department and available at any Department office, online at [www.azgfd.gov](http://www.azgfd.gov), or a license dealer.
1. The Commission shall set application deadline dates for hunt permit-tag computer draw applications through the hunt permit-tag application schedule.
  2. The Director has the authority to extend any application deadline date if a problem occurs that prevents the public from submitting a hunt permit-tag application within the deadlines set by the Commission.
  3. The Commission, through the hunt permit-tag application schedule, shall designate the manner and method of submitting an application, which may require an applicant to apply online only. If the Commission requires applicant's to use the online method, the Department shall accept paper applications only in the event of a Department systems failure.
- D.** An applicant for a hunt permit-tag or a bonus point shall complete and submit a Hunt Permit-tag Application. The application form is available from any Department office, a license dealer, or online at [www.azgfd.gov](http://www.azgfd.gov).
- E.** An applicant shall provide the following information on the Hunt Permit-tag Application:
1. The applicant's personal information:
    - a. Name;
    - b. Date of birth;
    - c. Social security number, as required under A.R.S. §§ 25-320(P) and 25-502(K);
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. If the applicant possesses a valid license authorizing the take of wildlife in this state, the number of the applicant's license;
  3. If the applicant does not possess a valid license at the time of the application, the applicant shall purchase a license as established under subsection (L). The applicant shall provide all of the following information on the license application portion of the Hunt Permit-tag Application:
    - a. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - b. Residency status and number of years of residency immediately preceding application, when applicable;
    - c. Type of license for which the person is applying; and
  4. Certify the information provided on the application is true and accurate;
  5. An applicant who is:
    - a. Under the age of 10 and is submitting an application for a hunt other than big game is not required to have a license under this Chapter. The applicant shall indicate "youth" in the space provided for the license number on the Hunt Permit-tag Application.
    - b. Age nine or older and is submitting an application for a big game hunt is required to purchase an appropriate license as required under this Section. The applicant shall either enter the appropriate license number in the space provided for the license number on the Hunt Permit-tag Application or purchase a license at the time of application, as applicable.
- F.** In addition to the information required under subsection (E), an applicant shall also submit all applicable fees established under R12-4-102, as follows:
1. When applying electronically:
    - a. The permit application fee; and
    - b. The license fee, when the applicant does not possess a valid license at the time of application. The applicant shall submit payment in U.S. currency using valid credit or debit card.
    - c. If an applicant is successful in the computer draw, the Department shall charge the hunt permit-tag fee using the credit or debit card furnished by the applicant.
  2. When applying manually:
    - a. The fee for the applicable hunt permit-tag;
    - b. The permit application fee; and
    - c. The license fee if the applicant does not possess a valid license at the time of application. The applicant shall submit payment by certified check, cashier's check, or money order made payable in U.S. currency to the Arizona Game and Fish Department.
- G.** An applicant shall apply for a specific hunt or a bonus point by the current hunt number. If all hunts selected by the applicant are filled at the time the application is processed in the computer draw, the Department shall deem the application unsuccessful, unless the application is for a bonus point.
1. An applicant shall make all hunt choices for the same genus within one application.
  2. An applicant shall not include applications for different genera of wildlife in the same envelope.
- H.** An applicant shall submit only one valid application per genus of wildlife for any calendar year, except:
1. If the bag limit is one per calendar year, an unsuccessful applicant may re-apply for remaining hunt permit-tags in unfilled hunt areas, as specified in the hunt permit-tag application schedule.
  2. For genera that have multiple draws within a single calendar year, a person who successfully draws a hunt permit-tag during an earlier season may apply for a later season for the same genus if the person has not taken the bag limit for that genus during a preceding hunt in the same calendar year.
  3. If the bag limit is more than one per calendar year, a person may apply for remaining hunt permit-tags in unfilled hunt areas as specified in the hunt permit-tag application schedule.
- I.** All members of a group shall apply for the same hunt numbers and in the same order of preference.
1. No more than four persons may apply as a group.

## Game and Fish Commission

2. The Department shall not issue a hunt permit-tag to any group member unless sufficient hunt permit-tags are available for all group members.
- J. A person shall not apply for a hunt permit-tag for:
  1. Rocky Mountain or desert bighorn sheep if the person has met the lifetime bag limit for that sub-species.
  2. Buffalo if the person has met the lifetime bag limit for that species.
  3. Any species when the person has reached the bag limit for that species during the same calendar year for which the hunt permit-tag applies.
- K. To participate in:
  1. The computer draw system, an applicant shall possess an appropriate hunting license that shall be valid, either:
    - i. On the last day of the application deadline for that computer draw, as established by the hunt permit-tag application schedule published by the Department, or
    - ii. On the last day of an extended deadline date, as authorized under subsection (C)(2).
    - iii. If an applicant does not possess an appropriate hunting license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application.
  2. The bonus point system, an applicant shall comply with the requirements established under R12-4-107.
- L. The Department shall reject as invalid a Hunt Permit-Tag Application not prepared or submitted in accordance with this Section or not prepared in a legible manner.
- M. Any hunt permit-tag issued for an application that is subsequently found not to be in accordance with this Section is invalid.
- N. The Department or its authorized agent shall mail hunt permit-tags to successful applicants. The Department shall return application overpayments to the applicant designated "A" on the Hunt Permit-tag Application. The Department shall not refund:
  1. A permit application fee.
  2. A license fee submitted with a valid application for a hunt permit-tag or bonus point.
  3. An overpayment of five dollars or less. The Department shall consider the overpayment to be a donation to the Arizona Game and Fish Fund.
- O. The Department shall award a bonus point for the appropriate species to an applicant when the payment submitted is less than the required fees, but is sufficient to cover the application fee and, when applicable, license fee.
- P. When the Department determines a Department error, as defined under subsection (3), caused the rejection or denial of a valid application:
  1. The Director may authorize either:
    - a. The issuance of an additional hunt permit-tag, provided the issuance of an additional hunt permit-tag will have no significant impact on the wildlife population to be hunted and the application for the hunt permit-tag would have otherwise been successful based on its random number, or
    - b. The awarding of a bonus point when a hunt permit-tag is not issued.
  2. A person who is denied a hunt permit-tag or a bonus point under this subsection may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.
  3. For the purposes of this subsection, "Department error" means an internal processing error that:
    - a. Prevented a person from lawfully submitting an application for a hunt permit-tag,
    - b. Caused a person to submit an invalid application for a hunt permit-tag,
    - c. Caused the rejection of an application for a hunt permit-tag,
    - d. Failed to apply an applicant's bonus points to a valid application for a hunt permit-tag, or
    - e. Caused the denial of a hunt permit-tag.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 28, 1977 (Supp. 77-3). Amended effective July 24, 1978 (Supp. 78-4). Former Section R12-4-06 renumbered as Section R12-4-104 without change effective August 13, 1981. Amended subsections (N), (O), and (P) effective August 31, 1981 (Supp. 81-4). Former Section R12-4-104 repealed, new Section R12-4-104 adopted effective May 12, 1982 (Supp. 82-3). Amended subsection (D) as an emergency effective December 27, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-6). Emergency expired. Amended effective June 20, 1983 (Supp. 83-3). Amended subsection (F)(3) effective September 12, 1984. Amended subsection (F)(9) and added subsections (F)(10) and (G)(3) effective October 31, 1984 (Supp. 84-5). Amended effective May 5, 1986 (Supp. 86-3). Amended effective June 4, 1987 (Supp. 87-2). Section R12-4-104 repealed, new Section R12-4-104 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-105. License Dealer's License**

- A. For the purposes of this Section, unless the context otherwise requires:

"Dealer number" means the unique number assigned by the Department to a dealer outlet.

"Dealer outlet" means a specified location authorized to sell licenses under a license dealer's license.

"License" means any hunting or fishing license, permit, stamp, or tag that may be sold by a dealer or dealer outlet under this Section.

"License dealer" means a business licensed by the Department to sell licenses from one or more dealer outlets.

"License Dealer Portal" means the secure website provided by the Department for issuing licenses and permits and accessing a license dealer's account.

- B. A person is eligible to apply for a license dealer's license, provided all of the following criteria are met:
1. The person's privilege to sell licenses for the Department has not been revoked or canceled under A.R.S. §§ 17-

## Game and Fish Commission

- 334, 17-338, or 17-339 within the two calendar years immediately preceding the date of application;
2. The person's credit record or assets assure the Department that the value of the licenses shall be adequately protected;
  3. The person agrees to assume financial responsibility for licenses provided by the Department at the maximum value established under R12-4-102, less the dealer commission prescribed under A.R.S. § 17-338(B).
- C.** A person shall apply for a license dealer's license by submitting an application to any Department office. The application is furnished by the Department and is available at any Department office. A license dealer license applicant shall provide all of the following information on the application:
1. The principal business or corporation information:
    - a. Name,
    - b. Physical address, and
    - c. Telephone number;
    - d. If not a corporation, the applicant shall provide the information required under subsections (a), (b), and (c) for each owner;
  2. The contact information for the person responsible for ensuring compliance with this Section:
    - a. Name,
    - b. Business address, and
    - c. Business telephone number;
  3. Whether the applicant has previously sold licenses under A.R.S. § 17-334;
  4. Whether the applicant is seeking renewal of an existing license dealer's license;
  5. Credit references and a statement of assets and liabilities; and
  6. Dealer outlet information:
    - a. Name,
    - b. Physical address,
    - c. Telephone number, and
    - d. Name of the person responsible for ensuring compliance with this Section at each dealer outlet.
- D.** A license dealer may request to add dealer outlets to the license dealer's license, at any time during the license year, by submitting the application form containing the information required under subsection (C) to the Department.
- E.** An applicant who is denied a license dealer's license under this Section may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.
- F.** The Department shall:
1. Provide to the license dealer all licenses that the license dealer will make available to the public for sale,
  2. Authorize the license dealer to use the dealer's own license stock, or
  3. Authorize the license dealer to issue licenses and permits online via the Department's License Dealer Portal.
- G.** Upon receipt of licenses provided by the Department, the license dealer shall verify the licenses received are the licenses identified on the shipment inventory provided by the Department with the shipment.
1. Within five working days from receipt of shipment, the person performing the verification shall:
    - a. Clearly designate any discrepancies on the shipment inventory,
    - b. Sign and date the shipping inventory, and
    - c. Return the signed shipping inventory to the Department.
  2. The Department shall verify any discrepancies identified by the license dealer and credit or debit the license dealer's inventory accordingly.
- H.** A license dealer shall maintain an inventory of licenses for sale to the public at each outlet.
- I.** A license dealer may request additional licenses in writing or verbally.
1. The request shall include:
    - a. The name of the license dealer,
    - b. The assigned dealer number,
    - c. A list of the licenses needed, and
    - d. The name of the person making the request.
  2. Within 10 calendar days from receipt of a request, the Department shall provide the licenses requested, unless:
    - a. The license dealer failed to acknowledge licenses previously provided to the license dealer, as required under subsection (G);
    - b. The license dealer failed to transmit license fees, as required under subsection (J); or
    - c. The license dealer is not in compliance with this Section and all applicable statutes and rules.
- J.** A license dealer shall transmit to the Department all license fees collected by the tenth day of each month, less the dealer commission prescribed under A.R.S. § 17-338(B). Failure to comply with the requirements of this subsection shall result in the cancellation of the license dealer's license, as authorized under A.R.S. § 17-338(A).
- K.** A license dealer shall submit a monthly report to the Department by the tenth day of each month, as prescribed under A.R.S. § 17-339.
1. The monthly report form is furnished by the Department.
  2. A monthly report is required regardless of whether or not activities were performed.
  3. Failure to submit the monthly report in compliance with this subsection shall be cause to cancel the license dealer's license.
  4. The license dealer shall include in the monthly report all of the following information for each outlet:
    - a. Name of the dealer;
    - b. The assigned dealer number;
    - c. Reporting period;
    - d. Number of sales and dollar amount of sales for reporting period, by type of license sold;
    - e. Dollar amount of commission authorized under A.R.S. § 17-338(B);
    - f. Debit and credit adjustments for previous reporting periods, if any;
    - g. Number of affidavits received for which a duplicate license was issued under R12-4-103;
    - h. List of lost or missing licenses; and
    - i. Printed name and signature of the preparer.
  5. In addition to the information required under subsection (K), the license dealer shall also provide the affidavit for each duplicate license issued by the dealer during the reporting period.
    - a. The affidavit is furnished by the Department and is included in the license book.
    - b. A license dealer who fails to submit the affidavit for a duplicate license issued by the license dealer shall remit to the Department the actual cash value of the original license replaced.
- L.** The Department shall provide written notice of suspension and demand the return of all inventory within five calendar days from any license dealer who:
1. Fails to transmit monies due the Department under A.R.S. § 17-338 by the deadline established under subsection (J);
  2. Issues to the Department more than one check with insufficient funds during a calendar year; or

## Game and Fish Commission

3. Otherwise fails to comply with this Section and all applicable statutes and rules.
- M.** As prescribed under A.R.S. § 17-338, the actual cash value of licenses not returned to the Department is due and payable to the Department within 15 working days from the date the Department provides written notice to the license dealer. This includes, but is not limited to:
1. Licenses not returned upon termination of business by a license dealer; or
  2. Licenses reported by a dealer outlet or discovered by the Department to be lost, missing, stolen, or destroyed for any reason.
- N.** In addition to those violations that may result in revocation, suspension, or cancellation of a license dealer's license as prescribed under A.R.S. §§ 17-334, 17-338, and 17-339, the Commission may revoke a license dealer's license if the license dealer or an employee of the license dealer is convicted of counseling, aiding, or attempting to aid any person in obtaining a fraudulent license.
- Historical Note**
- Amended effective June 7, 1976 (Supp. 77-3). Former Section R12-4-08 renumbered as Section R12-4-105 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-105 repealed, new Section R12-4-105 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-105 repealed, new Section R12-4-105 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).
- R12-4-106. Special Licenses Licensing Time-frames**
- A.** For the purposes of this Section, the following definitions apply:
- "Administrative review time-frame" has the same meaning as prescribed under A.R.S. § 41-1072(1).
- "License" means any permit or authorization issued by the Department and listed under subsection (H).
- "Overall time-frame" has the same meaning as prescribed under A.R.S. § 41-1072(2).
- "Substantive review time-frame" has the same meaning as prescribed under A.R.S. § 41-1072(3).
- B.** As required under A.R.S. § 41-1072 et seq., within the overall time-frames listed in the table below, the Department shall either:
1. Grant a license to an applicant after determining the applicant meets all of the criteria required by statute and the governing rule; or
  2. Deny a license to an applicant when the Department determines the applicant does not meet all of the criteria required by statute and the governing rule.
    - a. The Department may deny a license at any point during the review process if the information provided by the applicant demonstrates the applicant is not eligible for the license as prescribed under statute or the governing rule.
- b. The Department shall issue a written denial notice when it is determined that an applicant does not meet all of the criteria for the license.
  - c. The written denial notice shall provide:
    - i. The Department's justification for the denial, and
    - ii. When a hearing or appeal is authorized, an explanation of the applicant's right to a hearing or appeal.
- C.** During the overall time-frame:
1. The applicant and the Department may agree in writing to extend the overall time-frame.
  2. The substantive review time-frame shall not be extended by more than 25% of the overall time-frame.
- D.** An applicant may withdraw an application at any time.
- E.** The administrative review time-frame shall begin upon the Department's receipt of an application.
1. During the administrative review time-frame, the Department may return to the applicant, without denial, an application that is missing any of the information required under R12-4-409 and the rule governing the specific license. The Department shall issue to the applicant a written notice that identifies all missing information and indicates the applicant has 30 days in which to return the missing information.
  2. The administrative review time-frame and the overall time-frame listed for the applicable license under this Section are suspended from the date on the notice until the date the Department receives the missing information.
  3. If an applicant fails to respond to a request for missing information within 30 days, the Department shall consider the application withdrawn.
- F.** The substantive review time-frame shall begin when the Department determines an application is complete.
1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information. The written notice shall:
    - a. Identify the additional information, and
    - b. Indicate the applicant has 30 days in which to submit the additional information.
    - c. The Department and the applicant may mutually agree in writing to allow the agency to submit supplemental requests for additional information.
    - d. If an applicant fails to respond to a request for additional information within 30 days, the Department shall consider the application withdrawn.
  2. The substantive review time-frame and the overall time-frame listed for the applicable license under this Section are suspended from the date on the request until the date the Department receives the additional information.
- G.** If the last day of the time-frame period falls on a Saturday, Sunday, or an official State holiday, the Department shall consider the next business day the time-frame period's last day. All periods listed are:
1. Calendar days, and
  2. Maximum time periods.
- H.** The Department may grant or deny a license in less time than specified below.

## Game and Fish Commission

Table 1. Time-Frames

Name of Special License	Governing Rule	Administrative Review Time-frame	Substantive Time-frame	Review	Overall Time-frame
Aquatic Wildlife Stocking Permit	R12-4-410	10 days	170 days		180 days
Authorization for Use of Drugs on Wildlife	R12-4-309	20 days	70 days		90 days
Challenged Hunter Access/Mobility Permit	R12-4-217	1 day	29 days		30 days
Crossbow Permit	R12-4-216	1 day	29 days		30 days
Disabled Veteran's License	R12-4-202	1 day	29 days		30 days
Fishing Permits	R12-4-310	10 days	20 days		30 days
Game Bird License	R12-4-414	10 days	20 days		30 days
Guide License	R12-4-208	10 days	20 days		30 days
License Dealer's License	R12-4-105	10 days	20 days		30 days
Live Bait Dealer's License	R12-4-411	10 days	20 days		30 days
Pioneer License	R12-4-201	1 day	29 days		30 days
Private Game Farm License	R12-4-413	10 days	20 days		30 days
Scientific Collecting Permit	R12-4-418	10 days	20 days		30 days
Small Game Depredation Permit	R12-4-113	10 days	20 days		30 days
Sport Falconry License	R12-4-422	10 days	20 days		30 days
Watercraft Agents	R12-4-509	10 days	20 days		30 days
White Amur Stocking License	R12-4-424	10 days	20 days		30 days
Wildlife Holding License	R12-4-417	10 days	20 days		30 days
Wildlife Rehabilitation License	R12-4-423	10 days	50 days		60 days
Wildlife Service License	R12-4-421	10 days	50 days		60 days
Zoo License	R12-4-420	10 days	20 days		30 days

**Historical Note**

Editorial correction subsections (F) through (G) (Supp. 78-5). Former Section R12-4-09 renumbered as Section R12-4-106 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2). New Section adopted June 10, 1998 (Supp. 98-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-107. Bonus Point System**

- A. For the purpose of this Section, the following definitions apply:

"Bonus point hunt number" means the hunt number assigned in a Commission Order for use by an applicant who is applying for a bonus point only.

"Loyalty bonus point" means a bonus point awarded to a person who has submitted a valid application for a hunt permit-tag or a bonus point for a specific genus identified in subsection (B) at least once annually for a consecutive five-year period.

- B. The bonus point system grants a person one random number entry in each computer draw for antelope, bear, bighorn sheep, buffalo, deer, elk, javelina, or turkey for each bonus point that person has accumulated under this Section.
- Each bonus point random number entry is in addition to the entry normally granted under R12-4-104.
  - When processing a "group" application, as defined under R12-4-104, the Department shall use the average number of bonus points accumulated by all persons in the group, rounded to the nearest whole number. If the average number of bonus points is equal to or greater than .5, the total will be rounded to the next higher number.
  - The Department shall credit a bonus point under an applicant's Department identification number for the genus on the application.

- The Department shall not transfer bonus points between persons or genera.

- C. The Department shall award one bonus point to an applicant who submits a valid Hunt Permit-tag Application provided the following apply:

- The application is unsuccessful in the computer draw or the application is for a bonus point only;
- The application is not for a hunt permit-tag leftover after the computer draw and available on a first-come, first-served basis as established under R12-4-114; and
- The applicant either provides the appropriate hunting license number on the application or submits an application and fees for the applicable license with the Hunt Permit-tag Application, as applicable.

- D. An applicant who purchases a bonus point only shall:

- Submit a valid Hunt Permit-tag Application, as prescribed under R12-4-104, with the assigned bonus point hunt number for the particular genus as the first-choice hunt number on the application. The Department shall reject any application that:
  - Indicates the bonus point only hunt number as any choice other than the first-choice, or
  - Includes any other hunt number on the application;
- Include the applicable fees:
  - Application fee, and
  - Applicable license fee, required when the applicant does not possess a valid license at the time of application; and

## Game and Fish Commission

3. Submit only one Hunt Permit-tag Application per genus per computer draw.
- E. With the exception of the hunter education bonus point, each accumulated bonus point is valid only for the genus designated on the Hunt Permit-tag Application.
- F. With the exception of a permanent bonus point awarded for hunter education and a loyalty bonus point which is accrued and forfeited as established under subsection (L), a person's accumulated bonus points for a genus are expended if:
  1. The person is issued a hunt permit-tag for that genus in a computer draw;
  2. The person fails to submit a Hunt Permit-tag Application for that genus for five consecutive years; or
  3. The person purchases a surrendered tag as prescribed under R12-4-118(F)(1), (2), or (3).
- G. Notwithstanding subsection (F), the Department shall restore any expended bonus points to a person who surrenders or transfers a tag in compliance with R12-4-118 or R12-4-121.
- H. An applicant issued a first-come, first-served hunt permit-tag under R12-4-114(C)(2)(e) after the computer draw does not expend bonus points for that genus.
- I. An applicant who is unsuccessful for a first-come, first-served hunt permit-tag made available by the Department after the computer draw is not eligible to receive a bonus point.
- J. The Department shall award one permanent bonus point for each genus upon a person's first graduation from a Department-sanctioned Arizona Game and Fish Department Hunter Education Course.
  1. Course participants are required to provide the following information upon registration, the participants:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number;
    - d. E-mail address, when available;
    - e. Date of birth; and
    - f. Department ID number, when applicable.
  2. The Arizona Game and Fish Department-certified Instructor shall submit the course paperwork to the Department within 10 business days of course completion. Course paperwork must be received by the Department no less than 30 days before the computer draw application deadline, as specified in the hunt permit-tag application schedule in order for the Department to assign hunter education bonus points in the next computer draw.
  3. The Department shall not award hunter education bonus points for any of the following specialized hunter education courses:
    - a. Bowhunter Education,
    - b. Trapper Education, or
    - c. Advanced Hunter Education.
- K. The Department provides an applicant's total number of accumulated bonus points on the Department's application web site or IVR telephone system.
  1. If a person believes the total number of accumulated bonus points is incorrect, the person may request proof of compliance with this Section, from the Department, to prove Department error.
  2. In the event of an error, the Department shall correct the person's record.
- L. The following provisions apply to the loyalty bonus point program:
  1. An applicant who submits a valid application at least once a year for a hunt permit-tag or a bonus point for a specific genus consecutively for a five-year period shall accrue a loyalty bonus point for that genus.
  2. Except as established under subsection (N), once a loyalty bonus point is accrued, the applicant shall retain the loyalty bonus point provided the applicant annually submits an application, with funds sufficient to cover all application fees and applicable license fees for each applicant listed on the application, for a hunt permit-tag or a bonus point for the genus for which the loyalty bonus point was accrued.
  3. An applicant who fails to apply in any calendar year for a hunt permit-tag or bonus point for the genus for which the loyalty bonus point was accrued shall forfeit the loyalty bonus point for that genus.
  4. A loyalty bonus point is accrued in addition to all other bonus points.
- M. A military member, military reserve member, member of the National Guard, or emergency response personnel with a public agency may request the reinstatement of any expended bonus points for a successful Hunt Permit-tag Application.
  1. To request reinstatement of expended bonus points under these circumstances, an applicant shall submit all of the following information to the Arizona Game and Fish Department, Draw Section, 5000 W. Carefree Highway, Phoenix, AZ 85086:
    - a. Evidence of mobilization or change in duty status, such as a letter from the public agency or official orders; or
    - b. An official declaration of a state of emergency from the public agency or authority making the declaration of emergency, if applicable; and
    - c. The valid, unused hunt permit-tag.
  2. The Department shall deny requests post-marked after the beginning date of the hunt for which the hunt permit-tag is valid, unless the person also submits, with the request, evidence of mobilization, activation, or a change in duty status that precluded the applicant from submitting the hunt permit-tag before the beginning date of the hunt.
  3. Under A.R.S. § 17-332(E), no refunds for a license or hunt permit-tag will be issued to an applicant who applies for reinstatement of bonus points under this subsection.
  4. Reinstatement of bonus points under this subsection is not subject to the requirements established under R12-4-118.
- N. It is unlawful for a person to purchase a bonus point by fraud or misrepresentation and any bonus point so obtained shall be removed from the person's Department record.

**Historical Note**

Former Section R12-4-03 renumbered as Section R12-4-107 without change effective August 13, 1981 (Supp. 81-4). Section R12-4-107 repealed, new Section R12-4-107 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective July 29, 1992 (Supp. 92-3). Section R12-4-107 repealed, new Section R12-4-107 adopted effective January 1, 1999; filed with the Office of the Secretary of State February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended

## Game and Fish Commission

by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-108. Management Unit Boundaries**

- A. For the purpose of this Section, parentheses mean “also known as,” and the following definitions shall apply:
1. “FH” means “forest highway,” a paved road.
  2. “FR” means “forest road,” an unpaved road.
  3. “Hwy” means “Highway.”
  4. “mp” means “milepost.”
- B. The state is divided into units for the purpose of managing wildlife. Each unit is identified by a number, or a number and letter. For the purpose of this Section, Indian reservation land contained within any management unit is not under the jurisdiction of the Arizona Game and Fish Commission or the Arizona Game and Fish Department.

- C. Management unit descriptions are as follows:

Unit 1 – Beginning at the New Mexico state line and U.S. Hwy 60; west on U.S. Hwy 60 to Vernon Junction; south-erly on the Vernon-McNary road (FR 224) to the White Mountain Apache Indian Reservation boundary; east and south along the reservation boundary to Black River; east and north along Black River to the east fork of Black River; north along the east fork to Three Forks; and con-tinuing north and east on the Three Forks-Williams Val-ley-Alpine Rd. (FR 249) to U.S. Hwy 180; east on U.S. Hwy 180 to the New Mexico state line; north along the state line to U.S. Hwy 60.

Unit 2A – Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); north on U.S. Hwy 191 (AZ Hwy 61) to the Navajo Indian Reservation boundary; westerly along the reservation boundary to AZ Hwy 77; south on AZ Hwy 77 to Exit 292 on I-40; west on the westbound lane of I-40 to Exit 286; south on AZ Hwy 77 to U.S. Hwy 180; southeast on U.S. Hwy 180 to AZ Hwy 180A; south on AZ Hwy 180A to AZ Hwy 61; east on AZ Hwy 61 to U.S. Hwy 180 (AZ Hwy 61); east to U.S. Hwy 191 at St. Johns; except those portions that are sovereign tribal lands of the Zuni Tribe.

Unit 2B – Beginning at Springerville; east on U.S. Hwy 60 to the New Mexico state line; north along the state line to the Navajo Indian Reservation boundary; westerly along the reservation boundary to U.S. Hwy 191 (AZ Hwy 61); south on U.S. Hwy 191 (U.S. Hwy 180) to Springerville.

Unit 2C – Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); west on to AZ Hwy 61 Concho; southwest on AZ Hwy 61 to U.S. Hwy 60; east on U.S. Hwy 60 to U.S. Hwy 191 (U.S. Hwy 180); north on U.S. Hwy 191 (U.S. Hwy 180) to St. Johns.

Unit 3A – Beginning at the junction of U.S. Hwy 180 and AZ Hwy 77; south on AZ Hwy 77 to AZ Hwy 377; south-westerly on AZ Hwy 377 to AZ Hwy 277; easterly on AZ Hwy 277 to Snowflake; easterly on the Snowflake-Concho Rd. to U.S. Hwy 180A; north on U.S. Hwy 180A to U.S. Hwy 180; northwesterly on U.S. Hwy 180 to AZ Hwy 77.

Unit 3B – Beginning at Snowflake; southerly along AZ Hwy 77 to U.S. Hwy 60; southwest-ly along U.S. Hwy 60 to the White Mountain Apache Indian Reservation boundary; easterly along the reservation boundary to the Vernon-McNary Rd. (FR 224); northerly along the Ver-non-McNary Rd. to U.S. Hwy 60; west on U.S. Hwy 60 to AZ Hwy 61; northeasterly on AZ Hwy 61 to AZ Hwy

180A; northerly on AZ Hwy 180A to Concho-Snowflake Rd.; westerly on the Concho-Snowflake Rd. to Snow-flake.

Unit 3C – Beginning at Snowflake; westerly on AZ Hwy 277 to AZ Hwy 260; westerly on AZ Hwy 260 to the Sitgreaves National Forest boundary with the Tonto National Forest; easterly along the Apache-Sitgreaves National Forest boundary to U.S. Hwy 60 (AZ Hwy 77); northeasterly on U.S. Hwy 60 (AZ Hwy 77) to Showlow; northerly along AZ Hwy 77 to Snowflake.

Unit 4A – Beginning on the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest at the Mogollon Rim; north along this boundary (Leonard Canyon) to East Clear Creek; northerly along East Clear Creek to AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; north-erly on Hipkoe Dr. to I-40; west on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reser-vation boundary; east along the Navajo Indian Reserva-tion boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; west-erly along Woods Canyon to Woods Canyon Lake Rd.; westerly and southerly along the Woods Canyon Lake Rd. to the Mogollon Rim; westerly along the Mogollon Rim to the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest.

Unit 4B – Beginning at AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto National Forest; northeasterly on AZ Hwy 260 to AZ Hwy 277; northeast-erly on AZ Hwy 277 to Hwy 377; northeasterly on AZ Hwy 377 to AZ Hwy 77; northeasterly on AZ Hwy 77 to I-40 Exit 286; northeasterly along the westbound lane of I-40 to Exit 292; north on AZ Hwy 77 to the Navajo Indian Reservation boundary; west along the reservation boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake Rd. (FH 151); westerly and southerly along the Woods Canyon Lake Rd. (FH 151) to the Mogollon Rim; easterly along the Mogollon Rim to the intersection of AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto National Forest.

Unit 5A – Beginning at the junction of the Sitgreaves National Forest boundary with the Coconino National Forest boundary at the Mogollon Rim; northerly along this boundary (Leonard Canyon) to East Clear Creek; northeasterly along East Clear Creek to AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; north on Hipkoe Dr. to I-40; west on I-40 to the Meteor Crater Rd. (Exit 233); southerly on the Meteor Crater-Chavez Pass-Jack’s Canyon Rd. (FR 69) to AZ Hwy 87; southwest-ly along AZ Hwy 87 to the Coconino-Tonto National Forest boundary; easterly along the Coconino-Tonto National Forest boundary (Mogollon Rim) to the Sitgreaves National Forest boundary with the Coconino National Forest.

Unit 5B – Beginning at Lake Mary-Clint’s Well Rd. (FH3) and Walnut Canyon (mp 337.5 on FH3); southeast-erly on FH3 to AZ Hwy 87; northeasterly on AZ Hwy 87 to FR 69; westerly and northerly on FR 69 to I-40 (Exit

## Game and Fish Commission

233); west on I-40 to Walnut Canyon (mp 210.2); southwesterly along the bottom of Walnut Canyon to Walnut Canyon National Monument; southwesterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; southwesterly along the bottom of Walnut Canyon to FH3 (mp 337.5).

Unit 6A – Beginning at the junction of U.S. Hwy 89A and FR 237; southwesterly on U.S. Hwy 89A to the Verde River; southeasterly along the Verde River to the confluence with Fossil Creek; northeasterly along Fossil Creek to Fossil Springs; southeasterly on FS trail 18 (Fossil Spring Trail) to the top of the rim; northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary; easterly along this boundary to AZ Hwy 87; northeasterly on AZ Hwy 87 to Lake Mary-Clint's Well Rd. (FH3); northwesterly on FH3 to FR 132; southwest-erly on FR 132 to FR 296; southwesterly on FR 296 to FR 296A; southwesterly on FR 296A to FR 132; northwesterly on FR 132 to FR 235; westerly on FR 235 to Priest Draw; southwesterly along the bottom of Priest Draw to FR 235; westerly on FR 235 to FR 235A; west-erly on FR 235A to FR 235; southerly on FR 235 to FR 235K; northwesterly on FR 235K to FR 700; northerly on FR 700 to Mountaineer Rd.; west on Mountaineer Rd. to FR 237; westerly on FR 237 to U.S. Hwy 89A except those portions that are sovereign tribal lands of the Yavapai-Apache Nation.

Unit 6B – Beginning at mp 188.5 on I-40 at a point just north of the east boundary of Camp Navajo; south along the eastern boundary of Camp Navajo to the southeastern corner of Camp Navajo; southeast approximately 1/3 mile through the forest to the forest road in section 33; southeast on the forest road to FR 231 (Woody Mountain Rd.); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to the Verde River; northerly along the Verde River to Sycamore Creek; northeasterly along Sycamore Creek and Volunteer Canyon to the southwest corner of the Camp Navajo boundary; northerly along the western boundary of Camp Navajo to the northwest corner of Camp Navajo; continuing north to I-40 (mp 180.0); easterly along I-40 to mp 188.5.

Unit 7 – Beginning at the junction of AZ Hwy 64 and I-40 (in Williams); easterly on I-40 to FR 171 (mp 184.4 on I-40); northerly on FR 171 to the Transwestern Gas Pipeline; easterly along the Transwestern Gas Pipeline to FR 420 (Schultz Pass Rd.); northeasterly on FR 420 to U.S. Hwy 89; across U.S. Hwy 89 to FR 545; east on FR 545 to the Sunset Crater National Monument; easterly along the southern boundary of the Sunset Crater National Monument to FR 545; east on FR 545 to the 345 KV transmission lines 1 and 2; southeasterly along the power lines to I-40 (mp 212 on I-40); east on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reservation boundary; northerly and westerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; west on U.S. Hwy 180 to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 8 – Beginning at the junction of I-40 and U.S. Hwy 89 (in Ash Fork, Exit 146); south on U.S. Hwy 89 to the Verde River; easterly along the Verde River to Sycamore Creek; northerly along Sycamore Creek to Volunteer Canyon; northeasterly along Volunteer Canyon to the

west boundary of Camp Navajo; north along the bound-ary to a point directly north of I-40; west on I-40 to U.S. Hwy 89.

Unit 9 – Beginning where Cataract Creek enters the Havasupai Reservation; easterly and northerly along the Havasupai Reservation boundary to Grand Canyon National Park; easterly along the Grand Canyon National Park boundary to the Navajo Indian Reservation bound-ary; southerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; westerly along U.S. Hwy 180 to AZ Hwy 64; south along AZ Hwy 64 to Airpark Rd.; west and north along Airpark Rd. to the Valle-Cataract Creek Rd.; westerly along the Valle-Cataract Creek Rd. to Cataract Creek at Island Tank; northwesterly along Cata-ract Creek to the Havasupai Reservation Boundary.

Unit 10 – Beginning at the junction of AZ Hwy 64 and I-40; westerly on I-40 to Crookton Rd. (AZ Hwy 66, Exit 139); westerly on AZ Hwy 66 to the Hualapai Indian Res-ervation boundary; northeasterly along the reservation boundary to Grand Canyon National Park; east along the park boundary to the Havasupai Indian Reservation; east-erly and southerly along the reservation boundary to where Cataract Creek enters the reservation; southeast-erly along Cataract Creek in Cataract Canyon to Island Tank; easterly on the Cataract Creek-Valle Rd. to Airpark Rd.; south and east along Airpark Rd. to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 11M – Beginning at the junction of Lake Mary-Clint's Well Rd (FH3) and Walnut Canyon (mp 337.5 on FH3); northeasterly along the bottom of Walnut Canyon to the Walnut Canyon National Monument boundary; northeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; north-easterly along the bottom of Walnut Canyon to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1&2 (mp 212 on I-40); north and northeasterly along the power line to FR 545 (Sunset Crater Rd); west along FR 545 to the Sunset Crater National Monument boundary; westerly along the southern boundary of the Sunset Cra-ter National monument to FR 545; west on FR 545 to US Hwy 89; across US Hwy 89 to FR 420 (Schultz Pass Rd); southwesterly on FR 420 to the Transwestern Gas Pipe-line; westerly along the Transwestern Gas Pipeline to FR 171; south on FR 171 to I-40 (mp 184.4 on I-40); east on I-40 to a point just north of the eastern boundary of the Navajo Army Depot (mp 188.5 on I-40); south along the eastern boundary of the Navajo Army Depot to the south-east corner of the Depot; southeast approximately 1/3 mile to forest road in section 33; southeasterly along that forest road to FR 231 (Woody Mountain Rd); easterly on FR 231 to FR 533; southerly on FR 533 to US Hwy 89A; southerly on US Hwy 89A to FR 237; northeasterly on FR 237 to Mountaineer Rd; easterly on Mountaineer Rd to FR 700; southerly on FR 700 to FR 235K; southeast-erly on FR 235K to FR 235; northerly on FR 235 to FR 235A; easterly on FR 235A to FR 235; easterly on FR 235 to Priest Draw; northeasterly along the bottom of Priest Draw to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northeasterly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH 3; southeasterly on FH 3 to the south rim of Walnut Canyon (mp 337.5 on FH3).



## Game and Fish Commission

Unit 12A – Beginning at the confluence of the Colorado River and South Canyon; southerly and westerly along the Colorado River to Kanab Creek; northerly along Kanab Creek to Snake Gulch; northerly, easterly, and southerly around the Kaibab National Forest boundary to South Canyon; northeasterly along South Canyon to the Colorado River.

Unit 12B – Beginning at U.S. Hwy 89A and the Kaibab National Forest boundary near mp 566; southerly and easterly along the forest boundary to Grand Canyon National Park; northeasterly along the park boundary to Glen Canyon National Recreation area; easterly along the recreation area boundary to the Colorado River; northeasterly along the Colorado River to the Arizona-Utah state line; westerly along the state line to Kanab Creek; southerly along Kanab Creek to the Kaibab National Forest boundary; northerly, easterly, and southerly along this boundary to U.S. Hwy 89A near mp 566; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13A – Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); south from the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to where it crosses Cold Spring Wash near Cold Spring Wash Pond; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; easterly along the Colorado River to Kanab Creek; northerly along Kanab Creek to the Utah state line; west along the Utah state line to the western edge of the Hurricane Rim; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13B – Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); south from the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to where it crosses Cold Spring Wash near Cold Spring Wash Pond; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; westerly along the Colorado River to the Nevada state line; north along the Nevada state line to the Utah state line; east along the Utah state line to the western edge of the Hurricane Rim.

Unit 15A – Beginning at Pearce Ferry on the Colorado River; southerly on the Pearce Ferry Rd. to Antares Rd.; southeasterly on Antares Rd. to AZ Hwy 66; easterly on AZ Hwy 66 to the Hualapai Indian Reservation; west and north along the west boundary of the reservation to the Colorado River; westerly along the Colorado River to Pearce Ferry; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 15B – Beginning at Kingman on I-40 (Exit 48); northwesterly on U.S. Hwy 93 to Hoover Dam; north and east along the Colorado River to Pearce Ferry; southerly on the Pearce Ferry Rd. to Antares Rd.; southeasterly on Antares Rd. to AZ Hwy 66; easterly on AZ Hwy 66 to Hackberry Rd.; southerly on the Hackberry Rd. to its

junction with U.S. Hwy 93; north on U.S. Hwy 93 to I-40 (Exit 71); west on I-40 to Kingman (Exit 48).

Unit 15C – Beginning at Hoover Dam; southerly along the Colorado River to AZ Hwy 68 and Davis Dam; easterly on AZ Hwy 68 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to Hoover Dam.

Unit 15D – Beginning at AZ Hwy 68 and Davis Dam; southerly along the Colorado River to I-40; east and north on I-40 to Kingman (Exit 48); northwest on U.S. Hwy 93 to AZ Hwy 68; west on AZ Hwy 68 to Davis Dam; except those portions that are sovereign tribal lands of the Fort Mohave Indian Tribe.

Unit 16A – Beginning at Kingman on I-40 (Exit 48); south and west on I-40 to U.S. Hwy 95 (Exit 9); southerly on U.S. Hwy 95 to the Bill Williams River; easterly along the Bill Williams and Santa Maria rivers to U.S. Hwy 93; north on U.S. Hwy 93 to I-40 (Exit 71); west on I-40 to Kingman (Exit 48).

Unit 16B – Beginning at I-40 on the Colorado River; southerly along the Arizona-California state line to the Bill Williams River; east along the Bill Williams River to U.S. Hwy 95; north on U.S. Hwy 95 to I-40 (Exit 9); west on I-40 to the Colorado River.

Unit 17A – Beginning at the junction of the Williamson Valley Rd. (County Road 5) and the Camp Wood Rd. (FR 21); westerly on the Camp Wood Rd. to the west boundary of the Prescott National Forest; north along the forest boundary to the Baca Grant; east, north and west around the grant to the west boundary of the Prescott National Forest; north and east along the forest boundary to the Williamson Valley Rd. (County Rd. 5, FR 6); southerly on Williamson Valley Rd. (County Rd. 5, FR 6) to the Camp Wood Rd.

Unit 17B – Beginning at the junction of Iron Springs Rd. (County Rd. 10) and Williamson Valley Rd. (County Road 5) in Prescott; westerly on the Prescott-Skull Valley-Hillside-Bagdad Rd. to Bagdad; northeast on the Bagdad-Camp Wood Rd. (FR 21) to the Williamson Valley Rd. (County Rd. 5, FR 6); south on the Williamson Valley Rd. (County Rd. 5, FR 6) to the Iron Springs Rd.

Unit 18A – Beginning at Seligman; westerly on AZ Hwy 66 to the Hualapai Indian Reservation; southwest and west along the reservation boundary to AZ Hwy 66; southwest on AZ Hwy 66 to the Hackberry Rd.; south on the Hackberry Rd. to U.S. Hwy 93; south on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeast along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; north and east along the forest boundary to the Williamson Valley Rd. (County Rd. 5, FR 6); northerly on the Williamson Valley Rd. (County Rd. 5, FR 6) to Seligman and AZ Hwy 66; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 18B – Beginning at Bagdad; southeast on AZ Hwy 96 to the Santa Maria River; southwest along the Santa Maria River to U.S. Hwy 93; northerly on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeasterly along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the

## Game and Fish Commission

power line to the west boundary of the Prescott National Forest; south along the forest boundary to the Baca Grant; east, south and west along the forest boundary; south along the west boundary of the Prescott National Forest; to the Camp Wood-Bagdad Rd.; southwesterly on the Camp Wood-Bagdad Rd. to Bagdad; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 19A – Beginning at AZ Hwy 69 and U.S. Hwy 89 (in Prescott); northerly on U.S. Hwy 89 to the Verde River; easterly along the Verde River to I-17; southwest-erly on the southbound lane of I-17 to AZ Hwy 69; north-westerly on AZ Hwy 69 to U.S. Hwy 89; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe and the Yavapai-Apache Nation.

Unit 19B – Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69, west on Gurley St. to Grove Ave.; north on the Grove Ave. to Miller Valley Rd.; northwest on the Miller Valley Rd. to Iron Springs Rd.; northwest on the Iron Springs Rd. to the junction of Williamson Valley Rd. and Iron Springs Rd.; northerly on the Williamson Val-ley-Prescott-Seligman Rd. (FR 6, Williamson Valley Rd.) to AZ Hwy 66 at Seligman; east on Crookton Rd. (AZ Hwy 66) to I-40 (Exit 139); east on I-40 to U.S. Hwy 89; south on U.S. Hwy 89 to the junction with AZ Hwy 69; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20A – Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69; west on Gurley St. to Grove Ave.; north on the Grove Ave. to Miller Valley Rd., northwest on the Miller Valley Rd. to Iron Springs Rd., west and south on the Iron Springs-Skull Valley-Kirkland Junction Rd. to U.S. Hwy 89; continue south and easterly on the Kirkland Junction-Wagoner-Crown King-Cordes Rd. to Cordes, from Cordes southeast to I-17 (Exit 259); north on the southbound lane of I-17 to AZ Hwy 69; northwest on AZ Hwy 69 to junction of U.S. Hwy 89 at Prescott; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20B – Beginning at the Hassayampa River and U.S. Hwy 60/93 (in Wickenburg); northeasterly along the Has-sayampa River to the Kirkland Junction-Wagoner- Crown King-Cordes road (at Wagoner); southerly and northeast-erly along the Kirkland Junction-Wagoner-Crown King-Cordes Rd. (at Wagoner) to I-17 (Exit 259); south on the southbound lane of I-17 to the New River Road (Exit 232); west on the New River Road to State Hwy 74; west on AZ Hwy 74 to the junction of AZ Hwy 74 and U.S. Hwy 60/93; northwesterly on U.S. Hwy 60/93 to the Has-sayampa River.

Unit 20C – Beginning at U.S. Hwy 60/93 and the Santa Maria River; northeasterly along the Santa Maria River to AZ Hwy 96; easterly on AZ Hwy 96 to Kirkland Junc-tion; southeasterly along the Kirkland Junction-Wagoner-Crown King-Cordes road to the Hassayampa River (at Wagoner); southwesterly along the Hassayampa River to U.S. Hwy 60/93; northwesterly on U.S. Hwy 60/93 to the Santa Maria River.

Unit 21 – Beginning on I-17 at the Verde River; southerly on the southbound lane of I-17 to the New River Road (Exit 232); east on New River Road to Fig Springs Road; northeasterly on Fig Springs Road to the Tonto National

Forest boundary; southeasterly along this boundary to the Verde River; north along the Verde River to I-17.

Unit 22 – Beginning at the junction of the Salt and Verde Rivers; north along the Verde River to the confluence with Fossil Creek; northeasterly along Fossil Creek to Fossil Springs; southeasterly on FS trail 18 (Fossil Spring Trail) to the top of the rim; northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary along the Mogollon Rim; easterly along this boundary to Tonto Creek; southerly along the east fork of Tonto Creek to the spring box, north of the Tonto Creek Hatchery, and continuing southerly along Tonto Creek to the Salt River; westerly along the Salt River to the Verde River; except those portions that are sovereign tribal lands of the Tonto Apache Tribe and the Fort McDowell Yavapai Nation.

Unit 23 – Beginning at the confluence of Tonto Creek and the Salt River; northerly along Tonto Creek to the spring box, north of the Tonto Creek Hatchery, on Tonto Creek; northeasterly along the east fork of Tonto Creek to the Tonto-Sitgreaves National Forest boundary along the Mogollon Rim; east along this boundary to the White Mountain Apache Indian Reservation boundary; south-erly along the reservation boundary to the Salt River; westerly along the Salt River to Tonto Creek.

Unit 24A – Beginning on AZ Hwy 177 in Superior; southeasterly on AZ Hwy 177 to the Gila River; north-easterly along the Gila River to the San Carlos Indian Reservation boundary; easterly, westerly and northerly along the reservation boundary to the Salt River; south-westerly along the Salt River to AZ Hwy 288; southerly on AZ Hwys 288 and 188 to U.S. Hwy 60; southwesterly on U.S. Hwy 60 to AZ Hwy 177.

Unit 24B – Beginning on U.S. Hwy 60 in Superior; north-easterly on U.S. Hwy 60 to AZ Hwy 188; northerly on AZ Hwys 188 and 288 to the Salt River; westerly along the Salt River to the Tonto National Forest boundary near Granite Reef Dam; southeasterly along Forest boundary to Forest Route 77 (Peralta Rd.); southwesterly on Forest Route 77 (Peralta Rd.) to U.S. Hwy 60; easterly on U.S. Hwy 60 to Superior.

Unit 25M – Beginning at the junction of 51st Ave. and I-10; west on I-10 to AZ Loop 303, northeasterly on AZ Loop 303 to I-17; north on I-17 to Carefree Hwy; east on Carefree Hwy to Cave Creek Rd.; northeasterly on Cave Creek Rd. to the Tonto National Forest boundary; east-erly and southerly along the Tonto National Forest boundary to Fort McDowell Yavapai Nation boundary; northeasterly along the Fort McDowell Yavapai Nation boundary to the Verde River; southerly along the Verde River to the Salt River; southwesterly along the Salt River to the Tonto National Forest boundary; southerly along the Tonto National Forest boundary to Bush Hwy/Power Rd.; southerly on Bush Hwy/Power Rd. to AZ Loop 202; easterly, southerly, and westerly on AZ Loop 202 to the intersection of Pecos Rd. at I-10; west on Pecos Rd. to the Gila River Indian Community boundary; northwesterly along the Gila River Indian Community boundary to 51st Ave; northerly on 51st Ave to I-10; except those portions that are sovereign tribal lands.

Unit 26M – Beginning at the junction of I-17 and New River Rd. (Exit 232); southwesterly on New River Rd. to AZ Hwy 74; westerly on AZ Hwy 74 to U.S. Hwy 93;

## Game and Fish Commission

southeasterly on U.S. Hwy 93 to the Beardsley Canal; southwesterly on the Beardsley Canal to Indian School Rd.; west on Indian School Rd. to Jackrabbit Trail; south on Jackrabbit Trail to I-10 (Exit 121); west on I-10 to Oglesby Rd. (Exit 112); south on Oglesby Rd. to AZ Hwy 85; south on AZ Hwy 85 to the Gila River; north-easterly along the Gila River to the Gila River Indian Community boundary; southeasterly along the Gila River Indian Community boundary to AZ Hwy 347 (John Wayne Parkway); south on AZ Hwy 347 (John Wayne Parkway) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to the Tohono O'odham Nation boundary; easterly along the Tohono O'odham Nation boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeasterly on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east on AZ Hwy 287 to AZ Hwy 79; north on AZ Hwy 79 to U.S. Hwy 60; northwesterly on U.S. Highway 60 to Peralta Rd.; northeasterly along Peralta Rd. to the Tonto National Forest boundary; northwesterly along the Tonto National Forest boundary to the Salt River; northeasterly along the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest boundary; northwesterly along the Tonto National Forest boundary to Fig Springs Rd.; southwesterly on Fig Springs Rd. to New River Rd.; west on New River Rd. to I-17 (Exit 232); except Unit 25M and those portions that are sovereign tribal lands.

Unit 27 – Beginning at the New Mexico state line and AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; north on U.S. Hwy 191 to Lower Eagle Creek Rd. (Pump Station Rd.); west on the Lower Eagle Creek Rd. (Pump Station Rd.) to Eagle Creek; north along Eagle Creek to the San Carlos Apache Indian Reservation boundary; north along the San Carlos Apache Indian Reservation boundary to Black River; northeast along Black River to the East Fork of Black River; northeast along the East Fork of Black River to Three Forks-Williams Valley-Alpine Rd. (FR 249); easterly along Three Forks-Williams Valley-Alpine Rd. to U.S. Hwy 180; southeast on U.S. Hwy 180 to the New Mexico state line; south along the New Mexico state line to AZ Hwy 78.

Unit 28 – Beginning at I-10 and the New Mexico state line; north along the state line to AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; northwest on U.S. Hwy 191 to Clifton; westerly on the Lower Eagle Creek Rd. (Pump Station Rd.) to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; southerly and west along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to I-10 Exit 352; easterly on I-10 to the New Mexico state line.

Unit 29 – Beginning on I-10 at the New Mexico state line; westerly on I-10 to the Bowie-Apache Pass Rd.; southerly on the Bowie-Apache Pass Rd. to AZ Hwy 186; southeast on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the West Turkey Creek-Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Rd.; easterly on the Rucker Canyon Rd. to Tex Canyon Rd.; southerly on Tex Canyon Rd. to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line; north along the state line to I-10.

Unit 30A – Beginning at the junction of the New Mexico state line and U.S. Hwy 80; south along the state line to the U.S.-Mexico border; west along the border to U.S. Hwy 191; northerly on U.S. Hwy 191 to I-10 Exit 331; northeasterly on I-10 to the Bowie-Apache Pass Rd.; southerly on the Bowie-Apache Pass Rd. to AZ Hwy 186; southeasterly on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the West Turkey Creek - Kuykendall cut-off road; southerly on the Kuykendall cutoff road to Rucker Canyon Rd.; easterly on Rucker Canyon Rd. to the Tex Canyon Rd.; southerly on Tex Canyon Rd. to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line.

Unit 30B – Beginning at U.S. Hwy 191 and the U.S.-Mexico border; west along the border to the San Pedro River; north along the San Pedro River to I-10; northeasterly on I-10 to U.S. Hwy 191; southerly on U.S. Hwy 191 to the U.S.-Mexico border.

Unit 31 – Beginning at Willcox Exit 340 on I-10; north on Fort Grant Rd. to Brookerson Rd.; north on Brookerson Rd. to Ash Creek Rd.; west on Ash Creek Rd. to Fort Grant Rd.; north on Fort Grant Rd. to Bonita; northerly on the Bonita-Klondyke Rd. to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; northerly along AZ Hwy 77 to the Gila River; northeast along the Gila River to the San Carlos Indian Reservation boundary; south then east and north along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to the 352 exit on I-10; southwest on I-10 to Exit 340.

Unit 32 – Beginning at Willcox Exit 340 on I-10; north on Fort Grant Rd. to Brookerson Rd.; north on Brookerson Rd. to Ash Creek Rd.; west on Ash Creek Rd. to Fort Grant Rd.; north on Fort Grant Rd. to Bonita; northerly on the Bonita-Klondyke Rd. to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; southerly along AZ Hwy 77 to the San Pedro River; southerly along the San Pedro River to I-10; northeast on I-10 to Willcox Exit 340.

Unit 33 – Beginning at Tangerine Rd. and AZ Hwy 77; north and northeast on AZ Hwy 77 to the San Pedro River; southeast along the San Pedro River to I-10 at Benson; west on I-10 to Marsh Station Rd. (Exit 289); northwest on the Marsh Station Rd. to the Agua Verde Rd.; north on the Agua Verde Rd. to its terminus then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary; then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine Rd.

Unit 34A – Beginning in Nogales at I-19 and Grand Avenue (U.S. Highway 89); northeast on Grand Avenue (U.S. Hwy. 89) to AZ Hwy 82; northeast on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to the Sahuarita road alignment; west along the Sahuarita road alignment to I-19 Exit 75; south on I-19 to Grand Avenue (U.S. Hwy 89).

Unit 34B – Beginning at AZ Hwy 83 and I-10 Exit 281; easterly on I-10 to the San Pedro River; south along the

## Game and Fish Commission

San Pedro River to AZ Hwy 82; westerly on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to I-10 Exit 281.

Unit 35A – Beginning on the U.S.-Mexico border at the San Pedro River; west along the border to Lochiel Rd.; north on Lochiel Rd. to Patagonia San Rafael Rd.; north on the Patagonia San Rafael Rd. to San Rafael Valley-FS 58 Rd.; north on the San Rafael Valley-FS 58 Rd. to Christian Ln.; north on the Christian Ln. to Ranch Rd.; east and north on the Ranch Rd. to FR 799-Canelo Pass Rd.; northeasterly on the FR 799-Canelo Pass Rd. to AZ Hwy 83; northwesterly on the AZ Hwy 83 to Elgin Canelo Rd.; northeasterly on the Elgin-Canelo Rd. to Upper Elgin Rd.; north on the Upper Elgin Rd. to AZ Hwy 82; easterly on AZ Hwy 82 to the San Pedro River; south along the San Pedro River to the U.S.-Mexico border.

Unit 35B – Beginning at Grand Avenue (U.S. Hwy 89) at the U.S.-Mexico border in Nogales; east along the U.S.-Mexico border to Lochiel Rd.; north on the Lochiel Rd. to Patagonia San Rafael Rd.; north on the Patagonia San Rafael Rd. to San Rafael Valley-FS 58 Rd.; north on the San Rafael Valley-FS 58 Rd. to Christian Ln.; north on the Christian Ln. to Ranch Rd.; east and north on the Ranch Rd. to FR 799-Canelo Pass Rd.; northeasterly on FR 799-Canelo Pass Rd. to AZ Hwy 83; northwesterly on the AZ Hwy 83 to Elgin Canelo Rd.; north on the Elgin Canelo Rd. to Upper Elgin Rd.; north on the Upper Elgin Rd. to AZ Hwy 82; southwest on AZ Hwy 82 to Grand Avenue; southwest on Grand Avenue to the U.S.-Mexico border.

Unit 36A – Beginning at the junction of Sandario Rd. and AZ Hwy 86; southwesterly on AZ Hwy 86 to AZ Hwy 286; southerly on AZ Hwy 286 to the Arivaca-Sasabe Rd.; southeasterly on the Arivaca-Sasabe Rd. to the town of Arivaca; from the town of Arivaca northeasterly on the Arivaca Rd. to I-19; north on I-19 to the southern boundary of the San Xavier Indian Reservation boundary; westerly and northerly along the reservation boundary to the Sandario road alignment; north on Sandario Rd. to AZ Hwy 86.

Unit 36B – Beginning at I-19 and Grand Avenue (U.S. Hwy 89) in Nogales; southwest on Grand Avenue to the U.S.-Mexico border; west along the U.S.-Mexico border to AZ Hwy 286; north on AZ Hwy 286 to the Arivaca-Sasabe Rd.; southeasterly on the Arivaca-Sasabe Rd. to the town of Arivaca; from the town of Arivaca northeasterly on the Arivaca Rd. to I-19; south on I-19 to Grand Avenue (U.S. Hwy 89).

Unit 36C – Beginning at the junction of AZ Hwy 86 and AZ Hwy 286; southerly on AZ Hwy 286 to the U.S.-Mexico border; westerly along the border to the east boundary of the Tohono O'odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; easterly on AZ Hwy 86 to AZ Hwy 286.

Unit 37A – Beginning at the junction of I-10 and Tangerine Rd. (Exit 240); southeast on I-10 to Avra Valley Rd. (Exit 242); west on Avra Valley Rd. to Sandario Rd.; south on Sandario Rd. to AZ Hwy 86; southwest on AZ Hwy 86 to the Tohono O'odham Nation boundary; north, east, and west along this boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeast on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287; east on AZ Hwy

287 to AZ Hwy 79 at Florence; southeast on AZ Hwy 79 to its junction with AZ Hwy 77; south on AZ Hwy 77 to Tangerine Rd.; west on Tangerine Rd. to I-10.

Unit 37B – Beginning at the junction of AZ Hwy 79 and AZ Hwy 77; northwest on AZ Hwy 79 to U.S. Hwy 60; east on U.S. Hwy 60 to AZ Hwy 177; southeast on AZ Hwy 177 to AZ Hwy 77; southeast and southwest on AZ Hwy 77 to AZ Hwy 79.

Unit 38M – Beginning at the junction of I-10 and Tangerine Rd. (Exit 240); southeast on I-10 to Avra Valley Rd. (Exit 242); west on Avra Valley Rd. to Sandario Rd.; south on Sandario Rd. to the San Xavier Indian Reservation boundary; south and east along the reservation boundary to I-19; south on I-19 to Sahuarita Rd. (Exit 75); east on Sahuarita Rd. to AZ Hwy 83; north on AZ Hwy 83 to I-10 (Exit 281); east on I-10 to Marsh Station Rd. (Exit 289); northwest on Marsh Station Rd. to the Agua Verde Rd.; north on the Agua Verde Rd. to its terminus, then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary, then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine Rd.; west on Tangerine Rd. to I-10.

Unit 39 – Beginning at AZ Hwy 85 and the Gila River; east along the Gila River to the western boundary of the Gila River Indian Community; southeasterly along this boundary to AZ Hwy 347 (John Wayne Parkway); south on AZ Hwy 347 (John Wayne Parkway) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to I-8; westerly on I-8 to Exit 87; northerly on the Agua Caliente Rd. to the Hyder Rd.; northeasterly on Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on Lahman Rd., which becomes Agua Caliente Rd.; northeasterly on Agua Caliente Rd. to Old Hwy 80; northeasterly on Old Hwy 80 to Arizona Hwy 85; southerly on AZ Hwy 85 to the Gila River; except those portions that are sovereign tribal lands of the Tohono O'odham Nation and the Ak-Chin Indian Community.

Unit 40A – Beginning at Ajo; southeasterly on AZ Hwy 85 to Why; southeasterly on AZ Hwy 86 to the Tohono O'odham (Papago) Indian Reservation; northerly and easterly along the reservation boundary to the Cocklebur-Stanfield Rd.; north on the Cocklebur-Stanfield Rd. to I-8; westerly on I-8 to AZ Hwy 85; southerly on AZ Hwy 85 to Ajo.

Unit 40B – Beginning at Gila Bend; westerly on I-8 to the Colorado River; southerly along the Colorado River to the Mexican border at San Luis; southeasterly along the border to the Cabeza Prieta National Wildlife Refuge; northerly, easterly and southerly around the refuge boundary to the Mexican border; southeast along the border to the Tohono O'odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; northwesterly on AZ Hwy 86 to AZ Hwy 85; north on AZ Hwy 85 to Gila Bend; except those portions that are sovereign tribal lands of the Cocopah Tribe.

Unit 41 – Beginning at I-8 and U.S. Hwy 95 (in Yuma); easterly on I-8 to exit 87; northerly on the Agua Caliente

## Game and Fish Commission

Rd. to the Hyder Rd.; northeasterly on Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on Lahman Rd., which becomes Agua Caliente Rd.; northeasterly on Agua Caliente Rd. to Old Hwy 80; northeasterly on Old Hwy 80 to Arizona Hwy 85; northerly on AZ Hwy 85 to Oglesby Rd.; north on Oglesby Rd. to I-10; westerly on I-10 to Exit 45; southerly on Vicksburg-Kofa National Wildlife Refuge Rd. to the Refuge boundary; easterly, southerly, westerly, and northerly along the boundary to the Castle Dome Rd.; southwesterly on the Castle Dome Rd. to U.S. Hwy 95; southerly on U.S. Hwy 95 to I-8.

Unit 42 – Beginning at the junction of the Beardsley Canal and U.S. Hwy 93 (U.S. 89, U.S. 60); northwesterly on U.S. Hwy 93 to AZ Hwy 71; southwesterly on AZ Hwy 71 to U.S. Hwy 60; westerly on U.S. Hwy 60 to Aguila; south on the Eagle Eye Rd. to the Salome-Hassayampa Rd.; southeasterly on the Salome-Hassayampa Rd. to I-10 (Exit 81); easterly on I-10 to Jackrabbit Trail (Exit 121); north along Jackrabbit Trail to the Indian School road; east along Indian School Rd. to the Beardsley Canal; northeasterly along the Beardsley Canal to U.S. Hwy 93.

Unit 43A – Beginning at U.S. Hwy 95 and the Bill Williams River; west along the Bill Williams River to the Arizona-California state line; southerly to the south end of Cibola Lake; northerly and easterly on the Cibola Lake Rd. to U.S. Hwy 95; south on U.S. Hwy 95 to the Stone Cabin-King Valley Rd. (King Rd.); east along the Stone Cabin-King Valley Rd. (King Rd.) to the west boundary of the Kofa National Wildlife Refuge; northerly along the refuge boundary to the Crystal Hill Rd. (Blevens Rd.); northwesterly on the Crystal Hill Rd. (Blevens Rd.) to U.S. Hwy 95; northerly on U.S. Hwy 95 to the Bill Williams River; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 43B – Beginning at the south end of Cibola Lake; southerly along the Arizona-California state line to I-8; southeasterly on I-8 to U.S. Hwy 95; easterly and northerly on U.S. Hwy 95 to the Castle Dome road; northeast on the Castle Dome Rd. to the Kofa National Wildlife Refuge boundary; north along the refuge boundary to the Stone Cabin-King Valley Rd. (King Rd.); west along the Stone Cabin-King Valley Rd. (King Rd.) to U.S. Hwy 95; north on U.S. Hwy 95 to the Cibola Lake Rd.; west and south on the Cibola Lake Rd. to the south end of Cibola Lake; except those portions that are sovereign tribal lands of the Quechan Tribe.

Unit 44A – Beginning at U.S. Hwy 95 and the Bill Williams River; south along U.S. Hwy 95 to AZ Hwy 72; southeasterly on AZ Hwy 72 to Vicksburg; south on the Vicksburg-Kofa National Wildlife Refuge Rd. to I-10; easterly on I-10 to the Salome-Hassayampa Rd. (Exit 81); northwesterly on the Salome-Hassayampa Rd. to Eagle Eye Rd.; northeasterly on Eagle Eye Rd. to Aguila; east on U.S. Hwy 60 to AZ Hwy 71; northeasterly on AZ Hwy 71 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Santa Maria River; westerly along the Santa Maria and Bill Williams rivers to U.S. Hwy 95; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 44B – Beginning at Quartzsite; south on U.S. Hwy 95 to the Crystal Hill Rd. (Blevens Rd.); east on the Crystal Hill Rd. (Blevens Rd.) to the Kofa National Wildlife

Refuge; north and east along the refuge boundary to the Vicksburg-Kofa National Wildlife Refuge Rd.; north on the Vicksburg-Kofa National Wildlife Refuge Rd. to AZ Hwy 72; northwest on AZ Hwy 72 to U.S. Hwy 95; south on U.S. Hwy 95 to Quartzsite.

Unit 45A – Beginning at the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge boundary; east on the Stone Cabin-King Valley Rd. (King Rd.) to O-O Junction; north from O-O Junction on the Kofa Mine Rd. to the Evening Star Mine; north on a line over Polaris Mountain to Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.); north on the Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.) to the El Paso Natural Gas Pipeline Rd.; north on a line from the junction to the north boundary of the Kofa National Wildlife Refuge; west and south on the boundary line to Stone Cabin-King Valley Rd. (King Rd.).

Unit 45B – Beginning at O-O Junction; north from O-O Junction on the Kofa Mine Rd. to the Evening Star Mine; north on a line over Polaris Mountain to Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.); north on the Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.) to the El Paso Natural Gas Pipeline Rd.; north on a line from the junction to the north Kofa National Wildlife Refuge boundary; east to the east refuge boundary; south and west along the Kofa National Wildlife Refuge boundary to the Stone Cabin-King Valley Rd. (Wellton-Kofa Rd./Ave 40E); north and west on the Stone Cabin-King Valley Rd. (Wellton-Kofa Rd./Ave 40E) to O-O Junction.

Unit 46A – That portion of the Cabeza Prieta National Wildlife Refuge east of the Yuma-Pima County line.

Unit 46B – That portion of the Cabeza Prieta National Wildlife Refuge west of the Yuma-Pima County line.

#### Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective March 5, 1976 (Supp. 76-2). Amended effective May 17, 1977 (Supp. 77-3). Amended effective September 7, 1978 (Supp. 78-5). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-10 renumbered as Section R12-4-108 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective February 4, 1993 (Supp. 93-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 865, effective July 1, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

#### R12-4-109. Approved Trapping Education Course Fee

Under A.R.S. § 17-333.02(A), the provider of an approved educational course of instruction in responsible trapping and environmental ethics may collect a fee from each participant that:

1. Is reasonable and commensurate for the course, and
2. Does not exceed \$25.

#### Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Editorial correction paragraph (14) (Supp. 78-5). For-

## Game and Fish Commission

mer Section R12-4-11 renumbered as Section R12-4-109 without change effective August 13, 1981 (Supp. 81-4). Amended by adding paragraphs (2) and (3) and renumbering former paragraphs (2) through (17) as paragraphs (4) through (19) effective May 12, 1982 (Supp. 82-3). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Section repealed by final rulemaking at 6 A.A.R. 211, effective May 1, 2000 (Supp. 99-4). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-110. Posting and Access to State Land**

- A.** For the purpose of this Section:
1. "Corrals," "feed lots," or "holding pens" mean completely fenced areas used to contain livestock for purposes other than grazing.
  2. "Existing road" means any maintained or unmaintained road, way, highway, trail, or path that has been used for motorized vehicular travel, and clearly shows or has a history of established vehicle use, and is not currently closed by the Commission.
  3. "State lands" means all land owned or held in trust by the state that is managed by the State Land Department and lands that are owned or managed by the Game and Fish Commission.
- B.** In addition to the prohibition against posting prescribed under A.R.S. § 17-304, a person shall not lock a gate, construct a fence, place an obstacle, or otherwise commit an act that denies legally available access to or use of any existing road upon state lands by persons lawfully taking or retrieving wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing.
1. A person in violation of this Section shall take immediate corrective action to remove any lock, fence, or other obstacle unlawfully preventing access to state lands.
  2. If immediate corrective action is not taken, a representative of the Department may remove any unlawful posting and remove any lock, fence, or other obstacle that unlawfully prevents access to state lands.
  3. In addition, the Department may take appropriate legal action to recover expenses incurred in the removal of any unlawful posting or obstacle that prevented access to state land.
- C.** The provisions of this Section do not allow any person to trespass upon private land to gain access to any state land.
- D.** A person may post state lands as closed to hunting, fishing, or trapping without further action by the Commission when the state land is within one-quarter mile of any:
1. Occupied residence, cabin, lodge, or other building; or
  2. Corrals, feed lots, or holding pens containing concentrations of livestock other than for grazing purposes.
- E.** The Commission may grant permission to lock, tear down, or remove a gate or close a road or trail that provides legally available access to state lands for persons lawfully taking wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing if access to such lands is provided by a reasonable alternate route.
1. Under R12-4-610, the Director may grant a permit to a state land lessee to temporarily lock a gate or close an existing road that provides access to state lands if the taking of wildlife will cause unreasonable interference during a critical livestock or commercial operation. This permit shall not exceed 30 days.
  2. Applications for permits for more than 30 days shall be submitted to the Commission for approval.
3. If a permit is issued to temporarily close a road or gate, a copy of the permit shall be posted at the point of the closure during the period of the closure.
- F.** A person may post state lands other than those referenced under subsection (D) as closed to hunting, fishing, or trapping, provided the person has obtained a permit from the Commission authorizing the closure. A person possessing a permit authorizing the closure of state lands shall post signs in compliance with A.R.S. 17-304(C). The Commission may permit the closure of state land when it is necessary:
1. Because the taking of wildlife constitutes an unusual hazard to permitted users;
  2. To prevent unreasonable destruction of plant life or habitat; or
  3. For proper resource conservation, use, or protection, including but not limited to high fire danger, excessive interference with mineral development, developed agricultural land, or timber or livestock operations.
- G.** A person shall submit an application for posting state land to prohibit hunting, fishing, or trapping under subsection (F), or to close an existing road under subsection (E), as required under R12-4-610. If an application to close state land to hunting, fishing, or trapping is made by a person other than the state land lessee, the Department shall provide notice to the lessee and the State Land Commissioner before the Commission considers the application. The state land lessee or the State Land Commissioner shall file any objections with the Department, in writing, within 30 days after receipt of notice, after which the matter shall be submitted to the Commission for determination.
- H.** A person may use a vehicle on or off a road to pick up lawfully taken big game animals.
- I.** The closing of state land to hunting, fishing, or trapping shall not restrict any other permitted use of the land.
- J.** State trust land may be posted with signs that read "State Land No Trespassing," but such posting shall not prohibit access to such land by any person lawfully taking or retrieving wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing.
- K.** When hunting, fishing, or trapping on state land, a license holder shall not:
1. Break or remove any lock or cut any fence to gain access to state land;
  2. Open and not immediately close a gate;
  3. Intentionally or wantonly destroy, deface, injure, remove, or disturb any building, sign, equipment, marker, or other property;
  4. Harvest or remove any vegetative or mineral resources or object of archaeological, historic, or scientific interest;
  5. Appropriate, mutilate, deface, or destroy any natural feature, object of natural beauty, antiquity, or other public or private property;
  6. Dig, remove, or destroy any tree or shrub;
  7. Gather or collect renewable or non-renewable resources for the purpose of sale or barter unless specifically permitted or authorized by law;
  8. Frighten or chase domestic livestock or wildlife, or endanger the lives or safety of others when using a motorized vehicle or other means; or
  9. Operate a motor vehicle off road or on any road closed to the public by the Commission or landowner, except to retrieve a lawfully taken big game animal.

**Historical Note**

Adopted effective June 1, 1977 (Supp. 77-3). Editorial correction subsection (F) (Supp. 78-5). Former Section R12-4-13 renumbered as Section R12-4-110 without

## Game and Fish Commission

change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-111. Identification Number**

A person applying for a Department identification number, as defined under R12-4-101, shall provide the person's:

1. Full name,
2. Any additional names the person has lawfully used in the past or is known by,
3. Date of birth, and
4. Mailing address.

**Historical Note**

Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-05 renumbered as Section R12-4-111 without change effective August 13, 1981 (Supp. 81-4). Section R12-4-111 repealed effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). New Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-112. Diseased, Injured, or Chemically-immobilized Wildlife**

- A. A person who lawfully takes and possesses wildlife believed to be diseased, injured, or chemically-immobilized may request an inspection of the wildlife carcass provided:
  1. The wildlife was lawfully taken and possessed under a valid hunt permit- or nonpermit-tag, and
  2. The person who took the wildlife did not create the condition.
- B. The Department, after inspection, may condemn the carcass if it is determined the wildlife is unfit for human consumption. The Department shall condemn chemically-immobilized wildlife only when the wildlife was taken during the immobilizing drug's established withdrawal period.
- C. The person shall surrender the entire condemned wildlife carcass and any parts thereof to the Department.
  1. Upon surrender of the condemned wildlife, the Department shall provide to the person written authorization allowing the person to purchase a duplicate hunt permit- or nonpermit-tag.
  2. The person may purchase a duplicate tag from any Department office or license dealer where the permit-tag is available.
- D. If the duplicate tag is issued by a license dealer, the license dealer shall forward the written authorization to the Department with the report required under R12-4-105(K).

**Historical Note**

Former Section R12-4-04 renumbered as Section R12-4-112 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-113. Small Game Depredation Permit**

- A. The Department shall issue a small game depredation permit authorizing the take of small game and the allowable methods

of take only after the Department has determined all other remedies prescribed under A.R.S. § 17-239(A), (B), and (C) have been exhausted and the take of the small game is necessary to alleviate the property damage. A small game depredation permit is:

1. A complimentary permit.
  2. Not valid for the take of migratory birds unless the permit holder:
    - a. Obtains and possesses a federal special purpose permit under 50 C.F.R. 21.41, revised October 1, 2014, which is incorporated by reference; or
    - b. Is exempt from permitting requirements under 50 C.F.R. 21.43, revised October 1, 2014, which is incorporated by reference;
    - c. For subsections (A)(2)(a) and (b), the incorporated material is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or it may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.
- B. A person desiring a small game depredation permit shall submit to the Department an application requesting the permit. The application form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The person shall provide all of the following information on the form:
1. Full name or, when submitted by a municipality, the name of the agency and agency contact;
  2. Mailing address;
  3. Telephone number or, when submitted by a municipality, agency contact number;
  4. E-mail address, when available, or, when submitted by a municipality, agency contact e-mail address;
  5. Description of property damage suffered;
  6. Species of animal causing the property damage; and
  7. Area the permit would be valid for.

**Historical Note**

Adopted effective August 5, 1976 (Supp. 76-4). Former Section R12-4-12 renumbered as Section R12-4-113 without change effective August 13, 1981 (Supp. 81-4). Amended as an emergency effective September 20, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-5). Amended effective May 5, 1986 (Supp. 86-3). Section R12-4-113 repealed, new Section R12-4-113 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags**

- A. The Department provides numbered tags for sale to the public. The Department shall ensure each tag:
  1. Includes a transportation and shipping permit as prescribed under A.R.S. §§ 17-332 and 17-371, and
  2. Clearly identifies the animal for which the tag is valid.
- B. If the Commission establishes a big game season for which a hunt number is not assigned, the Department or its authorized agent, or both, shall sell nonpermit-tags.
  1. A person purchasing a nonpermit-tag shall provide all of the following information to a Department office or license dealer at the time of purchase; the applicant's:
    - a. Name,

## Game and Fish Commission

- b. Mailing address, and
  - c. Department identification number.
- 2. An applicant shall not obtain nonpermit-tags in excess of the bag limit established by Commission Order when it established the season for which the nonpermit-tags are valid.
- C. If the number of hunt permits for a species in a particular hunt area must be limited, a Commission Order establishes a hunt number for that hunt area and a hunt permit-tag is required to take the species in that hunt area.
  - 1. A person applying for a hunt permit-tag shall submit an application as described under R12-4-104.
  - 2. The Department shall determine whether a hunt permit-tag will be issued to an applicant as follows:
    - a. The Department shall reserve a maximum of 20% of the hunt permit-tags for each hunt number, except as established under subsection (C)(2)(b), for antelope, bear, deer, elk, javelina, and turkey and reserve a maximum of 20% of the hunt permit-tags for all hunt numbers combined statewide for bighorn sheep and buffalo to issue to persons who have bonus points and shall issue the hunt permit-tags as established under subsection (C)(2)(c).
    - b. For antelope, bear, deer, elk, javelina, and turkey, the Department shall reserve one hunt permit-tag for any hunt number with fewer than five, but more than one, hunt permit-tags and shall issue the tag as established under subsection (C)(2)(c). When this occurs, the Department shall adjust the number of available hunt permit-tags in order to ensure the total number of hunt permit-tags available does not exceed the 20% maximum specified in subsection (C)(2)(a).
    - c. The Department shall issue the reserved hunt permit-tags for hunt numbers that eligible applicants designate as their first or second choices. The Department shall issue the reserved hunt permit-tags by random selection:
      - i. First, to eligible applicants with the highest number of bonus points for that genus;
      - ii. Next, if there are reserved hunt permit-tags remaining, to eligible applicants with the next highest number of bonus points for that genus; and
      - iii. If there are still tags remaining, to the next eligible applicants with the next highest number of bonus points; continuing in the same manner until all of the reserved tags have been issued or until there are no more applicants for that hunt number who have bonus points.
    - d. The Department shall ensure that all unreserved hunt permit-tags are issued by random selection:
      - i. First, to hunt numbers designated by eligible applicants as their first or second choices; and
      - ii. Next, to hunt numbers designated by eligible applicants as their third, fourth, or fifth choices.
    - e. Before each of the three passes listed under (C)(2)(i),(ii), and (iii), each application is processed through the Department's random number generator program. A random number is assigned to each application; an additional random number is assigned to each application for each group bonus point, including the Hunter Education and Loyalty bonus points. Only the lowest random number generated for an application is used in the computer draw process. A new random number is generated for each application for each pass of the computer draw.
- f. If the bag limit is more than one per calendar year, or if there are unissued hunt permit-tags remaining after the random computer draw, the Department shall ensure these hunt permit-tags are available on a first-come, first-served basis as specified in the annual hunt permit-tag application schedule.
- D. A person may purchase hunt permit-tags equal to the bag limit for a genus.
  - 1. A person shall not exceed the established bag limit for that genus.
  - 2. A person shall not apply for any additional hunt-permit-tags if the person has reached the bag limit for that genus during the same calendar year.
  - 3. A person who surrenders a tag in compliance with R12-4-118 is eligible to apply for another hunt permit-tag for the same genus during the same calendar year, provided the person has not reached the bag limit for that genus.
- E. The Department shall make available to nonresidents:
  - 1. For bighorn sheep and buffalo, no more than one hunt permit-tag or 10% of the total hunt permit-tags, whichever is greater, for bighorn sheep or buffalo in any computer draw. The Department shall not make available more than 50% nor more than two bighorn sheep or buffalo hunt permit-tags of the total in any hunt number.
  - 2. For antelope, antlered deer, bull elk, or turkey, no more than 10%, rounded down to the next lowest number, of the total hunt permit-tags in any hunt number. If a hunt number for antelope, antlered deer, bull elk, or turkey has 10 or fewer hunt permit-tags, no more than one hunt permit-tag will be made available unless the hunt number has only one hunt permit-tag, then that tag shall only be available to a resident.
- F. The Commission may, at a public meeting, increase the number of hunt permit-tags issued to nonresidents in a computer draw when necessary to meet management objectives.
- G. The Department shall not issue under subsection (C)(2)(c), more than half of the hunt permit-tags made available to nonresidents under subsection (E).
- H. A nonresident cap established under this Section applies only to hunt permit-tags issued by computer draw under subsections (C)(2)(c) and (d).

**Historical Note**

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 1183, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-115. Restricted Nonpermit-Tags; Supplemental Hunts and Hunter Pool**

- A. For the purposes of this Section, the following definitions apply:

“Companion tag” means a restricted nonpermit-tag valid for a supplemental hunt prescribed by Commission Order that exactly matches the season dates and open areas of



## Game and Fish Commission

another big game hunt, for which a hunt number is assigned and hunt permit-tags are issued through the computer draw.

“Emergency season” means a season established for reasons constituting an immediate threat to the health, safety or management of wildlife or its habitat, or public health or safety.

“Management objectives” means goals, recommendations, or guidelines contained in Department or Commission-approved wildlife management plans, which include hunt guidelines, operational plans, or hunt recommendations;

“Hunter pool” means all persons who have submitted an application for a supplemental hunt.

“Restricted nonpermit-tag” means a permit limited to a season for a supplemental hunt established by the Commission for the following purposes:

Take of depredating wildlife as authorized under A.R.S. § 17-239;

Take of wildlife under an Emergency Season; or

Take of wildlife under a population management hunt if the Commission has prescribed nonpermit-tags by Commission Order for the purpose of meeting management objectives because regular seasons are not, have not been, or will not be sufficient or effective to achieve management objectives.

- B. The Commission shall, by Commission Order, open a season or seasons and prescribe a maximum number of restricted nonpermit-tags to be made available under this Section.
- C. The Department shall implement a population management hunt under the open season or seasons established under subsection (B) if the Department determines the:
  1. Regular seasons have not met or will not meet management objectives;
  2. Take of wildlife is necessary to meet management objectives; and
  3. Issuance of a specific number of restricted nonpermit-tags is likely to meet management objectives.
- D. To implement a population management hunt established by Commission Order, the Department shall:
  1. Select season dates, within the range of dates listed in the Commission Order;
  2. Select specific hunt areas, within the range of hunt areas listed in the Commission Order;
  3. Select the legal animal that may be taken from the list of legal animals identified in the Commission Order;
  4. Determine the number of restricted nonpermit-tags that will be issued from the maximum number of tags authorized in the Commission Order.
    - a. The Department shall not issue more restricted nonpermit-tags than the maximum number prescribed by Commission Order.
    - b. A restricted nonpermit-tag is valid only for the supplemental hunt for which it is issued.
- E. The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to a supplemental hunt.
- F. If the Department anticipates the normal fee structure will not generate adequate participation, then the Department may reduce restricted nonpermit-tag fees up to 75%, as authorized under A.R.S. § 17-239(D).
- G. A supplemental hunt application submitted in accordance with this Section does not invalidate any other application submitted by the person for a hunt permit-tag.
  1. The Department shall not accept a group application, as defined under R12-4-104, for a restricted nonpermit-tag.
  2. An applicant shall not apply for or obtain a restricted nonpermit-tag to take wildlife in excess of the bag limit established by Commission Order.
  3. The issuance of a restricted nonpermit-tag does not authorize a person to exceed the bag limit established by Commission Order.
- H. To participate in a supplemental hunt, a person shall:
  1. Obtain a restricted nonpermit-tag as prescribed under this Section, and
  2. Possess a valid hunting license. If the applicant does not possess a valid license or the license will expire before the supplemental hunt, the applicant shall purchase an appropriate license.
- I. The Department or its authorized agent shall maintain a hunter pool for supplemental hunts other than companion tag hunts.
  1. The Department shall purge and renew the hunter pool on an annual basis.
  2. An applicant for a restricted nonpermit-tag under this subsection shall submit a hunt permit-tag application to the Department. The application is available at any Department office, an authorized agent, or online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application:
    - a. The applicant's:
      - i. Name,
      - ii. Mailing address,
      - iii. Number of years of residency immediately preceding application,
      - iv. Date of birth, and
      - v. Daytime and evening telephone numbers,
    - b. The species that the applicant would like to hunt, if selected,
    - c. The applicant's hunting license number.
  3. In addition to the requirements established under subsection (I)(2), at the time of application the applicant shall submit the application fee required under R12-4-102.
  4. When issuing a restricted nonpermit-tag, the Department or its authorized agent shall randomly select applicants from the hunter pool.
    - a. The Department or its authorized agent shall attempt to contact each randomly-selected applicant by telephone at least three times within a 24-hour period.
    - b. If an applicant cannot be contacted or is unable to participate in the supplemental hunt, the Department or its authorized agent shall return the application to the hunter pool and draw another application.
    - c. In compliance with subsection (D)(4), the Department or its authorized agent shall select no more applications after the number of restricted nonpermit-tags established by Commission Order are issued.
  5. The Department shall reserve a restricted nonpermit-tag for an applicant only for the period specified by the Department when contact is made with the applicant. If an applicant fails to purchase the nonpermit-tag within the specified period, the Department or its authorized agent shall:
    - a. Remove the person's application from the hunter pool, and
    - b. Offer that restricted nonpermit-tag to another person whose application is drawn from the hunter pool as established under this Section.

## Game and Fish Commission

6. A person who participates in a supplemental hunt through the hunter pool shall be removed from the supplemental hunter pool for the genus for which the person participated. A hunter pool applicant who is selected and who wishes to participate in a supplemental hunt shall submit the following to the Department to obtain a restricted nonpermit-tag:
  - a. The fee for the tag as established under R12-4-102 or subsection (F) if the fee has been reduced, and
  - b. The applicant's hunting license number. The applicant shall possess an appropriate license that is valid at the time of the supplemental hunt. The applicant shall purchase a license at the time of application when:
    - i. The applicant does not possess a valid license, or
    - ii. The applicant's license will expire before the supplemental hunt.
7. A person who participates in a supplemental hunt shall not reapply for the hunter pool for that genus until the hunter pool is renewed.
- J. The Department shall only make a companion tag available to a person who possesses a matching hunt permit-tag and not a person from the hunter pool. Authorization to issue a companion tag occurs when the Commission establishes a hunt in Commission Order under subsection (B).
  1. The requirements of subsection (D) are not applicable to a companion tag issued under this subsection.
  2. To obtain a companion tag under this subsection, an applicant shall submit a hunt permit-tag application to the Department. The application is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application, the applicant's:
    - a. Name,
    - b. Mailing address,
    - c. Department identification number, and
    - d. Hunt permit-tag number, to include the hunt number and permit number, corresponding with the season dates and open areas of the supplemental hunt.
  3. In addition to the requirements established under subsection (J)(2), at the time of application the applicant shall:
    - a. Provide verification that the applicant lawfully obtained the hunt permit-tag for the hunt described under this subsection by presenting the hunt permit-tag to a Department office for verification, and
    - b. Submit all applicable fees required under R12-4-102.

**Historical Note**

Adopted effective June 13, 1977 (Supp. 77-3). Former Section R12-4-14 renumbered as Section R12-4-115 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-115 renumbered as Section R12-4-607 without change effective December 22, 1987 (Supp. 87-4). New Section R12-4-115 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended

by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-116. Reward Payments**

- A. Subject to the restrictions prescribed under A.R.S. § 17-315, a person may claim a reward from the Department when the person provides information that leads to an arrest through the Operation Game Thief Program. The person who reports the unlawful activity will then become eligible to receive a reward as established under subsections (C) and (D), provided funds are available in the Wildlife Theft Prevention Fund and:
  1. The person who reported the violation provides the Operation Game Thief control number issued by Department law enforcement personnel, as established under subsection (B);
  2. The information provided relates to a violation of any provisions of A.R.S. Title 17, A.A.C. Title 12, Chapter 4, or federal wildlife laws enforced by and under the jurisdiction of the Department, but not on Indian Reservations;
  3. The person did not first provide information during a criminal investigation or judicial proceeding; and
  4. The person who reports the violation is not:
    - a. The person who committed the violation,
    - b. A peace officer,
    - c. A Department employee, or
    - d. An immediate family member of a Department employee.
- B. The Department shall inform the person providing information regarding a wildlife violation of the procedure for claiming a reward if the information results in an arrest. The Department shall also provide the person with the control number assigned to the reported violation.
- C. Reward payments for information that results in an arrest for the reported violation are as follows:
  1. For cases that involve antelope, eagles, bear, bighorn sheep, buffalo, deer, elk, javelina, mountain lion, turkey, or endangered or threatened wildlife as defined under R12-4-401, \$500;
  2. For cases that involve wildlife that are not listed under subsection (C)(1), a minimum of \$50, not to exceed \$150, except for additional amounts authorized under subsection (C)(3); and
  3. For cases that involve any wildlife, an additional \$1,000 may be made available based on:
    - a. The value of the information;
    - b. The unusual value of the wildlife;
    - c. The number of individual animals taken;
    - d. Whether or not the person who committed the unlawful act was arrested for commercialization of wildlife; and
    - e. Whether or not the person who committed the unlawful act is a repeat offender.
- D. If more than one person independently provides information or evidence that leads to an arrest for a violation, the Department may divide the reward payment among the persons who provided the information if the total amount of the reward payment does not exceed the maximum amount of a monetary reward established under subsections (C) or (E);
- E. Notwithstanding subsection (C), the Department may offer and pay a reward up to the minimum civil damage value of the wildlife unlawfully taken, wounded or killed, or unlawfully possessed as prescribed under A.R.S. § 17-314, if the Department believes that an enhanced reward offer is merited due to the specific circumstances of the case.

## Game and Fish Commission

**Historical Note**

Adopted effective January 10, 1979 (Supp. 79-1). Former Section R12-4-15 renumbered as Section R12-4-116 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 18, 1985 (Supp. 85-6). Section R12-4-116 repealed, new Section R12-4-116 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-117. Indian Reservations**

A state license, permit, or tag is not required to hunt or fish on any Indian reservation in this State. Wildlife lawfully taken on an Indian reservation may be transported or processed anywhere in the State if it can be identified as to species and legality as provided in A.R.S. § 17-309(A)(19). All wildlife transported anywhere in this State is subject to inspection under the provisions of A.R.S. § 17-211(E)(4).

**Historical Note**

Former Section R12-4-02 renumbered as Section R12-4-117 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-117 repealed, new Section R12-4-117 adopted effective April 10, 1984 (Supp. 84-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-118. Hunt Permit-tag Surrender**

- A.** The Commission authorizes the Department to implement a tag surrender program if the Director finds:
1. The Department has the administrative capacity to implement the program;
  2. There is public interest in such a program; or
  3. The tag surrender program is likely to meet the Department's revenue objectives.
- B.** The tag surrender program is limited to a person who has a valid and active membership in a Department membership program.
1. The Department may establish a membership program that offers a person various products and services.
  2. The Department may establish different membership levels based on the type of products and services offered and set prices for each level.
    - a. The lowest membership level may include the option to surrender one hunt permit-tag during the membership period.
    - b. A higher membership level may include the option to surrender more than one hunt permit-tag during the membership period.
  3. The Department may establish terms and conditions for the membership program in addition to the following:
    - a. Products and services to be included with each membership level.
    - b. Membership enrollment is available online only and requires a person to create a portal account.
    - c. Membership is not transferable.
    - d. No refund shall be made for the purchase of a membership, unless an internal processing error resulted in the collection of erroneous fees.
- C.** The tag surrender program is restricted to the surrender of an original, unused hunt permit-tag obtained through a computer draw.

1. A person must have a valid and active membership in the Department's membership program with at least one unredeemed tag surrender that was valid:
    - a. On the application deadline date for the computer draw in which the hunt permit-tag being surrendered was drawn, and
    - b. At the time of tag surrender.
  2. A person who chooses to surrender an original, unused hunt permit-tag shall do so prior to the close of business the day before the hunt begins for which the tag is valid.
  3. A person may surrender an unused hunt permit-tag for a specific species only once before any bonus points accrued for that species must be expended.
- D.** To surrender an original, unused hunt permit-tag, a person shall comply with all of the following conditions:
1. A person shall submit a completed application form to any Department office. The application form is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application form:
    - a. The applicant's:
      - i. Name,
      - ii. Mailing address,
      - iii. Department identification number,
      - iv. Membership number,
    - b. Applicable hunt number,
    - c. Applicable hunt permit-tag number, and
    - d. Any other information required by the Department.
  2. A person shall surrender the original, unused hunt permit-tag as required under subsection (C) in the manner described by the Department as indicated on the application form.
- E.** Upon receipt of an original, unused hunt permit-tag surrendered in compliance with this Section, the Department shall:
1. Restore the person's bonus points that were expended for the surrendered tag, and
  2. Award the bonus point the person would have accrued had the person been unsuccessful in the computer draw for the surrendered tag.
  3. Not refund any fees the person paid for the surrendered tag, as prohibited under A.R.S. § 17-332(E).
- F.** The Department may, at its sole discretion, re-issue or destroy the surrendered original, unused hunt permit-tag. When re-issuing a tag, the Department may use any of the following methods in no order of preference:
1. Re-issuing the surrendered tag, beginning with the highest membership level in the Department's membership program, to a person who has a valid and active membership in that membership level and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process;
  2. Re-issuing the surrendered tag to a person who has a valid and active membership in any tier of the Department's membership program with a tag surrender option and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process;
  3. Re-issuing the surrendered tag to an eligible person who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process; or
  4. Offering the surrendered tag through the first-come, first-served process.

## Game and Fish Commission

- G.** For subsections (F)(1), (2), and (3); if the Department cannot contact a person qualified to receive a tag or the person declines to purchase the surrendered tag, the Department shall make a reasonable attempt to contact and offer the surrendered tag to the next person qualified to receive a tag for that hunt number based on the assigned random number during the Department's computer draw process. This process will continue until the surrendered tag is either purchased or the number of persons qualified is exhausted. For purposes of subsections (G) and (H), the term "qualified" means a person who satisfies the conditions for re-issuing a surrendered tag as provided under the selected re-issuing method.
- H.** When the re-issuance of a surrendered tag involves a group application and one or more members of the group is qualified under the particular method for re-issuing the surrendered tag, the Department shall offer the surrendered tag first to the applicant designated "A" if qualified to receive a surrendered tag.
1. If applicant "A" chooses not to purchase the surrendered tag or is not qualified, the Department shall offer the surrendered tag to the applicant designated "B" if qualified to receive a surrendered tag.
  2. This process shall continue with applicants "C" and then "D" until the surrendered tag is either purchased or all qualified members of the group application choose not to purchase the surrendered tag.
- I.** A person who receives a surrendered tag shall submit the applicable tag fee as established under R12-4-102 and provide their valid hunting license number.
1. A person receiving the surrendered tag as established under subsections (F)(1), (2), and (3) shall expend all bonus points accrued for that genus, except any accrued Hunter Education and loyalty bonus points.
  2. The applicant shall possess a valid hunting license at the time of purchasing the surrendered tag and at the time of the hunt for which the surrendered tag is valid. If the person does not possess a valid license at the time the surrendered tag is offered, the applicant shall purchase a license in compliance with R12-4-104.
  3. The issuance of a surrendered tag does not authorize a person to exceed the bag limit established by Commission Order.
  4. It is unlawful for a person to purchase a surrendered tag when the person has reached the bag limit for that genus during the same calendar year.
- J.** A person is not eligible to petition the Commission under R12-4-611 for reinstatement of any expended bonus points, except as authorized under R12-4-107(M).
- K.** For the purposes of this Section and R12-4-121, "valid and active membership" means a paid and unexpired membership in any level of the Department's membership program.

**Historical Note**

Adopted effective April 8, 1983 (Supp. 83-2). Section R12-4-118 repealed effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). New Section made by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-119. Arizona Game and Fish Department Reserve**

- A.** The Commission shall establish an Arizona Game and Fish Department Reserve under A.R.S. § 17-214, consisting of commissioned reserve officers and noncommissioned reserve volunteers.
- B.** Commissioned reserve officers shall:
1. Meet and maintain the minimum qualifications and training requirements necessary for peace officer certification

by the Arizona Peace Officer Standards and Training Board as prescribed under 13 A.A.C. 4, and

2. Assist with wildlife enforcement patrols, boating enforcement patrols, off-highway vehicle enforcement patrols, special investigations, and other enforcement and related non-enforcement duties as the Director designates.

**C. Noncommissioned reserve volunteers shall:**

1. Meet qualifications that the Director determines are related to the services to be performed by the volunteer and the success or safety of the program mission, and
2. Perform any non-enforcement duties designated by the Director for the purposes of conservation and education to maximize paid staff time.

**Historical Note**

Adopted effective September 29, 1983 (Supp. 83-5). Section R12-4-119 repealed, new Section R12-4-119 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-120. Issuance, Sale, and Transfer of Special Big Game License-tags**

- A.** An incorporated nonprofit organization that is tax exempt under section 501(c) seeking special big game license-tags as authorized under A.R.S. § 17-346 shall submit a proposal to the Director of the Arizona Game and Fish Department from March 1 through May 31 preceding the year when the tags may be legally used. The proposal shall include all of the following information for each member of the organization coordinating the proposal:
1. The name of the organization making the proposal and the:
    - a. Name;
    - b. Mailing address;
    - c. E-mail address, when available; and
    - d. Telephone number;
  2. Organization's previous involvement with wildlife management;
  3. Organization's conservation objectives;
  4. Number of special big game license-tags and the species requested;
  5. Purpose to be served by the issuance of these tags;
  6. Method or methods by which the tags will be marketed and sold;
  7. Proposed fund raising plan;
  8. Estimated amount of money to be raised and the rationale for that estimate;
  9. Any special needs or particulars relevant to the marketing of the tags;
  10. A copy of the organization's articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c) of the Internal Revenue Code, unless a current and correct copy is already on file with the Department;
  11. Statement that the person or organization submitting the proposal agrees to the conditions established under A.R.S. § 17-346 and this Section;
  12. Printed name and signature of the president and secretary-treasurer of the organization or their equivalent; and
  13. Date of signing.
- B.** The Director shall return to the organization any proposal that does not comply with the requirements established under A.R.S. § 17-346 and this Section. Because proposals are

## Game and Fish Commission

reviewed for compliance after the May 31 deadline, an organization that receives a returned proposal cannot resubmit a corrected proposal, but may submit a proposal that complies with the requirements established under A.R.S. § 17-346 and this Section the following year.

- C. The Director shall submit all timely and valid proposals to the Commission for consideration.
1. In selecting an organization, the Commission shall consider the:
    - a. Written proposal;
    - b. Proposed uses for tag proceeds;
    - c. Qualifications of the organization as a fund raiser;
    - d. Proposed fund raising plan;
    - e. Organization's previous involvement with wildlife management; and
    - f. Organization's conservation objectives.
  2. The Commission may accept any proposal in whole or in part and may reject any proposal if it is in the best interest of wildlife to do so.
  3. Commission approval and issuance of any special big game license-tag is contingent upon compliance with this Section.
- D. A successful organization shall agree in writing to all of the following:
1. To underwrite all promotional and administrative costs to sell and transfer each special big game license-tag;
  2. To transfer all proceeds to the Department within 90 days of the date that the organization sells or awards the tag;
  3. To sell and transfer each special big game license-tag as described in the proposal; and
  4. To provide the Department with the name, address, and physical description of each person to whom a special big game license-tag is transferred.
- E. The Department and the successful organization shall coordinate on:
1. The specific projects or purposes identified in the proposal;
  2. The arrangements for the deposit of the proceeds, the accounting procedures, and final audit; and
  3. The dates when the wildlife project or purpose will be accomplished.
- F. The Department shall dedicate all proceeds generated by the sale or transfer of a special big game license-tag to the management of the species for which the tag was issued.
- a. A special license-tag shall not be issued until the Department receives all proceeds from the sale of license-tags.
  - b. The Department shall not refund proceeds.
- G. A special big game license-tag is valid only for the person named on the tag, for the season dates on the tag, and for the species for which the tag was issued.
1. A hunting license is not required for the tag to be valid.
  2. Possession of a special big game license-tag shall not invalidate any other big game tag or application for any other big game tag.
  3. Wildlife taken under the authority of a special big game license-tag shall not count towards the established bag limit for that species.

**Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Amended effective April 7, 1987 (Supp. 87-2). Correction, balance of language in subsection (I) is deleted as certified effective April 7, 1987 (Supp. 87-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by

final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-121. Big Game Tag Transfer****A. For the purposes of this Section:**

"Authorized nonprofit organization" means a nonprofit organization approved by the Department to receive donated unused tags.

"Unused tag" means a big game hunt permit-tag, nonpermit-tag, or special license tag that has not been attached to any animal.

- B. A parent, grandparent, or guardian issued a big game hunt permit-tag, nonpermit-tag, or special license tag may transfer the unused tag to the parent's, grandparent's, or guardian's minor child or grandchild.
1. A parent, grandparent, or guardian issued a tag may transfer the unused tag to a minor child or grandchild at any time prior to the end of the season for which the unused tag was issued.
  2. A parent, grandparent, or guardian may transfer the unused tag by providing all of the following documentation in person at any Department office:
    - a. Proof of ownership of the unused tag to be transferred,
    - b. The unused tag, and
    - c. The minor's valid hunting license.
  3. If a parent, grandparent, or legal guardian is deceased, the personal representative of the person's estate may transfer an unused tag to an eligible minor. The person acting as the personal representative shall present:
    - a. The deceased person's death certificate, and
    - b. Proof of the person's authority to act as the personal representative of the deceased person's estate.
  4. To be eligible to receive an unused tag from a parent, grandparent, or legal guardian, the minor child shall meet the criteria established under subsection (D).
  5. A minor child or grandchild receiving an unused tag from a parent, grandparent, or legal guardian shall be accompanied into the field by any grandparent, parent, or legal guardian of the minor child.
- C. A person issued a tag or the person's legal representative may donate the unused tag to an authorized nonprofit organization for use by a minor child with a life threatening medical condition or permanent physical disability or a veteran of the Armed Forces of the United States with a service-connected disability.
1. The person or legal representative who donates the unused tag shall provide the authorized nonprofit organization with a written statement indicating the unused tag is voluntarily donated to the organization.
  2. An authorized nonprofit organization receiving a donated tag under this subsection may transfer the unused tag to an eligible minor child or veteran by contacting any Department office.
    - a. To obtain a transfer, the nonprofit organization shall:
      - i. Provide proof of donation of the unused tag to be transferred;
      - ii. Provide the unused tag;
      - iii. Provide proof of the minor child's or veteran's valid hunting license.
    - b. To be eligible to receive a donated unused tag from an authorized nonprofit organization, a minor child shall meet the criteria established under subsection (D).
  3. A person who donates an original, unused hunt permit-tag issued in a computer drawing to an authorized non-

## Game and Fish Commission

profit organization may submit a request to the Department for the reinstatement of the bonus points expended for that unused tag, provided all of the following conditions are met:

- a. The person has a valid and active membership in the Department's membership program with at least one unredeemed tag surrender on the application deadline date, for the computer draw in which the hunt permit-tag being surrendered was drawn, and at the time of tag surrender.
  - b. The person submits a completed application form as described under R12-4-118;
  - c. The person provides acceptable proof to the Department that the tag was transferred to an authorized nonprofit organization; and
  - d. The person submits the request to the Department:
    - i. No later than 60 days after the date on which the tag was donated to an authorized nonprofit organization; and
    - ii. No less than 30 days prior to the computer draw application deadline for that genus, as specified in the hunt permit-tag application schedule.
- D.** To receive an unused tag authorized under subsections (B) or (C), an eligible minor child shall meet the following criteria:
1. Possess a valid hunting license,
  2. Has not reached the applicable annual or lifetime bag limit for that genus, and
  3. Is 10 to 17 years of age on the date of the transfer. A minor child under the age of 14 shall have satisfactorily completed a Department-sanctioned hunter education course before the beginning date of the hunt.
- E.** To receive an unused tag authorized under subsection (C), an eligible veteran of the Armed Forces of the United States with a service-connected disability shall meet the following criteria:
1. Possess a valid hunting license, and
  2. Has not reached the applicable annual or lifetime bag limit for that genus.
- F.** A nonprofit organization is eligible to apply for authorization to receive a donated unused tag, provided the nonprofit organization:
1. Is qualified under section 501(c)(3) of the United States Internal Revenue Code, and
  2. Affords opportunities and experiences to:
    - a. Children with life-threatening medical conditions or physical disabilities, or
    - b. Veterans with service-connected disabilities.
  3. This authorization is valid for a period of one-year, unless revoked by the Department for noncompliance with the requirements established under A.R.S. § 17-332 or this Section.
  4. A nonprofit organization shall apply for authorization by submitting an application to any Department office. The application form is furnished by the Department and is available at any Department office. A nonprofit organization shall provide all of the following information on the application:
    - a. Nonprofit organization's information:
      - i. Name,
      - ii. Physical address,
      - iii. Telephone number;
    - b. Contact information for the person responsible for ensuring compliance with this Section:
      - i. Name,
      - ii. Address,
      - iii. Telephone number;

- c. Signature of the president and secretary-treasurer of the organization or their equivalents; and
  - d. Date of signing.
5. In addition to the application, a nonprofit organization shall provide all of the following:
- a. A copy of the organization's articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, unless a current and correct copy is already on file with the Department;
  - b. Document identifying the organization's mission;
  - c. A letter stating how the organization will participate in the Big Game Tag Transfer program; and
  - d. A statement that the person or organization submitting the application agrees to the conditions established under A.R.S. § 17-332 and this Section.
6. An applicant who is denied authorization to receive donated tags under this Section may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted effective October 10, 1986, filed September 25, 1986 (Supp. 86-5). Rule expired one year from effective date of October 10, 1986. Rule readopted without change for one year effective January 22, 1988, filed January 7, 1988 (Supp. 88-1). Rule expired effective January 22, 1989 (Supp. 89-1). New Section R12-4-121 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Repealed effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). New Section made by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1195, effective June 30, 2012 (Supp. 12-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-122. Handling, Transporting, Processing, and Storing of Game Meat Given to Public Institutions and Charitable Organizations**

- A.** Under A.R.S. § 17-240 and this Section, the Department may donate the following wildlife, except that the Department shall not donate any portion of an animal killed in a collision with a motor vehicle or an animal that died subsequent to immobilization by any chemical agent:
1. Big game, except bear or mountain lion;
  2. Upland game birds;
  3. Migratory game birds;
  4. Game fish.
- B.** The Director shall not authorize an employee to handle game meat for the purpose of this Section until the employee has satisfactorily completed a course designed to give the employee the expertise necessary to protect game meat recipients from diseased or unwholesome meat products. A Department employee shall complete a course that is either conducted or approved by the State Veterinarian. The employee shall provide a copy of a certificate that demonstrates satisfactory completion of the course to the Director.
- C.** Only an employee authorized by the Director shall determine if game meat is safe and appropriate for donation. An authorized Department employee shall inspect and field dress each donated carcass before transporting it. The Department shall not retain the game meat in storage for more than 48 continuous hours before transporting it, and shall reinspect the game meat for wholesomeness before final delivery to the recipient.

## Game and Fish Commission

- D. Final processing and storage is the responsibility of the recipient.

**Historical Note**

Adopted effective August 6, 1991 (Supp. 91-3).  
Amended by final rulemaking at 12 A.A.R. 291, effective  
March 11, 2006 (Supp. 06-1).

**R12-4-123. Expenditure of Funds**

- A. The Director may expend funds available through appropriations, licenses, gifts, or other sources, in compliance with applicable laws and rules, and:
1. For purposes designated by lawful Commission agreements and Department guidelines;
  2. In agreement with budgets approved by the Commission;
  3. In agreement with budgets appropriated by the legislature;
  4. With regard to a gift, for purposes designated by the donor, the Director shall expend undesignated donations for a public purpose in furtherance of the Department's responsibilities and duties.
- B. The Director shall ensure that the Department implements internal management controls to comply with subsection (A) and to deter unlawful use or expenditure of funds.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended  
by final rulemaking at 12 A.A.R. 291, effective March  
11, 2006 (Supp. 06-1).

**R12-4-124. Proof of Domicile**

- A. An applicant may be required to present acceptable proof of domicile in Arizona to the Department upon request.
- B. Acceptable proof of domicile in Arizona may include, but is not limited to, one or more of the following lawfully obtained documents:
1. Arizona Driver's License;
  2. Arizona Resident State Income Tax Return filing;
  3. Arizona school records containing satisfactory proof of identity and relationship of the parent or guardian to the minor child, when applicable;
  4. Arizona Voter Registration Card;
  5. Certified copy of an Arizona court order such as an order of probation, parole, or mandatory release;
  6. Selective Service Registration Acknowledgement Card indicating an address in Arizona;
  7. Social Security Administration document indicating an address in Arizona; or
  8. Current documents issued by the U.S. military indicating Arizona as state of residence or an address in Arizona.

**Historical Note**

New Section made by final rulemaking at 21 A.A.R.  
3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-125. Public Solicitation or Event on Department Property**

- A. All Department buildings, properties, and wildlife areas are designated non-public forums and are closed to all solicitations and events unless permitted by the Department.
- B. A solicitation or event on Department property shall not:
1. Conflict with the Department's mission; or
  2. Constitute partisan political activity, the activity of a political campaign, or influence in any way an election or the results thereof.
- C. A request for permission to conduct a solicitation or event on Department property shall be directed to the responsible Regional Supervisor or Branch Chief who shall initially deter-

mine whether an application is required for the solicitation or event.

- D. If it is determined that an application is required, the person may apply for a solicitation or event permit by submitting a completed solicitation or event application to any Department office or Department Headquarters, Director's Office, at 5000 W. Carefree Hwy, Phoenix, AZ 85086. The application form is furnished by the Department and available at all Department offices.

1. An applicant shall submit an application:
  - a. Not more than six months prior to the solicitation or event; and
  - b. Not less than 14 days prior to the desired date of the solicitation or event for solicitations other than the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials; or
  - c. Not less than 10 days prior to the desired date of the solicitation or event for solicitations involving only the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.
2. An applicant shall provide all of the following information on the application:
  - a. Sponsor's name, address, and telephone number;
  - b. Sponsor's e-mail address, when available;
  - c. Contact person's name and telephone number, when the sponsor is an organization;
  - d. Proposed date of the solicitation or event;
  - e. Specific, proposed location for the solicitation or event;
  - f. Starting and approximate concluding times;
  - g. General description of the solicitation or event's purpose;
  - h. Anticipated number of attendees, when applicable;
  - i. Amount of fees to be charged to attendees, when applicable;
  - j. Detailed description of any activity that will occur at the solicitation or event, including a detailed map of the solicitation or event and any equipment that will be used, e.g., tents, tables, etc.;
  - k. Copies of any solicitation materials to be distributed to the public or to be posted on Department property;
  - l. Copy of a current and valid license issued by the Arizona Department of Liquor Licenses and Control, required when the applicant intends to sell alcohol at the solicitation or event; and
  - m. The contact person's signature and date. The person's signature on the application certifies that the sponsor:
    - i. Assumes risk of injury to persons or property;
    - ii. Agrees to hold harmless the state of Arizona, its officials, Departments, employees, and agents against all claims arising from the use of Department facilities;
    - iii. Assumes responsibility for any damages or clean-up costs due to the solicitation or event, solicitation or event cleanup, or solicitation or event damage repair; and
    - iv. Agrees to surrender the premises in a clean and orderly condition.

- E. The Department may take any of the following actions to the extent necessary and in the best interest of the State:

1. Require the sponsor to furnish all necessary labor, material, and equipment for the solicitation or event;
2. Require the sponsor to post a deposit against damage and cleanup expense;

## Game and Fish Commission

3. Require indemnification of the state of Arizona, its Departments, agencies, officers, and employees;
  4. Require the sponsor to carry adequate insurance and provide certificates of insurance to the Department not less than ten business days before the solicitation or event. A certificate of insurance for a solicitation or event shall name the state of Arizona, its Departments, agencies, boards, commissions, officers, agents, and employees as additional insureds;
  5. Require the sponsor to enter into written agreements with any vendors and subcontractors and require vendors and subcontractors to provide certificates of insurance to the Department not less than ten business days before the solicitation or event. A certificate of insurance for a solicitation or event shall name the state of Arizona, its Departments, agencies, boards, commissions, officers, agents, and employees as additional insureds;
  6. Require the sponsor to provide medical support, security, and sanitary services, including public restrooms; and
  7. Impose additional conditions not otherwise specified under this Section on the conduct of the solicitation or event.
- F.** The Department may consider the following criteria when determining whether any of the actions in subsection (E) are necessary and in the best interest of the state:
1. Previous experience with similar solicitations or events;
  2. Deposits required for similar solicitations or events in Arizona;
  3. Risk data; and
  4. Medical, sanitary, and security services required for similar solicitations or events in Arizona and the cost of those services.
- G.** The Department shall designate the hours of use for Department property.
- H.** The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or cleanup costs incurred because of the solicitation or event. The sponsor shall be responsible for any cleanup or damage costs associated with the solicitation or event.
- I.** The sponsor shall not allow, without the express written permission of the Department, the possession, use, or consumption of alcoholic beverages at the solicitation or event site. When the Department provides written permission for the possession, use, or consumption of alcoholic beverages at the solicitation or event site, the sponsor shall provide to the Department:
1. A copy of a current and valid license issued by the Arizona Department of Liquor Licenses and Control to the sponsor and vendor, required when the applicant intends to sell alcohol at the solicitation or event; and
  2. A liquor liability rider, included with the insurance certificate required under subsection (E)(4).
- J.** The sponsor shall not allow unlawful possession or use of drugs at the solicitation or event site.
- K.** The Department shall deny an application for any of the following reasons:
1. The solicitation or event interferes with the work of an employee or the daily business of the Department;
  2. The solicitation or event conflicts with the time, place, manner, or duration of other approved or pending solicitations or events;
  3. The content of the solicitation or event conflicts with or is unrelated to the Department's activities or its mission;
  4. The solicitation or event presents a risk of injury or illness to persons or risk of damage to property;
  5. The sponsor cannot demonstrate adequate compliance with applicable local, state, or federal laws, ordinances, codes, or regulations; or
  6. The sponsor has not complied with the requirements of the application process or this Section.
- L.** At all times, the Department reserves the right to immediately remove or cause to be removed all obstructions or other hazards of the solicitation or event that could damage state property, inhibit egress, or poses a safety risk. The Department also reserves the right to immediately remove or cause to be removed any person damaging state property, inhibiting egress, or posing a threat to public health and safety.
- M.** The Department may revoke approval of a solicitation or event due to emergency circumstances or for failure to comply with this Section.
- N.** The Department shall send written notice of the denial or revocation of an approved permit. The notice shall contain the reason for the denial or revocation.
- O.** A sponsor:
1. Is liable to the Department for damage to Department property and any expense arising out of the sponsor's use of Department property.
  2. Shall post solicitation material only in designated posting areas.
  3. Shall ensure that a solicitation or event on Department property causes the minimum infringement of use to the public and government operation.
  4. Shall modify or terminate a solicitation or event, upon request by the Department, if the Department determines that the solicitation or event unacceptably infringes on the Department's operations or causes an unacceptable risk of liability exposure to the State.
- P.** When conducting an event on Department property, a sponsor shall:
1. Park or direct vehicles in designated parking areas.
  2. Obey all posted requirements and restrictions.
  3. Designate one person to act as a monitor for every 50 persons anticipated to attend the solicitation or event. The monitor shall act as a contact person for the Department for the purposes of the solicitation or event.
  4. Ensure that all safety standards, guidelines, and requirements are followed.
  5. Implement additional safety requirements upon request by the Department.
  6. Ensure all obstructions and hazards are eliminated.
  7. Ensure trash and waste is properly disposed of throughout the solicitation or event.
- Q.** The Department shall revoke or terminate the solicitation or event if a sponsor fails to comply with a Department request or any one of the following minimum safety requirements:
1. All solicitation or event activities shall comply with all applicable federal, state, and local laws, ordinances, codes, statutes, rules, and regulations.
  2. The layout of the solicitation or event shall ensure that emergency vehicles will have access at all times.
  3. The Department may conduct periodic safety checks throughout the solicitation or event.
- R.** This Section does not apply to government agencies.

**Historical Note**

New Section made by emergency rulemaking at 10 A.A.R. 4777, effective November 4, 2004 for 180 days (Supp. 04-4). Emergency expired (Supp. 05-2). New Section renumbered from R12-4-804 and amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).



## Game and Fish Commission

**ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS****R12-4-201. Pioneer License**

- A.** A pioneer license grants all of the hunting and fishing privileges of a combination hunting and fishing license. The pioneer license is only available at a Department office.
- B.** The pioneer license is a complimentary license and is valid for the license holder's lifetime.
- C.** A person who is age 70 or older and has been a resident of Arizona for at least 25 consecutive years immediately preceding application may apply for a pioneer license by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). A pioneer license applicant shall provide all of the following information on the application:
  1. The applicant's personal information:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. Affirmation that:
    - a. The applicant is 70 years of age or older and has been a resident of this state for 25 or more consecutive years immediately preceding application for the license; and
    - b. The information provided on the application is true and accurate.
  3. Applicant's signature and date. The applicant's signature shall be either notarized or witnessed by a Department employee.
- D.** In addition to the requirements listed under subsection (C), an applicant for a pioneer license shall also submit any one of the following documents at the time of application:
  1. Valid U.S. passport;
  2. Original or certified copy of the applicant's birth certificate;
  3. Original or copy of a valid government-issued driver's license; or
  4. Original or copy of a valid government-issued identification card.
- E.** All information and documentation provided by the applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- F.** The Department shall deny a pioneer license when the applicant:
  1. Fails to meet the criteria prescribed under A.R.S. § 17-336(A)(1),
  2. Fails to comply with this Section, or
  3. Provides false information on the application.
- G.** The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10.
- H.** A pioneer license holder may request a no-fee duplicate of the paper license provided:
  1. The license was lost or destroyed;

2. The license holder submits a written request to the Department for a no-fee duplicate paper license; and
3. The Department's records indicate a pioneer license was previously issued to that person.

- I.** A person issued a pioneer license prior to January 1, 2014 shall be entitled to the privileges established under subsection (A).

**Historical Note**

Former Section R12-4-31 renumbered as Section R12-4-201 without change effective August 13, 1981. New Section R12-4-201 amended effective August 31, 1981 (Supp. 81-4). Amended subsection (B) effective December 9, 1985 (Supp. 85-6). Amended subsections (D) and (E), and changed application for a Pioneer License effective September 24, 1986 (Supp. 86-5). Former Section repealed, new Section adopted effective December 22, 1989 (Supp. 89-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4).

**R12-4-202. Disabled Veteran's License**

- A.** A disabled veteran's license grants all of the hunting and fishing privileges of a combination hunting and fishing license. The disabled veteran's license is only available at a Department office.
- B.** The disabled veteran's license is a complimentary license and is valid for a three-year period from the issue date or the license holder's lifetime, as established under subsection (F).
- C.** An eligible applicant is a disabled veteran who:
  1. Has been a resident of Arizona for at least one year immediately preceding application, and
  2. Is receiving compensation from the United States government for permanent service-connected disabilities rated as 100% disabling. Eligibility for the disabled veteran's license is based on the disability rating, not on the compensation received by the veteran.
- D.** A person applying for a disabled veteran's license shall submit an application to the Department. The application form is furnished by the Department and available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application:
  1. The applicant's personal information:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. Affirmation that:
    - a. The applicant meets the eligibility requirements prescribed under A.R.S. § 17-336(A)(2),
    - b. The applicant has been a resident of this state for at least one year immediately preceding application for the license, and

## Game and Fish Commission

- c. The information provided on the application is true and accurate.
- 3. Applicant's signature and date.
- E. In addition to the requirements established under subsection (D), an applicant for a disabled veteran's license shall, at the time of application, also submit an original certification or a benefits letter issued by the United States Department of Veteran's Affairs (DVA) or obtained from the DVA website that meets the requirements specified in subsections (D)(1), (2), and (3). The certification form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The certification shall be completed by an agent of the United States Department of Veteran's Affairs. The certification shall include all of the following information:
  - 1. The applicant's full name,
  - 2. Certification that the applicant is receiving compensation from the United States government for permanent service-connected disabilities rated as 100% disabling,
  - 3. Certification that the 100% rating is permanent, and:
    - a. Will not require reevaluation or
    - b. Will be reevaluated in three years, and
  - 4. The signature and title of the Department of Veterans' Affairs agent who issued or approved the certification.
- F. If the certification or benefits letter required under subsection (E) indicate the applicant's disability rating of 100% is permanent and:
  - 1. Will not be reevaluated, the disabled veteran's license will not expire.
  - 2. Will be reevaluated in three years, the disabled veteran's license will expire three years from the date of issuance.
- G. All information and documentation provided by the applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- H. The Department shall deny a disabled veteran's license when the applicant:
  - 1. Fails to meet the criteria prescribed under A.R.S. § 17-336(A)(2),
  - 2. Fails to comply with the requirements of this Section, or
  - 3. Provides false information during the application process.
- I. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- J. A disabled veteran's license holder may request a no-fee duplicate paper license provided:
  - 1. The license was lost or destroyed,
  - 2. The license holder submits a written request to the Department for a duplicate license, and
  - 3. The Department's records indicate a disabled veteran's license was previously issued to that person.
- K. A person issued a disabled veteran's license prior to January 1, 2014 shall be entitled to the privileges established under subsection (A).
- L. For the purposes of this Section, "disabled veteran" means a veteran of the armed forces of the United States with a service connected disability.

**Historical Note**

Former Section R12-4-66 renumbered, then repealed and readopted as Section R12-4-43 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-43 renumbered as Section R12-4-202 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 31, 1984 (Supp. 84-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section R12-4-202 adopted effective December 22, 1989 (Supp. 89-4). Amended by final

rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1199, effective June 30, 2012 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 21 A.A.R. 2550, effective January 5, 2015 (Supp. 15-2).

**R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp**

- A. All state fish and wildlife agencies are required to obtain data to assess the harvest of migratory game birds in compliance with the federally mandated National Harvest Information Program administered by the United States Fish and Wildlife Service in accordance with 50 C.F.R. Part 20.
- B. In compliance with the National Harvest Information Program, the Department requires a person to possess a migratory bird stamp or authorization number, which may be affixed to or written on the appropriate license, and a current, valid federal waterfowl stamp. The migratory bird stamp and authorization number are required to take band-tailed pigeons, moorhen, coots, doves, ducks, geese, snipe, or swans.
  - 1. The state migratory bird stamp expires on June 30 of each year. To obtain a state migratory bird stamp, a person shall submit:
    - a. The fee required under R12-4-102, and
    - b. A completed state migratory bird registration form to a license dealer or a Department office.
  - 2. The person shall provide on the state migratory bird registration form the person's:
    - a. Name,
    - b. Mailing address,
    - c. Date of birth, and
    - d. Information on past and anticipated hunting activity.
  - 3. The youth combination hunting and fishing license includes the state migratory bird stamp privileges. A youth hunter who possesses a valid combination hunting and fishing license shall obtain:
    - a. A Federal waterfowl stamp when the youth hunter is 16 years of age or older and is taking ducks, geese, swans, coots, gallinules; or
    - b. A permit-tag when the youth hunter is taking sand-hill crane.
- C. A license dealer shall submit state migratory bird registration forms for all state migratory bird stamps sold with the monthly report required under A.R.S. § 17-338.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).  
 Amended effective April 22, 1980 (Supp. 80-2).  
 Amended subsections (A), (C), (D), and (G) effective December 29, 1980 (Supp. 80-6). Former Section R12-4-41 renumbered as Section R12-4-203 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (C), (E), (G) and added Form 7016 (Supp. 81-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section adopted effective July 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 (Supp. 00-1). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 13 A.A.R. 462, effective February 6, 2007 (Supp. 07-1). Amended by final rulemaking at 19 A.A.R. 3225, effective

## Game and Fish Commission

tive January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**Editor's Note**

For similar subject matter, see Section R12-4-411.  
This editor's note does not apply to the new Section adopted effective July 1, 1997 (Supp. 96-4).

**R12-4-204. Repealed****Historical Note**

Amended effective May 31, 1976 (Supp. 76-3). Correction, Historical Note Supp. 76-3 should read "Amended effective May 3, 1976" (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective March 20, 1981 (Supp. 81-2). Former Section R12-4-32 renumbered as Section R12-4-204 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Repealed by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-205. High Achievement Scout License**

- A.** A high achievement scout license is offered to a resident who is:
1. Eligible for a combination hunting and fishing license,
  2. Under 21 years of age, and
  3. A member of the Boy Scouts of the United States of America and has attained the rank of Eagle Scout, or
  4. A member of the Girl Scouts of the United States of America and has attained the Gold Award.
- B.** The high achievement scout license grants all of the hunting and fishing privileges of the youth combination hunting and fishing license and is only available at Department offices.
1. The license is valid for one year from the date of purchase or selected start date provided the date selected is no more than 60 calendar days from and after the date of purchase.
  2. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the high achievement scout license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- C.** An applicant for a high achievement scout license shall apply on an application form available from any Department office and on the Department's web site at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- D.** In addition to the application, an eligible applicant shall present with the application:

1. For an applicant who is a member of the Boy Scouts of the United States of America, any one of the following original documents:
    - a. A certification letter from the Boy Scouts of the United States of America stating that the applicant has attained the rank of Eagle Scout,
    - b. A Boy Scouts of the United States of America Eagle Scout Award Certificate, or
    - c. A Boy Scouts of the United States of America Eagle Scout wallet card.
  2. For an applicant who is a member of the Girl Scouts of the United States of America, any one of the following original documents:
    - a. A certification letter from the Girl Scouts of the United States of America stating that the applicant has completed the award,
    - b. A Girl Scouts of the United States of America Gold Award Certificate, or
    - c. A Girl Scouts Gold Award Certificate from the local council.
- E.** The Department shall deny a high achievement scout license to an applicant who:
1. Is not eligible for the license;
  2. Fails to comply with the requirements of this Section; or
  3. Provides false information during the application process.
- F.** The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Editorial correction subsection (A) (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective September 23, 1980 (Supp. 80-5). Former Section R12-4-33 renumbered as Section R12-4-205 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 17 A.A.R. 1472, effective July 12, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4).

**R12-4-206. General Hunting License; Exemption**

- A.** A general hunting license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the general hunting license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- B.** The general hunting license is valid for one-year from:
1. The date of purchase when a person purchases the hunting license from a license dealer, as defined under R12-4-101;
  2. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
  3. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
  4. The selected start date when a person purchases the hunting license from a Department office or online. A person may select the start date for the hunting license provided

## Game and Fish Commission

the date selected is no more than 60 calendar days from and after the date of purchase.

- C. A resident may apply for a general hunting license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at [www.azgfd.gov](http://www.azgfd.gov). The application is furnished by the Department and is available at any Department office, license dealer, and online at [www.azgfd.gov](http://www.azgfd.gov). A general hunting license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- D. In addition to the requirements listed under subsection (C), at the time of application an applicant who is applying for a general hunting license:
1. In person shall pay the applicable fee required under R12-4-102.
  2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.
- E. A person who is under 10 years of age may hunt wildlife other than big game without a hunting license when accompanied by a properly licensed person who is 18 years of age or older.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).  
 Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-34 renumbered as Section R12-4-206 without change effective August 13, 1981 (Supp. 81-4).  
 Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-207. General Fishing License; Exemption**

- A. A general fishing license is valid for the taking of all aquatic wildlife and allows the license holder to engage in simultaneous fishing as defined under R12-4-301. The general fishing license is valid:
1. State-wide including Mittry Lake and Topock Marsh and the Arizona shoreline of Lake Mead, Lake Mohave and Lake Havasu, and Commission designated community waters. The list of Commission designated community waters is available at any license dealer, Department office, and online at [www.azgfd.gov](http://www.azgfd.gov).
  2. On that portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California and connected adjacent water, provided Arizona has an agreement with California and Nevada that recognizes a general fishing license as valid for taking aquatic wildlife on any portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California.

- B. The general fishing license is valid for one-year from:
1. The date of purchase when a person purchases the fishing license from a license dealer, as defined under R12-4-101; or
  2. The selected start date when a person purchases the fishing license from a Department office or online. A person may select the start date for the fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- C. A resident or nonresident may apply for a general fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at [www.azgfd.gov](http://www.azgfd.gov). The application is furnished by the Department and is available at any Department office, license dealer, and online at [www.azgfd.gov](http://www.azgfd.gov). A general fishing license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- D. In addition to the requirements listed under subsection (C), an applicant who is applying for a general fishing license:
1. In person shall pay the applicable fee required under R12-4-102.
  2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.
- E. In addition to the exemption prescribed under A.R.S. § 17-335, a person who is under 10 years of age may fish without a fishing license.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).  
 Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-35 renumbered as Section R12-4-207 without change effective August 13, 1981 (Supp. 81-4).  
 Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-208. Guide License**

- A. A guide, as defined under A.R.S. § 17-101, is a person who does any one of the following:
1. Advertises for guiding services.
  2. Is presented to the public for hire as a guide.
  3. Is employed by a commercial enterprise as a guide.
  4. Accepts compensation in any form commensurate with the market value in this state for guiding services in exchange for aiding, assisting, directing, leading, or instructing a person in the field to locate and take wildlife.

## Game and Fish Commission

5. Is not a landowner or lessee who, without full fair market compensation, allows access to the landowner's or lessee's property and directs and advises a person in taking wildlife.
- B.** A person shall not act as a guide unless the person holds one of the following guide licenses:
  1. A hunting guide license, which authorizes the license holder to act as a guide for the taking of lawful wildlife other than aquatic wildlife as defined under A.R.S. § 17-101.
  2. A fishing guide license, which authorizes the license holder to act as a guide for the taking of lawful aquatic wildlife.
  3. A hunting and fishing guide license, which authorizes the license holder to act as a guide for the taking of lawful wildlife.
- C.** A guide license shall expire on December 31 of each year.
- D.** A person is not eligible to apply for an original or renewal guide license when any one of the following conditions apply:
  1. The applicant was convicted of a felony violation of any federal wildlife law, within five years immediately preceding the date of application;
  2. The applicant was convicted of a violation listed under A.R.S. § 17-309(D), within five years immediately preceding the date of application;
  3. The applicant was convicted of a violation of a federal or state wildlife law for which a license to take wildlife may be revoked or suspended within five years immediately preceding the date of application; or
  4. The applicant's privilege to take or possess wildlife or to guide or act as a guide is currently suspended or revoked anywhere in the United States for violation of a federal or state wildlife law.
- E.** Notwithstanding subsection (D), a person who was convicted of a misdemeanor violation of any wildlife law within one year preceding the date of application may apply for a guide license provided the person immediately and voluntarily reported the violation to the Department after committing the violation.
- F.** An applicant for a guide license shall:
  1. Be 18 years of age or older, and
  2. Possess the required Department-issued license, as applicable:
    - a. A current Arizona hunting license when applying for a hunting guide license;
    - b. A current Arizona fishing license when applying for a fishing guide license;
    - c. A current Arizona combination hunting and fishing license when applying for a hunting and fishing guide license;
- G.** The guide license does not exempt the license holder from any applicable method of take or licensing requirement. The guide license holder shall comply with all applicable Commission rules, including, but not limited to, rules governing:
  1. Lawful methods of take,
  2. Lawful devices, and
  3. License requirements.
- H.** Unless otherwise provided under this Section, a person shall successfully complete the Department administered examination, and answer at least 80% of the questions correctly, prior to applying for a guide license. Guide examinations are:
  1. Provided at a Department office.
  2. Valid for a period up to twelve months prior to the date on which the applicant submits an application to the Department.
  3. Conducted during normal business hours.
4. Conducted on the first Monday of the month or by special appointment. A person interested in taking the guide examination shall contact a Department office to obtain scheduling information.
- I.** The examination is based on the type of guide license the person is seeking.
  1. A person shall provide acceptable proof of identity, as listed under subsection (L)(2), prior to taking the examination.
  2. The examination may include questions regarding any of the following topics:
    - a. A.R.S. Title 17 Game and Fish statutes and Commission rules regarding the taking and handling of terrestrial and aquatic wildlife;
    - b. A.R.S. Title 28, Ch 3, Article 20 Off-highway Vehicles statutes and rule regarding the use of off-highway vehicles;
    - c. A.R.S. Title 5, Ch 3, Boating and Water Sports statutes and Commission rules on boating;
    - d. Requirements for guiding on federal lands;
    - e. Identification of aquatic wildlife species;
    - f. Identification of wildlife;
    - g. Special state and federal laws regarding certain species;
    - h. General knowledge of species habitat and wildlife that may occur in the same habitat;
    - i. General knowledge of the types of habitat within the State; and
    - j. General knowledge of special or concurrent jurisdictions within the State.
  3. An applicant who fails an examination may retake the examination on the same day or as otherwise agreed upon by the applicant and the examination administrator. An applicant who fails an examination twice on the same day shall wait at least seven calendar days, from the examination date, before retaking the examination.
- J.** In addition to the guide examination requirement under subsection (H), a guide license holder shall take the Department administered examination when:
  1. The applicant is applying to add a new guiding authority to a current guide license;
  2. The applicant for a hunting guide license was convicted of a violation of A.R.S. Title 17 or Game and Fish Commission rule governing the taking and handling of terrestrial wildlife within one year preceding the date of application;
  3. The applicant for a fishing guide license was convicted of a violation of A.R.S. Title 17 or Game and Fish Commission rule governing the taking and handling of aquatic wildlife within one year preceding the date of application;
  4. The applicant failed to submit a renewal application postmarked before the expiration date of the guide license; or
  5. The applicant failed to submit the annual report for the preceding license year by January 10 of the following license year.
- K.** A person may apply for a guide license by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). A guide license applicant shall provide all of the following information on the application:
  1. The applicant's personal information:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;

## Game and Fish Commission

- d. Social Security Number or Department identification number;
  - e. Residency status;
  - f. Mailing address, when applicable;
  - g. Physical address;
  - h. Telephone number, when available;
  - i. E-mail address, when available;
  - j. Type of guide license sought; and
  - k. Calendar year for which the application is made;
  - 2. The outfitting or guide:
    - a. Business name; and
    - b. Business address, as applicable;
  - 3. Responses to questions relating to criminal violations;
  - 4. Affirmation that:
    - a. The applicant meets the eligibility requirements prescribed under this Section; and
    - b. The information provided on the application is true and accurate;
  - 5. Applicant's signature and date.
- L.** In addition to the requirements listed under subsection (K), an applicant for a guide license shall also submit the following documents at the time of application for an original or renewal of a guide license:
- 1. Proof of the successful completion of the guide examination required under subsection (H). The applicant must successfully complete the examination within the twelve months immediately preceding the date of application.
  - 2. One of the following as proof of the applicant's identity:
    - a. Valid U.S. passport;
    - b. Original or certified copy of the applicant's birth certificate;
    - c. Original or copy of a valid government-issued driver's license; or
    - d. Original or copy of a valid government-issued identification card.
- M.** All information and documentation provided by the guide license applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- N.** An applicant for a guide license shall pay all applicable fees required under R12-4-102 upon approval of an initial or renewal application for a guide license.
- O.** The Department shall deny a guide license when the applicant:
- 1. Fails to meet the criteria prescribed under A.R.S. § 17-362,
  - 2. Fails to comply with the requirements of this Section,
  - 3. Provides false information during the application process,
  - 4. Fails to provide the annual report required under subsection (R) by January 10, or
  - 5. Provides false information in the annual report required under subsection (R) within three years immediately preceding the date of application.
- P.** The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- Q.** A guide license holder may submit an application for renewal of a guide license after December 1 of the year it was issued. The Department shall not start the substantive review, as defined under A.R.S. § 41-1072, before January 10 of the following license year, unless the Department receives the annual report prior to the date established under subsection (R). The current guide license shall remain valid pending a Department decision on the application for renewal, provided:
- 1. The application for renewal is submitted to the Department by December 31, and
  - 2. The Department receives the annual report submitted in compliance with subsection (R).
- R.** A guide license holder shall submit to the Department the annual report required under A.R.S. § 17-362(C) for the previous calendar year before January 10 of the following license year. The report form is furnished by the Department and is available at any Department office or online at [www.azgfd.gov](http://www.azgfd.gov).
- 1. A report is required whether or not the license holder performed any guiding activities.
  - 2. The annual report shall include all of the following information, as applicable:
    - a. License holder's personal information:
      - i. Name;
      - ii. Guide license number; and
      - iii. E-mail address, when available; and
    - b. Client's personal information:
      - i. Name;
      - ii. Mailing address; and
      - iii. Arizona license, tag and permit numbers, and
    - c. Dates guiding activities were conducted;
    - d. Number and species of wildlife taken by the clients;
    - e. Game management unit or body of water where guiding activities took place;
    - f. Affirmation that the information provided in the annual report is true and accurate; and
    - g. License holder's signature and date.
  - 3. The Department shall not renew a guide license if the annual report is not submitted to the Department by January 10 of the following license year.
- S.** The date of receipt for the items required under subsections (K), (L), (Q), and (R) shall be as follows:
- 1. The date a person presents the items to a Department office;
  - 2. The date a private express mail carrier receives the package containing the items as indicated on the shipping package; or
  - 3. The date of the United States Postal Service postmark stamped on the envelope containing the items.
- T.** While performing guide activities or providing guide services, a guide license holder shall:
- 1. Possess a valid guide license.
  - 2. Possess a valid Arizona hunting, fishing, or combination hunting and fishing license, as applicable under subsection (F)(2).
  - 3. Present the license for inspection upon the request of any peace officer, wildlife manager, or game ranger.
  - 4. Report any violation of a federal or state wildlife regulation, law, or rule personally witnessed by the guide license holder.
- U.** A guide license holder shall not:
- 1. Use, or allow another person to use, any method or device prohibited under any federal or state wildlife regulation, law, or rule while taking wildlife.
  - 2. Aid, counsel, agree to aid, or attempt to aid another person in planning or engaging in conduct that results in a violation of any federal or state wildlife regulation, law, or rule while taking wildlife.
  - 3. Pursue any wildlife or hold at bay any wildlife for a person unless that person is present during the pursuit to take the wildlife.
    - a. The person shall be continuously present during the entire pursuit of that specific target animal.
    - b. If dogs are used, the person shall be present when the dogs are released on a specific target animal and

## Game and Fish Commission

shall be continuously present for the remainder of the pursuit.

4. Hold wildlife at bay other than during daylight hours, unless a Commission Order authorizes the take of the species at night.
- V. As authorized under A.R.S. § 17-362(A), the Commission may revoke or suspend a guide license when any one or more of the following actions occur:
  1. The guide license holder failed to comply with the requirements of A.R.S. Title 17 or was convicted of violating any provision of A.R.S. Title 17;
  2. The guide license holder was convicted of a felony violation of any federal wildlife law;
  3. The guide license holder was convicted of a violation listed under A.R.S. § 17-309(D);
  4. The guide license holder was convicted of a violation of a federal or state wildlife law for which a license to take wildlife may be revoked or suspended; or
5. The guide license holder's privilege to take or possess wildlife is suspended or revoked by any jurisdiction for violation of a federal or state wildlife law.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2). Former Section R12-4-40 renumbered as Section R12-4-208 without change effective August 13, 1981 (Supp. 81-4). Former rule repealed, new Section R12-4-208 adopted effective December 22, 1989 (Supp. 89-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4).

**R12-4-209. Community Fishing License; Exemption**

- A. A community fishing license is valid for taking all aquatic wildlife from Commission designated community waters, only, and allows the license holder to engage in simultaneous fishing as defined under R12-4-301. The list of Commission designated community waters is available at any license dealer, Department office, and online at [www.azgfd.gov](http://www.azgfd.gov).
- B. The community fishing license is valid for one-year from:
  1. The date of purchase when a person purchases the community fishing license from a license dealer, as defined under R12-4-101; or
  2. The selected start date when a person purchases the community fishing license from a Department office or online. A person may select the start date for the community fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- C. A resident or nonresident may apply for a community fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at [www.azgfd.gov](http://www.azgfd.gov). The application is furnished by the Department and is available at any Department office, license dealer, and online at [www.azgfd.gov](http://www.azgfd.gov). A community fishing license applicant shall provide the following information on the application:
  1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;

- e. Residency status and number of years of residency immediately preceding application, when applicable;
  - f. Mailing address, when applicable;
  - g. Physical address;
  - h. Telephone number, when available; and
  - i. E-mail address, when available; and
2. Affirmation that the information provided on the application is true and accurate; and
3. Applicant's signature and date.
- D. In addition to the requirements listed under subsection (C), an applicant who is applying for a community fishing license:
  1. In person shall pay the applicable fee required under R12-4-102.
  2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.
- E. In addition to the exemption prescribed under A.R.S. § 17-335, a person who is under 10 years of age may fish in Commission designated community waters without a fishing license.

**Historical Note**

Adopted effective March 20, 1981 (Supp. 81-2). Former Section R12-4-42 renumbered as Section R12-4-209 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-210. Combination Hunting and Fishing License; Exemption**

- A. A combination hunting and fishing license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds.
- B. A combination hunting and fishing license is valid for the taking of all aquatic wildlife and allows the license holder to engage in simultaneous fishing as defined under R12-4-101. The combination hunting and fishing license is valid:
  1. State-wide including Mitty Lake and Topock Marsh and the Arizona shoreline of Lake Mead, Lake Mohave and Lake Havasu, and Commission designated community waters. The list of Commission designated community waters is available at any license dealer, Department office, and online at [www.azgfd.gov](http://www.azgfd.gov).
  2. On that portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California and connected adjacent water, provided Arizona has an agreement with California and Nevada that recognizes a combination hunting and fishing license as valid for taking aquatic wildlife on any portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California.
- C. The Department offers three combination hunting and fishing licenses:
  1. A short-term combination hunting and fishing license, valid for one 24-hour period from midnight to midnight.
    - a. The short-term combination hunting and fishing license is not valid for the take of big game animals.
    - b. The short-term combination hunting and fishing license is valid for the take of migratory game birds and waterfowl, provided the person possesses the applicable State Migratory Bird stamp and Federal Waterfowl stamp.

## Game and Fish Commission

- c. The Department does not limit the number of short-term combination hunting and fishing licenses a resident or nonresident may purchase.
  2. A combination hunting and fishing license for a person age 18 and over.
    - a. The combination hunting and fishing license is valid for one-year from:
      - i. The date of purchase when a person purchases the combination hunting and fishing license from a license dealer, as defined under R12-4-101;
      - ii. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
      - iii. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
      - iv. The selected start date when a person purchases the combination hunting and fishing license from a Department office or online. A person may select the start date for the combination hunting and fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
    - b. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
  3. A youth combination hunting and fishing license for a person through age 17.
    - a. The combination hunting and fishing license is valid for one-year from:
      - i. The date of purchase when a person purchases the combination hunting and fishing license from a license dealer, as defined under R12-4-101;
      - ii. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
      - iii. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
      - iv. The selected start date when a person purchases the combination hunting and fishing license from a Department office or online. A person may select the start date for the combination hunting and fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
    - b. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- D.** A resident or nonresident may apply for a combination hunting and fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at [www.azgfd.gov](http://www.azgfd.gov). The application is furnished by the Department and is available at any Department office, license dealer, and online at [www.azgfd.gov](http://www.azgfd.gov). A combination hunting and fishing license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- E.** In addition to the requirements listed under subsection (C), an applicant who is applying for a combination hunting and fishing license:
1. In person shall pay the applicable fee required under R12-4-102.
  2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.
- F.** Exemptions authorized under R12-4-206(E), R12-4-207(E), and R12-4-209(E) also apply to this Section, as applicable.
- Historical Note**
- Former Section R12-4-39 repealed, new Section R12-4-39 adopted effective January 20, 1977 (Supp. 77-1). Editorial correction subsection (A), paragraph (2) (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-39 repealed, new Section R12-4-39 adopted effective March 17, 1981 (Supp. 81-2). Former Section R12-4-39 renumbered as Section R12-4-210 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 16, 1982 (Supp. 82-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).
- R12-4-211. Lifetime License**
- A.** The Department offers the following lifetime licenses:
1. A lifetime hunting license includes the privileges established under R12-4-206(A).
  2. A lifetime fishing license includes the privileges established under R12-4-207(A).
  3. A lifetime combination hunting and fishing license includes the privileges established under R12-4-210(A) and (B).
- B.** A lifetime license does not expire and remains valid if the licensee subsequently resides outside of this state.
1. A licensee who resides outside of Arizona shall submit the nonresident fee to purchase any required permit-tag, nonpermit-tag, or stamp to hunt and fish in this state.
  2. Limits established under R12-4-114 for nonresident permit-tags do not apply to a lifetime license holder.
- C.** A resident may apply for a lifetime license by submitting an application to the Department and paying the applicable fee



## Game and Fish Commission

required under subsection (D). The application is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). A lifetime license applicant shall provide the following information on the application:

1. The applicant's:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Social Security Number, when required under A.R.S. §§ 25-320(P) and 25-502(K);
    - e. Department identification number, when applicable;
    - f. Residency status and number of years of residency immediately preceding application, when applicable;
    - g. Mailing address, when applicable;
    - h. Physical address;
    - i. Telephone number, when available; and
    - j. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- D.** The fees for resident lifetime licenses are determined by the age of the applicant as follows:
1. Age 0 through 13 years is 17 times the fee established under R12-4-102 for the equivalent one-year license.
  2. Age 14 through 29 years is 18 times the fee established under R12-4-102 for the equivalent one-year license.
  3. Age 30 through 44 years is 16 times the fee established under R12-4-102 for the equivalent one-year license.
  4. Age 45 through 61 years is 15 times the fee established under R12-4-102 for the equivalent one-year license.
  5. Age 62 and older is 8 times the fee established under R12-4-102 for the equivalent one-year license.
  6. For the purposes of this subsection, when the applicant is under the age of 18, the fee for the lifetime license is based on the full priced license fee, not the youth license fee.
- E.** A lifetime license may be denied or suspended pursuant to, and for the offenses described under, A.R.S. § 17-340.
- F.** A person issued a lifetime license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A)(1), (A)(2), or (A)(3), as applicable, for the equivalent lifetime license.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).  
 Amended effective October 9, 1980 (Supp. 80-5). Former Section R12-4-36 renumbered as Section R12-4-211 without change effective August 13, 1981 (Supp. 81-4).  
 Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-212. Benefactor License**

- A.** A benefactor license includes the privileges established under R12-4-210(A) and (B). A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the benefactor license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- B.** A benefactor license does not expire and remains valid if the licensee subsequently resides outside of this state.
1. A licensee who resides outside of Arizona shall submit the nonresident fee to purchase any required permit-tag, nonpermit-tag, or stamp to hunt and fish in this state.
  2. Limits established under R12-4-114 for nonresident permit-tags do not apply to a benefactor license holder.

- C.** The benefactor license fee is \$1,500. The difference between \$1,500 and the license fee for a resident lifetime combination hunting and fishing license established under R12-4-211(D):
1. Is a donation to the State for continued management, protection, and conservation of the State's wildlife.
  2. Shall be credited to the wildlife endowment fund established under A.R.S. § 17-271.
  3. May be tax deductible to the extent allowed by federal and state income tax statutes for contributions to qualifying tax-exempt organizations.
- D.** A resident may apply for a benefactor license by submitting an application to the Department. The application is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). A benefactor license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Social Security Number, when required under A.R.S. §§ 25-320(P) and 25-502(K);
    - e. Department identification number, when applicable;
    - f. Residency status and number of years of residency immediately preceding application, when applicable;
    - g. Mailing address, when applicable;
    - h. Physical address;
    - i. Telephone number, when available; and
    - j. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- E.** A benefactor license may be denied or suspended pursuant to, and for the offenses described under, A.R.S. § 17-340.
- F.** A person issued a benefactor license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A).

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective January 1, 1977 (Supp. 76-5). Former Section R12-4-37 renumbered as Section R12-4-211 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-213. Hunt Permit-tags and Nonpermit-tags**

- A.** A valid hunt permit-tag or nonpermit-tag is required to validate a license to take a big game animal or other wildlife requiring a valid tag. Before a person may take a big game animal or other wildlife requiring a tag, the person shall apply for and obtain the appropriate tag required for the take of that big game animal or other wildlife.
- B.** A person may apply for a hunt permit-tag in accordance with R12-4-104 and at the times, locations, and in the manner established by the hunt permit-tag application schedule that the Department publishes and is available at any Department office, online at [www.azgfd.gov](http://www.azgfd.gov), or a license dealer as defined under R12-4-101.
- C.** A person applying for a nonpermit-tag shall apply in accordance with R12-4-114 and pay the required fee established under R12-4-102.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).  
 Amended effective December 4, 1980 (Supp. 80-6). For-

## Game and Fish Commission

mer Section R12-4-38 renumbered as Section R12-4-213 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-214. Apprentice License**

- A. An apprentice license authorizes the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. The apprentice license is only available from a Department office.
- B. An apprentice license is:
  - 1. A complimentary license,
  - 2. Valid for any two consecutive days; and
  - 3. Issued to a person only once per calendar year.
- C. The apprentice license is not valid for the take of big game animals.
- D. The apprentice license is valid for the take of migratory game birds and waterfowl when the apprentice also possesses the applicable Migratory Bird stamp and federal waterfowl stamp.
- E. An apprentice license holder shall be accompanied by a mentor at all times while in the field. A mentor is eligible to apply for no more than two apprentice hunting licenses in any calendar year. A mentor shall:
  - 1. Be a resident of Arizona,
  - 2. Be 18 years of age or older,
  - 3. Possess an appropriate and valid Arizona hunting license, and
  - 4. Provide the apprentice with instruction and supervision on safe and ethical hunting practices.
- F. A mentor may apply for an apprentice license at any Department office. An applicant for an apprentice license shall provide the following information at the time of application:
  - 1. The mentor's:
    - a. Name;
    - b. Arizona hunting license number and effective date of the license; and
  - 2. The applicant's:
    - a. Name;
    - b. Age;
    - c. Date of birth;
    - d. Telephone number, when available;
    - e. Department identification number, when applicable;
    - f. E-mail address, when available;
    - g. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - f. Mailing address, when applicable;
    - g. Physical address; and
    - h. Residency status.

**Historical Note**

Former Section R12-4-67 renumbered as Section R12-4-214 without change effective August 13, 1981 (Supp. 81-4). Repealed effective December 22, 1989 (Supp. 89-4). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-215. Youth Group Two-day Fishing License**

- A. A youth group two-day fishing license authorizes a nonprofit organization or governmental entity as defined under subsection (C) that sponsors adult supervised activities for youth to take up to 25 youths fishing. The youth group two-day fishing license is only available from a Department office. The youth group two-day fishing license is valid for:
  - 1. Two consecutive days,
  - 2. The take of all aquatic wildlife, and

3. All privileges established under R12-4-207(A).

- B. A nonprofit organization or governmental entity may apply for a youth group two-day fishing license at any Department office. An applicant for a youth group two-day fishing license shall be a resident. The applicant shall pay the fee required under R12-4-102 and provide the following information at the time of application:
  - 1. The nonprofit organization's or governmental entity's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number, when available;
  - 2. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Mailing address, when applicable;
    - f. Physical address;
    - g. Telephone number, when available; and
    - h. E-mail address, when available;
  - 3. The dates on which the nonprofit organization intends to conduct the youth group fishing activity.
  - 4. The approximate number of youth participating in the group fishing activity.
- C. For the purpose of this Section, "governmental entity" means any town, city, county, municipality, or other political subdivision of this state or any department, agency, board, commission, authority, division, office, public school, public charter school, public corporation, or other public entity of this state or any department agency bureau, or office of the federal government that is physically located within this state.

**Historical Note**

Adopted effective December 9, 1982 (Supp. 82-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 4308, effective December 31, 2003 (Supp. 05-4). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-216. Crossbow Permit**

- A. For the purposes of this Section, "healthcare provider" means a person who is licensed to practice by the federal government, any state, or U.S. territory with one of the following credentials:
  - Medical Doctor,
  - Doctor of Osteopathy,
  - Doctor of Chiropractic,
  - Nurse Practitioner, or
  - Physician Assistant.
- B. A crossbow permit allows a person to use a crossbow, or any bow to be drawn and held with an assisting device, during an archery-only season, as prescribed under R12-4-318, when authorized under R12-4-304 as lawful for the species hunted.
- C. The crossbow permit does not exempt the permit holder from any other applicable method of take or licensing requirement. The permit holder shall be responsible for compliance with all applicable regulatory requirements.
- D. The crossbow permit does not expire, unless:
  - 1. The medical certification portion of the application indicates the person has a temporary physical disability; then the crossbow permit shall be valid only for the period of time indicated on the crossbow permit as specified by the healthcare provider,

## Game and Fish Commission

2. The permit holder no longer meets the criteria for obtaining the crossbow permit, or
  3. The Commission revokes the person's hunting privileges under A.R.S. § 17-340. A person whose crossbow permit is revoked by the Commission may petition the Commission for a rehearing as established under R12-4-607.
- E.** An applicant for a crossbow permit shall apply by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). A crossbow permit applicant shall provide all of the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. Affirmation that:
    - a. The applicant meets the requirements of this Section, and
    - b. The information provided on the application is true and accurate, and
  3. Applicant's signature and date.
  4. The certification portion of the application shall be completed by a healthcare provider. The healthcare provider shall:
    - a. Certify the applicant has one or more of the following physical limitations:
      - i. An amputation involving body extremities required for stable function to use conventional archery equipment;
      - ii. A spinal cord injury resulting in a disability to the lower extremities, leaving the applicant nonambulatory;
      - iii. A wheelchair restriction;
      - iv. A neuromuscular condition that prevents the applicant from drawing and holding a bow;
      - v. A failed functional draw test that equals 30 pounds of resistance and involves holding it for four seconds;
      - vi. A failed manual muscle test involving the grading of shoulder and elbow flexion and extension or an impaired range-of-motion test involving the shoulder or elbow; or
      - vii. A combination of comparable physical disabilities resulting in the applicant's inability to draw and hold a bow.
    - b. Indicate whether the disability is temporary or permanent and, when temporary, specify the expected duration of the physical limitation; and
    - c. Provide the healthcare provider's:
      - i. Typed or printed name,
      - ii. License number,
      - iii. Business address,
      - iv. Telephone number, and
      - v. Signature and date;
  5. A person who holds a valid Challenged Hunter Access/Mobility Permit (CHAMP) and who is applying for a crossbow permit is exempt from the requirements of subsection (E)(4) and shall indicate "CHAMP" in the space provided for the medical certification on the crossbow permit application
- F.** All information and documentation provided by the applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- G.** The Department shall deny a crossbow permit when the applicant:
1. Fails to meet the criteria prescribed under this Section,
  2. Fails to comply with the requirements of this Section, or
  3. Provides false information during the application process.
- H.** The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- I.** The applicant claiming a temporary or permanent disability is responsible for all costs associated with obtaining the medical documentation, re-evaluation of the information, or a second medical opinion.
- J.** When acting under the authority of a crossbow permit, the crossbow permit holder shall possess the permit, and exhibit the permit upon request to any peace officer, wildlife manager, or game ranger.
- K.** A crossbow permit holder shall not:
1. Transfer the permit to another person, or
  2. Allow another person to use or possess the permit.

**Historical Note**

Adopted effective April 7, 1983 (Supp. 83-2). Repealed effective January 1, 1993; filed December 18, 1993 (Supp. 92-4). New Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4).

**R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)**

- A.** For the purposes of this Section, the following definitions apply:
- "Healthcare provider" means a person who is licensed to practice by the federal government, any state, or U.S. territory with one of the following credentials:

Medical Doctor,  
 Doctor of Osteopathy,  
 Doctor of Chiropractic,  
 Nurse Practitioner, or  
 Physician Assistant.

"Severe permanent disability" means one or more permanent physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, intellectual disability, muscular dystrophy, musculoskeletal disorders, neurological disorders, paraplegia, pulmonary disorders, quadriplegia and other spinal cord conditions, sickle cell anemia, and end stage renal disease or a combination of permanent disabilities resulting in comparable substantial functional limitations.

- B.** The Challenged Hunter Access/Mobility Permit (CHAMP) allows a person with a severe permanent disability to perform one or more of the following activities:
1. Discharge a firearm or other legal hunting device from a motor vehicle if, under existing conditions:
    - a. The discharge is otherwise lawful;

## Game and Fish Commission

- b. The motor vehicle is not in motion;
  - c. The motor vehicle is not on any road, as defined under A.R.S. § 17-101; and
  - d. The motor vehicle's engine is turned off.
- 2. Discharge a firearm or other legal hunting device from a watercraft, as defined under R12-4-501; provided the motor is turned off, the sail furled, or both; and progress has ceased.
  - a. The watercraft may be drifting as a result of current or wind, beached, moored, resting at anchor, or propelled by paddle, oars, or pole.
  - b. A person may use a watercraft under power to retrieve dead or wounded wildlife.
  - c. For the purposes of this subsection, "watercraft" does not include a sinkbox.
- 3. Use off-road locations in a motor vehicle if use is not in conflict with federal or state statutes or regulations or local ordinances or regulations and the motor vehicle is used as a place to wait for game. A person shall not use a motor vehicle to chase or pursue game.
- 4. Designate an assistant to track and dispatch a wounded animal, and to retrieve the animal, in accordance with the requirements of this Section.
- C. The CHAMP holder shall comply with all applicable regulatory requirements. A CHAMP does not exempt the permit holder from any other applicable method of take or licensing requirement.
- D. The CHAMP does not expire, unless:
  - 1. The permit holder no longer meets the criteria for obtaining the CHAMP, or
  - 2. The Commission revokes the person's hunting privileges under A.R.S. § 17-340. A person whose CHAMP is revoked by the Commission may petition the Commission for a rehearing as established under R12-4-607.
- E. An applicant for a CHAMP shall apply by submitting an application to the Department. The application form is furnished by the Department and is available from any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The CHAMP applicant shall provide all of the following information on the application:
  - 1. The applicant's:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  - 2. Affirmation that:
    - a. The applicant meets the requirements of this Section, and
    - b. The information provided on the application is true and accurate, and
  - 3. Applicant's signature and date.
  - 4. The certification portion of the application shall be completed by a healthcare provider. The healthcare provider shall:
    - a. Certify the applicant is a person with a severe permanent disability as defined under subsection (A), and
    - b. Provide the healthcare provider's:
      - i. Typed or printed name,
      - ii. Business address,
      - iii. Telephone number, and
      - iv. Signature and date;
- F. All information and documentation provided by the applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- G. The applicant claiming a severe permanent disability is responsible for all costs associated with obtaining the medical documentation, re-evaluation of the information, or a second medical opinion.
- H. The Department shall deny a CHAMP when the applicant:
  - 1. Fails to meet the criteria prescribed under this Section,
  - 2. Fails to comply with the requirements of this Section, or
  - 3. Provides false information during the application process.
- I. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.
- J. When acting under the authority of the CHAMP, the permit holder shall possess and exhibit the permit upon request to any peace officer, wildlife manager, or game ranger.
- K. The CHAMP holder shall ensure the CHAMP vehicle placard, issued with the CHAMP, is visibly displayed on the motor vehicle or watercraft when in use.
- L. The Department shall provide a CHAMP holder with a dispatch permit that allows the CHAMP holder to designate a licensed hunter as an assistant to:
  - 1. Dispatch and retrieve an animal wounded by the CHAMP holder, or
  - 2. Retrieve wildlife killed by the CHAMP holder.
- M. The CHAMP holder shall:
  - 1. Designate an assistant only after the animal is wounded or killed.
  - 2. Ensure the designation on the dispatch permit is in ink and includes:
    - a. A description of the animal,
    - b. The assistant's name and valid Arizona hunting license number,
    - c. The date and time the animal was wounded or killed, and
  - 3. Ensure compliance with all of the following requirements:
    - a. The site where the animal is wounded and the location from which tracking begins are marked so they can be identified later.
    - b. The assistant possesses the dispatch permit and a valid hunting license while tracking and dispatching the wounded animal. When acting under the authority of the dispatch permit, the assistant shall possess and exhibit the dispatch permit and hunting license upon request to any peace officer, wildlife manager, or game ranger.
    - c. The CHAMP holder is in the field while the assistant is tracking and dispatching the wounded animal.
    - d. The assistant does not transfer the dispatch permit to anyone except that the dispatch permit may be transferred back to the CHAMP holder.
    - e. Dispatch is made by a method that is lawful for the take of the particular animal in the particular season in accordance with requirements established under R12-4-304 and R12-4-318.
    - f. The assistant attaches the dispatch permit to the carcass of the animal and returns the carcass to the CHAMP holder, and the tag of the CHAMP holder is affixed to the carcass.
    - g. If the assistant is unsuccessful in locating and dispatching the wounded animal, the assistant returns

## Game and Fish Commission

the dispatch permit to the CHAMP holder. The CHAMP holder shall strike the name and authorization of the assistant from the dispatch permit.

- N. A dispatch permit may not be reused when all spaces for designation of an assistant are filled or the dispatch permit is attached to a carcass. The CHAMP holder may request another dispatch permit from the Department if:
1. All spaces for assistants are filled,
  2. The dispatch permit is lost, or
  3. When the CHAMP holder needs another dispatch permit for another big game hunt.
- O. A CHAMP holder shall not:
1. Transfer the permit to another person, or
  2. Allow another person to use or possess the permit.

**Historical Note**

Adopted effective October 9, 1980 (Supp. 80-5). Former Section R12-4-59 renumbered as Section R12-4-310 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-310 renumbered as R12-4-217 and amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-310 renumbered as R12-4-217 and amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section repealed, new Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4).

**R12-4-218. Repealed****Historical Note**

Adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Repealed effective November 7, 1996 (Supp. 96-4).

**R12-4-219. Renumbered****Historical Note**

Adopted as an emergency effective July 5, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Correction, Historical Note, Supp. 88-3, should read, "Adopted as an emergency effective July 15, 1988..."; readopted and amended as an emergency effective October 13, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 24, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Former Section R12-4-219 amended and adopted as a permanent rule and renumbered as Section R12-4-424 effective April 28, 1989 (Supp. 89-2).

**R12-4-220. Repealed****Historical Note**

Adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Repealed effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

**ARTICLE 3. TAKING AND HANDLING OF WILDLIFE****R12-4-301. Definitions**

In addition to the definitions provided under A.R.S. § 17-101, the following definitions apply to this Article unless otherwise specified:

"Administer" means to pursue, capture, or otherwise restrain wildlife in order to directly apply a drug to wildlife by injection, inhalation, ingestion or any other means.

"Aircraft" means any contrivance used for flight in the air or any lighter-than-air contrivance.

"Artificial lures and flies" means man-made devices intended as visual attractants for fish and does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, artificial salmon eggs, artificial corn, or artificial marshmallows.

"Barbless hook" means any fishhook manufactured without barbs or on which the barbs have been completely closed or removed.

"Body-gripping trap" means a device designed to capture an animal by gripping the animal's body.

"Cervid" means any member of the deer family (Cervidae); which includes caribou, elk, moose, mule deer, reindeer, wapiti, and whitetail deer.

"Confinement trap" means a device designed to capture wildlife alive and hold it without harm.

"Crayfish net" means a net that does not exceed 36 inches on a side or in diameter and is retrieved by means of a hand-held line.

"Dip net" means any net, excluding the handle, that is no greater than 3 feet in the greatest dimension, that is hand-held, non-motorized, and the motion of the net is caused by the physical effort of the individual.

"Drug" means any chemical substance, other than food or mineral supplements, which affects the structure or biological function of wildlife.

"Evidence of legality" means the wildlife is accompanied by the applicable license, tag, stamp, or permit required by law and is identifiable as the "legal wildlife" prescribed by Commission Order, which may include evidence of species, gender, antler or horn growth, maturity and size.

"Foothold trap" means a device designed to capture an animal by the leg or foot.

"Instant kill trap" means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable subsidence into death without recovery of consciousness.

"Land set" means any trap used on land rather than in water.

"Minnow trap" means a trap with dimensions that do not exceed 12 inches in depth, 12 inches in width and 24 inches in length.

"Muzzleloading handgun" means a firearm intended to be fired from the hand, incapable of firing fixed ammunition, having a single barrel, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.

"Muzzleloading rifle" means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single barrel and single chamber, and loaded through the

## Game and Fish Commission

muzzle with black powder or synthetic black powder and a single projectile.

“Nonprofit organization” means an organization that is recognized as nonprofit under Section 501(c) of the U.S. Internal Revenue Code.

“Paste-type bait” means a partially liquefied substance used as a lure for animals.

“Person” means any individual, corporation, partnership, limited liability company, non-governmental organization or club, licensed animal shelter, government entity other than the Department, and any officer, employee, volunteer, member or agent of a person.

“Pre-charged pneumatic weapon” means an air gun or pneumatic weapon that is charged from an external high compression source such as an air compressor, air tank, or external hand pump.

“Sight-exposed bait” means a carcass or parts of a carcass lying openly on the ground or suspended in a manner so that it can be seen from above by a bird. This does not include a trap flag, dried or bleached bone with no attached tissue, or less than two ounces of paste-type bait.

“Simultaneous fishing” means taking fish by using two lines and not more than two hooks or two artificial lures or flies per line.

“Sinkbox” means a low floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.

“Trap flag” means an attractant made from materials other than animal parts that is suspended at least three feet above the ground.

“Water set” means any trap used and anchored in water rather than on land.

#### Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976, Amended effective June 7, 1976 (Supp. 76-3). Amended effective May 26, 1978 (Supp. 78-3). Editorial correction subsection (D) (Supp. 78-5). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-50 renumbered as Section R12-4-301 without change effective August 13, 1981 (Supp. 81-4). Amended subsection (A) effective May 12, 1982 (Supp. 82-3). Amended effective July 3, 1984 (Supp. 84-4). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Amended effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Former R12-4-301 renumbered to R12-4-321; new Section made by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

#### R12-4-302. Use of Tags

- A. In addition to meeting requirements prescribed under A.R.S. § 17-331, an individual who takes wildlife shall have in possession any tag required for the particular season or hunt area.
- B. A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.
- C. An individual who lawfully possesses both a nonpermit-tag and a hunt permit-tag shall not take a genus or species in

excess of the bag limit established by Commission Order for that genus or species.

- D. An individual shall:
  1. Take and tag only the wildlife identified on the tag; and
  2. Use a tag only in the season and hunt for which the tag is valid, as specified by Commission Order.
- E. Except as permitted under R12-4-217, an individual shall not:
  1. Allow their tag to be attached to wildlife killed by another individual,
  2. Allow their tag to be possessed by another individual who is in a hunt area,
  3. Attach their tag to wildlife killed by another individual,
  4. Attach a tag issued to another individual to wildlife, or
  5. Possess a tag issued to another individual while in a hunt area.
- F. Except as permitted under R12-4-217, immediately after an individual kills wildlife, the individual shall attach the tag to the wildlife carcass in the manner indicated on the tag.
- G. An individual who lawfully takes wildlife with a valid tag and authorizes another individual to possess, transport, or ship the tagged portion of the carcass shall complete the Transportation and Shipping Permit portion of the original tag authorizing the take of that animal.
- H. If a tag is cut, notched, mutilated, or the Transportation and Shipping Permit portion of the tag is signed or filled out, the tag is no longer valid for the take of wildlife.

#### Historical Note

Former Section R12-4-51 renumbered as Section R12-4-302 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (D), (E), and repealed subsection (G) effective May 12, 1982 (Supp. 82-3). Amended effective March 23, 1983 (Supp. 83-2). Amended subsection (F) effective October 31, 1984 (Supp. 84-5). Amended subsections (A), (D), (F) and (G) and added a new Section (H) effective June 4, 1987 (Supp. 87-2). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Amended effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Section R12-4-302 repealed, new Section R12-4-302 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Section repealed, new Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

#### R12-4-303. Unlawful Devices, Methods, and Ammunition

- A. In addition to the prohibitions prescribed under A.R.S. §§ 17-301 and 17-309, the following devices, methods, and ammunition are unlawful for taking any wildlife in this state:
  1. An individual shall not use any of the following to take wildlife:
    - a. Fully automatic firearms, including firearms capable of selective automatic fire; or
    - b. Tracer, armor-piercing, or full-jacketed ammunition designed for military use.
  2. An individual shall not use or possess any of the following while taking wildlife:
    - a. Poisoned projectiles or projectiles that contain explosives;

## Game and Fish Commission

- b. Pitfalls of greater than 5-gallon size, explosives, poisons, or stupefying substances, except as permitted under A.R.S. § 17-239 or as allowed by a scientific collecting permit issued under A.R.S. § 17-238;
  - c. Any lure, attractant, or cover scent containing any cervid urine; or
  - d. Electronic night vision equipment, electronically enhanced light-gathering devices, thermal imaging devices or laser sights; except for devices such as laser range finders, scopes with self-illuminating reticles, and fiber optic sights with self-illuminating sights or pins that do not project a visible light onto an animal.
3. An individual shall not:
- a. Hold wildlife at bay other than during daylight hours, unless authorized by Commission Order.
  - b. Injure, confine, or place a tracking device in or on wildlife for the purpose of aiding another individual to take wildlife.
  - c. Place any substance, device, or object in, on, or by any water source to prevent wildlife from using that water source.
  - d. Place any substance in a manner intended to attract bears.
  - e. Use a manual or powered jacking or prying device to take reptiles or amphibians.
  - f. Use dogs to pursue, tree, corner or hold at bay any wildlife for a hunter unless that hunter is present for the entire hunt.
  - g. Take migratory game birds, except Eurasian Collared-doves, using a shotgun larger than 10 gauge, a shotgun of any description capable of holding more than three shells unless it is plugged with a one-piece filler that cannot be removed without disassembling the shotgun so that its total capacity does not exceed three shells, electronically amplified bird calls, or baits, as prohibited under 50 CFR 20.21, revised October 1, 2009. The material incorporated by reference in this Section does not include any later amendments or editions. The incorporated material is available at any Department office, online from the Government Printing Office web site [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol St. N.W., Stop IDCC, Washington, D.C. 20401.
  - h. Discharge a pneumatic weapon .30 caliber or larger while taking wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident.
4. An individual shall not use edible or ingestible substances to aid in taking big game. The use of edible or ingestible substances to aid in taking big game is unlawful when:
- a. An individual places edible or ingestible substances for the purpose of attracting or taking big game, or
  - b. An individual knowingly takes big game with the aid of edible or ingestible substances placed for the purpose of attracting wildlife to a specific location.
5. Subsection (A)(4) does not limit Department employees or Department agents in the performance of their official duties.
6. For the purposes of subsection (A)(4), edible or ingestible substances do not include any of the following:
- a. Water.
  - b. Salt.
  - c. Salt-based materials produced and manufactured for the livestock industry.
  - d. Nutritional supplements produced and manufactured for the livestock industry and placed during the course of livestock or agricultural operations.
- B.** Wildlife taken in violation of this Section is unlawfully taken.
- C.** This Section does not apply to any activity allowed under A.R.S. § 17-302, to an individual acting within the scope of their official duties as an employee of the state or United States, or as authorized by the Department.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective April 29, 1977 (Supp. 77-2). Amended effective September 7, 1978 (Supp. 78-5). Former Section R12-4-52 renumbered as Section R12-4-303 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 28, 1983 (Supp. 83-2). Amended subsections (A) and (C) effective October 31, 1984 (Supp. 84-5). Amended effective June 4, 1987 (Supp. 87-2). Former Section R12-4-303 repealed, new Section R12-4-303 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-303 repealed, new Section R12-4-303 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles**

- A.** An individual may only use the following methods to take big game when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318.
- 1. To take antelope:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Handguns using black powder or synthetic black powder;
    - f. Shotguns shooting slugs, only;
    - g. Pre-charged pneumatic weapons .35 caliber or larger;
    - h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
    - i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(1)(h) to be drawn and held with an assisting device.
  - 2. To take bear:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Handguns using black powder or synthetic black powder;
    - f. Shotguns shooting slugs, only;
    - g. Pre-charged pneumatic weapons .35 caliber or larger;

## Game and Fish Commission

- h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(2)(h) to be drawn and held with an assisting device; and
  - j. Pursuit with dogs only between August 1 and December 31, provided the individual shall immediately kill or release the bear after it is treed, cornered, or held at bay. For the purpose of this subsection, "release" means the individual removes the dogs from the area so the bear can escape on its own after it is treed, cornered, or held at bay.
- 3. To take bighorn sheep:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
  - i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(3)(h) to be drawn and held with an assisting device.
- 4. To take buffalo:
  - a. State-wide, except for the game management units identified under subsection (A)(4)(b):
    - i. Centerfire rifles;
    - ii. Muzzleloading rifles;
    - iii. All other rifles using black powder or synthetic black powder;
    - iv. Centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than two inches;
    - v. Bows with a standard pull of 40 or more lbs, using arrows with broadheads of no less than 7/8 inch in width with metal cutting edges; and
    - vi. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(4)(a)(v) to be drawn and held with an assisting device.
  - b. In game management units 5A and 5B:
    - i. Centerfire rifles,
    - ii. Muzzleloading rifles, and
    - iii. All other rifles using black powder or synthetic black powder.
- 5. To take deer:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
  - i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(5)(h) to be drawn and held with an assisting device.
- 6. To take elk:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs, only;
  - g. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
  - h. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(6)(g) to be drawn and held with an assisting device.
- 7. To take javelina:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(7)(h) to be drawn and held with an assisting device;
  - j. .22 rimfire magnum rifles; and
  - k. 5 mm rimfire magnum rifles.
- 8. To take mountain lion:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs or shot;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;



## Game and Fish Commission

- h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(8)(h) to be drawn and held with an assisting device;
  - j. Artificial light, during seasons with day-long hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
  - k. Pursuit with dogs, provided the individual shall immediately kill or release the mountain lion after it is treed, cornered, or held at bay. For the purpose of this subsection, "release" means the individual removes the dogs from the area so the mountain lion can escape on its own after it is treed, cornered, or held at bay.
9. To take turkey:
- a. Shotguns shooting shot;
  - b. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
  - c. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(9)(b) to be drawn and held with an assisting device.
- B.** An individual may only use the following methods to take small game, when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318.
- 1. To take cottontail rabbits and tree squirrels:
    - a. Firearms,
    - b. Bow and arrow,
    - c. Crossbow,
    - d. Pneumatic weapons,
    - e. Slingshots,
    - f. Hand-held projectiles,
    - g. Falconry, and
    - h. Dogs.
  - 2. To take all upland game birds and Eurasian Collared-doves:
    - a. Bow and arrow;
    - b. Falconry;
    - c. Pneumatic weapons;
    - d. Shotguns shooting shot, only;
    - e. Handguns shooting shot, only;
    - f. Crossbow;
    - g. Slingshot;
    - h. Hand-held projectiles; and
    - i. Dogs.
  - 3. To take migratory game birds, except Eurasian Collared-doves:
    - a. Bow and arrow;
    - b. Crossbow;
    - c. Falconry;
    - d. Dogs;
    - e. Shotguns shooting shot:
      - i. Ten gauge or smaller, except that lead shot shall not be used or possessed while taking ducks, geese, swans, mergansers, common moorhens, or coots; and
- ii. Incapable of holding more than a total of three shells, as prescribed under 50 CFR 20.21, published October 1, 2009. The material incorporated by reference in this subsection does not include any later amendments or editions. The material is available at any Department office, online from the Government Printing Office web site [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol St. N.W., Stop: IDCC, Washington, D.C. 20401.
- C.** An individual may take waterfowl from any watercraft, except a sinkbox, subject to the following conditions:
- 1. The motor is shut off, the sail is furled, as applicable, and any progress from a motor or sail has ceased;
  - 2. The watercraft may be:
    - a. Adrift as a result of current or wind action;
    - b. Beached;
    - c. Moored;
    - d. Resting at anchor; or
    - e. Propelled by paddle, oars, or pole; and
  - 3. The individual may only use the watercraft under power to retrieve dead or crippled waterfowl; shooting is prohibited while the watercraft is underway.
- D.** An individual may take predatory and furbearing animals by using the following methods, when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318:
- 1. Firearms;
  - 2. Pre-charged pneumatic weapons .22 caliber or larger;
  - 3. Bow and arrow;
  - 4. Crossbow;
  - 5. Traps not prohibited under R12-4-307;
  - 6. Artificial light while taking raccoon provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail;
  - 7. Artificial light while taking coyote during seasons with day-long hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
  - 8. Dogs.
- E.** An individual may take nongame mammals and birds by any method authorized by Commission Order and not prohibited under R12-4-303 or R12-4-318, subject to the following restrictions. An individual:
- 1. Shall not take nongame mammals and birds using foot-hold traps;
  - 2. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
  - 3. Shall not use firearms at night; and
  - 4. May use artificial light while taking nongame mammals and birds, if the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.
- F.** An individual may take reptiles by any method not prohibited under R12-4-303 or R12-4-318 subject to the following restrictions. An individual:
- 1. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;

## Game and Fish Commission

2. Shall not use firearms at night; and
3. May use artificial light while taking reptiles provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.

**Historical Note**

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective October 20, 1977 (Supp. 77-5). Amended effective January 11, 1978 (Supp. 78-1). Amended effective September 7, 1978 (Supp. 78-5). Amended effective November 14, 1979 (Supp. 79-6). Amended effective July 22, 1980 (Supp. 80-4). Former Section R12-4-53 renumbered as Section R12-4-304 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 12, 1982 (Supp. 82-3). Amended effective April 7, 1983 (Supp. 83-2). Amended subsection (I) effective June 7, 1984 (Supp. 84-3). Amended effective February 28, 1985 (Supp. 85-1). Amended effective September 16, 1985 (Supp. 85-5). Amended effective June 4, 1987 (Supp. 87-2). Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by exempt rulemaking at 17 A.A.R. 2629, effective December 9, 2011 (Supp. 11-4). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife**

- A. An individual shall ensure that evidence of legality remains with the carcass or parts of a carcass of any wild mammal, bird, or reptile that the individual possesses, transports, or imports until arrival at the individual's permanent abode, a commercial processing plant, or the place where the wildlife is to be consumed.
- B. In addition to the requirement in subsection (A), an individual possessing or transporting the following wildlife shall ensure each:
  1. Big game animal, sandhill crane, and pheasant has the required valid tag attached as prescribed under R12-4-302;
  2. Migratory game bird, except sandhill cranes, has one fully feathered wing attached;
  3. Sandhill crane has either the fully feathered head or one fully feathered wing attached; and
  4. Quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, when the current Commission Order has established separate bag or possession limits for any species of quail.
- C. An individual who has lawfully taken wildlife that requires a valid tag when prescribed by the Commission may authorize its transportation or shipment by completing and signing the Transportation and Shipping Permit portion of the valid tag for that animal. A separate Transportation and Shipping Permit issued by the Department is necessary to transport or ship to another state or country any big game taken with a resident license. Under A.R.S. § 17-372(B), an individual may ship other lawfully taken wildlife by common carrier after obtaining a valid Transportation and Shipping Permit issued by the Department. The individual shall provide the following information on the permit form:
  1. Number and description of the wildlife to be transported or shipped;
  2. Name, address, license number, and license class of the individual who took the wildlife;
  3. Tag number;
  4. Name and address of the individual receiving a portion of the carcass of the wildlife as authorized under subsection (D), if applicable;
  5. Address of destination where the wildlife is to be transported or shipped; and
  6. Name and address of transporter or shipper.
- D. An individual who lawfully takes wildlife under a tag may authorize another individual to possess the head or carcass of the wildlife by separating and attaching the tag as prescribed under R12-4-302.
- E. An individual who receives a portion of the wildlife shall provide the identity of the individual who took and gave the portion of the wildlife.
- F. An individual shall not possess the horns of a bighorn sheep, taken by a hunter in this state, unless the horns are marked or sealed as prescribed under R12-4-308.
- G. Except as provided under R12-4-307, before an individual may sell, offer for sale, or export the raw pelt or unskinned carcass of a bobcat taken in this state the individual shall:
  1. Present the bobcat for inspection at any Department office, and
  2. Purchase a bobcat seal by paying the fee established under R12-4-102 at any Department office or other location as determined and published by the Department. Department personnel or an authorized agent shall attach and lock the bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag.
- H. An individual who takes bear or mountain lion under A.R.S. § 17-302 during a closed season may retain the carcass of the wildlife if the individual has a valid hunting license and the carcass is immediately tagged with a nonpermit-tag as required under R12-4-114 and R12-4-302, unless the individual has already taken the applicable bag limit for that big game animal. An animal retained under this subsection shall count towards the applicable bag limit for bear or mountain lion as authorized by Commission Order. The individual shall comply with inspection and reporting requirements established under R12-4-308.
- I. An individual may possess, transport, or import only the following portions of a cervid lawfully taken in another state or country:
  1. Boneless portions of meat, or meat that has been cut and packaged;
  2. Clean hides and capes with no skull or soft tissue attached, except as required for proof of legality;
  3. Clean skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached;
  4. Finished taxidermy mounts or products; and
  5. Upper canine teeth with no meat or tissue attached.
- J. A private game farm license holder may transport a cervid lawfully killed or slaughtered at the license holder's game farm to a licensed meat processor.
- K. An individual may possess or transport only the following portions of a cervid lawfully killed or slaughtered at a private game farm authorized under R12-4-413:

## Game and Fish Commission

1. Boneless portions of meat, or meat that has been cut and packaged;
  2. Clean hides and capes with no skull or soft tissue attached;
  3. Clean skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached;
  4. Finished taxidermy mounts or products; and
  5. Upper canine teeth with no meat or tissue attached.
- L.** An individual who obtains buffalo meat as authorized under R12-4-306 may sell the meat.
- M.** Except for cervids, which are subject to requirements established under subsections (I), (J), and (K), an individual may import into this state the carcasses or parts of wildlife, including aquatic wildlife, lawfully taken in another state or country if transported and exported in accordance with the laws of the state or country of origin.
- N.** An individual in possession of or transporting the carcass of any freshwater fish taken within this state shall ensure that the head, tail, or skin is attached so that the species can be identified, numbers counted, and any required length determined.
- O.** An individual shall not transport live crayfish from the site where taken, except as permitted under R12-4-316.
- P.** An individual in possession of a carp (*Cyprinus carpio*), buffalofish (*Ictiobus* spp.), or crayfish (families *Astacidae*, *Cambaridae*, and *Parastacidae*) carcass taken under Commission Order may sell the carcass.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Former Section R12-4-54 renumbered as Section R12-4-305 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 12, 1982 (Supp. 82-3). Amended effective June 14, 1983 (Supp. 83-3). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section repealed, new Section adopted effective April 1, 1997; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-306. Buffalo Hunt Requirements**

- A.** When authorized by Commission Order, the Department shall conduct a hunt to harvest buffalo from the state's buffalo herds.
- B.** A hunter with a buffalo permit-tag or nonpermit-tag shall:
1. Provide a signed written acknowledgment that the hunter received, read, understands, and agrees to comply with the requirements of this Section.
  2. Be accompanied by an authorized Department employee, when required, and
  3. Take only the buffalo designated by the Department employee, when required.
- C.** For the House Rock Herd (Units 12A, 12B, and 13A): when required by the Department, a hunter with a nonpermit-tag shall:
1. Hunt in the order scheduled.
  2. Be accompanied by a Department employee who:
    - a. Shall designate the buffalo to be harvested, and
    - b. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.
- D.** For the Raymond Herd (Units 5A and 5B):
1. A hunter with a permit-tag shall:

- a. Hunt in the order scheduled, and
  - b. Be accompanied by an authorized Department employee who:
    - i. Shall designate the buffalo to be harvested, and
    - ii. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.
2. When required by the Department, a hunter with a non-permit-tag shall:
- a. Hunt in the order scheduled,
  - b. Be accompanied by a Department employee who:
    - i. Shall designate the buffalo to be harvested.
    - ii. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.
- E.** A hunter issued a buffalo permit-tag or non-permit tag shall check out no more than three days after the end of the hunt, regardless of whether the hunter was successful, unsuccessful, or did not participate in a buffalo hunt.
1. House Rock Herd (Units 12A, 12B, and 13A): a hunter may check out either in person or by telephone at the House Rock Wildlife Area headquarters, the Jacob Lake Check station when open during deer season, or the Department's Flagstaff regional office.
  2. Raymond Herd (Units 5A and 5B):
    - a. A successful hunter shall check out in person at the Raymond Wildlife Area headquarters or the Department's Flagstaff regional office. The hunter shall present the buffalo to the Department for the purpose of gathering biological data.
    - b. An unsuccessful hunter shall check out by telephone at the Raymond Wildlife Area headquarters or the Department's Flagstaff regional office.
  3. At the time of check-out, the hunter shall provide all of the following information:
    - a. Hunter's name,
    - b. Hunter's contact number,
    - c. Tag number,
    - d. Sex of buffalo taken,
    - e. Age of the buffalo taken: adult or yearling,
    - f. Number of days hunted, and
    - g. Number of buffalo seen while hunting.
  4. When accompanied by an authorized Department employee, the employee shall conduct the check-out at the end of the hunt.
- F.** Failure to comply with the requirements of this Section shall result in the invalidation of the hunter's permit-tag or nonpermit-tag, consistent with the written acknowledgment signed and agreed to by the hunter.

**Historical Note**

Former Section R12-4-55 renumbered as Section R12-4-306 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (B), and (D) effective May 12, 1982 (Supp. 82-3). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-307. Trapping Regulations, Licensing; Methods; Tagging of Bobcat Pelts**

- A.** An Arizona trapping license permits an individual to trap predatory and fur-bearing animals. The Department shall issue a registration number to a trapper and enter the number on the

## Game and Fish Commission

- trapping license at the time the trapper purchases the license. The trapper registration number is not transferable.
- B.** A trapping license is required for any individual 14 years of age and older. An individual under the age of 14 is not required to purchase a trapping license, but shall apply for and obtain a registration number.
- C.** An individual born on or after January 1, 1967 shall successfully complete a Department-approved trapping education course before applying for a trapping license.
- D.** An individual applying for a trapping registration number or trapping license shall pay the applicable fees established under R12-4-102.
- E.** An individual applying for a trapping registration number or trapping license shall apply using a form furnished by the Department. The form is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The individual shall provide all of the following information on the form:
1. Applicant's:
    - a. Full name, address, and telephone number;
    - b. Date of birth and physical description;
  2. Identification number assigned by the Department;
  3. Category of license:
    - a. Resident,
    - b. Nonresident, or
    - c. Juvenile, and
  4. The applicant's signature.
- F.** A trapper may only trap predatory and fur-bearing animals during trapping seasons established by Commission Order.
- G.** A trapper shall:
1. Inspect traps daily;
  2. Kill or release all predatory and fur-bearing animals;
  3. Possess a choke restraint device that enables the trapper to release a javelina from a trap when trapping in a javelina hunt unit, as designated by Commission Order;
  4. Possess a device that is designed or manufactured to restrain a trapped animal while it is being removed from a trap when its release is required by this Section; and
  5. Release, without additional injury, all animals that cannot lawfully be taken by trap.
  6. Subsections (G)(3) and (G)(4) do not apply when the trapper is using a confinement trap.
- H.** A trapper shall not:
1. Bait a confinement trap with:
    - a. A live animal;
    - b. Any edible parts of small game, big game, or game fish; or
    - c. Any part of any game bird or nongame bird.
  2. Set any trap within:
    - a. One-half mile of any of the following areas developed for public use:
      - i. Boat launching area,
      - ii. Camping area,
      - iii. Picnic area, or
      - iv. Roadside rest area.
    - b. One-half mile of any occupied residence or building without permission of the owner or resident.
    - c. One-hundred yards of an interstate highway or any other highway maintained by the Arizona Department of Transportation.
    - d. Fifty feet of any trail maintained for public use by a government agency.
    - e. Seventy-five feet of any other road as defined under A.R.S. § 17-101.
    - f. Subsections (H)(2)(b), (H)(2)(c), (H)(2)(d), and (H)(2)(e) do not apply when the trapper is using a confinement trap.
3. Set a foothold trap within 30 feet of sight-exposed bait.
  4. Use any:
    - a. Body-gripping or other instant kill trap with an open jaw spread that exceeds 5 inches for any land set or 10 inches for any water set;
    - b. Foothold trap with an open jaw spread that exceeds 7 1/2 inches for any water set;
    - c. Snare, unless authorized under subsection (I);
    - d. Trap with an open jaw spread that exceeds 6 1/2 inches for any land set; or
    - e. Trap with teeth.
- I.** A trapper who uses a foothold trap to take wildlife with a land set shall use commercially manufactured traps that meet the following specifications:
1. A padded or rubber-jawed trap or an unpadded trap with jaws permanently offset to a minimum of 3/16 inch and a device that allows for pan tension adjustment;
  2. A foothold trap that captures wildlife by means of an enclosed bar or spring designed to prevent the capture of non-targeted wildlife or domestic animals; or
  3. A powered cable device with an inside frame hinge width no wider than 6 inches, a cable loop stop size of at least 2 inches in diameter to prevent capture of small non-target species, and a device that allows for a pan tension adjustment.
- J.** A trapper who uses a foothold trap to take wildlife with a land set shall ensure that the trap has an anchor chain equipped with at least two swivels as follows:
1. An anchor chain 12 inches or less in length shall have a swivel attached at each end.
  2. An anchor chain greater than 12 inches in length shall have one swivel attached at the trap and one swivel attached within 12 inches of the trap. The anchor chain shall be equipped with a shock-absorbing spring that requires less than 40 pounds of force to extend or open the spring.
- K.** A trapper shall ensure that each trap has either the name and address or the registration number of the trapper marked on a metal tag attached to the trap. The number assigned by the Department is the only acceptable registration number.
- L.** A trapper shall immediately attach a valid bobcat transportation tag to the pelt or unskinned carcass of a bobcat taken in this state. The trapper shall validate the transportation tag by providing all of the following information on the bobcat transportation tag:
1. Current trapping license number,
  2. Game management unit where the bobcat was taken,
  3. Sex of the bobcat, and
  4. Method by which the bobcat was taken.
- M.** The Department shall provide transportation tags with each trapping license. Additional transportation tags are available at any Department office at no charge.
- N.** A trapper shall ensure that all bobcats taken in this state have a bobcat seal attached and locked either through the mouth and an eye opening or through both eye openings no later than 10 days after the close of trapping season.
1. When available, bobcat seals are issued on a first-come, first-served basis at Department offices and other locations at those times and places as determined and published by the Department.
  2. The trapper shall pay the bobcat seal fee established under R12-4-102.
  3. Department personnel or an authorized agent shall attach and lock a bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag and a complete lower jaw identified with labels provided with the

## Game and Fish Commission

transportation tag. Department personnel or authorized agents shall collect the transportation tags and jaws before attaching the bobcat seal.

- O. Department personnel shall attach a bobcat seal to a bobcat pelt seized under A.R.S. § 17-211(E)(4) before disposal by the Department to the public.
- P. A licensed trapper shall file the annual report prescribed under A.R.S. § 17-361(D).
  - 1. The trapper shall submit the report to Arizona Game and Fish Department, Game Branch, 5000 W. Carefree Highway, Phoenix, AZ 85086 by April 1 of each year.
  - 2. A report is required even when trapping activities were not conducted. The report form is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov).
  - 3. The Department shall deny a trapping license to any trapper who fails to submit an annual report until the trapper complies with reporting requirements.
- Q. Persons suffering property loss or damage due to wildlife and who take responsive measures as permitted under A.R.S. §§ 17-239 and 17-302 are exempt from this Section. This exemption does not authorize any form of trapping prohibited under A.R.S. § 17-301.

**Historical Note**

Repealed effective May 3, 1976 (Supp. 76-3). New Section R12-4-56 adopted effective September 2, 1977 (Supp. 77-5). Amended effective December 27, 1979 (Supp. 79-6). Former Section R12-4-56 renumbered as Section R12-4-307 without change effective August 13, 1981. New Section R12-4-307 amended effective August 31, 1981 (Supp. 81-4). Amended effective August 4, 1982 (Supp. 82-4). Correction, Former Section R12-4-56 renumbered as Section R12-4-307 without change effective August 13, 1981 should read "effective August 31, 1981." Amended as an emergency effective March 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Amended subsections (B), (C)(6), (7), and (8) and added subsection (I)(5) as a permanent rule effective August 27, 1984 (Supp. 84-4). Amended subsection (C), paragraph (4), subsection (D), subsection (H), paragraph (1), subsection (I), paragraphs (3), (4) and (5) effective September 12, 1986 (Supp. 86-5). Amended effective March 1, 1994; filed in the Office of the Secretary of State November 23, 1993; Exhibit A - "Trapping Report" Form 2050, repealed from Section R12-4-307 (Supp. 93-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Corrected mislabeled subsection "C" to subsection "D" as per the Commission's request July 22, 1997 (Supp. 97-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks**

- A. The Department has the authority to establish mandatory wildlife check stations.
  - 1. The Department shall publish in the Commission Order establishing the season the:
    - a. Location,
    - b. Check in requirements, and
    - c. Check-out requirements for that specific season.
  - 2. The Department shall ensure a wildlife check station with a published:

- a. Check in requirement is open:
      - i. 8:00 a.m. the day before the season until 8:00 p.m. the first day of the season, and
      - ii. 8:00 a.m. to 8:00 p.m. during each day of the season.
    - b. Check-out requirement is open:
      - i. 8:00 a.m. to 8:00 p.m. during each day of the season, and
      - ii. Until 12:00 noon on the day after the close of the season.
  - 3. A hunter shall:
    - a. Check in at a wildlife check station in person before hunting when the Department includes a check in requirement in the Commission Order for that season;
    - b. Check out at a wildlife check station in person after hunting when the Department includes a check-out requirement in the Commission Order for that season and shall:
      - i. Present for inspection any wildlife taken; and
      - ii. Display any license, tag, or permit required for taking or transporting wildlife.
- B.** The Department may conduct inspections of lawfully taken wildlife at the Department's Phoenix and regional offices or designated locations during the posted business hours.
- 1. A bighorn sheep hunter shall check out either in person or by designee within three days after the close of the season. The hunter or designee shall submit the intact horns and skull for inspection and photographing. A Department representative shall affix a mark or seal to one horn of each bighorn sheep lawfully taken under Commission Order. It is unlawful for any person to remove, alter, or obliterate the mark or seal.
  - 2. A successful bear or mountain lion hunter shall:
    - a. Report information about the kill to the Department either in person or by telephone within 48 hours of taking the wildlife. The report shall include the:
      - i. Name of the hunter,
      - ii. Hunter's hunting license number,
      - iii. Sex of the wildlife taken,
      - iv. Management unit where the wildlife was taken,
      - v. Telephone number where the hunter can be reached for additional information, and
      - vi. Any additional information required by the Department.
    - b. Present either in person or by designee the skull, hide, and attached proof of sex for inspection within 10 days of taking the wildlife. If a hunter freezes the skull or hide before presenting it for inspection, the hunter shall prop the jaw open to allow access to the teeth and ensure that the attached proof of sex is identifiable and accessible.
  - 3. For seasons other than bear, bighorn sheep, or mountain lion, where a harvest objective is established, a successful hunter shall report information about the kill either in person or by telephone within 48 hours of taking the wildlife. The report shall include the information required under subsection (B)(2)(a).
- C.** The Director may establish vehicle roadblocks at specific locations when necessary to ensure compliance with applicable wildlife laws. Any occupant of a vehicle at a roadblock shall, upon request, present for inspection all wildlife in possession, and produce and display any license, tag, stamp, or permit required for taking or transporting wildlife.
- D.** This Section does not limit the game ranger or wildlife manager's authority to conduct stops, searches, and inspections

## Game and Fish Commission

authorized under A.R.S. §§ 17-211(E), 17-250(A)(4), and 17-331, or to establish voluntary wildlife survey stations to gather biological information.

**Historical Note**

Amended effective June 29, 1978 (Supp. 78-3). Former Section R12-4-57 renumbered as Section R12-4-308 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective May 12, 1982 (Supp. 82-3). Amended subsections (B), (D), and (F), and added subsection (G) effective July 3, 1984 (Supp. 84-4). Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective July 12, 1996 (Supp. 96-3). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-309. Authorization for Use of Drugs on Wildlife**

- A. A person shall not administer any drug to any wildlife under the jurisdiction of the state, including but not limited to drugs used for fertility control, disease prevention or treatment, immobilization, or growth stimulation without written authorization from the Department or as otherwise provided under subsection (E).
- B. A person requesting written authorization for the use of drugs on wildlife shall submit the request in writing to the Department at 5000 W. Carefree Hwy, Phoenix, AZ 85086 and at least 120 days before the anticipated start date of the activity and provide all of the following:
  1. A plan that includes:
    - a. The purpose and need for the proposed activity;
    - b. A clear statement of the objectives; for fertility control the statement shall include the target wildlife population goals or densities and the anticipated time-frame for meeting these objectives;
    - c. A description of the agent, drug, or method including federal approvals or permits obtained, as applicable, and any mandated labeling restrictions or limitations designed to reduce or minimize detrimental effects to wildlife and humans;
    - d. Required approvals, including, but not limited to, any federal or state agency approvals for specific use;
    - e. Citations of published scientific literature documenting field studies on the efficacy and safety for both target and non-target species, including predators, scavengers, and humans;
    - f. A description of the activity area;
    - g. A description of the target species population and current status;
    - h. A description of the field methodology for delivery that includes the following, as applicable:
      - i. Timing,
      - ii. Sex and number of animals to be treated,
      - iii. Percentage of the population to be treated,
      - iv. Calculated population effect, and
  - v. Short and long term monitoring and evaluation procedures.
  2. Documentation regarding the experience and credentials of the applicant or the applicant's agents as it applies to the requested activity;
  3. Written endorsement from the agency or institution; required when the applicant is a government agency, university, or other institution; and
  4. Written permission from landowners or lessees in all locations where the drug will be administered.
- C. The Department shall notify the applicant of the Department's decision to grant or deny the request within 90 days. The Department has the authority to place conditions on the written authorization regarding:
  1. Locations and time-frames,
  2. Drugs and methodology,
  3. Limitations,
  4. Reporting requirements, and
  5. Any other conditions deemed necessary by the Department.
- D. A person with authorization shall:
  1. Carry written authorization while engaged in the activity and exhibit it upon request to any peace officer;
  2. Allow Department personnel to be present to monitor activities for compliance, public safety, and proper treatment of animals;
  3. Adhere to all drug label restrictions and precautions;
  4. Provide an annual and final report:
    - a. The annual report must include the number of animals treated, the level of treatment effect obtained to date, and any problems including mortalities or morbidities of target animals.
    - b. The final report must include the end results, including the number of wildlife treated and treatment effects on target and non-target wildlife, including mortalities, morbidities, and reproductive rate changes.
  5. Comply with all conditions and requirements set forth in the written authorization.
- E. This Section does not prohibit the treatment of wildlife by a licensed veterinarian or holder of a special license in accordance with R12-4-407(A)(2) and (8), R12-4-428(B)(13), activities as authorized under R12-4-418, R12-4-420, R12-4-421, and R12-4-423, an individual exempt from special licensing under R12-4-407(A)(4) and (5), or reasonable lethal removal activities for wildlife control as authorized under A.R.S. § 17-239(A).
- F. This Section does not limit:
  1. Department employees or Department agents in the performance of their official duties related to wildlife management,
  2. The practices of aquaculture facilities administered by the US Fish and Wildlife Service, and commercial aquaculture facilities operating under a valid license from the Arizona Department of Agriculture, or
  3. The use of supplements or drugs as a part of conventional livestock operations where those supplements may incidentally be consumed by wildlife.
- G. The Department shall take possession of and dispose of any remaining wildlife drugs administered in violation of this Section and any devices and paraphernalia used to administer those drugs, as authorized under A.R.S. §§ 17-211(E), 17-231(A), and 17-240(B).

**Historical Note**

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective

## Game and Fish Commission

March 7, 1979 (Supp. 79-2). Former Section R12-4-58 renumbered as Section R12-4-309 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective

May 12, 1982 (Supp. 82-3). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended effective January 1, 1999; filed with the Office of the Secretary of State December 4, 1998 (Supp. 98-4). Section repealed by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). New Section made by final rulemaking at 16 A.A.R. 1460, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-310. Fishing Permits**

- A. The Department may issue a fishing permit to state, county, or municipal agencies or departments and to nonprofit organizations licensed by or contracted with the Department of Economic Security or Department of Health Services, whose primary purpose is to provide physical or mental rehabilitation or training for individuals with physical, developmental, or mental disabilities.
- B. The permit:
  1. Is valid for the two days specified on the permit;
  2. Authorizes up to 20 individuals with physical, developmental, or mental disabilities to fish without a fishing license upon any public waters except that fishing in the waters of the Colorado River is restricted to fishing from the Arizona shoreline only, unless the persons fishing under the authority of the permit also possess a valid Colorado River stamp from the adjacent state; and
  3. Does not exempt individuals fishing under the authority of the permit from compliance with other statutes, Commission Orders, and rules not contained in this Section.
- C. An applicant for a fishing permit shall submit a properly completed application to the Department. The application is furnished by the Department and is available from any Department office and online at [www.azgfd.gov](http://www.azgfd.gov).
  1. The applicant shall provide all of the following information:
    - a. The name, address, and telephone number of the agency, department, or nonprofit organization requesting the permit;
    - b. The name, position title, and telephone number of the individual responsible for supervising the individuals fishing under the authority of the permit;
    - c. The total number of individuals who will be fishing under the authority of the permit;
    - d. The dates of the two days for which the permit will be valid; and
    - e. The location for which the permit will be valid.
  2. In addition to the information required under subsection (C)(1), nonprofit organizations shall also submit documentation that they are licensed by or have a contract with the Department of Economic Security or the Department of Health Services for the purpose of providing rehabilitation or treatment services to individuals or groups with physical, developmental, or mental disabilities.
- D. The Department shall issue or deny the fishing permit to an applicant within 30 calendar days of receiving an application.
- E. The fishing permit holder shall provide instruction on fish identification, fishing ethics, safety, and techniques to the individuals who will be fishing under authority of the permit. The Department shall provide the lesson plan for this instruction to the permit holder.
- F. Each individual fishing without a license under the authority of the fishing permit may take only one-half the regular bag limit established by Commission Order for any species, unless the regular bag limit is one, in which case the permit authorizes the regular limit.
- G. The permit holder shall submit a report to the Department not later than 30 days after the end of the authorized fishing dates. The report form is furnished by the Department and is available at any Department office. The permit holder shall report all of the following information on the form:
  1. The fishing permit number and the information contained in the permit;
  2. The total number of individuals who fished and total hours fished;
  3. The total number of fish caught, kept, and released, by species.
- H. The Department may deny future fishing permits to a permit holder who failed to submit the report until the permit holder complies with reporting requirements.

**Historical Note**

Adopted effective October 9, 1980 (Supp. 80-5). Former Section R12-4-59 renumbered as Section R12-4-310 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-310 renumbered as R12-4-217 and amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-310 renumbered as R12-4-217 and amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). New Section adopted November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License or Hunting License While Taking Wildlife**

In addition to the exemptions prescribed under A.R.S. § 17-335, R12-4-206(E), R12-4-207(E), and R12-4-209(E) and provided the person's fishing and hunting license privileges are not currently revoked by the Commission:

1. A fishing license is not required when a person is:
  - a. Fishing from artificial ponds, tanks, and lakes contained entirely on private lands that are not:
    - i. Open to the public, and
    - ii. Managed by the Department.
  - b. Taking terrestrial mollusks or crustaceans from private property.
  - c. Fishing in Arizona on any designated Saturday occurring during National Fishing and Boating Week, except in waters of the Colorado River forming the common boundaries between Arizona and California, Nevada, or Utah where fishing without a license is limited to the shoreline, unless the state with concurrent jurisdiction removes licensing requirements on the same day.
  - d. Participating in an introductory fishing education program sanctioned by the Department, during

## Game and Fish Commission

scheduled program hours, only. A sanctioned program shall have a Department employee, sport fishing contractor, or authorized volunteer instructor present during scheduled program hours. For the purposes of this subsection, "authorized volunteer instructor" means a person who has successfully passed the Department's required background check and sport fishing education workshop.

2. A hunting license is not required when a person is participating in an introductory hunting event organized, sanctioned, or sponsored by the Department. The person may hunt small game, furbearing, predator, and designated mammals during scheduled event hours, only. To hunt migratory game birds, the individual shall have any stamps required by federal regulation. The introductory hunting event shall have a Department employee, certified hunter education instructor, or authorized volunteer present during scheduled hunting hours. For the purposes of this subsection, "authorized volunteer" means a person who has successfully passed the Department's required background check and Department event best practices training. This subsection does not apply to any event that requires participants to obtain a permit-tag or nonpermit-tag.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective May 26, 1978 (Supp. 78-3). Amended effective May 31, 1979. Amended effective June 4, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-60 renumbered as Section R12-4-311 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (B), and (D) and added subsections (F) and (G) effective December 17, 1981 (Supp. 81-6). Amended as an emergency effective May 12, 1982, pursuant to A.R.S. § 41-1003, valid for 90 days (Supp. 82-3). Emergency certification expired. Amended subsections (A) through (E) effective December 7, 1982 (Supp. 82-6). Amended subsections (C) and (D) effective February 9, 1984 (Supp. 84-1). Amended effective December 13, 1985 (Supp. 85-6). Amended subsections (A) and (D) effective December 16, 1986 (Supp. 86-6). Former Section R12-4-311 repealed, new Section R12-4-311 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-322 repealed, new Section R12-4-311 adopted effective January 1, 1989, filed effective December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-312. Repealed****Historical Note**

Amended effective June 4, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-61 renumbered as Section R12-4-312 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (B), (E) and (F) effective December 17, 1981 (Supp. 81-6). Amended subsections (A), (C), (D), (E), and added subsection (G) effective December 9, 1982 (Supp. 82-6). Amended subsection (A), paragraph (1) effective November 27, 1984 (Supp. 84-6). Amended effective December 13, 1985 (Supp. 85-6). Former Sec-

tion R12-4-312 repealed, new Section R12-4-312 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-312 repealed, new Section R12-4-312 adopted effective January 1, 1989, filed December 30, 1988 (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-313. Lawful Methods of Taking Aquatic Wildlife**

- A. An individual may take aquatic wildlife as defined under A.R.S. § 17-101, subject to the restrictions prescribed under R12-4-303, R12-4-317, and this Section. Aquatic wildlife may be taken during the day or night and may be taken using artificial light as prescribed under A.R.S. § 17-301.
- B. The Commission may, through Commission Order, prescribe legal sizes for possession of aquatic wildlife.
- C. An individual may take aquatic wildlife by angling or simultaneous fishing as defined under R12-4-301 with any bait, artificial lure, or fly subject to the following restrictions, an individual:
  1. Shall not possess aquatic wildlife other than aquatic wildlife prescribed by Commission Order;
  2. Shall not use the flesh of game fish as bait, except sunfish of the genus *Lepomis*;
  3. May use live baitfish, as defined under R12-4-101, only in areas designated by Commission Order; and
  4. Shall not use waterdogs as live bait in that portion of Santa Cruz County lying east and south of State Highway 82 or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- D. In addition to angling, an individual may also take the following aquatic wildlife using the following methods, subject to the restrictions established under R12-4-303, R12-4-317, and this Section:
  1. Carp (*Cyprinus carpio*), buffalofish, mullet, tilapia, goldfish, and shad may be taken by:
    - a. Bow and arrow,
    - b. Crossbow,
    - c. Snare,
    - d. Gig,
    - e. Spear or spear gun, or
    - f. Snagging,
  2. Except for snagging, an individual shall not use any of the methods of take listed under subsection (D)(1) within 200 yards of any boat dock or designated swimming area.
  3. Striped bass may be taken by spear or spear gun in waters designated by Commission Order.
  4. Live baitfish may be taken for personal use as bait by:
    - a. A cast net not to exceed a radius of 4 feet measured from the horn to the headline;
    - b. A minnow trap, as defined under R12-4-301;
    - c. A seine net not to exceed 10 feet in length and 4 feet in width; or
    - d. A dip net.
  5. Catfish may be taken by bow and arrow or crossbow in waters designated by Commission Order.
  6. Amphibians, soft-shelled turtles, mollusks, and crustaceans may be taken by minnow trap, crayfish net, hand, or with any hand-held, non-motorized implement that does not discharge a projectile, unless otherwise permitted under this Section.
  7. In addition to the methods described under subsection (D)(6), bullfrogs may be taken by:



## Game and Fish Commission

- a. Bow and arrow,
  - b. Crossbow,
  - c. Pneumatic weapon, or
  - d. Slingshot.
- 8. In addition to the methods described under subsection (D)(6), crayfish may be taken with the following devices:
  - a. A trap not more than 3 feet in the greatest dimension,
  - b. A dip net as defined under R12-4-301, or
  - c. A seine net not larger than 10 feet in length and 4 feet in width.
- E. An individual who uses a crayfish net and minnow trap shall:
  - 1. Attach a water-resistant identification tag to the trap when it is unattended. The tag shall include the individual's:
    - a. Name,
    - b. Address, and
    - c. Fishing license number.
  - 2. Raise and empty the trap daily.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 17, 1977 (Supp. 77-3). Amended effective June 29, 1978 (Supp. 78-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-62 renumbered as Section R12-4-313 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 7, 1982 (Supp. 82-6). Amended subsection (A)(7) and added subsection (E)(3) effective November 27, 1984 (Supp. 84-6). Amended subsections (A) and (E) effective December 9, 1985 (Supp. 85-6). Amended subsections (A) and (E) effective December 16, 1986 (Supp. 86-6). Former Section R12-4-313 repealed, new Section R12-4-313 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-313 repealed, new Section R12-4-313 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective October 14, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-314. Repealed****Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-63 renumbered as Section R12-4-314 without change effective August 13, 1981 (Supp. 81-4). Amended subsection (B) effective December 31, 1984 (Supp. 84-6). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Section repealed by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

**R12-4-315. Possession of Live Fish; Unattended Live Boxes and Stringers**

- A. An individual may possess fish taken alive as provided under R12-4-313 on the waters where taken, except when the take or possession is expressly prohibited under R12-4-313 or R12-4-

317, but the individual shall not transport the fish alive from the waters where taken except as authorized under R12-4-316.

- B. An individual shall attach water resistant identification to any unattended live boxes or stringers holding fish and ensure the identification bears the individual's:
  - 1. Name,
  - 2. Address, and
  - 3. Fishing license number.

**Historical Note**

Former Section R12-4-64 renumbered as Section R12-4-315 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 30, 1988 (Supp. 88-4).

Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-316. Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs**

- A. An individual may possess live baitfish, crayfish, or waterdogs for use as live bait only as established under R12-4-317 and this Section.
- B. An individual may possess or transport the following live baitfish for personal use as live bait as established under R12-4-317:
  - 1. Fathead minnow (*Pimephales promelas*),
  - 2. Mosquitofish (*Gambusia affinis*),
  - 3. Threadfin shad (*Dorosoma petenense*),
  - 4. Golden shiners (*Notemigonus crysoleucas*), and
  - 5. Goldfish (*Carassius auratus*).
- C. An individual who possesses a valid Arizona fishing license may:
  - 1. Import, transport, or possess live waterdogs for personal use as bait, except in the portion of Santa Cruz County lying east and south of State Highway 82 or the portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
  - 2. Import live baitfish listed under subsection (B) from California or Nevada without accompanying documentation certifying the fish are free of disease.
  - 3. Import live baitfish listed under subsection (B) from any other state with accompanying documentation certifying that the fish are free of Furunculosis.
- D. An individual may:
  - 1. Trap or capture live crayfish as provided under R12-4-313.
  - 2. Use live crayfish as bait only in the body of water where trapped or captured, not in an adjacent body of water, except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.
- E. An individual shall not:
  - 1. Import, transport, move between waters, or possess live crayfish for personal use as live bait except as allowed in 12 A.A.C. 4, Article 4, and except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the southern international boundary with Mexico.
  - 2. Transport crayfish alive from the site where taken except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado

## Game and Fish Commission

River from the Palo Verde Diversion Dam downstream to the southern international boundary with Mexico.

3. Import, transport, move between waters, or possess live red shiner (*Cyprinella lutrensis*) for personal use.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 4, 1979 (Supp. 79-3). Amended subsections (A), (B), (C), and (D) effective December 29, 1980 (Supp. 80-6). Former Section R12-4-65 renumbered as Section R12-4-316 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (B), (C) and (F) effective February 9, 1984 (Supp. 84-1). Amended effective December 31, 1984 (Supp. 84-6). Former Section R12-4-316 repealed, new Section R12-4-316 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-316 repealed, new Section R12-4-316 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2147, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles**

- A. Methods of lawfully taking aquatic wildlife during seasons designated by Commission Order as "general" seasons are designated under R12-4-313.
- B. Other seasons designated by Commission Order have specific requirements and lawful methods of take more restrictive than those for general seasons, as prescribed under this Section. While taking aquatic wildlife under R12-4-313 an individual participating in:
  1. An "artificial lures and flies only" season shall use only artificial lures and flies as defined under R12-4-301. The Commission may further restrict "artificial lures and flies only" season to the use of barbless or single barbless hooks as defined under R12-4-301.
  2. A "live baitfish" season shall not possess or use any species of fish as live bait at, in, or upon any waters unless that species is specified as a live baitfish for those waters by Commission Order. Live baitfish shall not be transported from the waters where taken except as authorized under R12-4-316.
  3. An "immediate kill or release" season shall kill and retain the designated species as part of the bag limit or immediately release the wildlife. Further fishing is prohibited after the legal bag limit is killed.
  4. A "catch and immediate release" season shall immediately release the designated species.
  5. An "immediate kill" season shall immediately kill and retain the designated species as part of the bag limit.
  6. A "snagging" season shall use this method only at times and locations designated by Commission Order.
  7. A "spear or spear gun" season shall use this method only at times and locations designated by Commission Order.
- C. A "special" season may be designated by Commission Order to allow fish to be taken by hand or by any hand-held, non-motorized implement that does not discharge a projectile. The "special" season may apply to any waters where a fish die-off is imminent due either to poor or low water conditions, Department fish renovation activities, or as designated by Commission Order.

**Historical Note**

Renumbered, then repealed and readopted as Section

R12-4-43 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-66 renumbered as Section R12-4-317 without change effective August 13, 1981 (Supp. 81-4).

Correction, Section R12-4-317 formerly shown as repealed should have read reserved. Former Historical Note erroneous, see R12-4-202. Section R12-4-317 adopted effective June 20, 1984 (Supp. 84-3). Repealed effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Repealed effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). New Section made by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles**

- A. Methods of lawfully taking wild mammals, birds, and reptiles during seasons designated by Commission Order as "general" seasons are designated under R12-4-304.
- B. Methods of lawfully taking big game during seasons designated by Commission Order as "special" are designated under R12-4-304. "Special" seasons are open only to a person who possesses a special big game license tag authorized under A.R.S. § 17-346 and R12-4-120.
- C. When designated by Commission Order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as prescribed under this Section. While taking the species authorized by the season, a person participating in:
  1. A "CHAMP" season shall be a challenged hunter access/mobility permit holder as established under R12-4-217.
  2. A "youth-only hunt" shall be under the age of 18. A youth hunter whose 18th birthday occurs during a "youth-only hunt" for which the youth hunter has a valid permit or tag may continue to participate for the duration of that "youth-only hunt."
  3. A "pursuit-only" season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission Order, but shall not kill or capture the quarry. A person participating in a "pursuit-only" season shall possess and, at the request of Department personnel, produce an appropriate and valid hunting license and any required tag for taking the animal pursued, even though there shall be no kill.
  4. A "restricted season" may use any lawful method authorized for a specific species under R12-4-304, except dogs may not be used to pursue the wildlife for which the season was established.
  5. An "archery-only" season shall not use any other weapons, including crossbows or bows with a device that holds the bow in a drawn position except as authorized under R12-4-216. A person participating in an "archery-only" season may use one or more the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
    - a. Bows and arrows, and
    - b. Falconry.
  6. A "handgun, archery, and muzzleloader (HAM)" season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
    - a. Bows and arrows,
    - b. Crossbows or bows to be drawn and held with an assisting device,
    - c. Handguns, and
    - d. Muzzle-loading rifles as defined under R12-4-301.

## Game and Fish Commission

7. A "muzzleloader" season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
  - a. Bows and arrows;
  - b. Crossbows or bows to be drawn and held with an assisting device; and
  - c. Muzzleloading rifles or handguns, as defined under R12-4-301.
8. A "limited weapon" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Any trap except foothold traps,
  - b. Bows and arrows,
  - c. Capture by hand,
  - d. Crossbows or bows to be drawn and held with an assisting device,
  - e. Dogs,
  - f. Falconry,
  - g. Hand-propelled projectiles,
  - h. Nets,
  - i. Pneumatic weapons discharging a single projectile .25 caliber or smaller, or
  - j. Slingshots.
9. A "limited weapon hand or hand-held implement" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Catch-pole,
  - b. Hand,
  - c. Snake hook, or
  - d. Snake tongs.
10. A "limited weapon-pneumatic" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Capture by hand,
  - b. Dogs,
  - c. Falconry,
  - d. Hand-propelled projectiles,
  - e. Nets,
  - f. Pneumatic weapons discharging a single projectile .25 caliber or smaller, or
  - g. Slingshots.
11. A "limited weapon-rimfire" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Any trap except foothold traps,
  - b. Bows and arrows,
  - c. Capture by hand,
  - d. Crossbows or bows to be drawn and held with an assisting device,
  - e. Dogs,
  - f. Falconry,
  - g. Hand-propelled projectiles,
  - h. Nets,
  - i. Pneumatic weapons,
  - j. Rifled firearms using rimfire cartridges,
  - k. Shotgun shooting shot or slug, or
  - l. Slingshots.
12. A "limited weapon-shotgun" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Any trap except foothold traps,
  - b. Bows and arrows,
  - c. Capture by hand,
  - d. Crossbows or bows to be drawn and held with an assisting device,
  - e. Dogs,
  - f. Falconry,
  - g. Hand-propelled projectiles,
  - h. Nets,
  - i. Pneumatic weapons,
  - j. Shotgun shooting shot or slug, or
  - k. Slingshots.
13. A "limited weapon-shotgun shooting shot" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Any trap except foothold traps,
  - b. Bows and arrows,
  - c. Capture by hand,
  - d. Crossbows or bows to be drawn and held with an assisting device,
  - e. Dogs,
  - f. Falconry,
  - g. Hand-propelled projectiles,
  - h. Nets,
  - i. Pneumatic weapons,
  - j. Shotgun shooting shot, or
  - k. Slingshots.
14. A "falconry-only" season shall be a falconer licensed under R12-4-422 unless exempt under A.R.S. § 17-236(C) or R12-4-407. A falconer participating in a "falconry-only" season shall use no other method of take except falconry.
15. A "raptor capture" season shall be a falconer licensed under R12-4-422 unless exempt under R12-4-407.

**Historical Note**

Adopted effective June 4, 1987 (Supp. 87-2). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended effective January 1, 1997; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended effective January 1, 1998; filed in the Office of the Secretary of State November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 16 A.A.R. 1460, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-319. Use of Aircraft to Take Wildlife**

- A. For the purposes of this Section, "locate" means any act or activity that does not take or harass wildlife and is directed at locating or finding wildlife in a hunt area.
- B. An individual shall not take or assist in taking wildlife from or with the aid of aircraft.

## Game and Fish Commission

- C. Except in hunt units with Commission-ordered special seasons under R12-4-115 and R12-4-120 and hunt units with seasons only for mountain lion and no other concurrent big game season, an individual shall not locate or assist in locating wildlife from or with the aid of an aircraft in a hunt unit with an open big game season. This restriction begins 48 hours before the opening of a big game season in a hunt unit and extends until the close of the big game season for that hunt unit.
- D. An individual who possesses a special big game license tag for a special season under R12-4-115 or R12-4-120 or an individual who assists or will assist such a licensee shall not use an aircraft to locate wildlife beginning 48 hours before and during a Commission-ordered special season.
- E. This Section does not apply to any individual acting within the scope of official duties as an employee or authorized agent of the state or the United States to manage or protect or aid in the management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

**Historical Note**

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 12, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-68 renumbered as Section R12-4-319 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section R12-4-319 adopted as an emergency effective October 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. New Section adopted by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-320. Harassment of Wildlife**

- A. In addition to the provisions established under A.R.S. § 17-301, it is unlawful to harass, molest, chase, rally, concentrate, herd, intercept, torment, or drive wildlife with or from any aircraft as defined under R12-4-301, or with or from any motorized terrestrial or aquatic vehicle.
- B. This Section does not apply to individuals acting:
  - 1. In accordance with the provisions established under A.R.S. § 17-239; or
  - 2. Within the scope of official duties as an employee or authorized agent of the state or the United States to manage or protect or aid in the management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-321. Restrictions for Taking Wildlife in City, County, or Town Parks and Preserves**

- A. All city, county, and town parks and preserves are closed to hunting, unless open by Commission Order.
- B. Unless otherwise provided under Commission Order or rule, a city, county, or town may:
  - 1. Limit or prohibit any individual from hunting or trapping within 1/4 mile of any:
    - a. Developed picnic area,
    - b. Developed campground,

- c. Boat ramp,
- d. Shooting range,
- e. Occupied structure, or
- f. Golf course.
- 2. Require an individual entering a city, county, or town park or preserve, for the purpose of hunting, to declare the individual's intent to hunt when entering the park or preserve, if the park or preserve has an entry station in operation.
- 3. Allow an individual to take wildlife in a city, county, or town park or preserve only during the posted park or preserve hours.

**Historical Note**

New Section R12-4-321 renumbered from R12-4-301 and amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2).

**R12-4-322. Pickup and Possession of Wildlife Carcasses or Parts**

- A. For the purposes of this Section, the following definitions apply:
  - 1. "Fresh" means the majority of the wildlife carcass or part is not exposed dry bone and is comprised mainly of hair, hide, or flesh.
  - 2. "Not fresh" means the majority of the wildlife carcass or part is exposed dry bone due to natural processes such as scavenging, decomposition, or weathering.
- B. If not contrary to federal law or regulation, an individual may pick up and possess naturally shed antlers or horns or other wildlife parts that are not fresh without a permit or inspection by a Department officer.
- C. If not contrary to federal law or regulation, an individual may only pick up and possess a fresh wildlife carcass or its parts under this Section if the individual notifies the Department prior to pick up and possession and:
  - 1. The Department's first report or knowledge of the carcass or its parts is voluntarily provided by the individual wanting to possess the carcass or its parts;
  - 2. A Department law enforcement officer is able to observe the carcass or its parts at the site where the animal was found in the same condition and location as when the animal was originally found by the individual wanting to possess the carcass or its parts; and
  - 3. A Department law enforcement officer, using the officer's education, training, and experience, determines the animal died from natural causes. The Department may require the individual to take the officer to the site where the animal carcass or parts were found when an adequate description or location cannot be provided to the officer.
- D. If a Department law enforcement officer determines that the individual wanting to possess the carcass or its parts is authorized to do so under subsection (C), the officer may authorize possession of the carcass or its parts.
- E. Wildlife parts picked up and possessed from areas under control of jurisdictions that prohibit such activity, such as other states, reservations, or national parks, are illegal to possess in this state.
- F. This Section does not authorize the pickup and possession of a threatened or endangered species carcass or its parts.

**Historical Note**

New Section made by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**ARTICLE 4. LIVE WILDLIFE****R12-4-401. Live Wildlife Definitions**

## Game and Fish Commission

In addition to definitions provided under A.R.S. § 17-101, and for the purposes of this Article, the following definitions apply:

“Adoption” means the transfer of custody of live wildlife to a member of the public, initiated by either the Department or its authorized agent, when no special license is required.

“Agent” means the person identified on a special license and who assists a special license holder in performing activities authorized by the special license to achieve the objectives for which the license was issued. “Agent” has the same meaning as “sublicensee” and “subpermittee” as these terms are used for the purpose of federal permits.

“Aquarium trade” means the commercial industry and its customers who lawfully trade in aquatic live wildlife.

“Aversion training” means behavioral training in which an aversive stimulus is paired with an undesirable behavior in order to reduce or eliminate that behavior.

“Captive live wildlife” means live wildlife held in captivity, physically restrained, confined, impaired, or deterred to prevent it from escaping to the wild or moving freely in the wild.

“Captive-reared” means wildlife born, bred, raised, or held in captivity.

“Cervid” means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from the Integrated Taxonomic Information System, available online at [www.its.gov](http://www.its.gov).

“Circus” means a scheduled event where a variety of entertainment is the principal business, primary purpose, and attraction. “Circus” does not include animal displays or exhibits held as an attraction for a secondary commercial endeavor.

“Commercial purpose” means the bartering, buying, leasing, loaning, offering to sell, selling, trading, exporting or importing of wildlife or their parts for monetary gain.

“Domestic” means an animal species that does not exist in the wild, and includes animal species that have only become feral after they were released by humans who held them in captivity or individuals or populations that escaped from human captivity.

“Educational display” means a display of captive live wildlife to increase public understanding of wildlife biology, conservation, and management without requiring or soliciting payment from an audience or an event sponsor. For the purposes of this Article, “to display for educational purposes” refers to display as part of an educational display.

“Educational institution” means any entity that provides instructional services or education-related services to persons.

“Endangered or threatened wildlife” means wildlife listed under 50 C.F.R. 17.11, revised October 1, 2013, which is incorporated by reference. A copy of the list is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.

“Evidence of lawful possession” means any license or permit authorizing possession of a specific live wildlife species or individual, or other documentation establishing lawful possession. Other forms of documentation may include, but are not limited to, a statement issued by the country or state of origin

verifying a license or permit for that specific live wildlife species or individual is not required.

“Exhibit” means to display captive live wildlife in public or to allow photography of captive live wildlife for any commercial purpose.

“Exotic” means wildlife or offspring of wildlife not native to North America.

“Fish farm” means a commercial operation designed and operated for propagating, rearing, or selling aquatic wildlife for any purpose.

“Game farm” means a commercial operation designed and operated for the purpose of propagating, rearing, or selling terrestrial wildlife or the parts of terrestrial wildlife for any purpose stated under R12-4-413.

“Health certificate” means a certificate of an inspection completed by a licensed veterinarian verifying the animal examined appears to be healthy and free of infectious, contagious, and communicable diseases.

“Hybrid wildlife” means an offspring from two different wildlife species or genera. Offspring from a wildlife species and a domestic animal species are not considered wildlife.

“Live baitfish” means any species of live freshwater fish designated by Commission Order as lawful for use in taking aquatic wildlife under R12-4-313 and R12-4-317.

“Live bait” means aquatic live wildlife used or intended for use in taking aquatic wildlife.

“Migratory birds” mean all species listed under 50 C.F.R. 10.13 revised October 1, 2014, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

“Noncommercial purpose” means the use of products or services developed using wildlife for which no compensation or monetary value is received.

“Nonhuman primate” means any nonhuman member of the order Primate of mammals including prosimians, monkeys, and apes.

“Nonnative” means wildlife or its offspring that did not occur naturally within the present boundaries of Arizona before European settlement.

“Person” has the same meaning as defined under A.R.S. § 1-215.

“Photography” means any process that creates durable images of wildlife or parts of wildlife by recording light or other electromagnetic radiation, either chemically by means of a light-sensitive material or electronically by means of an image sensor.

“Rehabilitated wildlife” means live wildlife that is injured, orphaned, sick, or otherwise debilitated and is provided care to restore it to a healthy condition suitable for release to the wild or for lawful captive use.

“Research facility” means any association, institution, organization, school, except an elementary or secondary school, or society that uses or intends to use live animals in research.

“Restricted live wildlife” means wildlife that cannot be imported, exported, or possessed without a special license or

## Game and Fish Commission

lawful exemption. "Shooting preserve" means any operation where live wildlife is released for the purpose of hunting.

"Special license" means any license issued under this Article, including any additional stipulations placed on the license authorizing specific activities normally prohibited under A.R.S. § 17-306 and R12-4-402.

"Species of greatest conservation need" means any species listed in the Department's Arizona's State Wildlife Action Plan list Tier 1a and 1b published by the Arizona Game and Fish Department. The material is available for inspection at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov).

"Stock" and "stocking" means to release live aquatic wildlife into public or private waters other than the waters where taken.

"Taxa" means groups of animals within specific classes of wildlife occurring in the state with common characteristics that establish relatively similar requirements for habitat, food, and other ecological, genetic, or behavioral factors.

"Unique identifier" means a permanent marking made of alphanumeric characters that identifies an individual animal, which may include, but is not limited to, a tattoo or microchip.

"USFWS" means the United States Fish and Wildlife Service.

"Volunteer" means a person who:

Assists a special license holder in conducting activities authorized under the special license,

Is under the direct supervision of the license holder at the premises described on the license,

Is not designated as an agent, and

Receives no compensation.

"Wildlife disease" means any disease that poses a health risk to wildlife in Arizona.

"Zoo" means any facility licensed by the Arizona Game and Fish Department under R12-4-420 or, for facilities located outside of Arizona, licensed or recognized by the applicable governing agency.

"Zoonotic" means a disease that can be transmitted from animals to humans or, more specifically, a disease that normally exists in animals but that can infect humans.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-402. Live Wildlife: Unlawful Acts**

- A. A person shall not perform any of the following activities with live wildlife unless authorized by a federal license or permit, this Chapter, or A.R.S. Title 3, Chapter 16:
1. Import any live wildlife into the state;
  2. Export any live wildlife from the state;
  3. Conduct any of the following activities with live wildlife within the state:
    - a. Display,
    - b. Exhibit,
    - c. Give away,
    - d. Lease,

- e. Offer for sale,
- f. Possess,
- g. Propagate,
- h. Purchase,
- i. Release,
- j. Rent,
- k. Sell,
- l. Sell as live bait,
- m. Stock,
- n. Trade,
- o. Transport; or

4. Kill any captive live wildlife.

- B. The Department may seize, quarantine, hold, or euthanize any lawfully possessed wildlife held in a manner that poses an actual or potential threat to the wildlife, other wildlife, or the safety, health, or welfare of the public. The Department shall make reasonable efforts to find suitable placement for any animal prior to euthanizing it.
- C. A person who does not lawfully possess wildlife in accordance with this Article shall be responsible for all costs associated with the care and keeping of the wildlife.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-403. Escaped or Released Live Wildlife**

- A. The Department may seize, quarantine, or euthanize any live wildlife that has been released, has escaped, or is likely to escape if the wildlife poses an actual or potential threat to:
1. Native wildlife;
  2. Wildlife habitat; or
  3. Public health, safety, or welfare; or
  4. Property.
- B. A person shall not release live wildlife, unless specifically directed to do so by the Department or authorized under this Article.
- C. The person possessing the wildlife shall be responsible for all costs incurred by the Department associated with seizing or quarantining the wildlife.
- D. All special license holders shall be subject to the requirements of this Section.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-404. Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License**

- A. A person may take live wildlife from the wild under a valid Arizona hunting or fishing license provided the current Commission Order authorizes a live bag and possession limit for that wildlife and the individual possesses the appropriate hunting or fishing license and special license, when applicable.
- B. Except for live baitfish which may only be possessed and transported as established under R12-4-316, a person may conduct any of the following activities with wildlife taken under an Arizona hunting or fishing license provided the activity is for a noncommercial purpose:
1. Export,
  2. Kill,
  3. Place on educational display,

## Game and Fish Commission

4. Possess,
  5. Propagate, and
  6. Transport.
- C.** A person possessing wildlife or offspring of wildlife taken under this Section shall dispose of the wildlife or offspring of wildlife using any one or more of the following methods:
1. Giving the wildlife as a gift,
  2. Exporting the wildlife to another state or jurisdiction, or
  3. Disposing of the wildlife as directed by the Department.
- D.** A person shall not use wildlife or offspring of wildlife taken under this Section for commercial purposes.
- E.** A person exporting live wildlife for a noncommercial purpose shall verify exported live wildlife and offspring of wildlife shall not be:
1. Bartered,
  2. Leased,
  3. Offered for sale,
  4. Purchased,
  5. Rented,
  6. Sold, or
  7. Used for any commercial purpose.
- F.** A person may temporarily hold and release live wildlife possessed under this Section into the wild, provided the person did not remove the wildlife from the immediate area where it was taken.
- G.** A person shall not exceed the possession limit of live wildlife established by Commission Order for that species.
1. Offspring of wildlife possessed under this Section shall count towards the established possession limit.
  2. A person may possess offspring of amphibians or reptiles in excess of the possession limit for no more than 12 months from the date of birth or hatching.
  3. On or before the day the offspring reach 12 months of age, the person possessing them shall dispose of them as prescribed under subsection (C).
  4. A person is prohibited from releasing offspring of propagated wildlife into the wild.
- H.** A person may use reptiles and amphibians taken under a valid Arizona hunting license for the purpose of providing aversion or avoidance training when the current Commission Order authorizes a live bag and possession limit for that reptile or amphibian.
- I.** A person may sell photographs of wildlife taken under a valid hunting or fishing license.
- J.** A person who possesses live wildlife or offspring of wildlife taken under this Section shall comply with the requirements prescribed under R12-4-425 if the wildlife becomes listed as restricted wildlife under R12-4-406.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit**

- A.** A person may import mammals, birds, amphibians, and reptiles not listed as restricted wildlife under R12-4-406 without a special license required under this Article, provided the animals are:
1. Lawfully possessed under a:
    - a. Lawful exemption; or

- b. Valid license, permit, or other form of authorization from another state, the United States, or another country; and
2. Accompanied by the health certificate required under 3 A.A.C. 2, Article 6, and this Article, when applicable.
- B.** A person may import live aquatic wildlife not listed as restricted wildlife under R12-4-406 without a special license under the following conditions:
1. The aquatic wildlife is lawfully possessed under a lawful exemption, valid license, permit, or other form of authorization from another state, the United States, or another country; and
  2. The aquatic wildlife is used only for restaurants or markets that are licensed to sell food to the public and the wildlife is killed before it is transported from the restaurant or market, or, if transported alive from the market, is conveyed directly to its final destination for preparation as food; or
  3. The aquatic wildlife is used only for the aquarium trade or a fish farm and is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported into this state.
    - a. A person in the aquarium trade shall:
      - i. Only use aquatic wildlife used in the aquarium trade as a pet or in an educational display, and
      - ii. Keep aquatic wildlife used in the aquarium trade in an aquarium or enclosed pond that does not allow the wildlife to leave the aquarium or pond and does not allow other live aquatic wildlife to enter the aquarium or pond.
    - b. A person in the aquarium trade shall not use or possess aquatic wildlife listed as restricted live wildlife under R12-4-406.
- C.** A person shall obtain the appropriate special license listed under R12-4-409(A) before importing aquatic live wildlife for any purpose not stated under subsection (B), unless exempt under this Chapter.
- D.** A person may purchase, possess, exhibit, transport, propagate, trade, rent, lease, give away, sell, offer for sale, export, or kill wildlife or aquatic wildlife or its offspring without an Arizona license or permit if the wildlife is lawfully imported and possessed as prescribed under subsections (A) or (B).
- E.** An individual shall use and dispose of wildlife that is taken under an Arizona hunting or fishing license as prescribed by R12-4-404, or R12-4-417 and this Article, as applicable.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-406. Restricted Live Wildlife**

- A.** In order to lawfully possess wildlife listed as restricted under this Section, for any activity prohibited under A.R.S. §§ 17-255.02, 17-306, R12-4-1102, or this Article, a person shall possess:
1. All applicable federal licenses and permits; and
  2. The appropriate special license listed under R12-4-409(A); or
  3. Act under a lawful exemption authorized under A.R.S. § 17-255.04, R12-4-316, R12-4-404, R12-4-405, R12-4-407, R12-4-425, R12-4-427, and R12-4-430.
- B.** The Commission recognizes the online taxonomic classification from the Integrated Taxonomic Information System as the

## Game and Fish Commission

authority in determining the designations of restricted live mammals, birds, reptiles, amphibians, fish, crustaceans, and mollusks referenced under this Article. The Integrated Taxonomic Information System is available at any Department office and at [www.its.gov](http://www.its.gov).

C. All of the following are considered restricted live wildlife and are subject to the requirements of this Article, unless otherwise specified:

1. Hybrid wildlife, as defined under R12-4-401, resulting from the interbreeding of at least one parent species of wildlife that is listed as restricted under this Section; and
2. Transgenic species, unless otherwise specified under this Article. For the purposes of this Section, "transgenic species" means any organism that has had genes from another organism put into its genome through direct human manipulation of that genome. Transgenic species do not include natural hybrids or individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the animal is the offspring of at least one wildlife species.

D. Domestic animals, as defined under R12-4-401, are not subject to restrictions under A.R.S. Title 17, 12 A.A.C. 4, or Commission Orders.

E. Unless otherwise specified, all mammals listed below are considered restricted live wildlife:

1. All species of the order *Afrosoricida*. Common names include: tenrecs and golden moles.
2. All species of the following families of the order *Artiodactyla*. Common name: even-toed ungulates:
  - a. The family *Antilocapridae*. Common name: pronghorns.
  - b. The family *Bovidae*. Common names include: cattle, buffalo, bison, oxen, duikers, antelopes, gazelles, goats, and sheep. Except the following genera which are not restricted:
    - i. The genus *Bubalus*. Common name: water buffalo.
    - ii. The genus *Bison*. Common name: bison, American bison or buffalo.
  - c. The family *Cervidae*. Common names include: cervid, deer, elk, moose, wapiti, and red deer.
  - d. The family *Tayassuidae*. Common name: peccaries.
3. All species of the order *Carnivora*. Common names include: carnivores, skunks, raccoons, bears, foxes, and weasels.
4. All species of the order *Chiroptera*. Common name: bats.
5. All species of the genus *Didelphis*. Common name: American opossums.
6. All species of the order *Erinaceomorpha*. Common names include: gymnures and moonrats. Except members of the family *Erinaceidae*, which are not restricted. Common name: hedgehogs.
7. All species of the order *Lagomorpha*. Common names include: pikas, rabbits, and hares. Except for members of the genus *Oryctolagus* containing domestic rabbits, which are not wildlife and are not restricted.
8. All nonhuman primates. Common names include: orangutans, chimpanzees, gorillas, macaques, and spider monkeys.
9. All species of the following families of the order *Rodentia*. Common name: rodents:
  - a. The family *Capromyidae*. Common name: hutias.
  - b. The family *Castoridae*. Common name: beavers.
  - c. The family *Echimyidae*. Common names include: coypus and nutrias.

- d. The family *Erethizontidae*. Common name: new world porcupines.
- e. The family *Geomyidae*. Common name: pocket gophers.
- f. The family *Sciuridae*. Common names include: squirrels, chipmunks, marmots, woodchucks, and prairie dogs.

10. All species of the order *Soricomorpha*. Common names include: shrews, desmans, moles, and shrew-moles.

11. All species of the order *Xenarthra*. Common names include: edentates; or sloths, anteaters, and armadillos.

F. Birds listed below are considered restricted live wildlife:

1. The following species within the family *Phasianidae*. Common names: partridges, grouse, turkeys, quail, and pheasants:
  - a. *Callipepla gambelii*. Common name: Gambel's quail.
  - b. *Callipepla squamata*. Common name: scaled quail.
  - c. *Colinus virginianus*. Common name: northern bobwhite. Restricted only in game management units 34A, 36A, 36B, and 36C as prescribed under R12-4-108.
  - d. *Cyrtonyx montezumae*. Common name: Montezuma, harlequin, or Mearns's quail.
  - e. *Dendragapus obscurus*. Common name: dusky grouse.
2. All species listed under the Migratory Bird Treaty Act listed under 50 C.F.R. 10.13 revised October 1, 2014, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

G. Reptiles listed below are considered restricted live wildlife:

1. All species of the order *Crocodylia*. Common names include: gavials, caimans, crocodiles, and alligators.
2. All species of the following families or genera of the order *Squamata*:
  - a. The family *Atractaspididae*. Common name: burrowing asps.
  - b. The following species and genera of the family *Colubridae*:
    - i. *Boiga irregularis*. Common name: brown tree snake.
    - ii. *Dispholidus typus*. Common name: boomslang.
    - iii. *Rhabdophis*. Common name: keelback.
    - iv. *Thelotornis kirtlandii*. Common names include: bird snake or twig snake.
  - c. The family *Elapidae*. Common names include: cobras, mambas, coral snakes, kraits, Australian elapids, and sea snakes.
  - d. The family *Helodermatidae*. Common names include: Gila monster and Mexican beaded lizard.
  - e. The family *Viperidae*. Common names include: true vipers and pit vipers, including rattlesnakes.
3. The following species of the order *Testudines*:
  - a. All species of the family *Chelydridae*. Common name: snapping turtles.
  - b. All species of the genus *Gopherus*. Common names include: gopher tortoises, including the desert tortoise.

H. Amphibians listed below are considered restricted live wildlife. The following species within the order *Anura*, common names frogs and toads:

1. The species *Bufo horribilis*, *Bufo marinus*, *Bufo schneideri*. Common names include: giant or marine toads.



## Game and Fish Commission

2. All species of the genus *Rana*. Common names include: leopard frogs and bullfrogs. Except bullfrogs possessed under A.R.S. § 17-102.
3. All species of the genus *Xenopus*. Common name: clawed frogs.
- I. Fish listed below are considered restricted live wildlife:
  1. All species of the family *Acipenseridae*. Common name: sturgeon.
  2. The species *Amia calva*. Common name: bowfin.
  3. The species *Aplodinotus grunniens*. Common name: freshwater drum.
  4. The species *Arapaima gigas*. Common name: bony tongue.
  5. All species of the genus *Astyanax*. Common name: tetra.
  6. The species *Belonesox belizanus*. Common name: pike topminnow.
  7. All species, both marine and freshwater, of the orders *Carcharhiniformes*, *Heterodontiformes*, *Hexanchiformes*, *Lamniformes*, *Orectolobiformes*, *Pristiophoriformes*, *Squaliformes*, *Squatiniiformes*, and except for all species of the families *Brachaeluridae*, *Hemiscylliidae*, *Orectolobidae*, and *Triakidae*; genera of the family *Scyliorhinidae*, including *Aulohalaelurus*, *Halaehurus*, *Haploblepharus*, *Poroderma*, and *Scyliorhinus*; and genera of the family *Parascylliidae*, including *Cirrhoscyllium* and *Parascyllium*. Common name: sharks.
  8. All species of the family *Centrarchidae*. Common name: sunfish.
  9. All species of the family *Cetopsidae* and *Trichomycteridae*. Common name: South American catfish.
  10. All species of the family *Channidae*. Common name: snakehead.
  11. All of the species *Cirrhinus mrigala*, *Gibelion catla*, and *Labeo rohita*. Common name: Indian carp.
  12. All species of the family *Clariidae*. Common names include: labyrinth or airbreathing catfish.
  13. All species of the family *Clupeidae* except threadfin shad, species *Dorosoma petenense*. Common names include: herring and shad.
  14. The species *Ctenopharyngodon idella*. Common names include: white amur or grass carp.
  15. The species *Cyprinella lutrensis*. Common name: red shiner.
  16. The species *Electrophorus electricus*. Common name: electric eel.
  17. All species of the family *Esocidae*. Common names include: pike and pickerels.
  18. All species of the family *Hiodontidae*. Common names include: goldeye and mooneye.
  19. The species *Hoplias malabaricus*. Common name: tiger fish.
  20. The species *Hypophthalmichthys molitrix*. Common name: silver carp.
  21. The species *Hypophthalmichthys nobilis*. Common name: bighead carp.
  22. All species of the family *Ictaluridae*. Common name: catfish.
  23. All species of the genus *Lates* and *Luciolates*. Common name: Nile perch.
  24. All species of the family *Lepisosteidae*. Common name: gar.
  25. The species *Leuciscus idus*. Common names include: whitefish and ide.
  26. The species *Malapterurus electricus*. Common name: electric catfish.
  27. All species of the family *Moronidae*. Common name: temperate bass.
  28. The species *Mylopharyngodon piceus*. Common name: black carp.
  29. All species of the family *Percidae*. Common names include: walleye and pike perches.
  30. All species of the family *Petromyzontidae*. Common name: lamprey.
  31. The species *Polyodon spathula*. Common name: American Paddlefish.
  32. All species of the family *Potamotrygonidae*. Common name: stingray.
  33. All species of the genera *Pygocentrus*, *Pygopristis*, and *Serrasalmus*. Common name: piranha.
  34. All species of the family *Salmonidae*. Common names include: trout and salmon.
  35. The species *Scardinius erythrophthalmus*. Common name: rudd.
  36. All species of the family *Serranidae*. Common name: bass.
  37. The following species, and hybrid forms, of the Genus *Tilapia*: *O. aureus*, *O. mossambica*; *O. niloticus*, *O. urolepis hornorum* and *T. zilli*. Common name: tilapia.
  38. The species *Thymallus arcticus*. Common name: Arctic grayling.
  - J. Crustaceans listed below are considered restricted live wildlife:
    1. All freshwater species within the families *Astacidae*, *Cambaridae*, and *Parastacidae*. Common name: crayfish.
    2. The species *Eriocheir sinensis*. Common name: Chinese mitten crab.
  - K. Mollusks listed below are considered restricted live wildlife:
    1. The species *Corbicula fluminea*. Common name: Asian clam.
    2. All species of the family *Dreissenidae*. Common names include: zebra and quagga mussel.
    3. The species *Euglandina rosea*. Common name: rosy wolfsnail.
    4. The species *Mytilopsis leucophaeata*. Common names include: Conrad's false mussel or false dark mussel.
    5. All species of the genus *Pomacea*. Common names include: Chinese mystery snail or apple snail.
    6. The species *Potamopyrgus antipodarum*. Common name: New Zealand mud snail.
  - L. All wildlife listed within Aquatic Invasive Species Director's Order #1.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife**

- A. All live cervids may only be imported, possessed, or transported as authorized under R12-4-430.

## Game and Fish Commission

- B.** A person is not required to possess a special license to lawfully possess restricted live wildlife under the following circumstances:
1. A person may possess, transport, or give away a desert tortoise (*Gopherus morafkai*) or the progeny of a desert tortoise provided the person possessed the tortoise prior to April 28, 1989 or obtained the tortoise through a Department authorized adoption program. A person who receives a desert tortoise that is given away under this Section is also exempt from special license requirements. A person shall not:
    - a. Propagate lawfully possessed desert tortoises or their progeny unless authorized in writing by the Department's special license administrator.
    - b. Export a live desert tortoise from this state unless authorized in writing by the Department.
  2. A licensed veterinarian may possess restricted wildlife while providing medical care to the wildlife and may release rehabilitated wildlife as directed in writing by the Department, provided:
    - a. The veterinarian keeps records of restricted live wildlife as required by the Veterinary Medical Examining Board, and makes the records available for inspection by the Department.
    - b. The Department assumes no financial responsibility for any care the veterinarian provides, except care that is specifically authorized by the Department.
  3. A person may transport restricted live wildlife through this state provided the person:
    - a. Transports the wildlife through the state within 72 continuous and consecutive hours;
    - b. Ensures at least one person is continually present with, and accountable for, the wildlife while in this state;
    - c. Ensures the wildlife is neither transferred nor sold to another person;
    - d. Ensures the wildlife is accompanied by evidence of lawful possession, as defined under R12-4-401;
    - e. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable; and
    - f. Ensures the carcasses of any wildlife that die while in transport through this state are disposed of only as directed by the Department.
  4. A person may exhibit, export, import, possess, and transport restricted live wildlife for a circus, temporary animal exhibit, or government-authorized state or county fair, provided the person:
    - a. Possesses evidence of lawful possession as defined under R12-4-401, for the wildlife;
    - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
    - c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
    - d. Ensures the wildlife does not come into physical contact with the public;
    - e. Keeps the wildlife under complete control by safe and humane means; and
    - f. Ensures the wildlife is not in this state for more than 60 consecutive days.
  5. A person may export, import, possess, and transport restricted live wildlife for the purpose of commercial photography, provided the person:
    - a. Possesses evidence of lawful possession as defined under R12-4-401 for the wildlife;
    - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
    - c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
    - d. Ensures the wildlife does not come into physical contact with the public;
    - e. Keeps the wildlife under complete control by safe and humane means; and
    - f. Ensures the wildlife is not in this state for more than 60 consecutive days.
  6. A person may exhibit, import, possess, and transport restricted live wildlife for advertising purposes other than photography, provided the person:
    - a. Ensures the wildlife is accompanied by evidence of lawful possession as defined under R12-4-401;
    - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
    - c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
    - d. Maintains the wildlife under complete control by safe and humane means;
    - e. Prevents the wildlife from coming into contact with the public or being photographed with the public;
    - f. Does not charge the public a fee to view the wildlife; and
    - g. Exports the wildlife from the state within 10 days of importation.
  7. A person may export restricted live wildlife, provided the person:
    - a. Ensures the wildlife is accompanied by evidence of lawful possession as defined under R12-4-401;
    - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
    - c. Maintains the wildlife under complete control by safe and humane means;
    - d. Prevents the wildlife from coming into contact with the public or being photographed with the public;
    - e. Does not charge the public a fee to view the wildlife; and
    - f. Exports the wildlife from the state within 10 days of importation.
  8. A person may possess restricted live wildlife taken alive under R12-4-404, R12-4-405, and R12-4-427, provided the person possesses the wildlife in compliance with those Sections.
  9. A person who holds a falconry license issued by another state or country is exempt from obtaining an Arizona Sport Falconry License under R12-4-422, unless remaining in this State for more than 180 consecutive days.
    - a. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
    - b. A falconer licensed in another state or country and who remains in this State for more than the 180-day period shall apply for an Arizona Sport Falconry License in order to continue practicing sport falconry in this state.
  10. A person may export, give away, import, kill, possess, propagate, purchase, trade, and transport restricted live wildlife provided the person is doing so for a medical or scientific research facility registered with the United States Department of Agriculture under 9 C.F.R. 2.30 revised January 1, 2012, which is incorporated by refer-

## Game and Fish Commission

ence in this Section. The incorporated material is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference contains no future editions or amendments.

11. A person may import and transport restricted live game fish and crayfish directly to restaurants or markets that are licensed to sell food to the public.
  12. A person operating a restaurant or market licensed to sell food to the public may exhibit, offer for sale, possess, and sell restricted live game fish or crayfish, provided the live game fish and crayfish are killed before being transported from the restaurant or market.
  13. A person may export, giveaway, import, kill, possess, propagate, purchase, and trade transgenic animals provided the person is doing so for a medical or scientific research facility.
- C. An exemption granted under this Section is not valid for any wildlife protected by federal statute or regulation.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-408. Holding Wildlife for the Department**

- A. A game ranger may authorize a person to possess or transport live wildlife on behalf of the Department if the wildlife is needed as evidence in a pending civil or criminal proceeding.
- B. With the exception of live cervids, the Department has the authority to allow a person to possess and transport captive live wildlife for up to 72 hours or as otherwise directed by the Department.
- C. The Director has the authority to allow a person to hold a live cervid on behalf of the Department.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-409. General Provisions and Penalties for Special Licenses**

- A. A special license is required when a person intends to conduct any activity using restricted live wildlife. Special licenses are listed as follows:
  1. Aquatic wildlife stocking license, established under R12-4-410;
  2. Game bird license, established under R12-4-414;
  3. Live bait dealer's license, established under R12-4-411;
  4. Private game farm license, established under R12-4-413;
  5. Scientific collecting license, established under R12-4-418;
  6. Sport falconry license, established under R12-4-422;
  7. White amur stocking and holding license, established under R12-4-424;

8. Wildlife holding license, established under R12-4-417;
9. Wildlife rehabilitation license, established under R12-4-423;
10. Wildlife service license, established under R12-4-421; and
11. Zoo license, established under R12-4-420.

- B. A person applying for a special license listed under subsection (A) shall:

- a. Submit an application to the Department meeting the specific application requirements established under the applicable governing Section.
  - i. Applications for special licenses are furnished by the Department and are available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov).
  - ii. An application is required upon initial application for a special license and when renewing a special license.
- b. Pay all applicable fees required under R12-4-412.

- C. At the time of application, the person shall certify:

1. The information provided on the application is true and correct to the applicant's knowledge;
2. The applicant shall comply with any municipal, county, state or federal code, ordinance, statute, regulation, or rule applicable to the license held; and
3. The applicant's live wildlife privileges are not currently suspended or revoked in this state, any other state or territory, or by the United States.

D. A special license obtained by fraud or misrepresentation is invalid from the date of issuance.

- E. The Department shall either grant or deny a special license within the applicable overall time-frame established for that special license under R12-4-106Ch.

- F. In addition to the criteria prescribed under the applicable governing Section, the Department shall deny a special license when:

1. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;
2. The applicant was convicted of illegally holding or possessing live wildlife within five years preceding the date of application for the special license; or
3. The applicant knowingly provides false information on an application.
4. The Department shall deny a license to a person who fails to meet the requirements established under the applicable governing Section or this Section. The Department shall provide a written notice to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

- G. A special license holder may only engage in activities using federally-protected wildlife when the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license. A special license issued by the Department does not:

1. Exempt the license holder from any municipal, county, state or federal code, ordinance, statute, regulation, or rule; or
2. Authorize the license holder to engage in any activity using wildlife that is protected by federal regulation.

- H. The Department may place additional stipulations on a special license at the time of initial application or renewal when necessary to:

1. Conserve wildlife populations,

## Game and Fish Commission

2. Prevent the introduction and proliferation of wildlife diseases,
  3. Prevent wildlife from escaping, or
  4. Protect public health or safety.
- I.** A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed under R12-4-428 or as otherwise required under this Article.
- J.** The Department may inspect a facility to verify compliance with all applicable requirements established under this Article.
- K.** A special license holder shall keep records in compliance with the requirements established under the governing Section and shall make the records available for inspection to the Department upon request.
- L.** The Department may conduct an inspection of an applicant's or license holder's facility at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
- M.** Upon determining a disease or other emergency condition exists that poses an immediate threat to the public or the welfare of any wildlife, the Department may immediately order a cessation of operations under the special license and, if necessary, order the humane disposition or quarantine of any contaminated or affected wildlife.
1. When directed by the Department, a special license holder shall:
    - a. Perform disease testing,
    - b. Submit biological samples to the Department or its designee,
    - c. Surrender the wildlife to the Department;
    - d. Quarantine the wildlife, or
    - e. Humanely euthanize the wildlife.
  2. The license holder shall:
    - a. Ensure any disease or other emergency condition under this subsection is diagnosed by a person professionally certified to make the diagnosis.
    - b. Be responsible for all costs associated with the testing and treatment of the contaminated and affected wildlife.
- N.** If a condition exists, including disease or any violation of this Article, that poses a threat to the public or the welfare of any wildlife, but the threat does not constitute an emergency, the Department may issue a written notice of the condition to the special license holder specifying a reasonable period of time for the license holder to remedy the noticed condition. The notice of condition shall be delivered to the special license holder by certified mail or personal service.
1. Failure of the license holder to remedy the noticed condition within the time specified by the Department is a violation under subsection (O).
  2. If a licensee receives three notices under this subsection for the same condition within a two-year period, the Department shall treat the third notice as a failure to remedy.
- O.** A special license holder shall not:
1. Violate any provision of the governing Section or this Section;
  2. Violate any provision of the special license that the person possesses, including any stipulations specified on the special license;
  3. Violate A.R.S. § 13-2908, relating to criminal nuisance;
  4. Violate A.R.S. § 13-2910, relating to cruelty to animals; or
  5. Refuse to allow the inspection of facilities, wildlife, or required records.
- P.** The Department may take one or more of the following actions when a special license holder is convicted of a criminal offense involving cruelty to animals, violates subsection (N), or fails to comply with any requirement established under the governing Section or this Section:
1. File criminal charges,
  2. Suspend or revoke a special license,
  3. Humanely dispose of the wildlife,
  4. Seize or seize in place any wildlife held under a special license.
  5. A person may appeal to the Commission any Department action listed under this subsection as prescribed under A.R.S. Title 41, Chapter 6, Article 10, except the filing of criminal charges.
- Q.** A special license holder who wishes to continue conducting activities authorized under the special license shall submit a renewal application to the Department on or before the special license expiration date.
1. The current license will remain valid until the Department grants or denies the new special license.
  2. If the Department denies the renewal application and the license holder appeals the denial to the Commission as prescribed under subsection (F)(4), the license holder may continue to hold the wildlife until:
    - a. The date on which the Commission makes its final decision on the appeal, or
    - b. The final date on which a person may request judicial review of the decision.
  3. A special license holder who fails to submit a renewal application to the Department before the date the license expires, cannot lawfully possess any live wildlife currently possessed under the license.
- R.** If required by the governing Section, a special license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The special license becomes invalid if the special license holder fails to submit the annual report by January 31 of each year.
  3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  4. When the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the license holder shall submit the report required under subsection this Section:
    - a. By January 31 of each year the license holder is affiliated with the institution, organization, or agency; or
    - b. Within 30 days of the date of termination of the license holder's affiliation with the institution, organization, or agency.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp.

## Game and Fish Commission

15-4).

**R12-4-410. Aquatic Wildlife Stocking License**

- A.** An aquatic wildlife stocking license allows a person to import, possess, purchase, stock, and transport any restricted species designated on the license at the location specified on the license.
  - B.** The aquatic wildlife stocking license is valid for no more than 20 consecutive days.
  - C.** In addition to the requirements established under this Section, an aquatic wildlife stocking license holder shall comply with the special license requirements established under R12-4-409.
  - D.** The license holder shall be responsible for compliance with all applicable regulatory requirements. The aquatic wildlife stocking license does not:
    1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
    2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
  - E.** The Department shall deny an aquatic wildlife stocking license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny an aquatic wildlife stocking license when:
    1. The Department determines that issuance of the license will result in a negative impact to native wildlife; or
    2. The applicant proposes to use aquatic wildlife that is not compatible with, or poses a threat to, any wildlife within the river drainage or the area where the stocking is to occur.
  - F.** A person applying for an aquatic wildlife stocking license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). An applicant shall provide the following on the application:
    1. The applicant's information:
      - a. Name;
      - b. Mailing address; and
      - c. Department ID number, when applicable;
    2. When the applicant proposes to use the aquatic wildlife for a commercial purpose the applicant's business:
      - a. Name;
      - b. Federal Tax Identification Number;
      - c. Mailing address; and
      - d. Telephone number;
    3. Aquatic wildlife species information:
      - a. Common name of the aquatic wildlife species;
      - b. Number of animals for each species; and
      - c. Approximate size of the aquatic wildlife that will be used under the license;
    4. The purpose for introducing the aquatic wildlife species;
    5. For each location where the aquatic wildlife will be stocked, the owner's:
      - a. Name;
      - b. Mailing address;
      - c. Telephone number; and
      - d. Physical location of the stocking site, to include river drainage and the Global Positioning System location or Universal Transverse Mercator coordinates;
  - 6.** A detailed description or diagram of the facilities where the applicant will stock the aquatic wildlife, which includes:
    - a. Size of waterbody proposed for stocking aquatic wildlife;
    - b. Nearest river, stream, or other freshwater system;
    - c. Points where water enters each waterbody, when applicable;
    - d. Points where water leaves each waterbody, when applicable; and
    - e. Location of fish containment barriers;
  - 7.** For each supplier from whom the applicant will obtain aquatic wildlife, the supplier's:
    - a. Name;
    - b. Federal Tax Identification Number;
    - c. Mailing address;
    - d. Telephone number;
  - 8.** The dates on which the person will stock aquatic wildlife;
  - 9.** Any other information required by the Department; and
  - 10.** The certification required under R12-4-409(C).
- G.** In addition to the requirements listed under subsection (F), when an applicant wishes to stock an aquatic species in an area where that species has not yet been introduced, is not currently established, or there is potential for conflict with Department efforts to conserve wildlife, the applicant shall also submit a written proposal to the Department at the time of application. The written proposal shall contain all of the following information:
1. Anticipated benefits resulting from the introduction of the aquatic live wildlife species;
  2. Potential adverse economic impacts;
  3. Potential dangers the introduced aquatic species may possibly create for native aquatic species and game fish, to include all of the following:
    - a. Determination of whether or not the introduced aquatic species is compatible with native aquatic species or game fish;
    - b. Potential ecological problems created by the introduced aquatic species;
    - c. Anticipated hybridization concerns with introducing the aquatic species; and,
    - d. Future plans designed to evaluate the status and impact of the species after it is introduced.
  4. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's On-Line Environmental Review Tool, which is available at [www.azgfd.gov](http://www.azgfd.gov). The proposal must address each species listed.
- H.** An applicant for an aquatic wildlife stocking license shall pay all applicable fees established under R12-4-412.
- I.** An aquatic wildlife stocking license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private non-commercial fish pond certified to be free of diseases and causative agents through the following actions:
    - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the fish farm or pond where the aquatic wildlife or biological

## Game and Fish Commission

material is held before it is shipped to the license holder.

- b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to stocking.
- c. The applicant shall submit a copy of the certification to the Department prior to conducting any stocking activities.
- 3. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
- 4. Possess the license or legible copy of the license while conducting any activities authorized under the aquatic stocking license and presents it for inspection upon the request of any Department employee or agent.
- 5. Dispose of wildlife only as authorized under this Section or as directed in writing by the Department.
- J. An aquatic wildlife stocking license holder shall comply with the requirements established under R12-4-409 and R12-4-428.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-411. Live Bait Dealer's License**

- A. A live bait dealer's license allows a person to perform any of the following activities using the aquatic live wildlife listed under subsection (B): exhibit for sale, export, import, kill, offer for sale, possess, purchase, sell, trade, or transport.
- B. A live bait dealer's license allows a person to perform any of the activities listed under subsection (A) with any or all of the following aquatic live wildlife:
  - 1. Fathead minnow, *Pimephales promelas*;
  - 2. Golden shiner, *Notemigonus crysoleucas*;
  - 3. Goldfish, *Carassius auratus*;
  - 4. Mosquito fish, *Gambusia affinis*;
  - 5. Threadfin shad, *Dorosoma petenense*; and
  - 6. Waterdogs, *Ambystoma tigrinum*, except in that portion of Santa Cruz County lying east and south of State Highway 82, or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- C. A live bait dealer's license expires on December 31 of each year.
- D. In addition to the requirements established under this Section, a live bait dealer license holder shall comply with the special license requirements established under R12-4-409.
- E. The license holder shall be responsible for compliance with all applicable regulatory requirements. The live bait dealer's license does not:
  - 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- F. The Department shall deny a live bait dealer's license to a person who fails to meet the requirements established under R12-

4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

- G. A person applying for a live bait dealer's license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is available from any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). An applicant shall provide the following information on the application:
  - 1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number, when applicable;
  - 2. The applicant's business:
    - a. Name;
    - b. Federal Tax Identification Number;
    - c. Mailing address; and
    - d. Telephone number of the applicant's business;
  - 3. Wildlife species information:
    - a. Common name of all wildlife species; and
    - b. The number of animals for each species that will be sold under the license.
  - 4. For each location where the wildlife will be used, the owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
  - 5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
  - 6. For each supplier from whom the applicant will obtain wildlife, the supplier's:
    - a. Name;
    - b. Federal Tax Identification Number;
    - c. Mailing address;
    - d. Telephone number;
  - 7. Any other information required by the Department; and
  - 8. The certification required under R12-4-409(C).
- H. An applicant for a live bait dealer's license shall pay all applicable fees established under R12-4-412.
- I. A live bait dealer's license holder shall:
  - 1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  - 2. Obtain live baitfish from a facility certified free of the diseases and causative agents through the following actions:
    - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the facility where the wildlife is held before it is shipped to the license holder.
    - b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to shipping.
    - c. The applicant shall submit a copy of the certification to the Department prior to conducting any activities authorized under the license.
    - d. The live bait dealer's license holder shall include a copy of the certification in each shipment.
  - 3. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time

## Game and Fish Commission

before or during the license period to determine compliance with the requirements of this Article.

4. Possess the license or legible copy of the license while conducting activities authorized under the live bait dealers license and presents it for inspection upon the request of any Department employee or agent.
  5. Dispose of aquatic wildlife only as authorized under this Section or as directed by the Department.
- J. A live bait dealer's license holder shall comply with the requirements established under R12-4-428.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-412. Special License Fees**

- A. A person who applies for a special license authorized under this Article shall pay all applicable fees at the time of application.
- B. A new application fee is required upon initial application or when an applicant fails to renew a special license before the license expires.
- C. A renewal application fee is required when an applicant submits an application to renew the special license before the license expires.

Special License Fees	New Application	Renewal Application
Aquatic Wildlife Stocking License	no fee	no fee
Game Bird		
Field Trial License	\$6	\$6
Hobby License	\$5	\$5
Shooting Preserve License	\$115	\$115
Live Bait Dealer's License	\$35	\$35
Private Game Farm License	\$57.50	\$57.50
Scientific Collecting License		
Commercial	no fee	no fee
Noncommercial	no fee	no fee
Sport Falconry License, not available to a nonresident under R12-4-422(J).	\$87.50	\$87.50
White Amur Stocking and Holding License		
Commercial	\$250	\$250
Noncommercial	\$250	no fee
Wildlife Holding License	no fee	no fee
Wildlife Rehabilitation License	no fee	no fee
Wildlife Service License	no fee	no fee
Zoo License	\$115	\$115

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Repealed effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). New Section adopted effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Section repealed by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). New Section made by final rulemak-

ing at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-413. Private Game Farm License**

- A. A private game farm license authorizes a person to commercially farm and sell wildlife, as specified on the license at the location designated on the license.
  1. A private game farm license allows the license holder to:
    - a. Display for sale, give away, import, offer for sale, possess, purchase, rent or lease, sell, trade, or transport wildlife, wildlife carcasses, or parts of wildlife; and
    - b. Propagate and rear wildlife.
  2. The Private Game Farm License expires on December 31 of each year.
- B. Private game farm wildlife may be killed or slaughtered, but a person shall not kill or allow the wildlife to be killed by hunting or in a manner that could be perceived as hunting or recreational sport harvest.
- C. Private game farm wildlife shall not be killed by a person who pays a fee to the owner of the private game farm for killing the wildlife, nor shall the game farm owner accept a fee for killing the wildlife, except as authorized under R12-4-414.
- D. A private game farm licenses authorizes the use of only the following species:
  1. Captive-reared game birds:
    - a. *Alectoris chukar*, Chukar;
    - b. *Callipepla californica*, California or valley quail;
    - c. *Callipepla gambelii*, Gambel's quail;
    - d. *Callipepla squamata*, Scaled quail;
    - e. *Colinus virginianus*, Northern bobwhite;
    - f. *Cyrtonyx montezumae*, Montezuma or Mearns' quail;
    - g. *Dendragapus obscurus*, Dusky grouse; and
    - h. *Phasianus colchicus*, Ringneck and whitewing pheasant;
  2. Mammals listed as restricted live wildlife under R12-4-406, provided:
    - a. The same species does not exist in the wild in this state;
    - b. The applicant submits proof of a valid license issued by the United States Department of Agriculture under 9 CFR 25.30 at the time of application;
    - c. The applicant submits a written proposal at the time of application, which includes all of the following information:
      - i. Species to be possessed,
      - ii. Purpose of possession,
      - iii. Purpose of propagation, when applicable,
      - iv. Methods designed to prevent wildlife from escaping,
      - v. Methods designed to prevent threat to native wildlife,
      - vi. Methods designed to ensure public safety; and
      - vii. Methods for disposal of the wildlife, which may include export from this state, or transfer to an eligible game farm licensed under this Section, a zoo licensed under R12-4-420, or a medical or scientific research facility exempted under R12-4-407.
- E. The Department shall deny an application for:
  1. A new private game farm license for cervids. The Department may accept a renewal application for a private game farm license holder currently permitted to possess cervids, provided the license holder is in compliance with all

## Game and Fish Commission

- applicable requirements under R12-4-409, R12-4-430, and this Section.
2. A private game farm license for Northern bobwhite, *Colinus virginianus*, in game management units 34A, 36A, 36B, and 36C, as prescribed under R12-4-108.
- F.** In addition to the requirements established under this Section, a private game farm holder shall comply with the special license requirements established under R12-4-409.
- G.** The license holder shall be responsible for compliance with all applicable regulatory requirements. The private game farm license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- H.** The Department shall deny a private game farm license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- I.** A person applying for a private game farm license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). An applicant shall provide the following information on the application:
1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number, when applicable;
  2. The applicant's business:
    - a. Name;
    - b. Federal Tax Identification Number;
    - c. Mailing address; and
    - d. Telephone number;
  3. For wildlife to be used under the license:
    - a. Common name of the wildlife species;
    - b. Number of animals for each species; and
    - c. When the applicant is renewing the private game farm license, the species and number of animals for each species currently held in captivity under the license;
  4. For each location where the wildlife will be used, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
  5. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
  6. For each wildlife supplier from whom the special license applicant will obtain wildlife, the supplier's:
    - a. Name;
    - b. Federal Tax Identification Number;
    - c. Mailing address;
    - d. Telephone number;
  7. Any other information required by the Department; and
  8. The certification required under R12-4-409(C).
- J.** An applicant for a private game farm license shall pay all applicable fees established under R12-4-412.
- K.** A private game farm license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Ensure each shipment of live wildlife imported into the state is accompanied by a health certificate.
    - a. The certificate shall be issued no more than 30 days prior to the date on which the wildlife shipped.
    - b. A copy of the certificate shall be submitted to the Department prior to importation.
  3. Ensure the following documentation accompanies each shipment of wildlife made by the game farm:
    - a. Name of the private game farm license holder,
    - b. Private game farm license number,
    - c. Date wildlife was shipped,
    - d. Number of wildlife, by species, included in the shipment,
    - e. Name of the person or common carrier transporting the shipment, and
    - f. Name of the person receiving the shipment.
  4. Provide each person who transports a wildlife carcass from the site of the game farm with a receipt that includes all of the following:
    - a. Date the wildlife was purchased, traded, or given as a gift;
    - b. Name of the game farm; and
    - c. Number of wildlife carcasses, by species, being transported.
  5. Ensure each facility is inspected by the attending veterinarian at least once every year.
  6. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
  7. Maintain records of all wildlife possessed under the license for a period of three years. In addition to the information required under subsections (M)(4)(a) through (M)(4)(e), the records shall also include:
    - a. The private game farm license holder's:
      - i. Name;
      - ii. Mailing address;
      - iii. Telephone number; and
      - iv. Special license number;
    - b. Copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the private game farm;
    - c. Copies of the annual report required under subsection (M);
    - d. Number of all restricted live wildlife, by species and the date it was obtained;
    - e. Source of all restricted live wildlife and the date it was obtained;
    - f. Number of offspring propagated by all restricted live wildlife; and
    - g. For all restricted live wildlife disposed of by the license holder:
      - i. Number, species, and date of disposition; and



## Game and Fish Commission

- ii. Manner of disposition to include the names and addresses of persons to whom the wildlife was bartered, given, or sold, when authorized.
- L. A private game farm license holder shall not:
  - 1. Propagate hybrid wildlife or domestic animals with wildlife; or
  - 2. Possess domestic species under the special license.
- M. A private game farm license holder shall submit an annual report to the Department before January 31 of each year for activities performed under the license for the previous calendar year. The report form is furnished by the Department.
  - 1. A report is required regardless of whether or not activities were performed during the previous year.
  - 2. The private game farm license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  - 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  - 4. The annual report shall include all of the following information, as applicable:
    - a. Number of wildlife, by species;
    - b. Source of all wildlife that the license holder obtained or propagated;
    - c. Date on which the wildlife was obtained or propagated;
    - d. Date on which the wildlife was disposed of and the manner of disposition; and
    - e. Name of person who received wildlife disposed of by barter, given as a gift, or sale.
- N. Except for cervids which shall be disposed of only as established under R12-4-430, a private game farm license holder who no longer uses the wildlife for a commercial purpose shall dispose of the wildlife as follows:
  - 1. Export,
  - 2. Transfer to another private game farm licensed under this Section,
  - 3. Transfer to a zoo licensed under R12-4-420,
  - 4. Transfer to a medical or scientific research facility exempt under R12-4-407,
  - 5. As directed by the Department, or
  - 6. As otherwise authorized under this Section.
- O. A private game farm license holder shall comply with the requirements established under R12-4-428 and R12-4-430.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-414. Game Bird License**

- A. A game bird license authorizes a person to conduct certain activities with the captive pen-reared game birds specified on the license and only at the location or locations specified on the license, as described below:
  - 1. Game Bird Hobby:
    - a. Authorizes a license holder to:
      - i. Possess no more than 50 captive pen-reared game birds at any one time; and
  - ii. Export, gift, import, kill, possess, propagate, purchase, and transport the captive pen-reared game birds specified on the license for personal, noncommercial purposes only.
- b. The following captive pen-reared game bird species may be possessed by a Game Bird Hobby license holder:
  - i. *Alectoris chukar*, Chukar;
  - ii. *Callipepla californica*, California or valley quail;
  - iii. *Callipepla gambelii*, Gambel's quail;
  - iv. *Callipepla squamata*, Scaled quail;
  - v. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);
  - vi. *Cyrtonyx montezumae*, Montezuma or Mearns' quail; and
  - vii. *Dendragapus obscurus*, Dusky grouse.
- c. The Game Bird Hobby license expires on December 31 each year.
- 2. Game Bird Shooting Preserve:
  - a. Authorizes a license holder to:
    - i. Release captive pen-reared game birds for the purpose of hunting or shooting.
    - ii. Export, display, gift, import, kill, offer for sale, possess, propagate, purchase, trade, and transport the captive pen-reared game birds specified on the license.
  - b. The following captive pen-reared game bird species may be possessed by a Game Bird Shooting Preserve license holder:
    - i. *Alectoris chukar*, Chukar;
    - ii. *Anas platyrhynchos*, Mallard duck;
    - iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D); and
    - iv. *Phasianus colchicus*, Ringneck and White-wing pheasant.
  - c. The license holder shall restrict the release and take of the live captive pen-reared game birds on private lands to an area not more than 1,000 acres.
  - d. The license holder may charge a fee to allow persons to take captive pen-reared game birds on the shooting preserve.
  - e. A person is not required to possess a hunting license when taking a captive pen-reared game bird released under the provisions of this Section.
  - f. A captive pen-reared game bird released under a Game Bird Shooting Preserve license may be taken with any method designated under R12-4-304.
  - g. The Game Bird Shooting Preserve license expires on December 31 each year.
- 3. Game Bird Field Trial:
  - a. Authorizes a license holder to:
    - i. Release and take captive pen-reared game birds for the purpose of conducting a competition to test the performance of hunting dogs in one field trial event;
    - ii. Import, kill, possess, purchase within the State, and transport the captive pen-reared game birds specified on the license for one field trial event; and
    - iii. Export, gift, kill, or transport any captive pen-reared game bird held after the field trial event.

## Game and Fish Commission

- b. The following captive pen-reared game bird species may be possessed by a Game Bird Field Trial license holder:
    - i. *Alectoris chukar*, Chukar;
    - ii. *Anas platyrhynchos*, Mallard duck;
    - iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D); and
    - iv. *Phasianus colchicus*, Ringneck and White-wing pheasant.
  - c. A person is not required to possess a hunting license in order to participate in a field trial event held under the provisions of this Section.
  - d. A captive pen-reared game bird released under a Game Bird Field Trial license may be taken with any method designated under R12-4-304.
  - e. The Game Bird Field Trial license is valid for no more than ten consecutive days.
4. Game Bird Field Training:
- a. Authorizes a license holder to:
    - i. Release and take released live captive pen-reared game birds specified on the license for the purpose of training a dog or raptor to hunt game birds; and
    - ii. Import, possess, purchase within the State, and transport the captive pen-reared game birds specified on the license; and
    - iii. Export, gift, kill, or transport any captive pen-reared game bird possessed under the license.
  - b. The following captive pen-reared game bird species may be possessed by a Game Bird Field Training license holder:
    - i. *Alectoris chukar*, Chukar;
    - ii. *Anas platyrhynchos*, Mallard duck;
    - iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D)(2)(b);
    - iv. *Phasianus colchicus*, Ringneck and White-wing pheasant.
  - c. A person is not required to possess a hunting license when taking a captive pen-reared game bird released under the provisions of this Section.
  - d. A captive pen-reared game bird released under a Game Bird Field Training license may be taken with any method designated under R12-4-304.
  - e. The Game Bird Field Training license expires on December 31 each year.
- B.** In addition to the requirements established under this Section, a game bird license holder shall comply with the special license requirements established under R12-4-409.
- C.** The license holder shall be responsible for compliance with all applicable regulatory requirements. The game bird license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- D.** The Department shall deny a game bird license to a person who fails to meet the requirements under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department may deny a game bird license when:
1. The applicant proposes to release captive pen-reared game birds:
    - a. At a location where an established wild population of the same species exists.
    - b. During nesting periods of upland game birds or waterfowl that nest in the area.
  2. The applicant requests a license:
    - a. For the sole purpose described under subsection (A)(1) and proposes to possess more than 50 captive pen-reared game birds at any one time.
    - b. To possess Northern bobwhites, *Colinus virginianus*, in any one of the following game management units, as described under R12-4-108; 34A, 36A, 36B, and 36C.
  3. The Department determines the:
    - a. Authorized activity listed under this Section may pose a threat to native wildlife, wildlife habitat, or public health or safety.
    - b. Escape of any species listed on the application may pose a threat to native wildlife or public health or safety.
    - c. Release of captive pen-reared game birds may interfere with a wildlife or habitat restoration program.
- E.** A person applying for a game bird license shall submit an application to the Department. A person applying for multiple Game Bird Field Trial licenses shall submit a separate application for each date and location where a competition will occur. The application is furnished by the Department and is available at any Department office and on the Department's website. An applicant shall provide the following information on the application:
1. The applicant's information:
    - a. Name;
    - b. Mailing address, when applicable;
    - c. Physical address;
    - d. Telephone number; and
    - e. Department ID number, when applicable;
  2. For captive pen-reared game birds to be used under the license:
    - a. Common name of game bird species;
    - b. Number of animals for each species; and
    - c. When the applicant is renewing a Game Bird Hobby or Shooting Preserve license, the species and number of animals for each species currently held in captivity under the license;
  3. The type of game bird license:
    - a. Game Bird Hobby;
    - b. Game Bird Shooting Preserve;
    - c. Game Bird Field Trial; or
    - d. Game Bird Field Training;
  4. For each location where captive pen-reared game birds will be held, the owner's:
    - a. Name;
    - b. Mailing address, when applicable;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location, when available;
  5. For each location where captive pen-reared game birds will be released, the land owner's or agency's:
    - a. Name;
    - b. Mailing address, when applicable;

## Game and Fish Commission

- c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location, when available; and
  - 6. For each captive pen-reared game bird supplier from whom the applicant will obtain game birds, the supplier's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  - 7. An applicant who is applying for a Game Bird Shooting Preserve or Field Trial license and intends to use the captive pen-reared game birds for a commercial purpose shall also provide the applicant's business:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  - 8. An applicant who intends to use the captive pen-reared game birds for an activity affiliated with a sponsoring organization shall also provide the organization's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number of the organization chair or local chapter;
  - 9. An applicant who is applying for a Game Bird Field Trial license shall also specify the range of dates within which the field trial event will take place, not to exceed a 10-day period;
  - 10. An applicant who is applying for a Game Bird Hobby or Game Bird Shooting Preserve license shall also provide a detailed description or diagram of the facilities where the applicant will hold captive pen-reared game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
  - 11. Any other information required by the Department; and
  - 12. The certification required under R12-4-409(B).
- F.** An applicant for a game bird license shall pay all applicable fees established under R12-4-412.
- G.** A game bird license holder shall:
- 1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  - 2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
  - 3. Possess the license or legible copy of the license while conducting any activity authorized under the game bird license and present it for inspection upon the request of any Department employee or agent.
  - 4. Ensure each shipment of captive pen-reared game birds imported into the state is accompanied by a health certificate.
    - a. The certificate shall be issued no more than 30 days prior to the date on which the game birds are shipped.
    - b. A copy of the certificate shall be submitted to the Department prior to importation.
  - 5. Provide each person who transports captive pen-reared game birds taken under the game bird license with documentation that includes all of the following:
    - a. Name of the game bird license holder;
    - b. Game bird license number;
    - c. Date the captive pen-reared game bird was obtained;
    - d. Number of captive pen-reared game birds, by species; and
    - e. When the captive pen-reared game birds are being shipped:
      - i. Name of the person or common carrier transporting the shipment, and
      - ii. Name of the person receiving the shipment.
6. Maintain records of all captive pen-reared game birds possessed under the license for a period of three years. In addition to the information required under subsections (G)(5)(a) through (G)(5)(b), the records shall also include:
- a. The game bird license holder's:
    - i. Name;
    - ii. Mailing address;
    - iii. Telephone number; and
    - iv. Special license number;
  - b. Copies of the annual report required under subsection (H);
7. Dispose of captive pen-reared game birds only as authorized under this Section or as directed by the Department.
8. Conduct license activities solely at the locations and within the time-frames approved by the Department. A Game Bird License holder may request permission to amend the license to conduct activities authorized under the license at an additional location by submitting the application required under subsection (E) to the Department.
- H.** A game bird license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
- 1. A report is required regardless of whether or not activities were performed during the previous year.
  - 2. The game bird license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  - 3. The Department shall not process the special license holder's renewal application until the annual report is received by the Department.
  - 4. The annual report shall include all of the following information, as applicable:
    - a. Number of all captive pen-reared game birds, by species and the date obtained;
    - b. Source of all captive pen-reared game birds and the date obtained;
    - c. Number of offspring propagated by all captive pen-reared game birds; and
    - d. For all captive pen-reared game birds disposed of by the license holder:
      - i. Number, species, and date of disposition; and
      - ii. Manner of disposition to include the names and addresses of persons to whom the wildlife was bartered, given, or sold, when authorized.
- I.** A game bird license holder shall comply with the requirements established under R12-4-428.
- J.** A game bird released under a game bird license and found outside of the location specified on the license shall become property of the State and is subject to the requirements prescribed under A.R.S. Title 17 and 12 A.A.C. 4, Article 3.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 23 A.A.R. 2557, effective

## Game and Fish Commission

tive September 6, 2017 (Supp. 17-3).

**R12-4-415. Repealed****Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Repealed by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-416. Repealed****Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Repealed by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-417. Wildlife Holding License**

- A.** A wildlife holding license authorizes a person to display for educational purposes, euthanize, export, give away, import, photograph for commercial purposes, possess, propagate, purchase, or transport, restricted and nonrestricted live wildlife lawfully:
  1. Held under a valid hunting or fishing license for a purpose listed under subsection (C),
  2. Collected under a valid scientific collecting license issued under R12-4-418,
  3. Obtained under a valid wildlife rehabilitation license issued under R12-4-423,
  4. Or as otherwise authorized by the Department.
- B.** A wildlife holding license expires on December 31 of the year issued, or, if the license holder is a representative of an institution, organization, or agency described under subsection (C)(4), upon termination of affiliation with that entity, whichever comes first.
- C.** A wildlife holding license is valid for the following purposes, only:
  1. Advancement of science;
  2. Lawfully possess restricted live wildlife when it is:
    - a. Necessary to give humane treatment to restricted live wildlife that has been abandoned or permanently disabled, and is therefore unable to meet its own needs in the wild; or
    - b. Previously possessed under another special license and the primary purpose for that special license no longer exists;
  3. Promotion of public health or welfare;
  4. Provide education under the following conditions:
    - a. The applicant is an educator affiliated or partnered with an educational organization; and
    - b. The educational organization permits the use of live wildlife.
  5. Photograph for a commercial purpose live wildlife provided:
    - a. The wildlife will be photographed without posing a threat to other wildlife or the public, and
    - b. The photography will not adversely impact other affected wildlife in this state, or
  6. Wildlife management.
- D.** The Department shall deny an application for a wildlife holding license for the possession of cervids.
- E.** In addition to the requirements established under this Section, a wildlife holding license holder shall comply with the special license requirements established under R12-4-409.
- F.** The license holder shall be responsible for compliance with all applicable regulatory requirements. The wildlife holding license does not:
  1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- G.** The Department shall deny a wildlife holding license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's wildlife holding privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a wildlife holding when:
  1. It is in the best interest of the wildlife; or
  2. The issuance of the license will adversely impact other wildlife or their habitat in the state.
- H.** A person applying for a wildlife holding license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide the following information:
  1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number, when applicable;
  2. If the applicant will use the wildlife for a commercial purpose, the applicant's business:
    - a. Name;
    - b. Federal Tax Identification Number;
    - c. Mailing address; and
    - d. Telephone number;
  3. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the institution's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  4. For wildlife to be used under the license:
    - a. Common name of the wildlife species;
    - b. Number of animals for each species;
    - c. When the application is for the use of multiple species, the applicant shall list each species and the number of animals for each species; and
    - d. When the applicant is renewing the wildlife holding license, the species and number of animals for each species currently held in captivity under the license;
  5. For wildlife to be used for educational purposes:
    - a. The affiliated educational institution's:
      - i. Name;
      - ii. Federal Tax Identification Number;
      - iii. Mailing address; and

## Game and Fish Commission

- iv. Telephone number of the educational institution;
    - b. A copy of the established curriculum utilizing sound educational objectives; and
    - c. A plan for how the applicant will address any safety concerns associated with the use of live wildlife in a public setting.
  - 6. For each location where the applicant proposes to hold the wildlife, the owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
  - 7. A detailed description and diagram, or photographs, of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;
  - 8. The dates that the applicant will begin and end holding wildlife;
  - 9. A clear description of how the applicant intends to dispose of the wildlife once the proposed activity for which the license was issued ends;
  - 10. Any other information required by the Department; and
  - 11. The certification required under R12-4-409(C).
  - 12. For subsection (H)(7), the Department may, at its discretion, accept documented current certification or approval by the applicant's institutional animal care and use committee or similar committee in lieu of the description, diagram, and photographs of the facilities.
- I.** In addition to the requirements listed under subsection (H), at the time of application, an applicant for a wildlife holding license shall also submit:
- 1. Evidence of lawful possession, as defined under R12-4-401;
  - 2. A statement of the applicant's experience in handling and providing care for the wildlife to be held or experience relevant to handling or providing care for wildlife;
  - 3. A written proposal that contains all of the following information:
    - a. A description of the activity the applicant intends to perform under the license;
    - b. Purpose for the proposed activity;
    - c. The contribution the proposed activity will make to one or more of the primary purposes listed under subsection (C).
    - d. For an applicant who wishes to possess restricted live wildlife for the purpose of providing humane treatment, a written explanation stating why the wildlife is unable to meet its own needs in the wild and the following information for the licensed veterinarian who will provide care for the wildlife:
      - i. Name;
      - ii. Mailing address; and
      - iii. Telephone number;
- J.** An applicant for a wildlife holding license shall pay all applicable fees required under R12-4-412.
- K.** A wildlife holding license holder shall:
- 1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  - 2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
- 3. Possess the license or legible copy of the license while conducting any activity authorized under the wildlife holding license and presents it for inspection upon the request of any Department employee or agent.
  - 4. Permanently mark any restricted live wildlife used for lawful activities under the authority of the license, when required by the Department.
  - 5. Ensure that a copy of the license accompanies any transportation or shipment of wildlife made under the authority of the license.
  - 6. Surrender wildlife held under the license to the Department upon request.
- L.** A wildlife holding license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year or as indicated under subsection (O). The report form is furnished by the Department.
- 1. A report is required regardless of whether or not activities were performed during the previous year.
  - 2. The wildlife holding license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  - 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  - 4. The annual report shall include all of the following information, as applicable:
    - a. A list of animals held during the year, the list shall be by species and include the source and date on which the wildlife was acquired.
    - b. The permanent mark or identifier of the wildlife, such as name, number, or another identifier for each animal held during the year, when required by the Department. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;
    - c. Whether the wildlife is alive or dead.
    - d. The current location of the wildlife.
    - e. A list of all educational displays where the wildlife was utilized to include the date, location, organization or audience, approximate attendance, and wildlife used.
- M.** A wildlife holding license holder may authorize an agent to assist the license holder in conducting activities authorized under the wildlife holding license, provided the agent's wildlife privileges are not suspended or revoked in any state.
- 1. The license holder shall obtain written authorization from the Department before allowing a person to act as an agent.
  - 2. The license holder shall notify the Department in writing within 10 calendar days of terminating any agent.
  - 3. The Department may suspend or revoke the license holder's license if an agent violates any requirement of this Section or Article or any stipulations placed upon the license.
  - 4. An agent may possess wildlife for the purposes outlined under subsection (C), under the following conditions:
    - a. The agent shall possess evidence of lawful possession, as defined under R12-4-401, for all wildlife possessed by the agent;
    - b. The agent shall return the wildlife to the primary license holder's facility within two days of receiving the wildlife.
- N.** A wildlife holding license holder shall not barter, give as a gift, loan for commercial activities, offer for sale, sell, trade, or

## Game and Fish Commission

dispose of any restricted live wildlife, offspring of restricted live wildlife, or their parts except as stipulated on the wildlife holding license or as directed in writing by the Department.

- O. A wildlife holding license is no longer valid once the primary purpose for which the license was issued, as prescribed in subsection (C), no longer exists. When this occurs, the wildlife holding license holder shall immediately submit the annual report required under (L) to the Department.
- P. A wildlife license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-418. Scientific Collecting License**

- A. A scientific collecting license allows a person to conduct any of the following activities with live wildlife when specified on the license:
  1. Display,
  2. Photograph for noncommercial purposes,
  3. Possess,
  4. Propagate,
  5. Take,
  6. Transport, and
  7. Use for educational purposes.
- B. The Department issues three types of scientific collecting licenses:
  1. Personal,
  2. Consultant, and
  3. Government, which includes educational and research institutions.
- C. A person may apply for a scientific collecting license only when the license is requested for:
  1. The purpose of wildlife management, gathering information valuable to the maintenance of wild populations, education, the advancement of science, or promotion of the public health or welfare;
  2. A purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in this state, and may be authorized without posing a threat to wildlife or public safety; and
  3. A purpose that does not unnecessarily duplicate previously documented projects.
- D. A scientific collecting license expires on December 31 each year.
- E. For the protection of wildlife or public safety, the Department has the authority to take any one or more of the following actions:
  1. Rescind or modify any method of take authorized by the license;
  2. Restrict the number of animals for each species or other taxa the license holder may take under the license;
  3. Restrict the age, condition, or location of wildlife the license holder may take under the license; or
  4. Deny or substitute the number of specimens and taxa requested on an application.
- F. The license holder shall be responsible for compliance with all applicable regulatory requirements. The scientific collecting license does not:
  1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- G. The Department may deny a scientific collecting license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's scientific collecting privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a scientific collecting license when it is in the best interest of the wildlife or public safety.
- H. A person applying for a scientific collecting license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available from any Department office, and online at [www.azgfd.gov](http://www.azgfd.gov). A person applying for a scientific collecting license shall provide the following information on the application:
  1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number; when applicable;
  2. If the applicant will use wildlife for activities authorized by a scientific, educational, or government institution, organization, or agency that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the institution's:
    - a. Name;
    - b. Federal Tax Identification Number;
    - c. Mailing address;
    - d. Telephone number of the institution; and
    - e. The applicant's title or a description of the nature of affiliation with the institution or organization;
  3. When the applicant is renewing the scientific collecting license, the species and number of animals for each species currently held in captivity;
  4. For each the location where the wildlife will be held, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
  5. A detailed description and diagram, or photographs, of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;
  6. Any other information required by the Department; and
  7. The certification required under R12-4-409(C).
  8. For subsection (H)(5), the Department may, at its discretion, accept documented current certification or approval

## Game and Fish Commission

by the applicant's institutional animal care and use committee or similar committee in lieu of the description, diagram, and photographs of the facilities.

- I. In addition to the requirements listed under subsection (H), at the time of application, an applicant for a scientific collecting license shall also submit a written proposal. The written proposal shall contain all of the following information:
  1. List of activities the applicant intends to perform under the license;
  2. Purpose for the use of wildlife as established under subsection (C);
  3. When the applicant intends to use wildlife for educational purposes, the proposal shall also include the:
    - a. Minimum number of presentations the applicant anticipates to provide under the license
    - b. Name, title, address, and telephone number of persons whom the applicant has contacted to offer educational presentations; and
    - c. Number of specimens the applicant already possesses for any species requested on the application;
  4. Applicant's relevant qualifications and experience in handling and, when applicable, providing care for the wildlife to be held under the license;
  5. Methods of take that the applicant will use, to include:
    - a. Justification for using the method, and
    - b. Proposed method of disposing wildlife taken under the license and any subsequent offspring, when applicable;
  6. Number of animals for each species that will be used under the license;
  7. Locations where collection will take place;
  8. Names and addresses of any agents who will assist the applicant in carrying out the activities described in the proposal.
  9. Project completion date; and
  10. Whether the applicant intends to publish the project or its findings.
- J. An applicant for a scientific collecting license shall pay all applicable fees required under R12-4-412.
- K. A scientific collecting license holder shall:
  1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Possess the license or legible copy of the license while conducting any activity authorized under the scientific collecting license and presents it for inspection upon the request of any Department employee or agent.
  3. Notify the Department in writing within 10 calendar days of terminating any agent.
  4. Use the most humane and practical method possible prescribed under R12-4-304, R12-4-313, or as directed by the Department in writing.
  5. Conduct activities authorized under the scientific collecting license only at the locations and time periods specified on the scientific collecting license.
  6. Dispose of wildlife, wildlife parts, or offspring, only as directed by the Department.
- L. A scientific collecting license holder shall not exhibit any wildlife held under the license, unless the person also possesses a zoo license authorized under R12-4-420.
- M. A scientific collecting license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the scientific collecting license by submitting a written request to the Department.
  1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
    - a. An employment or supervisory relationship exists between the applicant and the agent, and
    - b. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state.
2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
3. The license holder is liable for all acts the agent performs under the authority of this Section.
4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the scientific collecting license and presents it for inspection upon the request of any Department employee or agent.
- N. A scientific collecting license holder may submit to the Department a written request to amend the license to add or delete an agent, location, project, or other component documented on the license at any time during the license period.
- O. A scientific collecting license holder shall submit an annual report to the Department before January 31 of each year. The report form is furnished by the Department.
  1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The scientific collecting license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  4. The Department may stipulate submission of additional interim reports upon license application or renewal.
- P. A scientific collecting license holder who wishes to permanently hold wildlife species collected under the license in Arizona that will no longer be used for activities authorized under the license shall apply for and obtain a wildlife holding license in compliance with R12-4-417 or another appropriate special license.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-419. Repealed****Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Repealed by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-420. Zoo License**

- A. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, a zoo license allows an individual to perform all of the following: exhibit, display for educational purposes, import, purchase, export, possess, propagate, euthanize, transport, give away, offer for sale, sell, or trade restricted live wildlife and other Arizona wildlife legally possessed, subject to the following restrictions:

## Game and Fish Commission

1. A zoo license holder shall hold all wildlife possessed in the facilities specified on the license except when the wildlife is transported to or from a temporary exhibit. A temporary exhibit shall not exceed 60 consecutive days at any one location.
  2. A zoo license holder shall only dispose of restricted live wildlife in this state by selling, giving, or trading it to another zoo licensed under this Section, to an appropriate special license holder such as a game farm licensed under R12-4-413, to a medical or scientific research facility exempted under R12-4-407, by exporting it to a zoo that is certified by the American Zoo and Aquarium Association, or as directed by the Department.
  3. A zoo license holder shall not accept any wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.
  4. A zoo license holder shall dispose of all wildlife obtained under a scientific collecting permit or wildlife that has been loaned to the zoo by the Department only as directed in writing by the Department.
  5. A zoo license holder shall hold wildlife in such a manner as to prevent it from escaping from the facilities specified on the license, and to prevent the entry of unauthorized individuals or other wildlife.
- B.** The Department shall issue a zoo license only for the following purposes:
1. The advancement of science, wildlife management, or promotion of public health or welfare;
  2. Education; or
  3. Conservation, or maintaining a population of wildlife threatened with extinction in the wild.
- C.** An applicant for a zoo license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:
1. Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;
  2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;
  3. The wildlife species and the number of animals per species that will be held under the license. The list shall include scientific and common names for all wildlife held;
  4. An applicant for a zoo license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the following:
    - a. How the facility or operation meets the definition of a zoo, as stated in A.R.S. § 17-101; and
    - b. The purpose of the license. Acceptable purposes of a zoo license are listed in subsection (B);
  5. If the applicant is renewing the zoo license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in A.R.S. § 17-101;
  6. Proof of current licensing by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare;
  7. The name, address, and telephone number of the zoo where the wildlife will be held. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
  8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section. The Department shall not approve a license application until the wildlife holding facility satisfies a Department inspection; and
  9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- D.** The Department shall issue a zoo license in compliance with R12-4-106. If the Department denies the application for a zoo license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall issue a license for the purposes stated in subsection (B) if:
1. It is in the best interest of the wildlife, and
  2. Issuance of the license will not adversely impact other wildlife in the state.
- E.** A zoo license holder shall clearly display an entrance sign that states the days of the week and hours when the facility is open for viewing by the general public.
- F.** A zoo license holder shall maintain a record of each animal obtained under subsection (A)(4) for three years following the date of disposition. The record shall include the species, source of the wildlife, date received, any Department approval authorizing acquisition, and the date and method of disposition.
- G.** Before January 31 of each year, a zoo license holder shall file a written report on activities performed under the license for the previous calendar year. A zoo license holder shall submit an annual report to the Department in compliance with R12-4-409(O). The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.
- H.** A zoo license holder may not add restricted live wildlife as specified in R12-4-406 to the license without making a written request to and receiving approval from the Department.
- I.** A zoo license holder is subject to R12-4-409, R12-4-428, and R12-4-430.
- J.** A zoo license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
  3. Ensure each facility is inspected by the attending veterinarian at least once every year.
  4. Hold all wildlife in such a manner designed to prevent wildlife from escaping from the facility specified on the license.
  5. Hold all wildlife in a manner designed to prevent the entry of unauthorized persons or other wildlife.
  6. Hold all wildlife lawfully possessed under the zoo license in the facility specified on the license, except when transporting the wildlife:
    - a. To or from a temporary exhibit;
    - b. For medical treatment; or
    - c. Other activities approved by the Department in writing.



## Game and Fish Commission

7. Ensure a temporary exhibit shall not exceed 60 consecutive days at any one location, unless approved by the Department in writing.
  8. Clearly display a sign at the facility's main entrance that states the days of the week and hours when the facility is open for viewing by the general public.
  9. Ensure all wildlife held under the license that has the potential to come into contact with the public is tested for zoonotic diseases appropriate to the species no more than 12 months prior to importation or display. Any wildlife that tests positive for a zoonotic disease shall not be imported into this state without review and approval by the Department in writing.
  10. Dispose of the following wildlife only as directed by the Department:
    - a. Wildlife obtained under a scientific collecting permit; or
    - b. Wildlife loaned to the zoo by the Department.
  11. Maintain records of all wildlife possessed under the license for a period of three years following the date of disposition. In addition to the information required under subsections (H)(1) through (H)(3), the records shall also include:
    - a. Number of all restricted live wildlife, by species and the date it was obtained;
    - b. Source of all restricted live wildlife and the date it was obtained;
    - c. Number of offspring propagated by all restricted live wildlife; and
    - d. For all restricted live wildlife disposed of by the license holder:
      - i. Number, species, and date of disposition; and
      - ii. Method of disposition.
- K.** A zoo license holder shall not:
1. Accept any wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.
  2. Import into this state any wildlife that may come into contact with the public and tests positive for zoonotic disease, as established under subsection (J)(9).
- L.** A zoo license holder shall dispose of restricted live wildlife in this state by:
1. Giving, selling, or trading the wildlife to:
    - a. Another zoo licensed under this Section;
    - b. An appropriate special license holder or appropriately licensed or permitted facility in another state or country authorized to possess the wildlife being disposed;
  2. Giving selling, or donating the wildlife to a medical or scientific research facility exempt from special license requirements under R12-4-407;
  3. Exporting the wildlife to a zoo certified by the Association of Zoos and Aquariums or Zoological Association of America; or
  4. As otherwise directed by the Department.
- M.** A zoo license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The zoo license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.
- N.** A zoo license holder shall request the authority to possess a new species of restricted live wildlife by submitting a written request to the Department prior to acquisition, unless the wildlife was:
1. Held under the previous year's zoo license and included in the previous annual report, or
  2. Authorized in advance by the Department in writing.
- O.** A zoo license holder shall comply with the requirements established under R12-4-409, R12-4-426, R12-4-428, and R12-4-430, as applicable.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Subsections (J) through (O) omitted in supplement 15-4; error corrected at the request of the Commission at R18-91 (Supp. 18-1).

**R12-4-421. Wildlife Service License**

- A.** A wildlife service license authorizes a person to provide, advertise, or offer assistance in removing the live wildlife listed below to the general public. For the purposes of this Section, the following wildlife, as defined under A.R.S. § 17-101(B), are designated live wildlife:
1. Furbearing animals;
  2. Javelina (*Pecari tajacu*);
  3. Nongame animals;
  4. Predatory animals; and
  5. Small game.
- B.** A wildlife service license is not required when conducting pest control removal services authorized under A.R.S. § Title 32, Chapter 22 for the following wildlife not protected under federal regulation:
1. Rodents, except those in the family Sciuridae;
  2. European starlings;
  3. Peach-faced love birds;
  4. House sparrows;
  5. Eurasian collared-doves; and
  6. Any other non-native wildlife species.
- C.** A wildlife service license allows a person to conduct activities that facilitate the removal and relocation of live wildlife listed under subsection (A) when the wildlife causes a nuisance, property damage, poses a threat to public health or safety, or if the health or well-being of the wildlife is threatened by its immediate environment. Authorized activities include, but are not limited to, capture, removal, transportation, and relocation.
- D.** The wildlife service license expires on December 31 each year.
- E.** An employee of a governmental public safety agency is not required to possess a wildlife service license when the employee is acting within the scope of the employee's official duties.
- F.** In addition to the requirements established under this Section, a wildlife service license holder shall comply with the special license requirements established under R12-4-409.

## Game and Fish Commission

- G.** The license holder shall be responsible for compliance with all applicable regulatory requirements; the wildlife service license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- H.** The Department shall deny a wildlife service license to a person who fails to meet the requirements established under R12-4-409 or this Section or when the person's wildlife service privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- I.** A person applying for a wildlife service license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). An applicant shall provide the following information on the application:
1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number;
    - d. Physical description, to include the applicant's eye color, hair color, height, and weight; and;
    - e. Department ID number, when applicable;
  2. If the applicant will perform license activities for a commercial purpose, the applicant's business:
    - a. Name;
    - b. Federal Tax Identification Number;
    - c. Mailing address;
    - d. Telephone number; and
    - e. Hours and days of the week the applicant will be available for service;
  3. The designated wildlife species or groups of species listed under subsection (A) that will be used under the license;
  4. The methods that the wildlife license holder will use to perform authorized activities;
  5. The general geographic area where services will be performed;
  6. Any other information required by the Department; and
  7. The certification required under R12-4-409(C).
- J.** In addition to the requirements listed under subsection (I), at the time of application, an applicant for a wildlife service license shall also submit:
1. Proof the applicant has a minimum of six months full-time employment or volunteer experience handling wildlife of the species or groups designated on the application; and
  2. A written proposal that contains all of the following information:
    - a. Applicant's experience in the capture, handling, and removal of wildlife;
    - b. Specific species the applicant has experience capturing, handling, or removing;
    - c. General location and dates when the activities were performed;
    - d. Methods used to carry out the activities; and
    - e. The methods used to dispose of the wildlife.
- K.** When renewing a license without change to the species or species groups authorized under the current license, the wildlife service license holder may reference supporting materials previously submitted in compliance with subsection (J).
- L.** An applicant for a wildlife service license shall pay all applicable fees established under R12-4-412.
- M.** A wildlife service license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Facilitate the removal and relocation of designated wildlife in a manner that:
    - a. Is least likely to cause injury to the wildlife; and
    - b. Will prevent the wildlife from coming into contact with the general public.
  3. Obtain special authorization from the Department regional office that has jurisdiction over the area where the activities will be conducted when performing any activities involving javelina.
  4. Release captured designated wildlife only as follows:
    - a. Without immediate threat to the animal or potentially injurious contact with humans;
    - b. During an ecologically appropriate time of year;
    - c. Into a suitable habitat;
    - d. In the same geographic area as the animal was originally captured, except that birds may be released at any location statewide within the normal range of that species in an ecological suitable habitat; and
    - e. In an area designated by the Department regional office that has jurisdiction over the area where it was captured.
  5. Euthanize the wildlife using the safest, quickest, and most humane method available.
  6. Dispose of all wildlife that is euthanized or that otherwise dies while possessed under the license by burial or incineration within 30 days of death, unless otherwise directed by the Department.
  7. Possess the license or legible copy of the license while conducting any wildlife service activity and presents it for inspection upon the request of any Department employee or agent.
  8. Inform the Department in writing within five working days of any change in telephone number, area of service, or business hours or days.
- N.** A wildlife service license holder may submit to the Department a written request to amend the license to add or delete authority to control and release designated species of wildlife, provided the request meets the requirements of this Section.
- O.** A wildlife service license holder shall not:
1. Exhibit wildlife or parts of wildlife possessed under the license.
  2. Possess designated wildlife beyond the period necessary to transport and relocate or euthanize the wildlife.
  3. Retain any parts of wildlife.
- P.** A wildlife service license holder may:
1. Euthanize designated wildlife only when authorized by the Department.
  2. Give injured or orphaned wildlife to a wildlife rehabilitation license holder.
- Q.** A wildlife service license holder shall submit an annual report to the Department before January 31 of each year on activities performed under the license for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.

## Game and Fish Commission

2. The wildlife service license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The annual report shall provide a list of all services performed under the license to include:
  - a. The date and location of service;
  - b. The number and species of wildlife removed, and
  - c. The method of disposition for each animal removed, including the location and date of release.
- R. A wildlife service license holder shall comply with the requirements established under R12-4-409 and R12-4-428.

**Historical Note**

Adopted effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-422. Sport Falconry License**

- A. In addition to the definitions provided under A.R.S. § 17-101, R12-4-101, and R12-4-401, and for the purposes of this Section, the following definitions apply:

"Abatement services" means the use of raptors possessed under a falconry permit for the control of nuisance species.

"Captive-bred raptor" means a raptor hatched in captivity.

"Hack" means the temporary release of a raptor into the wild to condition the raptor for use in falconry.

"Hybrid" has the same meaning as prescribed under 50 C.F.R. 21.3, revised October 1, 2013. This incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.

"Imping" means using a molted feather to replace or repair a damaged or broken feather.

"Retrices" means a raptor's tail feathers.

"Sponsor" means a licensed General or Master falconer with a valid Arizona Sport Falconry license who has committed to mentoring an Apprentice falconer.

"Suitable perch" means a perch that is of the appropriate size and texture for the species of raptor using the perch.

"Wild raptor" means a raptor taken from the wild, regardless of how long the raptor is held in captivity or whether the raptor is transferred to another licensed falconer or other permit type.

- B. An Arizona Sport Falconry license permits a person to capture, possess, train, and transport a raptor for the purpose of sport falconry in compliance with the Migratory Bird Treaty Act and the Endangered Species Act of 1973.
  1. The sport falconry license validates the appropriate license for hunting or taking quarry with a trained raptor. When taking quarry using a raptor, a person must possess a valid:
    - a. Sport falconry license, and
    - b. Appropriate hunting license.
  2. The sport falconry license is valid until the third December from the date of issuance.
  3. A licensed falconer may capture, possess, train, or transport wild, captive-bred, or hybrid raptors, subject to the limitations established under subsections (H)(1), (H)(2), and (H)(3), as applicable.
- C. The Department shall comply with the licensing time-frame established under R12-4-106.
- D. A resident who possesses or intends to possess a raptor for the purpose of sport falconry shall hold an Arizona Sport Falconry license, unless the person is exempt under A.R.S. § 17-236(C) or possesses only raptors not listed under 50 C.F.R. Part 10.13, revised October 1, 2014, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.
- E. In addition to the requirements established under this Section, a licensed falconer shall also comply with special license requirements established under R12-4-409.
- F. The license holder shall be responsible for compliance with all applicable regulatory requirements; the sport falconry license does not:
  1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations;
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license; or
  3. Authorize a licensed falconer to capture or release a raptor or practice falconry on public lands where prohibited or on private property without permission from the land owner or land management agency.
- G. The Department shall deny a sport falconry license to a person who fails to meet the requirements established under R12-4-409, R12-4-428, or this Section. The Department shall provide a written notice to an applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- H. The Department may issue a Sport Falconry license for the following levels to an eligible person:
  1. Apprentice level license:
    - a. An Apprentice falconer shall:
      - i. Be at least 12 years of age; and
      - ii. Have a sponsor while practicing falconry as an apprentice. When a sponsorship is terminated, the apprentice is prohibited from practicing falconry until a new sponsor is acquired. After acquiring a new sponsor, an apprentice shall submit a written statement from the new sponsor to the Department within 30 days. The written statement shall meet the requirements established under subsection (K)(3)(a)(vi).
    - b. An Apprentice falconer may possess only one raptor at a time for use in falconry.
    - c. An Apprentice falconer is prohibited from possessing any:
      - i. Species listed under 50 C.F.R. 17.11, revised October 1, 2014, and subspecies,
      - ii. Raptor taken from the wild as a nestling,
      - iii. Raptor that has imprinted on humans,

## Game and Fish Commission

- iv. Bald eagle (*Haliaeetus leucocephalus*),
  - v. White-tailed eagle (*Haliaeetus albicilla*),
  - vi. Steller's sea-eagle (*Haliaeetus pelagicus*), or
  - vii. Golden eagle (*Aquila chrysaetos*).
  - viii. For the purposes of subsection (H)(1)(c)(i), this incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
2. General level license:
    - a. A General falconer shall:
      - i. Be at least 16 years of age; and
      - ii. Have practiced falconry as an apprentice falconer for at least two years, including maintaining, training, flying, and hunting with a raptor for at least four months in each year. An applicant cannot substitute any falconry school or educational program to shorten the two-year Apprentice period.
    - b. A General falconer may possess up to three raptors at a time for use in falconry.
    - c. A General falconer is prohibited from possessing a:
      - i. Bald eagle,
      - ii. White-tailed eagle,
      - iii. Steller's sea-eagle, or
      - iv. Golden eagle.
  3. Master level license:
    - a. A Master falconer shall have practiced falconry as a General falconer for at least five years using raptors possessed by that falconer.
    - b. A Master falconer may possess:
      - i. Any species of wild, captive-bred, or hybrid raptor.
      - ii. Any number of captive-bred raptors provided they are trained and used in the pursuit of wild game; and
      - iii. Up to three of the following species, provided the requirements established under subsection (H)(3)(d) are met: Golden eagle, White-tailed eagle, or Steller's Sea eagle.
    - c. A Master falconer is prohibited from possessing:
      - i. More than three eagles
      - ii. A bald eagle, or
      - iii. More than five wild caught raptors.
    - d. A Master falconer who wishes to possess an eagle shall apply for and receive approval from the Department before possessing an eagle for use in falconry. The licensed falconer shall submit the following documentation to the Department before a request may be considered:
      - i. Proof the licensed falconer has experience in handling large raptors such as, but not limited to, ferruginous hawks (*Buteo regalis*) and goshawks (*Accipter gentilis*);
      - ii. Information regarding the raptor species, to include the type and duration of the activity in which the experience was gained; and
      - iii. Written statements of reference from two persons who have experience handling or flying large raptors such as, but not limited to, eagles, ferruginous hawks, and goshawks. Each written statement shall contain a concise history of the author's experience with large raptors, and an assessment of the applicant's ability to care for and fly an eagle.
  - I. A sponsor shall:
    1. Be at least 18 years of age;
    2. Have practiced falconry as a General falconer for at least two years;
    3. Sponsor no more than three apprentices during the same period of time;
    4. Notify the Department within 30 consecutive days after a sponsorship is terminated;
    5. Determine the appropriate species of raptor for possession by an apprentice; and
    6. Provide instruction pertaining to the:
      - a. Husbandry, training, and trapping of raptors held for falconry;
      - b. Hunting with a raptor; and
      - c. Relevant wildlife laws and regulations.
  - J. A falconer licensed in another state or country is exempt from obtaining an Arizona Sport Falconry license under R12-4-407(B)(9), unless remaining in Arizona for more than 180 consecutive days. A falconer licensed in another state or country and who remains in this state for more than the 180-day period shall apply for an Arizona Sport Falconry license in order to continue practicing sport falconry in this state. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
    1. A falconer licensed in another state shall:
      - a. Comply with all applicable state and federal falconry regulations,
      - b. Possess only those raptors authorized under the out-of-state sport falconry license, and
      - c. Provide a health certificate for each raptor possessed under the out-of-state sport falconry license when the raptor is present in this state for more than 30 consecutive days. The health certificate may be issued after the date of the interstate importation, but shall have been issued no more than 30 consecutive days prior to the interstate importation.
    2. A falconer licensed in another country may possess, train, and use for falconry only those raptors authorized under the out-of-country sport falconry license, provided the import of that species into the United States is not prohibited. This subsection does not prohibit the falconer from flying or training a raptor lawfully possessed by any other licensed falconer.
    3. A falconer licensed in another country is prohibited from leaving an imported raptor in this state, unless authorized under federal permit. The falconer shall report the death or escape of a raptor possessed by that falconer to the Department as established under subsection (O)(1) or prior to leaving the state, whichever occurs first.
    4. A falconer licensed in another country shall:
      - a. Comply with all applicable state and federal falconry regulations;
      - b. Comply with falconry licensing requirements prescribed by the country of licensure not in conflict with federal or state law;
      - c. Notify the Department no less than 30 consecutive days prior to importing a raptor into this state;
      - d. Provide a health certificate, issued no earlier than 30 consecutive days prior to the date of importation, for each raptor imported into this state; and
      - e. Attach two functioning radio transmitters to any raptor imported into this country by the falconer while flown free in this state by any falconer.

## Game and Fish Commission

- K.** A person applying for a Sport Falconry license shall submit an application to the Department. The application is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov).
1. An applicant shall provide the following information on the application:
    - a. Falconry level desired;
    - b. Name;
    - c. Date of birth;
    - d. Mailing address;
    - e. Telephone number, when available;
    - f. Department I.D. number;
    - g. Applicant's physical description, to include the applicant's eye color, hair color, height, and weight;
    - h. Arizona Hunting license number, when available;
    - i. Number of years of experience as a falconer;
    - j. Current Falconry license level;
    - k. Physical address of a facility when the raptor is kept at another location, when applicable;
    - l. Information documenting all raptors possessed by the applicant at the time of application, to include:
      - i. Species;
      - ii. Subspecies, when applicable;
      - iii. Age;
      - iv. Sex;
      - v. Band or microchip number, as applicable;
      - vi. Date and source of acquisition; and
    - m. The certification required under R12-4-409(C);
    - n. Parent or legal guardian's signature, when the applicant is under the age of 18;
    - o. Date of application; and
    - p. Any other information required by the Department.
  2. An applicant shall certify that the applicant has read and is familiar with applicable state laws and rules and the regulations under 50 C.F.R. Part 13 and the other applicable parts in 50 C.F.R. Chapter I, Subchapter B and that the information submitted is complete and accurate to the best of their knowledge and belief.
  3. In addition to the information required under subsection (K)(1), a person applying for:
    - a. An Apprentice level license shall also provide the sponsor's:
      - i. Name,
      - ii. Date of birth,
      - iii. Mailing address,
      - iv. Department I.D. number,
      - v. Telephone number, and
      - vi. A written statement from the sponsor stating that the falconer agrees to sponsor the applicant.
    - b. A General level license shall also provide:
      - i. Information documenting the applicant's experience in maintaining falconry raptors, to include the species and period of time each raptor was possessed while licensed as an Apprentice falconer; and
      - ii. A written statement from the sponsor certifying that the applicant has practiced falconry at the Apprentice falconer level for at least two years, and maintained, trained, flown, and hunted with a raptor for at least four months in each year.
    - c. A Master level license shall certify that the falconer has practiced falconry as a General falconer for at least five years.
- L.** An applicant for any level Sport Falconry license shall pay all applicable fees established under R12-4-412.
- M.** The Department may inspect the applicant's raptor facilities, materials, and equipment to verify compliance with requirements established under R12-4-409(I), R12-4-428, and this Section before issuing a Sport Falconry license. The applicant or licensed falconer shall ensure all raptors currently possessed by the falconer and kept in the facility are present at the time of inspection.
1. Department may inspect a facility:
    - a. After a change of location, when the Department cannot verify the facility is the same facility as the one approved by a previous inspection, or
    - b. Prior to the acquisition of a new species or addition of another raptor when the previous inspection does not indicate the facilities can accommodate a new species or additional raptor.
  2. A licensed falconer shall notify the Department no more than five business days after changing the location of a facility.
  3. When a facility is located on property not owned by the licensed falconer, the falconer shall provide a written statement signed and dated by the property owner at the time of inspection. The written statement shall specify that the licensed falconer has permission to keep a raptor on the property and the property owner permits the Department to inspect the falconry facility at any reasonable time of day and in the presence of the licensed falconer.
  4. A licensed falconer shall ensure the facility:
    - a. Provides a healthy and safe environment,
    - b. Is designed to keep predators out,
    - c. Is designed to avoid injury to the raptor,
    - d. Is easy to access,
    - e. Is easy to clean, and
    - f. Provides access to fresh water and sunlight.
  5. In addition to the requirements established under R12-4-409(I) and R12-4-428:
    - a. A licensed falconer shall ensure facilities where raptors are held have:
      - i. A suitable perch that is protected from extreme temperatures, wind, and excessive disturbance for each raptor;
      - ii. At least one opening for sunlight; and
      - iii. Walls that are solid, constructed of vertical bars spaced narrower than the width of the body of the smallest raptor housed therein, or any other suitable materials approved by the Department.
    - b. A licensed falconer shall possess all of the following equipment:
      - i. At least one flexible, weather-resistant leash;
      - ii. One swivel appropriate to the raptor being flown;
      - iii. At least one water container, available to each raptor kept in the facility, that is at least two inches deep and wider than the length of the largest raptor using the container;
      - iv. A reliable scale or balance suitable for weighing raptors, graduated in increments of not more than 15 grams;
      - v. Suitable equipment that protects the raptor from extreme temperatures, wind, and excessive disturbance while transporting or housing a raptor when away from the permanent facility where the raptor is kept, and

## Game and Fish Commission

- vi. At least one pair of jesses constructed of suitable material or Alymeri jesses consisting of an anklet, grommet, and removable strap that attaches the anklet and grommet to a swivel. The falconer may use a one-piece jess only when the raptor is not being flown.
- 6. A licensed falconer may keep a falconry raptor inside the falconer's residence provided a suitable perch is supplied. The falconer shall ensure all flighted raptors kept inside a residence are tethered or otherwise restrained at all times, unless the falconer is moving the raptor into or out of the residence. This subsection does not apply to unflighted eyas, which do not need to be tethered or otherwise restrained.
- 7. A licensed falconer may keep multiple raptors together in one enclosure untethered only when the raptors are compatible with each other.
- 8. A licensed falconer may keep a raptor temporarily outdoors in the open provided the raptor is continually under observation by the falconer or an individual designated by the falconer.
- 9. A licensed falconer may keep a raptor in a temporary facility that the Department has inspected and approved for no more than 120 consecutive days.
- 10. A licensed falconer may keep a raptor in a temporary facility that the Department has not inspected or approved for no more than 30 consecutive days. The falconer shall notify the Department of the temporary facility prior to the end of the 30-day period. The Department may inspect a temporary facility as established under R12-4-409(I).
- N. Prior to the issuance of a Sport Falconry license, an applicant shall:
  - 1. Present proof of a previously held state-issued sport falconry license, or
  - 2. Correctly answer at least 80% of the questions on the Department administered written examination.
    - a. A person whose Sport Falconry license is expired more than five years shall take the examination. The Department shall issue to an eligible applicant a license for the sport falconry license type previously held by the applicant after the applicant correctly answers at least 80% of the questions on the written examination and presents proof of the previous Sport Falconry license.
    - b. A person who holds a falconry license issued in another country shall correctly answer at least 80% of the questions on the written examination. The Department shall determine the level of license issued based upon the applicant's documentation.
- O. A licensed falconer shall submit electronically a 3-186A form to report:
  - 1. Any of the following raptor possession changes to the Department no more than 10 business days after the occurrence:
    - a. Acquisition,
    - b. Banding,
    - c. Escape into the wild without recovery after 30 consecutive days have passed,
    - d. Death,
    - e. Microchipping,
    - f. Rebanding,
    - g. Release,
    - h. Take, or
    - i. Transfer.
  - 2. Upon discovering the theft of a raptor, a licensed falconer shall immediately report the theft of a raptor to the Department and USFWS by:
    - a. Contacting the Department's regional office within 48 hours; and
    - b. Submitting the electronic 3-186A form within 10 days.
- P. A licensed falconer shall print and maintain copies of all required electronic database submissions for each falconry raptor possessed by the falconer. The falconer shall retain copies of all submissions for a period of five years from the date on which the raptor left the falconer's possession.
- Q. A licensed falconer or a person with a valid falconry license, or its equivalent, issued by any state meeting federal falconry standards may capture a raptor for the purpose of falconry only when authorized by Commission Order.
  - 1. A falconer attempting to capture a raptor shall possess:
    - a. A valid Arizona Sport Falconry license or valid falconry license, or its equivalent, issued by another state, and
    - b. Any required Arizona hunt permit-tag issued to the licensed falconer for take of the authorized raptor, and
    - c. A valid Arizona hunting or combination license. A short-term combination hunting and fishing license is not valid for capturing a raptor under this subsection.
  - 2. An Apprentice falconer may take from the wild:
    - a. Any raptor not prohibited under subsection (H)(1)(c) that is less than one year of age, except nestlings or
    - b. An adult raptor.
  - 3. A General or Master falconer may take from the wild:
    - a. A raptor of any age, including nestlings, provided at least one nestling remains in the nest; or
    - b. An adult raptor.
  - 4. A licensed falconer shall take no more than two raptors from the wild for use in falconry each calendar year. For the purpose of take limits, a raptor is counted towards the licensed falconer's take limit by the falconer who originally captured the raptor.
  - 5. A falconer attempting to capture a raptor shall:
    - a. Not use stupefying substances;
    - b. Use a trap or bird net that is not likely to cause injury to the raptor;
    - c. Ensure that each trap or net the falconer is using is continually attended; and
    - d. Ensure that each trap used for the purpose of capturing a raptor is marked with the falconer's name, address, and license number.
  - 6. A licensed falconer shall report the injury of any raptor injured due to capture techniques to the Department. The falconer shall transport the injured raptor to a veterinarian or licensed rehabilitator and pay for the cost of the injured raptor's care and rehabilitation. After the initial medical treatment is completed, the licensed falconer shall either:
    - a. Keep the raptor and the raptor shall count towards the falconer's take and possession limit, or
    - b. Transfer the raptor to a permitted wildlife rehabilitator and the raptor shall not count against the falconer's take or possession limit.
  - 7. When a licensed falconer takes a raptor from the wild and transfers the raptor to another falconer who is present at a capture site, the falconer receiving the raptor is responsible for reporting the take of the raptor.
  - 8. A General or Master falconer may capture a raptor that will be transferred to another licensed falconer who is not

## Game and Fish Commission

- present at the capture site. The falconer who captured the raptor shall report the take of the raptor and the capture shall count towards the General or Master falconer's take limit. The General or Master falconer may then transfer the raptor to another falconer.
9. A General or Master falconer may capture a raptor for another licensed falconer who cannot attend the capture due to a long-term or permanent physical impairment. The licensed falconer with the physical impairment is responsible for reporting the take of the raptor and the raptor shall count against their take and possession limits.
  10. A licensed falconer may capture any raptor displaying a seamless metal band, or any other item identifying it as a falconry raptor, regardless of whether the falconer is prohibited from possessing the raptor. The falconer shall return the recaptured raptor to the falconer of record. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor.
    - a. When the falconer of record cannot or does not wish to possess the raptor, the falconer who captured the raptor may keep the raptor, provided the falconer is eligible to possess the species and may do so without violating any requirement established under this Section.
    - b. When the falconer of record cannot be located, the Department shall determine the disposition of the recaptured raptor.
  11. A licensed falconer may capture and shall report the capture of any raptor wearing a transmitter to the Department no more than five business days after the capture. The falconer shall attempt to contact the researcher or licensed falconer who applied the transmitter and facilitate the replacement or retrieval of the transmitter and raptor. The falconer may possess the raptor for no more than 30 consecutive days while waiting for the researcher or falconer to retrieve the transmitter and raptor. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor. The Department shall determine the disposition of a raptor when the researcher or falconer does not replace the transmitter or retrieve the raptor within the initial 30-day period.
  12. A licensed falconer may capture any raptor displaying a federal Bird Banding Laboratory (BBL) aluminum research band or tag, except a peregrine falcon (*Falco peregrinus*). A licensed falconer who captures a raptor wearing a research band or tag shall report the following information to BBL and the Department:
    - a. Species,
    - b. Band or tag number,
    - c. Location of the capture, and
    - d. Date of capture.
    - e. A person can report the capture of a raptor wearing a research band or tag to BBL by calling 1(800) 327-2263.
  13. A licensed falconer may recapture a falconer's lost or any escaped falconry raptor at any time. The Department does not consider the recapture of a wild falconry raptor as taking a raptor from the wild.
  14. When attempting to trap a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties, a licensed falconer shall:
    - a. Not begin trapping while a northern aplomado falcon (*Falco femoralis septentrionalis*) is observed in the vicinity of the trapping location.
    - b. Suspend trapping when a northern aplomado falcon arrives in the vicinity of the trapping location.
  15. In addition to the requirements in subsection (Q)(14), an apprentice falconer shall be accompanied by a General or Master falconer when attempting to capture a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties.
  16. A licensed Master falconer may take up to two golden eagles from the wild only as authorized under 50 C.F.R. part 22. The Master falconer may:
    - a. Capture an immature or sub-adult golden eagle, or
    - b. Take a nestling from its nest or a nesting adult golden eagle in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area determines the adult eagle is preying on livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to possess it.
    - c. The falconer shall inform the Department of the capture plans in person, in writing, or by telephone at least three business days before trapping is initiated. The falconer may send written notification to the Arizona Game and Fish Department's Law Enforcement Programs Coordinator at 5000 West Carefree Highway, Phoenix, Arizona 85086.
  17. A licensed falconer shall ensure any falconry activities the falconer is conducting do not cause unlawful take under the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq., or the Bald and Golden Eagle Protection Act, 16 U.S.C. §§ 668 through 668d. The Department or USFWS may provide information regarding where take is likely to occur. The falconer shall report the take of any federally listed threatened or endangered species or bald or golden eagle to the USFWS Arizona Ecological Services Field Office.
  - R.** A licensed falconer shall comply with all of the following banding requirements:
    1. A licensed falconer shall ensure the following raptors are banded after capture:
      - a. Northern Goshawk,
      - b. Harris's hawk (*Parabuteo unicinctus*), and
      - c. Peregrine falcon.
    2. The falconer shall request a band no more than five consecutive days after the capture of a raptor by contacting the Department. A Department representative or a General or Master licensed falconer may attach the USFWS leg band to the raptor.
    3. A licensed falconer shall not use a counterfeit, altered, or defaced band.
    4. A falconer holding a federal propagation permit shall ensure a raptor bred in captivity wears a seamless metal band furnished by USFWS, as prescribed under 50 C.F.R. 21.30.
    5. A licensed falconer may remove the rear tab on a band and smooth any imperfections on the surface, provided doing so does not affect the band's integrity or numbering.
    6. A licensed falconer shall report the loss of a band to the Department no more than five business days after discovering the loss. The falconer shall reband the raptor with a new USFWS leg band furnished by the Department.
  - S.** A licensed falconer may request Department authorization to implant an ISO-compliant [134.2 kHz] microchip in lieu of a

## Game and Fish Commission

- band into a captive-bred raptor or raptor listed under subsection (R)(1).
1. The falconer shall submit a written request to the Department.
  2. The falconer shall retain a copy of the Department's written authorization and any associated documentation for a period of five years from the date the raptor permanently leaves the falconer's possession.
  3. The falconer is responsible for the cost of implanting the microchip and any associated veterinary fees.
- T.** A licensed falconer may allow a falconry raptor to feed on any species of wildlife incidentally killed by the raptor for which there is no open season or for which the season is closed, but shall not take such wildlife into possession.
- U.** A General or Master falconer may hack a falconry raptor. Any raptor the falconer is hacking shall count towards the falconer's possession limit during hacking.
1. A falconer is prohibited from hacking a raptor near the nesting area of a federally threatened or endangered species or in any other location where the raptor is likely to disturb or harm a federally listed threatened or endangered species. The Department may provide information regarding where this is likely to occur.
  2. A licensed falconer shall ensure any hybrid raptor flown free or hacked by the falconer is equipped with at least two functioning radio transmitters.
- V.** A licensed falconer may release:
1. A wild-caught raptor permanently into the wild under the following circumstances:
    - a. The raptor is native to Arizona,
    - b. The falconer removes the raptor's falconry band and any other falconry equipment prior to release, and
    - c. The falconer releases the raptor in a suitable habitat and under suitable seasonal conditions.
  2. A captive-bred raptor permanently into the wild only when the raptor is native to Arizona and the Department approves the release of the raptor. The falconer shall request permission to release the captive-bred raptor by contacting the Department. When permitted by the Department and before releasing the captive-bred raptor, the General or Master falconer shall hack the captive-bred raptor in a suitable habitat and the appropriate season.
  3. A licensed falconer is prohibited from intentionally releasing any hybrid or non-native raptor permanently into the wild.
- W.** A Master falconer may conduct and receive payment for any abatement services conducted with a falconry raptor. The falconer shall apply for and obtain all required federal permits prior to conducting any abatement activities. A General falconer may conduct abatement services only when authorized under the federal permit held by the Master falconer.
- X.** A person other than a licensed falconer may temporarily care for a falconry raptor for no more than 45 consecutive days, unless approved by the Department. The raptor under temporary care shall remain in the falconer's facility. The raptor shall continue to count towards the falconer's possession limit. An unlicensed caretaker shall not fly the raptor. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.
- Y.** A licensed falconer may serve as a caretaker for another licensed falconer's raptor for no more than 120 consecutive days, unless approved by the Department. The falconer shall provide the temporary caretaker with a signed and dated statement authorizing the temporary possession of each raptor. The statement shall also include the temporary possession period and activities the caretaker may conduct with the raptor. The raptor under temporary care shall not count toward the caretakers possession limit. The temporary caretaker may fly or train the raptor when permitted by the falconer in writing. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.
- Z.** A licensed falconer may assist a wildlife rehabilitator in conditioning a raptor in preparation for the raptor's release to the wild. The falconer may temporarily remove the raptor from the rehabilitation facilities while conditioning the raptor. The raptor shall remain under the rehabilitator's license and shall not count towards the falconer's possession limit. The rehabilitator shall provide the licensed falconer with a written statement authorizing the falconer to assist the rehabilitator. The written statement shall also identify the raptor by species, type of injury, and band number, when available. The licensed falconer shall return the raptor to the rehabilitator within the 180-day period established under R12-4-423(T), unless the raptor is:
1. Released into the wild in coordination with the rehabilitator and as authorized under this subsection,
  2. Allowed to remain with the rehabilitator for a longer period of time as authorized under R12-4-423(U), or
  3. Transferred permanently to the falconer, provided the falconer may legally possess the raptor and the Department approves the transfer. The raptor shall count towards the falconer's possession limit.
- AA.** A licensed falconer may use a raptor possessed for falconry in captive propagation, when permitted by USFWS. A licensed falconer is not required to transfer a raptor from a Sport Falconry license to another license when the raptor is used for captive propagation less than eight months in a year.
- BB.** A General or Master licensed falconer may use a lawfully possessed raptor in a conservation education program presented in a public venue. An Apprentice falconer, under the direct supervision of a General or Master falconer, may use a lawfully possessed raptor in a conservation education program presented in a public venue. The primary use for a raptor is falconry; a licensed falconer shall not possess a raptor solely for the purpose of providing a conservation education program. The falconer shall ensure the focus of the conservation education program is to provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds. The falconer may charge a fee for presenting a conservation education program; however, the fee shall not exceed the amount required to recoup the falconer's costs for providing the program. As a condition of the Sport Falconry License, the licensed falconer agrees to indemnify the Department, its officers, and employees. The falconer is liable for any damages associated with the conservation education activities.
- CC.** A licensed falconer may allow the photography, filming, or similar uses of a falconry raptor possessed by the licensed falconer, provided:
1. The falconer is not compensated for these activities; and
  2. The final product from these activities:
    - a. Promotes the practice of falconry;
    - b. Provides information about the biology, ecological roles, and conservation needs of raptors and other migratory birds;
    - c. Endorses a nonprofit falconry organization or association, products, or other endeavors related to falconry; or



## Game and Fish Commission

- d. Is used in scientific research or science publications.
- DD.** A licensed falconer may use or dispose of lawfully possessed falconry raptor feathers. A falconer shall not buy, sell, or barter falconry raptor feathers. A falconer may possess feathers for imping from each species of raptor that the falconer currently possesses or has possessed.
1. The licensed falconer may transfer or receive feathers for imping from:
    - a. Another licensed falconer,
    - b. A licensed wildlife rehabilitator, or
    - c. Any licensed propagator located in the United States.
  2. A licensed falconer may donate falconry raptor feathers, except bald and golden eagle feathers, to:
    - a. Any person or institution permitted to possess falconry raptor feathers,
    - b. Any person or institution exempt from the permit requirement under 50 C.F.R. 21.12, or
    - c. A non-eagle feather repository. The Department may provide information regarding the submittal of falconry raptor feathers to a non-eagle feather repository.
  3. A licensed falconer shall gather primary and secondary flight feathers or retrices that are molted or otherwise lost from a golden eagle and either retain the feathers for imping purposes or submit the feathers to the U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022.
  4. A falconer whose license is either revoked or expired shall dispose of all falconry raptor feathers in the falconer's possession.
- EE.** Arizona licensed falconers importing raptors into Arizona shall have a health certificate issued no more than 30 consecutive days:
1. Prior to the international importation, or
  2. Prior to or after the inter-state importation.
- FF.** A licensed falconer may conduct any of the following activities with any captive-bred raptor provided the raptor is wearing a seamless band and the person receiving the raptor possesses an appropriate special license:
1. Barter,
  2. Offer for barter,
  3. Gift,
  4. Purchase,
  5. Sell,
  6. Offer for sale, or
  7. Transfer.
- GG.** A licensed falconer is prohibited from conducting any of the following activities with any wild-caught raptor protected under the Migratory Bird Treaty Act:
1. Barter,
  2. Offer for barter,
  3. Purchase,
  4. Sell, or
  5. Offer for sale.
- HH.** A licensed falconer may transfer:
1. Any wild-caught falconry raptor lawfully captured in Arizona with or without a permit tag to another Arizona Sport Falconry License holder at any time.
    - a. The raptor shall count towards the take limit for that calendar year for the falconer taking the raptor from the wild.
    - b. The raptor shall not count against the take limit of the falconer receiving the raptor.
  2. Any wild-caught falconry raptor to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least two years preceding the transfer.
3. A wild-caught falconry sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), merlin (*Falco columbarius*), or American kestrel (*Falco sparverius*) to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least one-year preceding the transfer.
  4. Any hybrid or captive-bred raptor to another licensed falconer or permit type under this Article or federal law at any time.
  5. Any falconry raptor that is no longer capable of being flown, as determined by a veterinarian or licensed rehabilitator, to another permit type at any time. The licensed falconer shall provide a copy of the documentation from the veterinarian or rehabilitator stating that the raptor is not useable in falconry to the Federal Migratory Bird Permits office that administers the other permit type.
- II.** A licensed falconer shall not transfer a wild-caught raptor species to a licensed falconer in another state for at least one year from the date of capture if either resident or nonresident take is managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system. However, a licensed falconer may transfer a wild-caught raptor that is not managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system to a licensed falconer in another state at any time.
- JJ.** A surviving spouse, executor, administrator, or other legal representative of a deceased or incapacitated licensed falconer shall transfer any raptor held by the licensed falconer to another licensed falconer no more than 90 consecutive days after the death of the falconer. The Department shall determine the disposition of any raptor not transferred prior to the end of the 90-day period.
- KK.** A licensed falconer shall conduct the following activities, as applicable, no more than 10 business days after either the death of a falconry raptor or the final examination of a deceased raptor by a veterinarian:
1. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository;
  2. For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, the falconer shall either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass;
  3. For all other species:
    - a. Submit the carcass to a non-eagle repository;
    - b. Submit the carcass to the Department for submission to a non-eagle repository;
    - c. Donate the body or feathers to any person or institution exempt under 50 C.F.R. 21.12 or authorized by USFWS to acquire and possess such parts or feathers;
    - d. Retain the carcass or feathers for imping purposes as established under subsection (DD);
    - e. Burn, bury, or otherwise destroy the carcass; or
    - f. Mount the raptor carcass. The falconer shall ensure any microchip implanted in the raptor is not removed and any band attached to the raptor remains on the mount. The falconer may use the mount for a conservation education program. The falconer shall ensure copies of the license and all relevant 3-186A forms are retained with the mount. The mount shall not count towards the falconer's possession limit.

## Game and Fish Commission

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 18 A.A.R. 958, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-423. Wildlife Rehabilitation License**

- A.** For the purposes of this Section, “volunteer” means a person who:  
Is not designated as an agent, as defined under R12-4-401,  
Assists a wildlife rehabilitation license holder without compensation, and  
Is under the direct supervision of the license holder at the location specified on the wildlife rehabilitation license.
- B.** A wildlife rehabilitation license is issued for the sole purpose of restoring and returning wildlife to the wild through rehabilitative services. The license allows a person 18 years of age or older to conduct any of the following activities with live injured, disabled, orphaned or otherwise debilitated wildlife specified on the rehabilitation license:
1. Capture;
  2. Euthanize;
  3. Export to a licensed zoo, when authorized by the Department;
  4. Rehabilitate;
  5. Release;
  6. Temporarily possess;
  7. Transport; or
  8. Transfer to one of the following:
    - a. Licensed veterinarian for treatment or euthanasia;
    - b. Another appropriately licensed special license holder;
    - c. Licensed zoo, when authorized by the Department; or
  9. As otherwise directed in writing by the Department.
- C.** A wildlife rehabilitation license authorizes the possession of the following taxa or species:
1. Amphibians;
  2. Reptiles;
  3. Birds:
    - a. Non-passerines, birds in any order other than those named in subsections (b) through (e);
    - b. Birds in the orders *Falconiformes* or *Strigiformes*, raptors;
    - c. Birds in the order, *Galliformes* quails and turkeys;
    - d. Birds in the order *Columbiformes*, doves;
    - e. Birds in the order *Trochiliformes*, hummingbirds; and
    - f. Birds in the order *Passeriformes*, passerines;
  4. Mammals:
    - a. Nongame mammals;
    - b. Bats;
    - c. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, pronghorn;
    - d. Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels; and
    - e. Small game mammals.
- D.** A wildlife rehabilitation license authorizes the possession of the following taxa or species only when specifically requested at the time of application:
1. Eagles;
  2. Species listed under 50 C.F.R. 17.11, revised October 1, 2013; and
  3. The Department’s Tier 1 Species of Greatest Conservation Need, as defined under R12-4-401.
  4. For the purposes of subsection (D)(2), this incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
- E.** All wildlife held under the license is the property of the state and shall be surrendered to the Department upon request.
- F.** The wildlife rehabilitation license expires on the last day of the third December from the date of issuance.
- G.** In addition to the requirements established under this Section, a wildlife rehabilitation license holder shall comply with the special license requirements established under R12-4-409.
- H.** The Department shall deny a wildlife rehabilitation license to a person who fails to meet the requirements and criteria established under R12-4-409, R12-4-428, or this Section or when the person’s wildlife rehabilitation license is suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409 to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- I.** The license holder shall be responsible for compliance with all applicable regulatory requirements; the wildlife rehabilitation license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- J.** Before applying for a wildlife rehabilitation license, a person shall successfully complete an examination conducted by the Department. The Department shall consider only those parts of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant.
1. Examinations are provided by appointment, only.
  2. An applicant may request a verbal or written examination.
  3. The examination shall include questions regarding:
    - a. Wildlife rehabilitation;
    - b. Safe handling of wildlife;
    - c. Transporting wildlife;
    - d. Humane treatment;
    - e. Nutritional requirements;
    - f. Behavioral requirements;
    - g. Developmental requirements;
    - h. Ecological requirements;
    - i. Habitat requirements;
    - j. Captivity standards established under R12-4-428;
    - k. Human and wildlife safety considerations;
    - l. State statutes, rules, and regulations regarding wildlife rehabilitation; and
    - m. National Wildlife Rehabilitation Association minimum standards for wildlife rehabilitation.

## Game and Fish Commission

4. The applicant must successfully complete the examination within three years prior to the date on which the initial application for the license is submitted to the Department.
- K.** A person applying for a wildlife rehabilitation license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide the following information on the application:
1. The applicant's information:
    - a. Name;
    - b. Date of birth;
    - c. Mailing address;
    - d. Telephone number;
    - e. Facility address, if different from mailing address;
    - f. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates; and
    - g. Department ID number, when applicable;
  2. The wildlife taxa or species listed under subsection (C) that will be possessed under the license;
  3. For each location where the wildlife will be used, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
  4. A detailed description, diagram, and photographs of the facility where the applicant will hold the wildlife, and a description of how the facility complies with R12-4-428 and any other captivity standards established under this Section;
  5. Any other information required by the Department; and
  6. The certification required under R12-4-409(C).
- L.** In addition to the requirements listed under subsection (K), at the time of application, an applicant for a wildlife rehabilitation license shall also submit:
1. Any one or more of the following:
    - a. A valid, current license issued by a state veterinary medical examination authority that authorizes the applicant to practice as a veterinarian;
    - b. Proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week for the taxa or species of animal listed on the application; or
    - c. A current and valid license, permit, or other form of authorization issued by another state or the federal government that allows the applicant to perform wildlife rehabilitation;
  2. Proof the applicant successfully completed the examination required under subsection (J) no more than three years prior to submitting the application;
  3. An affidavit signed by the applicant affirming either of the following:
    - a. The applicant is a licensed veterinarian; or
    - b. A licensed veterinarian is reasonably available to provide veterinary services as necessary to facilitate rehabilitation of wildlife.
  4. A written statement describing:
    - a. The applicant's preferred method of disposing of non-releasable live wildlife as listed under subsection (B); and
    - b. A statement of the applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species when the applicant is applying for a license to perform authorized activities with taxa or species of wildlife listed under subsection (C).
- M.** A wildlife rehabilitation license holder who wishes to continue activities authorized under the license shall renew the license before it expires.
1. When renewing a license without change to the species, location, or design of the facility where wildlife is held as authorized under the current license, the license holder may reference supporting materials previously submitted in compliance with subsection (K).
  2. A license holder applying for a renewal of the license shall successfully complete the examination at the time of renewal when the annual report submitted under subsection (Z) indicates the license holder did not perform any rehabilitative activities under the license.
  3. A license holder applying for a renewal of the license shall submit proof the license holder has completed the continuing education requirement established under subsection (N).
- N.** During the license period a wildlife rehabilitation license holder shall complete eight or more hours of continuing education sessions on wildlife rehabilitation or veterinary medicine. Acceptable continuing education sessions may be obtained from:
1. An accredited university or college;
  2. The National Wildlife Rehabilitators Association, 2625 Clearwater Rd. Suite 110, St. Cloud, MN 56301;
  3. The International Wildlife Rehabilitation Council, PO Box 3197, Eugene, OR 97403; or
  4. Other applicable training opportunities approved by the Department in writing. A license holder who wishes to use other applicable training to meet the eight hour continuing education requirement shall request approval of the other applicable training prior to participating in the education session.
- O.** A wildlife rehabilitation license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the wildlife rehabilitation license by submitting a written request to the Department.
1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
    - a. An employment or supervisory relationship exists between the applicant and the agent, and
    - b. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state
  2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
  3. The license holder is liable for all acts the agent performs under the authority of this Section.
  4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
  5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the wildlife rehabilitation license and presents it for inspection upon the request of any Department employee or agent.
- P.** At any time during the license period, a wildlife rehabilitation license holder may request permission to amend the license to add or delete an agent or a location where wildlife is held; or to obtain authority to rehabilitate additional taxa of wildlife. To

## Game and Fish Commission

request an amendment, the license holder shall submit the following information to the Department, as applicable:

1. To add or delete an agent, the information stated in subsections (K)(1) through (K)(4) and (L)(2), as applicable to the agent;
  2. To add or delete a location, the information stated in subsection (K)(1) through (K)(5); and
  3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in subsection (K)(1) through (K)(5) and (L)(1) through (L)(4).
- Q.** A wildlife rehabilitation license holder authorized to rehabilitate wildlife species listed under subsection (C)(3)(c), (C)(4)(c) and (C)(4)(d) or (D) shall contact the Department within 24 hours of receiving the individual animal to obtain instructions in handling or transferring that animal. While awaiting instructions, the license holder shall ensure that emergency veterinary care is provided as necessary.
- R.** A wildlife rehabilitation license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
  3. Ensure each facility is inspected by the attending veterinarian at least once every year.
  4. Capture, remove, transport, and release wildlife held under the requirements of this Section in a manner that is least likely to cause injury to the affected wildlife.
  5. Conduct rehabilitation only at the location listed on the license
  6. Be responsible for all expenses incurred, including veterinary expenses, and all actions taken under the license, including all actions or omissions of all agents and volunteers when performing activities under the license.
  7. Immediately surrender wildlife held under the license to the Department upon request.
  8. Dispose of all wildlife that is euthanized or that otherwise dies within 30 days of death either by burial, incineration, or transfer to a scientific research institution, except that the license holder shall transfer all carcasses of endangered or threatened species, species listed under the Department's Tier 1 Species of Greatest Conservation Need, or eagles as directed by the Department.
  9. Maintain a current log that records the information specified under subsection (Z).
  10. Possess the license or legible copy of the license at each authorized location and while conducting any rehabilitation activities and presents it for inspection upon the request of any Department employee or agent.
  11. Ensure a copy of the wildlife rehabilitation license accompanies each transfer or shipment of wildlife.
- S.** A wildlife rehabilitation license holder shall not:
1. Display for educational purposes any wildlife held under the license.
  2. Exhibit any wildlife held under the license.
  3. Permanently possess any wildlife held under the license.
- T.** A wildlife rehabilitation license holder may possess:
1. All wildlife for no more than 90 days; or
  2. A bird for no more than 180 days, unless the Department has authorized possession for a longer period of time.
- U.** A license holder may request permission to possess wildlife for a longer period of time than specified in subsection (T) by submitting a written request to the Department.
1. The Department shall approve or deny the request within ten days of receiving the request.
  2. For requests made due to a medical necessity, the Department may require the license holder to provide a written statement listing the medical reasons for the extension, signed by a licensed veterinarian.
  3. The license holder may continue to hold the specified wildlife while the Department considers the request.
  4. If the request is denied, the Department shall send a written notice to the license holder which shall include specific, time-dated directions for the surrender or disposition of the animal.
- V.** A wildlife rehabilitation license holder may allow a licensed falconer to assist in conditioning a raptor in preparation for the raptor's release to the wild.
1. The license holder may allow the licensed falconer to temporarily remove the raptor from the license holder's facility while conditioning the raptor.
  2. The license holder shall provide the licensed falconer with a written statement authorizing the falconer to assist the license holder.
  3. The written statement shall identify the raptor by species, type of injury, and band number, when available.
  4. The license holder shall ensure the licensed falconer returns the raptor to the license holder within the 180-day period established under subsection (T).
- W.** A wildlife rehabilitation license holder may hold wildlife under the license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to prepare the wildlife for release. Rehabilitated wildlife shall be released:
1. In an area without immediate threat to the wildlife or contact with humans;
  2. During an ecologically appropriate time of year and time of day; and
  3. Into a suitable habitat in the same geographic area where the animal was originally obtained; or
  4. In an area designated by the Department.
- X.** Wildlife that is not releasable after the time-frames specified in subsection (T) shall be transferred, disposed of, or euthanized as determined by the Department.
- Y.** To permanently hold rehabilitated wildlife that is unsuitable for release, a wildlife rehabilitation license holder shall apply for and obtain a wildlife holding license in compliance with under R12-4-417.
- Z.** A wildlife rehabilitation license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The wildlife rehabilitation license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  4. The annual report shall contain the following information:
    - a. The license holder's:
      - i. Name;
      - ii. Mailing address; and
      - iii. Telephone number;
    - b. Each agent's:
      - i. Name;
      - ii. Mailing address; and

## Game and Fish Commission

- iii. Telephone number;
  - c. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the license holder; and
  - d. An itemized list of each animal held under the license during the calendar year for which activity is being reported. For each animal held by the license holder or agent, the itemization shall include:
    - i. Species;
    - ii. Condition that required rehabilitation;
    - iii. Date of acquisition;
    - iv. Source of acquisition;
    - v. Location of acquisition;
    - vi. Age class at acquisition, when reasonably determinable;
    - vii. Status at disposition or end-of-year in relation to the condition requiring rehabilitation;
    - viii. Method of disposition;
    - ix. Location of disposition; and
    - x. Date of disposition.
  - e. For activities related to federally-protected wildlife, a copy of the rehabilitator's federal permit report of activities related to federally-protected wildlife satisfies the reporting requirement established under subsection (Z)(4)(c) for federally protected wildlife.
- AA.** A wildlife rehabilitation license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430, as applicable.
- Historical Note**
- Adopted effective January 4, 1990 (Supp. 90-1).  
 Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).  
 Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).  
 Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).
- R12-4-424. White Amur Stocking and Holding License**
- A.** For the purposes of this Section:
- “Closed aquatic system” means any body of water, water system, canal system, or series of lakes, canals, or ponds where triploid white amur are prevented from entering or exiting the system by any natural or man-made barrier, as determined by the Department.
- “Triploid” means a species having 1.5 chromosome sets that renders them sterile.
- B.** A white amur stocking and holding license allows a person to import, possess, stock in a closed aquatic system, and transport triploid white amur (*Ctenopharyngodon idella*).
- C.** The white amur stocking and holding license is valid for no more than 20 consecutive days.
- D.** In addition to the requirements established under this Section, a white amur stocking and holding license holder shall comply with the special license requirements established under R12-4-409.
- E.** The license holder shall be responsible for compliance with all applicable regulatory requirements; the white amur stocking and holding license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- F.** The Department shall deny a white amur stocking and holding license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a white amur stocking license when it determines the issuance of the license may result in a negative impact on native wildlife.
- G.** A person applying for a white amur stocking and holding license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to stock white amur. The application is furnished by the Department and is available from any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide the following information on the application:
1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and;
    - d. Department ID number, when applicable;
  2. If the applicant will use the wildlife for a commercial purpose, the applicant's business:
    - a. Name;
    - b. Federal Tax Identification Number;
    - c. Mailing address; and
    - d. Telephone number;
  3. For each location where the white amur will be held, stocked, or restocked, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
  - e. For the purposes of this subsection, the following systems may qualify as separate locations, as determined by the Department:
    - i. Each closed aquatic system;
    - ii. Each separately managed portion of a closed aquatic system; or
    - iii. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;
  4. A detailed description and diagram of each enclosed aquatic system where the applicant will stock and hold the white amur, as prescribed under A.R.S. § 17-317, which shall include the following information, as applicable:
    - a. A description of how the system meets the definition of a “closed aquatic system” in subsection (A);
    - b. Size of waterbody proposed for stocking;
    - c. Nearest river, stream, or other freshwater system;
    - d. Points where water enters into each water body;
    - e. Points where water leaves each water body; and
    - f. Location of fish containment barriers;
  5. For each wildlife supplier from whom the applicant will obtain white amur, the supplier's:
    - a. Name;
    - b. Federal Tax Identification Number;

## Game and Fish Commission

- c. Mailing address; and
  - d. Telephone number;
- 6. The number and average length of white amur to be stocked;
- 7. The dates white amur will be stocked, or restocked;
- 8. Any other information required by the Department; and
- 9. The certification required under R12-4-409(C).
- H. When the Department determines an applicant proposes to stock and hold white amur in a watershed in a manner that conflicts with the Department's efforts to conserve wildlife, in addition to the requirements listed under subsection (G), the applicant shall also submit a written proposal to the Department at the time of application. The written proposal shall contain all of the following:
  - 1. Anticipated benefits from introducing white amur;
  - 2. Potential risks introducing white amur may create for wildlife, including:
    - a. Whether white amur are compatible with native aquatic species or game fish; and
    - b. Method for evaluating the potential impact introducing white amur will have on wildlife;
  - 3. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's On-Line Environmental Review Tool, which is available at [www.azgfd.gov](http://www.azgfd.gov). The proposal must address each species listed.
- I. A white amur stocking license holder who applies to renew the license shall pay fees as prescribed under R12-4-412.
- J. A white amur stocking and holding license holder shall comply with the requirements established under R12-4-409.
  - 1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  - 2. Obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private non-commercial fish pond certified free of the diseases and causative agents through the following actions:
    - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the fish farm or pond where the aquatic wildlife or biological material is held before it is shipped to the license holder.
    - b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to stocking.
    - c. The applicant shall submit a copy of the certification to the Department prior to conducting any stocking activities.
  - 3. Allow the Department to conduct inspections of an applicant's or license holder's facility, records, and any waters proposed for stocking at any time before or during the license period to determine compliance with the requirements of this Article and to determine the appropriate number of white amur to be stocked.
  - 4. Ensure all shipments of white amur are accompanied by a USFWS, or similar agent, certificate confirming the white amur are triploid.
  - 5. Possess the license or legible copy of the license while conducting any activities authorized under the white amur stocking and holding license and presents it for inspection upon the request of any Department employee or agent.

- K. A white amur stocking and holding license holder shall comply with the requirements established under R12-4-409 and R12-4-428.

**Historical Note**

Adopted as an emergency effective July 5, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3).

Correction, Historical Note, Supp. 88-3, should read, "Adopted as an emergency effective July 15, 1988..."; readopted and amended as an emergency effective October 13, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted as an emergency effective January 24, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Former Section R12-4-219 amended and adopted as a permanent rule and renumbered as Section R12-4-424 effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments**

- A. A person who lawfully possessed restricted live wildlife without a license or permit from the Department before the effective date of this Section or any subsequent amendments to R12-4-406, this Section, or this Article may continue to possess the wildlife and to use it for any purpose that was lawful, except propagation, before the effective date of R12-4-406, this Section, or this Article or any subsequent amendments, provided the person complies with the requirements established under subsections (A)(1) or (A)(2).
  - 1. The person submits written notification to the Department's regional office in which the restricted live wildlife is held. The person shall submit the written notification to the regional office within 30 calendar days of the effective date of any subsequent amendments to this Section, R12-4-406, or this Article. The written notification shall include all of the following information:
    - a. The number of individuals of each species,
    - b. The purpose for which it is possessed, and
    - c. The unique identifier for each individual wildlife possessed by the person, as established under subsection (F); or
  - 2. The person maintains documentation of the restricted live wildlife held. The documentation shall include:
    - a. The number of individuals of each species,
    - b. Proof the individuals were legally acquired before the effective date of the amendment causing the wildlife to be restricted,
    - c. The purpose for which it is used, and
    - d. The unique identifier for each wildlife possessed by the person, as established under subsection (F).
  - 3. The person shall report the birth or hatching of any progeny conceived before and born after the effective date of this Section, R12-4-406, or this Article to the Department and comply with the requirements established under subsection (F).
- B. The person shall ensure the written notification described under subsection (A)(1) and (A)(2) includes the person's

## Game and Fish Commission

name, address, and the location where the wildlife is held. A person who maintains their own documentation under subsection (A)(2) shall make it available to the Department upon request.

- C. A person who possesses wildlife under this Section shall dispose of it using any one of the following methods:
  1. Exportation;
  2. Euthanasia;
  3. Transfer to an Arizona special license holder, provided the special license authorizes possession of the species involved; or
  4. As otherwise directed by the Department in writing.
- D. If a person transfers restricted live wildlife possessed under this Section to a special license holder:
  1. The exemption for that wildlife under this Section expires, and
  2. The special license holder shall use, possess, and report the wildlife in compliance with this Article and any stipulations applicable to that special license.
- E. A person who exports wildlife held under this Section shall not import the wildlife back into this state unless the person obtains a special license prior to importing the wildlife back into this state.
- F. A person who possesses wildlife under this Section shall permanently and uniquely mark the wildlife with a unique identifier as follows:
  1. Within 30 calendar days of the effective date of this Section, R12-4-406, or this Article if the person has notified the Department as provided under subsection (A)(1); or
  2. Within 30 calendar days of receiving written notice from the Department directing the person to permanently mark the wildlife.
- G. A person possessing a desert tortoise (*Gopherus agassizii*) is not subject to the requirements of this Section and shall comply with requirements established under R12-4-404 and R12-4-407.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-426. Possession of Nonhuman Primates**

- A. A person is prohibited from possessing a nonhuman primate, unless authorized under a special license or lawful exemption.
- B. A person shall not import a nonhuman primate into this state unless:
  1. A person lawfully possessing a nonhuman primate shall ensure the primate is tested and reported to be free of any zoonotic disease that poses a serious health risk as determined by the Department. Zoonotic diseases that pose a serious health risk include, but are not limited to:
    - a. Tuberculosis;
    - b. Simian Herpes B virus;
    - c. Simian Immunodeficiency Virus;
    - d. Simian T Lymphotropic Virus; and
    - e. Gastrointestinal pathogens such as, but not limited to, Shigella, Salmonella, E. coli, and Giardia.
  2. A qualified person, as determined by the Department, performs the test and provides the test results; and
  3. The tests required under subsection (B)(1) are:
    - a. Conducted no more than 30 days before the person imports the nonhuman primate; and
    - b. The person submits the results to the Department prior to importation.

- C. A person lawfully possessing the nonhuman primate shall contain the primate within the confines of the person's private property or licensed facility.
- D. A person possessing a nonhuman primate may only transport the primate by way of a secure cage, crate, or carrier. A person possessing a primate shall only transport the primate to the following locations:
  1. To or from a licensed veterinarian;
  2. Into or out of the state for lawful purposes.
- E. A person lawfully possessing a nonhuman primate that bit, scratched, or otherwise exposed a human to pathogenic organisms, as determined by the Department, shall ensure the primate is examined and laboratory tested for the presence of pathogens as follows:
  1. The Department shall prescribe examinations and laboratory testing for the presence of pathogens.
  2. The person shall have the nonhuman primate examined by a state licensed veterinarian who shall perform any examinations or laboratory tests as directed by the Department.
    - a. The licensed veterinarian shall provide the laboratory results to the Department within 24 hours of receiving the results.
    - b. The Department shall notify the exposed person and the Department of Health Services, Vector Borne and Zoonotic Disease Section within 10 days of receiving notice of the test results.
  3. The person possessing the nonhuman primate shall pay all costs associated with the examination, laboratory testing, and maintenance of the primate.
- F. A person lawfully possessing a nonhuman primate shall ensure a primate that tests positive for a zoonotic disease that poses a serious health risk to humans, or is involved in more than one incident of biting, scratching, or otherwise exposing a human to pathogenic organisms, is maintained in captivity or disposed of as directed in writing by the Department.
- G. A zoo license holder or a person using nonhuman primates at a research facility, as defined under R12-4-401, possessing a primate that bit, scratched, or otherwise exposed a human to pathogenic organisms shall quarantine and test the primate in accordance with procedures approved by the Department.
- H. A person lawfully possessing a nonhuman primate is subject to the requirements established under R12-4-428.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Rule expired December 31, 1989; text rescinded (Supp. 93-2). New Section adopted by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Section R12-4-426(C) corrected to include subsection (C)(1), under A.R.S. § 41-1011 and A.A.C. R1-1-108, Office File No. M11-77, filed March 4, 2011 (Supp. 10-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-427. Exemptions from Requirements to Possess a Wildlife Rehabilitation License**

- A. A person may possess, provide rehabilitative care to, and release to the wild any live wildlife listed below that is injured, orphaned, or otherwise debilitated:
  1. The order *Passeriformes*: passerine birds;
  2. The order *Columbiformes*: doves;
  3. The family *Phasianidae*: quail, pheasant, and chukars;
  4. The order *Rodentia*: rodents; and
  5. The order *Lagomorpha*: hares and rabbits.

## Game and Fish Commission

- B.** This Section does not:
1. Exempt the person from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the person to engage in authorized activities using federally-protected wildlife, unless the person possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.
- C.** This Section does not authorize the possession of any of the following:
1. Eggs of wildlife;
  2. Wildlife listed as Species of Greatest Conservation Need, as defined under R12-4-401; or
  3. More than 25 animals at the same time.
- D.** A person taking and caring for wildlife listed under this Section is not required to possess a hunting license.
- E.** A person shall only take wildlife listed under subsection (A) by hand or by a hand-held implement.
- F.** A person shall not possess wildlife lawfully held under this Section for more than 60 days.
- G.** The exemptions granted under this Section shall not apply to any person who, by their own action, has unlawfully injured, orphaned, or otherwise debilitated the wildlife.
- H.** If the wildlife is rehabilitated and suitable for release, the person who possesses the wildlife shall release it within the 60-day period established under subsection (C):
1. Into a habitat that is suitable to sustain the wildlife, or
  2. As close as possible to the same geographic area from where it was taken.
- I.** If the wildlife is not rehabilitated within the 60-day period or the wildlife requires care normally provided by a veterinarian, the person who possesses it shall:
1. Transfer it to a wildlife rehabilitation license holder or veterinarian;
  2. Euthanize it; or
  3. Obtain a wildlife holding permit as established under R12-4-417.
- c. Constructed and maintained in good repair to protect animals from injury, disease, or death and to enable the humane practices established under this Section.
  2. If required to comply with related requirements established under this Section, each facility shall be equipped with safe, reliable and adequate electric power.
    - a. All electric wiring shall be constructed and maintained in accordance with all applicable governmental building codes.
    - b. Electrical construction and maintenance shall be sufficient to ensure that no animal has direct contact with any electrical wiring or electrical apparatus and the animal is fully protected from any possibility of injury, shock, or electrocution.
  3. Each animal shall be supplied with sufficient potable water to meet its needs.
    - a. All water receptacles shall be kept in clean and sanitary condition.
    - b. Water shall be readily available and monitored at least once daily or more often when the needs of the animal dictate.
    - c. If potable water is not accessible to the animal at all times, it shall be provided as often as necessary for the health and comfort of the animal.
  4. Food shall be suitable, wholesome, palatable, free from contamination, and of sufficient appeal, quantity, and nutritive value to maintain the good health of each animal held in the facility.
    - a. Each animal's diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the animal's age, species, condition, health, size, and all veterinary directions or recommendations in regard to diet.
    - b. Each animal shall be fed as often as its needs dictate, taking into consideration behavioral adaptations, veterinary treatment or recommendations, normal fasts, or other professionally accepted humane practices.
    - c. The quantity or level of available food for each animal shall be monitored at least once daily, except for those periods of time when professionally accepted humane practices dictate that the animal not consume any food during the entire day.
    - d. Food and food receptacles, when used, shall be sufficient in quantity and accessible to all animals in the facility and shall be placed to minimize potential contamination and conflict between animals using the receptacles.
    - e. Food receptacles shall be kept clean and sanitary at all times.
    - f. Any self-feeding food receptacles shall function properly and the food they provide shall be monitored at least once daily and shall not be subject to deterioration, contamination, molding, caking, or any other process that would render the food unsafe or unpalatable for the animal.
    - g. An appropriate means of refrigeration shall be provided for supplies of perishable animal foods.
  5. The facility shall be kept sanitary and regularly cleaned as the nature of the animal requires:
    - a. Adequate provision shall be made for the removal and disposal of animal waste, food waste, unusable bedding materials, trash, debris and dead animals not intended for food.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-428. Captivity Standards**

- A.** For the purposes of this Section, "animal" means any wildlife possessed under a special license, unless otherwise indicated.
- B.** A person possessing wildlife under a special license authorized under this Article shall comply with the minimum standards for the humane treatment of animals established under this Section.
- C.** A person possessing wildlife under an authority granted under this Article shall ensure all facilities meet the following minimum standards:
1. The facility shall be:
    - a. Constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it.
    - b. Constructed in a manner designed to reasonably prevent the animal's escape or the entry of unauthorized persons, wildlife, or domestic animals.



## Game and Fish Commission

- b. The facility shall be maintained to minimize the potential of vermin infestation, disease, and unseemly odors.
  - c. Excreta shall be removed from the primary enclosure facility as often as necessary to prevent contamination, minimize hazard of disease, and reduce unseemly odors.
  - d. The sanitary condition of the facility shall be monitored at least once daily.
  - e. When the facility is cleaned by hosing, flushing, or the introduction of any chemical substances, adequate measures shall be taken to ensure the animal has no direct contact with any chemical substance and is not directly sprayed with water, steam, or chemical substances or otherwise wetted involuntarily.
6. A sanitary and humane method shall be provided to rapidly eliminate excess water from the facility. If drains are utilized, they shall be:
    - a. Properly constructed.
    - b. Kept in good repair to avoid foul odors or vermin infestation.
    - c. Installed in a manner that prevents the backup or accumulation of debris or sewage.
  7. No animal shall be exposed to any human activity or environment that may have an inhumane or harmful effect upon the animal that is inconsistent with the purpose of the special license.
  8. Facilities shall not be constructed or maintained in proximity to any physical condition which may pose any health threat or unnecessary stress to the animal.
  9. Persons caring for the animals shall conduct themselves in a manner that prevents the spread of disease, minimizes stress, and does not threaten the health of the animal.
  10. All animals housed in the same facility or within the same enclosed area shall be compatible and shall not pose a substantial threat to the health, life or well-being of any other animal in the same facility or enclosure, whether or not the other animals are held under a special license. This subsection shall not apply to live animals utilized as food items in the enclosures.
  11. Facilities for the enclosure of animals shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement to make normal postural and social adjustments.
    - a. The facility area shall be large enough and constructed in a manner to allow the animal proper and adequate exercise as is characteristic to each animal's natural behavior and physical needs.
    - b. Facilities for digging or burrowing animals shall have secure safe floors below materials supplied for digging or burrowing activity.
    - c. Animals that naturally climb or perch shall be provided with safe and adequate climbing or perching apparatus.
    - d. Animals that naturally live in an aquatic environment shall be supplied with sufficient access to safe water so as to meet their aquatic behavioral needs.
    - e. The facility and holding environment shall be structured to reasonably promote the psychological well-being of any animal held in the facility.
  12. A special license holder shall ensure that a sufficient number of properly trained personnel are utilized to meet all the humane husbandry practices established under this Section. The license holder shall be responsible for the actions of all animal care personnel and all other persons that come in contact with the animals.
  13. The special license holder shall designate a veterinarian licensed to practice in this state as the primary treating veterinarian for each species of animal to be held.
    - a. The license holder shall ensure that all animals in their care receive proper, adequate, and humane veterinary care as the needs of each animal dictate.
    - b. Each animal held for more than one year shall be inspected by the attending veterinarian at least once every year.
    - c. Every animal shall promptly receive licensed veterinary care whenever it appears that the animal is injured, sick, wounded, diseased, infected by parasites, or behaving in a substantially abnormal manner, including but not limited to exhibiting loss of appetite or disinclination to normal physical activity.
    - d. All medications, treatments and other directions prescribed by the attending veterinarian shall be properly administered by the license holder, authorized agent, or volunteer. A license holder, authorized agent, or volunteer shall not administer prescription medicine, unless under the direction of a veterinarian.
  14. Any animal that is suspected of or diagnosed as harboring any infectious or transmissible disease, whether or not the animal is held under a special license, shall be isolated immediately upon suspicion or diagnosis.
    - a. The isolated animal shall continue to be kept in a humane manner as required under this Section.
    - b. When there is an animal with an infectious or transmissible disease in any animal facility, whether or not the animal is held under a special license, the facility shall be sanitized so as to reasonably eliminate the chance of other animals being exposed to infection. Sanitation procedures may include, but are not limited to:
      - i. Washing facilities or animal-related materials with appropriate antibacterial chemical agents, soaps or detergents;
      - ii. Appropriate application of hot water or steam under pressure; and
      - iii. Replacement of gravel, dirt, sand, water, or food. All residue of chemical agents utilized in the sanitation process shall be reasonably eliminated from the facility before any animal is returned to the facility.
    - c. Parasites and vermin shall be controlled and eliminated so as to ensure the continued health and well-being of all animals.
- D.** In addition the standards established under subsection (C), a person shall ensure all indoor facilities meet the following minimum standards:
1. Heating and cooling equipment shall be sufficient to regulate the temperature of the facility to protect the animals from temperature extremes as the nature of the wildlife requires to provide a healthy, comfortable, and humane living environment.
  2. Indoor facilities shall be adequately ventilated with fresh air to provide for the healthy, comfortable, and humane keeping of any animal and to minimize drafts, odors, and moisture condensation.
  3. Indoor facilities shall have lighting of a quality, distribution, and duration as is appropriate for the biological needs of the animals held and to facilitate the inspection and maintenance of the facility.

## Game and Fish Commission

- a. Artificial lighting, when used, shall be utilized in regular cycles as the animal's needs dictate.
    - b. Lighting shall be designed to protect the animals from excessive or otherwise harmful aspects of illumination.
  - E. In addition the standards established under subsection (C), a person shall ensure that all outdoor facilities meet the following minimum standards:
    - 1. Sufficient shade to prevent the overheating or discomfort of any animal shall be provided.
    - 2. Sufficient shelter appropriate to protect animals from normal climatic conditions throughout the year. Each animal shall be acclimated to outdoor climatic conditions before they are housed in any outdoor facility or otherwise exposed to the extremes of climate.
  - F. A person who handles an animal shall ensure the animal is handled in an expeditious and careful manner to ensure no unnecessary discomfort, behavioral stress, or physical harm to the animal.
    - a. An animal shall be transported in a secure, expeditious, careful, temperature appropriate, and humane manner. An animal shall not be transported in any manner that poses a substantial threat to the life, health, or behavioral well-being of the animal.
    - b. An animal placed on public exhibit or educational display shall be handled in a manner that minimizes the risk of harm to members of the public and to the animal, which includes but is not limited to providing and maintaining a sufficient distance between the animal and the viewing public.
    - c. Any restraint used on an animal shall not cause physical harm or unnecessary discomfort.
  - G. The Department may impose additional requirements on facilities that hold animals to meet the needs of the particular animal and ensure public health and safety. Any additional special license facility requirements shall be set forth in writing by the Department at the time the special license is issued.
- Historical Note**
- Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).
- R12-4-429. Expired**
- Historical Note**
- New Section made by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3127, effective July 1, 2002 for a period of 180 days (Supp. 02-3). Emergency rulemaking renewed under A.R.S. § 41-1026(D) for an additional 180-day period at 9 A.A.R. 132, effective December 27, 2002 (Supp. 02-4). Section expired effective June 24, 2003 (Supp. 03-2).
- R12-4-430. Importation, Handling, and Possession of Cervids**
- A. The Department shall not issue a new special license authorizing the possession of a live cervid, except as provided under R12-4-418 and R12-4-420.
  - B. A person shall not import a live cervid into Arizona, except a zoo license holder may import any live nonnative cervid for exhibit, educational display, or propagation provided the nonnative cervid is quarantined for 30 days upon arrival and is procured from a facility that meets all of the following requirements:
    - 1. The exporting facility has a disease surveillance program and no history of chronic wasting disease or other wildlife disease that pose a serious health risk to wildlife or humans and there is accompanying documentation from the facility certifying there is no history of disease at the facility;
    - 2. The nonnative cervid is accompanied by a health certificate, issued no more than 30 days prior to importation by a licensed veterinarian in the jurisdiction of origin; and
    - 3. The nonnative cervid is accompanied by evidence of lawful possession, as defined under R12-4-401.
  - C. A person shall not transport a live cervid within Arizona, except to:
    - 1. Export the live cervid from Arizona for a lawful purpose;
    - 2. Transport the live cervid to a facility for the purpose of slaughter, when the slaughter will take place within five days of the date of transport;
    - 3. Transport the live cervid to or from a licensed veterinarian for medical care;
    - 4. Transport the live cervid to a new holding facility owned by, or under the control of, the cervid owner, when all of the following apply:
      - a. The current holding facility has been sold or closed;
      - b. Ownership, possession, custody, or control of the cervid will not be transferred to another person; and
      - c. The owner of the cervid has prior written approval from the Department; or
    - 5. Transport the live nonnative cervid within Arizona for the purpose of procurement or propagation when all of the following apply:
      - a. The nonnative cervid is transported to or from a zoo licensed under R12-4-420;
      - b. The nonnative cervid is quarantined for 30 days upon arrival at its destination;
      - c. The nonnative cervid is procured from a facility that meets all of the requirements established under subsection (B)(1) through (B)(3).
  - D. A person who lawfully possesses a live cervid, except any cervid held under a private game farm or zoo license, shall comply with the requirements established under R12-4-425.
  - E. A person shall comply with the requirements established under R12-4-305 when transporting a cervid carcass, or its parts, from a licensed private game farm.
  - F. In addition to the recordkeeping requirements of R12-4-413 and R12-4-420, a person who possesses a live cervid under a private game farm or zoo license shall:
    - 1. Permanently mark each live cervid with either an individually identifiable microchip or tattoo within 30 days of acquisition or birth of the cervid; and
    - 2. Include in the annual report submitted to the Department before January 31 of each year, the following for each native cervid in the license holder's possession:
      - a. Name of the license holder,
      - b. License holder's mailing address,
      - c. License holder's telephone number,
      - d. Number and species of live cervids held,
      - e. The microchip or tattoo number of each live native cervid held,
      - f. The disposition of all cervids that were moved or died during the current reporting period
      - h. Any other information required by the Department to ensure compliance with this Section.
  - G. The holder of a private game farm, scientific collecting, or zoo license shall ensure that the retropharyngeal lymph nodes or obex from the head of a cervid over one year of age that dies while held under the special licenses is collected by either a licensed veterinarian or the Department and submitted within 72 hours of the time of death to an Animal and Plant Health

## Game and Fish Commission

Inspection Service certified veterinary diagnostic laboratory for chronic wasting disease analysis. A list of approved laboratories is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov) or [www.aphis.usda.gov](http://www.aphis.usda.gov). The license holder shall:

1. Ensure the shipment of the deceased animal's tissues is made by a common, private, or contract carrier that utilizes a tracking number system to track the shipment.
  2. Include all of the following information with the shipment of the deceased animal's tissues, the license holder's:
    - a. Name,
    - b. Mailing address, and
    - c. Telephone number.
  3. Designate, on the sample submission form, test results shall be sent to the Department within 10 days of completing the analysis. The sample submission form is furnished by the diagnostic laboratory providing the test.
  4. Be responsible for all costs associated with the laboratory analysis.
- H.** A person who possesses a cervid shall comply with all procedures for:
1. Tuberculosis control and eradication for cervids as prescribed under the United States Department of Agriculture publication "Bovine Tuberculosis Eradication: Uniform Methods and Rules" USDA APHIS 91-45-011, revised January 1, 2005, which is incorporated by reference in this Section. available
  2. Prevention, control, and eradication of Brucellosis in cervids as prescribed under the United States Department of Agriculture publication "Brucellosis in Cervidae: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-16, effective September 30, 2003.
  3. The incorporated material is available at any Department office, online at [www.aphis.usda.gov](http://www.aphis.usda.gov), or may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.
  4. The material incorporated by reference in this Section does not include any later amendments or editions.
- I.** The Department has the authority to seize, euthanize, and dispose of any cervid possessed in violation of this Section, at the owner's expense.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**ARTICLE 5. BOATING AND WATER SPORTS****R12-4-501. Boating and Water Sports Definitions**

In addition to the definitions provided under A.R.S. § 5-301, the following definitions apply to this Article unless otherwise specified:

"Abandoned watercraft" means any watercraft that has remained:

On private property without the consent of the private property owner;

Unattended for more than 48 hours on a highway, public street, or other public property;

Unattended for more than 72 hours on state or federal lands; or

Unattended for more than 14 days on state or federal waterways, unless in a designated mooring or anchorage area.

"Aids to navigation" means buoys, beacons, or other fixed objects placed on, in, or near the water to mark obstructions to navigation or to direct navigation through channels or on a safe course.

"Authorized third-party provider" means an entity that has been awarded a written agreement with the Department, pursuant to a competitive bid process, to perform limited or specific services on behalf of the Department.

"AZ number" means the Department-assigned identification number with the prefix "AZ."

"Bill of sale" means a written agreement transferring ownership of a watercraft that includes all of the following information:

Name of buyer;

Name of seller;

Manufacturer of the watercraft, when known;

Hull identification number, unless exempt under R12-4-505;

Purchase price and sales tax paid, when applicable; and

Signature of seller.

"Boats keep out" in reference to a regulatory marker means the operator or user of a watercraft, or a person being towed by a watercraft on water skis, an inflatable device, or similar equipment shall not enter.

"Certificate of number" means the Department-issued document that is proof that a motorized watercraft is registered in the name of the owner.

"Certificate of origin" means a document provided by the manufacturer of a new watercraft or its distributor, its franchised new watercraft dealer, or the original purchaser establishing the initial chain of ownership for a watercraft, such as but not limited to:

Manufacturer's certificate of origin (MCO);

Manufacturer's statement of origin (MSO);

Importer's certificate of origin (ICO);

Importer's statement of origin (ISO); or

Builder's certification (Form CG-1261).

"Controlled-use marker" means an anchored or fixed marker on the water, shore, or a bridge that controls the operation of watercraft, water skis, surfboards, or similar devices or equipment.

"Dealer" means any person who engages in whole or in part in the business of buying, selling, or exchanging new or used watercraft, or both, either outright or on conditional sale, consignment, or lease.

"Homemade watercraft" means a watercraft that is not fabricated or manufactured for resale and to which a manufacturer has not attached a hull identification number. If a watercraft is assembled from a kit or constructed from an unfinished manufactured hull and does not have a manufacturer assigned hull identification number it is a "homemade watercraft."

## Game and Fish Commission

“Hull identification number” means a number assigned to a specific watercraft by the manufacturer or by a government jurisdiction as prescribed by the U.S. Coast Guard.

“Junk watercraft” means any hulk, derelict, wreck, or parts of any watercraft in an unseaworthy or dilapidated condition that cannot be profitably dismantled or salvaged for parts or profitably restored.

“Letter of gift” means a document transferring ownership of a watercraft that includes all of the following information:

- Name of previous owner;
- Name of new owner;
- Manufacturer of the watercraft, when known;
- Hull identification number, unless exempt under R12-4-505;
- A statement that the watercraft is a gift; and
- Signature of previous owner.

“Livery” means a business authorized to rent or lease watercraft with or without an operator for recreational, non-commercial use as prescribed under A.R.S. § 5-371.

“Manufacturer” means any person engaged in the business of manufacturing or importing new watercraft for the purpose of sale or trade.

“Motorized watercraft” means any watercraft propelled by machinery and powered by electricity, fossil fuel, or steam.

“No ski” in reference to a regulatory marker means a person shall not be towed on water skis, an inflatable device, or similar equipment.

“No wake” in reference to a regulatory marker has the same meaning as “wakeless speed” as defined under A.R.S. § 5-301.

“Operate” in reference to a watercraft means use, navigate, or employ.

“Owner” in reference to a watercraft means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest that entitles the person to possession.

“Personal flotation device” means a U.S. Coast Guard approved wearable or throwable device for use on any watercraft, as prescribed under A.R.S. §§ 5-331, 5-350(A), and R12-4-511.

“Regatta” means an organized water event of limited duration affecting the public use of waterways, for which a lawful jurisdiction has issued a permit.

“Registered owner” means the person or persons to whom a watercraft is currently registered by any jurisdiction.

“Registration decal” means the Department-issued decal that is proof of watercraft registration.

“Regulatory marker” means a waterway marker placed on, in, or near the water to convey general information or indicate the presence of:

- A danger, or
- A restricted or controlled-use area.

“Release of interest” means a statement surrendering or abandoning unconditionally any claim or right of ownership or use in a watercraft.

“Sound level” means the noise level measured in decibels on the A-weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer’s instructions.

“Staggered registration” means the system of renewing watercraft registrations in accordance with the schedule provided under R12-4-504.

“State of principal operation” means the state in whose waters the watercraft is used or will be operated most during the calendar year.

“Throwable personal flotation device” means a U.S. Coast Guard approved Type IV device for use on any watercraft such as, but not limited to, a buoyant cushion, ring buoy, or horse-shoe buoy.

“Unreleased watercraft” means a watercraft for which there is no written release of interest from the registered owner.

“Watercraft” means a boat or other floating device of rigid or inflatable construction designed to carry people or cargo on the water and propelled by machinery, oars, paddles, or wind action on a sail. Exceptions are sea-planes, makeshift contrivances constructed of inner tubes or other floatable materials that are not propelled by machinery, personal flotation devices worn or held in hand, and other objects used as floating or swimming aids.

“Watercraft agent” means a person authorized by the Department to collect applicable fees for the registration and numbering of watercraft.

“Watercraft registration” means the validated certificate of number and validating decals issued by the Department.

“Wearable personal flotation device” means a U.S. Coast Guard approved Type I, Type II, Type III, or Type V device for use on any watercraft such as, but not limited to, an off-shore lifejacket, near-shore buoyant vest, special-use wearable device, or flotation aid.

#### Historical Note

Editorial correction subsection (A) (Supp. 78-5). Former

Section R12-4-83 renumbered as Section R12-4-501 without change effective August 13, 1981 (Supp. 81-4).

Former Section R12-4-501 renumbered to R12-4-515, new Section R12-4-501 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

#### R12-4-502. Application for Watercraft Registration

- A. Only motorized watercraft as defined under R12-4-501 are subject to watercraft registration.
- B. A person shall apply for watercraft registration under A.R.S. § 5-321 using a form furnished by the Department and available at any Department office or on the Department’s website. The applicant shall provide the following information for registra-

## Game and Fish Commission

tion of all motorized watercraft except homemade watercraft, which are addressed under subsection (C):

1. Arizona residency certification statement, signed by the watercraft owner;
  2. Type of watercraft;
  3. Propulsion type;
  4. Engine drive type;
  5. Overall length of watercraft;
  6. Make and model of watercraft, if known;
  7. Year built or model year, if known;
  8. Hull identification number;
  9. Hull material;
  10. Fuel type;
  11. Category of use;
  12. Watercraft or AZ number previously issued for the watercraft, if any;
  13. State of principal operation; and
  14. For watercraft:
    - a. Owned by a person:
      - i. Legal name;
      - ii. Mailing address;
      - iii. Date of birth; and
      - iv. Signature of each applicant.
    - b. Owned by a business:
      - i. Name of business;
      - ii. Business address;
      - iii. Tax Identification Number; and
      - iv. Signature and title of authorized representative on behalf of the business.
    - c. Held in a trust:
      - i. Name of trust;
      - ii. Primary trustee's address;
      - iii. Tax Identification Number, required when the trust is held by two or more persons;
      - iv. Date of trust; and
      - iv. Signature of each trustee, unless the trust instrument authorizes the signature of one trustee to bind the trust.
  15. When ownership of the watercraft is in more than one name, the applicant shall indicate ownership designation by use of one of the following methods:
    - a. Where ownership is joint tenancy with right of survivorship, the applicant shall use "and/or" between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. Upon legal proof of the death or incompetency of either owner, the remaining owner may transfer registration of the watercraft.
    - b. Where ownership is a tenancy in common the applicant shall use "and" between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. In the event of the death or incompetency of any owner, the disposition of the watercraft shall be handled through appropriate legal proceedings.
    - c. Where the ownership is joint tenancy or is community property with an express intent that either of the owners has full authority to transfer registration, the applicant shall use "or" between the names of the owners. Each owner shall sign the application for registration. To transfer registration, either owner's signature is sufficient for transfer.
- C. The builder, owner, or owners of a homemade watercraft shall present the watercraft for inspection at a Department office. The applicant shall provide the following information for reg-

istration of homemade watercraft, using the same ownership designations specified in subsection (A)(15):

1. Type of watercraft;
  2. Propulsion type;
  3. Engine drive type;
  4. Overall length of watercraft;
  5. Year built;
  6. Hull material;
  7. Fuel type;
  8. Category of use;
  9. Each owner's:
    - a. Name,
    - b. Mailing address, and
    - c. Date of birth;
  10. State of principal operation;
  11. Whether the watercraft was assembled from a kit or rebuilt from a factory or manufacturer's hull;
  12. Hull identification number, if assigned; and
  13. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
- D. As prescribed under A.R.S. § 5-321, the applicant shall submit a use tax receipt issued by the Arizona Department of Revenue with the application for registration unless any one of the following conditions apply:
1. The applicant is exempt from use tax as provided under 15 A.A.C. Chapter 5,
  2. The applicant is transferring the watercraft from another jurisdiction to Arizona without changing ownership,
  3. The applicant submits a bill of sale or receipt showing the sales or use tax was paid at the time of purchase, or
  4. The applicant submits a notarized affidavit of exemption stating that the acquisition of the watercraft was for rental or resale purposes.
- E. An applicant for a watercraft dealer registration authorized under A.R.S. § 5-322(F), shall be a business offering watercraft for sale or a watercraft manufacturer registered by the U.S. Coast Guard. A person shall display dealer registration for watercraft demonstration purposes only. For the purposes of this Section, "demonstration" means to operate a watercraft on the water for the purpose of selling, trading, negotiating, or attempting to negotiate the sale or exchange of interest in new watercraft, and includes operation by a manufacturer for purposes of testing a watercraft. Demonstration does not include operation of a watercraft for personal purposes by a dealer or manufacturer or an employee, family member, or an associate of a dealer or manufacturer. The watercraft dealer registration is subject to invalidation pursuant to R12-4-506 if a watercraft with displayed dealer registration is used for purposes other than those authorized under A.R.S. § 5-322(F) or this Section. A watercraft dealer registration applicant shall submit an application to the Department. The application is furnished by the Department and is available at any Department office. The applicant shall provide the following information on the application:
1. All business names used for the sale or manufacture of watercraft in Arizona;
  2. Mailing address and telephone number for each business for which a watercraft dealer registration is requested;
  3. Tax privilege license number;
  4. U.S. Coast Guard manufacturer identification code, when applicable;
  5. Total number of certificates of number and decals requested; and
  6. The business owner's or manager's:
    - a. Name,
    - b. Business address,

## Game and Fish Commission

- c. Telephone number, and
  - d. Signature.
- F. In addition to submitting the application form and any other information required under this Section, the applicant for watercraft registration shall submit one or more of the following additional forms of documentation:
  1. Original title if the watercraft is titled in another state;
  2. Original registration if the watercraft is from a non-titling state;
  3. Bill of sale as defined under R12-4-501 if the watercraft has never been registered or titled in any state;
  4. Letter of gift as defined under R12-4-501 if the watercraft was received as a gift and was never registered or titled in any state;
  5. Court order or other legal documentation establishing lawful transfer of ownership;
  6. Letter of deletion, required when the watercraft was previously documented by the U.S. Coast Guard;
  7. Statement of facts form furnished by the Department and available from any Department office when none of the documentation identified under subsections (F)(1) through (F)(6) exists either in the possession of the watercraft owner or in the records of any jurisdiction responsible for registering or titling watercraft. An applicant for watercraft registration under a statement of facts shall present the watercraft for inspection at a Department office. The statement of facts form shall include the following information:
    - a. Hull identification number,
    - b. Certification that the watercraft meets one of the following conditions:
      - i. The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;
      - ii. The watercraft is owned by the applicant and has never been registered or titled;
      - iii. The watercraft was owned in a state that required registration, but was never registered or titled; or
      - iv. The watercraft was purchased, received as a gift, or received as a trade and has not been registered, titled, or otherwise documented in the past five years.
    - c. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
  8. An original certificate of origin when all of the following conditions apply:
    - a. The watercraft was purchased as new,
    - b. The applicant is applying for watercraft registration within a year of purchasing the watercraft, and
    - c. The certificate of origin is not held by a lien holder.
- G. If the watercraft is being transferred to a person other than the original listed owner, the applicant for a watercraft registration shall submit a release of interest. The Department may require the applicant to provide a release of interest that is acknowledged before a Notary Public or witnessed by a Department employee when the Department is unable to verify the signature on the release of interest.
- H. If the original title is held by a lien holder, the applicant for a watercraft registration shall submit a form furnished by the Department and available from any Department office along with a copy of the title. The applicant shall comply with the following requirements when submitting the form:
  1. The applicant shall provide the following information on the form:
    - a. Applicant's name,
    - b. Applicant's mailing address,
    - c. Make and model of watercraft, and
    - d. Watercraft hull identification number.
  2. The applicant shall ensure the lien holder provides the following information on the form:
    - a. Lien holder's name,
    - b. Lien holder's mailing address,
    - c. Name of person completing the form on behalf of the lien holder,
    - d. Title of person completing the form on behalf of the lien holder, and
    - e. Signature of the person completing the form on behalf of the lien holder, acknowledged before a Notary Public or witnessed by a Department employee.
- I. If the watercraft's original title or registration is lost, the Department shall register a watercraft upon receipt of one of the following:
  1. A letter or printout from any jurisdiction responsible for registering or titling watercraft that verifies the owner of record for that specific watercraft;
  2. A printout of the Vessel Identification System for that specific watercraft from the U.S. Coast Guard and verification from the appropriate state agency that the information regarding the owner of record for that specific watercraft is correct and current;
  3. A statement of facts by the applicant as described under subsection (F)(7) if the watercraft has not been registered, titled, or otherwise documented in the past five years; or
  4. The abandoned or unreleased watercraft approval letter issued by the Department, as established under R12-4-507(I).
- J. The Department shall issue a watercraft registration within 30 calendar days of receiving a valid application and the documentation required under this Section from the applicant or a watercraft agent authorized under R12-4-509.
- K. All watercraft registrations and supporting documentation are subject to verification by the Department and to the requirements established under R12-4-505. The Department shall require a watercraft to be presented for inspection to verify the information provided by an applicant if the Department has reason to believe the information provided by the applicant is inaccurate or the applicant is unable to provide the required information.
- L. The Department shall deem an application invalid if the Department receives legal documentation of any legal action that may affect ownership of that watercraft.
- M. The Department shall invalidate a watercraft registration if the registration is obtained by an applicant who makes a false statement or provides false information on any application, statement of facts, or written instrument submitted to the Department.

**Historical Note**

Former Section R12-4-84 renumbered as Section R12-4-502 without change effective August 13, 1981 (Supp. 81-4). Amended effective January 2, 1985 (Supp. 85-1). Former Section R12-4-502 repealed, new Section R12-4-502 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking

## Game and Fish Commission

at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

### **R12-4-503. Renewal of Watercraft Registration; Duplicate Watercraft Registration or Decal**

- A.** The owner of a registered watercraft shall renew the watercraft's registration no later than the day before the prior registration period expires.
1. To renew a watercraft's registration in person or by mail, an applicant shall pay the registration fee authorized under R12-4-504 and present any one of the following:
    - a. Current or prior certificate of number,
    - b. Valid driver's license,
    - c. Valid Arizona Motor Vehicle Division identification card,
    - d. Valid passport, or
    - e. Department-issued renewal notice.
  2. The owner of a registered watercraft may renew a watercraft registration by accessing the Department's online system and paying the applicable watercraft registration fee authorized under R12-4-504.
- B.** The owner of a registered watercraft may obtain a duplicate watercraft registration or decal in person or by mail. To obtain a duplicate watercraft registration or decal in person or by mail, an applicant shall:
1. Complete and submit an application for a duplicate certificate and/or decal form to the Department or its authorized agent, available from any Department office and on the Department's website; and
  2. Pay the duplicate watercraft registration fee authorized under R12-4-504.
- C.** If made available by the Department, the owner of a registered watercraft may obtain a duplicate watercraft registration or decal by accessing the Department's online system and paying the duplicate watercraft registration fee authorized under R12-4-504.
- D.** When a request for a watercraft registration renewal or duplicate watercraft registration or decal is submitted by mail or online, the Department shall mail the registration or decal, as applicable, to the address of record, unless the Department receives a notarized request from the registered owner instructing the Department to mail the duplicate registration or decal to another address.

#### **Historical Note**

Former Section R12-4-85 renumbered as Section R12-4-503 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-503 renumbered to R12-4-519, new Section R12-4-503 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

### **R12-4-504. Watercraft Fees; Penalty for Late Registration; Staggered Registration Schedule**

- A.** The following fees are required, when applicable as authorized under A.R.S. §§ 5-321 and 5-322:
1. Motorized watercraft registration fees are assessed as follows:
    - a. Twelve feet and less: \$20
    - b. Twelve feet one inch through sixteen feet: \$22
    - c. Sixteen feet one inch through twenty feet: \$30

- d. Twenty feet one inch through twenty-six feet: \$35
- e. Twenty-six feet one inch through thirty-nine feet: \$39
- f. Thirty-nine feet one inch through sixty-four feet: \$44
- g. Sixty-four feet one inch and over: \$66
- h. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner prescribed under A.R.S. § 5-321(C).

2. Motorized watercraft transfer fee: \$13.
  3. Duplicate motorized watercraft registration: \$8.
  4. Duplicate decal: \$8.
  5. Watercraft dealer certificate of number: \$20.
  6. Abandoned or unreleased watercraft application fee: \$100.
  7. Unclaimed towed watercraft application fee: \$100.
- B.** The Department or its agent shall collect the entire registration fee for a late registration renewal and a penalty fee of \$5, unless exempt under A.R.S. § 5-321(L) or the expiration date falls on a Saturday, Sunday, or state holiday, and the registration is renewed before the close of business on the next working day. The Department or its agent shall not assess a penalty fee when a renewal is mailed before the expiration date, as evidenced by the postmark.
- C.** All new watercraft registrations expire 12 months after the date of issue.
- D.** Resident and nonresident watercraft registration renewals:
1. Shall be valid for a period of 7 to 18 months depending on the expiration month.
    - a. This provision applies to the initial renewal period only.
    - b. The Department shall prorate fees accordingly.
  2. May be renewed up to six months prior to the expiration month.
  3. Shall expire on the last day of the month indicated by the last two numeric digits of the AZ number, as shown in the following table:

Last two numeric digits of AZ number									Expiration month
00	12	24	36	48	60	72	84	96	December
01	13	25	37	49	61	73	85	97	January
02	14	26	38	50	62	74	86	98	February
03	15	27	39	51	63	75	87	99	March
04	16	28	40	52	64	76	88		April
05	17	29	41	53	65	77	89		May
06	18	30	42	54	66	78	90		June
07	19	31	43	55	67	79	91		July
08	20	32	44	56	68	80	92		August
09	21	33	45	57	69	81	93		September
10	22	34	46	58	70	82	94		October
11	23	35	47	59	71	83	95		November

- E.** Watercraft dealer, manufacturer, and governmental use registration renewals expire on October 31 of each year.
- F.** Livery and all other commercial use registration renewals expire on November 30 of each year.

#### **Historical Note**

Amended effective December 5, 1978 (Supp. 78-6). Amended effective March 6, 1980 (Supp. 80-2). Former Section R12-4-86 renumbered as Section R12-4-504 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-504 repealed, new Section R12-4-504 adopted effective May 27, 1992 (Supp. 92-2).

## Game and Fish Commission

Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by exempt rulemaking pursuant to A.R.S. § 41-1005(A)(2)(b) at 21 A.A.R. 1046, effective June 16, 2015 (Supp. 15-2). Amended by final exempt rulemaking at 23 A.A.R. 1034; amended by final rulemaking at 23 A.A.R. 1732, both effective August 5, 2017 (Supp. 17-2).

**R12-4-505. Hull Identification Numbers**

- A.** The Department shall not register a watercraft without a hull identification number.
- B.** The Department shall verify watercraft manufactured after November 1, 1972 have a primary hull identification number that complies with the requirements established under 33 C.F.R. 181, subpart C. The Department shall assign a hull identification number when the watercraft hull identification number does not meet the requirements established under 33 C.F.R. 181, subpart C.
- C.** The hull identification number shall be fully visible and unobstructed at all times. Watercraft manufactured prior to August 1, 1984, are exempt from this requirement provided the obstruction is original equipment and was attached by the manufacturer.
- D.** The Department shall assign a hull identification number to a watercraft with a missing hull identification number only if the Department determines:
  1. The hull identification number was not intentionally or illegally removed or altered, unless the application is accompanied by an order of forfeiture, order of seizure, or other civil process;
  2. The missing hull identification number was caused by error of the manufacturer or a government jurisdiction; or
  3. The watercraft is a homemade watercraft as defined under R12-4-501.
- E.** The Department may assign a hull identification number within 30 days of receipt of a valid application, as described under R12-4-502.
- F.** The Department may accept a bill of sale presented with a missing or nonconforming hull identification number for registration purposes only when:
  1. The hull identification number matches the nonconforming hull identification number on the watercraft;
  2. Supporting evidence exists that the seller is the owner of the watercraft;
  3. The watercraft is homemade and does not have a hull identification number; or
  4. The watercraft was manufactured prior to November 1, 1972.
- G.** Within 30 days of issuance, the applicant or registered owner shall:
  1. Burn, carve, stamp, emboss, mold, bond, or otherwise permanently affix each hull identification number to a non-removable part of the watercraft in a manner that ensures any alteration, removal, or replacement will be obvious.
  2. Ensure the characters of each hull identification number affixed to the watercraft are no less than 1/4 inch in height.
  3. Permanently affix the hull identification number as follows:
    - a. On watercraft with transoms, affix the hull identification number to the right or starboard side of the

transom within two inches of the top of the transom or hull/deck joint, whichever is lower.

- b. On watercraft without a transom, affix the hull identification number to the starboard outboard side of the hull, back or aft within one foot of the stern and within two inches of the top of the hull, gunwale, or hull/deck joint, whichever is lower.
  - c. On a catamaran or pontoon boat, affix the hull identification number on the aft crossbeam within one foot of the starboard hull attachment.
  - d. As close as possible to the applicable location established under subsections (a), (b), or (c) when rails, fittings, or other accessories obscure the visibility of the hull identification number.
  - e. Affix a duplicate of the visibly affixed hull identification number in an unexposed location on a permanent part of the hull.
4. Certify to the Department that the hull identification number was permanently affixed to the watercraft. The certification statement is furnished by the Department when a hull identification number is issued. The certification statement shall include the location of the permanently affixed hull identification number.

**Historical Note**

Amended effective January 1, 1980 (Supp. 79-6). Former Section R12-4-87 renumbered as Section R12-4-505 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-505 repealed, new Section R12-4-505 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-506. Invalidity of Watercraft Registration and Decals**

- A.** Any watercraft registration obtained by fraud or misrepresentation is invalid from the date of issuance.
- B.** A certificate of number and any decals issued by the Department under R12-4-502 are invalid if any one of the following occurs:
  1. Any check, money order, or other currency certificate presented to the Department for payment of watercraft registration or renewal is found to be non-negotiable;
  2. Any person whose name appears on the certificate of number loses ownership of the watercraft by legal process;
  3. Arizona is no longer the state of principal operation;
  4. The watercraft is documented by the U.S. Coast Guard;
  5. An applicant provides incomplete or incorrect information to the Department and fails to provide the correct information within 30 days after a request by the Department;
  6. The Department revokes the certificate of number, AZ numbers, and decals as provided under A.R.S. § 5-391(I);
  7. The Department or its agent erroneously issued a certificate of number or any decals;
  8. A watercraft bearing a dealer registration is used for any purpose not authorized under R12-4-502(E); or
  9. A watercraft registered or used as a livery is operated in violation of A.R.S. § 5-371 or R12-4-514.



## Game and Fish Commission

- C. A person shall surrender the invalid certificate of number and decals to the Department within 15 calendar days of receiving written determination from the Department that the certificate of number or decals are invalid, unless the person appeals the Department's determination to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- D. The Department shall not validate or renew an invalid watercraft registration or decals until the reason for invalidity is corrected or no longer exists.

**Historical Note**

Adopted effective December 4, 1984 (Supp. 84-6).

Amended subsection (B) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsection (B) effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Former Section R12-4-506 repealed, new Section R12-4-506 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft**

- A. A person who has knowledge and custody of a watercraft abandoned on private property owned by that person may attempt to obtain ownership of the watercraft by way of the abandoned watercraft transfer process. A lienholder of foreclosed real property may assign an agent to act on its behalf.
- B. The last registered owner of an abandoned or unreleased watercraft is presumed to be responsible for the watercraft, unless the watercraft is reported stolen.
- C. The operator of a self-storage facility located in this state and having a possessory lien shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 15, Article 1 when attempting to obtain ownership of a watercraft abandoned while in storage.
- D. A person having a possessory lien under a written agreement shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 7, Article 6 when attempting to obtain ownership of a watercraft for which repairs or service fees remain unpaid.
- E. Only a person acting within the scope of official duties as an employee or authorized agent of a government agency may order the removal of a watercraft abandoned on public property or a public waterway.
- F. A person seeking ownership of an abandoned or unreleased watercraft shall submit an application to the Department and pay the fee established under R12-4-504. The application is furnished by the Department and available at any Department office. The application shall include the following information, if available:
  - 1. Hull identification number, unless exempt under R12-4-505;
  - 2. Registration number;
  - 3. Decal number;
  - 4. State of registration;
  - 5. Year of registration;
  - 6. Name, address, and daytime telephone number of the person who found the watercraft;
  - 7. For abandoned watercraft:
    - a. Address or description of the location where the watercraft was found,
    - b. Whether the watercraft was abandoned on private or public property, and
    - c. When applicable, for watercraft abandoned on private property, whether the applicant is the legal owner of the property;
  - 8. Condition of the watercraft: wrecked, stripped, or intact;
  - 9. State in which the watercraft will be operated;
  - 10. Length of time the watercraft was abandoned;
  - 11. Reason why the applicant believes the watercraft is abandoned; and
  - 12. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
- G. This state and its agencies, employees, and agents are not liable for relying in good faith on the contents of the application.
- H. The Department shall attempt to determine the name and address of the registered owner by:
  - 1. Conducting a search of its watercraft database when documentation indicates the watercraft was previously registered in this state, or
  - 2. Requesting the watercraft record from the other state when documentation indicates the watercraft was previously registered in another state.
- I. If the Department is able to determine the name and address of the registered owner, the Department shall send written notice of the applicant's attempt to register the watercraft to the owner by certified mail, return receipt requested.
  - 1. If service is successful or upon receipt of a response from the registered owner, the Department shall send the following written notification to the applicant, as appropriate:
    - a. If the registered owner provides a written release of interest in the watercraft, the Department shall mail the release of interest and an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
    - b. If the registered owner provides written notice to the Department refusing to release interest in the watercraft, the Department shall notify the applicant of the owner's refusal. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.
    - c. If the registered owner does not respond to the notice in writing within 30 days from the date of receipt, the Department shall notify the applicant of the owner's failure to respond. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.
    - d. If the registered owner does not respond to the notice within 180 days from the date of receipt of the notice, this failure to act shall constitute a waiver of interest in the watercraft by any person having an interest in the watercraft, and the watercraft shall be deemed abandoned for all purposes. The Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
  - 2. If the written notice is returned unclaimed or refused, the Department shall notify the applicant within 15 days of the notice being returned that the attempt to contact the registered owner was unsuccessful.

## Game and Fish Commission

- J.** If the Department is unable to identify or serve the registered owner, the Department shall post a notice of intent on the Department's website within 45 days of the Department's notification to the applicant as provided in subsection (I)(2).
1. The notice shall include a statement of the Department's intent to transfer ownership of the watercraft ten days after the date of posting, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten-day period following posting.
  2. If the watercraft remains unclaimed after the ten-day period, the Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
- K.** A government agency may submit an application for authorization to dispose of a junk watercraft abandoned on state or federal lands or waterways. The application is furnished by the Department and is available at any Department Office. Upon receipt of the application, the Department shall attempt to determine the name and address of the registered owner. If the Department is unable to identify and serve the registered owner, the Department shall publish a notice of intent to authorize the disposal of the junk watercraft as described under subsection (J).
1. The published notice shall include a statement of the Department's intent to authorize the disposal of the watercraft ten days after the date of publication, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten-day period following publication.
  2. If the watercraft remains unclaimed after the ten-day period, the Department shall mail an authorization to dispose of the junk watercraft to the government agency. The government agency may dispose of the abandoned watercraft and all indicia for that watercraft in any manner the agency determines expedient or convenient.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final exempt rulemaking at 23 A.A.R. 1034; amended by final rulemaking at 23 A.A.R. 1732, both effective August 5, 2017 (Supp. 17-2).

**R12-4-508. New Watercraft Exchanges**

- A.** A person may request a no-fee replacement registration for a new watercraft, provided all of the following conditions apply:
1. The person purchased the newly registered watercraft from a new watercraft dealer,
  2. The person returned the watercraft to the new watercraft dealer within 30 days of purchase, and
  3. The new watercraft dealer exchanged the returned watercraft for a watercraft of the same year, make, and model within the same 30 day period.
- B.** To obtain a no-fee replacement registration, the person shall submit the original watercraft registration and a letter from the new watercraft dealer to the Department. The letter shall include all of the following information:
1. A statement that the original watercraft was replaced,
  2. The hull identification number for the original watercraft,

3. The hull identification number for the replacement watercraft,
4. The buyer's name, and
5. The new watercraft dealer's name.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-509. Watercraft Dealers; Agents**

- A.** The Department may authorize a watercraft dealer to act as an agent on behalf of the Department for the purpose of issuing temporary certificates of number valid for 45 days for new or used watercraft, provided:
1. The applicant's previous authority to act as a watercraft agent under A.R.S. § 5-321(I) has not been canceled by the Department within the preceding 24 months, and
  2. The applicant is a business located and operating within this state and sells watercraft.
- B.** An applicant seeking watercraft agent authorization shall submit an application to the Department. The application is furnished by the Department and available at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, AZ 85086. The applicant shall provide the following information on the application:
1. Principal business or corporation name, address, and telephone number or if not a corporation, the full name, address, and telephone number of all owners or partners;
  2. Name, address, and telephone number of the owner or manager responsible for compliance with this Section;
  3. Whether the applicant has previously issued temporary certificates of number under A.R.S. § 5-321(I);
  4. All of the following information specific to the location from which new watercraft are to be sold and temporary certificates of number issued:
    - a. Name of owner or manager;
    - b. Business hours;
    - c. Business telephone number;
    - d. Business type;
    - e. Storefront name; and
    - f. Street address;
  5. Manufacturers of the watercraft to be sold; and
  6. Signature of person named under subsection (B)(2).
- C.** The Department shall either approve or deny the application within the licensing time-frame established under R12-4-106.
- D.** Authorization to act as a watercraft agent is specific to the dealer's business location designated on the application and approved by the Department, unless the dealer is participating in a boat show for the purpose of selling watercraft.
- E.** The watercraft agent shall:
1. Use the assigned watercraft agent number when issuing a temporary certificate of number,
  2. Use the online application system and forms supplied by the Department; and
  3. Collect the appropriate fee as prescribed under R12-4-504 and R12-4-527.
- F.** A watercraft agent is prohibited from issuing a temporary certificate of number for a watercraft when:
1. The watercraft is involved in legal proceedings such as, but not limited to, a marital dissolution, probate, or bankruptcy proceeding;
  2. The watercraft is abandoned or unreleased;
  3. The watercraft is homemade; or
  4. The watercraft has a nonconforming HIN.

## Game and Fish Commission

- G.** A watercraft agent issuing a temporary certificate of number to the purchaser of a watercraft shall comply with all the following:
1. The watercraft agent shall obtain a completed application that complies with the requirements established under R12-4-502.
  2. The watercraft agent shall identify to the applicant the state registration fee and the nonresident boating safety infrastructure fee, when applicable, separately from any other costs.
  3. The fees collected under subsection (E)(3) shall be submitted electronically to the Department prior to the submission of the documentation required under subsection (G)(4).
  4. Within five business days of issuing a temporary certificate of number, a watercraft agent shall deliver or mail the following documentation to the Arizona Game and Fish Department, Watercraft Agent Representative, 5000 W. Carefree Highway, Phoenix, AZ 85086:
    - a. For a new watercraft:
      - i. Original application;
      - ii. Original or copy of the bill of sale issued by the watercraft agent; and
      - iii. Original certificate of origin;
    - b. For a used watercraft:
      - i. Original application;
      - ii. Original or copy of the bill of sale issued by the watercraft agent;
      - iii. Ownership document, such as but not limited to a title, bill of sale, letter of gift or U.S. Coast Guard letter of deletion when the watercraft was previously documented by the U.S. Coast Guard; and
      - iv. Lien release, when applicable.
- H.** The Department may cancel the watercraft agent's authorization if the agent does any one of the following:
1. Fails to comply with the requirements established under this Article;
  2. Submits more than one electronic payment dishonored because of insufficient funds, payments stopped, or closed accounts to the Department within a calendar year;
  3. Predates, postdates, alters, or provides or knowingly allows false information to be provided on an application for a temporary certificate of number; or
  4. Falsifies the application for authorization as a watercraft agent.
- I.** The Department shall provide a written notice to the person stating the reason for the denial or cancellation of watercraft agent status, as applicable. The person may appeal the denial or cancellation to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-510. Refund of Fees Paid in Error**

- A.** The Department shall issue a refund for watercraft registration fees paid and, when applicable, the Nonresident Boating Safety Infrastructure fee when:
1. The registered owner has erroneously paid those fees twice for the same watercraft;

2. The registered owner has erroneously paid those fees for a watercraft that has already been sold to another individual; or
  3. The registered owner registered the watercraft in error.
- B.** To request a refund of fees paid in error, the person applying for the refund shall surrender all of the following to the Department:
1. Original certificate of number;
  2. Registration decals; and
  3. Nonresident Boating Safety Infrastructure Decal, when applicable.
- C.** A person requesting a refund of fees shall submit the request to the Department within 30 calendar days of the date the payment was received by the Department.
- D.** The Department shall not refund:
1. A late registration penalty fee.
  2. A fee collected by an authorized third-party provider. A person who paid their watercraft registration fee to a third-party provider shall request a refund of fees from that third-party provider.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-511. Personal Flotation Devices**

- A.** For the purpose of this Section, "wear" means:
1. The personal flotation device is worn according to the manufacturer's design or recommended use;
  2. All of the device's closures are fastened, snapped, tied, zipped, or secured according to the manufacturer's design or recommended use; and
  3. The device is adjusted for a snug fit.
- B.** The operator of a canoe, kayak, or other watercraft shall ensure the watercraft is equipped with at least one correctly-sized, U.S. Coast Guard-approved, wearable personal flotation device that is in good and serviceable condition for each person on board the watercraft. The operator of any watercraft shall also ensure the wearable personal flotation devices on board the watercraft are readily accessible and available for immediate use.
- C.** In addition to the personal flotation devices described under subsection (B), the operator of a watercraft that is 16 feet or more in length shall ensure the watercraft is also equipped with a U.S. Coast Guard-approved throwable personal flotation device: buoyant cushion, ring buoy, or horseshoe buoy. Canoes and kayaks are not subject to this subsection.
- D.** The operator of a watercraft shall ensure a person twelve years of age or under on board a watercraft shall wear a U.S. Coast Guard approved wearable personal flotation device whenever the watercraft is underway.
- E.** The operator of a personal watercraft shall ensure each person aboard the personal watercraft is wearing a wearable personal flotation device approved by the U.S. Coast Guard whenever the personal watercraft is underway.
- F.** Subsections (B), (C), and (D) do not apply to the operation of a racing shell or rowing skull during competitive racing or supervised training, if the racing shell or rowing skull is manually propelled, recognized by a national or international association for use in competitive racing, and designed to carry and does carry only equipment used solely for competitive racing.

**Historical Note**

Amended effective May 26, 1978 (Supp. 78-3). Former Section R12-4-80 renumbered as Section R12-4-511

## Game and Fish Commission

without change effective August 13, 1981 (Supp. 81-4). Amended effective May 27, 1992 (Supp. 92-2). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-512. Fire Extinguishers Required for Watercraft**

- A. The operator of watercraft shall ensure all required fire extinguishers are readily accessible and available for immediate use.
- B. As prescribed under A.R.S. § 5-332, an operator of a:
  1. Watercraft less than 26 feet in length shall carry one U.S. Coast Guard-approved B-I type fire extinguisher on board if the watercraft has one or more of the following:
    - a. An inboard engine,
    - b. Closed compartments where portable fuel tanks may be stored,
    - c. Double bottoms not sealed to the hull or which are not completely filled with flotation materials,
    - d. Closed living spaces,
    - e. Closed stowage compartments in which combustible or flammable materials are stored,
    - f. Permanently installed fuel tanks (fuel tanks that cannot be moved in case of a fire or other emergency are considered permanently installed), and
    - g. A fixed fire extinguishing system installed in the engine compartment.
  2. Watercraft 26 feet to less than 40 feet shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:
    - a. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher, or
    - b. At least one B-I type approved hand-portable fire extinguisher if a fixed fire extinguishing system is installed in the engine compartment.
  3. Watercraft 40 feet to not more than 65 feet shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:
    - a. At least three B-I type hand-portable fire extinguishers or at least one B-I and one B-II type hand-portable fire extinguishers, or
    - b. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher when a fixed fire extinguishing system is installed in the engine compartment.

**Historical Note**

Former Section R12-4-81 renumbered as Section R12-4-512 without change effective August 13, 1981 (Supp. 81-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-513. Watercraft Incident and Casualty Reports**

- A. The operator or owner of a watercraft involved in any collision, incident or other casualty resulting in injury, death, or property damage exceeding \$500 shall submit the report required under A.R.S. § 5-349 to the Department. The report shall be made on a form furnished by the Department or provided by the law enforcement officer investigating the colli-

sion, incident, or other casualty. The operator or owner of the watercraft shall complete the form in full and clearly identify on the form any information that is either not applicable or unknown. The operator or owner of the watercraft submitting the report shall provide all of the information required under 33 C.F.R. 173.57.

- B. The person completing the form shall deliver, mail, or email the form to the Arizona Game and Fish Department, Law Enforcement Branch at 5000 W. Carefree Hwy, Phoenix, AZ 85086 or BoatAccidentReporting@azgfd.gov, as applicable.
- C. The operator or owner of a watercraft involved in any collision, incident or other casualty resulting in injury or death shall submit the report to the Department no later than 48 hours after the incident.
- D. The operator or owner of a watercraft involved in any collision, incident or other casualty resulting only in property damage exceeding \$500 shall submit the report to the Department no later than five days after the incident.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-514. Liveries**

- A. A person who rents, leases, or offers any watercraft for compensation, with or without an operator, for recreational, non-commercial use shall register the watercraft as a livery as established under R12-4-502.
- B. A watercraft owned by a boat livery that requires registration and does not have the certificate of number on board shall be identified while in use by means of a:
  1. Placard or some other form of display that is affixed to the watercraft and is visible when the watercraft is underway. The placard or other form of display shall indicate the business name and current phone number of the livery.
  2. Receipt provided by the livery to the person operating the rented watercraft. The receipt shall contain the following information:
    - a. Business name and address of the livery as shown on the certificate of number,
    - b. Watercraft registration number as issued by the Department,
    - c. Beginning date and time of the rental period, and
    - d. Written acknowledgment on the receipt of compliance with the requirements prescribed under A.R.S. § 5-371, signed by both the livery operator or their agent and the renter.
- C. A person operating a rented or leased watercraft or operating a passenger for hire watercraft shall carry the registration or receipt onboard and produce it upon request to any peace officer.
- D. Failure to comply with the requirements prescribed under A.R.S. § 5-371 and this Section may result in the invalidation of the watercraft registration and decals as provided under A.R.S. § 5-391(A) and R12-4-506.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

## Game and Fish Commission

tive August 5, 2017 (Supp. 17-2).

**R12-4-515. Display of AZ Numbers and Registration Decals**

- A. A person shall not use, operate, moor, anchor, or grant permission to use, operate, moor, or anchor a watercraft on the boundaries of this state unless such watercraft displays a valid number and current registration decal in the manner established under subsection (B). This Section does not apply to undocumented watercraft displaying a valid temporary numbering certificate authorized under R12-4-509 or exempt under A.R.S. § 5-322.
- B. The owner of a watercraft shall display the AZ number and registration decals as follows:
  1. The AZ numbers shall:
    - a. Be clearly visible and painted on or attached to each exterior side of the forward half of a non-removable portion of the watercraft;
    - b. Be in a color that contrasts with the watercraft's background color so as to be easily read from a distance;
    - c. Include the letters "AZ" and the suffix, separated by a hyphen or equivalent space between the letters "AZ" and the suffix; and
    - d. Read from left to right in well-proportioned block letters that are not less than three inches in height, excluding outline.
  2. The registration decals shall be affixed three inches in front of "AZ" on both sides of the forward half of a non-removable portion of the watercraft.
- C. On watercraft so constructed that it is impractical or impossible to display the AZ numbers in a prominent position on the forward half of the hull or permanent superstructure, the AZ numbers may be displayed on brackets or fixtures securely attached to the forward half of the watercraft.
- D. Persons possessing a dealer watercraft certificate of number issued under A.R.S. § 5-322(F) shall visibly display the AZ numbers and validating registration decals as established under this Section, except that the numbers and decals may be printed or attached to temporary, removable signs that are securely attached to the watercraft being demonstrated.
- E. Expired registration decals issued by any jurisdiction shall be covered or removed from the watercraft, so that only the current registration decals are visible.
- F. Invalid watercraft AZ numbers and registration decals shall not be displayed on any watercraft. The owner of the watercraft shall surrender the AZ numbers and registration decals to the Department in compliance with R12-4-506(C).

**Historical Note**

Section R12-4-515 renumbered from R12-4-501 and amended effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-516. Watercraft Sound Level Restriction**

- A. A person shall not operate a watercraft upon the waters of this state if the watercraft emits a noise level that exceeds any of the following.
  1. A noise level of 86 dB(A), measured at a distance of 50 feet or more from the watercraft on the "A" weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer's instructions.
  2. For engines manufactured:
    - a. Before January 1, 1993, a noise level of 90 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level

test SAEJ2005, revised July 2004 and containing no later editions or amendments; and

- b. On or after January 1, 1993, a noise level of 88 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004 and containing no later editions or amendments; or
  3. A noise level of 75 dB(A) measured as specified in the Society of Automotive Engineers Recommended Practice shoreline sound test SAEJ1970, revised September 2003 and containing no later editions or amendments.
- B. The materials incorporated by reference in subsection (A) may be viewed at any Department office and are available for purchase from SAE International, 400 Commonwealth Dr, Warrendale, PA 15096-0001 or online at [www.sae.org](http://www.sae.org).
  - C. A measurement of noise level that is in compliance with this Section does not preclude the conducting of a test or multiple tests of noise levels.
  - D. A peace officer authorized to enforce the provisions of this Section who has reason to believe a watercraft is being operated in violation of the noise levels established in this Section may direct the operator of the watercraft to submit the watercraft to an onsite test to measure noise level.
  - E. An operator of a watercraft who receives a request from a peace officer to test the noise level of the watercraft under subsection (D) shall allow the watercraft to be tested. If, based on a measurement or test to determine the noise level of a watercraft administered under this Section, the noise level of the watercraft exceeds one or more of the decibel level standards in subsection (A), the operator of the watercraft shall take immediate measures to correct the violation as prescribed under A.R.S. § 5-391(C).
  - F. This Section shall not apply to watercraft operated under permits issued in accordance with A.R.S. § 5-336(C).

**Historical Note**

Former Section R12-4-82 renumbered as Section R12-4-516 without change effective August 13, 1981 (Supp. 81-4). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-517. Watercraft Motor and Engine Restrictions**

- A. A person operating a motorized watercraft on the following waters shall only use an electric motor not exceeding 10 manufacturer-rated horsepower:
  1. Ackre Lake
  2. Bear Canyon Lake
  3. Bunch Reservoir
  4. Carnero Lake
  5. Chaparral Park Lake
  6. Cluff Ponds
  7. Coconino Reservoir
  8. Coors Lake
  9. Dankworth Pond
  10. Dogtown Reservoir
  11. Fortuna Lake
  12. Goldwater Lake
  13. Granite Basin Lake
  14. Horsethief Basin Lake
  15. Hulsey Lake
  16. J.D. Dam Lake
  17. Knoll Lake
  18. Lee Valley Lake
  19. McKellips Park Lake
  20. Pratt Lake

## Game and Fish Commission

21. Quigley Lake
  22. Redondo Lake
  23. Riggs Flat Lake
  24. Roper Lake
  25. Santa Fe Lake
  26. Scott's Reservoir
  27. Sierra Blanca Lake
  28. Soldier Lake (in Coconino County)
  29. Stehr Lake
  30. Stoneman Lake
  31. Tunnel Reservoir
  32. Whitehorse Lake
  33. Willow Valley Lake
  34. Woodland Reservoir
  35. Woods Canyon Lake
- B.** A person operating a motorized watercraft on the following waters shall use only a single electric motor or single gasoline engine not exceeding 10 manufacturer-rated horsepower:
1. Arivaca Lake
  2. Ashurst Lake
  3. Becker Lake
  4. Big Lake
  5. Black Canyon Lake
  6. Blue Ridge Reservoir
  7. Cataract Lake
  8. Chevelon Canyon Lake
  9. Cholla Lake Hot Pond
  10. Concho Lake
  11. Crescent Lake
  12. Fool Hollow Lake
  13. Kaibab Lake
  14. Kinnikinick Lake
  15. Little Mormon Lake
  16. Lower Lake Mary
  17. Luna Lake
  18. Lynx Lake
  19. Marshall Lake
  20. Mexican Hay Lake
  21. Nelson Reservoir
  22. Parker Canyon Lake
  23. Peña Blanca Lake
  24. Rainbow Lake
  25. River Reservoir
  26. Show Low Lake
  27. Whipple Lake
  28. White Mountain Lake (in Apache County)
  29. Willow Springs Lake
- C.** A person shall not operate a watercraft on Frye Mesa Reservoir, Rose Canyon Lake, or Snow Flat Lake, except as authorized under subsection (D).
- D.** A person who possesses a valid use permit issued by the U.S. Forest Service may operate a non-motorized watercraft only on Rose Canyon Lake on any Tuesday, Wednesday, or Thursday during June and July from 9:30 a.m. to 4:30 p.m. Mountain Time Zone. This subsection does not exempt the person from complying with all applicable requirements imposed by federal or state laws, rules, regulations, or orders.
- E.** This Section does not apply to watercraft of governmental agencies or to Department-approved emergency standby watercraft operated by lake concessionaires if operating to address public safety or public welfare.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended as an emergency effective July 9, 1976 (Supp. 76-4). Amended effective June 4, 1979 (Supp. 79-

3). Former Section R12-4-89 renumbered as Section R12-4-517 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A) and (C) effective December 17, 1981 (Supp. 81-6). Amended effective December 28, 1982 (Supp. 82-6). Amended subsections (A) through (C) effective December 4, 1984 (Supp. 84-6). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by exempt rulemaking at 17 A.A.R. 1189, effective May 24, 2011 (Supp. 11-2). Subsection (A)(9) corrected clerical error (Supp. 11-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-518. Regattas**

- A.** When a regatta permit is issued by the Coast Guard, the person in control of the regatta shall at all times be responsible for compliance with the stipulations as prescribed within the regatta permit. Such stipulations may include but not be limited to:
1. A specified number of patrol or committee boats and identified as such.
  2. Availability of emergency medical services.
  3. Spectator control if there exists a danger that life or property is in jeopardy.
- B.** Non-compliance with any stipulation of an authorized permit which jeopardizes the public welfare shall be cause to terminate the regatta until the person in control or a person designated by the one in control satisfactorily restores compliance.
- C.** When a regatta applicant is informed in writing by the Coast Guard that a permit is not required, such regatta may take place, but shall not relieve the regatta sponsor of any responsibility for the public welfare or confer any exemption from state boating and watersports laws and rules.
- D.** The regatta sponsor and all participants shall comply with aquatic invasive species requirements established under A.R.S. Title 17, Chapter 2, Article 3.1 and 12 A.A.C. 4, Article 11.

**Historical Note**

Adopted effective March 5, 1982 (Supp. 82-2). Amended by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1).

**R12-4-519. Reciprocity**

As authorized under A.R.S. § 5-322(E), all watercraft currently numbered or exempt from numbering under the provisions of their state of principal operation are exempt from numbering for a period of 90 days after entering this state.

**Historical Note**

Section R12-4-519 renumbered from R12-4-503 and amended effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-520. Arizona Aids to Navigation System**

- A.** The Arizona aids to navigation system is the same as that prescribed under 33 C.F.R. 62, revised July 1, 2014, which is incorporated by reference in this Section. The incorporated material is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This Section does not include any later amendments or editions of the incorporated material.

## Game and Fish Commission

- B. A person shall not mark the waterways or their shorelines in this state with mooring buoys, regulatory markers, aids to navigation, lights, or other types of permitted waterway marking devices, without authorization from the governmental agency or the private interest having jurisdiction on such waters.
- C. A person shall not moor or fasten a watercraft to any marker not intended for mooring, or willfully damage, tamper with, remove, obstruct, or interfere with any aid to navigation, regulatory marker or other type of permitted waterway marking devices, except in the performance of authorized maintenance responsibilities or as authorized under R12-4-518 or this Section.
- D. If a government agency or private interest has not exercised its authority to control watercraft within its jurisdiction under A.R.S. § 5-361, or if waters are directly under the jurisdiction of the Commission, the Department has the authority to control watercraft within that jurisdiction in accordance with the following guidelines:
1. The Department may place controlled-use markers only where controlled operation of watercraft is necessary to protect life, property, or habitat, and shall move or remove the markers only if the need for the protection changes.
  2. The restrictions imposed are clearly communicated to the public by wording on the markers, such as those defined under R12-4-501.
- E. A governmental agency, excluding federal agencies with jurisdiction over federal navigable waterways, has the authority to control watercraft within that jurisdiction in accordance with the following guidelines:
1. A government agency may place controlled-use markers only where controlled operation of watercraft is necessary to protect life, property, or habitat, and shall move or remove the markers only if the need for the protection changes.
  2. The restrictions imposed are clearly communicated to the public by wording on the markers, such as those defined under R12-4-501.
- F. Any person may request establishment, change, or removal of controlled-use markers on waters under the jurisdiction of the Commission or on waters not under the jurisdiction of another government agency by submitting a written request providing the reasons for the request to the Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix, AZ 85086.
1. The Department shall either approve or deny the request within 60 days of receipt.
  2. A person may appeal the Department's denial of a request to the Commission as an appealable agency action under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-521. Repealed****Historical Note**

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Repealed by final rulemaking at 23 A.A.R. 1732, effective August 5,

2017 (Supp. 17-2).

**R12-4-522. Repealed****Historical Note**

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Repealed by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-523. Controlled Operation of Watercraft**

- A. A person shall not operate any watercraft, or use any watercraft to tow a person on water skis, a surfboard, inflatable device, or similar object, device or equipment in a manner contrary to the area restrictions imposed by lawfully placed controlled-use markers, except for:
1. Law enforcement officers acting within the scope of their lawful duties;
  2. Persons involved in rescue operations;
  3. Persons engaged in government-authorized activities; and
  4. Persons participating in a regatta, during the time limits of the event only.
- B. The exemptions listed under subsection (A) do not authorize any person to operate a watercraft in a careless, negligent, or reckless manner as prescribed under A.R.S. § 5-341.

**Historical Note**

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-524. Towed Water Sports**

- A. An operator of a watercraft shall ensure an observer is on duty at all times when a person is being towed behind the watercraft or is surfing a wake created by the watercraft. The observer shall:
1. Be twelve years of age or older;
  2. Be physically capable and mentally competent to act as an observer; and
  3. Continually observe the person or persons being towed behind the watercraft or surfing a wake created by the watercraft.
- B. The operator of a watercraft shall ensure a person being towed behind the watercraft or riding a wake created by the watercraft is wearing a wearable personal flotation device approved by the U.S. Coast Guard whenever the watercraft is underway. This subsection applies to any contrivance designed for or used to tow a person behind a watercraft or ride the wake created by a watercraft regardless of whether or not the contrivance is attached to the watercraft. This includes, but is not limited to, boards, discs, hydrofoils, kites, inflatables, and water skis.
- C. A person shall not operate a watercraft while a person is holding onto or is physically attached to any transom structure of the watercraft, including but not limited to a swim platform, swim deck, swim step, and swim ladder. This subsection does not apply to a person who is:
1. Assisting with docking or departure activities,
  2. Exiting or entering the watercraft, or
  3. Engaging in law enforcement or emergency rescue activity.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final

## Game and Fish Commission

rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

#### **R12-4-525. Revocation of Watercraft Certificate of Number, AZ Numbers, and Decals**

- A. For the purposes of this Section, "person" has same meaning as prescribed under A.R.S. § 5-301.
- B. Upon notice of conviction of a person under A.R.S. § 5-391(G), the Department shall revoke for a period not to exceed two years the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals of any Arizona registered watercraft owned by that person and involved in the violation.
- C. Upon notice of conviction of a person under A.R.S. § 5-391(H), the Department shall revoke for a period not to exceed one year the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals for any Arizona registered watercraft owned by that person and involved in the violation.
- D. Upon receiving notice of conviction, the Department shall serve notice under A.R.S. §§ 41-1092.03 and 41-1092.04 on the person convicted that the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals of watercraft the person owns are subject to revocation.
- E. A person whose certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals are subject to revocation may request a hearing. The person shall submit a written request to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Hwy, Phoenix, AZ 85086, within 30 calendar days of receiving the notice described under subsection (D).
- F. If the person requests a hearing, the Department shall, within 60 days of receiving the request, schedule a hearing as prescribed under A.R.S. § 41-1092.05.
- G. After a final decision to revoke the person's certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals, the Department shall serve upon the person an Order of Revocation. Within 15 calendar days of receipt of the notice, the person shall surrender to the Department the revoked certificates of number and decals.
- H. The revocation of the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals does not affect the legal title to or any property rights in the watercraft. Upon receipt of an application to transfer watercraft registration by the new watercraft owner, the Department shall terminate the revocation and allow the owner to transfer the owner's entire interest in the watercraft if the Department is satisfied the transfer is proposed in good faith and not for the purpose of defeating the revocation.

#### **Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### **R12-4-526. Unlawful Mooring**

- A. A person, as defined under A.R.S. § 5-301, shall not moor, anchor, fasten to the shore, or otherwise secure a watercraft in any public body of water for more than 14 days within any period of 28 consecutive days unless:
  - 1. The waters are a special anchorage area as defined under A.R.S. § 5-301,
  - 2. Authorized for private dock or moorage, or

- 3. Authorized by the government agency or private interest having jurisdiction over the waters.
- B. A person shall remove an abandoned or submerged watercraft from public waters within 72 hours of notice by registered mail or personal service of notice to remove such watercraft.
- C. The owner of any abandoned watercraft shall be responsible for all towing and storage fees resulting from the removal of the watercraft from public waters.

#### **Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

#### **R12-4-527. Transfer of Ownership of a Towed Watercraft**

- A. For the purpose of this Section, "towed watercraft" means a watercraft that has been impounded by or is in the possession of a towing company located in this state.
- B. Within 15 days of impounding a watercraft, a towing company shall submit a request to the Department for watercraft registration information as prescribed under A.R.S. § 5-324 and in compliance with A.R.S. § 5-399. The towing company shall present the towed watercraft to the closest Department office for identification if there is no discernible hull identification number or state-issued registration number.
- C. Within 15 days of receiving the watercraft registration information from the Department, the towing company shall provide written notification by certified mail return receipt requested to the owner and lienholder, if known, of the watercraft's location.
- D. If a watercraft remains unclaimed after mailing the notice required under subsection (C) of this Section, the towing company shall submit all of the following to the Department within 15 days of sending the written notification to the owner and lienholder, when known:
  - 1. Evidence of compliance with notification requirements prescribed under A.R.S. § 5-399 and subsection (C);
  - 2. A report on a form furnished by the Department and available at any Department office. The form shall include all of the following information:
    - a. Name of towing company;
    - b. Towing company's business address;
    - c. Towing company's business telephone number;
    - d. Towing company's Arizona Department of Public Safety tow truck permit number;
    - e. Towed watercraft's hull identification number;
    - f. Towed watercraft's state-issued registration number, registration decal, and year of expiration, if known;
    - g. Towed watercraft's trailer license number, if available;
    - h. State and year of trailer registration, if available;
    - i. Towed watercraft's color and manufacturer;
    - j. Towed watercraft's condition, whether intact, stripped, damaged, or burned, along with a description of any damage;
    - k. Date the watercraft was towed;
    - l. Location from which the towed watercraft was removed;
    - m. Entity that ordered the removal of the towed watercraft, and if a law enforcement agency, include officer badge number, jurisdiction, and copy of report or towing invoice;
    - n. Location where the towed watercraft is stored; and



## Game and Fish Commission

- o. Name and signature of towing company's authorized representative; and
- 3. The unclaimed towed watercraft application fee authorized under A.R.S. § 5-399.03(2) and established under R12-4-504.
- E. The towing company shall notify the Department within 24 hours if the watercraft is released, returned to, redeemed, or repossessed by the owner, lienholder, or by a person identified in the Department's record as having an interest in the watercraft.
- F. If the Department is unsuccessful in its attempt to identify or contact the registered owner or lienholder of the towed watercraft and has determined the towed watercraft is not stolen, the towing company shall:
  - 1. Follow the application procedures established under A.R.S. § 5-399.02(B), and
  - 2. Apply for watercraft registration as established under R12-4-502.
- G. A towing company that obtains ownership of a watercraft pursuant to A.R.S. § 5-399.02 and this Section shall maintain the following records for a period of three years from the date the Department transferred ownership of the towed watercraft:
  - 1. The request made pursuant to A.R.S. § 5-324.
  - 2. The notification provided pursuant to A.R.S. § 5-399.
  - 3. The application for transfer of ownership pursuant to A.R.S. § 5-399.02.
  - 4. Any other documents required by the Department.

**Historical Note**

New Section made by emergency rulemaking under A.R.S. § 41-1026 at 9 A.A.R. 1241, effective May 26, 2003 for a period of 180 days (Supp. 03-1). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent new Section made by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final exempt rulemaking at 23 A.A.R. 1034; amended by final rulemaking at 23 A.A.R. 1732, both effective August 5, 2017 (Supp. 17-2).

**R12-4-528. Watercraft Checkpoints**

- A. A law enforcement agency may establish a watercraft checkpoint to ensure public safety on state waterways, to screen for unsafe or impaired watercraft operators, or to gather demographic, statistical, and compliance information related to watercraft activities.
- B. An individual may be required to perform the following during a watercraft stop or at a watercraft checkpoint:
  - 1. Stop or halt as directed when being hailed by a peace officer or entering the established checkpoint boundary as prescribed under A.R.S. § 5-391, and
  - 2. Provide evidence of required safety equipment and registration documentation prescribed under A.R.S. Title 5, Chapter 3, Boating and Water Sports.
- C. This Section does not limit any state peace officer's authority to conduct routine watercraft patrol efforts prescribed under A.R.S. Title 5, Chapter 3, Boating and Water Sports.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-529. Nonresident Boating Safety Infrastructure Fees; Proof of Payment**

- A. Before placing that watercraft on the waterways of this State, a nonresident owner of a recreational watercraft who establishes this State as the state of principal operation shall pay the applicable Nonresident Boating Safety Infrastructure Fee (NBSIF) as authorized under A.R.S. §§ 5-326 and 5-327:
  - 1. Twelve feet and less: \$80
  - 2. Twelve feet one inch through sixteen feet: \$88
  - 3. Sixteen feet one inch through twenty feet: \$192
  - 4. Twenty feet one inch through twenty-six feet: \$224
  - 5. Twenty-six feet one inch through thirty-nine feet: \$253
  - 6. Thirty-nine feet one inch through sixty-four feet: \$286
  - 7. Sixty-four feet one inch and over: \$429
  - 8. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner prescribed under A.R.S. § 5-321(C).
- B. The nonresident recreational watercraft owner shall carry and display proof of payment of the fee while the watercraft is underway, moored, or anchored on the waterways of this State. Acceptable proof of payment includes any one of the following:
  - 1. A current Arizona Watercraft Certificate of Number indicating the NBSIF was paid,
  - 2. A current Arizona Watercraft Temporary Certificate of Number indicating the NBSIF was paid, or
  - 3. A current Arizona Watercraft Registration Decal indicating the NBSIF was paid.

**Historical Note**

Adopted effective October 22, 1976 (Supp. 76-5). Former Section R12-4-90 renumbered as Section R12-4-529 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2). New Section made by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-530. Authorized Third-party Providers; Agents**

- A. The Department may enter into a contract with a private entity to perform limited or specific services on behalf of the Department in accordance with State procurement laws and rules.
  - 1. The Department may authorize a person to be a third-party provider. An authorized third-party provider shall meet the requirements established by the Department and shall be selected through a competitive bid process.
  - 2. The Department may authorize a third-party provider to perform any one or more of the following services:
    - a. Watercraft transfer.
    - b. Watercraft registration renewal.
    - c. Duplicate watercraft registration and decal.
    - d. New watercraft registration.
- B. A person shall not engage in any business pursuant to this Section unless the Department authorizes the person to engage in the business.
- C. The Department shall establish minimum quality standards of service and a quality assurance program for authorized third-party providers to ensure that an authorized third-party provider is complying with the minimum standards.
- D. The Department may:
  - 1. Conduct investigations.
  - 2. Conduct audits.
  - 3. Make on-site inspections in compliance with A.R.S. § 41-1009.
  - 4. Require an authorized third-party or employees or agents of an authorized third-party be certified to perform the services prescribed in this Article.

## Game and Fish Commission

- E. An authorized third-party provider shall remit to the Department all fees established under R12-4-504 and R12-4-529 it collects.
1. An authorized third-party provider may collect and retain a reasonable and commensurate fee for its services.
  2. Each authorized third-party provider that holds itself out as providing services to the public shall identify to the applicant the Department's registration fee and the non-resident boating safety infrastructure fee, when applicable, separately from any other costs.
- F. A third-party who is authorized pursuant to this Section shall:
1. Maintain records in a form and manner prescribed by the Department.
  2. Allow access to the records during regular business hours to authorized representatives of the Department or any law enforcement agency to ensure compliance with all applicable statutes and rules.
- G. The Department may suspend or cancel an authorization or certification, or both, granted pursuant to this Section if the Department determines that the third-party provider or certificate holder has done any of the following:
1. Made a material misrepresentation or misstatement in the application for authorization or certification.
  2. Has been convicted of fraud or a watercraft related felony in any state or jurisdiction of the U.S. within the ten years immediately preceding the date a criminal records check is complete.
  3. Has been convicted of a felony, other than a felony described in subsection (2), in any state or jurisdiction of the U.S. within the five years immediately preceding the date a criminal records check is complete.
  4. Violated a rule or policy adopted by the Department.
  5. Failed to keep and maintain records required by this Section.
  6. Failed to remit to the Department all fees established under R12-4-504 and R12-4-529 it collects.
  7. Allowed an unauthorized person to engage in any business pursuant to this Section.
- K. If the Department has reasonable grounds to believe that a certificate holder or other person employed by an authorized third-party provider has committed a serious violation, the Department may order a summary suspension of the third provider's authorization granted pursuant to this Section pending formal suspension or cancellation proceedings. For the purposes of this subsection, "serious violation" means:
1. Watercraft registration fraud.
  2. Improper disclosure of personal information.
  3. Bribery.
  4. Theft.
- L. On determining that grounds for suspension or cancellation of an authorization or certification, or both, exist, the Department shall give written notice to the third-party provider or certificate holder to appear at a hearing before the Department to show cause why the authorization or certification should not be suspended or canceled.
1. After consideration of the evidence presented at the hearing, the Department shall serve notice of the finding and order to the third-party or certificate holder.
  2. If a third-party authorization or a certification is suspended or canceled, the third-party or certificate holder may appeal the decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R.

1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-531. Reserved**

**R12-4-532. Reserved**

**R12-4-533. Reserved**

**R12-4-534. Reserved**

**R12-4-535. Reserved**

**R12-4-536. Reserved**

**R12-4-537. Reserved**

**R12-4-538. Reserved**

**R12-4-539. Reserved**

**R12-4-540. Reserved**

**R12-4-541. Repealed**

**Historical Note**

Former Section R12-4-88 renumbered as Section R12-4-541 without change effective August 13, 1981 (Supp. 81-4). Amended effective April 5, 1985 (Supp. 85-2). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-542. Repealed**

**Historical Note**

Adopted as an emergency effective August 31, 1981, valid for ninety (90) days after filing pursuant to A.R.S. § 41-1003 (Supp. 81-4). Former Section R12-4-542 adopted as an emergency now adopted as permanent with further amendment effective March 5, 1982 (Supp. 82-2). Amended effective March 29, 1985 (Supp. 85-2). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-543. Repealed**

**Historical Note**

Adopted effective January 29, 1982 (Supp. 82-1). Amended effective August 19, 1983 (Supp. 83-4). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended effective March 29, 1985 (Supp. 85-2). Correction, subsection (A), paragraph (2) as certified effective March 29, 1985 (Supp. 86-3). Amended subsection (A) effective June 18, 1987 (Supp. 87-2). Amended as an emergency effective May, 15, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Amended and readopted as an emergency effective August 25, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Emergency expired. Emergency amendments adopted with changes effective January 5, 1990 (Supp. 90-1). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-544. Repealed**

**Historical Note**

Adopted effective August 19, 1983 (Supp. 83-4). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended subsection (A) effective June 18, 1987 (Supp. 87-2). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-545. Repealed**

**Historical Note**

Adopted effective April 5, 1985 (Supp. 85-2). Amended by emergency effective May 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emer-

## Game and Fish Commission

agency amendments readopted effective August 28, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Repealed effective May 27, 1992 (Supp. 92-2).

## ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION

### R12-4-601. Definitions

The following definitions apply to this Article unless otherwise specified:

“Appealable agency action” has the same meaning as provided under A.R.S. § 41-1092.

“Business day” means any day other than a furlough day, Saturday, Sunday, or holiday.

“Commission Chair” means the person who presides over the Arizona Game and Fish Commission.

“Contested case” has the same meaning as provided under A.R.S. § 41-1001.

“Ex parte communication” means any oral or written communication with a Commissioner by a party concerning a substantive issue in a contested proceeding that is not part of the public record.

“Party” has the same meaning as provided under A.R.S. § 41-1001.

“Respondent” means the person named as the respondent in a notice of hearing issued by the Department.

### Historical Note

Adopted effective December 22, 1987 (Supp. 87-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3). Section R12-4-601 renumbered to R12-4-602; new Section R12-4-601 made by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

### R12-4-602. Petition for Rule or Review of Practice or Policy

A. A person may petition the Commission under A.R.S. § 41-1033 for a:

1. Rulemaking action relating to a Commission rule, including making a new rule or amending or repealing an existing rule; or
2. Review of an existing Department practice or substantive policy statement alleged to constitute a rule.

B. To act under A.R.S. § 41-1033 and this Section, a person shall submit a petition form to the Arizona Game and Fish Department, Director’s Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The form is available at any Department office and on the Department’s website.

C. A petitioner shall address only one rule, practice, or substantive policy in the petition.

D. A petitioner shall submit the petition form to the Arizona Game and Fish Department, Director’s Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The petition form is furnished by the Department and is available at any Department office and on the Department’s website. A petitioner shall provide all of the following information:

1. Petitioner identification:
  - a. When the petition is submitted by a private person, the person’s:
    - i. Name;
    - ii. Physical and mailing address, if different from the physical address;

- iii. Contact telephone number; and
      - iv. Email, when available;
    - b. When the petition is submitted by an organization or private group:
      - i. Name of organization or group;
      - ii. Name and title of the organization’s or group’s representative;
      - iii. Physical and mailing address, if different from the physical address;
      - iv. Representative’s contact telephone number; and
      - v. Email, when available;
    - c. When the petition is submitted by a public agency:
      - i. Name of the public agency;
      - ii. Name and title of the agency’s representative;
      - iii. Physical and mailing address if different from the physical address;
      - iv. Representative’s contact telephone number; and
      - v. Email, when available;
  2. Type of request:
    - a. Adopt, amend, or repeal a rule, or
    - b. Review of a practice or substantive policy statement;
  3. When the petition is for rulemaking action:
    - a. Statement of the rulemaking action sought, including the Arizona Administrative Code citation of all existing rules, and the specific language of a new rule or rule amendment; and
    - b. Reasons for the rulemaking action, including an explanation of why an existing rule is inadequate, unreasonable, unduly burdensome, or unlawful;
  4. When the petition is for a review of an existing practice or substantive policy statement:
    - a. Subject matter of the existing practice or substantive policy statement, and
    - b. Reasons why the existing practice or substantive policy statement constitutes a rule;
  5. When the petitioner is a public agency, a summary of issues raised in any public meeting or hearing regarding the petition or any written comments offered by the public.
  6. Any other information required by the Department;
  7. Petitioner’s signature; and
  8. Date on which the petition was signed.
- E. In addition to the requirements listed under subsection (D), a person may submit supporting information with a petition, including:
1. Statistical data; and
  2. A list of other persons likely to be affected by the rulemaking action or the review, with an explanation of the likely effects.
- F. When a petitioner submits a petition that addresses the same substantive issue considered by the Commission within the previous year, the petitioner shall also provide an additional written statement that includes rationale not previously considered by the Commission in making the previous decision.
- G. The Department shall determine whether the petition complies with this Section within 15 business days after the date on which the petition was received.
1. If the petition complies with this Section:
    - a. The Department shall place the petition on a Commission open meeting agenda.
    - b. The petitioner may present oral testimony at that open meeting under R12-4-604.
    - c. The Commission shall render a final decision on the petition as prescribed under A.R.S. § 41-1033.

## Game and Fish Commission

2. If a petition does not comply with this Section:
  - a. The Director shall return the petition to the petitioner, and
  - b. Indicate in writing why the petition does not comply with this Section. The petitioner shall be afforded the opportunity to resubmit a corrected petition.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-602 renumbered to R12-4-603; new Section R12-4-602 renumbered from R12-4-601 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-603. Written Comments on Proposed Rules**

- A. Under A.R.S. § 41-1023, a person may submit written statements, arguments, data, and views on a proposed rulemaking published by the Secretary of State in the Arizona Administrative Register.
- B. A person submitting a written comment to the Commission for consideration in a final decision on the rulemaking may voluntarily provide their name and mailing address. The Commission may only consider written comments that:
  1. Are received on or before the close of record date, as published by the Secretary of State in the Arizona Administrative Register; and
  2. Are submitted to the agency contact identified in the Department's notice of proposed rulemaking as published by the Secretary of State in the Arizona Administrative Register.
  3. In addition, a person submitting a comment submitted on behalf of a group or organization shall include a statement that the comment represents the official position of the group or organization. A comment submitted on behalf of a group or organization that does not contain this statement shall be considered the comment of the person submitting the comment, and not that of the group or organization.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended effective November 10, 1997 (Supp. 97-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-603 renumbered to R12-4-604; new Section R12-4-603 renumbered from R12-4-602 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-604. Oral Proceedings Before the Commission**

- A. The Commission may allow an oral proceeding on any matter on the Commission's agenda. At an oral proceeding, the Commission Chair:
  1. Is responsible for conducting the proceeding.
  2. May administer an oath to a witness before receiving testimony.
  3. May order the removal of any person who is disrupting a proceeding.
  4. May limit the number of presentations or the time for testimony regarding a particular issue.
- B. A person desiring to speak at an oral proceeding shall first request permission to speak from the Commission Chair.
- C. Technical rules of evidence do not apply to an oral proceeding, and no informality in any proceeding or in the manner of taking testimony invalidates any order, decision, or rule made by the Commission.

- D. The Commission authorizes the Director to designate a hearing officer for oral proceedings to take public input on proposed rulemaking.
- E. The Commission authorizes the Director to continue a scheduled proceeding to a later Commission meeting. To request a continuance, a petitioner shall:
  1. Deliver the request to the Director no later than 24 hours before the scheduled proceeding;
  2. Demonstrate that the proceeding has not been continued more than twice; and
  3. Demonstrate good cause for the continuance.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-604 renumbered to R12-4-605; new Section R12-4-604 renumbered from R12-4-603 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-605. Ex Parte Communication**

- A. A party shall not communicate, either directly or indirectly, with a Commissioner about any substantive issue in a pending contested case or appealable agency action, unless:
  1. All parties are present;
  2. The communication occurs during the scheduled proceeding, where an absent party failed to appear after proper notice; or
  3. It is by written motion with a copy provided to all parties.
- B. A Commissioner who receives an ex parte communication shall place on the public record of the proceeding:
  1. A copy of the written communication;
  2. A summary of the oral communication; and
  3. The Commissioner's response to any such ex parte communication.
- C. The provisions of this Section apply from the date that a notice of hearing for a contested case or an appealable agency action is served on the parties.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-605 renumbered to R12-4-606; new Section R12-4-605 renumbered from R12-4-604 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-606. Standards for Revocation, Suspension, or Denial of a License**

- A. Under A.R.S. § 17-340, when the Department makes a recommendation to the Commission for license revocation, the Commission shall hold a hearing and may revoke, suspend, or deny any hunting, fishing, or trapping license for a person convicted of any of the following offenses:
  1. Killing or wounding a big game animal during a closed season.
  2. Possessing a big game animal taken during a closed season.
  3. Destroying, injuring, or molesting livestock while hunting, fishing, or trapping.
  4. Damaging or destroying personal property, growing crops, notices or signboards, or other improvements while hunting, fishing, or trapping.
  5. Bartering, selling, or offering to sell unlawfully taken wildlife or wildlife parts.

## Game and Fish Commission

6. Careless use of a firearm while hunting, fishing, or trapping that results in the injury or death of any person.
  7. Applying for or obtaining a license or permit by fraud or misrepresentation in violation of A.R.S. § 17-341.
  8. Knowingly allowing another person to use the person's big game tag, except as provided under A.R.S. § 17-332(D).
  9. Entering upon a game refuge or other area closed to hunting, trapping or fishing and taking, driving, or attempting to drive wildlife from the area in violation of A.R.S. §§ 17-303 and 17-304.
  10. Unlawfully posting state or federal lands in violation of A.R.S. § 17-304(B).
  11. Unlawfully using aircraft to take, assist in taking, harass, chase, drive, locate, or assist in locating wildlife in violation of A.R.S. § 17-340(A)(8).
  12. Unlawfully taking or possessing big game.
  13. Unlawfully taking or possessing small game or fish.
  14. Unlawfully taking or possessing wildlife species.
  15. Unlawful take of any bird or the removal of its nest or eggs.
  16. Littering a public hunting or fishing area while taking wildlife.
  17. Waste of edible portions of a game species under A.R.S. § 17-309, in violation of A.R.S. § 17-309(A)(5).
  18. Any violation for which a license can be revoked under A.R.S. § 17-340.
  19. Any violation of A.R.S. § 17-306.
- B.** Under A.R.S. §§ 17-238, 17-334, 17-340, 17-362, 17-363, and 17-364, when the Department makes a recommendation to the Commission for license revocation, the Commission shall hold a hearing and may revoke any fur dealer, guide, taxidermy, license dealers license, or special license (as defined under R12-4-401) in any case where license revocation is authorized by law.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended effective November 10, 1997 (Supp. 97-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-606 renumbered to R12-4-607; new Section R12-4-606 renumbered from R12-4-605 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-607. Proceedings for License Revocation, Suspension, or Denial of Right to Obtain a License, and Civil Damages**

- A.** The Director may commence a proceeding for the Commission to revoke, suspend or deny a license under A.R.S. §§ 17-236, 17-238, 17-334, 17-340, 17-362, 17-363, and 17-364. The Director may also commence a proceeding for the Commission to impose a civil penalty under A.R.S. § 17-314.
- B.** The Commission shall conduct a hearing concerning revocation, suspension, or denial of the right to obtain a license in accordance with the Administrative Procedure Act, A.R.S. Title 41, Chapter 6, Article 10. In a proceeding conducted under A.R.S. § 17-340, a respondent shall limit testimony to facts that show why the license should not be revoked or denied. Because the Commission does not have the authority to consider or change the conviction, a respondent is not permitted to raise this issue in the proceeding. The Commission shall permit a respondent to offer testimony or evidence relevant to the Commission's decision to impose a civil penalty or order a civil action for the recovery of wildlife parts.
- C.** If a respondent does not appear for a hearing on the date scheduled, at the time and location noticed, no further opportunity

to be heard shall be provided, unless a rehearing or review is granted under R12-4-608. If the respondent does not wish to attend the hearing, the respondent may submit written testimony to the Department before the hearing date designated in the Notice of Hearing. The Commission shall ensure that written testimony received at the time of the hearing is read into the record at the hearing.

- D.** The Commission shall base its decision on the officer's case report, a summary prepared by the Department, a certified copy of the court record, and any testimony presented at the hearing. The Department shall supply the respondent with a copy of each document provided to the Commission for use in reaching a decision.
- E.** Any party may apply to the Commission for issuance of a subpoena to compel the appearance of any witness or the production of documents at any Commission hearing. No less than 10 calendar days before the hearing, the party shall file a written application that provides the name and address of the witness, the subject matter of the expected testimony, the documents sought to be produced, and the date, time, and place of the hearing. The Commission Chair has the authority to issue the subpoenas.
1. A party shall have a subpoena served as prescribed in the Arizona Rules of Civil Procedure, Rule 45. An employee of the Department may serve a subpoena at the request of the Commission Chair.
  2. A party may request that a subpoena be amended at any time before the deadline provided in this Section for filing the application. The party shall have the amended subpoena served as provided in subsection (E)(1).
- F.** The Commission may vote to use the services of the office of administrative hearings to conduct a hearing concerning revocation, suspension, or denial of the right to obtain a license and to make a recommendation to the Commission, which shall review and accept, reject or modify the recommendation and issue its decision in an open meeting. When the Department receives a recommendation from the administrative law judge at least 30 days prior to the next regularly scheduled Commission meeting, the Department shall place the recommendation on the agenda for that meeting. A recommendation from the administrative law judge received after this time shall be considered at the next regularly scheduled open meeting.
- G.** A license revoked by the Commission is suspended on the date of the hearing and revoked upon issuance of the findings of fact, conclusions of law, and order. If a respondent appeals the Commission's order revoking a license, the license is revoked after all appeals have been exhausted. A denial of the right to obtain a license is effective for a period determined by the Commission as authorized under A.R.S. § 17-340, beginning on the date of the hearing.
- H.** A license suspended by the Commission is suspended on the date of the hearing, and suspended upon issuance of the findings of fact, conclusions of law, and order. If a respondent appeals the Commission's order suspending a license, the license is suspended after all appeals have been exhausted. The suspension of a license is effective for a period determined by the Commission as authorized under A.R.S. § 17-340, beginning on the date of the hearing.

**Historical Note**

Adopted effective June 13, 1977 (Supp. 77-3). Former Section R12-4-14 renumbered as Section R12-4-115 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-115 renumbered without change as Section R12-4-607 effective December 22, 1987 (Supp. 87-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R.

## Game and Fish Commission

2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-607 renumbered to R12-4-608; new Section R12-4-607 renumbered from R12-4-606 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-608. Rehearing or Review of Commission Decisions**

- A. A party shall exhaust the party's administrative remedies by filing a motion for rehearing or review as provided in this Section. Failure to file a motion for rehearing or review within 30 days of service of the Commission's decision has the effect of prohibiting the party from seeking judicial review of the Commission's decision.
- B. A party in a contested case or appealable agency action before the Commission may file a motion for rehearing or review of a Commission decision, specifying the grounds upon which the motion is based. The motion for rehearing or review shall be filed within 30 calendar days after service of the Commission's decision. For purposes of this subsection a decision is served when personally delivered or mailed by certified mail to the party's last known residence or place of business.
- C. A party may amend a motion for rehearing or review at any time before the Commission rules upon the motion. A written response to a motion for rehearing or review may be filed and served within 15 days after service of the motion for rehearing or review. The Commission may require that the parties file supplemental memoranda on any issue raised in a motion or response, and allow for oral argument.
- D. The Commission has the authority to grant rehearing or review for any of the following causes materially affecting the moving party's rights:
  1. Irregularity in the proceedings of the Commission, or any order or abuse of discretion that deprived the moving party of a fair hearing;
  2. Misconduct of the Commission, its staff, an administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the proceeding; or
  7. That the findings of fact or decision is not justified by the evidence or is contrary to law.
- E. The Commission may either deny the motion for rehearing or review or grant a rehearing or review for any of the reasons listed under subsection (E). The Commission's order granting a rehearing or review shall specify the grounds for the order, and any rehearing shall cover only those grounds upon which the rehearing or review was granted.
- F. After giving the party notice and an opportunity to be heard, the Commission may grant a motion for a rehearing or review for a reason not stated in the motion.
- G. Within the time-frame for filing the motion for rehearing or review, the Commission may grant a rehearing or review on its own initiative for any reason for which the Commission may have granted relief on motion of a party.
- H. When the Commission grants a rehearing or review, the Commission shall hold the rehearing or review at its next regularly scheduled meeting or within 90 days of issuance of the order granting the rehearing or review. With the consent of the parties, the Commission may proceed to conduct the rehearing or review in the same meeting in which the Commission granted the rehearing or review.

- I. The Commission may take additional testimony, amend findings of fact and conclusions of law, and affirm, modify or reverse the original decision.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective May 27, 1992 (Supp. 92-1). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective January 31, 2002 (Supp. 02-1). New Section R12-4-608 renumbered from R12-4-607 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-609. Commission Orders**

- A. Except as provided under subsection (B):
  1. At least 14 calendar days before a meeting where the Commission will consider a Commission Order, the Department shall:
    - a. Post a public meeting notice and agenda in accordance with A.R.S. § 38-431.02; and
    - b. Issue a public notice of the recommended Commission Order in print and electronic media.
  2. The Department shall ensure the public meeting notice and agenda includes:
    - a. The date, time, and location of the Commission meeting where the Commission Order will be considered;
    - b. A statement that the public may attend and present written comments at or before the meeting; and
    - c. A statement that a copy of the proposed Commission Order shall be made available to the public 10 calendar days before the meeting. Copies are available for public inspection on the Department's website and at Department offices in Phoenix, Pinetop, Flagstaff, Kingman, Yuma, Tucson, and Mesa.
  3. The Commission may make changes to the recommended Commission Order at the Commission meeting.
- B. The requirements of subsection (A) do not apply to a Commission Order that establishes:
  1. A supplemental hunt as authorized under R12-4-115;
  2. A special season for persons who possess a special license tag issued under A.R.S. § 17-346 and R12-4-120, and
  3. A special season that allows fish to be taken by additional methods on waters where a fish die-off is imminent as established under R12-4-317(C).
- C. The Department shall publish the content of all Commission orders and make them available to the public free of charge.

**Historical Note**

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-610. Petitions for the Closure of State or Federal Lands to Hunting, Fishing, Trapping, or Operation of Motor Vehicles**

- A. A person requesting that the Commission consider closing state or federal land to hunting, fishing, or trapping as provided under A.R.S. § 17-304(B) or R12-4-110, or closing

## Game and Fish Commission

roads or trails on state lands as provided under R12-4-110, shall submit a petition as prescribed in this Section before the Commission will consider the request.

- B. A petitioner shall not address more than one contiguous closure request in a petition.
- C. A petitioner submitting a petition that addresses the same contiguous closure request previously considered and denied by the Commission shall provide an additional written statement that includes rationale not previously considered by the Commission.
- D. A petitioner shall submit the petition form to the Arizona Game and Fish Department, Director's Office, 5000 W. Care-free Highway, Phoenix, AZ 85086. The petition form is furnished by the Department and is available at any Department office and on the Department's website. The petition form shall contain all of the following information:
  - 1. Petitioner identification:
    - a. When the petitioner is the leaseholder of the area proposed for closure:
      - i. Name of person;
      - ii. Lease number;
      - iii. Physical and mailing address, if different from the physical address;
      - iv. Contact telephone number; and
      - v. Email, when available;
    - b. When the petitioner is anyone other than the leaseholder of the area proposed for closure:
      - i. Name of person;
      - ii. Lease number;
      - iii. Physical and mailing address, if different from the physical address;
      - iv. Contact telephone number;
      - v. Email, when available; and
      - vi. Name of each group or organization or organizations that the petitioner represents; or
    - c. When the petitioner is a public agency:
      - i. Name of person;
      - ii. Name of agency;
      - iii. Petitioner's title;
      - iv. Lease number;
      - v. Agency's physical and mailing address, if different from the physical address;
      - vi. Contact telephone number; and
      - vii. Email, when available;
  - 2. Type of closure requested:
    - a. Hunting,
    - b. Fishing,
    - c. Trapping, or
    - d. Operation of motor vehicles.
  - 3. Reason for petition:
    - a. Each reason why the closure should be considered under R12-4-110, A.R.S. § 17-304(B), or A.R.S. § 17-452(A);
    - b. Any data or other justification supporting the reasons for the closure with clear reference to any exhibits that may be attached to the petition;
    - c. Each person or segment of the public the petitioner believes will be impacted by the closure, including any other valid licensees, lessees, or permittees that will or may be affected, and how they will be impacted, including both positive and negative impacts;
    - d. If the petitioner is a public agency, a summary of issues raised in any public hearing or public meeting regarding the petition and a copy of written comments received by the petitioning agency; and

- e. A proposed alternate access route, under R12-4-110.
- 4. A concise map identifying the specific location of the proposed closure;
- 5. Petitioner's signature;
- 6. Date on which the petition was signed; and
- 7. Any other information required by the Department.
- E. The Department shall determine whether the petition complies with the requirements established under A.R.S. § 17-452, R12-4-110, and this Section within 15 business days after receiving the petition.
  - 1. If the petition meets these requirements, and provided the petitioner has not agreed to an alternative solution or withdrawn the petition, the Department, in accordance with the schedule in subsection (F), shall place the petition on the agenda for the Commission's next regularly scheduled open meeting and provide written notice to the petitioner of the meeting date.
  - 2. If a petition does not comply with the requirements prescribed under A.R.S. § 17-452, R12-4-110, and this Section:
    - a. The Department shall return the petition to the petitioner, and
    - b. Indicate in writing why the petition does not comply with this Section.
  - 3. If the Department returns a petition to a petitioner for a reason that cannot be corrected, the Department shall serve on the petitioner a notice of appealable agency action under A.R.S. § 41-1092.03.
- F. When the Department receives a petition not less than 60 calendar days before a regularly scheduled Commission meeting, the Department shall place the petition on the agenda for that meeting. A petition received after this time will be considered at the next regularly scheduled open meeting.
- G. The petitioner may:
  - 1. Present oral testimony in support of the petition at the Commission meeting, in accordance with the provisions established under R12-4-604.
  - 2. Withdraw the petition or request a continuance to a later regularly scheduled open meeting at any time.

**Historical Note**

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3). Amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy**

- A. A person may request a hearing before the Commission when an administrative remedy does not exist under statute, rule, or policy by submitting a petition as prescribed by this Section.
- B. A petitioner shall submit the petition form to the Arizona Game and Fish Department, Director's Office, 5000 W. Care-free Highway, Phoenix, AZ 85086. The petition form is furnished by the Department and is available at any Department office and on the Department's website. The petition form shall contain all of the following information:
  - 1. Petitioner identification:
    - a. When the petitioner is a private person:
      - i. Name of person;
      - ii. Physical and mailing address, if different from the physical address;
      - iii. Contact telephone number; and

## Game and Fish Commission

- iv. Email, when available;
  - b. When the petitioner is a private group or organization:
    - i. Name of the person designated as the contact for the group or organization;
    - ii. Physical and mailing address, if different from the physical address;
    - iii. Contact telephone number;
    - iv. Email, when available; or
  - c. When the petitioner is a public agency:
    - i. Name of person,
    - ii. Name of agency,
    - iii. Petitioner's title,
    - iv. Agency's physical and mailing address, if different from the physical address,
    - v. Contact telephone number, and
    - vi. Email, when available;
  - 2. Statement of Facts and Issues:
    - a. Description of issue to be resolved, and
    - b. Any facts relevant to resolving the issue;
  - 3. Specific proposed remedy;
  - 4. Petitioner's signature;
  - 5. Date on which the petition was signed; and
  - 6. Any other information required by the Department.
- C.** If a petition does not comply with this Section, the Department shall:
- 1. Return the petition to the petitioner, and
  - 2. Indicate in writing why the petition does not comply with this Section.
- D.** After the Department receives a petition that complies with this Section, the Department shall place the petition on the agenda of a regularly scheduled Commission meeting.
- E.** If the Commission votes to deny a petition, the Department shall not accept a subsequent petition on the same issue, unless the petitioner presents new evidence or reasons for considering the subsequent petition.
- F.** This Section does not apply to the following:
- 1. An action related to a license revocation, suspension, denial, or civil penalty;
  - 2. An unsuccessful hunt permit-tag draw application that did not involve an error on the part of the Department; or
  - 3. The reinstatement of a bonus point, except as authorized under R12-4-107(M).

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**ARTICLE 7. HERITAGE GRANTS****R12-4-701. Heritage Grant Definitions**

In addition to the definitions provided under A.R.S. §§ 17-101 and 17-296, the following definitions apply to this Article:

"Administrative subunit" means a branch, chapter, department, division, section, school, or other similar divisional entity of an eligible applicant. For example, an individual:

Administrative department, but not an entire city government;

Field office or project office, but not an entire agency; or

School, but not an entire school district.

"Eligible applicant" means any public agency, non-governmental organization, or nonprofit organization that meets the applicable requirements of this Article.

"Facilities" means any structure or site improvements.

"Fund" means the Arizona Game and Fish Commission Heritage Fund, established under A.R.S. § 17-297.

"Grant agreement" means a document that details the terms and conditions of a grant project.

"Grant effective date" means the date the Department Director signs the Grant Agreement.

"In-kind" means contributions other than cash, which include individual and material resources that the applicant makes available to the project, e.g. a public employee's salary, volunteer time, materials, supplies, space, or other donated goods and services.

"Participant" means an eligible applicant who has been awarded a grant from the Heritage Fund.

"Project" means an activity, or series of related activities, or services described in the specific project scope of work and results in specific end products.

"Project period" means the time during which a participant shall complete all approved work and related expenditures associated with an approved project.

"Public agency" means the federal government or any federal department or agency, an Indian tribe, this state, all state departments, agencies, boards, and commissions, counties, school districts, public charter schools, cities, towns, all municipal corporations, administrative subunits, and any other political subdivision.

"Publicly held lands" means federal, public, and reserved land, State Trust Land, and other lands within Arizona that are owned, controlled, or managed by the federal government, a state agency, or political subdivision.

"Term of public use" means the time period during which the project or facility is expected to be maintained for public use.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Amended by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-702. General Provisions; Heritage Grant Fund Requirements**

- A.** The Department, in its sole discretion, may make Heritage Fund Grants available for projects that:
  - 1. Are located in Arizona or benefit Arizona wildlife or its habitat; and
  - 2. Meet the criteria established in the Heritage Grant application materials.
- B.** The Department shall:
  - 1. Provide public notice of the time, location, and due date for application submission; and
  - 2. Furnish materials necessary to complete the application.
- C.** An applicant seeking Heritage Grant funding shall submit to the Department a Heritage Fund Grant application according to a schedule of due dates determined by the Director. An applicant shall provide the following information on the Heritage Grant application form:



## Game and Fish Commission

1. The name of the applicant;
  2. Any county and legislative district where the project will be developed or upon which the project will have a direct impact;
  3. The name, title, mailing address, e-mail address, and telephone number of the individual responsible for the day-to-day management of the proposed project;
  4. Identification of the application criterion established in the Heritage Grant application materials;
  5. A descriptive project title;
  6. The name of the site, primary location, and any other locations of the project;
  7. Description of the:
    - a. Scope of work and the objective of the proposed project,
    - b. Methods for achieving the objective, and
    - c. Desired result of the project;
  8. The beginning and ending dates for the project;
  9. The resources needed to accomplish the project, including grant monies requested, and, if applicable, evidence of secured matching funds or contributions; and
  10. Any additional supporting information required by the Department.
  11. Signature and date. The person signing the grant application form shall have the authority to enter into agreements, accept funding, and fulfill the terms of the Grant Agreement on behalf of the applicant.
- D.** A person applying for multiple projects shall submit a separate application for each project.
- E.** An applicant shall demonstrate ownership or control of the project. Ownership or control may be demonstrated through fee title, lease, easement, or agreement. For all other project types related to sites not controlled by an applicant, an applicant shall provide written permission from the property owner authorizing the project activities and access. The applicant's proof of ownership or control or written permission shall demonstrate:
1. Permission for access is not revocable at will by the property owner, and
  2. Public access will be granted to the project site for the life of the project, unless the purpose of the project proposal is to limit access.
- F.** Heritage Grant proposals are competitive and the Department shall make awards based on a proposed project's compatibility with the priorities of the Department, as approved by the Commission.
- G.** The Department may require an applicant to modify the application prior to awarding a Heritage Grant, if the Department determines that the modification is necessary for the successful completion of the project.
- H.** When applicable, the Department shall not release Heritage Grant funds until after the Department has consulted with the State Historic Preservation Office regarding the proposed project's potential impact on historic and archaeological properties and resources.
- I.** The Department shall notify an applicant in writing of the results of the applicant's submission and announce Heritage Grant awards at a regularly scheduled open meeting of the Commission.
- J.** A participant shall:
1. Sign the Grant Agreement before the Department transfers any grant funds.
  2. Deposit transferred Heritage Grant funds in a dedicated account carrying the name and number of the project. In the event the funds are deposited in an interest-bearing account, any interest earned shall be:
    - a. Used for the purpose of furthering the project, with prior approval from the Department; or
    - b. Remitted to the Department upon completion of the project.
3. Complete the project as specified under the terms and conditions of the Grant Agreement.
  4. Use awarded Heritage Grant funds solely for the project described in the application and as approved by the Department.
  5. Bear full responsibility for performance of its subcontractors to ensure compliance with the Grant Agreement.
  6. Pay all costs associated with the operation and maintenance of properties, facilities, equipment, services, publications, and other media funded by a Heritage Grant for the term of public use as specified in the Grant Agreement.
  7. Submit records that substantiate the expenditure of Heritage Grant funds. In addition, each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, reports, files, and any other records relating to the acquisition and performance of the contract for a period of five years from the end date of the project period. The Department may inspect and audit participant and subcontractor records as prescribed under A.R.S. § 35-214. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records.
  8. Allow Department employees or agents to conduct inspections and reviews:
    - a. To ensure compliance with all terms and conditions established under the Grant Agreement.
    - b. Before release of the final payment.
  9. Give public acknowledgment of Heritage Fund grant assistance for the term of public use of a project. If a project involves acquisition of property, development of public access, or renovation of a habitat site, the participant shall install a permanent sign describing the funding sources. The participant may include the cost of this signage as part of the original project. The participant is responsible for maintenance or replacement of the sign as required. For other project types, the participant shall include Heritage Fund grant funding acknowledgment on any publicly available or accessible products resulting from the project.
- K.** A participant shall not:
1. Begin a project described in the application until after the grant effective date.
  2. Use Heritage Grant funds for the purpose of producing income unless authorized by the Department. A participant shall use all income generated to further the purpose of the approved project or surrender the income to the original funding source.
  3. Comingle Heritage Grant funds with any other funds.
  4. Use Heritage Grant funds to pay the salary of any public agency employee. A participant may use a public agency's employee's time as in-kind match for the project specified in the Grant Agreement.
- L.** The parties may amend the terms of the Grant Agreement by mutual written consent. The Department shall prepare any approved amendment in writing, and both the Department and the Grantee shall sign the amendment.
- M.** The Department and the participant may amend the Grant Agreement during the project period. A participant seeking to amend the Grant Agreement shall submit a written request that includes justification to amend the Grant Agreement. The Department shall prepare any approved amendment in writing

## Game and Fish Commission

and both the Department and the participant shall sign the amendment.

- N. A participant shall submit project status reports, as required in the Grant Agreement. If a participant fails to submit a project status report, the Department may not release any remaining grant monies until the participant has submitted all past due project status reports. The project status report shall include the following information, as applicable:
  1. Progress in completing approved work;
  2. Itemized, cumulative project expenditures;
  3. A financial accounting of:
    - a. Heritage Grant Funds,
    - b. Matching funds,
    - c. Donations, and
    - d. Income derived from project funds;
  4. Any delays or problems that may prevent the on-time completion of the project; and
  5. Any other information required by the Department.
- O. At the end of the project period and for each year until the end of the term of public use, a participant shall:
  1. Certify compliance with the Grant Agreement, and
  2. Complete a post-completion report form furnished by the Department.
- P. Upon completion of approved project elements, if a balance of awarded Heritage Grant funds remains, the participant may:
  1. Use the unexpended funds for an additional project consistent with the original scope of work, when approved by the Department; or
  2. Surrender the unexpended funds to the Department.
- Q. Upon completion of the project a participant shall:
  1. Surrender equipment with an acquisition cost of more than \$500 to the Department upon completion, or
  2. Use equipment purchased with Heritage Grant funds in a manner consistent with the purposes of the Grant Agreement.
- R. A participant may request an extension beyond the approved project period by writing to the Department.
  1. Requests for an extension shall be submitted by the participant no later than 30 days before the end of the project period.
  2. If approved, an extension shall be signed by both the participant and the Department.
- S. A participant that has a Heritage Grant funded project in extension shall not apply for, nor be considered for, further Heritage Grants until the administrative subunit's project under extension is completed.
- T. In addition, the Department may administratively extend the project period for good cause such as, but not limited to, inclement weather, internal personnel changes, or to complete the final closure documents.
- U. A participant that failed to comply with the terms and conditions of a Grant Agreement shall not apply for, nor be considered for, further Heritage Grants until the participant's project is brought into compliance.
- V. If a participant is not in compliance with the Grant Agreement, the Department may:
  1. Terminate the Grant Agreement,
  2. Seek recovery of grant monies awarded, and
  3. Classify the participant as ineligible for Heritage Fund Grants for a period of up to five years.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 768, effective

June 1, 2013 (Supp. 13-2). Amended by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-703. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-703 renumbered to R12-4-705; new Section R12-4-703 made by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-704. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-704 repealed; new Section R12-4-704 renumbered from R12-4-709 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-705. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-705 repealed; new Section R12-4-705 renumbered from R12-4-703 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-706. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-706 repealed; new Section R12-4-706 renumbered from R12-4-710 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-707. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-707 repealed; new Section R12-4-707 renumbered from R12-4-711 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-708. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-708 repealed; new Section R12-4-708 renumbered

## Game and Fish Commission

from R12-4-712 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-709. Renumbered****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-709 renumbered to R12-4-704 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-710. Renumbered****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-710 renumbered to R12-4-706 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-711. Renumbered****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-711 renumbered to R12-4-707 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-712. Renumbered****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-712 renumbered to R12-4-708 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY****R12-4-801. General Provisions****A. Wildlife Areas:**

1. Wildlife areas shall be established to:
  - a. Provide protective measures for wildlife, habitat, or both;
  - b. Allow for hunting, fishing, and other recreational activities that are compatible with wildlife habitat conservation and education;
  - c. Allow for special management or research practices; and
  - d. Enhance wildlife and habitat conservation.
2. Wildlife areas shall be:
  - a. Lands owned, leased, or otherwise managed by the Commission;
  - b. Federally-owned lands of unique wildlife habitat where cooperative agreements provide wildlife management and research implementation; or
  - c. Any lands with property interest conveyed to the Commission by any entity, through an approved land use agreement, including but not limited to deeds, patents, leases, conservation easements, special use permits, licenses, management agreements, inter-agency agreements, letter agreements, and right-of-entry, where the property interest conveyed

is sufficient for management of the lands consistent with the objectives of the wildlife area.

3. Land qualified for wildlife areas shall be:
    - a. Lands with unique topographic or vegetative characteristics that contribute to wildlife,
    - b. Lands where certain wildlife species are confined because of habitat demands,
    - c. Lands that can be physically managed and modified to attract wildlife, or
    - d. Lands that are identified as critical habitat for certain wildlife species during critical periods of their life cycles.
  4. The Department may restrict public access to and public use of wildlife areas and the resources of wildlife areas for up to 90 days when necessary to protect property, ensure public safety, or to ensure maximum benefits to wildlife. Closures or restrictions exceeding 90 days shall require Commission approval.
  5. Closures of all or any part of a wildlife area to public entry, and any restriction to public use of a wildlife area, shall be listed in this Article or shall be clearly posted at each entrance to the wildlife area. No person shall conduct an activity restricted by this Article or by such posting.
  6. When a wildlife area is posted against travel except on existing roads, no person shall drive a motor-operated vehicle over the countryside except by road.
  7. The Department may post signs that place additional restrictions on the use of wildlife areas. Such restrictions may include the timing, type, or duration of certain activities, including the prohibition of access or nature of use.
- B. Commission-owned real property other than Wildlife Areas:**
1. The Department may take action to manage public access and use of any Commission-owned real property or facilities. Such actions may include restrictions on the timing, type, or duration of certain activities, including the prohibition of access or nature of use.
  2. No person shall access or use any Commission-owned real property or facilities in violation of any Department actions authorized under subsection (B)(1), if signs are posted providing notice of the restrictions.

**Historical Note**

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 22 A.A.R. 951, effective June 7, 2016 (Supp. 16-2).

**R12-4-802. Wildlife Area and Other Department Managed Property Restrictions****A. No person shall violate the following restrictions on Wildlife Areas:**

1. Alamo Wildlife Area (located in Units 16A and 44A):
  - a. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - b. Overnight public camping in the wildlife area outside of Alamo State Park allowed for no more than 14 days within a 45-day period.
  - c. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - d. Posted portions closed to all public entry.

## Game and Fish Commission

- e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
2. Allen Severson Wildlife Area (located in Unit 3B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to discharge of all firearms from April 1 through July 25 annually.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from April 1 through July 25 annually.
3. Aravaipa Canyon Wildlife Area (located in Units 31 and 32):
  - a. Access through the Aravaipa Canyon Wildlife Area within the Aravaipa Canyon Wilderness Area is by permit only, available through the Safford Office of the Bureau of Land Management. Motorized vehicle travel is not permitted on the wildlife area. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of all firearms.
4. Arlington Wildlife Area (located in Unit 39):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Target or clay bird shooting permitted in designated areas only.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
    - i. Posted portions around Department housing are closed to the discharge of all firearms; and
    - ii. Wildlife area is closed to the discharge of centerfire rifled firearms.
5. Base and Meridian Wildlife Area (located in Units 39, 26M, and 47M):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel is not permitted on the wildlife area. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. No target or clay bird shooting.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rifled firearms.
6. Becker Lake Wildlife Area (located in Unit 1):
  - a. No open fires.
  - b. No overnight public camping.
- c. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - d. The Becker Lake boat launch access road and parking areas along with any other posted portions of the wildlife area will be closed to all public entry from one hour after sunset to one hour before sunrise daily.
  - e. Posted portions closed to all public entry.
  - f. Posted portions closed to hunting.
  - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rifled firearms.
7. Bog Hole Wildlife Area (located in Unit 35B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel is not permitted on the wildlife area. This subsection does not apply to Department authorized vehicles or law enforcement, fire response or other emergency vehicles.
  - e. Open to all hunting in season, by foot access only, as permitted under R12-4-304 and R12-4-318.
8. Chevelon Canyon Ranches Wildlife Area (located in Unit 4A):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads and areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
9. Chevelon Creek Wildlife Area (located in Unit 4B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads and areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to all public entry.
  - f. Additional posted portions closed to all public entry from October 1 through February 1 annually.
  - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 1 through February 1 annually.
10. Cibola Valley Conservation and Wildlife Area (located in unit 43A):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated and administrative roads and areas only, except as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to all public entry.

## Game and Fish Commission

- f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rifled firearms.
- 11. Clarence May and C.H.M. May Memorial Wildlife Area (located in Unit 29):
  - a. Closed to the discharge of all firearms, except as authorized under subsection (A)(11)(b).
  - b. Closed to hunting, except for predator hunts authorized by Commission Order.
- 12. Cluff Ranch Wildlife Area (located in Unit 31):
  - a. Open fires allowed in designated areas only.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 45-day period.
  - d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions around Department housing and Pond Three are closed to discharge of all firearms.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.
- 13. Colorado River Nature Center Wildlife Area (located in Unit 15D):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles, law enforcement, fire response, or other emergency vehicles.
  - e. Closed to hunting.
- 14. Fool Hollow Lake Wildlife Area (located in Unit 3C):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. The parking area adjacent to Sixteenth Avenue and other posted portions of the wildlife area will be closed to all public entry daily from one hour after sunset to one hour before sunrise, except for anglers possessing a valid fishing license accessing Fool Hollow Lake/Show Low Creek.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 15. House Rock Wildlife Area (located in Unit 12A):
  - a. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles, law enforcement, fire response, or other emergency vehicles.
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  - c. Members of the public are prohibited from being within 1/4 mile of the House Rock bison herd while on House Rock Wildlife Area, except when taking bison or accompanied by Department personnel.
- 16. Jacques Marsh Wildlife Area (located in Unit 3B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rimfire and centerfire rifled firearms.
- 17. Lamar Haines Wildlife Area (located in Unit 7):
  - a. Wood cutting by permit only and collecting limited to dead and down material, for noncommercial use only. Upon request, a person may obtain a wood cutting permit from the Flagstaff Game and Fish Department regional office.
  - b. No overnight public camping.
  - c. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - d. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 18. Lower San Pedro River Wildlife Area (located in Units 32 and 37B):
  - a. Open fires allowed in designated areas only. The following acts are prohibited:
    - i. Building, attending, maintaining, or using a fire without removing all flammable material from around the fire to adequately prevent the fire from spreading from the fire pit.
    - ii. Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.
    - iii. Building, attending, maintaining, or using a fire in any area that is closed to fires.
    - iv. Leaving a fire without completely extinguishing it.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 45-day period.
  - d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to all public entry.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting.
  - g. Parking allowed within 300 feet of designated open roads and in designated areas only.
  - h. Discharge of a firearm or pre-charged pneumatic weapon prohibited within 1/4 mile of buildings.
  - i. A person shall not use a metal detector or similar device except as authorized by the Department. This subsection does not apply to law enforcement officers in the scope of their official duties, or to persons duly licensed, permitted, or otherwise authorized to investigate historical or cultural artifacts by a gov-

## Game and Fish Commission

- ernment agency with regulatory authority over cultural or historic artifacts.
19. Luna Lake Wildlife Area (located in Unit 1):
    - a. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - b. Posted portions closed to all public entry from February 15 through July 31 annually.
    - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except when closed to hunting from April 1 through July 31 annually.
  20. Mitty Lake Wildlife Area (located in Unit 43B):
    - a. Open fires allowed in designated areas only.
    - b. Overnight public camping allowed in designated areas only, for no more than 10 days per calendar year.
    - c. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - d. Posted portions closed to all public entry.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting.
  21. Planet Ranch Conservation and Wildlife Area (located in Units 16A and 44A):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 45-day period.
    - d. Motorized vehicle travel:
      - i. Is permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H).
      - ii. Is prohibited within the posted Lower Colorado River Multi-Species Conservation Program habitat area.
      - iii. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting.
  22. Powers Butte (Mumme Farm) Wildlife Area (located in Unit 39):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on posted designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. If conducted during an event approved under R12-4-125, target or clay bird shooting is permitted in designated areas only.
    - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
      - i. Posted portions around Department housing are closed to the discharge of all firearms; and
      - ii. Wildlife area is closed to the discharge of centerfire rifled firearms.
  23. Quigley-Achee Wildlife Area (located in Unit 41):
    - a. No open fires.
    - b. No overnight public camping.
    - c. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - d. Posted portions closed to all public entry.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting.
  24. Raymond Wildlife Area (located in Unit 5B):
    - a. Overnight public camping permitted in designated sites only, for no more than 14 days within a 45-day period.
    - b. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110 (G). All-terrain and utility type vehicles are prohibited. For the purpose of this subsection, all-terrain and utility type vehicle means a motor vehicle having three or more wheels fitted with large tires and is designed chiefly for recreational use over roadless, rugged terrain. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - c. Posted portions closed to all public entry from May 1 through July 29 annually.
    - d. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting periodically during hunting seasons.
    - e. Members of the public are prohibited from being within 1/4 mile of the Raymond bison herd while on Raymond Wildlife Area, except when taking bison or accompanied by Department personnel.
    - f. Prior to entering Raymond Wildlife Area, members of the public shall sign in at a posted sign-in kiosk and by doing so acknowledge they have read and shall comply with the posted Raymond Wildlife Areas restrictions.
  25. Robbins Butte Wildlife Area (located in Unit 39):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads, trails, or areas only from one hour before sunrise to one hour after sunset daily, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Parking in designated areas only.
    - f. If conducted during an event approved under R12-4-125, target or clay bird shooting is permitted in designated areas only.
    - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318 except the wildlife area is closed to the discharge of centerfire rifled firearms.
  26. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
    - a. Posted portions closed to all public entry from November 15 through February 15 annually.

## Game and Fish Commission

- b. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from November 15 through February 15 annually.
- 27. Santa Rita Wildlife Area (located in Unit 34A):
  - a. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). Portions of the wildlife area may be posted as closed to motorized vehicle travel for periodical research purposes. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except that the take of wildlife with firearms is prohibited from March 1 through August 31.
- 28. Sipe White Mountain Wildlife Area (located in Unit 1):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions around Department housing is closed to the discharge of all firearms.
- 29. Springerville Marsh Wildlife Area (located in Unit 2B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Closed to the discharge of all firearms.
  - f. Open to all hunting as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of all firearms.
- 30. Sunflower Flat Wildlife Area (located in Unit 8):
  - a. No overnight public camping.
  - b. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 31. Three Bar Wildlife Area (located in Unit 22):
  - a. Motorized vehicle travel:
    - i. Is permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H).
    - ii. Is prohibited within the Three Bar Wildlife and Habitat Study Area.
  - iii. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Open to all hunting in season, as permitted under R12-4-304 and R12-4-318, except the area within the fenced enclosure inside the loop formed by Tonto National Forest Road 647, also known as the Walnut Canyon Enclosure, which is closed to hunting, unless otherwise provided under Commission Order.
- 32. Tucson Mountain Wildlife Area (located in Unit 38M):
  - a. Motorized vehicle travel permitted on designated roads and trails as part of the road system managed and regulated by the City of Tucson and Pima County. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
    - i. Portions posted as closed to hunting, and
    - ii. Wildlife area is closed to the discharge of all firearms.
  - c. Archery deer and archery javelina hunters must check in with the Arizona Game and Fish Tucson Regional Office prior to going afield.
- 33. Upper Verde River Wildlife Area (located in Unit 8 and 19A):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel is not permitted. This subsection does not apply to Department authorized vehicles or law enforcement, fire department, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  - f. All dogs must remain on leash except for hunting dogs during a legal open season.
- 34. Wenima Wildlife Area (located in Unit 2B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 35. White Mountain Grasslands Wildlife Area (located in Unit 1):
  - a. No open fires.
  - b. No overnight public camping.
  - c. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - d. Posted portions closed to all public entry.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 36. Whitewater Draw Wildlife Area (located in Unit 30B):
  - a. Open fires allowed in designated areas only.
  - b. Overnight public camping allowed in designated areas only, for no more than 14 days within a 45-day period.

## Game and Fish Commission

- c. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - d. Posted portions closed to all public entry from October 15 through March 15 annually.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.
37. Willcox Playa Wildlife Area (located in Unit 30A):
- a. Open fires allowed in designated areas only.
  - b. No firewood cutting or gathering.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 45-day period.
  - d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to all public entry from October 15 through March 15 annually.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 15 through March 15 annually.
- B.** Notwithstanding Commission Order 40, public access and use of the Hirsch Conservation Education Area and Biscuit Tank is limited to activities conducted and offered by the Department and in accordance with the Department's special management objectives for the property, which include, but are not limited to, flexible harvest, season, and methods that:
- 1. Allow for a variety of fishing techniques, fish harvest, fish consumption, and catch and release educational experiences;
  - 2. Maintain a healthy, productive, and balanced fish community and
  - 3. Provide public education activities and training courses that are compatible with the management of aquatic wildlife.

**Historical Note**

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 8 A.A.R. 2107, effective May 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 9 A.A.R. 3141, effective August 23, 2003 (Supp. 03-2). Amended by exempt rulemaking at 10 A.A.R. 1976, effective May 14, 2004 (Supp. 04-2). Amended by exempt rulemaking at 11 A.A.R. 1927, effective May 20, 2005 (Supp. 05-2). Amended by exempt rulemaking at 12 A.A.R. 1698, effective May 19, 2006 (Supp. 06-2). Amended by exempt rulemaking at 13 A.A.R. 1741, effective May 18, 2007 (Supp. 07-2). Amended by exempt rulemaking at 14 A.A.R. 1841, effective April 22, 2008 (Supp. 08-2). Amended by exempt rulemaking at 16 A.A.R. 397, effective March 5, 2010 (Supp. 10-1). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 931, effective June 17, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 841, effective June 17, 2014 (Supp. 14-1). Amended by exempt rulemaking at 22 A.A.R. 951, effective June 7, 2016

(Supp. 16-2). Amended by exempt rulemaking at 22 A.A.R. 2209, effective October 4, 2016 (Supp. 16-4).

**R12-4-803. Wildlife Area and Other Department Managed Property Boundary Descriptions**

- A.** For the purposes of this Section:
- "B.C." means brass cap.
  - "B.C.F." means brass cap flush.
  - "G&SRB&M" means Gila and Salt River Base and Meridian.
  - "M&B" means metes and bounds.
  - "R" means Range line.
  - "T" means Township line.
- B.** Wildlife Areas are described as follows:
1. Alamo Wildlife Area: The Alamo Wildlife Area shall be those areas described as follows:  
T10N, R13W; Section 3 N1/2, SW1/4, SE1/4 Mohave County only; Section 4, E1/2SW1/4, SE1/4; Section 9, NE1/4, E1/2NW1/4; Section 10, NW1/4NW1/4, NE1/4NW1/4 within designated Wilderness Area. T11N, R11W; Section 7, S1/2SW1/4; Section 18, N1/2 NW1/4; T11N, R12W; Section 4, Lots 2, 3 and 4, SW1/4NE1/4, S1/2NW1/4, SW1/4, W1/2SE1/4; Section 5, Lot 1, SE1/4NE1/4, E1/2SE1/4; Section 7, S1/2, SE1/4 NE1/4; Section 8, NE1/4, S1/2NW1/4, S1/2; Section 9; Section 10, S1/2NW1/4, S1/2; Section 11, S1/2S1/2; Section 12, S1/2S1/2; Section 13, N1/2, N1/2SW1/4, NW1/4SE1/4; Section 14, N1/2, E1/2SE1/4; Section 15, N1/2, SW1/4SW1/4, SW1/4SE1/4; Section 16, 17, 18 and 19; Section 20, N1/2, N1/2SW1/4; Section 21, NW1/4; Section 29, SW1/4, SW1/4SE1/4; Section 30; Section 31, N1/2, N1/2S1/2; Section 32, NW1/4, N1/2SW1/4; T11N, R13W; Section 12, SE1/4SW1/4, SW1/4SE1/4, E1/2SE1/4; Section 13; Section 14, S1/2NE1/4, SE1/4SW1/4, SE1/4; Section 22, S1/2SW1/4, SE1/4; Section 23, E1/2, E1/2NW1/4, SW1/4NW1/4, SW1/4; Section 24, 25 and 26; Section 27, E1/2, E1/2W1/2; Section 34, E1/2, E1/2NW1/4, SW1/4; Section 35 W1/2, W1/2NE1/4; T12N, R12W; Section 19, E1/2, SE1/4SW1/4; Section 20, NW1/4NW1/4, SW1/4SW1/4; Section 28, W1/2SW1/4; Section 29, W1/2NW1/4, S1/2, SE1/4NW1/4; Section 30, E1/2, E1/2NW1/4, NE1/4SW1/4; Section 31, NE1/4NE1/4; Section 32, N1/2, N1/2SE1/4, SE1/4SE1/4; Section 33, W1/2E1/2, W1/2; all in G&SRB&M, Mohave and La Paz Counties, Arizona.
  2. Allen Severson Memorial Wildlife Area: The Allen Severson Memorial Wildlife Area shall be that area including Pintail Lake and South Marsh lying within the fenced and posted portions of:  
T11N, R22E; Section 32, SE1/4; Section 33, S1/2SW1/4; T10N, R22E; Section 4, N1/2NW1/4; T10N, R22E; Section 4: the posted portion of the NW1/4SW1/4; all in G&SRB&M, Navajo County, Arizona, consisting of approximately 300 acres.
  3. Aravaipa Canyon Wildlife Area: The Aravaipa Canyon Wildlife Area shall be that area within the flood plain of Aravaipa Creek and the first 50 vertical feet above the streambed within the boundaries of the Aravaipa Canyon Wilderness Area administered by the Bureau of Land Management (BLM), Graham and Pinal Counties, Arizona.
  4. Arlington Wildlife Area: The Arlington Wildlife Area shall be those areas described as follows:  
T1S, R5W, Section 33, E1/2SE1/4; T2S, R5W, Section 3, W1/2W1/2, Section 4, E1/2, and Parcel 401-58-001A as described by the Maricopa County Assessor's Office; a parcel of land lying within Section 4, T2S, R5W, more particularly described as follows: commencing at the southwest corner of said Section 4, 2-inch aluminum cap



## Game and Fish Commission

(A.C.) in pothole stamped "RLS 36562", from which the northwest corner of said Section, a 1 1/2-inch B.C. stamped "T1S R5W S32 S33 S5 S4 1968", bears N 00°09'36" E (basis of bearing) a distance of 4130.10 feet, said southwest corner being the point of beginning; thence along the west line of said Section, N 00°09'36" E a distance of 16.65 feet; thence leaving said west line, S 89°48'28" E a distance of 986.79 feet; thence N 00°47'35" E a distance of 2002.16 feet; thence N 01°07'35" E a distance of 2102.65 feet to the north line of said Section; thence along said north line S 89°18'45" E a distance of 1603.61 feet to the N1/4 corner of said Section, a 1/2-inch metal rod; thence leaving said north line, along the north-south midsection line of said Section, S 00°08'44" E a distance of 4608.75 feet to the S1/4 corner of said Section, a 3-inch B.C.F. stamped "T2S R5W 1/4S4 S9 RLS 46118 2008"; thence leaving said north-south midsection line, along the south line of said Section, N 79°10'54" W a distance of 2719.41 feet to the point of beginning. Subject to existing rights-of-way and easements. This parcel description is based on the Record of Survey for Alma Richardson Property, recorded in Book 996, page 25, Maricopa County Records and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of April, 2008 and October, 2009 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey; all in G&SRB&M, Maricopa County, Arizona. Section 9; NW1/4 and SW1/4; Section 3; LOT 4 SW1/4NW1/4, W1/2SW1/4 NE1/4SE1/4; Section 3; M&B in LOT 1 SE1/4NE1/4E1/2SE1/4; Section 9; M&B in NE1/4NE1/4; Section 10; SW1/4NW1/4; Section 15; those portions of S1/2W1/4 and N1/2SW1/4 lying west of the primary through road; Section 16; W1/2 M&B in E1/2E1/2 W1/2E1/2; Section 21; NE1/4NW1/4 and Parcel 401-61-008D as described by the Maricopa County Assessor's Office, more particularly described as follows: commencing at the BLM B.C. marking the northeast corner of said Section 21, from which the BLM B.C. marking the northwest corner of said Section 21 bears N 82°26'05" W a distance of 5423.64 feet; thence N 82°26'05" W along the north line of Section 21 a distance of 2711.82 feet to the NW1/4 corner of said Section 21; thence S 00°33'45" W along the north-southerly midsection line of said Section 21 a distance of 33.25 feet to the True Point of Beginning; thence continuing S 00° 33'45" W along said north-south midsection line a distance of 958.00 feet to a point on a line which is parallel with and 983.85 feet southerly, as measured at right angles from the north line of said Section 21; thence N 82°26'05" W along said parallel line a distance of 925.54 feet; thence N 26°12'18" W a distance of 153.32 feet; thence N 13°26'18" W a distance of 303.93 feet; thence N 34°15'49" W a distance of 189.27 feet; thence N 21°32'45" W a distance of 215.60 feet; thence N 89°25'47" W a distance of 95.37 feet to a point on the west line of the NE1/4N1/4 of said Section 21; thence N 00°34'13" E, along said west line a distance of 223.54 feet to a point on a line which is parallel with and 33.00 feet southerly, as measured at right angles from the north line of said Section 21; thence S 82°26'05" E along said parallel line, a distance of 1355.91 feet to the True Point of Beginning; all in G&SRB&M, Maricopa County, Arizona.

5. Base and Meridian Wildlife Area: The Base and Meridian Wildlife Area shall be those areas described as follows: T1N, R1E, Section 31; Maricopa County APN 101-44-023, also known as Lots 3, 5, 6, 7, 8 and NE1/4SW1/4, and Maricopa County APN 101-44-003J, also known as the S1/2S1/2SW1/4NW1/4 except the west 55 feet thereof; and 101-44-003K, also known as the S1/2S1/2SW1/4NW1/4 except the west 887.26 feet thereof; and Maricopa County APN 104-44-002S, also known as that portion of the N1/2SE1/4, described as follows: commencing at the aluminum cap set at the E1/4 corner of said Section 31, from which the 3" iron pipe set at the southeast corner of said Section 31, S 00°20'56" W a distance of 2768.49 feet; thence S 00°20' 56" W along the east line of said SE1/4 of Section 31 a distance of 1384.25 feet to the southeast corner of said N1/2SE1/4; thence S 89°25'13" W along the south line of said N1/2SE1/4 a distance of 2644.35 feet to the southwest corner of said N1/2SE1/4 and the point of beginning; thence N 00°03'37" W along the west line of said SE1/4 a distance of 746.86 feet to the south line of the north 607.00 feet of said N1/2SE1/4; thence N 88°46' 12" E along said south line of the north 607.00 feet of the N1/2SE1/4 a distance of 656.09 feet; thence S 00°03'37" E parallel with said west line of the SE1/4 a distance of 754.31 feet to said south line of the N1/2SE1/4; Thence S 89°25' 13" W along said south line of the N1/2SE1/4 a distance of 655.98 feet to the point of beginning. T1N, R1W, Section 34, N1/2SE1/4; Section 35, S1/2; Section 36. The Maricopa County APN 500-69-099; the W1/2SE1/4NE1/4. APN 500-69-099, 500-69-100, also known as that portion of the SE1/4SE1/4NE1/4. 500-69-010C, also known as that portion of the W1/2SE1/4NE1/4, except any portion of said W1/2SE1/4NE1/4 of Section 36 lying within the following described four parcels: Exception 1: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°10' E a distance of 846.16 feet to the point of beginning; thence continuing S 00°18' E a distance of 141.17 feet; thence S 87°51'15" W a distance of 570.53 feet; thence S 00°29' E a distance of 310.00 feet to the south line of said W1/2SE1/4NE1/4 of Section 36; thence N 89°29' W along the west line of said W1/2SE1/4NE1/4 of Section 36 a distance of 425.93 feet; said point bears S 00°29' E a distance of 895.93 feet from the northwest corner of said W1/2SE1/4NE1/4 of Section 36; thence N 85°54'33" E a distance of 647.01 feet to the point of beginning. Exception 2: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°18' E a distance of 846.16 feet to the point of beginning; said point being on the northerly line of the Flood Control District of Maricopa County parcel as shown in Document 84-26119, Maricopa County Records; thence S 85°54'33" W a distance of 647.01 feet to the west line of said W1/2SE1/4NE1/4 of Section 36; thence N 00°29' W along said west line a distance of 30 feet; thence N 84°23'15" E a distance of 228.19 feet; thence N 87°17'06" E a distance of 418.85 feet to the east line of the W1/2SE1/4NE1/4 of Section 36; thence S 00°18' E along said east line a distance of 26.00 feet to the point of beginning. Exception 3: the South 37.6 feet of said W1/2SE1/4NE1/4 of Section 36. Except all oil, gas and other hydrocarbon substances, helium or other substance of gaseous nature, coal, metals, minerals, fossils, fertilizer of every name and description and except all materials which may be essential to the production of

## Game and Fish Commission

fissionable material as reserved in Arizona Revised Statutes. Exception 4: that part of the W1/2SE1/4NE1/4 of Section 36, T1N, R1W lying north of the following described line: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°18'00" E a distance of 820.16 feet, to the point of beginning; said point being on the northerly line of the Flood District of Maricopa County parcel as shown in Document 85-357813, Maricopa County Records; thence S 87°17'06" W a distance of 418.85 feet; thence S 84°23'15" W a distance of 228.19 feet to the west line of said W1/2SE1/4NE1/4 of Section 36 and the point of terminus. The above described parcel contains 162,550 sq. ft. or 3.7316 acres 500-69-001L and 500-69-001M, also known as the N1/2SE1/4, except the south 892.62 feet thereof. 500-69-001N, 500-69-001P, 500-69-001Q, 500-69-001R, 500-69-001T, 500-69-001X, 500-69-001Y, also known as that portion of the south 892.62 feet of the N1/2SE1/4. The SE1/4SE1/4NE1/4 of Section 36, T1N, R1W, except the south 37.6 feet of said SE1/4SE1/4NE1/4, and except the east 55 feet of said SE1/4SE1/4NE1/4, and except that part of said SE1/4SE1/4NE1/4 lying north of the most southerly line of the parcel described in Record 84-026119, Maricopa County Records, said southerly line being described as follows: beginning at the NE1/4S1/2NE1/4SE1/4NE1/4 of said Section 36; thence S 00°07' E along the east line of Section 36, a distance of 50.70 feet; thence S 89°53' W a distance of 55.00 feet to a point on the west line of the east 55.00 feet of said Section 36; thence S 00°07' E along said line, a distance of 510.00 feet; thence S 81°4'43" W a distance of 597.37 feet to a terminus point on the west line of said SE1/4SE1/4NE1/4 of Section 36, and except that part of said SE1/4SE1/4NE1/4 described as follows: commencing at the E1/4 corner of said Section 36; thence N 89°37'23" W along the south line of said SE1/4SE1/4NE1/4 of Section 36, a distance of 241.25 feet; thence N 18°53'04" E a distance of 39.65 feet to the point of beginning; thence continuing N 18°53'04" E a distance of 408.90 feet; thence S 81°04'43" W a distance of 222.55 feet; thence S 18°53'04" W a distance of 370.98 feet; thence S 89°37'23" E a distance of 207.58 feet to the point of beginning. That portion of land lying within the SE1/4SE1/4NE1/4 of Section 36, T1N, R1W, and the S1/2SW1/4NW1/4 of Section 31, T1N, R1E, as described in Document Number 99-1109246. Except the west 22 feet of the property described in Recorder Number 97-0425420, also known as APN 101-44-003G; and except the west 22 feet of the property described in Recorder Number 97-566498, also known as APN 101-44-013; all in G&SRB&M, Maricopa County, Arizona.

6. Becker Lake Wildlife Area: The Becker Lake Wildlife Area shall be that area including Becker Lake lying within the fenced and posted portions of: T9N, R29E, Section 19, SE1/4SE1/4 also known as APN. 105-07-001; Section 20, SW1/4SW1/4; beginning at a point 1012 feet north of the southwest corner of the SE1/4SW1/4 of Section 20, T9N, R29E; thence north 1285 feet; thence east a distance of 462 feet; thence south a distance of 2122 feet, more or less to the center of U.S. Highway 60; thence in a northwesterly direction along the center of U.S. Highway 60 a distance of 944 feet, more or less; thence west a distance of 30 feet, more or less to the point of beginning, also known as APN 105-08-002; Section 29, W1/2NW1/4, NW1/4SW1/4, also known as APN 105-15-003; beginning at the S1/4 corner

of said Section 29, said point being the True Point of Beginning; thence N 00°43'20" E along the western boundary of the SE1/4 of said Section 29, a distance of 1329.15 feet to the center-south 1/16 corner of said Section 29; thence S 89°53'01" W along the southern boundary of the NE1/4SW1/4 of said Section 29, a distance of 99.69 feet; thence N 00°43'20" E a distance of 417.54 feet; thence S 89°31'37" E a distance of 99.69 feet; thence N 00°43'20" E along the western boundary of the SE1/4 of said Section 29 a distance of 374.40 feet; thence N 88°49'48" E a distance of 474.94 feet; thence N 27°35'15" E a distance of 99.21 feet; thence N 04°13'26" W a distance of 160.59 feet; thence N 37°38'44" E a distance of 12.27 feet; thence S 26°22'25" E a distance of 371.13 feet; thence N 31°21'35" E a distance of 58.00 feet; thence S 26°22'27" E a distance of 1203.23 feet; thence S 63°58'58" W a distance of 200.00 feet; thence S 36°24'36" E a distance of 375.11 feet; thence S 00°24'06" W a distance of 490.79 feet; thence S 01°22'24" E a distance of 110.21 feet; thence S 22°27'23" E a distance of 44.27 feet; thence N 89°48'03" W a distance of 1331.98 feet to the True Point of Beginning, also known as APN 105-15-014E; beginning at the corner of Sections 28, 29, 32 and 33, T9N, R29E of G&SRB&M, Apache County, Arizona; thence N 54°21'09" W a distance of 1623.90 feet; thence N 26°00'59" W a distance of 100.00 feet; thence N 26°22'14" W a distance of 1203.23 feet to the True Point of Beginning; thence N 26°22'27" W a distance of 351.19 feet; thence S 55°14'10" W a distance of 38.42 feet; thence S 37°38'44" W a distance of 12.38 feet; thence S 26°22'14" E a distance of 371.13 feet; thence N 31°21'35" E a distance of 58.00 feet to the True Point of Beginning, also known as APN 105-15-014C. S1/2SW1/4, except the following described parcel: commencing at a 2-inch aluminum cap monument stamped LS 8906 located at the Section corner common to Sections 29, 30, 31 and 32 of said Township and Range; thence bear S 89°46'16" E along the Section line common to Sections 29 and 32, a distance of 1038.05 feet to the True Point of Beginning; thence N 35°17'33" E along the northwest boundary of the Springerville Municipal Airport a distance of 328.32 feet; thence S 39°31'26" E a distance of 349.55 feet to a point on the Section line common to Sections 29 and 32; thence N 89°46'44" W a distance of 131.96 feet to the W1/16 corner of Sections 29 and 32; thence N 89°46'16" W a distance of 280.18 feet to the True Point of Beginning. Section 30, NE1/4SE1/4, E1/2NE1/4 also known as APN 105-16-001; W1/2NE1/4, W1/2NE1/4 also known as APN 105-16-002; Section 32, beginning at the N1/4 corner of said Section 32, said point being the True Point of Beginning; thence S 89°48'03" E along the north line of said Section 32 a distance of 1331.98 feet; thence S 21°49'15" E a distance of 198.07 feet; thence S 20°56'35" W a distance of 191.75 feet; thence S 19°53'23" W a distance of 24.65 feet; thence S 39°17'55" W a distance of 86.61 feet; thence S 01°41'36" E a distance of 13.60 feet; thence S 50°13'33" W a distance of 1.29 feet; thence S 02°24'23" E a distance of 906.39 feet; thence S 00°44'11" W a distance of 466.82 feet; thence S 35°26'56" W a distance of 218.51 feet; thence S 89°57'05" W a distance of 1141.87 feet; thence N 07°57'52" E a distance of 328.83 feet; thence N 77°39'30" W a distance of 68.79 feet; thence N 00°30'56" W a distance of 334.16 feet to a 1/16th section corner; thence N 00°30'56" W a distance of 1349.10 feet to the True Point of Beginning. Except therefrom any portion

## Game and Fish Commission

- lying in the S1/2SW1/4NE1/4 of said Section 32 also known as APN 105-18-008A; all that portion of the NE1/4NW1/4 of Section 32, T9N, R29E of G&SRB&M, Apache County, Arizona, lying east of the Becker Lake Roadway; except for the following described parcel: from the NW1/16 corner of said Section 32; thence S 89°45'28" E along the 1/16 line a distance of 736.55 feet to the True Point of Beginning, said point being in the west rights-of-way limits of Becker Lake Rd.; thence N 06°09'00" W along the west line of said right-of-way a distance of 266.70 feet to a 1/2-inch rebar with a tag marked LS 13014; thence N 06°21'43" W a distance of 263.42 feet to a 1/2-inch rebar with a tag marked LS 13014; thence N 06°21'43" W a distance of 198.60 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence N 78°43'10" E a distance of 158.40 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 47°05'42" E a distance of 65.65 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 29°24'20" E a distance of 202.48 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 48°03'17" W a distance of 146.19 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence South 19°36'10" West a distance of 115.75 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence South 00°38'05" East a distance of 74.66 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 14°52' 53" E a distance of 125.09 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 15°08'20" E a distance of 136.60 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 89°58'07" W a distance of 144.13 feet to the True Point of Beginning, also known as APN 105-18-012G.
7. Bog Hole Wildlife Area: The Bog Hole Wildlife Area lying in Sections 29, 32 and 33, T22S, R17E shall be the fenced and posted area described as follows: beginning at the southeast corner of Section 32, T22S, R17E, G&SRB&M, Santa Cruz County, Arizona; thence N 21°42'20" W a distance of 1394.86 feet to the True Point of Beginning; thence N 9°15'26" W a distance of 1014.82 feet; thence N 14°30'58" W a distance of 1088.82 feet; thence N 36°12'57" W a distance of 20.93 feet; thence N 50°16'38" W a distance of 1341.30 feet; thence N 57°51'08" W a distance of 1320.68 feet; thence N 39°03'53" E a distance of 1044.90 feet; thence N 39°07'43" E a distance of 1232.32 feet; thence S 36°38'48" E a distance of 1322.93 feet; thence S 43°03'17" E a distance of 1312.11 feet; thence S 38°19'38" E a distance of 1315.69 feet; thence S 13°11'59" W a distance of 2083.31 feet; thence S 69°42'45" W a distance of 920.49 feet to the True Point of Beginning.
  8. Chevelon Canyon Ranches Wildlife Area: The Chevelon Canyon Ranches Wildlife Area shall be those areas described as follows:  
Duran Ranch: T12N, R14E; Sections 6 and 7, more particularly bounded and described as follows: beginning at Corner 1, from which the Standard Corner to Section 31 in T13N, R14E and Section 36 T13N, R13E, bears N 11°41' W 21.53 chains distant; thence S 26°5' E 6.80 chains to Corner 2; thence S 66° W 12.74 chains to Corner 3; thence S 19°16' W 13.72 chains to Corner 4; thence S 29°1' W 50.02 chains to Corner 5; thence N 64°15' W five chains to Corner 6; thence N 28°54' E 67.97 chains to Corner 7; thence N 55°36' E 11.02 to Corner 1; the place of beginning.; all in G&SRB&M, Coconino County, Arizona. Dye Ranch: T12N, R14E Sections 9 and 16, more particularly described as follows: beginning at Corner 1 from which the Standard corner to Sections 32 and 33 in T13N, R14E, bears N 2° 24' E 127.19 chains distant; thence S 50°20' E 4.96 chains to corner 2; thence S 29°48' W 21.97 chains to Corner 3; thence S 14°45' W 21.00 chains to Corner 4; thence N 76°23' W 3.49 chains to Corner 5; thence N 10°13' W 14.02 chains to Corner 6; thence N 19°41' E 8.92 chains to Corner 7; thence N 38°2' E 24.79 chains to Corner 1, the place of beginning; all in G&SRB&M, Coconino County, Arizona. Tillman Ranch: T12N, R14E land included in H.E. Survey 200 embracing a portion of approximately Sections 9 and 10 in T12N, R14E of G&SRB&M; all in G&SRB&M, Coconino County, Arizona. Vincent Ranch: T12N, R13E; Sections 3 and 4, more particularly described as follows: beginning at Corner 1, from which the south corner to Section 33, T13N, R13E, bears N 40°53' W 16.94 chains distance; thence S 53° 08' E 2.98 chains to Corner 2; thence S 11°26' W 6.19 chains to Corner 3; thence S 49°43' W 22.41 chains to Corner 4; thence S 22°45' W 30.03 chains to Corner 5; thence N 67°35' W 6.00 chains to Corner 6; thence N 23° E 30.03 chains to Corner 7; thence N 42°18' E 21.19 chains to Corner 8; thence N 57°52' E 8.40 chains to Corner 1, the place of beginning; all in G&SRB&M, Coconino County, Arizona. Wolf Ranch: T12N, R14E, Sections 18 and 19, more particularly bounded and described as follows: beginning at Corner 1, from which the U.S. Location Monument 184 H. E. S. bears S 88°53' E 4.41 chains distant; thence S 34°4' E 11.19 chains to Corner 2; thence S 40°31' W 31.7 chains to Corner 3; thence S 63°3' W 7.97 chains to Corner 4; thence S 23°15' W 10.69 chains to Corner 5; thence N 59° W 2.60 chains to Corner 6; thence N 18°45' E 10.80 chains to Corner 7; thence N 51°26' E 8.95 chains to Corner 8; thence N 30°19' E 34.37 chains to Corner 1; the place of beginning; all in G&SRB&M, Coconino County, Arizona.
  9. Chevelon Creek Wildlife Area: The Chevelon Creek Wildlife Area shall be those areas described as follows:  
Parcel 1: The S1/2S1/2NW1/4SW1/4 of Section 23, T18N, R17E of G&SRB&M; Parcel 2: Lots 1, 2, 3 and 4 of Section 26, T18N, R17E of G&SRB&M; Parcel 1: That portion of the NE1/4 of Section 26 lying northerly of Chevelon Creek Estates East Side 1 Amended, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona, all in T18N, R17E of G&SRB&M, Navajo County, Arizona. Parcel 2: That part of Tract A, Chevelon Creek Estates East Side 1 Amended, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona lying northerly of the following described line: beginning at the southwest corner of Lot 3 of said subdivision; thence southwesterly in a straight line to the southwest corner of Lot 6 of said subdivision.
  10. Cibola Valley Conservation and Wildlife Area: The Cibola Valley Conservation and Wildlife Area shall be those areas described as follows:  
Parcel 1: this parcel is located in the NW1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona, lying east of the right of way line of the "Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System," as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: beginning at the northeast corner of

## Game and Fish Commission

the NW1/4 of said Section 36; thence south and along the east line of the NW1/4 of said Section 36, a distance of 2646.00 feet to a point being the southeast corner of the NW1/4 of said Section 36; thence westerly and along the south line of the NW1/4 a distance of 1711.87 feet to a point of intersection with the east line of the aforementioned right of way; thence northerly and along said east line of the aforementioned right of way, a distance of 2657.20 feet along a curve concave easterly, having a radius of 9260.00 feet to a point of intersection with the north line of the NW1/4 of said Section 36; thence easterly and along the north line of the NW1/4 of said Section 36, a distance of 1919.74 feet to the point of beginning. Parcel 2: this parcel is located in the U.S. Government Survey of Lot 1 and the E1/2SW1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona, lying east of the right of way line of the "Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System," as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: beginning at the S1/4 corner of said Section 36; thence westerly and along the south line of said Section 36, a distance of 610.44 feet to a point of intersection with the east line of the aforementioned right of way; thence northerly along said east line of the of the aforementioned right of way and along a curve concave south-westerly, having a radius of 17350.00 feet, a distance of 125.12 feet; thence continuing along said right of way line and along a reverse curve having a radius of 9260.00 feet, a distance of 2697.10 feet to a point of intersection with the east-west midsection line of said Section 36; thence easterly along said east-west midsection line, a distance of 1711.87 feet to a point being the center of said Section 36; thence south and along the north-south midsection line, a distance of 2640.00 feet to the point of beginning. Parcel 3: this parcel is located in the E1/2NE1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona. Parcel 4: this parcel is located in the E1/2NW1/4SW1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the south right of way line of U.S.A. Levee; except therefrom that portion lying within Cibola Sportsman's Park, according to the plat thereof recorded in Book 4 of Plats, Page 58, records of Yuma (now La Paz) County, Arizona; and further excepting the N1/2E1/2NW1/4SW1/4. Parcel 5: this parcel is located in the S1/2SW1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona. Except the west 33.00 feet thereof; and further excepting that portion more particularly described as follows: the N1/2NW1/4SW1/4SW1/4 of said Section, excepting the north 33.00 feet and the east 33.00 feet thereof. Parcel 6: this parcel is located in the SW1/4SE1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona. Parcel 7: this parcel is located in Sections 24 and 25, T1N, R24W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River and east of Meander line per BLM Plat 2647C. Parcel 8: this parcel is located in the W1/2 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River. Except that portion in condemnation suit Civil 5188PHX filed in District Court of Arizona entitled USA -vs- 527.93 acres of land; and excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accre-

tions to said line of ordinary high water. Parcel 9: this parcel is located in the N1/2NE1/4SE1/4; and the W1/2SW1/4NE1/4SE1/4; and that portion of the SE1/4NE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the south right of way line of the U.S.B.R. Levee; except the east 33.00 feet thereof; and further excepting that portion more particularly described as follows: commencing at the northeast corner of the SE1/4 of said Section 20; thence S 0°24'00" E along the east line, a distance of 380.27 feet; thence S 89°36'00" W a distance of 50.00 feet to the True Point of Beginning; thence continuing S 89°36'00" W a distance of 193.00 feet; thence N 0°24'00" W a distance of 261.25 feet; thence S 70°11'00" E a distance of 205.67 feet to the west line of the east 50.00 feet of said SE1/4 of Section 20; thence S 0°24'00" E a distance of 190.18 feet to the True Point of Beginning; excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 10: this parcel is located in the S1/2SE1/4 Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona; except the east 33.00 feet thereof. Parcel 11: This parcel is located in the SW1/4NE1/4; and the NW1/4SE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River and west of the Meander line per BLM Plat 2546B; except any portion thereof lying within U.S.A. Lots 5 and 6 of said Section 20, as set forth on BLM Plat 2546B; and excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 12: this parcel is located in the SE1/4NE1/4SE1/4; and the E1/2SW1/4NE1/4SE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona. Parcel 13: this parcel is located in the E1/2 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River; except the W1/2W1/2SE1/4SW1/4SE1/4; except the E1/2E1/2SW1/4SW1/4SE1/4; except the SW1/4SW1/4NE1/4; except the W1/2SE1/4SW1/4NE1/4; and excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 14: this parcel is located in the SW1/4SW1/4NE1/4; and the W1/2SE1/4SW1/4NE1/4 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River and protection levees and front work, excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 15: this parcel is located in the W1/2 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona; except the west 133.00 feet thereof; except any portion lying within the U.S. Levee or Channel right of way or any portion claimed by the U.S. for Levee purposes or related works; and except the SE1/4SE1/4SW1/4 of said Section 20. Parcel 16: this parcel is located in the SE1/4SE1/4SW1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona.

11. Clarence May and C.M.H. May Memorial Wildlife Area: Clarence May and C.M.H. May Memorial Wildlife Area:

## Game and Fish Commission

- Clarence May and C.M.H. May Memorial Wildlife Area shall be the SE1/4 of Section 8 and N1/2NE1/4 of Section 17, T17S, R31E, and the W1/2SE1/4, S1/2NW1/4, and SW1/4 of Section 9, T17S, R31E, G&SRB&M, Cochise County, Arizona, consisting of approximately 560 acres.
12. Cluff Ranch Wildlife Area: The Cluff Ranch Wildlife Area is that area within the fenced and posted portions of Sections 13, 14, 23, 24, and 26, T7S, R24E, G&SRB&M, Graham County, Arizona; consisting of approximately 788 acres.
  13. Colorado River Nature Center Wildlife Area: The Colorado River Nature Center Wildlife Area is Section 10 of T19N, R22W, bordered by the Fort Mojave Indian Reservation to the west, the Colorado River to the north, and residential areas of Bullhead City to the south and east, G&SRB&M, Mohave County, Arizona.
  14. Fool Hollow Lake Wildlife Area: The Fool Hollow Lake Wildlife Area shall be that area lying in those portions of the S1/2 of Section 7 and of the N1/2N1/2 of Section 18, T10N, R22E, G&SRB&M, described as follows: beginning at a point on the west line of the said Section 7, a distance of 990 feet south of the W1/4 corner thereof; thence S 86°12' E a distance of 2533.9 feet; thence S 41°02' E a distance of 634.7 feet; thence east a distance of 800 feet; thence south a distance of 837.5 feet, more or less to the south line of the said Section 7; thence S 89°53' W along the south line of Section 7 a distance of 660 feet; thence S 0°07' E a distance of 164.3 feet; thence N 89°32' W a distance of 804.2 feet; thence N 20°46' W a distance of 670 feet; thence S 88°12' W a distance of 400 feet; thence N 68°04' W a distance of 692 feet; thence S 2°50' W a distance of 581 feet; thence N 89°32' W a distance of 400 feet; thence N 12°40' W a distance of 370.1 feet, more or less, the north line of the SW1/4SW1/4 of said Section 7; thence west a distance of 483.2 feet, more or less, along said line to the west line of Section 7; thence north to the point of beginning.
  15. House Rock Wildlife Area: House Rock Wildlife Area is that area described as follows: beginning at the common 1/4 corner of Sections 17 and 20, T36N, R4E; thence east along the south Section lines of Sections 17, 16, 15, 14, 13 T36N, R4E, and Section 18, T36N, R5E, to the intersection with the top of the southerly escarpment of Bedrock Canyon; thence southeasterly along the top of said escarpment to the top of the northerly escarpment of Fence Canyon; thence along the top of said north escarpment to its intersection with the top of the southerly escarpment of Fence Canyon; thence northeasterly along the top of said southerly escarpment to its intersection with the top of the escarpment of the Colorado River; thence southerly along top of said Colorado River escarpment to its intersection with Boundary Ridge in Section 29, T34N, R5E; thence westerly along Boundary Ridge to its intersection with the top of the escarpment at the head of Saddle Canyon; thence northerly along the top of the westerly escarpment to its intersection with a line beginning approximately at the intersection of the Cockscomb and the east fork of South Canyon extending southeast to a point approximately midway between Buck Farm Canyon and Saddle Canyon; thence northwest to the bottom of the east fork of South Canyon in the SW1/4SW1/4 of Section 16, T34N, R4E; thence northerly along the west side of the Cockscomb to the bottom of North Canyon in the SE1/4 of Section 12, T35N, R3E; thence northeasterly along the bottom of North Canyon to a point where the slope of the land becomes nearly flat; thence northerly along the westerly edge of House Rock Valley to the point of beginning; all in G&SRB&M, Coconino County, Arizona.
  16. Jacques Marsh Wildlife Area: The Jacques Marsh Wildlife Area is that area within the fenced and posted portions of the SE1/4, SW1/4SW1/4NE1/4, SE1/4NW1/4, SW1/4NW1/4, Section 11; and NE1/4NW1/4, NW1/4NE1/4, NE1/4NE1/4, Section 14; T9N, R22E, G&SRB&M, Navajo County, Arizona.
  17. Lamar Haines Wildlife Area: The Lamar Haines Wildlife Area is that area described as: T22N, R6E, Section 12 NW1/4, G&SRB&M, Coconino County, Arizona.
  18. Lower San Pedro River Wildlife Area: The Lower San Pedro River Wildlife Area shall be those areas described as follows:  
For the Triangle Bar Ranch Property: Parcel 1: that portion of the SE1/4 of Section 22, T7S, R16E, G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at the southeast corner of Section 22, to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence N 00°38'57" W along the east line of the SE1/4 of Section 22 a distance of 2626.86 feet to a point being the E1/4 corner of Section 22 a 2.5" Aluminum Cap stamped PLS 35235; thence S 89°00'32" W along the north line of the SE1/4 of Section 22 a distance of 1060.80 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 12°30'55" E a distance of 673.56 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 36°31'44" E a distance of 491.55 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°00'32" W a distance of 689 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 00°31'09" W a distance of 400.00 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°00'32" W a distance of 1320.00 feet to a point on the west line of the SE1/4 of Section 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 00°31'09" E a distance of 1454.09 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°51'39" E a distance of 1387.86 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 53°14'11" E a distance of 322.56 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 01°05'49" W a distance of 321.71 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°51'39" E along said South line of Section 22 a distance of 1011.31 feet to the point of beginning; containing 110.65 acres, more or less. Parcel 2: that portion of Sections 23 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at the point on the south line of Section 23, which point is 720 feet east of the southwest corner of Section 23, said point being a 1/2" Iron Pin tagged PLS 35235; thence N 23°45'32" W a distance of 1833.68 feet (N 22°28'00" W a distance of 1834 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 on the west line of Section 23; thence S 00°38'57" E a distance of 1691.03 feet (south, record) to the southwest corner of Section 23 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence along the south line of Section 23 N 89°02'45" E a distance of 720.00 feet (east, a distance of 720.00 feet, recorded) to the point of beginning; containing 13.98 acres, more or less. Parcel 3: lots 2 and 3, and the NE1/4NW1/4, SE1/4NW1/4, and NE1/4SW1/4 of Sections 18 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: commencing at the northwest corner of Section 18, said point being a GLO B.C. stamped Sec 18 CC; thence S 89°47'17" E along the north line of

## Game and Fish Commission

Section 18, a distance of 1271.33 feet to a point being a 1/2" Iron Pin tagged PLS 35235, and being the point of beginning, said point is the northwest corner of the NE1/4NW1/4; thence S 89°47'17" E a distance of 1320.00 feet to a point being the N1/4 corner of Section 18, to a point being a found stone marked 1/4; thence S 01°35'23" E a distance of 4020.67 feet to a point being a found 1/2" Iron Pin with added tag of PLS 35235 to a point being the southeast corner or the NE1/4SW1/4 of Section 18; thence N 89°37'16" W a distance of 2610.28 feet to a point on the west line of Section 18 to a point being a 1/2" Iron Pin tagged PLS 35235, to a point being the southwest corner of Lot 3; thence N 01°17'05" W along the west line of Section 18, a distance of 1360.825 feet to a point being the W1/4 corner of Section 18, to a point being a found stone marked 1/4; thence N 01°20'34" W along the west line of Section 18 a distance of 1325.845 feet to a point being a 1/2" Iron Pin tagged PLS 35235, to a point being the northwest corner of Lot 2; thence S 89°32'47" E a distance of 1279.09 feet to a point being a found 1/2" Iron Pin with added tag of PLS 35235 approximately 0.8 feet down from natural grade, to a point being the northeast corner of Lot 2; thence N 01°40'11" W along the west line of the NE1/4NW1/4 of Section 18, a distance of 1331.47 feet to a point on the north line of Section 18 and the point of beginning; containing 200.78 acres, more or less. Parcel 4: lots 3, 4, 5, 6, and 7 of Section 9, T7S, R16E, of G&SRB&M, Pinal County, Arizona more particularly described as follows: beginning at the S1/4 corner of said Section 9, to a point being a 1.5" Open Iron Pipe with added tag PLS 35235; thence N 00°00'03" E along the north-south midsection line a distance of 2641.16 feet (N 00°38'48" E a distance of 2641.20 feet, record) to the center section of Section 9 to a point being a 1/2" Iron Pin tagged PLS 35235; thence continuing N 00°00'03" E along the north-south midsection line, a distance of 1349.83 feet (N 00°38'48" E a distance of 1349.83 feet, record) to the northeast corner of Lot 5 to a point being a found 1/2" Iron Pin with added tag PLS 35235; thence S 89°09'38" W along the north line of Lot 5 a distance of 1346.80 feet (S 89°44'19" W a distance of 1347.21 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, and the northwest corner of Lot 5 and the southeast corner of Lot 3; thence N 00°58'35" E along the east line of Lot 3 a distance of 1357.74 feet (N 00°37'27" E a distance of 1357.74 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 and the northeast corner of Lot 3; thence N 89°24'33" W along the north line of Lot 3 a distance of 1323.90 feet (N 89°56'37" W a distance of 1323.945 feet, record) to the northwest corner of Section 9 to a point being a found Drill Steel with added tag PLS 35235; thence S 01°56'29" W along the west line of Section 9 a distance of 712.90 feet to a point on the west boundary line of Old Camp Grant and to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 23°03'26" E along said west boundary line of Old Camp Grant, a distance of 5011.05 feet to a point on the south line of Section 9 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 89°13'21" E along the south line of Section 9 a distance of 709.50 feet (N 89°51'39" E a distance of 709.50 feet, record) to the point of beginning; containing 181.71 acres, more or less. Together with those parts of Sections 15 and 22, T7S, R16E, of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point being a 1/2" Iron Pin tagged PLS 35235, N 89°00'32" E along

the south line of the NE1/4 of Section 22, a distance of 2251.00 feet (east a distance of 2251 feet, record) of the center section corner of Section 22; thence N 47°16'51" W a distance of 1275.05 feet (N 46°47'00" W a distance of 1275.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 79°57'00" W a distance of 1344.00 feet (N 7°27'00" W a distance of 1344.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 65°05'02" W a distance of 399.00 feet (N 59°46'00" W a distance of 399.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 17°49'24" W a distance of 1382.47 feet (N 17°34'00" W a distance of 1385.00 feet, record) to a point on the Section line between Sections 15 and 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 21°43'45" W a distance of 1408.97 feet (N 20°49'00" W a distance of 1412.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 and the Center corner of the SW1/4 of Section 15; thence S 01°06'32" W along the west line of the SE1/4SW1/4 of Section 15, a distance of 1317.07 feet (south, record) to a point on the south line of Section 15 and the southwest corner of the SE1/4SW1/4 of Section 15 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 00°27'15" E along the west line of the E1/2NW1/4 of Section 22, a distance of 2637.50 feet (south, record) to a point on the south line of the NW1/4 of Section 22 and the southwest corner of the E1/2NW1/4 of Section 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 89°00'56" E along said south line of the NW1/4 of Section 22 a distance of 1320.895 feet (east, record) to the center section corner of Section 22 to a point being a found 2.5" Aluminum Cap stamped C1/4 PLS 35235; thence N 89°00'32" E along the south line of the NE1/4 of Section 22 a distance of 2251.00 feet (east, record) to the point of beginning; containing 110.28 acres, more or less. Parcel 5: those parts of Sections 26 and 35 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point N 89°31'56" E a distance of 571.74 feet (record 572 a distance of feet east) of the center section of Section 35 said point being a 1/2" Iron Pin tagged PE 9626; thence N 16°07'19" W a distance of 1369.92 feet (N 15°44'00" W a distance of 1371 feet, record) to a point being a Power Pole tagged PLS 35235; thence N 46°55'33" W a distance of 279.77 feet (N 45°00'00" W a distance of 283.00 feet, record) to the center of a 6" hollow iron fence post filled with concrete approximately 6 feet tall, tagged PLS 35235; thence N 79°45'23" W a distance of 500.00 feet (N 80°00'00" W a distance of 500.00 feet, record) to the center of a 6" hollow iron fence post filled with concrete approximately 6 feet tall, tagged PLS 35235; thence N 21°10'05" W a distance of 1104.18 feet (N 20°38'00" W a distance of 1104.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being a distance of 3.55 feet south of the north line of Section 35; thence N 07°46'25" E a distance of 1334.00 feet (N 08°08'00" E a distance of 1334.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°37'04" W a distance of 630.00 feet (west, a distance of 630.00 feet, record) to a point being a found 1/2" Iron Pin with added tag PLS 35235; thence N 01°11'34" W a distance of 1314.34 feet (north a distance of 1320.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being on the north line of the SW1/4; thence along the north line of the SW1/4 N 89°18'34" E a distance of 282.00 feet (east a distance of 282.00 feet,

## Game and Fish Commission

record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being S 89°18'34" W a distance of 992.74 from the center section corner of Section 26; thence N 13°48'15" W a distance of 1351.04 feet (N 13°40'00" W a distance of 1358.00 feet, record) to a point on the north line of the SE1/4NW1/4 of Section 26 to a point being a 1/2" Iron Pin tagged PLS 35235, said point being N 89°10'39" E a distance of 26.52 feet from the northwest corner of the SE1/4NW1/4 of Section 26; thence N 26°31'53" W a distance of 1458.00 feet (N 23°43'00" W a distance of 1442.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, that is on the north line of Section 26 said point being N 89°02'45" E along the north line of Section 26, a distance of 720.00 feet from the northwest corner of Section 26; thence N 23°45'32" W a distance of 1833.68 feet (N 22°28'00" W a distance of 1834.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being on the west line of Section 23; thence S 00°38'57" E along the west line of Section 23, a distance of 1690.37 feet (south, record) to the southwest corner of Section 23 and northwest corner of Section 26 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence continuing S 01°16'16" E along the west line of Section 26 a distance of 2625.56 feet (south a distance of 2640.00 feet, record) to the W1/4 corner of Section 26 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence S 01°16'16" E along the west line of Section 26, a distance of 2625.56 feet (south a distance of 2640.00 feet, record) to the southwest corner of Section 26 and northwest corner of Section 35 to a point being a 2.25" Capped Iron Pipe stamped with added tag PLS 35235; thence S 00°45'30" E along the west line of Section 35, a distance of 1317.94 feet (south a distance of 1320.00 feet, record) to a point being a 2.5" Capped Iron Pipe stamped with added tag PLS 35235, said point being the southwest corner of the N1/2NW1/4 of Section 35; thence N 89°41'45" E along the south line of the N1/2NW1/4 of Section 35, a distance of 2630.87 feet (east a distance of 2644.00 feet, record) to a point being an Oblong Iron Pin with added tag PLS 35235 said point being the southeast corner of the N1/2NW1/4 of Section 35; thence S 01°11'23" E a distance of 1319.08 (south a distance of 1320.00 feet, record) to a point being an Oblong Iron Pin, with added tag PLS 35235, said point being the center section corner of Section 35; thence N 89°31'56" E along the south line of the NE1/4 of Section 35 a distance of 571.74 feet (east a distance of 572.00 feet, record) to the point of beginning; excepting therefrom any portion of said lands lying and within Section 23, T7S, R16E, G&SRB&M; CONTAINING containing 249.46 acres, more or less. Parcel 6: that portion of Section 1, T8S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point N 88°25'39" E a distance of 507.07 feet (east a distance of 510 feet record) of the southwest corner of the SE1/4SW1/4 of Section 1 said point being a 1/2" Iron Pin tagged RLS 10046; thence N 18°38'44" E a distance of 1399.18 feet (record N 19°41' E a distance of 1402 feet) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 03°51'10" W a distance of 1314.74 feet (record N 02°44' W a distance of 1321 feet) to a point being a 1/2" Iron Pin tagged RLS 10046; thence S 88°45'59" W a distance of 918.71 feet (record west, a distance of 919 feet) to a point being a 1/2" Iron Pin tagged RLS 10046; thence N 01°02'04" W a distance of 977.00 feet (record north a distance of 977 feet) to a point being a

1/2" Iron Pin tagged PLS 35235; thence N 72°26'42" W a distance of 1384.43 feet (record N 71°22' W a distance of 1393 feet) to a point on the west line of Section 1 to a point being a 1/2" Iron Pin PLS 35235; thence S 01°07'43" E along the west line of Section 1, a distance of 1422.00 feet (record south a distance of 1412 feet) to the W1/4 corner of Section 1, said point being a 2.5" Aluminum Cap stamped PLS 35235; thence continuing S 01°07'43" E along the west line of Section 1, a distance of 1320.00 feet (record south a distance of 1320 feet) to the southwest corner of the NW1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°37'29" E a distance of 1311.56 feet (record east to the southwest corner of the NE1/4SW1/4) to the southwest corner of the NE1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 01°05'24" E a distance of 1316.31 feet (record, south a distance of 1320 feet) to the southwest corner of the SE1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°25'39" E a distance of 507.07 feet (record, east a distance of 510 feet) to the point of beginning; containing 126.84 acres, more or less. For the ASARCO Property: Parcel 1: Section 15: the W1/2SE1/4 and E1/2SW1/4 of Section 15, T7S, R16E of G&SRB&M, Pinal county, Arizona; except that portion of land situated in Government Lot 9 lying west of the center line of the San Pedro River, said portion being APN 300-35-002. Section 22: That portion of the NE1/4NW1/4 and the NE1/4 of Section 22 T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Section 23: that portion of the SW1/4 of Section 23, T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Section 26: that portion of the N1/2NW1/4 of Section 26, T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Parcel 2: Section 15: Government Lots 1, 2, 3, 4, 5, 6, and 7 of Section 15, T7S, R16E of G&SRB&M, Pinal County, Arizona. Parcel 3: Section 4: Government Lots 5, 8, 9, 11, 12, and 13 of Section 4 except that portion of land situated in Government Lot 13 lying east of State Highway 77 right-of-way, said portion of land being APN 300-31-005B. Section 5: Government Lots 2, 3, 4 and 5, except that portion of land situated in Government Lot 2, more particularly described as follows: beginning at the northeast corner of said Lot 2; thence along the east boundary of said Lot 2 due south 599.94 feet; thence leaving said east boundary due west 283.27 feet to the County Rd. right-of-way (El Camino Rd.); thence along said County Rd. right-of-way N 04°18'56" E a distance of 95.16 feet; thence continuing along said County Rd. right-of-way N 16°30'21" E a distance of 384.05 feet; thence continuing along said County Rd. right-of-way N 14°33'05" E a distance of 141.35 feet to the north boundary of said County Rd. right-of-way due east a distance of 131.48 feet along the north boundary of Government Lot 1 to the point of beginning.

19. Luna Lake Wildlife Area: The Luna Lake Wildlife Area shall be the fenced, buoyed, and posted area lying north of U.S. Highway 180 T5N, R31E, Section 17 N1/2, G&SRB&M, Apache County, Arizona.
20. Mittry Lake Wildlife Area: The Mittry Lake Wildlife Area shall be those areas described as follows: T6S, R21W, Section 31: All of Lots 1, 2, 3, 4, E1/2W1/2, and that portion of E1/2 lying westerly of Gila Gravity Main Canal Right-of-Way; T7S, R21W; Section 5: that portion of SW1/4SW1/4 lying westerly of Gila Gravity

## Game and Fish Commission

Main Canal Right-of-Way; Section 6: all of Lots 2, 3, 4, 5, 6, 7 and that portion of Lot 1, S1/2NE1/4, SE1/4 lying westerly of Gila Gravity Main Canal R/W; Section 7: all of Lots 1, 2, 3, 4, E1/2W1/2, W1/2E1/2, and that portion of E1/2E1/2 lying westerly of Gila Gravity Main Canal R/W; Section 8: that portion of W1/2W1/2 lying westerly of Gila Gravity Main Canal R/W; Section 18: all of Lots 1, 2, 3, 4, E1/2NW1/4, and that portion of NE1/4, E1/2SW1/4, NW1/4SE1/4 lying westerly of Gila Gravity Main Canal R/W; T6S, R22W; Section 36: all of Lot 1, T7S, R22W; Section 1: all of Lot 1; Section 12: all of Lots 1, 2, SE1/4SE1/4; Section 13: all of Lots 1, 2, 3, 4, 5, 6, 7, 8, NE1/4, N1/2SE1/4, and that portion of S1/2SE1/4 lying northerly of Gila Gravity Main Canal R/W; all in G&SRB&M, Yuma County, Arizona.

21. Planet Ranch Conservation and Wildlife Area: The Planet Ranch Wildlife Area shall be those areas described as follows: Mohave County (Parcels 1 through 5) Parcel No. 1: the S1/2S1/2 of Section 28, T11N, R16W of the G&SRB&M, Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. Parcel No. 2: all of sections 32 and 34 T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. Parcel No. 3: the S1/2S1/2 of Section 27, T11N, R16W of the G&SRB&M, Mohave County, Arizona; except oil, gas, coal, and minerals as reserved in deed recorded in Book 64 of Deeds, Page 599, records of Mohave County, Arizona. Parcel No. 4: all of Section 33 and 35, T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except oil, gas, coal, and minerals as reserved in deed recorded in Book 64 of Deeds, Page 599, records of Mohave County, Arizona. Parcel No. 5: the S1/2S1/2N1/2 and the S1/2 of Section 36, T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. La Paz County (Parcels 6 through 9) Parcel No. 6: that portion of the S1/2 of Lot 2, all of Lots 3, and 4, the S1/2SE1/4NW1/4 and the S1/2S1/2NE1/4 of Section 31, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except all oil, gas, coal, and minerals as set forth in instrument recorded in Book 57, of Dockets, Page 310. Parcel No. 7: all of Section 32, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except any part of Section 32 lying within the Copper Hill Mining Claim as shown on the Plat of Mineral Survey Number 2675; except that portion of the SW1/4 of Section 32, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona, described as follows: commencing at the S1/4 corner of Section 32; thence west along the south line of Section 32, a distance of 1270.58 feet to the point of beginning; thence north 634.31 feet; thence S 76°41'15" W a distance of 94.09 feet to the southeasterly line of the Planet Ranch Road; thence along said line S 28°55'W a distance of 101.23 feet; thence southwesterly 250.25 feet

through an angle of 54°22', along a tangent curve concave to the northwest, having a radius of 263.73 feet to a point of tangency, from which a radial line bears N 07°05' W; thence along said line S 82°55' W a distance of 96.52 feet; thence westerly 184.42 feet through an angle of 17°40'14" along a tangent curve concave to the north, having a radius of 597.96 feet to a point of tangency from which a radial line bears N 10°35'14" E; thence N 79°24'46" W a distance of 260.38 feet; thence leaving the southwesterly line of said Planet Ranch Road, south a distance of 429.61 feet to the south line of said Section 32; thence south along said south line east a distance of 874.42 feet more or less back to the point of beginning; and except that portion of the SW1/4 of Section 32, T11N, R16W of the G&SRB&M, La Paz County, Arizona, described as follows: beginning at the S1/4 corner of Section 32; thence west along the south line of Section 32, a distance of 1270.58 feet; thence north a distance of 634.31 feet; thence S 76°41'15" W a distance of 214.08 feet; thence N 13°18'45" W a distance of 25 feet; thence N 76°41'15" E a distance of 220 feet; thence east a distance of 1270.58 feet; thence south a distance of 660 feet back to the point of beginning. Parcel No. 8: those portions of Sections 33, 34, and 35, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal or stone, metals, minerals, fossils and fertilizer of every name and description, together with all uranium, thorium, or any other material which is or may be determined by the laws of the production of fissionable materials, whether or not of commercial value, as reserved by the State of Arizona in Section 37-231, Arizona Revised Statutes, and in patent of record (Section 34); also except all oil, gas, coal, and minerals as set forth in instrument recorded in Book 57 of Dockets, Page 310 (Section 33 and 35). Parcel No. 9: the S1/2S1/2N1/2 and the S1/2 of Section 36, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal or stone, metals, minerals, fossils and fertilizer of every name and description, together with all uranium, thorium, or any other material which is or may be determined by the laws of the production of fissionable materials, whether or not of commercial value, as reserved by the State of Arizona in Section 37-231, Arizona Revised Statutes, and in patent of record.

22. Powers Butte (Mumme Farm) Wildlife Area: The Powers Butte Wildlife Area shall be that area described as follows: T1S, R5W, Section 25, N1/2SW1/4, SW1/4SW1/4; Section 26, S1/2; Section 27, E1/2SE1/4; Section 34, T2S, R5W Section 3, E1/2W1/2, W1/2SE1/4, NE1/4SE1/4, NE1/4; Section 10, NW1/4, NW1/4NE1/4; Section 15, SE1/4SW1/4; Section 22, E1/2NW1/4, NW1/4NW1/4; all in G&SRB&M, Maricopa County, Arizona.
23. Quigley-Achee Wildlife Area: The Quigley-Achee Wildlife Area shall be those areas described as follows: T8S, R17W; Section 13, W1/2SE1/4, SW1/4NE1/4, and a portion of land in the W1/2 of Section 13, more particularly described as follows: beginning at the S1/4 corner; thence S 89°17'09" W along the south line of said Section 13 a distance of 2627.50 feet to the southwest corner of said Section 13; thence N 41°49'46" E a distance of 3026.74 feet; thence N 0°13'30" W a distance of 1730.00 feet to a point on the north 1/16th line of said Section 13; thence N 89°17'36" E along said north 1/16th line a dis-



## Game and Fish Commission

- tance of 600.00 feet to the center of said Section 13; thence S 0°13'30" E. along the north-south midsection line a distance of 3959.99 feet to the point of beginning. Section 23, SE1/4NE1/4, and a portion of land in the NE1/4NE1/4 of Section 23, more particularly described as follows: beginning at the northeast corner; thence S 0°10'19" E along the east line of said Section 23, a distance of 1326.74 feet to a point on the south line of the NE1/4NE1/4 of said Section 23; thence S 89°29'58" W along said south line, a distance of 1309.64 feet; thence N 44°17'39" E a distance of 1869.58 feet to the point of beginning. Section 24, NW1/4, N1/2SW1/4, W1/2NE1/4; all in G&SRB&M, Yuma County, Arizona.
24. Raymond Wildlife Area: The Raymond Wildlife Area is that area described as follows: All of Sections 24, 25, 26, 34, 35, 36, and the portions of Sections 27, 28, and 33 lying east of the following described line: beginning at the W1/4 corner of Section 33; thence northeasterly through the 1/4 corner common to Sections 28 and 33, 1/4 corner common to Sections 27 and 28 to the N1/4 corner of Section 27 all in T19N, R11E. All of Sections 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34 all in T19N, R12E.; all in G&SRB&M, Coconino County, Arizona.
  25. Robbins Butte Wildlife Area: The Robbins Butte Wildlife Area shall be those areas described as follows: T1S, R3W, Section 17, S1/2NE1/4, SE1/4, NW1/4SW1/4; Section 18, Lots 3, 4, and E1/2SW1/4, S1/2NE1/4, W1/2SE1/4, NE1/4SE1/4. T1S, R4W, Section 13, all except that portion of W1/2SW1/4SW1/4 lying west of State Route 85; Section 14, all except the W1/2NW1/4 and that portion of the SW1/4 lying north of the Arlington Canal; Section 19, S1/2SE1/4; Section 20, S1/2S1/2, NE1/4SE1/4; Section 21, S1/2, S1/2NE1/4, SE1/4NW1/4; Section 22, all except for NW1/4NW1/4; Section 23; Section 24, that portion of SW1/4, W1/2SW1/4NW1/4 lying west of State Route 85; Section 25, that portion of the NW1/4NW1/4 lying west of State Route 85; Section 26, NW1/4, W1/2NE1/4, NE1/4NE1/4; Section 27, N1/2, SW1/4; Section 28; Section 29, N1/2N1/2, SE1/4NE1/4; Section 30, Lots 5, 6, 7, 8, NE1/4, SE1/4SE1/4; all in G&SRB&M, Maricopa County, Arizona.
  26. Roosevelt Lake Wildlife Area: The Roosevelt Lake Wildlife Area is that area described as follows: beginning at the junction of A-Cross Rd. and Arizona Highway 188; south on Arizona Highway 188 to the main entrance of Roosevelt Lake Marina; northeast on this road towards the main marina launch; northeast across Roosevelt Lake to the south tip of Bass Point; northerly to Long Gulch Rd.; northeast on this road to the A-Cross Rd.; northwest on the A-Cross Rd. to the point of beginning; all in G&SRB&M, Gila County, Arizona.
  27. Santa Rita Wildlife Area: The Santa Rita Experimental Range is that area described as follows: Concurrent with the Santa Rita Experimental Range boundary and includes the posted portion of the following sections: Sections 33 through 36, T17S, R14E, Section 25, Section 35 and Section 36, T18S, R13E, Sections 1 through 4, Sections 9 through 16, and Sections 21 through 36, T18S, R14E, Sections 3 through 9, Sections 16 through 21, Sections 26 through 34, T18S, R15E, Sections 1 through 6, Sections 9 through 16, Section 23, T19S, R14E, Sections 3 through 10, Sections 16 through 18, T19S, R15E; all in G&SRB&M, Pima County, Arizona, and all being coincidental with the Santa Rita Experimental Range Area.
  28. Sipe White Mountain Wildlife Area: The Sipe White Mountain Wildlife Area shall be those areas described as follows: T7N, R29E, Section 1, SE1/4, SE1/4NE1/4, S1/2NE1/4NE1/4, SE1/4SW1/4NE1/4, NE1/4SE1/4SW1/4, and the SE1/4NE1/4SW1/4. T7N, R30E, Section 5, W1/2W1/2SE1/4SW1/4, and the SW1/4SW1/4; Section 6, Lots 1, 2, 3, 7, and 8, SW1/4NW1/4NW1/4, S1/2NW1/4NE1/4SE1/4, N1/2SE1/4SE1/4, E1/2SE1/4SE1/4SE1/4, SW1/4SE1/4 and the SE1/4SW1/4; Section 7, Parcel 10: Lots 1 and 2, E1/2NW1/4, E1/2E1/2NE1/4NE1/4, W1/2SW1/4NE1/4, NW1/4SE1/4, W1/2NE1/4SE1/4, NE1/4SW1/4, E1/2NW1/4SW1/4, and the NW1/4NE1/4; Section 8, NW1/4NW1/4, and the W1/2W1/2NE1/4NW1/4. T8N, R30E; Section 31, SE1/4NE1/4, SE1/4, and the SE1/4SW1/4; all in G&SRB&M, Apache County, Arizona.
  29. Springerville Marsh Wildlife Area: The Springerville Marsh Wildlife Area shall be those areas described as follows: S1/2 SE1/4 Section 27 and N1/2 NE1/4 Section 34, T9N, R29E, G&SRB&M, Apache County, Arizona.
  30. Sunflower Flat Wildlife Area: The Sunflower Flat Wildlife Area shall be those areas described as follows: T20N, R3E; Section 11, NE1/4SE1/4, N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4, W1/2SE1/4NE1/4, S1/2SE1/4SE1/4NE1/4, E1/2SW1/4NE1/4; Section 12, NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4SW1/4, SW1/4NW1/4SW1/4, S1/2NW1/4NW1/4SW1/4, W1/2SE1/4NW1/4SW1/4, SW1/4NE1/4NW1/4SW1/4; all in the G&SRB&M, Coconino County, Arizona.
  31. Three Bar Wildlife Area: The Three Bar Wildlife Area shall be that area described as follows: beginning at Roosevelt Dam, northwesterly on 188 to milepost 252 (Bumble Bee Wash); westerly along the boundary fence for approximately 7 1/2 miles to the boundary of Gila and Maricopa counties; southerly along this boundary through Four Peaks to a fence line south of Buckhorn Mountain; southerly along the barbed wire drift fence at Ash Creek to Apache Lake; northeasterly along Apache Lake to Roosevelt Dam.
  32. Tucson Mountain Wildlife Area: The Tucson Mountain Wildlife Area shall be that area described as follows: beginning at the northwest corner of Section 33; T13S, R11E on the Saguaro National Monument boundary; due south approximately one mile to the El Paso Natural Gas Pipeline; southeast along this pipeline to Sandario Rd.; south on Sandario Rd. approximately two miles to the southwest corner of Section 15; T14S, R11E, east along the section line to the El Paso Natural Gas Pipeline; southeast along this pipeline to its junction with State Route 86, also known as the Ajo Highway; easterly along this highway to the Tucson city limits; north along the city limits to Silverbell Rd.; northwest along this road to Twin Peaks Rd.; west along this road to Sandario Rd.; south along this road to the Saguaro National Monument boundary; west and south along the monument boundary to the point of beginning, all in G&SRB&M, Pima County, Arizona.
  33. Upper Verde River Wildlife Area: The Upper Verde River Wildlife Area consists of eight parcels totaling 1102.54 acres located eight miles north of Chino Valley in Yavapai County, Arizona, along the upper Verde River and lower Granite Creek described as follows: Sullivan Lake: located immediately downstream of Sullivan Lake, the headwaters of the Verde River: the NE1/4NE1/4 lying east of the California, Arizona, and Santa Fe Railway Company right-of-way in Section 15, T17N,

## Game and Fish Commission

R2W; and also the NW1/4NE1/4 of Section 15 consisting of approximately 80 acres. Granite Creek Parcel: includes one mile of Granite Creek to its confluence with the Verde River: The SE1/4SE1/4 of Section 11; the NW1/4SW1/4 and SW1/4NW1/4 of Section 13; the E1/2NE1/4 of Section 14; all in T17N, R1W consisting of approximately 239 acres. E1/2SW1/4SW1/4, SE1/4SW1/4, NE1/4SW1/4 and NW1/4SE1/4 of Section 12, NW1/4NW1/4 of Section 13, T17N, R2W consisting of approximately 182.26 acres. Campbell Place Parcel: NE1/4NW1/4, NW1/4NE1/4, NE1/4NE1/4, SE1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4, NW1/4SW1/4, NE1/4SW1/4, and NW1/4SE1/4 in Section 7, T17N, R1W and SE1/4SE1/4 Section 12, T17N, R2W consisting of 315 acres. Tract 39 Parcel: the E1/2 of Tract 39 within the Prescott National Forest boundary, SE1/2SW1/4 and SW1/4SE1/4 of Section 5, T18N, R1W; and the W1/2 of Tract 39 outside the Forest boundary, SW1/4SW1/4, and SW1/4SW1/4 of Section 5 and NW1/4NW1/4 of Section 8, T18N, R1W consisting of approximately 163 acres. Wells Parcels: Parcel 1 and Parcel 2: all that portion of Government Lots 9 and 10, Section 7, along with Lot 3 and the SW1/4NW1/4, Section 8, located in T17N, R1W, of G&SRB&M, Yavapai County, Arizona, also known as APN 306-39-004L and 306-39-004M. Parcel 3 and Parcel 4: all that portion of the NE1/4SW1/4, NW1/4SE1/4, SW1/4SW1/4, and E1/2SW1/4SW1/4 of Section 12 and the NW1/4NW1/4 of Section 13, T17N, R2W, of G&SRB&M, Yavapai County, Arizona.

34. Wenima Wildlife Area: The Wenima Wildlife Area shall be those areas described as follows:  
T9N, R29E; Section 5, SE1/4 SW1/4, and SW1/4 SE1/4 except E1/2 E1/2 SW1/4 SE1/4, Section 8, NE1/4 NW1/4, and NW1/4 NE1/4; Sections 8, 17 and 18, within the following boundary: From the 1/4 corner of Sections 17 and 18, the True Point of Beginning; thence N 00°12'56" E a distance of 1302.64 feet along the Section line between Sections 17 and 18 to the N1/16 corner; thence N 89°24'24" W a distance of 1331.22 feet to the NE1/16 corner of Section 18; thence N 00°18'02" E a distance of 1310.57 feet to the E1/16 corner of Sections 7 and 18; thence S 89°03'51" E a distance of 1329.25 feet to the northeast Section corner of said Section 18; thence N 01°49'10" E a distance of 1520.28 feet to a point on the Section line between Sections 7 and 8; thence N 38°21'18" E a distance of 370.87 feet; thence N 22°04'51" E a distance of 590.96 feet; thence N 57°24'55" E a distance of 468.86 feet to a point on the east-west midsection line of said Section 8; thence N 89°38'03" E a distance of 525.43 feet along said midsection line to the center W1/16 corner; thence S 02°01'25" W a distance of 55.04 feet; thence S 87°27'17" E a distance of 231.65 feet; thence S 70°21'28" E a distance of 81.59 feet; thence N 89°28'36" E a distance of 111.27 feet; thence N 37°32'54" E a distance of 310.00 feet; thence N 43°58'37" W a distance of 550.00 feet; thence N 27°25'53" W a distance of 416.98 feet to the NS1/16 line of said Section 8; thence N 02°01'25" E a distance of 380.04 feet along said 1/16 line to the NW1/16 corner of said Section 8; thence N 89°45'28" E a distance of 1315.07 feet along the east-west middle 1/16 line; thence S 45°14'41" E a distance of 67.69 feet; thence S 49°28'18" E a distance of 1099.72 feet; thence S 08°04'43" W a distance of 810.00 feet; thence S 58°54'47" W a distance of 341.78 feet; thence S 50°14'53" W a distance of 680.93 feet to a point in the

center of that cul-de-sac at the end of Jeremy's Point Rd.; thence N 80°02'20" W a distance of 724.76 feet, said point lying N 42°15'10" W a distance of 220.12 feet from the northwest corner of Lot 72; thence N 34°19'23" E a distance of 80.64 feet; thence N 15°54'25" E a distance of 51.54 feet; thence N 29°09'53" E a distance of 45.37 feet; thence N 40°09'33" E a distance of 69.21 feet; thence N 25°48'58" E a distance of 43.28 feet; thence N 13°24'51" E a distance of 63.12 feet; thence N 16°03'10" W a distance of 30.98 feet; thence N 57°55'25" W a distance of 35.50 feet; thence N 80°47'38" W a distance of 48.08 feet; thence S 87°28'53" W a distance of 82.84 feet; thence S 72°07'06" W a distance of 131.85 feet; thence S 43°32'45" W a distance of 118.71 feet; thence S 02°37'48" E a distance of 59.34 feet; thence S 23°03'29" E a distance of 57.28 feet; thence S 28°30'39" E a distance of 54.75 feet; thence S 36°39'47" E a distance of 105.08 feet; thence S 24°55'07" West a distance of 394.78 feet; thence S 61°32'16" W a distance of 642.77 feet to the northwest corner of Lot 23; thence N 04°35'23" W a distance of 90.62 feet; thence S 85°24'37" W a distance of 26.00 feet; thence N 64°21'36" W a distance of 120.76 feet; thence S 61°07'57" W a distance of 44.52 feet; thence S 39°55'58" W a distance of 80.59 feet; thence S 11°33'07" W a distance of 47.21 feet; thence S 19°53'19" E a distance of 27.06 feet; thence S 54°26'36" E a distance of 62.82 feet; thence S 24°56'25" W a distance of 23.92 feet; thence S 48°10'38" W a distance of 542.79 feet; thence S 17°13'48" W a distance of 427.83 feet to the northwest corner of Lot 130; thence S 29°10'58" W a distance of 104.45 feet to the southwest corner of Lot 130; thence southwesterly along a curve having a radius of 931.52 feet, and arc length of 417.52 feet to the southwest corner of Lot 134; thence S 15°04'25" W a distance of 91.10 feet; thence S 04°29'15" W a distance of 109.17 feet; thence S 01°41'24" W a distance of 60.45 feet; thence S 29°16'05" W a distance of 187.12 feet; thence S 14°44'00" W a distance of 252.94 feet; thence S 15°42'24" E a distance of 290.09 feet; thence S 89°13'25" E a distance of 162.59 feet; thence S 37°19'54" E a distance of 123.03 feet to the southeast corner of Lot 169; thence S 20°36'30" E a distance of 706.78 feet to the northwest corner of Lot 189; thence S 04°07'31" W a distance of 147.32 feet; thence S 29°11'19" E a distance of 445.64 feet; thence S 00°31'40" E a distance of 169.24 feet to the east-west midsection line of Section 17 and the southwest corner of Lot 194; thence S 89°28'20" W a distance of 891.84 feet along said east-west midsection line to the True Point of Beginning; all in G&SRB&M, Apache County, Arizona.

35. White Mountain Grasslands Wildlife Area: The White Mountain Grasslands Wildlife Area shall be those areas described as follows:  
Parcel 1 (CL1): the S1/2 of Section 24; the N1/2NW1/4 of Section 25; the NE1/4 and N1/2SE1/4 of Section 26; all in T9N, R27E of G&SRB&M, Apache County, Arizona; except all coal and other minerals as reserved to the U.S. in the Patent of said land. Parcel 2 (CL2): the SE1/4 and the SE1/4SW1/4 of Section 31, T9N, R28E of G&SRB&M, Apache County, Arizona. Parcel 3 (CL3): the NW1/4SW1/4 of Section 28; and the SW1/4S1/2SE1/4 and NE1/4SE1/4 of T9N, R28E of G&SRB&M, Apache County, Arizona. Parcel 4 (CL4): the SW1/4SW1/4 of Section 5; the SE1/4SE1/4 of Section 6; the NE1/4NE1/4 of Section 7; the NW1/4NW1/4, E1/2SW1/4NW1/4, W1/2NE1/4, SE1/4NW1/4, and that portion of

## Game and Fish Commission

the S1/2 which lies North of Highway 260, except the W1/2SW1/4 of Section 8; all in T8N, R28E of G&SRB&M, Apache County, Arizona. Parcel 1 (O1): the S1/2N1/2 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona; except that Parcel of land lying within the S1/2NE1/4 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona, more particularly described as follows: From the N1/16 corner of Sections 10 and 11, monumented with a 5/8-inch rebar with a cap marked LS 13014, said point being the True Point of Beginning; thence N 89°44'54" W a distance of 1874.70 feet along the east-west 1/16 line to a point monumented with a 1/2-inch rebar with a tag marked LS 13014; thence S 02°26'17" W a distance of 932.00 feet to a point monumented with a 1/2-inch rebar with a tag marked LS 13014; thence S 89°44'54" E a distance of 1873.69 feet to a point monumented with a 1/2-inch rebar with a tag marked LS 13014, said point being on the east line of Section 10; thence N 02°30'00" E a distance of 932.00 feet along said Section line to the True Point of Beginning. Parcel 2 (O2): the N1/2S1/2 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona. Except for that portion lying South of State Highway 260. Parcel 3 (O3): the SE1/4 of Section 25, T9N, R27E, of G&SRB&M, Apache County, Arizona. Parcel 4 (O4): lots 3 and 4; the E1/2SW1/4; W1/2SE1/4; and NE1/4SE1/4 of Section 30, T9N, R28E, of G&SRB&M, Apache County, Arizona. Parcel 5 (O5): lots 1, 2 and 3; the S1/2NE1/4; NW1/4NE1/4; E1/2NW1/4; and NE1/4SW1/4 of Section 31, T9N, R28E, of G&SRB&M, Apache County, Arizona. Parcel 6 (O6): beginning at the northwest corner of the SE1/4 of Section 27, T9N, R28E, of G&SRB&M, Apache County, Arizona; thence east a distance of 1320.00 feet; thence south a distance of 925.00 feet; thence west a distance of 320.00 feet to the center of a stock watering tub; thence N 83° W a distance of 1000.00 feet; thence north a distance of 740.00 feet to the point of beginning. State Land Special Use Permit: SE1/4SW1/4 of Section 5; E1/2NE1/4 of Section 08; NE1/4NW1/4 of Section 8; M&B in N1/2NW1/4 north of Hwy 260 of Section 17, all in T8N, R28E of the G&SRB&M, Apache County, Arizona. S1/2NW1/4 and SW1/4 of Section 26; all of Section 36, all in T9N, R27E of the G&SRB&M, Apache County, Arizona. SE1/4 lying easterly of Carnero Creek in Section 18; Lots 3 and 4, E1/2SW1/4, SE1/4, NE1/4, and SE1/4NW1/4, lying southeasterly of Carnero Creek in Section 19; NW1/4SE1/4 of Section 29, Lots 1 and 2 and NE1/4 and E1/2NW1/4 and SE1/4SE1/4 of Section 30; and Lot 4, and the NE1/4NE1/4 of Section 31; all in T9N, R28E of the G&SRB&M, Apache County, Arizona. State Grazing Lease: Legal Description of the White Mountain Grassland State Land Grazing Lease. Lots 1 thru 4, and S1/2N1/2, SW1/4, N1/2N1/2SE1/4, S SW1/4NW1/4SE1/4, and W1/2SW1/4SE1/4 of Section 3; Lots 1 thru 4, and the S1/2N1/2 and S1/2 of Section 4; SE1/4SW1/4 of Section 5; E1/2NE1/4, NE1/4NW1/4 of Section 8; SE1/4NE1/4 and N1/2N1/2 of Section 9; S1/2NE1/4NE1/4, SE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, N1/2NW1/4, all in Section 10; NE1/4NW1/4 lying north of the centerline of State Highway 260, in Section 17, T8N, R28E of the G&SRB&M, Apache County; NE1/4, S1/2NW1/4, and the SW1/4 of Section 25, and all of Section 36; in T9N, R27E of the G&SRB&M, Apache County; a portion of the SE1/4 of Section 18 lying southeasterly of Carnero Creek, Lots 3 and 4, E1/2SW1/4, SE1/4, NE1/4,

and SE1/4NW1/4 lying southeast of Carnero Creek in Section 19; all of Section 20 and Section 21; SW1/4NE1/4, S1/2NW1/4, and M&B in N1/2SW1/4, of Section 27; N1/2E1/2SW1/4, SW1/4SW1/4 and SE1/4 of Section 28; Lots 1 and 2, and NE1/4, E1/2NW1/4, and SE1/4SE1/4 of Section 30; Lot 4 and NE1/4NE1/4 of Section 31; all of Section 32 and Section 33, in T9N, R28E, in the G&SRB&M, Apache County. SE1/4NE1/4SE1/4 of Section 31; T09N, R28E, G&SRB&M, Apache County, Arizona.

36. White Water Draw Wildlife Area: The White Water Draw Wildlife Area shall be those areas described as follows: T21S, R26E; Section 19, S1/2 SE1/4; Section 29, W1/2 NE1/4, and E1/2 NE1/4; Section 30, N1/2 NE1/4; Section 32; T22S, R26E; Section 4, Lots 3 and 4; T22S, R26E; Section 5, Lots 1 to 4, except an undivided 1/2 interest in all minerals, oil, and/or gas as reserved in Deed recorded in Docket 209, page 117, records of Cochise County, Arizona.
37. Willcox Playa Wildlife Area: The Willcox Playa Wildlife Area shall be that area within the posted Arizona Game and Fish Department fences enclosing the following described area: beginning at the Section corner common to Sections 2, 3, 10 and 11, T15S, R25E, G&SRB&M, Cochise County, Arizona; thence S 0°15'57" W a distance of 2645.53 feet to the east 1/4 corner of Section 10; thence S 89°47'15" W a distance of 2578.59 feet to the center 1/4 corner of Section 10; thence N 1°45'24" E a distance of 2647.85 feet to the center 1/4 corner of Section 3; thence N 1°02'42" W a distance of 2647.58 feet to the center 1/4 corner of said Section 3; thence N 89°41'37" E to the common 1/4 corner of Section 2 and Section 3; thence S 0°00'03" W a distance of 1323.68 feet to the south 1/16 corner of said Sections 2 and 3; thence S 44°46'30" E a distance of 1867.80 feet to a point on the common Section line of Section 2 and Section 11; thence S 44°41'13" E a distance of 1862.94 feet; thence S 44°42'35" E a distance of 1863.13 feet; thence N 0°13'23" E a distance of 1322.06 feet; thence S 89°54'40" E a distance of 1276.24 feet to a point on the west right-of-way fence line of Kansas Settlement Rd.; thence S 0°12'32" W a distance of 2643.71 feet along said fence line; thence N 89°55'43" W a distance of 2591.30 feet; thence N 0°14'14" E a distance of 661.13 feet; thence N 89°55'27" W a distance of 658.20 feet; thence N 0°14'39" E a distance of 1322.36 feet; thence N 44°41'19" West a distance of 931.44 feet; thence N 44°40'31" W a distance of 1862.85 feet to the point of beginning. Said wildlife area contains 543.10 acres approximately.

- C. Department Controlled Properties are described as follows: Hirsch Conservation Education Area and Biscuit Tank: The Hirsch Conservation Education Area and Biscuit Tank shall be that area lying in Section 3 T5N R2E, beginning at the northeast corner of Section 3, T5N, R2E, G&SRB&M, Maricopa County, Arizona; thence S 35°33'23.43" W a distance of 2938.12 feet; to the point of true beginning; thence S 81°31'35.45" W a distance of 147.25 feet; thence S 45°46'21.90" W a distance of 552.25 feet; thence S 21°28'21.59" W a distance of 56.77 feet; thence S 16°19'49.19" E a distance of 384.44 feet; thence S 5°27'54.02" W a distance of 73.43 feet; thence S 89°50'44.45" E a distance of 431.99 feet; thence N 4°53'57.68" W a distance of 81.99 feet; thence N 46°49'53.27" W a distance of 47.22 feet; thence N 43°3'3.68" E a distance of 83.74 feet; thence S 47°30'40.79" E a distance of 47.71 feet; thence N 76°2'59.67" E a distance of 105.91 feet; thence N 15°45'0.24" W a distance of 95.87

## Game and Fish Commission

feet; thence N 68°48'27.79" E a distance of 69.79 feet; thence N 8°31'53.39" W a distance of 69.79 feet; thence N 30°5'32.34" E a distance of 39.8 feet; thence N 46°17'32.32" E a distance of 63.77 feet; thence N 22°17'26.17" W a distance of 517.05 feet to the point of true beginning.

**Historical Note**

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 9 A.A.R. 3141, effective August 23, 2003 (Supp. 03-2). Amended by exempt rulemaking at 11 A.A.R. 1927, effective May 20, 2005 (Supp. 05-2). Amended by exempt rulemaking at 16 A.A.R. 397, effective March 5, 2010 (Supp. 10-1). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 931, effective June 17, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 841, effective June 17, 2014 (Supp. 14-1). Amended by exempt rulemaking at 22 A.A.R. 951, effective June 7, 2016 (Supp. 16-2). Amended by exempt rulemaking at 22 A.A.R. 2209, effective October 4, 2016 (Supp. 16-4).

**R12-4-804. Renumbered****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 1424, effective June 14, 2003 (Supp. 03-2). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Section R12-4-804 renumbered to R12-4-125, by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**ARTICLE 9. AQUATIC INVASIVE SPECIES****R12-4-901. Definitions**

In addition to the definitions provided under A.R.S. §§ 5-301 and 17-255, the following definitions apply to this Article, unless otherwise specified:

“Aquatic invasive species” means those species listed in Director’s Order 1.

“Certified agent” means a person who meets Department standards to conduct inspections authorized under A.R.S. § 17-255.01(C)(1).

“Conveyance” means a device designed to carry or transport water. Conveyance includes, but is not limited to, dip buckets, water hauling tanks, and water bladders.

“Equipment” means an item used either in or on water; or to carry water. Equipment includes, but is not limited to, trailers used to launch or retrieve watercraft, rafts, inner tubes, kick boards, anchors and anchor lines, docks, dock cables and floats, buoys, beacons, wading boots, fishing tackle, bait buckets, skin diving and scuba diving equipment, submersibles, pumps, sea planes, and heavy construction equipment used in aquatic environments.

“Operator” means a person who operates or is in actual physical control of a watercraft, vehicle, conveyance or equipment.

“Owner” means a person who claims lawful possession of a watercraft, vehicle, conveyance, or equipment.

“Person” has the same meaning as defined under A.R.S. § 1-215.

“Release” means to place, plant, or cause to be placed or planted in waters.

“Transporter” means a person responsible for the overland movement of a watercraft, vehicle, conveyance, or equipment.

“Waters” means surface water of all sources, whether perennial or intermittent, in streams, canyons, ravines, drainage systems, canals, springs, lakes, marshes, reservoirs, ponds, and other bodies or accumulations of natural, artificial, public or private waters situated wholly or partly in or bordering this state.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-901 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2). New Section R12-4-901 renumbered from R12-4-1101 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

**R12-4-902. Aquatic Invasive Species; Prohibitions; Inspection, Decontamination Protocols****A. A person shall not, unless authorized under Article 4:**

1. Possess, import, ship, or transport into or within this state an aquatic invasive species, unless authorized by the Director.
2. Sell, purchase, barter, or exchange in this state an aquatic invasive species.
3. Release an aquatic invasive species into waters or into any water treatment facility, water supply or water transportation facility, device or mechanism in this state.

**B. Upon removing a watercraft, vehicle, conveyance, or equipment from any waters listed in Director’s Order 2 and prior to transport, a person shall:**

1. Remove all clinging materials such as plants, animals, and mud.
2. Remove all plugs and other valves or devices that prevent water drainage from all compartments that may retain water, such as ballast tanks, ballast bags, bilges, and ensure plugs or devices remain removed or open during transport.
3. If no plugs or barriers exist, take reasonable measures to drain or dry all compartments or spaces that may retain water. Reasonable measures include, but are not limited to, emptying bilges, application of absorbents, or ventilation.

**C. Before transporting a watercraft, vehicle, conveyance, or equipment to any waters located within or bordering this state from waters or locations listed in Director’s Order 2, a person shall comply with the mandatory conditions and protocols identified in Director’s Order 3 for decontamination of watercraft, vehicles, conveyances, and equipment.****D. Department employees, certified agents, and Arizona peace officers authorized under A.R.S. § 17-104 may inspect a watercraft, vehicle, conveyance, or equipment for the purposes of determining compliance with A.R.S. Title 17, Chapter 2, Article 3.1 and this Section.****E. If the presence of an aquatic invasive species is documented or suspected on or in a watercraft, vehicle, conveyance, or equipment, a Department employee or any Arizona peace officer may order a person to decontaminate or cause to be decontaminated such watercraft, vehicle, conveyance, or equipment using the mandatory protocols described in Director’s Order 3.****F. The following Director’s Orders are available at any Department office and online at azgfd.gov:**

1. Director’s Order 1 – Listing of Aquatic Invasive Species for Arizona,

## Game and Fish Commission

2. Director's Order 2 – Designation of Waters or Locations Where Listed Aquatic Invasive Species are Present, and
3. Director's Order 3 – Mandatory Conditions on the Movement of Watercraft, Vehicles, Conveyances, or Other Equipment from Listed Waters Where Aquatic Invasive Species are Present.

G. This Section does not apply to owners and operators exempt under A.R.S. § 17-255.04.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-902 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2). New Section R12-4-902 renumbered from R12-4-1102 and amended by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

**R12-4-903. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). R12-4-903 renumbered to R12-4-904; new Section R12-4-903 renumbered from R12-4-904 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-903 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

**R12-4-904. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). R12-4-904 renumbered to R12-4-903; new Section R12-4-904 renumbered from R12-4-903 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-904 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

**R12-4-905. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-905 expired under A.R.S. §

41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

**R12-4-906. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-906 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

**ARTICLE 10. RESERVED****ARTICLE 11. RENUMBERED****R12-4-1101. Renumbered****Historical Note**

New Section made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Section R12-4-1101 renumbered to R12-4-901 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

**R12-4-1102. Renumbered****Historical Note**

New Section made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Section R12-4-1102 renumbered to R12-4-902 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

**R12-4-1103. Emergency Expired****Historical Note**

New Section made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Section renewed by emergency rulemaking at 17 A.A.R. 2376, effective November 3, 2011 (Supp. 11-4). Emergency expired (Supp. 14-1).

**R12-4-1104. Emergency Expired****Historical Note**

New Section made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Section renewed by emergency rulemaking at 17 A.A.R. 2376, effective November 3, 2011 (Supp. 11-4). Emergency expired (Supp. 14-1).

This page intentionally left blank.

# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 12. NATURAL RESOURCES

### CHAPTER 5. STATE LAND DEPARTMENT

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

[R12-5-921.](#)     [Expired .....](#) [27](#)

#### Questions about these rules? Contact:

Department: State Land Department  
Administrative Procedures Manager  
Address: 1616 W. Adams Street  
Phoenix, AZ  
Telephone: (602) 542-2504  
<https://land.az.gov/content/applicable-state-laws>

The Governor's Regulatory Review Council can answer questions about expired rules in this Chapter:

Council: Governor's Regulatory Review Council  
Address: 100 N. 15th Ave #402  
Phoenix, AZ 85007  
Phone: (602) 542-2058

#### The release of this Chapter in supplement 18-1 replaces supplement 17-2, 1-53 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*





## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 12. NATURAL RESOURCES****CHAPTER 5. STATE LAND DEPARTMENT**

Authority: A.R.S. § 37-102 et seq.

*Editor's Note: The Office of the Secretary of State publishes all Code Chapters on white paper (Supp. 02-1).*

*Editor's Note: The proposed summary action repealing R12-5-901 through R12-5-920 was remanded by the Governor's Regulatory Review Council which revoked the interim effectiveness of the summary rules. Sections in effect before the proposed summary action have been restored (Supp. 98-3).*

*Editor's Note: This Chapter contains rules which were adopted or amended under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6), pursuant to Laws 1992, Ch. 297, § 6. Exemption from A.R.S. Title 41, Chapter 6 means that the Land Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Governor's Regulatory Review Council did not review these rules; the Land Department was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

*Title 12, Chapter 5, Articles 1 thru Article 23, were renumbered to bring the Chapter numbering into compliance with current format. For the old and new Section numbers, please refer to the introductory notes at the beginning of each Article in the table of contents or in the historical notes for the specific Sections.*

**ARTICLE 1. GENERAL PROVISIONS**

*Article 1, consisting of Section R12-5-10, adopted effective August 2, 1994 (Supp. 94-3).*

*Article 1, consisting of Sections R12-5-101 thru R12-5-103, repealed effective August 2, 1994 (Supp. 94-3).*

*Article 1, consisting of Sections R12-5-01 thru R12-5-03, renumbered to Article 1, Sections R12-5-101 thru R12-5-103 (Supp. 93-3).*

Section	
R12-5-101.	Definitions ..... 5
R12-5-102.	Computation or Extension of Time ..... 5
R12-5-103.	Records; Correction of Errors; Public Docket; Removal of Records ..... 5
R12-5-104.	Application Forms; Legal Status; Submission of Applications; Applications Confer No Rights ..... 6
R12-5-105.	Manner of Signing Documents before the Department ..... 6
R12-5-106.	Assignments; Subleases ..... 6
R12-5-107.	Fees; Remittances ..... 6
R12-5-108.	Predecision Administrative Hearing ..... 7
R12-5-109.	Rejection of Hearing Request ..... 7

**ARTICLE 2. PRACTICE AND PROCEDURE IN  
ADMINISTRATIVE HEARINGS FOR PROTESTING  
AUCTIONS BEFORE THE ARIZONA STATE LAND  
COMMISSIONER**

*Article 2, consisting of Sections R12-5-201 thru R12-5-218, made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).*

*Article 2, consisting of Sections R12-5-201 thru R12-5-222, repealed by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).*

*Article 2, consisting of Sections R12-5-201 thru R12-5-222, adopted effective August 2, 1994 (Supp. 94-3).*

Section	
R12-5-201.	Applicability ..... 7
R12-5-202.	Appointment of Hearing Officer ..... 7
R12-5-203.	Ex Parte Communications ..... 7
R12-5-204.	Failure to Appear ..... 7
R12-5-205.	Representation ..... 7

R12-5-206.	Notice of Hearing ..... 7
R12-5-207.	Hearing Record ..... 7
R12-5-208.	Consolidation ..... 7
R12-5-209.	Filing ..... 8
R12-5-210.	Service; Proof of Service ..... 8
R12-5-211.	Subpoenas ..... 8
R12-5-212.	Procedure at Hearing ..... 8
R12-5-213.	Evidence ..... 8
R12-5-214.	Judicial Notice; Technical Facts ..... 9
R12-5-215.	Stipulations ..... 9
R12-5-216.	Recommended Decision ..... 9
R12-5-217.	Decision ..... 9
R12-5-218.	Rehearing of Decision ..... 9
R12-5-219.	Repealed ..... 9
R12-5-220.	Repealed ..... 9
R12-5-221.	Repealed ..... 9
R12-5-222.	Repealed ..... 9

**ARTICLE 3. SELECTIONS, INVESTIGATIONS,  
CLASSIFICATIONS AND APPRAISALS**

*Article 2, consisting of Section R12-5-50, renumbered to Article 3, Section R12-5-301 (Supp. 93-3).*

Section	
R12-5-301.	Expired ..... 9

**ARTICLE 4. SALES**

*Article 4, consisting of Sections R12-5-71 thru R12-5-82, renumbered to Article 4, Sections R12-5-401 thru R12-5-412 (Supp. 93-3).*

Section	
R12-5-401.	Expired ..... 10
R12-5-402.	Conditions for Filing Application ..... 10
R12-5-403.	Restrictions Subsequent to Filing Application to Purchase ..... 10
R12-5-404.	Responsibility of the Purchaser ..... 10
R12-5-405.	Evidence of Taxes and Assessments Being Paid; Extension of Time to Pay ..... 10
R12-5-406.	Assignment of a Certificate of Purchase ..... 10
R12-5-407.	Expired ..... 10
R12-5-408.	Partial Patent ..... 10
R12-5-409.	Expired ..... 11
R12-5-410.	Expired ..... 11

## State Land Department

R12-5-411.	Expired .....	11
R12-5-412.	Expired .....	11
R12-5-413.	Real Estate Broker Commissions .....	11

**ARTICLE 5. LEASES**

*Article 5, consisting of Sections R12-5-100 thru R12-5-134, renumbered to Article 5, Sections R12-5-501 thru R12-5-535 (Supp. 93-3).*

Section		
R12-5-501.	Expired .....	12
R12-5-502.	Expired .....	12
R12-5-503.	Expired .....	12
R12-5-504.	Expired .....	12
R12-5-505.	Time for Filing Conflicting Applications .....	12
R12-5-506.	Procedure in Processing Conflicting Applications .....	12
R12-5-507.	Expired .....	13
R12-5-508.	Application Confers No Right to Land .....	13
R12-5-509.	Execution of Leases or Permits; Covenants; Effective Date and Completion of Lease or Permit .....	13
R12-5-510.	Expired .....	14
R12-5-511.	Expired .....	14
R12-5-512.	Assignments .....	14
R12-5-513.	Manner of Assignments .....	14
R12-5-514.	Expired .....	14
R12-5-515.	Expired .....	14
R12-5-516.	Repealed .....	14
R12-5-517.	Rentals .....	14
R12-5-518.	Rental Notices .....	14
R12-5-519.	Expired .....	15
R12-5-520.	Expired .....	15
R12-5-521.	Modification or Amendment of Existing Lease or Permit .....	15
R12-5-522.	Expired .....	15
R12-5-523.	Expired .....	15
R12-5-524.	Sale, Mortgage or Lien on Interest of Holder of Lease or Permit .....	15
R12-5-525.	Expired .....	15
R12-5-526.	Expired .....	15
R12-5-527.	Expired .....	15
R12-5-528.	Expired .....	15
R12-5-529.	Expired .....	15
R12-5-530.	Expired .....	15
R12-5-531.	Expired .....	15
R12-5-532.	Expired .....	16
R12-5-533.	Trespass on State Land .....	16
R12-5-534.	Closing Land to Recreational Use .....	16
R12-5-535.	Expired .....	17

**ARTICLE 6. IMPROVEMENTS (RESERVED)****ARTICLE 7. SPECIAL LEASING PROVISIONS**

*Article 7, consisting of Sections R12-5-150 thru R12-5-155, renumbered to Article 7, Sections R12-5-701 thru R12-5-706 (Supp. 93-3).*

Section		
R12-5-701.	Repealed .....	17
R12-5-702.	Agricultural Leases .....	17
R12-5-703.	Commercial Leases .....	18
R12-5-704.	Expired .....	19
R12-5-705.	Grazing Leases .....	19
R12-5-706.	Expired .....	21

**ARTICLE 8. RIGHTS-OF-WAY**

*Article 8, consisting of Sections R12-5-165 thru R12-5-167, renumbered to Article 8, Sections R12-5-801 thru R12-5-803 (Supp. 93-3).*

Section		
R12-5-801.	Rights-of-way .....	21
R12-5-802.	Reservoir, Dam, and Other Sites .....	23
R12-5-803.	Expired .....	24

**ARTICLE 9. EXCHANGES**

*Article 9, consisting of Sections R12-5-179 thru R12-5-199, renumbered to Article 9, Sections R12-5-901 thru R12-5-921 (Supp. 93-3).*

Section		
R12-5-901.	Scope of Rules .....	24
R12-5-902.	Definitions .....	24
R12-5-903.	Expired .....	24
R12-5-904.	Application .....	25
R12-5-905.	Expired .....	25
R12-5-906.	Expired .....	25
R12-5-907.	Expired .....	25
R12-5-908.	Expired .....	25
R12-5-909.	Expired .....	25
R12-5-910.	Maps and Photographs .....	25
R12-5-911.	Expired .....	26
R12-5-912.	Expired .....	26
R12-5-913.	Expired .....	26
R12-5-914.	Expired .....	26
R12-5-915.	Expired .....	26
R12-5-916.	Expired .....	26
R12-5-917.	Expired .....	26
R12-5-918.	Controversy as to Title or Leasehold Rights .....	26
R12-5-919.	Expired .....	27
R12-5-920.	Expired .....	27
R12-5-921.	Expired .....	27

**ARTICLE 10. EXPIRED**

*Article 10, consisting of Sections R12-5-1001 through R12-5-1012, expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).*

*Article 10, consisting of Sections R12-5-200 thru R12-5-211, renumbered to Article 10, Sections R12-5-1001 thru R12-5-1022 (Supp. 93-3).*

Section		
R12-5-1001.	Expired .....	27
R12-5-1002.	Expired .....	27
R12-5-1003.	Expired .....	27
R12-5-1004.	Expired .....	27
R12-5-1005.	Expired .....	27
R12-5-1006.	Expired .....	27
R12-5-1007.	Expired .....	27
R12-5-1008.	Expired .....	27
R12-5-1009.	Expired .....	27
R12-5-1010.	Expired .....	27
R12-5-1011.	Expired .....	28
R12-5-1012.	Expired .....	28

**ARTICLE 11. SPECIAL USE PERMITS**

*Article 11, consisting of Section R12-5-241, renumbered to Article 11, Section R12-5-1101 (Supp. 93-3).*

Section		
R12-5-1101.	Policy; Use of Lands .....	28

## State Land Department

**ARTICLE 12. FEES**

*Article 12, consisting of Section R12-5-1201, made by exempt rulemaking at 17 A.A.R. 813, effective April 22, 2011 (Supp. 11-2).*

*Article 12, consisting of Section R12-5-1201, adopted summary rules filed December 6, 1996; interim effective date of August 30, 1996, now the permanent effective date (Supp. 96-4).*

*Article 12, consisting of Section R12-5-1201, repealed by summary action with an interim effective date of August 30, 1996; filed with the Office of the Secretary of State August 8, 1996 (Supp. 96-3).*

*Article 12, consisting of Section R12-5-301, renumbered to Article 12, Section R12-5-1201 (Supp. 93-3).*

## Section

R12-5-1201. Administrative Fees ..... 29

**ARTICLE 13. REPEALED**

*Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996, now the permanent effective date (Supp. 96-3).*

*Article 13, consisting of Sections R12-5-1301 and R12-5-1302, repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2).*

*Article 13, consisting of Sections R12-5-1301 and R12-5-1302, repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2).*

*Article 13, consisting of Sections R12-5-1301 and R12-5-1302, renumbered from Article 5, Sections R12-5-501 and R12-5-502 (Supp. 93-3).*

## Section

R12-5-1301. Repealed ..... 30

R12-5-1302. Repealed ..... 30

**ARTICLE 14. REPEALED**

*Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996, now the permanent effective date (Supp. 96-3).*

*The heading for Article 14 was repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2).*

**ARTICLE 15. REPEALED**

*Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).*

*The heading for Article 15 was repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2).*

**ARTICLE 16. REPEALED**

*Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).*

*Article 16, consisting of Sections R12-5-1601 thru R12-5-1612, repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2).*

*Article 16, consisting of Sections R12-5-560 thru R12-5-564, renumbered to Article 16, Sections R12-5-1601 thru R12-5-1605; Sections R12-5-1605 thru R12-5-1612 renumbered from Article 16, Sections R12-5-570 thru R12-5-576 (Supp. 93-3).*

## Section

R12-5-1601.	Repealed .....	31
R12-5-1602.	Repealed .....	31
R12-5-1603.	Repealed .....	31
R12-5-1604.	Repealed .....	31
R12-5-1605.	Repealed .....	31
R12-5-1606.	Repealed .....	31
R12-5-1607.	Repealed .....	31
R12-5-1608.	Repealed .....	31
R12-5-1609.	Repealed .....	31
R12-5-1610.	Repealed .....	31
R12-5-1611.	Repealed .....	31
R12-5-1612.	Repealed .....	31

**ARTICLE 16.1. RENUMBERED**

*Article 16.1, consisting of Sections R12-5-570 thru R12-5-576, renumbered to Article 16, Sections R12-5-1606 thru R12-5-1612 (Supp. 93-3).*

**ARTICLE 17. NATURAL RESOURCE CONSERVATION DISTRICTS**

## Section

R12-5-1701.	Repealed .....	32
R12-5-1702.	Repealed .....	32
R12-5-1703.	Repealed .....	32
R12-5-1704.	Repealed .....	32
R12-5-1705.	Repealed .....	32
R12-5-1706.	Repealed .....	32
R12-5-1707.	Expired .....	32
R12-5-1708.	Repealed .....	32
R12-5-1709.	Repealed .....	32
R12-5-1710.	Repealed .....	32
R12-5-1711.	Repealed .....	32
R12-5-1712.	Repealed .....	32
R12-5-1713.	Repealed .....	32
R12-5-1714.	Repealed .....	32
R12-5-1715.	Repealed .....	32
R12-5-1716.	Repealed .....	32
R12-5-1717.	Repealed .....	32
R12-5-1718.	Repealed .....	33
R12-5-1719.	Repealed .....	33
R12-5-1720.	Repealed .....	33
R12-5-1721.	Repealed .....	33
R12-5-1722.	Repealed .....	33
R12-5-1723.	Repealed .....	33
R12-5-1724.	Repealed .....	33

**ARTICLE 18. MINERAL LEASES**

*Article 18, consisting of Sections R12-5-701 thru R12-5-707, renumbered to Article 18, Sections R12-5-1801 thru R12-5-1807 (Supp. 93-3).*

## Section

R12-5-1801.	Definitions .....	33
R12-5-1802.	Expired .....	33
R12-5-1803.	Expired .....	33
R12-5-1804.	Expired .....	33
R12-5-1805.	Lease for Mineral Claim .....	33
R12-5-1806.	Records and Reports .....	35
R12-5-1807.	Relating to Mineral Reservations .....	35

**ARTICLE 19. PROSPECTING PERMITS**

*Article 19, consisting of Sections R12-5-731 thru R12-5-735, renumbered to Article 19, Sections R12-5-1901 thru R12-5-1905 (Supp. 93-3).*

## Section

R12-5-1901.	Definitions .....	36
-------------	-------------------	----

## State Land Department

R12-5-1902.	Expired .....	36
R12-5-1903.	Application for Permit .....	36
R12-5-1904.	Expired .....	37
R12-5-1905.	Conversion of Permitted Acreage to Mineral Lease .....	37

## ARTICLE 20. COMMON MINERAL MATERIALS AND NATURAL PRODUCTS

*Article 20, consisting of Sections R12-5-771 thru R12-5-779, renumbered to Article 20, Sections R12-5-2001 thru R12-5-2009 (Supp. 93-3).*

Section		
R12-5-2001.	Definitions .....	37
R12-5-2002.	Miscellaneous Rules .....	38
R12-5-2003.	Application for Purchase .....	38
R12-5-2004.	Exploration Permits .....	39
R12-5-2005.	Use of Land .....	39
R12-5-2006.	Notice and Conduct of Competitive Sales .....	39
R12-5-2007.	Common Mineral Materials .....	40
R12-5-2008.	Natural Products -- Groundwater .....	42
R12-5-2009.	All Other Natural Products .....	42

## ARTICLE 21. OIL AND GAS LEASES

*Article 21, consisting of Sections R12-5-781 thru R12-5-802, renumbered to Article 21, Sections R12-5-2101 thru R12-5-2122 (Supp. 93-3).*

Section		
R12-5-2101.	Completed Oil and Gas Lease Application .....	42
R12-5-2102.	Expired .....	42
R12-5-2103.	Expired .....	42
R12-5-2104.	Application for Noncompetitive Lease; Acreage Limitation .....	43
R12-5-2105.	Simultaneous Filings; Conflicts .....	43
R12-5-2106.	Noncompetitive Lease; Conflict .....	43
R12-5-2107.	Expired .....	43
R12-5-2108.	Expired .....	43
R12-5-2109.	Expired .....	43
R12-5-2110.	Expired .....	43
R12-5-2111.	Expired .....	43
R12-5-2112.	Expired .....	43
R12-5-2113.	Expired .....	43
R12-5-2114.	Expired .....	44
R12-5-2115.	Competitive Lease; Award of Lease .....	44
R12-5-2116.	Expired .....	44
R12-5-2117.	Expired .....	44
R12-5-2118.	Cooperative and Unit Agreements .....	44
R12-5-2119.	Expired .....	44
R12-5-2120.	Surrender .....	44
R12-5-2121.	Expired .....	44
R12-5-2122.	Monthly Statement .....	44

## ARTICLE 22. GEOTHERMAL RESOURCES

*Article 22, consisting of Sections R12-5-850 thru R12-5-873, renumbered to Article 22, Sections R12-5-2201 thru R12-5-2224 (Supp. 93-3).*

Section		
R12-5-2201.	Definitions .....	44
R12-5-2202.	Expired .....	45
R12-5-2203.	Expired .....	45
R12-5-2204.	Terms of Lease .....	45
R12-5-2205.	Expired .....	46
R12-5-2206.	Expired .....	46

R12-5-2207.	Expired .....	46
R12-5-2208.	Expired .....	46
R12-5-2209.	Surface Use .....	46
R12-5-2210.	Environmental Protection and Conduct of Operations .....	46
R12-5-2211.	Cooperative and Unit Agreements .....	46
R12-5-2212.	Expired .....	46
R12-5-2213.	Expired .....	47
R12-5-2214.	Expired .....	47
R12-5-2215.	Expired .....	47
R12-5-2216.	Abandonment -- Other Uses .....	47
R12-5-2217.	Expired .....	47
R12-5-2218.	Renumbered .....	47
R12-5-2219.	Renumbered .....	47
R12-5-2220.	Renumbered .....	47
R12-5-2221.	Renumbered .....	47
R12-5-2222.	Renumbered .....	47
R12-5-2223.	Renumbered .....	47
R12-5-2224.	Renumbered .....	47

## ARTICLE 23. BOARD OF APPEALS

(Authority: A.R.S. § 37-213 et seq.)

*Article 23, consisting of Section R12-5-901 renumbered to Article 23, Section R12-5-2301 (Supp. 93-3).*

Section		
R12-5-2301.	Definitions .....	47
R12-5-2302.	Notice of Appeal .....	48
R12-5-2303.	Notice of Hearing .....	48
R12-5-2304.	Prehearing Disclosure .....	48
R12-5-2305.	Continuances .....	48
R12-5-2306.	Computation of Time; Additional Time After Service by Mail .....	48
R12-5-2307.	Service of Documents Other than Subpoenas .....	48
R12-5-2308.	Subpoenas .....	49
R12-5-2309.	Motions .....	49
R12-5-2310.	Hearing .....	49
R12-5-2311.	Evidence .....	49
R12-5-2312.	Objection to Decision by Chairperson .....	49
R12-5-2313.	Ex Parte Communications .....	49
R12-5-2314.	Decision of the Board .....	50
R12-5-2315.	Rehearing or Review of Decision .....	50

## ARTICLE 24. EXPIRED

*Article 24, consisting of R12-5-2401 through R12-5-2405, expired under A.R.S. § 41-1056(E) at 10 A.A.R. 2942, effective May 31, 2004 (Supp. 04-2).*

Section		
R12-5-2401.	Expired .....	50
R12-5-2402.	Expired .....	50
R12-5-2403.	Expired .....	50
R12-5-2404.	Expired .....	50
R12-5-2405.	Expired .....	51

## ARTICLE 25. CLASSIFYING TRUST LANDS AS SUITABLE FOR CONSERVATION PURPOSES

*Article 25, consisting of Sections R12-5-2501 thru R12-5-2503, adopted effective March 5, 1998 (Supp. 98-1).*

Section		
R12-5-2501.	Petition .....	51
R12-5-2502.	Reclassification .....	51
R12-5-2503.	Bond .....	52

## State Land Department

**ARTICLE 1. GENERAL PROVISIONS****R12-5-101. Definitions**

- A.** Unless the context otherwise requires, a word, term, or phrase that is defined in A.R.S. Title 27 or 37 has the same meaning when used in Articles 1 through 9, 11, 17 through 22, 24, and 25 of this Chapter.
- B.** Except as otherwise provided in subsection (A), the following words, terms, and phrases apply to Articles 1 through 9, 11, 17 through 22, 24, and 25 of this Chapter.
1. "Best interest of the state" means best interest of the Trust.
  2. "Common mineral materials and products" means cinders, sand, gravel and associated rock, fill-dirt, common clay, disintegrated granite, boulders and loose float rock, waste rock, and materials of similar occurrence commonly used as aggregate road material, rip-rap, ballast, borrow, or fill for general construction and similar purposes.
  3. "Contiguous" means two parcels of land that have at least part of one side in common or have a corner touching.
  4. "Grantee" means the holder of a right-of-way and includes the holder of an approved assignment of a right-of-way other than an assignment for the purpose of granting a security interest.
  5. "Hearing officer" means the Commissioner or a hearing officer appointed by the Commissioner and includes the Deputy Commissioner or any officer of the Department.
  6. "Lease" means any validly executed document that entitles the lessee to surface or subsurface use or occupancy of State land. "Lease" includes any validly assigned lease other than an assignment for the purposes of granting a security interest.
  7. "Lessee" means the holder of a lease and includes the holder of an approved assignment of a lease other than an assignment for the purpose of granting a security interest, and a permittee or grantee of a right-of-way.
  8. "Lessor" means the Department.
  9. "Natural product" means any material or substance occurring in its native state that when extracted, is subject to depletion and includes water, vegetation, common mineral products and materials that are severable from the land, except geothermal resources and those substances subject to the mineral exploration permit and mineral leasing laws of this State.
  10. "Non-conflicted application" means an application for the use of State land that is not conflicted by one or more applications for the same use of the land filed within the time-frame for a conflicting application to be filed under A.R.S. § 37-284.
  11. "Party" means a person or agency named or admitted as a party in a proceeding or someone seeking to intervene and may include the Department.
  12. "Permit" means any Department-issued document that entitles the permittee to surface or subsurface use or occupancy of State land. "Permit" includes a validly assigned permit other than an assignment for the purposes of granting a security interest.
  13. "Permittee" means the holder of a permit and includes the holder of an approved assignment of a permit, where assignments are provided by law, other than an assignment for the purpose of granting a security interest.
  14. "Person" means a corporation, company, partnership, firm, association or society, as well as a natural person. When the word "person" is used to designate the party whose property may be the subject of a criminal or public offense, the term includes the United States, this state, or

any territory, state or country, or any political sub-division of this state that may lawfully own any property, or a public or private corporation, or partnership or association. When the word "person" is used to designate the violator or offender of any law, it includes corporation, partnership or association of persons.

15. "Public Records" means the area designated by the Commissioner within the offices of the Department for the submission of all documents to be filed with the Department.
16. "Right-of-way" means a right of use and passage over, through, or beneath the surface of State land, for an express purpose and to travel to a specific location.
17. "Special Land Use Permit" means a Department-issued document that entitles a permittee to occupy or use State lands for an express purpose, not otherwise expressly provided for by law, and for a specific duration.
18. "Sublease" means an agreement, approved by the Commissioner, between a lessee and a third person to lease the property where the lessee retains an interest in the lease.

**Historical Note**

Original rule, Ch. I (Supp. 76-4). Section R12-5-101 renumbered from Section R12-5-01 (Supp. 93-3). Section repealed, new Section adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-102. Computation or Extension of Time**

- A.** Computation of time. In computing any time period prescribed or allowed under this Chapter, except a time period prescribed under Article 2 of this Chapter, the Department shall exclude the day from which the designated time period begins to run. The computation of time includes intermediate Saturdays, Sundays, and legal holidays. The last day of the period is included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or a legal holiday. When the time period is 10 days or less, the Department shall exclude Saturdays, Sundays, and legal holidays.
- B.** Extension of time. At the Commissioner's initiative, or upon request, the Commissioner may extend any time period to perform or complete any ordered or required action. The Commissioner shall extend a time period only if the person making a request shows good cause for the extension.

**Historical Note**

Original rule, Subchapter A, Ch. II (Supp. 76-4). Section R12-5-102 renumbered from Section R12-5-02 (Supp. 93-3). Section repealed effective August 2, 1994 (Supp. 94-3). New Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-103. Records; Correction of Errors; Public Docket; Removal of Records**

- A.** Record. The Department shall stamp every document and other object filed in the Department to record date and time of receipt. A filed document or other object constitutes a part of the record and is available for public inspection, except as prohibited by statute, at any time during the office hours of the Department.
- B.** Correction of errors. On the Commissioner's own initiative or upon request by a party, the Commissioner may correct a manifest typographical or clerical error in a decision, order, instrument, or other record of the Department resulting from oversight or omission. The Commissioner shall provide notice

## State Land Department

of any correction in the form the Commissioner deems appropriate.

- C. Public docket. A person may obtain a copy of a public docket, maintained by the Department pursuant A.R.S. § 37-102(F), listing the matters pending before the Department by requesting a copy at the Phoenix Office in person or by mail or e-mail. The Department shall charge to cover the costs of copying a public docket in accordance with A.R.S. § 39-121.01.
- D. Removal of papers. A person shall not remove an instrument, document, or other paper or object on file with the Department from the Department, except as authorized by the Commissioner, the Commissioner's duly appointed deputy or employee or by order of a court of competent jurisdiction.

**Historical Note**

Adopted effective May 13, 1977 (Supp. 77-3). Correction, omission from subsection (A) in Supp. 77-3 (Supp. 77-6). Section R12-5-103 renumbered from Section R12-5-03 (Supp. 93-3). Section repealed effective August 2, 1994 (Supp. 94-3). New Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-104. Application Forms; Legal Status; Submission of Applications; Applications Confer No Rights**

- A. Forms supplied. A person shall submit an application, report, or other document required by statute or this Chapter to be filed with the Department upon a form prescribed and furnished by the Department. The Department shall accept for filing other instruments, such as corporation papers, liens or mortgages, powers of attorney, affidavits of heirship, death certificates, and other legal documents.
- B. Required information as to legal status. A corporation, limited partnership, or association authorized to conduct business in this state that is applying to purchase, lease, or sublease State lands or any interest in State lands shall state in its application that it is authorized to conduct business in this state.
- C. Submission of application, report, document, or other instrument. A person shall submit an application, report, document, or other instrument to the Department's Phoenix Office to the attention of Public Records along with payment of the required fee.
- D. Application confers no rights. A pending application to lease, purchase, or use State land confers no rights to the applicant.
  - 1. The Department may allow a lessee who files a conflicted or non-conflicted application for renewal of an existing lease to remain in possession or continue to occupy or use the land in accordance with the provisions of the lease sought to be renewed until the application to renew is granted or denied. The Department shall grant permission for interim use if:
    - a. The rental is current;
    - b. The lessee is in possession, or otherwise occupies or uses the land; and
    - c. The lessee is in good standing under the lease sought to be renewed.
  - 2. A lessee who remains in possession with the Department's permission under this Section shall pay any rental or other monies owed, such as penalty and interest on delinquent rent or irrigation district assessments.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-105. Manner of Signing Documents before the Department**

- A. A person shall sign a document requiring signature in the same manner as the person's name appears of record with the Department or in the manner in which the person is requesting the Department issue a new document.
- B. If a document is executed for the benefit of:
  - 1. One individual, the document shall be signed by that individual or by an authorized representative of the individual;
  - 2. More than one individual, the document shall be signed by each individual or by the individual's authorized representative; or
  - 3. A business entity or an association of any kind, the document shall be signed by an authorized representative of the entity or association.
- C. The Department shall not accept the signature of an authorized representative unless the individual, business entity, or association files with the Department written authority for the authorized representative to sign.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-106. Assignments; Subleases**

- A. A person shall not assign or sublease any right, entitlement, or interest, in whole or in part, in State land, or possession, occupancy, or right to remove anything, in whole or in part, from State land unless:
  - 1. The person has made application for the assignment or sublease; and
  - 2. The Commissioner has approved the assignment or sublease in writing.
- B. In addition to the conditions and provisions of the lease sought to be subleased, any approved sublease is subject to further conditions and provisions as the Commissioner may determine are necessary to further the best interest of the Trust, including but not limited to provisions relating to ownership of improvements on the lease and disposition of proceeds relating to the improvements.
- C. The Department may cancel a lease if a sublessee violates a provision of a lease.
- D. The Department shall hold the lessee and sublessee jointly and severally liable for damages arising out of a violation of a provision of a lease.
- E. The Department shall not approve a sublease of a sublease for State land.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-107. Fees; Remittances**

- A. A person shall pay fees and other remittances to the Department by cash, money order, bank draft, or check payable to the "Arizona State Land Department."
- B. A person shall pay all billing statements issued by the Department, whether relating to rent, royalty, or other monies owed to the Department, within 30 days of the date of issuance, unless otherwise specified on the billing statement. If payment does not arrive in the Department's Phoenix Office on or before the close of business on the due date, the Department shall assess penalty and interest as required by law.
- C. The Department is not responsible for any payment not personally hand delivered and receipted for by the Cashier in the Department's Phoenix Office. The Department shall not credit any payment not received.

## State Land Department

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-108. Predecision Administrative Hearing**

The Commissioner may initiate a predecision administrative hearing to investigate an issue, gather information, or review facts to assist the Commissioner in the decision-making process before issuing a decision on any matter pending before the Department.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-109. Rejection of Hearing Request**

The Commissioner shall reject any request for a hearing under A.R.S. Title 41, Chapter 6 that the Commissioner determines not to be subject to A.R.S. Title 41, Chapter 6.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**ARTICLE 2. PRACTICE AND PROCEDURE IN  
ADMINISTRATIVE HEARINGS FOR PROTESTING  
AUCTIONS BEFORE THE ARIZONA STATE LAND  
COMMISSIONER**

**R12-5-201. Applicability**

This Article applies to an administrative hearing resulting from a protest of an auction pursuant to A.R.S. § 37-301, hereinafter referred to in this Article as “a hearing.”

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-202. Appointment of Hearing Officer**

- A. The Commissioner may serve as the hearing officer or may appoint a hearing officer to conduct a hearing under A.R.S. § 37-301.
- B. If a hearing officer, for any reason, cannot continue to preside at the hearing, the Commissioner shall appoint a new hearing officer.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-203. Ex Parte Communications**

A party shall not communicate on matters substantive to the hearing, either directly or indirectly, with the hearing officer, the Commissioner, the Deputy Commissioner, or any member of the Commissioner’s staff involved in the decision-making process unless:

1. All parties are present; or
2. It is during a scheduled proceeding where an absent party fails to appear after proper notice under R12-5-210.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-204. Failure to Appear**

If a party fails to appear at a hearing, the hearing officer may vacate the hearing or allow the appearing party to present evidence.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-205. Representation**

A party may participate in a hearing in person or through an attorney, except that a corporation shall be represented by an attorney. A partnership may appear through any partner, an association through a key administrator or other executive officer, and an agency or a political subdivision or unit of a political subdivision may appear through an employee.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-206. Notice of Hearing**

- A. Upon determination by the Commissioner that a hearing will be held, the Department shall issue a notice of hearing that contains:
  1. A caption referencing the Department’s case number, a brief description of the matter to be heard, the name or names of the parties and their status, or both;
  2. The date, time, and place of the hearing;
  3. A reference to the particular sections of the statutes and rules under which the hearing is to be held;
  4. A short, plain statement of the matter to be heard;
  5. The name, mailing address, and telephone number of the hearing officer;
  6. The names and mailing addresses of persons to whom notice is being given; and
  7. Any other information required by statute or rule.
- B. An applicant for sale or long-term lease of State Trust land is a party to an administrative hearing conducted under A.R.S. § 37-301.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-207. Hearing Record**

- A. After the notice of hearing is issued, the hearing file shall be available for inspection at the Department’s Public Records Office, Phoenix, during regular business hours.
- B. Hearings shall be electronically recorded or stenographically reported by the Department. The hearing officer shall designate the official record of the proceedings. If a hearing is recorded electronically, the tapes shall be available for review in the Department’s Public Records Office, Phoenix, during regular business hours. The cost for copies of tapes shall be paid by the person requesting them. The Department shall maintain the original transcript of the official record of the proceeding, if available, as part of the hearing file.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-208. Consolidation**

When multiple protests of the same auction are pending before the Department, the Department may consolidate the protests into a single hearing.

## State Land Department

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-209. Filing**

All papers filed with the Department in a hearing shall be typewritten or legibly written on paper no larger than 8 1/2 by 11 inches, include the name and address of the party or individual filing the paper, be properly captioned and designate the title and case number, state the name and address of each party served with a copy, and be signed by the party or, if represented, by the party's attorney. The signature certifies that the signer has read the paper, that to the best of the signer's knowledge, information, and belief there is good ground to support its contents, and that it is not filed for delay.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-210. Service; Proof of Service**

- A. After a notice of hearing is issued, a copy of every paper filed by a party, or person seeking to intervene, shall be served on all parties to the hearing, or the party's counsel if the party is represented, at the same time the paper is filed. Service is complete at the time of personal service or on the date mailed if served by certified or regular mail addressed to the last address of record in the hearing file.
- B. The following is evidence that service is complete:
  1. If personally served, an affidavit of personal service, sworn to by the person serving the paper and stating that the server personally served the paper on the person to whom it was directed, where service was made, and the date of service;
  2. If served by certified mail, the return receipt signed by the party served or someone authorized to act on behalf of the party served; or
  3. If served by regular mail, either a statement subscribed on the paper filed with the Department, or an affidavit indicating the date mailed and listing those to whom it was mailed.
- C. The Department shall serve the notice of hearing decision and final order, either by personal service or by certified mail. The Department or a party shall serve all other papers by regular or certified mail or by personal service.
- D. When a party is represented by an attorney, service shall be made on the attorney. If a notice of hearing shows service on the Attorney General, all papers served thereafter shall be served on the Assistant Attorney General named on the notice of hearing or who later appears on behalf of the Department, or, if no Assistant Attorney General is named, on the Attorney General, Civil Division, Chief Counsel, Natural Resources Section.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-211. Subpoenas**

- A. The hearing officer may issue subpoenas for witnesses to appear and testify at the hearing or to produce books, records, documents, and other evidence, or both, on the hearing officer's own volition or at the request of a party.
- B. A request for a hearing subpoena shall be in writing, filed with the hearing officer, and served on each party at least seven days before the date set for hearing and state:
  1. The caption of the hearing, the case number, and the date, time, and place where the witness is expected to appear and testify;
  2. The name and address of the witness or custodian of records subpoenaed; and
  3. The documents, if any, subpoenaed.

- C. The hearing officer shall grant the request if the hearing officer determines there is reasonable need, such as relevant facts expected to be established by the person or document subpoenaed, and the production of documents is not unduly repetitious or burdensome.
- D. A party or person subpoenaed may file an objection to the subpoena with the hearing officer. The party or person shall file the objection within five days after service of the subpoena, or on the first day of the hearing, whichever is earlier.
- E. The party requesting the subpoena shall prepare the subpoena and cause it to be served upon the person to whom the subpoena is directed. A person who is not a party and is at least 18 years of age may serve a subpoena. The person shall serve the subpoena by delivering a copy to the person to be served. The person serving the subpoena shall provide proof of service by filing with the hearing officer a certified statement of the date and manner of service and the name of the person served.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-212. Procedure at Hearing**

- A. The hearing officer shall preside over the hearing, giving all parties the opportunity to testify, respond, present evidence, argument, witnesses, conduct examination and cross-examination, and submit rebuttal evidence. The hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. The hearing officer shall make rulings necessary to prevent argumentative, repetitive, or irrelevant questioning and to expedite questioning to the extent consistent with the disclosure of all relevant testimony and information.
- B. If all parties agree, the hearing officer may conduct all or part of the hearing by telephone or other electronic means, if each party has an opportunity to participate in the entire proceeding.
- C. A hearing is open to the public, except if the hearing is required to be closed according to an express provision of law. The Department shall make a hearing conducted by telephone or other electronic means available to the public by the opportunity to view or listen to the tape of the hearing, and to inspect any transcript of the hearing that has been prepared and filed with the Department.
- D. The hearing officer may exclude from participation or observation a person whose conduct at the hearing is disruptive or shows contempt for the proceedings.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-213. Evidence**

- A. All witnesses shall testify under oath or affirmation. All parties shall have the right to present oral or documentary evidence and to conduct cross-examination as required for a full and true disclosure of the facts. The hearing officer shall receive evidence, rule upon offers of proof, and exclude evidence the hearing officer determines to be irrelevant, immaterial, or unduly repetitious. The hearing officer shall admit the kind of



## State Land Department

evidence on which reasonably prudent people would rely, even if the evidence would be inadmissible in a civil court trial.

- B.** Unless otherwise ordered by the hearing officer, a party shall not present documentary evidence larger than 8 1/2 by 11 inches. The submitting party shall identify documentary exhibits by number or letter and party and shall furnish a copy of each exhibit to each party present. If evidence offered by a party appears in a larger work that contains other information, the party shall plainly designate the portion offered. If the evidence offered is in a volume of a length that would unnecessarily encumber the record, the hearing officer shall not receive the book, paper, or document in evidence but the evidence may be marked for identification and, if properly authenticated, the designated portion may be read into or photocopied for the record. All documentary evidence offered is subject to appropriate and timely objection.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-214. Judicial Notice; Technical Facts**

When conducting a hearing, the hearing officer may take notice of judicially cognizable facts as permitted under the Arizona Rules of Evidence. The Commissioner or the hearing officer may take judicial notice of generally recognized technical or scientific facts within the Commissioner's, the hearing officer's, or the Department's specialized knowledge. The Commissioner or the hearing officer may use experience, technical competence, and specialized knowledge in the evaluation of any information and evidence submitted in a hearing.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-215. Stipulations**

Parties to a hearing may agree, in writing, to any issue addressed in the hearing, including matters of procedure, subject to the approval of the hearing officer. If approved by the hearing officer, an agreement on matters of procedure or substantive matters is binding upon the parties to the stipulation. The hearing officer may require presentation of evidence for proof of stipulated facts. No agreement by the parties on substantive matters is binding upon the Department unless incorporated into the decision of the Commissioner.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-216. Recommended Decision**

If a hearing officer other than the Commissioner presides at a hearing, the hearing officer shall prepare a recommended decision for the Commissioner within 10 days of the close of the hearing, or no later than eight days before the auction date, whichever is earlier.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-217. Decision**

The Commissioner's decision shall include separate findings of fact and conclusions of law. The Commissioner's decision shall also include policy reasons for the decision if it is an exercise of the Commissioner's discretion, including the reason for the remedy ordered.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-218. Rehearing of Decision**

- A.** As specified A.R.S. § 37-301(C), a request for rehearing shall be filed with the State Land Commissioner, State Land Department, Phoenix, and shall specify the particular grounds for rehearing. A rehearing of the decision may be granted for any of the following reasons materially affecting the requesting party's rights:
1. Irregularity in the proceedings or any order or abuse of discretion that deprived the requesting party of a fair hearing;
  2. Misconduct of the Commissioner, Departmental employees, the hearing officer, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;
  5. Excessive or insufficient remedies;
  6. Error in the admission or rejection of evidence or other errors of law; or
  7. The decision is not justified by the evidence or is contrary to law.
- B.** On review of the request for rehearing, the Commissioner may affirm the decision or grant a rehearing. An order granting a rehearing shall specify with particularity the grounds on which the rehearing is granted, and the rehearing shall cover only those matters specified. All parties to the hearing may participate as parties at any rehearing.

**Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-219. Repealed****Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-220. Repealed****Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-221. Repealed****Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

**R12-5-222. Repealed****Historical Note**

Adopted effective August 2, 1994 (Supp. 94-3). Section repealed by final rulemaking at 11 A.A.R. 92, effective February 5, 2005 (Supp. 04-4).

### **ARTICLE 3. SELECTIONS, INVESTIGATIONS, CLASSIFICATIONS AND APPRAISALS**

**R12-5-301. Expired**

## State Land Department

**Historical Note**

Original rule, Subchapter D, Ch. II (Supp. 76-4). Section R12-5-301 renumbered from Section R12-5-50 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5476, effective October 31, 2003 (Supp. 03-4).

**ARTICLE 4. SALES****R12-5-401. Expired****Historical Note**

Original rule, Subchapter C, Ch. II (Supp. 76-4). Section R12-5-401 renumbered from Section R12-5-71 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5476, effective October 31, 2003 (Supp. 03-4).

**R12-5-402. Conditions for Filing Application**

- A. An application shall cover only one section or subdivision thereof.
- B. When the application is made by one claiming a right to reimbursement for improvements placed upon state land, the applicant shall attach a list of the improvements placed or made upon said lands.
- C. The applicant to purchase state land shall deposit an amount of money sufficient to pay the expense incidental to bringing a parcel of land to sale when the Department determines that the benefit to be derived from the sale is less than the expense involved.
- D. An application to purchase state land cannot be withdrawn without the approval of the Commissioner.

**Historical Note**

Original rule, Subchapter C, Ch. II (Supp. 76-4). Section R12-5-402 renumbered from Section R12-5-72 (Supp. 93-3).

**R12-5-403. Restrictions Subsequent to Filing Application to Purchase**

No lessee may file any transfer, assignment, mortgage or application affecting the lands covered in their application to purchase.

**Historical Note**

Original rule, Subchapter C, Ch. II (Supp. 76-4). Section R12-5-403 renumbered from Section R12-5-73 (Supp. 93-3).

**R12-5-404. Responsibility of the Purchaser**

- A. The recording of a Certificate of Purchase and/or Patent with the County Recorder of the County in which the lands are located.
- B. Payment of the taxes, water assessments and other charges which may be assessed against the land.
- C. Protection of the lands against any loss or waste to or upon the lands.
- D. To maintain any right to the use of water appurtenant to the land against forfeiture or abandonment of the right.
- E. File a report with the State Land Commissioner of the sale of any sand, gravel, stone or other natural product from the land.
- F. Acquire the consent of the Department prior to granting a right-of-way on the land.

**Historical Note**

Original rule, Subchapter C, Ch. II (Supp. 76-4). Section R12-5-404 renumbered from Section R12-5-74 (Supp. 93-3).

**R12-5-405. Evidence of Taxes and Assessments Being Paid; Extension of Time to Pay**

- A. A holder of a Certificate of Purchase shall include, with the annual payments of principal and interest for the certificate of

purchase, proof that taxes and any other assessments have been paid for the current year.

- B. An extension of time to pay an annual installment of principal or interest shall be made in accordance with R12-5-102(B).

**Historical Note**

Original rule, Subchapter C, Ch. II (Supp. 76-4). Section R12-5-405 renumbered from Section R12-5-75 (Supp. 93-3). Amended by final rulemaking at 13 A.A.R. 4197, effective January 5, 2008 (Supp. 07-4).

**R12-5-406. Assignment of a Certificate of Purchase**

- A. The transfer of a Certificate of Purchase will be made only upon the filing of an "Application to Assign and Assumption of Certificate of Purchase" form which will be supplied by this Department.
- B. An application to assign and assumption of a Certificate of Purchase will not be approved:
  1. When the annual payments are found to be in arrears.
  2. When taxes are found to be in arrears.
  3. When the release or satisfaction of a lien or mortgage filed with the Department has not been submitted with said application.
  4. When affidavit of citizenship in the United States and/or statement of authorization to do business in the state of Arizona has not been submitted with said application.
- C. No portion, less than all of the lands covered in a Certificate of Purchase, can be assigned.

**Historical Note**

Original rule, Subchapter C, Ch. II (Supp. 76-4). Section R12-5-406 renumbered from Section R12-5-76 (Supp. 93-3).

**R12-5-407. Expired****Historical Note**

Original rule, Subchapter C, Ch. II (Supp. 76-4). Section R12-5-407 renumbered from Section R12-5-77 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5476, effective October 31, 2003 (Supp. 03-4).

**R12-5-408. Partial Patent**

- A. As used in this Section, a "partial patent" means a patent for less than the entire tract covered under a Certificate of Purchase. The holder of a Certificate of Purchase applying to the Department for a partial patent of lands under a Certificate of Purchase, shall provide to the Department the following at the time of application:
  1. Appropriate filing fee as required under A.R.S. § 37-108(A)(9)(c).
  2. A copy of a receipt from the County Treasurer for the county where the land under application for partial patent is located, showing that the taxes are currently paid on both the parcel of land under application for partial patent and any lands remaining under the Certificate of Purchase.
  3. A written land legal description and a survey plat (drawing size 17" x 26") issued by a land surveyor, registered in Arizona, of the lands covered by the Certificate of Purchase, including the lands described in the application for partial patent. The written land legal description and the survey plat shall be provided in paper format and a digital format specified in the application.
  4. A proposed development plan showing the lands, including lands under the proposed partial patent, covered by the Certificate of Purchase and information as to how the proposed development plan will be implemented in compliance with City or County ordinances and regulations.

## State Land Department

The development plan shall contain proposed densities, unit breakdown, and approved or proposed zoning district classifications.

- B. If the Commissioner deems it necessary, the Department shall require a tentative plat with a proposed development overlay, including the topography, infrastructure improvements, and existing structures of the lands under the Certificate of Purchase, including the lands under application for partial patent, as well as of those lands contiguous to all boundaries of the lands covered by the Certificate of Purchase.
- C. The Department shall not accept an application that relates to a Certificate of Purchase for which the purchaser has failed to pay applicable fees or is in default as to payment of principal or interest, or in arrears on taxes.
- D. Before issuing a partial patent, the Department shall determine that the remaining lands are of greater value than the unpaid balance of the Certificate of Purchase and that the remaining lands have development potential independent of the acreage that is sought to be patented. If the Commissioner determines that it is necessary to establish the value of the remaining lands, or the parcel sought to be patented, or both, the applicant shall provide, at the applicant's expense, the following:
  1. An appraisal conducted in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP) as referenced in A.A.C. R4-46-401 or an economic analysis by the Department's appraisal staff or by a state-approved appraiser of the parcel sought to be patented or the lands remaining under the Certificate of Purchase, or both.
  2. An infrastructure assessment detailing service, capacity, and cost information for the remaining lands; and
  3. Any additional information the Department considers necessary to determine the adequacy of the value of the remaining lands as security for the balance of all remaining payments required to be made under the Certificate of Purchase after the partial patent is issued.
- E. If the application or any of its attachments does not contain the information required by this Section, the Commissioner shall immediately provide written notice of the deficiency to the applicant. The Department shall allow 20 days, from the date on the written notice from the Commissioner, for the applicant to cure the deficiency. If additional time is needed to cure the deficiency, the applicant may request an extension of the time pursuant to R12-5-102. If the deficiency is not remedied in the time allowed, the application shall be deemed withdrawn.

**Historical Note**

Original rule, Subchapter C, Ch. II (Supp. 76-4). Emergency amendment filed September 26, 1990, adopted effective September 27, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Section R12-5-408 renumbered from Section R12-5-78 (Supp. 93-3). Amended by final rulemaking at 14 A.A.R. 4524, effective January 31, 2009 (Supp. 08-4).

**R12-5-409. Expired****Historical Note**

Original rule, Subchapter C, Ch. II (Supp. 76-4). Section R12-5-409 renumbered from Section R12-5-79 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5476, effective October 31, 2003 (Supp. 03-4).

**R12-5-410. Expired****Historical Note**

Original rule, Subchapter C, Ch. II (Supp. 76-4). Section R12-5-410 renumbered from Section R12-5-80 (Supp.

93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5476, effective October 31, 2003 (Supp. 03-4).

**R12-5-411. Expired****Historical Note**

Original rule, Subchapter C, Ch. II (Supp. 76-4). Section R12-5-411 renumbered from Section R12-5-81 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5476, effective October 31, 2003 (Supp. 03-4).

**R12-5-412. Expired****Historical Note**

Adopted effective March 6, 1979 (Supp. 79-2). Section R12-5-412 renumbered from Section R12-5-82 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5476, effective October 31, 2003 (Supp. 03-4).

*Editor's Note: The following Section was amended by emergency rulemaking effective December 20, 2002 to November 18, 2003. The State Land Department filed a rulemaking package for the permanent Section October 8, 2003, without requesting an immediate effective date. The effective date of the permanent rule would have been December 7, 2003, creating a three-week "window" during which neither the emergency rule nor the amended permanent rule would have been in effect. To avoid this, the Department refiled the permanent rule with the Governor's Regulatory Review Council, this time requesting an immediate effective date. G.R.R.C. approved the refiled rule and filed it with the Secretary of State November 4, 2003, thereby resolving the issue (Supp. 03-4).*

**R12-5-413. Real Estate Broker Commissions**

- A. The Commissioner may offer a commission for the sale or long-term commercial lease of state land at public auction. In determining whether to offer a commission for the sale or long-term commercial lease of state land at public auction, the Commissioner shall consider the following factors:
  1. The appraised value of the parcel being offered,
  2. The location and size of the parcel being offered,
  3. The terms of the sale or lease,
  4. The marketability of the land, and
  5. The best interest of the State Trust.
- B. If a commission is offered for the sale or long-term commercial lease of state land at public auction, the Department shall pay the commission from the fees collected under A.R.S. § 37-108(A)(10)(a).
- C. The Department shall publish the decision of the Commissioner to pay or not pay a commission for the sale or long-term commercial lease of state land and the amount and terms of the commission offered, if any, in the public notice of the auction.
- D. Upon determination by the Commissioner that a commission will be offered on a sale or long-term commercial lease, a person holding an active real estate broker license in this state is eligible to receive the commission, from the Department, by registering with the Department the successful purchaser or lessee at public auction. A broker shall register himself or herself and the potential purchaser or lessee with the Department no later than three business days before the auction. The broker shall register in writing and include the following:
  1. Name and address of the brokerage;
  2. Name and real estate license number of the broker and any real estate salesperson acting as an agent for the broker at the public auction;
  3. Name and address of the potential purchaser or lessee;
  4. Auction number, location, and parcel number of the land to be auctioned for sale or lease; and

## State Land Department

5. Signature of the broker or salesperson and the potential purchaser or lessee verifying that the broker or salesperson represents the potential purchaser or lessee and that together they have inspected the land to be auctioned for sale or lease.
- E. A broker shall submit registration meeting the requirements of subsection (D) by mail or hand-delivery to the Department's public counter, Phoenix, Arizona 85007. The Department deems registration received on the date postmarked if mailed or time-stamped if hand-delivered. A broker shall not register the following:
  1. A potential purchaser or lessee who is registered with another broker for the same auction, or
  2. A governmental agency.
- F. The Department shall pay the commission to the broker representing the successful purchaser or long-term commercial lessee at the time of delivery of the certificate of purchase or patent, or lease, or after final disposition of any protests or appeals resulting from the auction, whichever occurs later.
- G. The Department shall not pay a commission to a broker if the Commissioner determines that the broker has violated this Section.
- H. For the purpose of this Section, the following definitions apply:
  1. "Long-term commercial lease" means a lease granted on state land for commercial purposes to the highest and best bidder at public auction for a term in excess of 10 years, but not more than 99 years.
  2. "Commercial lease" means an agreement by which an owner of real property (lessor) gives the right of possession to another (lessee) for a specified period of time (term) and for a specified consideration (rent).

**Historical Note**

Adopted effective February 9, 1996 (Supp. 96-1). Section R12-5-413 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 5151, effective December 20, 2002 for a period of 180 days (Supp. 02-4). Emergency rulemaking renewed under A.R.S. § 41-1026(D) at 9 A.A.R. 1963, effective May 23, 2003 for a period of 180 days (Supp. 03-2). Emergency rule repealed under A.R.S. § 41-1026(E); replaced by permanent Section R12-5-413 amended by final rulemaking at 9 A.A.R. 5038, effective November 4, 2003. For more information, see the Editor's Note preceding this Section (Supp. 03-4).

**ARTICLE 5. LEASES****R12-5-501. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-501 renumbered from Section R12-5-100 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-502. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-502 renumbered from Section R12-5-101 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-503. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-503 renumbered from Section R12-5-102

(Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-504. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-504 renumbered from Section R12-5-103 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-505. Time for Filing Conflicting Applications**

- A. Unleased land. If an application is filed on unleased land, and a proposed lease, permit, or right-of-way document is offered to an applicant for review and signature, the Department shall not accept another application for the same purpose.
- B. Land under lease for the same purpose. The Department shall not accept a conflicting application for a lease unless the application is filed within the time prescribed by A.R.S. § 37-284.
- C. Land under permit for the same purpose where the use is exclusive. An applicant shall file a conflicting application for a permit on land for the same purpose within 60 days before expiration of the existing permit.
- D. For the purpose of this Article, conflicting applications are defined as two or more applications to lease State Trust surface land for the same purpose or two or more permit applications to use State Trust surface land for the same purpose.

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-505 renumbered from Section R12-5-104 (Supp. 93-3). Section repealed; new Section made by final rulemaking at 9 A.A.R. 3817, effective October 4, 2003 (Supp. 03-3).

**R12-5-506. Procedure in Processing Conflicting Applications**

- A. If two or more applicants apply for a lease or permit on the same land for the same purpose, the Department shall send a Notice of Conflicting Applications to each applicant requiring each applicant to submit to the Department a statement of equities containing the basis of the applicant's claim to the lease or permit and to serve a copy upon the other applicants within 30 days from the date of the Department's Notice, unless the time is extended by the Department or by stipulation of the applicants. If an applicant fails to submit a statement of equities, the Department may examine evidence or records, or review testimony from a hearing conducted under subsection (E)(2) and make a decision regarding the conflicting applications. The Department shall make its decision regarding an application filed for lease or permit under this Section in the best interest of the Trust.
- B. An applicant shall have the statement of equities verified under oath before an officer authorized under the laws of this state to administer oaths, or sign the statement of equities accompanied by a certification under penalty of perjury that the information contained in the statement of equities is to the best of the applicant's knowledge and belief, true, correct, and complete. The statement of equities shall include information related to the factors considered under subsection (D).
- C. An applicant, within 10 days from the date of receipt of the statement of equities of another applicant, may file with the Department and if filed, shall serve upon other applicants, a response to the other applicant's statement of equities.
- D. In conducting an investigation and review, the Department shall consider the following factors:
  1. An offer to pay more than appraised rental as an equity, if the Department determines not to go to bid on the conflict;

## State Land Department

2. Whether the applicant's proposed land use or land management plan is beneficial to the Trust;
  3. The applicant's access to or control of facilities or resources necessary to accomplish the proposed use;
  4. The applicant's willingness to reimburse the owner of reimbursable non-removable improvements;
  5. The applicant's previous management of land leases, land management plans, or any history of land or resource management activities on private or leased lands;
  6. The applicant's experience associated with the proposed use of land;
  7. Impact of the proposed use on future utility and income potential of the land;
  8. Impact to surrounding state land;
  9. Recommendations of the Department's staff; and
  10. Any other considerations in the best interest of the Trust.
- E.** After investigation and review of the statements of equities, the Department may:
1. Request additional information from an applicant;
  2. Conduct a hearing at the Department or another designated location at the earliest possible date, giving notice of time and place for hearing to all applicants;
  3. Award the lease or permit to an applicant;
  4. Reject all applications; or
  5. Proceed to bid according to A.R.S. § 37-284.
- F.** The bid process is as follows:
1. If the Department determines to proceed to bidding, the Department shall issue a Notice of Call for Bidding that states the time and place bids will be accepted including the minimum rental that will be accepted.
  2. The Notice shall specify the existence of a preferred right, if any. The Department shall include, with the Notice, a copy of the form of lease or permit that may be offered to the successful bidder. A bidder shall submit a written bid to the Department by 5:00 p.m. no later than 30 days from the date of the Notice. A bid shall be made on forms provided by the Department. The Department shall accept a bid form only with the original signature of the bidder. A bidder may either mail or deliver the bid in person to the Department.
  3. The Department shall not accept a bid from anyone other than an applicant named in the Notice of Call for Bidding.
  4. Unless subsection (F)(5) applies, the Department shall accept only one bid from each applicant. Once the bid is submitted, the Department shall not accept a second or substitute bid or any change to the original bid.
  5. If the bids of two or more applicants are the same, are also the highest bids offered, and there is no preferred right, the Department shall repeat the bid procedure under subsections (F)(1) and (2) with the following exceptions, until a single highest bid is submitted:
    - a. In a call for new bids, the Department shall establish a new minimum rental that equals the highest amount offered in the previous bidding.
    - b. The Department shall accept new bids only from the applicants who submitted the highest matching bids.
  6. The Department shall mail a Notice of Bid Results to all bidders. A bidder choosing to exercise a preferred right shall, within 15 days of the Department's issuance of the Notice of Bid Results, offer a bid matching the highest bid, in writing, on forms provided by the Department.
- G.** Nothing in this Section limits or diminishes the jurisdiction of the Department. This Section does not apply to an application for an oil or gas lease.

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-506 renumbered from Section R12-5-105 (Supp. 93-3). Section repealed; new Section made by final rulemaking at 9 A.A.R. 3817, effective October 4, 2003 (Supp. 03-3).

**R12-5-507. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-507 renumbered from Section R12-5-106 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-508. Application Confers No Right to Land**

An application or permit for state land confers no right of occupancy, possession or use of said land until a lease or permit is issued thereunder or permission is granted in writing by the Commissioner. Provided, however, a prior lessee or permittee may occupy and use said land pending action on his application for renewal. In the event that the prior lessee or permittee should not be awarded a renewed lease or permit, the Commissioner may assess and collect from said lessee or permittee the reasonable value of the use of said land pending action upon the application to renew said lease or permit.

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-508 renumbered from Section R12-5-107 (Supp. 93-3).

**R12-5-509. Execution of Leases or Permits; Covenants; Effective Date and Completion of Lease or Permit**

All leases and permits shall be signed by the lessee or permittee as provided by these rules and regulations and by the Commissioner or his Deputy, with the seal of the Department affixed thereto. All leases and permits shall contain such provisions, covenants, conditions and restrictions as may be prescribed by the Commissioner, hereinafter more particularly set forth under each type of lease. The effective date of the lease will be the date of application upon open land, or such other subsequent date as the Commissioner may prescribe. Upon lands previously leased, the date following the expiration date of the lease shall be the effective date; provided, that where the lands under lease have been reclassified, the effective date of the lease shall bear the date of such reclassification, if no appeal from reclassification is taken or if the Commissioner's decision is upheld if so appealed, or such other subsequent date as the Commissioner may prescribe.

Upon approval of the application to lease or permit and an appraisal or fixing of the rental value thereof, a lease or permit in duplicate will be mailed to the lessee or permittee, which lease or permit shall be signed in duplicate by the lessee or the permittee in the manner prescribed by these rules and regulations. Insert sheets which, when required, described the land being leased or for which permit is issued are a part of the lease or permit and shall be signed in the same manner as the lease or permit. A statement of the rental due and the permit or lease issuance fee will accompany the transmittal of the lease or permit. Upon the lease and permit and insert sheets, when required, being signed, they are to be returned to the Commissioner with the rental payment and lease or permit issuance fee in accordance with the statement rendered. When the lease or permit and insert sheets, when required, are received by the Commissioner, the same will be executed by the Commissioner as above provided and entered upon the records of the Commissioner. After execution by the Commissioner, one copy of the lease or permit, including the insert sheets when required, will be returned to the lessee or permittee with a receipt for the payment of rental.

## State Land Department

If the lease, permit and insert sheets, when required, are not executed by the lessee or permittee and returned to the Commissioner, together with the payment of the rental as indicated by the statement therefor forwarded with such instruments, within 60 days from the date of mailing by the Commissioner, the lease or permit will be declared to be null and void and of no force and effect, and the land will become open and available for leasing by other persons. Provided, however, that should the applicant object to the appraised rental value, he may appeal from said appraisal as provided by law and the rules and regulations of the Department to the Board of Appeals of the State Land Department without prejudice to his rights to the offered lease or permit.

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-509 renumbered from Section R12-5-108 (Supp. 93-3).

**R12-5-510. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-510 renumbered from Section R12-5-109 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-511. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-511 renumbered from Section R12-5-110 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-512. Assignments**

- A.** A lessee or permittee of state lands not in default in his rentals and who has kept and performed all the conditions of his lease or permit may, but only with the written consent of the Commissioner, assign such lease or permit.
1. Application for assignment shall be made on the appropriate form prescribed by the Commissioner.
- B.** An application for assignment of a lease or permit made within the 30 days immediately preceding the end of any lease year of the pertinent lease or permit will not be accepted for filing by the Commissioner unless the next year's advance rentals have been made.

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-512 renumbered from Section R12-5-111 (Supp. 93-3).

**R12-5-513. Manner of Assignments**

Except as otherwise provided by law or these rules and regulations, assignments may be for all or part of the lands covered by a lease or permit. An application for assignment by the lessee or permittee, together with an application for transfer and assumption of lease or permit shall be submitted upon forms furnished and approved by the Commissioner. The applications shall be accompanied by the required fees, together with the lease or permit being assigned. The application for such assignment and the application for transfer and assumption of a lease or permit shall be signed by the parties as provided in these rules and regulations and acknowledged before a notary public or other officer authorized to administer oaths. The Commissioner shall indicate on the application to assign and application for transfer and assumption of lease or permit his approval or disapproval of the application, which action shall be made of record by the Commissioner.

In the event the assignment is a partial assignment and only covers a part of the leased or permitted lands, the description of the lands

being transferred must be by legal subdivision or by metes and bounds based on an actual survey upon which acreage can be determined, together with a map or such survey if required by the Commissioner; otherwise no approval to said assignment and assumption will be granted by the Commissioner. An assignment may be only for a divided or undivided interest.

No assignment shall be made without the consent of all parties of record in the State Land Department in writing who may have a lien or encumbrance upon the lessee's or permittee's interest in said lease or permit.

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-513 renumbered from Section R12-5-112 (Supp. 93-3).

**R12-5-514. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-514 renumbered from Section R12-5-113 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-515. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Amended effective October 4, 1978 (Supp. 78-5). Section R12-5-515 renumbered from Section R12-5-114 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-516. Repealed****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-516 renumbered from Section R12-5-115 (Supp. 93-3). Section repealed by final rulemaking at 9 A.A.R. 3817, effective October 4, 2003 (Supp. 03-3).

**R12-5-517. Rentals**

Rentals for leases and permits shall be as hereinafter fixed. All rentals must be paid annually in advance, except as may be provided in the lease or permit or otherwise authorized and directed in writing by the Commissioner.

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-517 renumbered from Section R12-5-116 (Supp. 93-3).

**R12-5-518. Rental Notices**

If the rental is changed, the Commissioner shall notify the lessees and permittees at their last known address in the Commissioner's records; lessees and permittees shall be notified by the Commissioner of a change in rental, by sending a notice thereof by mail at least 30 days prior to the date upon which said rental is fixed by the Commissioner to be due, and any such notice shall be presumptively deemed to have been received on the day following which such notice is deposited in the U.S. Mail by the Commissioner.

In all other cases, the Commissioner shall mail out rental notices which rents shall be paid within 30 days or on the due date whichever is the later; the Commissioner shall assume no responsibility if the notices are not acted upon.

## State Land Department

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-518 renumbered from Section R12-5-117  
(Supp. 93-3).

**R12-5-519. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-519 renumbered from Section R12-5-118  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-520. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-520 renumbered from Section R12-5-119  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-521. Modification or Amendment of Existing Lease or Permit**

No existing lease or permit shall be modified or amended for a term any different than the term set forth therein unless mutually agreed upon by the Commissioner and the lessee or permittee.

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-521 renumbered from Section R12-5-120  
(Supp. 93-3).

**R12-5-522. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-522 renumbered from Section R12-5-121  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-523. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-523 renumbered from Section R12-5-122  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-524. Sale, Mortgage or Lien on Interest of Holder of Lease or Permit**

The interest of the holder of any lease or permit shall be subject to sale, mortgage or other lien to the same extent as patented land. No contract of sale, mortgage or other lien shall become effective unless and until an executed or conformed copy thereof showing the recording data is filed with the Commissioner. When so filed, no assignment of the lease or permit affected shall be made without the consent of all parties. Upon the foreclosure of a contract of sale, mortgage or other lien filed with the Commissioner, the Commissioner shall assign the instrument in question to the party entitled thereto.

No action shall be taken by the Commissioner affecting the rights of the lienholder, mortgagee or contract purchaser or seller affecting the canceling, modification or declaration of the lien or permit to be forfeited without written notice to all parties in interest.

If a mortgagee, trustee under a deed of trust, lienholder or other person entitled to payment, receives full satisfaction of a mortgage, deed of trust or other obligation evidence of which has been filed with the Commissioner, he shall, at the request of the person making satisfaction or the Commissioner file with the Commissioner a sufficient release or satisfaction of mortgage or deed of release of the mortgage or deed of trust or lien.

Filing of these documents in no way obligates the Commissioner to the terms of them.

The Commissioner may on his own initiative, or at the request of a lessee or permittee, request of any mortgagee, trustee under a deed of trust, lienholder or other person entitled to payment who has filed with the Commissioner evidence of an obligation as set forth above, to notify the Department in writing as to the principal balance remaining due, if any, on such obligation; such request shall be made in writing and shall be mailed by the Commissioner to the last known address of record of such obligee -- the failure of such obligee to respond within 90 days from the date of receipt of such notice shall ipso facto be deemed as a consent by such obligee to any action that may be taken thereafter by the Commissioner with respect to any land covered by such mortgage, deed of trust, contract of sale; or other instrument evidencing an obligation.

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-524 renumbered from Section R12-5-123  
(Supp. 93-3).

**R12-5-525. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-525 renumbered from Section R12-5-124  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-526. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-526 renumbered from Section R12-5-125  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-527. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-527 renumbered from Section R12-5-126  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-528. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-528 renumbered from Section R12-5-127  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-529. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-529 renumbered from Section R12-5-128  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-530. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-530 renumbered from Section R12-5-129  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-531. Expired**

## State Land Department

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-531 renumbered from Section R12-5-130  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-532. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-532 renumbered from Section R12-5-131  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**R12-5-533. Trespass on State Land**

- A.** Whoever knowingly and wilfully commits a trespass upon state lands, either by cutting down or destroying any timber or wood standing or growing thereon, or by carrying away any timber or wood therefrom, or by mowing, cutting, or removing any hay or grass thereof or therefrom or the grazing of livestock thereon, unless he shall have pending an application for the leasing of such lands, or by extracting or removing any oils, gases, coal, minerals, earth, rocks, fertilizer or fossils of any kind or description thereon or therefrom, or who, without right, injures or removes any building, fence or improvements thereon, or unlawfully occupies, plows or cultivates any of said lands, or negligently or wilfully exposes growing trees, shrubs, or undergrowth standing thereon to danger or destruction by fire, shall be guilty of a misdemeanor.
- B.** Whoever commits any trespass upon state lands, as above stated, shall also be liable in a civil action, brought in the name of the state in the county in which the trespass was committed, for three times the amount of the damage caused by such trespass, if the trespass was wilful, but for single damages only, if casual or involuntary. In the case of unfenced state land included within a fenced range, it shall be prima facie evidence of wilful trespass to permit the grazing of livestock thereon, unless the defendant shall have pending an application for the leasing of such lands. The damage referred to will be the rate per acre as found for the year for the appraised carrying capacities of the land. The Commissioner may also, without legal process, seize and take any product or property whatsoever unlawfully severed from such land, whether the same has been removed from such land or not, and may dispose of the product or property so seized in the manner prescribed by law for disposing of the products of state lands. The county officers of the several counties shall report to the Commissioner any trespass upon state lands which may come to their knowledge.
- C.** All lessees and permittees and holders of Certificates of Purchase are requested to inform the Commissioner in writing of any trespass committed on state lands, giving full information concerning such acts of trespass and by whom the same has been committed.
- D.** It shall be unlawful to utilize any type of motorized vehicle for travel on state trust lands except:
  1. By the general public using public roads and highways that cross state trust lands;
  2. By lessees and permittees of the Department acting within the limits of their leases and permits, employees of public agencies acting within the scope of their duties, and any persons using military, fire, search and rescue, or law enforcement vehicles for emergency purposes; and
  3. By holders of valid Arizona hunting, fishing, or trapping licenses within the scope of such license:
    - a. On existing roads; or

- b. For cross-country travel without damaging croplands, improvements, or cultural or historic sites to pick up legally killed big game animals.

- E.** For the purpose of this Section, the following definitions apply:
  1. "Cross-country travel" means travel over the countryside other than on existing roads.
  2. "Existing road" means any maintained or unmaintained way, road, highway, trail, or path that has been utilized for motorized vehicular travel and clearly shows or has a history of established vehicle use. A one-time use or a single set of vehicle tracks created by an off-highway vehicle does not constitute a road under this definition.
  3. "Motorized vehicle" means any vehicle deriving motive power from any source other than muscle or wind.
  4. "Public roads and highways" means the entire width between the boundary lines of every public road or highway maintained by the Federal Government, the state, the Department, or a city, town, or county if any part of the road or highway is generally open to the use of the public for purposes of vehicular travel.

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-533 renumbered from Section R12-5-132  
(Supp. 93-3). Amended effective May 20, 1994 (Supp.  
94-2).

**R12-5-534. Closing Land to Recreational Use**

- A.** The Commissioner may close Trust land in a specific area to recreational use for any of the following purposes when the Commissioner determines that it is in the best interest of the Trust and this state to restrict recreational access to reduce liability to the state or protect the public:
  1. Dust abatement: To abate dust caused by the unauthorized use of motorized or non-motorized off-road vehicles on Trust land;
  2. Human-caused hazardous environmental conditions: Conditions posing a risk to the public health or safety resulting from human-caused environmental hazards. Examples include illegal dumping of toxic or hazardous materials, leaking or abandoned underground storage fuel tanks, abandoned or unauthorized landfills, abandoned airfields used for pesticide or herbicide storage, abandoned mine workings, and other sites with similar characteristics;
  3. Naturally-occurring hazardous conditions: To reduce the risk from naturally-occurring conditions posing a risk to public health or safety. Examples include fissures, sink holes, and flood-damaged areas; or
  4. Damaged Trust lands: For protection or remediation of Trust lands that have been damaged by toxic or hazardous materials, mining, fires, off-road vehicles, or other human-caused or natural occurrences.
- B.** The Commissioner shall, by order, close land only to the extent necessary to prevent unauthorized recreational access, and shall specify the period of time deemed necessary for closure.
- C.** The Department shall post the order of Trust land closure to recreation in the Department's Public Records Room at 1616 W. Adams, Phoenix, AZ 85007 and in the Department's District Offices. The Department shall maintain evidence of public notice of Trust land closure in the Department's records.
- D.** For the purpose of this Section, the following definitions apply:
  1. "Dust abatement" means to minimize the amount of particulate matter entrained into the air by requiring mea-



## State Land Department

- asures to prevent or mitigate particulate matter creation or emissions.
2. "Environmental hazard" means a chemical, physical agent, biological toxin, or other pollutant that is present in the environment and that may cause human illness or injury.
  3. "Remediation" means an environment cleanup or other method used to remove or contain hazardous materials, stabilize mining waste, stabilize soil damage, or restore rangeland or native vegetation.

**Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
 Section R12-5-534 renumbered from Section R12-5-133 (Supp. 93-3). Section repealed by final rulemaking at 9 A.A.R. 3817, effective October 4, 2003 (Supp. 03-3).  
 New Section made by final rulemaking at 12 A.A.R. 481, effective April 8, 2006 (Supp. 06-1).

**R12-5-535. Expired****Historical Note**

Original rule, Art. I, Subchapter B, Ch. II (Supp. 76-4).  
 Section R12-5-535 renumbered from Section R12-5-134 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 1428, effective March 31, 2003 (Supp. 03-2).

**ARTICLE 6. IMPROVEMENTS (RESERVED)****ARTICLE 7. SPECIAL LEASING PROVISIONS****R12-5-701. Repealed****Historical Note**

Adopted effective May 28, 1981 (Supp. 81-3). Emergency amendment filed September 26, 1990, adopted effective September 27, 1990, pursuant to A.R.S. 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Section R12-5-701 renumbered from Section R12-5-150 (Supp. 93-3). Section repealed by summary action with an interim effective date of February 4, 2000; filed in the Office of the Secretary of State January 11, 2000 (Supp. 00-1). Interim effective date of February 4, 2000 now the permanent effective date; filed in the Office of the Secretary of State August 1, 2000 (Supp. 00-3).

**R12-5-702. Agricultural Leases**

- A. Land subject to agricultural lease; term of lease
  1. All state lands classified as agricultural land are subject to agricultural leasing for such term as may be established by the Commissioner but in no event for a term of more than ten years.
    - a. The term of an agricultural lease of undeveloped agricultural land shall not exceed two years.
- B. Application for lease of lands not classified as agricultural. An application for an agricultural lease of lands not classified as agricultural shall be accompanied by an application for reclassification as provided by the general rules and regulations governing leasing of state lands.
- C. Application for agricultural lease
  1. Application for an agricultural lease shall be made upon the appropriate form as provided by the Department and in accordance with the general rules and regulations governing the leasing of state lands.
    - a. Each application shall be limited to the lands in one section or part thereof.
- D. Rental rates; appraisal
  1. No agricultural lease shall provide for a rental less than the appraised rental value of the leased land, and in no event a rental less than \$1.00 per acre per annum.
2. Minimum rental for each agricultural lease shall be \$10.00 per annum; provided, however, that the minimum rental of \$10.00 per annum shall apply to each section or portion thereof covered by the lease.
- E. Number of leases issued on farm unit
  1. Ordinarily, leases issued by the Department will combine into one lease, all contiguous and adjoining state agricultural lands within the lessee's farm unit.
    - a. It is recognized that such consolidation may work hardship on the lessee because of the resultant common due date of rentals.
      - i. A lessee thus affected and desirous of dividing his lease may make application to the Department to do so. Such application shall be in writing, setting forth the reasons therefor in such detail as to enable the Department to act with full knowledge of the circumstances.
      - ii. If such application is approved by the Department, division of the lease will be made in as reasonable a manner as possible, compatible with the best interests of the state.
- F. Agricultural lease form; provisions. Agricultural leases shall be made on the appropriate form provided by the Department, and shall contain such provisions and supplemental conditions as may be prescribed by the Commissioner in accordance with the provisions of the law and Department rules and regulations.
- G. Sequence of development and improvement of lands under agricultural development lease
  1. The first allowable acts of development on the leased premises under an agricultural development lease shall include only those necessary and incident to the acquisition of a water supply adequate for the development of the leased acreage.
  2. The placing of any improvement not necessary to the accomplishment of subsection (A) above shall not be approved until after the acquisition of such water supply has been accomplished or assured and in all cases only after proper application made and approval had in accordance with the provisions of the Department's rules and regulations in regard to permits to place improvements.
  3. When rules and regulations promulgated by state or federal regulatory agencies would affect state lands or crops grown thereon, and when, in his opinion, the best interests of the state would be so served, the State Land Commissioner may require the lessee to conform with these regulatory practices to prevent the deterioration of the soil or crops grown thereon. If the lessee fails to comply with the requirements of the Commissioner, the Commissioner may have the required remedial work accomplished and bill the lessee the amount due the Department. Failure by the lessee to pay for such remedial work will, after the proper notice, subject the lease to forfeiture for nonpayment and noncompliance.
- H. Application for renewal; right of renewal; developmental lease
  1. Application for renewal of an agricultural lease shall be made on the appropriate form provided by the Department and in accordance with the general rules and regulations governing leasing of state lands.
    - a. A separate application form shall be submitted for each section of land or portion thereof within the lease.
    - b. The filing fee for each application shall be the same as for an initial application.
  2. A preferred right of renewal of an agricultural development lease shall not extend to a lessee who has not

## State Land Department

acquired a water supply deemed by the Commissioner to be adequate.

3. Proper diligence on the part of the lessee toward complete agricultural subjugation and development of the land under lease shall be the measure for the Commissioner's determination as to whether renewal of an agricultural development lease is in the best interests of the State.

**I. Application to assign lease**

1. Application to assign and application for assumption of lease shall be made on the appropriate form provided by the Department and in accordance with the general rules and regulations governing leasing of state lands.
  - a. Upon approval of the application, the assignment will be noted on the lease and made of record in the Department.

**Historical Note**

Original rule, Art. III, Subchapter B, Ch. II (Supp. 76-4). Amended by emergency action effective June 20, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency expired. Section R12-5-702 renumbered from Section R12-5-151 (Supp. 93-3).

**R12-5-703. Commercial Leases**

- A.** Scope of commercial leasing rules. An applicant for a commercial lease shall be subject to the general leasing rules enumerated, *supra*. Such applicant shall also be subject to the commercial leasing rules set out, *infra*. In a commercial leasing situation where the general leasing rules and the commercial leasing rules conflict, the latter rules shall be controlling.
- B.** Lands subject to commercial lease. All state lands classified as suitable for commercial purposes are subject to a commercial lease. Unless it is deemed to be for the best interests of the state, it is not the policy of the State Land Department to allow and issue commercial leases which will seriously interfere with, damage, or break up operations of an established ranch or farm unit. There is no limit to the amount of commercial land that may be leased to any one individual, corporation, partnership or association.
- C.** Term of commercial lease. State lands suitable for commercial purposes may be leased for a period of not more than ten years without advertising, or subject to such lesser term as may be established by the Commissioner if he deems such lesser term to be in the best interests of the state.
- D.** Applications to lease state lands not classified as commercial. Applications to lease lands not classified as commercial shall be accompanied by a petition for reclassification as provided by the general leasing rules.
- E.** Application for commercial lease; application for commercial lease renewal. All applications for commercial leases and all applications for renewal of commercial leases shall be made on such form or forms as may from time to time be prescribed by the Commissioner and provided by the Commissioner. A commercial lease before the time of execution or renewal will be subject to the provisions and supplemental conditions and restrictions as may be added thereto and the provisions of law and these rules.
- F.** Additional conditions for commercial leases.
  1. Unless otherwise directed by the Commissioner in writing, the lessee shall:
    - a. Notify the Commissioner in writing as to the number of any license issued by the state Tax Commission of Arizona to the lessee, any sublessee, any concessionaire or any assignee; such notice shall also include the exact name in which license is issued.
    - b. Keep and maintain an accounting system satisfactory to the Commissioner.

- c. Allow access to accounting records during business hours where the same are kept for the purpose of inspecting and auditing the same.
- d. File with the Commissioner, if requested by the Commissioner, a statement of the total gross sales made for the period specified. Unless otherwise directed by the Commissioner, this report may be made by filing with the Commissioner the requested information on the form used by the state Tax Commission.
- e. Acquire consent in writing from the Commissioner for any improvements made on the site.
- f. Acquire consent in writing for moving buildings from other premises onto the leased premises. All buildings and structures shall be of acceptable construction.
- g. Keep any gas, electric, power, telephone, water, sewer, cable television and other utility or service lines under ground unless prohibited by law.
- h. File with the Commissioner, prior to the approval of any application to place improvements, plans and specifications showing the nature, location, cost, quality of proposed material, size, area, height, color, shape and design of the proposed improvements. The Commissioner may also require a perimeter survey of the leased premises upon which shall be shown the location of the completed improvements. The lessee shall also submit grading plans.

2. The above conditions shall apply to any assignee, sublessee or concessionaire of the original lessee.

- G.** Maps required as part of application for commercial lease. The applicant shall furnish such information map of the lands to be leased as the Commissioner may require and deem necessary to evaluate the application and assist in making an appraisal; and, in addition, the Commissioner may require an aerial photograph or photographs of such lands as he may specify in a request therefor.
- H.** Minimum rental rates for commercial leases. No commercial lease shall provide for an annual rental of less than the appraised rental value of the land and in no event shall the rent be less than 5¢ per acre per annum or less than \$10.00 per annum per lease.
- I.** Division of leases. The State Land Commissioner may at any time divide a commercial lease into two or more separate leases when such division would, in the opinion of the Commissioner, facilitate administration and management of the subject lands or would result in separating one commercial use from another. The rent for the lease year in which such division is made shall be allocated to the separate leases.
- J.** Sublease of commercial lease by lessee. No commercial lessee shall sublet his lease without the written permission of the Commissioner. Approval of a sublease may be granted at the discretion of the Commissioner and shall be obtained by the lessee submitting for approval of the Commissioner the sublease executed in triplicate. Upon the approval by the Commissioner, two copies of the sublease, with the Commissioner's approval and any limitation to such approval endorsed by the Commissioner thereon will be returned to the lessee, one copy thereof being retained in the files of the Department.
- K.** Application to assign lease. Application to assign and application for assumption of lease and transfer shall be made upon such forms as may from time to time be prescribed by the Commissioner; upon the approval of the application, the action taken by the Commissioner will be noted upon the lease and made of record in the Department.

## State Land Department

- L.** Use of state lands; failure to use. No lessee or permittee shall use lands under permit or lease except for the uses and purposes specifically set forth in the lease or other such uses or purposes as may be subsequently authorized by the Commissioner in writing.
- M.** Rights of commercial lessee or permittee. All leases or permits granted by the Commissioner are only a license or permit to use the land described in the lease or permit for commercial purposes in a manner compatible with the terms of said lease or permit. The state of Arizona reserves the right to grant other leases or permits for the use of said lands or the removal of natural products therefrom.
- No lessee or permittee has the authority or right to issue any person any right to the use of said land or the removal of any products therefrom, but such right to use vests solely in the Commissioner and must be granted by the Commissioner in writing.

**Historical Note**

Original rule, Art. V, Subchapter B, Ch. II (Supp. 76-4).

Amended by adding subsection (N) as an emergency effective January 9, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired.

Readopted without change as an emergency effective June 16, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Section R12-5-703 renumbered from Section R12-5-152 (Supp. 93-3).

**R12-5-704. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-704 renumbered from Section R12-5-153 (Supp. 93-3).

Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-705. Grazing Leases**

- A.** Definitions. Unless the context otherwise requires, the words hereinafter defined shall have the following meaning when found in these rules, to wit:
1. "Grazing lands" means lands which can be used only for the ranging of animals.
  2. "Carrying capacity" or "average annual carrying capacity" means the average number of animal units which can be supported by a section of grazing land with due consideration for sustained production of the forage consistent with conservative range management.
  3. "A section of land" for appraisal of carrying capacity purposes means an area of land consisting of 640 acres.
  4. "Animal unit" means one weaned beef animal over six months of age, or one horse, five goats, or five sheep, or the equivalent thereof.
  5. "Average market price of cattle" means the average price by the hundredweight received during the calendar year under consideration by producers of cattle, exclusive of calves, in the states of Arizona, New Mexico, California, Utah, Nevada, Colorado, Wyoming, Montana, Idaho, Washington and Oregon, as determined by the Bureau of Agricultural Economics, United States Department of Agriculture, and, if that service is not available, from such sources as the Commissioner determines best to establish said price.
- B.** Qualifications to leasing grazing lands. Any person of the age of 21 years or over, a citizen of the United States, or who has declared an intention to become a citizen of the United States, or any firm, association or corporation which has complied

with the laws of the state, shall be qualified to lease state land for grazing purposes.

- C.** Applications for grazing lease and renewals. Application for a grazing lease shall be made upon Land Division form and an application for renewal thereof shall be made upon Land Division form in accordance with the general rules and regulations relating to the leasing of state lands. Only one section or subdivision thereof may be applied for on one application for an initial lease. Application for renewal of an existing lease may include an entire ranch unit or any part thereof; provided, however, the filing fees must be paid in the same manner as in the original application.

An applicant for an initial lease shall fill out the form in complete detail. An applicant for a renewal of an existing lease, if he has an up-to-date and current statement of his holdings within the ranch unit used in connection with the lands sought to be leased, will not be required to fill out in detail answers to questions concerning his holdings appearing on the applicant form.

- D.** Land subject to grazing lease and term of lease. All state lands classified as grazing lands, not under lease, are subject to grazing lease for a period of not more than ten years without advertising, or for such lesser term as may be established by the Commissioner if he deems such lesser term to be to the best interests of the state. It is the policy of the Department not to offer open land for lease within an established ranch unit without first offering said lands to the owner or the person having control of the lands in such ranch unit. There is no limit to the amount of grazing land that may be leased to any one individual, corporation, partnership or association.
- E.** Application to lease lands not classified as grazing. Applications to lease lands not classified as grazing shall be accompanied by a petition for reclassification as provided by the general rules and regulations relating to the leasing of state lands.
- F.** Rental rates of grazing land; appraisal. No grazing lease shall provide for a rental of less than the appraised rate of the land, and in no event less than 2¢ per acre per annum, or a minimum of \$2.50 per annum per lease, said minimum of \$2.50 per annum per lease applying to one section or portion thereof. The Commissioner shall appraise all grazing land on the basis of its annual carrying capacity. The annual rental rate for grazing land shall be the amount found by multiplying the carrying capacity of the lands by the annual rental rate per animal unit. The annual rental rate per animal unit shall be 22% of the average market price of beef for the preceding year. The annual carrying capacity is determined by a field appraisal by the Department, and the basis for said appraisal is the average carrying capacity of the land over a ten-year period. Notice of the appraised rental of the land will be contained in the annual billing statement which will be sent to the lessee by registered mail unless he has previously signified his acceptance of said carrying capacity together with the Commissioner's final decision regarding the appraised rental. Prevailing annual rental schedules will be published annually and furnished each lessee at the time of mailing the notice of appraised rental. An appeal from any final decision of the Commissioner relating to the appraisal of lands may be taken to the Board of Appeals as provided in the general rules and regulations relating to state lands.
- G.** Number of leases issued on ranch unit. Leases issued by the Department will include all state grazing lands within the ranch unit in one lease unless a hardship results therefrom to the lessee, in which case the lessee may at his election divide the state lands in his ranch unit in not more than four separate leases in such a manner that lease rentals will not become due

## State Land Department

and payable at the same time but will be payable on an approximate quarterly or semi-annual basis. To divide a ranch unit it is necessary for the lessee to apply in writing or in person to the Department, supplying sufficient information in order that a division of the state lands in his ranch unit can be separated topographically or by an exact line. In such cases, instead of one lease covering all the state lands in a ranch unit being issued, additional leases may be issued with different dates of payment of rentals.

- H. Form of grazing lease and provisions thereof. The form of grazing lease offered by the Department to an applicant will be on Land Division form No. A-11 and will be subject to the provisions and supplemental conditions therein contained and such other conditions as may be added thereto and the provisions of law and these rules and regulations.
- I. Rights of grazing lessee. All grazing leases granted by the Commissioner are only a license to graze livestock and to use the land described in the lease in a manner compatible with the terms of the lease. The state of Arizona reserves the right to grant other forms of leases or permits for the use of said lands or the removal of natural products therefrom. No grazing lessee has the authority or right to issue to any person any rights to the use of said lands or the removal of any products therefrom, but such right of use vests solely in the Commissioner and must be granted by the Commissioner in writing.
- J. Sublease or pasturage agreement. No grazing lessee shall sublet his lease, sell or lease pasturage of lands embraced in his lease without the written permission of the Commissioner. Approval of a sublease or pasturage agreement may be granted at the discretion of the Commissioner and shall be obtained by the lessee submitting for approval of the Commissioner the sublease or pasturage agreement executed in triplicate. Upon the approval by the Commissioner, two copies of the sublease or pasturage agreement, with the Commissioner's approval and any limitations to such approval endorsed by the Commissioner thereon, will be returned to the lessee, one copy thereof being retained in the files of the Department.
- K. Carrying capacity and application to exceed the same. No grazing lessee, sublessee or users under a pasturage agreement shall graze, without permission of the Commissioner, in excess of 110% of the carrying capacity as previously determined by the Commissioner upon state lands under lease within the exterior boundaries of any one ranch unit or units in the same general locality jointly operated. Approval to exceed the carrying capacity may be obtained by submitting a written request therefor. The request should contain the number of head of animals the lessee, sublessee or user desires to place upon the leased lands in excess of 110% of the carrying capacity, together with a statement as to how long the additional animals will remain upon the leased lands. If the Commissioner approves said request, the lessee, sublessee or user will be notified of such approval of increase in the carrying capacity and the period granted therefor. In the event of the approval of any such excess the Commissioner shall assess and collect the rental for such excess as provided by law and these rules and regulations.
- L. Cultivation and growing of crops on grazing land. State land under grazing lease is limited to the ranging of animals only and may be cultivated and crops grown thereon only with the approval of the Commissioner. Upon approval of the Commissioner the land may be cultivated and crops grown thereon provided such crops are forage crops in nature that are pastured by animals or, if severed from the land, are fed to animals upon the ranch unit. Under no circumstances may the lessee grow crops commercially under the provisions of a grazing lease. In the event any crops are grown with the

approval of the Commissioner which will be pastured or removed from the land for use at other times of the year upon the ranch unit, the carrying capacity will be adjusted in accordance with the forage crops grown.

- M. Cutting of timber, standing trees or posts. The lessee shall not cut or waste, nor allow to be cut or wasted, any timber or standing trees growing on the leased land without the written consent of the Commissioner, except for fuel for domestic uses or for the necessary improvements upon the land; provided, however, that nothing herein contained shall be construed to permit the cutting of saw timber for any purpose except with the written consent of the Commissioner.

Posts cut primarily from cedar, mesquite and juniper trees may be used for the erection and use of improvements by the lessee upon state lands without cost, provided the written consent of the Commissioner is first obtained. Such posts may not be used on other than state lands without payment therefor. The lessee is required to file an affidavit with the Department indicating the number of posts cut, the number used for improvement of state land and the number used on other than state lands or stockpiled for future use. At the time approval to cut posts is granted by the Commissioner, the price will be determined by him, which will be comparable to the price of posts from the United States Forest Service, and the price will be payable at the time the affidavit indicating the number of posts cut is filed with the Department. The Commissioner, or his representative, upon the granting of approval to cut posts, will from time to time visit the lessee to determine the number of posts cut. The Commissioner recognizes that the removal of cedars, mesquite and juniper trees from grazing lands is a conservation measure that will maintain or increase the range carrying capacity and that the removal of these trees in most cases would benefit state lands.

In the event the lessee does not desire to purchase the trees as above provided, the Commissioner, if he deems it for the best interest of the state, may sell the same under such terms and conditions that he may require.

A purchaser other than a lessee shall not injure the lessee's surface rights and improvements or interfere with the lessee's use of the land under lease to him and may be required to file a surety bond with the Commissioner in such amount and under such conditions as to indemnify the lessee for any damage which may result due to his removal of the trees.

- N. Application to assign lease. Applications to assign and application for assumption of lease and transfer shall be made upon Land Division form No. A-13-1 and in accordance with the general rules and regulations relating to the leasing of state lands. Upon approval of the application, the assignment of the lease will be made by the Commissioner upon the lease where indicated and made of record in the Department.
- O. Use of state lands; failure to use. No lessee or permittee shall use lands under lease or permit to him except for grazing purposes unless authorized by the Commissioner in writing. Applications for a special use of lands under permit or lease to a lessee or permittee for purposes other than grazing shall be made in writing in triplicate, and shall state in detail the reasons for such use. The application shall be signed and verified as provided for in applications to lease. Upon approval of the application by the Commissioner, two copies of the application with the Commissioner's approval and any limitations to such approval endorsed by the Commissioner thereon will be returned by the Commissioner to the lessee, one copy thereof being retained in the files of the Department. Failure of any lessee or permittee to use the land for the purposes for which he holds a lease or permit, without having been authorized so to do by the Commissioner in writing, may,

## State Land Department

in the discretion of the Commissioner, subject said lease or permit to forfeiture or to cancellation as provided by law and these rules and regulations.

- P. Posting to prohibit hunting and fishing on state land. State land under lease or permit may not be posted to prohibit hunting and fishing without the consent of the Arizona Game and Fish Commission.

**Historical Note**

Original rule, Art. II, Subchapter B, Ch. II (Supp. 76-4).  
Amended effective September 26, 1978 (Supp. 78-5).  
Section R12-5-705 renumbered from Section R12-5-154 (Supp. 93-3).

**R12-5-706. Expired****Historical Note**

Original rule, Art. IV, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-706 renumbered from Section R12-5-155 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**ARTICLE 8. RIGHTS-OF-WAY****R12-5-801. Rights-of-way****A. Definitions**

1. "Commissioner" means State Land Commissioner.
2. "Department" means State Land Department.
3. "Right-of-way" for the purpose of these rules means a right of use and passage over or through state land for such purpose as the Commissioner may deem necessary.
4. "Lease" means any lease on state land in existence at the time applicant applies for right-of-way, or granted thereafter for either surface or subsurface use.
5. "Patent" means a document used by the State Land Department to convey title to land.
6. "Site" means a reservoir for storage of water; a location for a dam, a power plant or an irrigation plant, and for other purposes for public uses. (Not to include workings for the removal of sand, gravel and other road materials.)

**B. Miscellaneous rules**

1. Scope. These rules and regulations are general rules implementing Article 10, Title 37-461, Arizona Revised Statutes, providing for grants of rights-of-way and sites for public purposes, and shall prevail over and supersede any existing policy or procedure of the Department to the extent that they are in conflict therewith.
2. State land subject to application. Any state-owned land shall be subject to application, provided that the proposed use does not unalterably conflict with other existing rights.

**C. Application for right-of-way**

1. Qualifications of applicant
  - a. Any citizen of the United States, partnership or association of citizens, or a corporation organized under the laws of the United States or any state or territory thereof, and who are authorized to transact business in the state, and any governmental agency of the state or political subdivision and municipal corporations thereof, may apply to the Department for a right-of-way on, over or through state land.
  - b. Application for right-of-way shall be made upon forms provided by the State Land Department.
2. Area covered by application and right-of-way. Separate application shall be made for each county crossed. Data for each section will be shown separately.
3. Information to be furnished by the applicant
  - a. The application for a right-of-way shall be in such form as the Commissioner may prescribe, shall be

filed with the Department by the applicant or by an authorized agent for the applicant, and shall be required to furnish the Department the following information as the Commissioner may prescribe.

- i. Name and address of applicant.
  - ii. Statement whether applicant is an individual, partnership or corporation, or governmental agency of the state or political subdivision and municipal corporation thereof.
  - iii. Statement of citizenship, when applicable.
  - iv. If a corporation:
    - (1) Name.
    - (2) State of incorporation.
    - (3) Arizona business address.
    - (4) Affirmation of authority to do business in Arizona.
  - v. Age and marital status, when applicable.
  - vi. Description, according to the public land survey of the land for which application is being made.
  - vii. Width of the right-of-way.
  - viii. The nature of the right-of-way (the right-of-way is temporary or permanent; the right-of-way requires exclusive use or to what extent; a right-of-way through a given area).
  - ix. A survey of the land for which application is being made showing distance and direction from a known cadastral survey point in each section.
  - x. Location of improvements or crops on land under application over which proposed routes of right-of-way will pass (information required in (ix) and (x) shall be conveyed by means of accurate plat or drawing accompanying the application form).
  - xi. The applicant shall furnish evidence from surface lessee and all other right holders in the land applied for giving consent to the new right-of-way or objection thereto.
- b. This rule shall not be taken or construed to limit or restrict the authority of the Commissioner to require the applicant to furnish such additional information as the Commissioner may deem necessary.
4. Rights of surface and subsurface lessees or permittees
    - a. The Commissioner has the right to grant rights-of-way without the consent of the surface or subsurface lessee.
    - b. When the applicant for a right-of-way and any existing right holder do not agree on the appraised value of damages to the right holder, the applicant for right-of-way may apply to the Commissioner to appraise the value of any improvements that may be injured or damaged. The cost of any such appraisal shall be paid by the applicant for right-of-way.
    - c. In cases where to utilize the right-of-way applied for, it is necessary to cut a fence belonging to the surface lessee or otherwise enter through a fence, the installation of a standard cattle guard or other facilities in accordance with such specifications as the Commissioner may prescribe, may be required by the Commissioner as a condition to the granting of the right-of-way.
  5. Filing application for right-of-way; fees; rejection; withdrawal
    - a. Each application filed with the Department shall be accompanied by a filing fee.

## State Land Department

- b. Each application filed shall first be checked for its completeness and when it meets the requirements shall be made of record in the Department.
  - c. Rental or other payment for each right-of-way shall be determined by the Commissioner after appraisal.
    - i. Rental for rights-of-way granted without public auction sale shall be determined by the Commissioner after appraisal.
    - ii. Rights-of-way for exclusive use or perpetual in nature (except rights-of-way granted to governmental agencies of the state or political subdivisions and municipal corporations thereof) shall be sold at public auction as provided under the laws for sale of state land after appraisal.
    - iii. Rights-of-way for governmental agencies of the state or political subdivisions and municipal corporations thereof may be granted by the Department for an indefinite period for so long as used for the purpose granted after full payment of the appraised value of the right-of-way has been made to the State Land Department.
      - (1) All appraisals of rights-of-way shall be established by the State Land Commissioner.
      - (2) The appraised value of the right-of-way shall be determined in accordance with the principles established in A.R.S. §§ 12-1122 and 37-132.
  6. Right of applicant to use of land
    - a. The filing of an application for a right-of-way shall not confer upon the applicant any right to use the area applied for.
    - b. A right of entry to map and survey or for any other purpose in the area to be applied for may be obtained from the Commissioner on forms provided by the Department.
  7. Termination of use; abandonment
    - a. When a right-of-way holder has no further use of the area, he may surrender the contract to the Commissioner.
    - b. The Commissioner may determine that a right-of-way is abandoned when the proper showing is made that the area under right-of-way is no longer needed or used for the purpose applied for.
    - c. The Commissioner shall give right-of-way holder 30 days to show cause why a right-of-way should not be cancelled. If within 30 days the right-of-way holder fails to correct the defect, the Commissioner may issue an order of abandonment.
  8. Issuance of a right-of-way
    - a. Upon the compliance by the applicant with the requirements set forth by the Commissioner, the right-of-way contract shall be issued.
    - b. The failure of the applicant to execute and return the right-of-way contract with all monies required within 60 days from the date of mailing by the Department, the Commissioner may issue a cancellation order for non-completion of the contract.
    - c. The date of the right-of-way contract shall commence on the date the contract is mailed by the Department to the applicant.
- D. Right-of-way**
1. Term of right-of-way. The term of the right-of-way shall be determined by the Department and shall be set forth on the right-of-way contract.
  2. Right-of-way rentals or other payments. The rental or any other payments required for rights-of-way shall be determined by the Commissioner after appraisal.
  3. Possession and right of use of right-of-way area. The right is granted for the use of the area described in the right-of-way contract subject to any existing prior rights and subject to any rights the Department shall grant hereafter.
  4. Provisions of the right-of-way
    - a. Every right-of-way contract shall provide for:
      - i. Payment to the Department of the amount established by the Commissioner after determination of the true appraised value.
      - ii. The installation and construction of necessary machinery, equipment and facilities with the right of removal within 90 days after expiration or termination of the right-of-way.
      - iii. Fencing and other protective requirements deemed necessary by the Commissioner.
      - iv. That the grantee shall restore the surface of the land within the right-of-way to a reasonable condition as required by the Commissioner.
      - v. That the grantee will indemnify, hold and save grantor harmless against all loss, damage, liability, expenses, costs and charges incident to or resulting in any way from the use, condition or occupation of the land.
      - vi. A statement of the purpose for which the right-of-way was granted.
      - vii. The right of the grantee to assign the right-of-way, provided that such an assignment shall not become effective until approved in writing by the Commissioner as being in the best interests of the state and until a copy thereof is filed with the Department.
      - viii. The right of termination of the right-of-way by the grantee at any time during its term by giving the Commissioner 30 days notice of termination in writing, provided that the grantee is not delinquent in any payments and has complied with all conditions on the date of termination.
  5. Assignment of right-of-way; sublease prohibited
    - a. Grantee of each right-of-way contract, if not in default of rental or other payments, and who has kept and performed all the conditions of his lease, may, with written approval of the Commissioner, assign the right-of-way.
      - i. Application for assignment, the assignment and the assumption of the right-of-way will be on such forms as the Commissioner may prescribe.
      - ii. An assignment shall not become effective unless and until it is approved by the Commissioner.
      - iii. The assignee shall succeed to all the rights and shall be subject to the obligations of the assignor.
      - iv. A sub-grant of the right-of-way contract is prohibited.
  6. Right-of-way renewal. Upon application to the Commissioner, not less than 30 days, nor more than 60 days prior to the expiration of the right-of-way contract, the grantee

## State Land Department

of a right-of-way contract, if he is not delinquent in the payment of rental or of monies due the State Land Department on the date of expiration of the contract, shall have a preferred right to renew the right-of-way contract bearing even date with the expiration of the old contract.

## 7. Bonds

- a. The Commissioner may require the grantee to post a cash deposit or surety bond to guarantee the payment of all monies due under the contract.
- b. The Commissioner may require the grantee to furnish bond, in a reasonable amount, to be fixed by the Commissioner, conditioned that the grantee will guarantee restoration of the surface of the land described in the contract to a reasonable condition, upon the termination of the right-of-way contract.
- c. The Commissioner may require the lessee to file with the Department a surety bond in the form, amount, and with surety approved by the Commissioner, conditioned upon prompt payment to the lessee of the surface, subsurface or otherwise of the state land covered by the right-of-way, for any loss to such owner or lessee from damage or destruction caused by the construction or use of the right-of-way, his or its agents, or employees, to grasses, forage, crops and improvements upon such land.
- d. Assignment of any or all of the right-of-way contract will not relieve the assignor of his obligation as principal under the bond. Release of the assignor's obligation under bond may be effected through the posting of a replacement bond by the assignee, but then only after approval by the Commissioner and subsequent notification of the release by the Commissioner in writing to the principal and surety.
- e. The Commissioner, in his discretion, may reduce or increase the principal amount of the bond.
- f. Immediately after determination by the Commissioner that full discharge of the conditions of the obligations under any bond has been effected, he will, in writing, notify the principal and surety held by the bond so that it may be formally terminated.
- g. Surety on the bond shall have the right to cancel the bond and be relieved of further liability after the period of notice, by giving 30 days' notice to the Department of its desire to so cancel.
  - i. Upon receipt of such notification, the Department will immediately notify the grantee by certified mail of the impending action by surety.
  - ii. Failure by the grantee to post a replacement bond before the expiration of the 30 days mentioned next above, shall constitute a default by the grantee and cause for cancellation of the right-of-way.

8. Principal payments. Each right-of-way granted to governmental agencies of the state or political subdivisions and municipal corporations thereof for exclusive use or perpetual use shall provide for payment of principal in the full amount of the appraised value as provided by the Commissioner after appraisal.

## E. Reports

1. Report of improvements
  - a. Applications for and reports of improvements placed shall be presented to the Commissioner on forms provided by the Department.
  - b. Grantee of every right-of-way shall submit to the Department an application to place any improve-

ment to be placed on the right-of-way and shall secure written approval from the Commissioner to place the improvement before any work is commenced toward the improvement.

- c. The grantee shall report any completed improvements to the Commissioner and secure approval from the Commissioner.

**Historical Note**

Original rule, Art. VIII, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-801 renumbered from Section R12-5-165 (Supp. 93-3).

**R12-5-802. Reservoir, Dam, and Other Sites****A. Definitions**

1. "Site lease" shall mean a lease issued upon state lands by the Department for reservoir or dam sites primarily used for purposes other than stock watering on lands leased for grazing purposes, and power or irrigation plant sites requiring more width than general rights-of-way leases for transmission lines or canals, or for such other purposes not classified as commercial.
2. "Surface lessee" means the holder of a lease on the surface of any state land for grazing, agricultural, commercial, homesite or natural products.
3. "Subsurface lessee" means the holder of a lease on the subsurface of any state land for oil and gas, mineral or natural products.

- B.** Land subject to site lease and term of lease. All state lands are subject to site lease for a term of not more than ten years without advertising, or for such lesser term as may be established by the Commissioner if he deems such lesser term to be to the best interests of the state. Site leases in excess of ten years are required by law to be advertised and sold at public auction to the highest bidder.

No lease for a site will be granted where damage or injury to improvements owned by a surface or subsurface leaseholder would result from the granting of the site by the Department without giving rise to a cause of action by the owner of said improvements, unless compensation for the value or damage or injury to said improvements has first been determined and a settlement made.

- C.** Application for site lease. An application for a site lease shall be made upon Land Division form No. A-82, and in accordance with the general rules and regulations relating to the leasing of state lands.

The application shall be accompanied by a map showing in detail the survey of the site applied for, or, if not surveyed, a map of reasonable accuracy so that the site may be located upon the land itself by either a survey or protraction. The Commissioner reserves the right to require a survey to be made by a regularly licensed registered engineer or land surveyor at any time. The map need be of no particular scale but should be of sufficiently large enough scale that improvements upon the surface of the land applied for may be shown. The map is considered a part of the application to lease as a line of definite location which will bind the applicant in the same manner as the lease application itself to the statements made therein.

An application for a site lease over or across state lands, the surface or subsurface of which is leased and in use, should be accompanied by a statement from such surface or subsurface lessee that he has no objection to the granting of the site lease, or, if such consent cannot be obtained, a statement from the applicant stating the reasons why such consent has not been obtained.

## State Land Department

- D.** Renewal application for site lease. Application for renewal of a site lease shall be made upon Land Division form No. A-13-3 and in accordance with the general rules and regulations relating to state lands.

If the applicant has not used the land for the purpose for which the initial lease was granted to him, he must state in detail reasons therefor unless he has obtained from the Commissioner authorization in writing for such non-use as required by law and the rules and regulations of the Department.

- E.** Rights of surface and subsurface lessees. Under the law the Commissioner has the right to grant sites without the consent of the surface or subsurface lessee. However, in many instances the surface or subsurface lessee owns improvements upon the lands desired for a site lease and these improvements are protected by law. In the event the site applicant and the surface or subsurface lessee are unable to arrive at the value of any improvements which may be injured or damaged by the grant of a site lease and the consent of the surface or subsurface lessee cannot be secured, the Commissioner may, if it is to the best interest of the state, appraise the improvements as provided by law and grant the lease upon evidence of tender to the owner of improvements of the appraised value of the same. The owner of the improvements may appeal from the appraisal of the improvements to the Appeal Board of the Department as authorized by law and these rules and regulations.
- F.** Rental. No site lease shall provide for an annual rental of less than the appraised rental value of the land and in no event for less than 5¢ per acre per annum or a minimum of \$10.00 per annum per lease.
- G.** Form of site lease and provisions thereof. The form of site lease offered by the Department to an applicant will be on Land Division form No. A-83 and will be subject to the provisions and supplemental conditions therein contained, and such other conditions as may be added thereto, and the provisions of law and these rules and regulations.
- H.** Effect of a site lease. No lessee shall use lands under lease to him except for site purposes unless authorized by the Commissioner in writing.
- Applications for a special use of lands under lease to a lessee for purposes other than which the lease was issued shall be made in writing in triplicate and shall state in detail the reasons for such use. The application shall be signed and verified as provided for in applications to lease. Upon approval of the application by the Commissioner, two copies of the application with the Commissioner's approval and any limitations to such approval endorsed by the Commissioner thereon will be returned by the Commissioner to the lessee, one copy thereof being retained in the files of the Department.
- Failure of any lessee to use the land for the purposes for which he holds a lease, without having been authorized so to do by the Commissioner in writing, may, in the discretion of the Commissioner, subject said lease to forfeiture or to cancellation as provided by law and these rules and regulations.
- I.** Rights of site lessee. All leases granted by the Commissioner are only a license to use the land described in the lease for site purposes in a manner compatible with the terms of said lease. The state reserves the right to grant other leases for the use of said lands or the renewal of natural products therefrom. No site lessee has the authority or right to issue to any person any right to the use of said land or the removal of any products therefrom, but such right of use vests solely in the Commissioner and must be granted by the Commissioner in writing.

**Historical Note**

Original rule, Art. X, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-802 renumbered from Section R12-5-166 (Supp. 93-3).

**R12-5-803. Expired****Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 8, 1993 (Supp. 93-3). Section R12-5-803 renumbered from Section R12-5-167 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**ARTICLE 9. EXCHANGES****R12-5-901. Scope of Rules**

These rules apply only to exchange of state land under the provisions of A.R.S. §§ 37-604 to 37-608, inclusive, and shall prevail over and supersede any existing policy or procedure to the extent that they are in conflict therewith.

**Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-901 renumbered from Section R12-5-179 (Supp. 93-3). R12-5-901 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-901 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3).

**R12-5-902. Definitions**

Unless the context otherwise requires:

1. "Commissioner" means the State Land Commissioner.
2. "Selection board" means that board composed of the Governor, the State Land Commissioner and the Attorney General, as authorized by A.R.S. § 37-202.
3. "Private owner" means any individual person, firm, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary representative, or any group acting as a unit, but does not include the government of the state, the government of the United States, and any subdivision, agency or instrumentality, corporate or otherwise, of either of them.
4. "Department" means the State Land Department.

**Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-902 renumbered from Section R12-5-180 (Supp. 93-3). R12-5-902 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-902 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3).

**R12-5-903. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-903 renumbered from Section R12-5-181 (Supp. 93-3). R12-5-903 repealed by summary action with an interim



## State Land Department

effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-903 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-904. Application**

The application shall be prepared and filed on such forms as the Department may from time to time prescribe. The application shall set forth such information as is required by law and these rules, including but not limited to the following: the name, age, and residence of the applicant; a description of all lands sought to be exchanged, which description shall be technically competent, definite, susceptible of only one interpretation, and furnish sufficient information for the identification of the land on the ground; the number of acres contained in the lands of applicant offered in exchange, and applicant's estimated value thereof; the number of acres contained in the state lands applied for in exchange, and applicant's estimated value thereof; a list of permanent improvements on the lands to be exchanged, applicant's estimated value thereof and the description of the location thereof in such manner as to facilitate the location thereof on the ground; a description of any leasehold interest in the land to be exchanged or ownership of any improvements thereon, together with the name and address of any such claimant; accompanying agreements, if any, with the leaseholder or owner of improvements on the lands to be exchanged shall be attached to the application and filed therewith.

**Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-904 renumbered from Section R12-5-182 (Supp. 93-3). R12-5-904 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-904 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3).

**R12-5-905. Expired****Historical Note**

No original number assigned (Supp. 76-4). Emergency repeal filed September 26, 1990, effective September 27, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired, text of original rule placed back into effect December 27, 1990. Section R12-5-905 renumbered from Section R12-5-183 (Supp. 93-3). R12-5-905 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-905 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-906. Expired****Historical Note**

No original number assigned (Supp. 76-4). Emergency repeal filed September 26, 1990, effective September 27, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired, text of original rule placed back into effect December 27, 1990. Section R12-5-906 renumbered from Section R12-5-184 (Supp. 93-3). R12-5-906 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-906 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-907. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-907 renumbered from Section R12-5-185 (Supp. 93-3). R12-5-907 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-907 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-908. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-908 renumbered from Section R12-5-186 (Supp. 93-3). R12-5-908 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-908 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-909. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-909 renumbered from Section R12-5-187 (Supp. 93-3). R12-5-909 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-909 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-910. Maps and Photographs**

The applicant shall furnish such map or maps of the lands to be exchanged, coded as to ownership in a suitable manner, as the

## State Land Department

Department may require and deem necessary to evaluate the application and assist in making an appraisal; and, in addition the Department may require an aerial photograph or photographs of such lands as it may specify in a request therefor.

**Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-910 renumbered from Section R12-5-188 (Supp. 93-3). R12-5-910 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-910 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3).

**R12-5-911. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-911 renumbered from Section R12-5-189 (Supp. 93-3). R12-5-911 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-911 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-912. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-912 renumbered from Section R12-5-190 (Supp. 93-3). R12-5-912 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-912 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-913. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-913 renumbered from Section R12-5-191 (Supp. 93-3). R12-5-913 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-913 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-914. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-914 renumbered from Section R12-5-192 (Supp. 93-3). R12-5-914 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-914 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-915. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-915 renumbered from Section R12-5-193 (Supp. 93-3). R12-5-915 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-915 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-916. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-916 renumbered from Section R12-5-194 (Supp. 93-3). R12-5-916 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-916 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-917. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-917 renumbered from Section R12-5-195 (Supp. 93-3). R12-5-917 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-917 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-918. Controversy as to Title or Leasehold Rights**

The Commissioner may in his discretion hold in suspension or reject any application to exchange where it is found that title or leasehold rights in any of the land conveyed thereby are in controversy. The Department will not become a party to any controversy between different claimants to any of the land sought to be exchanged.

## State Land Department

**Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-918 renumbered from Section R12-5-196 (Supp. 93-3). R12-5-918 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-918 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3).

**R12-5-919. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-919 renumbered from Section R12-5-197 (Supp. 93-3). R12-5-919 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-919 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-920. Expired****Historical Note**

No original number assigned (Supp. 76-4). Section R12-5-920 renumbered from Section R12-5-198 (Supp. 93-3). R12-5-920 repealed by summary action with an interim effective date of July 19, 1996; filed in the Office of the Secretary of State June 27, 1996 (Supp. 96-2). The proposed summary action repealing R12-5-920 was remanded by the Governor's Regulatory Review Council (September 10, 1996) which revoked the interim effectiveness of the summary rule. The Section in effect before the proposed summary action has been restored (Supp. 98-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-921. Expired****Historical Note**

Adopted effective September 22, 1978 (Supp. 78-5). Emergency amendment filed September 26, 1990, adopted effective September 27, 1990, pursuant to A.R.S. 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Section R12-5-921 renumbered from Section R12-5-199 (Supp. 93-3). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 764, effective July 31, 2017; filed in the Office March 22, 2018 (Supp. 18-1).

**ARTICLE 10. EXPIRED**

*Article 10, consisting of Sections R12-5-1001 through R12-5-1012, expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).*

**R12-5-1001. Expired****Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1001 renumbered from Section R12-5-200

(Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-1002. Expired****Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1002 renumbered from Section R12-5-201 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-1003. Expired****Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1003 renumbered from Section R12-5-202 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-1004. Expired****Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1004 renumbered from Section R12-5-203 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-1005. Expired****Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1005 renumbered from Section R12-5-204 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-1006. Expired****Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1006 renumbered from Section R12-5-205 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-1007. Expired****Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1007 renumbered from Section R12-5-206 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-1008. Expired****Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1008 renumbered from Section R12-5-207 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-1009. Expired****Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1009 renumbered from Section R12-5-208 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-1010. Expired****Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1010 renumbered from Section R12-5-209

## State Land Department

(Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-1011. Expired****Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-1011 renumbered from Section R12-5-210 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**R12-5-1012. Expired****Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-1012 renumbered from Section R12-5-211 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4240, effective September 6, 2002 (Supp. 02-3).

**ARTICLE 11. SPECIAL USE PERMITS****R12-5-1101. Policy; Use of Lands**

It is the policy of the Commissioner in the administration of state lands to permit, where practical, the beneficial use thereof for special purposes not specifically provided for by existing law or the rules and regulations of the Land Division and the leasing of state lands. Permits for such special use will not be issued, however, in any case where the provisions of existing state land laws may be invoked.

The contemplated use must not be in conflict with any federal or state laws.

An applicant must state in his application the use to which he intends to put the lands and he will not be permitted to devote them to any other use unless he secures an additional permit.

1. Qualifications of applicants. Any person of the age of 21 years or over, a citizen of the United States or who has declared an intention to become a citizen of the United States or any firm, association or corporation which has complied with the laws of the state, shall be qualified to apply for a special use permit.
2. Application for special use permit; renewal thereof; application fee. An application for general special use permit shall be made on Land Division form. Such application shall describe with particularity the land applied for, and shall state in detail the use to which the applicant intends to put the lands and the period for such use.  
A renewal of a general special use permit shall be made on Land Division form.  
If an applicant for renewal of a special use permit has not used the land for the purpose for which the initial permit was granted him, he must state in detail reasons therefor unless he has obtained from the Commissioner authorization in writing for such non-use as required by law and these rules and regulations.
3. Form of special use permit. The form of a general special use permit will be prepared by the Department and will be subject to the provisions and supplemental conditions therein contained and the provisions of law and these rules and regulations.
4. Term of permit. A special use permit shall not be issued for a period to exceed ten years or such lesser term as may be established by the Commissioner if he deems such lesser term to be in the best interest of the state.  
An application for an initial special use permit shall not be approved for a period of longer than two years.  
Unless it is deemed to be for the best interest of the state, it is not the policy of the Department to allow and issue a special use permit which will seriously interfere with the

operations of an established lessee or permittee holding a lease or permit from the Department to the surface or sub-surface rights to the land.

5. Minimum fee. No special use permit shall provide for an annual fee for less than appraised rental value of the land and in no event for less than 5¢ per acre per annum or a minimum of \$10.00 per annum per permit.
6. Failure to use land for purposes authorized. Any permittee who shall fail to use the land for the purpose for which he holds a permit during the term of his permit, unless for good cause such failure has been authorized or ratified by the Commissioner in writing, may subject his permit to forfeiture or cancellation as provided by law and these rules and regulations.
7. Rights of permittee. All permits granted by the Commissioner are only a license or permit for the use of the land described in the permit for the purpose for which the permit is issued and in a manner compatible with the terms of said permit. The Commissioner reserves the right to grant other permits for the use of said lands for the removal of natural products therefrom. No permittee has the authority or right to issue to any person any right to the use of said land or the removal of any products therefrom, but such right of use vests solely in the Commissioner and must be granted by the Commissioner in writing.
8. Use of state lands. No permittee shall use lands under permit to him except for the purpose for which the permit is issued, unless authorized by the Commissioner in writing.  
Applications for a special use of lands under permit to a permittee for purposes other than which the permit was issued shall be made in writing in triplicate, and shall state in detail the reasons for such use. The application shall be signed and verified as provided for in applications for permit. Upon approval of the application by the Commissioner, two copies of the application with the Commissioner's approval and any limitations to such approval endorsed by the Commissioner thereon will be returned by the Commissioner to the permittee, one copy thereof being retained in the files of the Department. Failure of any permittee to use the land for the purposes for which he holds a permit, without having been authorized to do so by the Commissioner in writing, may, in the discretion of the Commissioner, subject said permit to forfeiture or to the cancellation as provided by law and these rules and regulations.
9. Advertising displays on state lands without permits unauthorized. The erection or maintenance on state lands of advertising displays, without permission, is unauthorized by law. Any person erecting or maintaining one or more advertising displays on state lands, except under authority of a permit issued by the Commissioner as hereinafter provided, shall be deemed a trespasser.
10. Advertising displays defined. The words "advertising displays" as used in this Article shall include structures of any kind with or without lighting effects erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting, or other advertisement of any kind whatsoever, including statuary, may be placed for advertising purposes but shall not include:
  - a. Official notices or advertisements posted by or under the direction of any public or court officer in the performance of his official duties;
  - b. Danger, precautionary and information signs erected by officials of the Federal Government or officials

## State Land Department

- of the state or any subdivision thereof, or any non-profit organization in the state, relating to the premises, or warning of the conditions of travel on a highway, or of forest fires, or road symbols, or speed limits, and including all civil defense directional signs;
- c. Highway markers or signs relating to any city, town, village or historic place or shrine;
  - d. Notice of any railroad, bridge, ferry, or other transportation or transmission company necessary for the direction or safety of the public;
  - e. Official signs, notices or symbols for the information of aviators, as to location, direction or landings, and conditions affecting safety in aviation;
  - f. Signs containing 16 square feet or less bearing an announcement of any town, village or city, or non-profit association, or chamber of commerce, advertising itself, or local industries, buildings, meetings, or attractions, but not advertising any particular individual or corporation engaged in business for a profit; providing not more than one sign bearing the same or similar announcement shall be placed on any one approach to the city or village involved;
  - g. Signs erected by Red Cross authorities relating to Red Cross Emergency Station.
11. Applications for advertising display permits. Applications for permits must be executed upon Land Division form No. A-73-3. Each application must contain a sufficient recital of the facts relative to the advertising display, including its size and lighting effect, if any, to enable its substantial production from the description. A sketch showing the location on which the display is to be placed with respect to adjacent physical features should be furnished. The application should identify the highway or other medium of travel along which it is proposed to erect the display and should give the distance and direction of the site, measured by highway travel, to the nearest cities or towns. If the land on which it is desired to place the display has been surveyed, its description should be given in terms of the public land surveys.
  12. Fees and rentals for advertising display permits
    - a. A fee of \$1.00 must accompany each application for an advertising display permit.
    - b. The initial and annual charges for advertising displays shall be as follows: not less than 10¢ per annum for each square foot of sign surface and not less than \$2.50 per annum for each display. The amount of the charge, subject to such minima, will be fixed by the Commissioner, which in no event will be less than the appraised rental value for such use.
    - c. Due consideration will be given in fixing the amounts to all pertinent facts and circumstances, including the charges made for corresponding privileges on privately owned lands similarly situated.
    - d. When conflicting applications are filed, due consideration will be given to the showing of each applicant and such action will be taken as is deemed to be warranted by the facts and circumstances.
  13. Form of advertising display permit and terms. Special use permits to erect and maintain advertising displays on state lands may be issued by or under authority of the Commissioner on forms provided by the Department, or, in his discretion, will be issued on Land Division form and will be subject to the provisions and supplemental conditions therein contained and to such other conditions as may be added thereto, and the provisions of law and these rules and regulations. The term thereof shall be for periods of not exceeding ten years and the permits will be revocable in the discretion of the Commissioner at any time.
  14. Renewal of advertising display permits. An advertising display permit issued pursuant to these rules and regulations may be renewed, in the discretion of the Commissioner, upon the filing of an application for renewal not more than 60 nor less than 30 days prior to its expiration.
  15. Identification of authorized advertising displays. Each advertising display erected or maintained under a permit issued pursuant to these rules and regulations shall, for convenient identification, have the serial number of such permit marked or painted thereon.
  16. Unauthorized advertising displays
    - a. Persons who heretofore have erected advertising displays on state lands must either obtain permits to continue such displays, if authorized by these rules and regulations, or must remove the displays as promptly as possible.
    - b. Where an unauthorized advertising display on state land is found, the Commissioner will take appropriate steps to secure its removal, unless the owner obtains a permit. The owner, if known, will be given notice in writing of the requirements. Displays erected without permission prior to January 1, 1953, must be removed within three months from and after the date of the approval of these rules and regulations, unless application for a permit is made within that period. Displays erected prior to January 1, 1953, for which applications for permits are made but for which permits are refused, and unauthorized displays thereafter erected must be removed within such reasonable time as may be fixed by the Commissioner. If the owner fails to remove the display within the time allowed, it may be removed by the Commissioner and the owner will be held liable to the Department for expenses incurred in removing it. If the owner is unknown, or cannot be found, the display may be removed by the Commissioner without notice. A registered letter addressed to the owner at his last known place of residence, if returned unclaimed, will be considered sufficient service of notice.
  17. Restrictions on advertising displays
    - a. No advertising display shall be permitted which, in the opinion of the Commissioner, would mar the landscape, hide road intersections or crossing, or which, in his opinion, is otherwise objectionable.
    - b. No advertising display shall be affixed to, or painted on any tree or rock situate on state lands or on any other natural object on such lands.
    - c. All advertising displays shall conform to the applicable state laws and local ordinances or regulations.

**Historical Note**

Original rule, Art. XI, Subchapter B, Ch. II (Supp. 76-4).  
 Emergency amendment filed September 26, 1990,  
 adopted effective September 27, 1990, pursuant to A.R.S.  
 41-1026, valid for only 90 days (Supp. 90-3). Emergency  
 expired. Section R12-5-1101 renumbered from Section  
 R12-5-241 (Supp. 93-3).

**ARTICLE 12. FEES****R12-5-1201. Administrative Fees**

## State Land Department

The State Land Department shall charge the following fees for:

Application Type	Fee
Agricultural and Grazing – New (per section or fraction thereof)	\$150
Agricultural and Grazing – Renew	\$200
Commercial – New (10 years or less)	\$1,000
Commercial – New - long-term (more than 10 years)	\$2,000
Commercial – Renew (includes homesite)	\$1,000
Appraisal for long-term leases and land sales	Actual cost
Complete Assignment to an entity 100% controlled by assignor <b>or family member</b>	\$500
Partial assignment for long-term Commercial Lease only – (more than 10 years)	\$2,500
All other assignments	\$1,000
Application to Place Improvement	\$150
Application to Place Improvement without Prior Approval	\$200
Application for Land Treatment	\$150
Special Land Use Permits – New or Renew	\$300
Non-commercial Sovereign Land Boat Dock / Launch Ramp Permit	\$100
Application to Amend General	\$100
Sublease	\$200
Amendments for Commercial Lease – 10 years or less	\$500
Amendments for Commercial Lease – long-term (more than 10 years)	\$1,000
Lease Reinstatement	\$300
Replacement of lost documents	\$50
Certified copy of documents	\$10 + \$1 per page
Returned check	\$20
Miscellaneous filings: Power of Attorney, Probate Documents and Divorce Documents	\$50
Mortgage, Deed of Trust	\$50 per lease
Bond for conservation or purchase applications for conservation purposes	\$1,000
Right of Way – New or Renew	\$500
Right of Way – Amendment	\$100
Temporary Right of Entry	\$100
Application to Purchase	\$2,000
Certificate of Purchase (Issuance)	\$1,000
Patent (Issuance)	\$200
Application for Partial Patent	\$1,000
Natural Products – Commercial - Wood Products	\$200
Natural Products – Incidental Use Permit	\$200
Natural Products – Water	\$500
Mineral Materials	\$500
Minerals	\$500
Mineral Exploration (New or Renew)	\$500
Oil & Gas (New or Renew)	\$500
Geothermal	\$500
Recreational Annual Use - Individual	\$15

Application Type	Fee
Recreational Permits (Group) Less than 5 days, Less than 20 people	\$15
Recreational Annual Use - Immediate Family Unit (Two adults and children under the age of 18)	\$20
Urban Planning Classification	\$1,000
Urban Planning Development	\$1,000

**Historical Note**

Adopted as an emergency effective July 31, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Permanent rule adopted effective November 1, 1984 (Supp. 84-6). Section R12-5-301 repealed, new Section adopted by emergency action and filed September 26, 1990, effective September 27, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired, text of original Section placed back into effect December 27, 1990. Section R12-5-1201 renumbered from Section R12-5-301 (Supp. 93-3). R12-5-1201 repealed by summary action with an interim effective date of August 30, 1996; filed in the Office of the Secretary of State August 8, 1996 (Supp. 96-3). Adopted summary rules filed December 6, 1996; interim effective date of August 30, 1996 now the permanent effective date (Supp. 96-4). New Section made by exempt rulemaking at 17 A.A.R. 813, effective April 22, 2011 (Supp. 11-2).

**ARTICLE 13. REPEALED****R12-5-1301. Repealed****Historical Note**

Section R12-5-1301 renumbered from Section R12-5-501 (Supp. 93-3). R12-5-1301 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**R12-5-1302. Repealed****Historical Note**

Original rule, Art. III, Ch. IV (Supp. 76-4). Section R12-5-1601 renumbered from Section R12-5-560 (Supp. 93-3). R12-5-1302 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**ARTICLE 14. REPEALED**

*The heading for Article 14 was repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).*

**ARTICLE 15. REPEALED**

*The heading for Article 15 was repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).*

## State Land Department

**ARTICLE 16. REPEALED****R12-5-1601. Repealed****Historical Note**

Original rule, Art. III, Ch. IV (Supp. 76-4). Section R12-5-1601 renumbered from Section R12-5-560 (Supp. 93-3). R12-5-1601 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**R12-5-1602. Repealed****Historical Note**

Original rule, Art. III, Ch. IV (Supp. 76-4). Section R12-5-1602 renumbered from Section R12-5-561 (Supp. 93-3). R12-5-1602 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**R12-5-1603. Repealed****Historical Note**

Original rule, Art. III, Ch. IV (Supp. 76-4). Section R12-5-1603 renumbered from Section R12-5-562 (Supp. 93-3). R12-5-1603 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**R12-5-1604. Repealed****Historical Note**

Original rule, Art. III, Ch. IV (Supp. 76-4). Section R12-5-1604 renumbered from Section R12-5-563 (Supp. 93-3). R12-5-1604 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**R12-5-1605. Repealed****Historical Note**

Original rule, Art. III, Ch. IV (Supp. 76-4). Section R12-5-1605 renumbered from Section R12-5-564 (Supp. 93-3). R12-5-1605 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**R12-5-1606. Repealed****Historical Note**

Adopted effective November 25, 1977 (Supp. 77-6). Section R12-5-1606 renumbered from Section R12-5-570 (Supp. 93-3). R12-5-1606 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996;

interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**R12-5-1607. Repealed****Historical Note**

Adopted effective November 25, 1977 (Supp. 77-6). Section R12-5-1607 renumbered from Section R12-5-571 (Supp. 93-3). R12-5-1607 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**R12-5-1608. Repealed****Historical Note**

Adopted effective November 25, 1977 (Supp. 77-6). Section R12-5-1608 renumbered from Section R12-5-572 (Supp. 93-3). R12-5-1608 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**R12-5-1609. Repealed****Historical Note**

Adopted effective November 25, 1977 (Supp. 77-6). Section R12-5-1609 renumbered from Section R12-5-573 (Supp. 93-3). R12-5-1609 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**R12-5-1610. Repealed****Historical Note**

Adopted effective November 25, 1977 (Supp. 77-6). Section R12-5-1610 renumbered from Section R12-5-574 (Supp. 93-3). R12-5-1610 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**R12-5-1611. Repealed****Historical Note**

Adopted effective November 25, 1977 (Supp. 77-6). Section R12-5-1611 renumbered from Section R12-5-575 (Supp. 93-3). R12-5-1611 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996; interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**R12-5-1612. Repealed****Historical Note**

Adopted effective November 25, 1977 (Supp. 77-6). Section R12-5-1612 renumbered from Section R12-5-576 (Supp. 93-3). R12-5-1612 repealed by summary action with an interim effective date of May 3, 1996; filed in the Office of the Secretary of State April 8, 1996 (Supp. 96-2). Adopted summary rules filed August 13, 1996;

## State Land Department

interim effective date of May 3, 1996 now the permanent effective date (Supp. 96-3).

**ARTICLE 16.1. RENUMBERED**

*Article 16.1, consisting of Sections R12-5-570 thru R12-5-576, renumbered to Article 16, Sections R12-5-1606 thru R12-5-1612 (Supp. 93-3).*

**ARTICLE 17. NATURAL RESOURCE CONSERVATION DISTRICTS****R12-5-1701. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1701 renumbered from Section R12-5-600 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1702. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1702 renumbered from Section R12-5-601 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1703. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1703 renumbered from Section R12-5-602 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1704. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1704 renumbered from Section R12-5-603 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1705. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1705 renumbered from Section R12-5-604 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1706. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1706 renumbered from Section R12-5-605 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1707. Expired****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1707 renumbered from Section R12-5-606 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 18 A.A.R. 1652, effective January 31, 2012 (Supp. 12-2).

**R12-5-1708. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1708 renumbered from Section R12-5-607 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

tion repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1709. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1709 renumbered from Section R12-5-608 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1710. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1710 renumbered from Section R12-5-609 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1711. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1711 renumbered from Section R12-5-610 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1712. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1712 renumbered from Section R12-5-611 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1713. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1713 renumbered from Section R12-5-612 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1714. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1714 renumbered from Section R12-5-613 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1715. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1715 renumbered from Section R12-5-614 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1716. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1716 renumbered from Section R12-5-615 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1717. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1717 renumbered from Section R12-5-616 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).



## State Land Department

tion repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1718. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1718 renumbered from Section R12-5-617 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1719. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1719 renumbered from Section R12-5-618 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1720. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1720 renumbered from Section R12-5-619 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1721. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1721 renumbered from Section R12-5-620 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1722. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1722 renumbered from Section R12-5-621 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1723. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1723 renumbered from Section R12-5-622 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**R12-5-1724. Repealed****Historical Note**

Original rule, Ch. V (Supp. 76-4). Section R12-5-1724 renumbered from Section R12-5-623 (Supp. 93-3). Section repealed by final rulemaking at 6 A.A.R. 3180, effective August 1, 2000 (Supp. 00-3).

**ARTICLE 18. MINERAL LEASES****R12-5-1801. Definitions**

Unless the context otherwise requires:

1. "Commissioner" means the State Land Commissioner.
2. "Contiguous" means adjoining and having at least part of one side in common.
3. "Department" means the State Land Department.
4. "Geochemical surveys" means surveys on the ground for mineral deposits by the proper application of principles and techniques of the science of chemistry as they relate to the search for and the discovery of mineral deposits.
5. "Geological surveys" means surveys on the ground for mineral deposits by the proper application of the principles

and techniques of the science of geology as they relate to the search for and discovery of mineral deposits.

6. "Geophysical surveys" means surveys on the ground for mineral deposits through the employment of generally recognized equipment and methods for measuring physical differences between rock types or discontinuities in geological formations.
7. "Lessee" means the holder of any lease issued pursuant to the provisions of these rules and regulations and includes the holder of an approved assignment of such lease.
8. "Mineral" means all natural inorganic substances that may be extracted from the earth, and includes mineral compounds and mineral aggregates, natural building stone, saline deposits, and such organic substances as coal and guano, but does not include petroleum and related hydrocarbon gases or other natural gases.
9. "Mining" means extracting mineral from the earth, but shall not include any activity carried on after the mineral has been detached from the earth and has reached the natural or original surface of the earth.
10. "Qualified expert" means an individual qualified by education or experience to conduct geological, geochemical, or geophysical surveys, as the case may be.
11. "Shipping" means the transportation of extracted mineral, after mining, to the place of processing or sale.

**Historical Note**

Original rule, Art. VI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1801 renumbered from Section R12-5-701 (Supp. 93-3).

**R12-5-1802. Expired****Historical Note**

Original rule, Art. VI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1802 renumbered from Section R12-5-702 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 1834, effective January 31, 2002 (Supp. 02-1).

**R12-5-1803. Expired****Historical Note**

Original rule, Art. VI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1803 renumbered from Section R12-5-703 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 1834, effective January 31, 2002 (Supp. 02-1).

**R12-5-1804. Expired****Historical Note**

Original rule, Art. VI, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1804 renumbered from Section R12-5-704 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 1834, effective January 31, 2002 (Supp. 02-1).

**R12-5-1805. Lease for Mineral Claim**

- A. Term of lease. Every mineral lease of state land shall be for a term of 20 years.
- B. Lessee's right of possession and enjoyment. Every mineral lease shall confer the right:
  1. To extract and ship minerals from the claim located within planes drawn vertically downward through the exterior boundary lines thereof, provided:
    - a. That in case of each lease of a claim located pursuant to the provisions of subsection (C) of these rules and regulations (Type A claim), the lease shall confer extralateral rights, in the discovery vein only, as follows:
 

Exclusive right of possession and enjoyment of the vein, lode, or ledge throughout its entire

## State Land Department

depth, the top or apex of which lies inside the surface lines of the claim extended downward vertically, although such veins, lodes or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But the right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of the location, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. Nothing in this subsection shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

2. To use as much of the surface as required for purposes incident to mining.
3. Of ingress to and egress from other state lands, whether or not leased for purposes other than mining.
  - a. Proposed routes of ingress and egress over state lands, preferably reflecting agreement on the part of the lessees concerned, shall be subject to final approval by the Commissioner. Construction of roadways shall not be initiated by the mineral claimant or lessee until such approval is had.

**C. Provisions of mineral lease**

1. Every mineral lease of state lands shall provide for:
  - a. The annual performance of not less than \$100.00 worth of labor or of improvements made upon each claim or group of contiguous claims in common ownership. The annual expenditure shall become due and shall be performed during the year commencing at the expiration of one year from the date of location at 12:00 o'clock meridian and during each year thereafter.
  - i. The term "labor" shall include, without being limited to, geological, geochemical and geophysical surveys conducted by qualified experts and verified by a detailed report filed with the Commissioner which sets forth fully
    - (1) the location of the work performed in relation to the point of discovery and boundaries of the claim,
    - (2) the nature, extent and cost thereof,
    - (3) the basic findings therefrom, and
    - (4) the name, address, and professional background of the persons conducting the work.

Such surveys, however, may not be applied as labor for more than two consecutive years or for a total of more than five years on any one mining claim, and each such survey shall be non-repetitive of any previous survey of the same claim.
  - ii. Improvements mentioned in (A)(1) above shall be limited to those necessary and incident to mining or which develop, or tend to develop, mineral.
  - iii. Proof of annual labor on each claim shall be filed with the Commissioner, in such form as the Commissioner may prescribe, within 90 days after expiration of the period provided for its performance.

- b. The fencing of all shafts, prospect holes, adits, tunnels and other dangerous mine workings for the protection of livestock.
- c. The construction of necessary improvements and installation of necessary machinery and equipment with the right to remove it upon expiration, termination or abandonment of the lease, if all the monies owing to the state under the terms of the lease have been paid.
- d. The cutting and use of timber and stone upon the claim, not otherwise appropriated, for fuel, construction of necessary improvements, or for drains, roadways, tramways, supports, or other necessary purposes.
- e. The right of the lessee and his assigns to transfer the lease.
- f. Termination of the lease by the Commissioner upon written notice specifically setting forth the default for which forfeiture is declared, and preserving the right of the lessee to cure the default within a period of not less than 30 days.
 

Notices of termination shall be mailed to the address of record of the lessee. Such notice shall set forth the default and inform the lessee of the time and place he may appear before the Commissioner to show cause why the lease should be restored to good standing.
- g. Termination of the lease by the lessee at any time during its term by giving the Commissioner 30 days' notice of termination in writing; provided, the lessee is not delinquent in the payment of rent or royalty to the date of termination.

**D. Lease rental.** The rental for a lease of a mineral claim on state lands shall be \$15.00 per annum, payable in advance at the time of application for lease and at the beginning of each yearly period thereafter.

**E. Royalty**

1. Every mineral lease of state land shall provide for payment to the state by the lessee of a royalty of 5% of the net value of the minerals produced from the claim. The net value shall be deemed to be the gross value after processing, where processing is necessary for commercial use, less the actual cost of transportation from the place of production to the place of processing, less costs of processing and taxes levied and paid upon the production thereof. In case of minerals not processed for commercial use, the net value shall be the gross proceeds, or gross value, at the place of sale or use, less the actual cost of transportation from the place of production to the place of sale or use, less taxes, if any, levied and paid upon the production thereof.
2. In the case of limestone, silica, shale, and clay manufactured into building materials, the royalty shall be 3¢ per gross short ton of material removed. The 3¢ per ton royalty shall be based upon the average regional wholesale price of the building material so manufactured over the 12-month period immediately preceding June 14, 1958. The royalty shall be adjusted at the end of each five-year period thereafter in direct proportion to the decrease or increase in the five-year average of the average yearly regional prices for such building materials over the preceding five-year period, providing the decrease or increase amounts to 10% or more of the previous base price.

## State Land Department

3. In case of sand, rock and gravel to be used in the construction of roads, buildings or other structures, the royalty shall be 5¢ per cubic yard.
    - a. As used as a basis of classification for royalty purposes, the word “rock” means the granular material coarser than gravel, and usually associated with natural deposits of sand and gravel.
  4. The minimum rental paid for each year shall be credited upon royalties which may become due during the year.
- F.** Assignment of lease. The lessee of each mineral claim, if not in default of rent or royalty, and who has kept and performed all the conditions of his lease, may with the written approval of the Commissioner assign his lease. Application for assignment and assignments will be in such form as the Commissioner may require.
- G.** Renewal. Upon application to the Commissioner, not less than 30 nor more than 60 days prior to the expiration of the lease, the lessee of mineral lands, if he is not delinquent in the payment of rental or royalty on the date of expiration of the lease, shall have a preferred right to renew the lease bearing even date with the expiration of the old lease for a term of 20 years.
- H.** Sub-leases. No sub-lease shall be valid without the written permission of the Department.
- I.** Lease, reserved mineral interest; bond
1. Each mineral lease of the state’s reserved mineral interest, resulting from sale of state land, shall contain such special conditions and terms as are necessary to the protection of the pertinent patentee or contract purchaser of state lands, or their successors in interest and the state of Arizona, against damage to lands, livestock, water, crops or other tangible improvements on lands held by such patentee or contract purchaser and suffered by the reason of the use or occupation of such land by the lessee.
    - a. Lease applicant will be required to execute a bond in a reasonable principal amount, conditioned upon payment for such damage.
    - b. Failure by lease applicant to post bond within 30 days after notice of such requirement has been served by the Department shall be deemed to constitute forfeiture of right to the lease.

**Historical Note**

Original rule, Art. VI, Subchapter B, Ch. II (Supp. 76-4).  
 Section R12-5-1805 renumbered from Section R12-5-705  
 (Supp. 93-3).

**R12-5-1806. Records and Reports**

- A.** Annual lease report. An annual report shall be submitted by the lessee of each mineral claim showing any and all work performed, improvements made, the cost thereof, and such other information as the Commissioner may require. The report, covering the mining operation in general, shall be filed with the Commissioner within 90 days after expiration of the period provided for the performance of annual labor, shall be incorporated with the report of that labor and shall be in such form as the Commissioner may prescribe.
- B.** Monthly production report. A monthly report of production shall be submitted by the lessee of each mineral claim within 15 days after the end of the month in which production is first had and before the 15th of each succeeding month for the month immediately preceding, unless otherwise ordered by the Commissioner. Any negative report subsequent to the initial production report shall be submitted unless waived by the Commissioner. The report shall be in such form as the Commissioner may prescribe and shall contain such information as the Commissioner may require, including, but not limited to, information regarding amounts of mineral extracted, use, or

sold, the costs of shipping and processing, and the monetary returns therefrom.

- C.** Records. Each lessee of a mineral claim shall make and keep appropriate books and records covering the mining, shipping, processing and selling of mineral from the claim. The Commissioner or his representative shall have the right at all times during the existence of each lease of a mineral claim, and for six months thereafter, to make such reasonable examination of such books, records or other material as may be necessary to obtain information desired.

**Historical Note**

Original rule, Art. VI, Subchapter B, Ch. II (Supp. 76-4).  
 Section R12-5-1806 renumbered from Section R12-5-706  
 (Supp. 93-3).

**R12-5-1807. Relating to Mineral Reservations**

- A.** Definitions. Unless the context otherwise requires:
1. “Commissioner” means the State Land Commissioner.
  2. “Department” means the State Land Department.
  3. “Reserved minerals” means those minerals, hydrocarbons and other substances as defined in A.R.S. § 37-231, subsection (E).
- B.** Scope and authority. These rules and regulations are for the protection of the patentee or contract purchaser of state lands, sold under the authority granted by A.R.S. § 37-231, subsection (E), or their successors in interest, and the state of Arizona, against damage to the lands, livestock, water, crops, or other tangible improvements on lands held by such patentee or contract purchaser, and suffered by reason of the use or occupation of such lands by lessees or permittees engaged in mining and oil and gas exploration and development under leases or permits executed by the Department.
- C.** Nature of mineral reservation. In accordance with the provisions of A.R.S. § 37-231, wherein the state of Arizona reserves and retains all oil, gas, other hydrocarbon substances, helium or other substances of a gaseous nature, coal, metals, minerals, fossils, fertilizer of every name and description, together with all uranium, thorium, or any other material determined to be peculiarly essential to the production of fissionable materials, and the exclusive right thereto, on, in, or under such land regardless of any sale of its lands and the subsequent issuance of any instrument conveying title thereto, the State Land Department, for, and on behalf of the state of Arizona, at the same time reserves the right to sever and ship the reserved minerals therefrom; at the same time recognizing its responsibility to properly provide for the protection of the purchaser against damage to his lands and certain improvements on the lands held by him as provided by law.
- D.** Surface and subsurface use. A lessee or permittee engaged in mining and oil and gas exploration and development under leases or permits executed by the Department shall have the right to reasonable use of so much of the surface or subsurface of the lands of a patentee or contract purchaser as may be necessary for the conduct of operations to explore for, sever and remove the reserved minerals under such leases or permits, provided that the Commissioner in his discretion may require a lessee or permittee to, first, secure the written consent or waiver of the patentee or contract purchaser; or, second, pay to the patentee or contract purchaser the damages to the lands, livestock, water, crops, or other tangible improvements under agreement; or, third, in lieu of either of the foregoing provisions, post with the Department prior to his entry upon the lands, a cash deposit or surety bond, in an amount to be fixed by the Commissioner, conditioned upon payment to the patentee or contract purchaser for all such damage caused by lessee or permittee.

## State Land Department

**Historical Note**

Original rule, Art. VI, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-1807 renumbered from Section R12-5-707  
(Supp. 93-3).

**ARTICLE 19. PROSPECTING PERMITS****R12-5-1901. Definitions**

- A. "Commissioner" means State Land Commissioner.
- B. "Date of issuance of permit" means the 15th day after approval of the designated land by the Commissioner.
- C. "Department" means State Land Department.
- D. "Exploration" means activity conducted upon the state land covered by an exploration permit to determine the existence or nonexistence of a valuable mineral deposit, including but not limited to geological, geochemical or geophysical surveys conducted by qualified experts, and drilling, sampling and excavation, together with the costs of assay and metallurgical testing of samples from such land.
- E. "Geochemical surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of chemistry as they relate to the search for and discovery of mineral deposits.
- F. "Geological surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of geology as they relate to the search for and discovery of mineral deposits.
- G. "Geophysical surveys" means surveys on the ground for mineral deposits through the employment of generally recognized equipment and methods for measuring physical differences between rock types or discontinuities in geological formations.
- H. "Mineral" means all natural inorganic substances that may be extracted from the earth and includes mineral compounds and aggregates, natural building stone, saline deposits, and such organic substances as coal and guano but does not include petroleum and related hydrocarbon gases or other natural gases.
- I. "Qualified expert" means an individual qualified by education or experience to conduct geological, geochemical, or geophysical surveys, as the case may be.

**Historical Note**

Original rule, Art. VI-A, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1901 renumbered from Section R12-5-731 (Supp. 93-3).

**R12-5-1902. Expired****Historical Note**

Original rule, Art. VI-A, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1902 renumbered from Section R12-5-732 (Supp. 93-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 31, 2012; filed in the Office January 11, 2017 (Supp. 17-1).

**R12-5-1903. Application for Permit**

- A. Qualifications of applicant. Any citizen of the United States, partnership or association of citizens, or a corporation organized under the laws of the United States or any state or territory thereof, and authorized to transact business in the state, may apply to the Commissioner for a mineral exploration permit on state land.
- B. Area covered by permit application. Separate application shall be made for each mineral exploration permit. A permit may include one or more of the rectangular subdivisions of 20 acres, more or less, or lots of state land in any one section of the public land surveys.
- C. Information to be furnished by the applicant

- 1. The application for permit shall be in such form as the Commissioner may prescribe, shall be in writing, signed by the applicant or an authorized agent or attorney for the applicant, and shall contain the following information:
  - a. Name and address of applicant.
  - b. Statement whether applicant is an individual, partnership or corporation.
  - c. Statement of citizenship.
  - d. If a corporation:
    - i. Name.
    - ii. State of incorporation.
    - iii. Arizona business address.
    - iv. Affirmation of authorization to do business in Arizona.
  - e. Age and marital status.
  - f. Description according to the public land survey of the land for which application is being made.
  - g. Location of mineral locations, claims or leases on the land under application.
  - h. Location of abandoned underground or other major workings on the land under application.
  - i. Location of proposed roadways within the area under application and of proposed ingress and egress over other state land concerned.
  - j. Location of improvements or crops on land under application, or on land over which proposed routes of ingress and egress pass. (Information required in (g), (h), and (i) above, shall be conveyed by means of a reasonably accurate plat, or drawing, accompanying the application form.)
- 2. This rule shall not be taken or construed to limit or restrict the authority of the Commissioner to require the furnishing by the applicant of such additional information as may appear to him to be necessary or desirable, either generally or specifically, for the proper administration of the law governing prospecting permits.
- D. Filing application for permit; fee; time of filing
  - 1. Each application filed with the Department shall be accompanied by payment to the Department of a filing fee of \$15.00.
  - 2. Each application so filed that meets the requirements of (A), (B), and (C)(1) above shall be stamped by the Department with the time and date it is filed with the Department and, upon being so stamped, shall have a priority over any other application for a permit involving the same state land which may be filed with the Department subsequent to such time and date.
    - a. Each application filed by U.S. Mail shall be considered to have been filed in the Department at the time and date it is delivered to the mail room of the Department, provided the requirements of (A), (B), and (C)(1) have been met.
    - b. When two or more applications are delivered to the mail room of the Department in the same mail, the applications shall be deemed to have been simultaneously filed.
  - 3. Each application not meeting the requirements of (A), (B), and (C)(1) above shall be rejected by the Department.
- E. Withdrawal from mineral location of lands under application. The open state land involved in a filed and time-stamped application for permit shall be deemed withdrawn from mineral location at the time the application is stamped and shall remain so withdrawn so long as the application is pending.
- F. Adjudication of rights; notice to applicant; issue of permit

## State Land Department

1. Not less than 30 days, nor more than 45 days from the filing of the application with the Department, provided there is no prior application for a mineral exploration permit involving the same state land then pending before the Department, or if such prior application is then pending but is subsequently cancelled, not more than 15 days after it is cancelled, the Department shall mail to the applicant, by registered or certified mail at the address shown on the application, a written notice designating:
    - a. The state land described in the application which, at the time the application was filed with the Department, was open to entry and location as a mineral claim or claims upon discovery of a valuable mineral deposit thereon,
    - b. The amount of rental required to be paid for the mineral exploration permit, and
    - c. Whether a bond will be required as a condition to issuance of such permit.
  2. If, within 15 days after the mailing of such notice, the applicant shall pay to the Department as rental for the permit, the amount of \$2.00 per acre for each acre of state land designated in the notice and shall file with the Department the bond, if any, required as a condition to issuance, the Commissioner shall issue to the applicant a mineral exploration permit for the state land designated in the notice.
- G.** Default by applicant; cancellation of application. Upon failure of the applicant for a mineral exploration permit to make the payment or furnish the required bond within the period of 15 days, as provided in (F) above, the application shall be deemed cancelled, of no further effect and the filing fee forfeited.
- H.** Simultaneous filings; conflicts; adjudication of priority
1. In the event it is determined by the Department that two or more applications for a mineral exploration permit have been filed at the same time, as indicated by the time-stamp, and that the applications include one or more rectangular subdivisions of 20 acres, more or less, or lots of state land which are identical, a conflict of priority shall exist as to such identical land.
  2. Resolution of conflicts of priority shall be by drawing held by the Department not less than ten, nor more than 20 days after the simultaneous filing. Ample notice by registered mail of conflict and drawing shall be given each applicant involved. The drawing shall be conducted in such a manner as to resolve the order of priority of filing between or among the simultaneously filed applications, and suitable notice of the determined order of priority shall be given to each such applicant by the Department.
- I.** Right of applicant to use of land. The filing of an application for a mineral exploration permit shall not confer upon the applicant any greater right to use of the land under application than that held before such filing.

**Historical Note**

Original rule, Art. VI-A, Subchapter B, Ch. II (Supp. 76-4). Emergency amendment filed September 26, 1990, adopted effective September 27, 1990, pursuant to A.R.S. 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Section R12-5-1903 renumbered from Section R12-5-733 (Supp. 93-3).

**R12-5-1904. Expired****Historical Note**

Original rule, Art. VI-A, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-1904 renumbered from Section R12-5-734 (Supp. 93-3). Section expired under A.R.S. § 41-

1056(E) at 8 A.A.R. 1834, effective January 31, 2002 (Supp. 02-1).

**R12-5-1905. Conversion of Permitted Acreage to Mineral Lease**

Application for lease.

1. Following discovery of a valuable mineral deposit upon the state land covered by a mineral exploration permit with a rectangular subdivision of 20 acres, more or less, or lot of the public land survey, the permittee may apply to the Commissioner for a mineral lease upon state land so contained.
  - a. For the purpose of the application and any mineral lease issued pursuant to such application, such rectangular subdivision or lot shall constitute a mineral claim without extra-lateral rights and shall be deemed to have been located as of the date of filing the application for mineral lease.
2. The application for mineral lease shall be on a form provided by the Commissioner and shall be accompanied by:
  - a. Lease application fee of \$25.00 per lease.
  - b. Advance annual rental of \$15.00 per claim.
  - c. A plat, to scale, accurately showing location of the claim properly tied in to known U.S. Public Survey corner monuments to properly identify the land claimed.
  - d. A reasonably accurate drawing showing the proposed route of ingress and egress over other state land concerned.
  - e. Evidence, in a form acceptable to the Commissioner, constituting the applicant's proof of a valuable mineral deposit within the bounds of the claim. Final determination as to such proof shall be made by the Commissioner from the evidence submitted or by any other means at his disposal.
3. Ordinarily, both the application to lease, and the lease, shall be on the basis of one application per claim and one lease per claim. However,
  - a. The Commissioner may permit the acceptance of applications embracing more than one claim provided the claims are contiguous and further provided, that prior arrangement for such consolidation has been made and approval had; and
  - b. The Commissioner may permit or cause consolidation of claims for lease purposes to the extent consistent with required Departmental administrative procedures. Any consolidation thus effected shall not alter the provisions of subsection (2) above.
4. From and after the date of issuance of a mineral lease, the mineral claim or claims covered by such mineral lease shall be deemed to be excluded from the prospecting permit.

**Historical Note**

Original rule, Art. VI-A, Subchapter B, Ch. II (Supp. 76-4). Emergency amendment filed September 26, 1990, adopted effective September 27, 1990, pursuant to A.R.S. 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Section R12-5-1905 renumbered from Section R12-5-735 (Supp. 93-3).

**ARTICLE 20. COMMON MINERAL MATERIALS AND NATURAL PRODUCTS****R12-5-2001. Definitions**

- A.** "Common mineral materials" includes cinders, sand, gravel and associated rock, fill-dirt, common clay, disintegrated granite, boulders and loose float rock, waste rock and materials of

## State Land Department

similar occurrence commonly used as aggregate road material, rip-rap, ballast, borrow, fill, for general construction and for similar purposes.

- B. "Natural products" includes all other products severed from the land including, but not limited to, water and plants but shall not include geothermal resources and those substances subject to the mining prospecting permit and leasing laws of Arizona.
- C. "Royalty" means the monetary consideration representing the true appraised value of the common mineral materials of natural products.
- D. For the purposes of any common mineral materials sales agreement, unless otherwise stated, the following terms shall have these meanings.
  1. "Ton" is 2,000 pounds.
  2. A "cubic yard" is a measurement of material that will fill a container that measures 1 yard by 1 yard by 1 yard and when a cubic yard is to be converted to tons industry accepted measures of conversion will be used.
  3. "Annual production" is the number of tons of material that the Department determines is a reasonable amount to be extracted from the site in any 12-month period.
  4. "Unit royalty rate" is the amount of money to be paid by the buyer to the Department for each ton of common mineral materials extracted.

**Historical Note**

Former Section R12-5-771 repealed as an emergency effective October 31, 1977, new Section R12-5-771 adopted effective September 16, 1977 (Supp. 77-5). Former Section R12-5-771 repealed as an emergency now repealed, new Section adopted effective September 21, 1978 (Supp. 78-5). Section R12-5-2001 renumbered from Section R12-5-771 (Supp. 93-3).

**R12-5-2002. Miscellaneous Rules**

- A. Scope. These rules are promulgated pursuant to authority vested in the State Land Department by statute and provide for the disposition of common mineral products and natural products in conformance with the enabling Act and Arizona Constitution. These rules and regulations shall supersede any existing rules or procedures of the Department under this Chapter.
- B. Application of rules. As applicable, these rules shall govern the sale of all common mineral materials and natural products.
- C. State land subject to application to purchase. Any state-owned land containing deposits or accumulations of common mineral materials and natural products shall be subject to application for sale thereof it being understood that the state reserves the right to refuse to authorize the sale of common mineral materials or natural products on its lands.
- D. Location prohibited. Common mineral materials and natural products are not subject to location as a claim, application for prospecting permit or to application for a mineral lease, as provided by Title 27, Chapter 2, Articles 3 and 4 of the Arizona Revised Statutes. The right to enter upon state land for the purpose of exploring and testing of common mineral materials is reserved by the Department.
- E. Nature of agreement. A common mineral materials or natural products sales agreement is an agreement by virtue of which the holder may enter designated state trust lands and recover, extract, use, store, remove and dispose of the materials or natural products designated in the sales agreement, as set forth in R12-5-775(B), R12-5-778, and R12-5-779.
- F. Area of activity. The agreement entitles the holder to pursue any permitted activity on or within the premises as determined

by boundaries drawn vertically downward through the exterior boundaries of the premises.

- G. Environmental protection. At any time during the course of the agreement, the Department may require the purchaser to employ new or other conservation measures in addition to any required at the time of purchase. Any such requirement shall not affect the royalty or minimum annual guarantee requirement.
- H. Rehearings and appeals. The right to a rehearing or an appeal from an intermediate or final order of the Department, Commissioner or Board of Appeals from any action taken pursuant to this Article, shall be as authorized by the law pertaining to the conduct of the Department, Commissioner and Board of Appeals, the general rules pertaining to such rehearings and appeals and such right is neither enlarged nor diminished by this Article.

**Historical Note**

Former Section R12-5-772 repealed as an emergency effective October 31, 1977, new Section R12-5-772 adopted effective September 16, 1977 (Supp. 77-5). Former Section R12-5-772 repealed as an emergency now repealed, new Section adopted effective September 21, 1978 (Supp. 78-5). Section R12-5-2002 renumbered from Section R12-5-772 (Supp. 93-3).

**R12-5-2003. Application for Purchase**

- A. Qualification of applicant. Any citizen, or one who has declared his intention to become a citizen, of the United States, partnership, or association of citizens, or a corporation organized under the laws of the United States or any state, or territory thereof, and authorized to transact business in the state, and any agency of the state of Arizona or any political subdivision thereof may apply to the Department to purchase common mineral materials or natural products.
- B. Area covered by application. A separate application shall be made for each common mineral materials or other natural products sale that relates to land in a different section or to non-contiguous parcels within a section. The size of any area subject to sale shall be determined by the Department in order to further the best interests of the state, and may represent consolidated applications.
- C. Information to be furnished by the applicant.
  1. The application to purchase shall be in such form as the Commissioner may prescribe, shall be filed with the Department by the applicant or an authorized agent for the applicant, and shall contain the following information:
    - a. Name and address of applicant.
    - b. Statement whether applicant is an individual, partnership or corporation or agency of the state or political subdivision thereof.
    - c. Statement of citizenship, when applicable.
    - d. If a corporation:
      - i. Name.
      - ii. State of incorporation.
      - iii. Arizona business address.
      - iv. Affirmation of authorization to do business in Arizona.
    - e. Age and marital status, when applicable.
    - f. Description, according to the public land survey, of the land for which application is being made.
    - g. Location of mineral claims or leases on the land under application.
    - h. Location of abandoned mineral workings or common mineral materials pits on the land under application.

## State Land Department

- i. Location of proposed roadways within the area under application and of proposed routes of ingress and egress over other state land.
  - j. Location of improvements or crops on land under application or on land over which proposed routes of ingress and egress pass (information required in (g) through (j) herein shall be conveyed by means of a reasonably accurate plat or drawing accompanying the application form).
2. This rule shall not be taken or construed to limit or restrict the authority of the Commissioner to require the applicant to furnish such additional information, either generally or specifically, as the Commissioner may deem necessary for the proper administration of the law governing sales of common mineral materials or other natural products.
- D.** Filing application for sale. Each application filed with the Department shall be accompanied by the filing fee provided by law and an application for commercial lease of whatever portion, if any, of the lands covered by the sale application upon which the applicant intends to undertake related commercial activities, place permanent improvements or otherwise use the surface.

**Historical Note**

Former Section R12-5-773 repealed as an emergency effective October 31, 1977, new Section R12-5-773 adopted effective September 16, 1977 (Supp. 77-5). Former Section R12-5-773 repealed as an emergency now repealed, new Section adopted effective September 21, 1978 (Supp. 78-5). Section R12-5-2003 renumbered from Section R12-5-773 (Supp. 93-3).

**R12-5-2004. Exploration Permits**

Common mineral materials and natural products, exploration, permits.

- 1. Scope. Following receipt of an application to purchase, the Department may issue permits to any person to explore for common mineral materials or natural products which are subject to sale.
- 2. Issuance of permits. Such permits will be issued only for limited entry into designated areas for the purpose of exploring or testing for common mineral material or natural products.
- 3. Non-assignability of permits. Such permits are non-assignable and subject to control stipulations by the Department.
- 4. No reimbursable improvements will be authorized or recognized by the Department in connection with any activity pursuant to an exploration permit.
- 5. Filing an application for sale shall entitle an applicant to an exploration permit without payment of further fees; any other person wishing to explore must pay a sum equal to the application fee.
- 6. All related state land must be restored after exploration and before sale by the exploring person(s).

**Historical Note**

Former Section R12-5-774 repealed as an emergency effective October 31, 1977, new Section R12-5-774 adopted effective September 16, 1977 (Supp. 77-5). Former Section R12-5-774 repealed as an emergency now repealed, new Section adopted effective September 21, 1978 (Supp. 78-5). Section R12-5-2004 renumbered from Section R12-5-774 (Supp. 93-3).

**R12-5-2005. Use of Land**

- A.** Rights of applicant. Except as may be provided by an exploration permit duly issued pursuant to R12-5-774, the filing of an application for a common mineral material or other natural products sale shall not confer upon the applicant any greater right to the use of the land under application or to the common mineral materials or other natural products therein than were held by the applicant before filing.
- B.** Rights of Buyer. The Buyer shall have the right to use as much of the surface of the premises as is reasonably necessary for the extraction, severance, temporary storage, removal and disposition of the materials from the premises, including the right to wash, screen, crush, sort or otherwise mechanically process those materials, together with the right of ingress to and egress from the premises across other state lands along designated routes approved by the Department. The right herein granted shall be perfected by Buyer obtaining the commercial lease referred to in R12-5-773(D).
- C.** Use by other than Buyer; assignability of Buyer's rights. No one other than the employees or officers of the Buyer or those of an independent contractor engaged in the performance of a written contract with the Buyer shall have the right to enter upon the premises to perform any act permitted Buyer under the sales agreement. However, Buyer may assign its interest upon the prior written approval of the Department upon a form provided for such.
- D.** No reimbursable improvements shall be authorized or recognized by the Department no matter by whom or for what purpose constructed insofar as the Buyer of a common mineral materials or natural products agreement is concerned. The Buyer shall have 90 days following the expiration or termination of the agreement, provided Buyer has performed all acts to be performed by it to remove any improvements; further provided that such removal does not interfere with the land being returned to an acceptable condition. Otherwise, any such improvements shall be deemed abandoned to the trust. Nothing in this provision, however, shall interfere with any right to reimbursement for improvements which Buyer might have by virtue of its status as a lessee of the Department.

**Historical Note**

Former Section R12-5-775 repealed as an emergency effective October 31, 1977, new Section R12-5-775 adopted effective September 16, 1977 (Supp. 77-5). Former Section R12-5-775 repealed as an emergency now repealed, new Section adopted effective September 21, 1978 (Supp. 78-5). Section R12-5-2005 renumbered from Section R12-5-775 (Supp. 93-3).

**R12-5-2006. Notice and Conduct of Competitive Sales**

- A.** Nature
  - 1. All sales of common mineral materials and natural products, except to governmental agencies, shall be by public auction.
  - 2. Common mineral materials or natural products may be sold to governmental agencies without public auction on terms specified by the Commissioner, provided that the materials or products are sold at their true appraised value and that they are to be used for governmental purposes.
- B.** Sales notice. Public notice of sale at public auction for common mineral materials or natural products shall be published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the state Capitol and in a newspaper of general circulation published regularly nearest the location of the interest to be sold and with the same formality as required for the sale of land.
- C.** Conduct of sales. A representative of the Department shall conduct the public auction in a manner as consistent as possi-

## State Land Department

ble as that provided for sales of land. Specifically, bidding shall be conducted in the following manner:

1. Bidding shall be by voice bid but no bid will be considered or recorded which is not higher than the highest preceding bid, except the initial bid may be for the unit royalty rate established in the notice of sale.
2. No bid shall be accepted for less than the unit royalty rate established in the notice of sale and the Department reserves the right to reject any or all bids, if determined by it to be in the best interests of the state.
3. Before a final bid at public auction is accepted, bidder must present to the auctioneer the amount of money that represents the minimum required in the notice of sale. The successful bidder shall have an additional 30 days from the date of sale in which to pay such additional sums, post such bonds and complete whatever other requirements may be required. Failing to do so will result in the abandonment of such sums already paid to the Department as liquidated damages and the freeing of the Department to reconsider such other bidders as the proper recipient of the sales agreement.

**D. Execution of agreement**

1. Upon approval by the Department of the successful bid for a common mineral materials or other natural products sale, the Department, by mail, will tender the sales agreement to the Buyer for its signature and simultaneously will notify it of the bond coverage required by the Department as a condition of issuing the sales agreement and will further state the execution fee required by law.
  - a. When the executed sales agreement is filed with the Department by the Buyer and the Buyer has posted the bond or bonds required as a condition of issuance of the agreement, and the agreement has been signed by the Commissioner, the agreement will be in full force and effect.
  - b. The date of commencement of the agreement will be the date of sale.

**Historical Note**

Adopted effective September 16, 1977 (Supp. 77-5). Section R12-5-2006 renumbered from Section R12-5-776 (Supp. 93-3).

**R12-5-2007. Common Mineral Materials**

- A.** Material to be specified. Common mineral materials sales agreements will recite the material or materials covered by such agreements and the rights of Buyers will pertain only to such materials as specified in the agreement.
1. It is understood that flora will necessarily be distributed by Buyer's activities, but such disturbance shall be minimal and the Department may so direct Buyer's activities to assure such minimal disturbance.
  2. Buyer shall not be entitled to keep, give, sell or otherwise dispose of any flora on the premises unless the agreement so provides, in which event such flora shall have been appraised by or for the Department and a separate price therefore set forth in the agreement.
  3. This agreement shall confer the right on the Buyer to extract groundwater from the land area subject to the sale for the purposes stated in R12-5-772, subsection (E) and R12-5-775, subsection (B), and purposes incidental or related thereto which uses and purposes shall be set forth in the Notice of Sale and which shall have been a factor in the establishment of the minimum acceptable unit royalty rate however, groundwater may be separately noted for sale in which event the notice of sale shall specifically so provide.

4. The granting of a right to extract groundwater shall not constitute a representation or guarantee by the Department that there is any groundwater available at any level or any quality for extraction.
5. Any right to extract groundwater conferred hereby is subject to any and all limitations and provisions existing in law or regulation of any agency including any such applicable other regulation of this Department.
6. Nothing herein shall affect any right to the use of groundwater which buyer might otherwise possess by virtue of being a lessee of the Department or having otherwise acquired a groundwater permit through Public Auction Sale by the Department.

- B.** Advertising of sale. The advertising of sale of common mineral materials shall state the location by legal description of the tract or tracts on which the material is being offered, the kind of material, the term, the time and place of auction, the unit, the minimum unit royalty rate, minimum annual production, total bid deposit required, bond requirements, the office where additional information may be obtained and such additional information as the Department may deem necessary.

1. When the materials to be sold on a basis other than the standard one set forth in these rules, the notice of sale shall so state in specific detail.

- C.** Appraisals. Common mineral materials to be sold will be appraised by the Department when the materials are in their undisturbed natural condition ("in situ") using acceptable appraisal standards. The appraisal will determine the minimum unit royalty rate and minimum annual production.

- D.** Annual royalty. Until any reappraisal goes into effect, the annual royalty shall be the higher of

1. The minimum annual royalty as determined by the bidding process as provided in R12-5-777(E),
  2. The number of units of material extracted multiplied by the unit royalty rate.
- Upon reappraisal, subsections (D)(1) and (2) shall be adjusted to reflect the reappraisal.

- a. The minimum annual royalty payment shall be due and payable in advance on the anniversary of the agreement. Royalty for any material extracted, severed or disposed of in excess of the minimum annual production shall be due and payable in advance on the anniversary of the agreement. Royalty for any material extracted, severed or disposed of in excess of the minimum annual production shall be due and payable monthly within 30 days after billing by the State Land Department.

- b. Minimum annual royalty payments shall be applied as a credit to payment for materials for which payment must be made, provided, however, that monies so advanced and not credited against payments for materials shall become the sole property of the state upon termination or expiration of the agreement.

- c. For purposes of determining minimum annual royalty payment due in any particular year:
  - i. Multiply the original minimum annual royalty by the number of years of the agreement;
  - ii. Subtract the royalties thus far paid by (i);
  - iii. Divide (ii) by the years remaining and that will give the minimum annual royalty for the year in question.
- d. In no event will the minimum royalty be less than 5% of the original minimum annual royalty.

- E.** Bids. Unless otherwise provided by the Commissioner and specifically published in the notice of sale, all bids shall be by the unit royalty rate.



## State Land Department

1. In determining the minimum annual royalty, the Department shall multiply the unit royalty rate bid by the successful bidder times the minimum annual production which shall be determined solely by the Department and set forth in the notice of sale.
- F. Reappraisals. The royalty rate established initially shall remain fixed for the first two years of the agreement. For each subsequent year the Department may reappraise in the following manner:
  1. No later than 60 days before the end of any anniversary date, the Department may reappraise the material to determine the unit rate and/or the acceptable minimum annual royalty; that reappraisal shall be effective for the second year following the one in which the reappraisal is made.
  2. The Department shall notify the Buyer within 30 days of the reappraisal and Buyer shall be obligated for payments based on such reappraisal for the second year following the one in which the reappraisal is made. If any proper appeal is taken by Buyer and not concluded before the effective date of the reappraisal, the prior royalty shall be paid, with any necessary adjustment being made immediately upon the conclusion of such appeal.
  3. The Department is not obligated to reappraise in any particular year and its failure to do so merely means the last appraisal results shall remain in effect until a proper reappraisal is made.
- G. Provisions of the agreement
  1. Term
    - a. The term of a common mineral material sales agreement shall not be for more than 20 years.
    - b. The Department will set the term of each sales agreement in such manner as to best utilize the resources and provide an economically sound term compatible with the law, the best interest of the trust and of the state.
  2. For contract administration and sales-related expenses, a charge of 2% will be added to the minimum annual royalty and to royalties paid for production in excess of minimum annual production.
  3. The royalty provisions shall be set forth in the agreement.
  4. All common mineral materials removed from the premises shall be measured by volume, weight or truck tally or a combination of these methods or any other form of measurement the Department determines to be to the best interest of the state.
  5. Buyer's conduct on premises
    - a. The Buyer will conduct its operations in a workmanlike manner at all times, to protect the premises and soils thereof and including, but not limited to:
      - i. Keeping the premises free of all litter, junk or debris;
      - ii. Taking precautions as necessary to protect the safety of persons or property upon the premises;
      - iii. Complying with all flood control regulations which may be applicable to the premises;
      - iv. Fencing all dangerous workings for the protection of humans and livestock;
      - v. Complying with all other rules and regulations prescribed from time to time by the Department or any other agency having jurisdiction over the premises or the activities.
    - b. Upon termination of the agreement, the Buyer will restore the surface of the premises to a reasonable condition in accordance with good mining practices, such restoration to include:
      - i. The sloping of side banks of the excavation resulting from the operation to a grade of not more than one foot vertical for each two feet of horizontal distance, unless otherwise specified by the Department;
      - ii. The backfilling into the excavation of all unused waste materials and overburden resulting from the operation, and the leveling of such backfill to a reasonably uniform depth on the floor excavation, unless otherwise specified by the Department;
      - iii. The removal and restoration of the surface of any new haul roads constructed on state land by Buyer, which roads the Department does not elect to retain, any such election of retention to be made in writing.
  - c. The Buyer will indemnify, hold and save harmless, the state of Arizona, the Department and all of their officers and employees, against all loss, damage, liability, expense, costs and charges incident to or resulting in any way from use, condition or occupation of the premises.
6. Transfers
  - a. The Buyer, with prior approval of the Commissioner, may assign the agreement.
  - b. The application for assignment and the assignment and assumption of the agreement will be on such forms as the Department may prescribe.
  - c. Assignment shall not relieve the Buyer from any duties under the agreement but the assignee shall succeed to all of the rights and be jointly and severally liable, along with the assignor, to all of the obligations existing under the agreement dating from its inception.
  - d. No transfer of the Buyer's interest or any portion thereof is authorized except as specifically provided in these rules.
7. Termination of sales agreement
  - a. Upon 30 days' written notice to Buyer, the Department may terminate the agreement for the failure or neglect of the Buyer to perform any of its provisions, including those specified by these rules. Failure to pay royalties when due is such a failure of performance.
  - b. Notices of termination shall be mailed to the address of record at the Department of the Buyer. Such notice shall set forth the reason for the termination.
  - c. Provided Buyer is not in default in any of the terms and conditions of the agreement, the Buyer shall have the right to terminate the agreement upon any annual anniversary date thereof by giving the Seller not less than 30 days' prior notice in writing of Buyer's intention to do so.
8. Upon termination or expiration of the agreement, Buyer shall have 90 days, provided it has fully performed under the agreement, to remove any stockpiled material on the premises. The Commissioner may, if the Buyer so requests in writing within ten days before the expiration of any such removal period, or extension thereof, grant a further extension not to exceed 60 days and provided that the cumulative removal period, along with extensions, shall not exceed 210 days. If the Buyer has not fully performed or fails to remove the stockpiled material within that specified time, such material will be deemed abandoned.

## State Land Department

done to the Trust. Any subsequent buyer of material on the portion of the premises on which stockpiled will succeed to its ownership and pay the Department the new Buyer's royalty rate therefor upon removal.

9. The agreement shall not provide for any renewal thereof.
10. Bonds
  - a. The Commissioner may require the Buyer to post a cash deposit or surety bond to guarantee the performance of the sales agreement and the payment of all monies due the state under the sales agreement.
  - b. Restoration and surface damage bond
    - i. The Commissioner shall require the Buyer to furnish bond, in a reasonable amount, to be fixed by the Commissioner, conditioned that the Buyer will guarantee restoration of the surface of the land described in the sales agreement to a reasonable condition in accordance with good mining practices, upon termination of the sales agreement.
    - ii. The Commissioner shall also require the Buyer to include in the above bond an amount set by the Department as a surety bond in the form, amount, and with surety approved by the Commissioner, conditioned upon prompt payment to the owner or lessee of the surface of state land covered by the common mineral materials sales agreement, or across which the common mineral materials Buyer exercises the right of ingress, for any loss to such owner or lessee for damage or destruction caused by the common mineral materials Buyer or Buyer's agents or employees, to grasses, forage, crops and improvements upon such land.
    - iii. Assignment of the sales agreement will not relieve the assignor of his obligation as principal under the bond. Release of the assignor's obligation under the bond may be effected through the posting of a replacement bond by the assignee, but only after approval by the Commissioner in lieu of a replacement bond, the bonding company may furnish a bond rider form changing the name of principal.
    - iv. The Commissioner, in his discretion reasonably exercised, may reduce or increase the principal amount of any bond.
    - v. After determination by the Commissioner that full discharge of the conditions of the obligation under any bond has been effected, he will, in writing, notify the principal and surety held by the bond so that it may be formally terminated.
    - vi. Surety on the bond shall have the right to cancel the bond and be relieved of future liability, but not previous liability after the period of notice, by giving 30 days' notice to the Buyer and the Department of its desire to so cancel. Failure by the Buyer to post a replacement bond before the expiration of the 30 days, mentioned next above, shall constitute a default by the Buyer and cause for cancellation of the sales agreement.
11. Records and reports
  - a. A monthly report of production (either affirmative or negative) shall be submitted by the Buyer of each common mineral materials sales agreement within 15 days after the end of the month in which his sales

agreement was issued, and by the 15th of each month thereafter.

- b. The report shall be in such form as the Commissioner shall prescribe and shall contain such information as the Commissioner shall require, including, but not limited to, the type, volumes, weights and classifications of the common mineral materials removed or disposed of.
- c. Each Buyer shall make and keep an accurate account of all operations, showing the sales, prices, dates, purchasers and the total amount of material disposed or removed from the subject premises.

**Historical Note**

Adopted effective September 16, 1977 (Supp. 77-5). Section R12-5-2007 renumbered from Section R12-5-777 (Supp. 93-3).

**R12-5-2008. Natural Products -- Groundwater**

When the law permits and the Department believes it consistent with the best interests of the state, groundwater may be sold at public auction in the same manner and subject to the same forms, insofar as possible, as are common mineral materials.

**Historical Note**

Adopted effective September 16, 1977 (Supp. 77-5). Section R12-5-2008 renumbered from Section R12-5-778 (Supp. 93-3).

**R12-5-2009. All Other Natural Products**

When the Department believes it consistent with the best interests of the state, natural products other than groundwater may be sold at public auction in the same manner and subject to the same terms, insofar as possible, as are common mineral materials.

**Historical Note**

Adopted effective September 16, 1977 (Supp. 77-5). Section R12-5-2009 renumbered from Section R12-5-779 (Supp. 93-3).

**ARTICLE 21. OIL AND GAS LEASES****R12-5-2101. Completed Oil and Gas Lease Application**

An oil and gas lease application, filed pursuant to this Article, shall be on a form prescribed and furnished by the Department. The application is complete if all blank spaces are addressed with all required attachments. The applicant may indicate "not applicable" or "N/A" on any blank, as appropriate. The applicant shall complete the application's certification page pursuant to the instructions. An applicant shall appropriately sign and date the application.

**Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-2101 renumbered from Section R12-5-781 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 583, effective November 30, 2004 (Supp. 05-1). New Section made by final rulemaking at 13 A.A.R. 4310, effective January 5, 2008 (Supp. 07-4).

**R12-5-2102. Expired****Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4). Section R12-5-2102 renumbered from Section R12-5-782 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 583, effective November 30, 2004 (Supp. 05-1).

**R12-5-2103. Expired**

## State Land Department

**Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2103 renumbered from Section R12-5-783  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2104. Application for Noncompetitive Lease; Acreage Limitation**

- A.** The Department shall not issue an oil and gas lease on land already leased for that purpose. If state lands are not located within a known geological structure of a producing oil or gas field, a person shall submit a noncompetitive oil and gas lease application for a noncompetitive oil and gas lease. State lands under a single oil and gas lease application shall not exceed 2,560 acres which shall be the maximum acreage of state lands in a noncompetitive oil and gas lease. The lands under application shall be in as compact a body as possible. The application may include non-contiguous state lands within a six mile square area if the maximum acreage of contiguous land is not available, but shall not exceed 2,560 acres.
- B.** An applicant shall submit the completed noncompetitive oil and gas lease application to the Department's Phoenix Office, 1616 W. Adams, Phoenix, AZ 85007, to the attention of Public Records, along with payment of the required application fee pursuant to A.R.S. § 37-108 and advanced rent payment as calculated under A.R.S. § 27-555(D). The first applicant to file a complete noncompetitive oil and gas lease application with required fees and advance rental payment has priority to the lease. The Department shall resolve conflicts resulting from simultaneously filed noncompetitive oil and gas lease applications in accordance with Section R12-5-2105.

**Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2104 renumbered from Section R12-5-784  
(Supp. 93-3). Amended by final rulemaking at 13 A.A.R.  
4310, effective January 5, 2008 (Supp. 07-4).

**R12-5-2105. Simultaneous Filings; Conflicts**

- A.** An 8:00 a.m. simultaneous filing of an application for a noncompetitive oil and gas lease exists when a noncompetitive oil and gas lease application is submitted along with required payments by an individual present at the Department's Phoenix Office, Public Records Room at 8:00 a.m. Each application submitted in accordance with this rule will be time stamped and considered an 8:00 a.m. simultaneous filing. If two or more simultaneously filed applications include any identical land, a conflict exists as to the identical land. The Department shall resolve conflicts in accordance with Section R12-5-2106.
- B.** Any application found to be invalid or not completed pursuant to R12-5-2101, after being stamped as an "8:00 a.m. simultaneous filing" shall not be considered an "8:00 a.m. simultaneous filing."

**Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2105 renumbered from Section R12-5-785  
(Supp. 93-3). Amended by final rulemaking at 13 A.A.R.  
4310, effective January 5, 2008 (Supp. 07-4).

**R12-5-2106. Noncompetitive Lease; Conflict**

Where there is a conflict, and the Department determines that a drawing will be held for a noncompetitive oil and gas lease, the Department shall conduct a drawing to determine which applicant is entitled to a lease. The Department shall give notice of the drawing by certified mail to the applicants that filed conflicting applications specifying the date and hour when the drawing will be held.

1. An applicant may file an amended application that removes the conflict at any time prior to the date of the drawing. The effective date of the amended application shall be the original time and date of filing of the original application. The Department shall refund to the applicant advance rentals for the lands withdrawn from conflict.
2. The Department shall give notice of the results of the drawing to each applicant by certified mail.

**Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2106 renumbered from Section R12-5-786  
(Supp. 93-3). Amended by final rulemaking at 13 A.A.R.  
4310, effective January 5, 2008 (Supp. 07-4).

**R12-5-2107. Expired****Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2107 renumbered from Section R12-5-787  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2108. Expired****Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2108 renumbered from Section R12-5-788  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2109. Expired****Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2109 renumbered from Section R12-5-789  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2110. Expired****Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2110 renumbered from Section R12-5-790  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2111. Expired****Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2111 renumbered from Section R12-5-791  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2112. Expired****Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2112 renumbered from Section R12-5-792  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2113. Expired**

## State Land Department

**Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2113 renumbered from Section R12-5-793  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2114. Expired****Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2114 renumbered from Section R12-5-794  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2115. Competitive Lease; Award of Lease**

When state lands are located within a known geological structure of  
a producing oil or gas field, the oil and gas interest in the land shall  
be leased only by sealed bid.

1. Within 30 days of opening of sealed bids, the Department, subject to its right to reject a bid, shall award the lease to the highest qualified bidder. The Department shall give notice of its decision, by certified mail, to the applicants.
2. The Department shall send a lease offer to the successful bidder. The successful bidder shall execute the leases and pay the first year's rental, within 30 days from receipt of the lease offer.
3. If two or more tracts, where the acreage does not exceed more than two sections of land, are awarded to any bidder the tracts may, if not otherwise prohibited by law, be included in a single lease.

**Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2115 renumbered from Section R12-5-795  
(Supp. 93-3). Amended by final rulemaking at 13 A.A.R.  
4310, effective January 5, 2008 (Supp. 07-4).

**R12-5-2116. Expired****Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2116 renumbered from Section R12-5-796  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2117. Expired****Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2117 renumbered from Section R12-5-797  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2118. Cooperative and Unit Agreements**

A lessee seeking the Commissioner's approval of a cooperative or unit agreement under A.R.S. § 27-557, shall comply with the following procedure and requirements.

1. To facilitate the Department's decision making process and to allow an applicant to obtain feedback prior to formal submission, an applicant shall submit the following information no less than 60 days before submitting a cooperative or unit agreement for approval:
  - a. A copy of a plat map showing the area to be included in the cooperative or unit agreement;

- b. Structural and geological information that supports the land to be included in the cooperative or unit agreement; and
  - c. A draft of the proposed cooperative or unit agreement for the Department's review.
  - d. If the proposed cooperative or unit agreement includes federal lands, and if by inclusion of those lands, the federal government requires standard provisions for a cooperative or unit agreement, the applicant shall submit a proposed cooperative or unit agreement that includes the federal provisions.
2. A cooperative or unit agreement does not affect the leasehold of any leased state lands outside of the cooperative or unit area. The cooperative or unit agreement does not affect leaseholds within the cooperative or unit area unless the lessees' land is committed to the cooperative or unit area pursuant to A.R.S. §§ 27-557 or 27-531 et seq.

**Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2118 renumbered from Section R12-5-798  
(Supp. 93-3). Amended by final rulemaking at 13 A.A.R.  
4310, effective January 5, 2008 (Supp. 07-4).

**R12-5-2119. Expired****Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2119 renumbered from Section R12-5-799  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2120. Surrender**

A lessee may surrender to the Department a lease or any part of a lease, but not less than an approximate 40 acre parcel. A lessee shall surrender the lease or a part of a lease to the Department by submitting to the Department one copy of the lease and any monies owed.

**Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2120 renumbered from Section R12-5-800  
(Supp. 93-3). Amended by final rulemaking at 13 A.A.R.  
4310, effective January 5, 2008 (Supp. 07-4).

**R12-5-2121. Expired****Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2121 renumbered from Section R12-5-801  
(Supp. 93-3). Section expired under A.R.S. § 41-1056(E)  
at 11 A.A.R. 583, effective November 30, 2004 (Supp.  
05-1).

**R12-5-2122. Monthly Statement**

A lessee shall submit to the Department a monthly statement of oil or gas production and other statements required of the lessee under the lease.

**Historical Note**

Original rule, Art. VII, Subchapter B, Ch. II (Supp. 76-4).  
Section R12-5-2122 renumbered from Section R12-5-802  
(Supp. 93-3). Amended by final rulemaking at 13 A.A.R.  
4310, effective January 5, 2008 (Supp. 07-4).

**ARTICLE 22. GEOTHERMAL RESOURCES****R12-5-2201. Definitions**

In these rules and regulations the following terms shall have the meaning herein given:

## State Land Department

1. "Commission" means the Oil and Gas Conservation Commission.
2. "Completion" or "completed well" means a well that has produced or is capable of producing geothermal resources or has been determined to be a dry hole, temporarily abandoned or plugged and abandoned, or has been readied for other phases of exploitation.
3. "Department" means the State Land Department.
4. "Environment" means the sum total of all the external conditions which may act upon an organism or community, to influence its development or existence.
5. "Geothermal area" means the same general surface area which is underlain or reasonably appears to be underlain by one or more formations containing geothermal resources.
6. "Geothermal resources" means:
  - a. All products of geothermal processes embracing indigenous steam, hot water and hot brines.
  - b. Steam and other gases, hot water and hot brines resulting from water, other fluids or gas artificially introduced into geothermal formations.
  - c. Heat or other associated energy found in geothermal formations, including any artificial stimulation or induction thereof.
  - d. Any mineral or minerals, exclusive of fossil fuels and helium gas, which may be present in solution or in association with geothermal steam, water or brines.
7. "Lease" means a geothermal resources development lease issues for state lands pursuant to the provisions of this Article.
8. "Lessee" means the holder of a lease or any assignee of an original lease or part thereof.
9. "Operator" means any person drilling, maintaining, operating, pumping or in control of any well, and includes the owner, when any well is or has been or is about to be operated or under the direction of the owner.
10. "Owner" means and includes the operator when any well is operated or has been operated or is about to be operated by any person other than the owner.
11. "Person" means and includes any individual, firm, association, corporation or any other group or combination acting as a unit.
12. "Waste" means any physical waste including, but not limited to, underground waste resulting from the inefficient, excessive or improper use of dissipation of reservoir energy or resulting from the location, spacing, drilling, equipping, operation or production of a geothermal resources well in such a manner that reduces or tends to reduce the ultimate economic recovery of the geothermal resources within a reservoir, and surface waste resulting from the inefficient storage or utilization of geothermal resources and the location, spacing, drilling, equipping, operation or production of a geothermal resources well in such a manner that causes or tends to cause the unnecessary or excessive surface loss or destruction of geothermal resources obtained or released from the reservoir.
13. "Well" means any well drilled in search of geothermal resources or any development well on lands in areas proved to be underlain by one or more formations containing geothermal resources or reasonably presumed to contain geothermal resources or any well drilled for information purposes, or any producing well or reentered abandoned well used for the injection of fluids into the geothermal formation or disposition of fluids into non-

geothermal formations, or any well drilled for the purpose of stimulating the heat of a formation or for the creation of heat in a formation by nuclear or any other form of energy.

14. "Known Geothermal Resource Area (KGRA)" means an area in which the geology, nearby discoveries, competitive interests, and other indicia would, in the opinion of the Department, engender a belief in the people who are experienced in the subject matter that the prospects for the extraction of geothermal resources are sufficient to warrant expenditures of money for that purpose.

**Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-850 repealed, new Section R12-5-850 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2201 renumbered from Section R12-5-850 (Supp. 93-3).

**R12-5-2202. Expired****Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-851 repealed, new Section R12-5-851 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2202 renumbered from Section R12-5-851 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 2942, effective May 31, 2004 (Supp. 04-2).

**R12-5-2203. Expired****Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-852 repealed, new Section R12-5-852 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2203 renumbered from Section R12-5-852 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 474, effective January 31, 2009 (Supp. 09-1).

**R12-5-2204. Terms of Lease**

- A. If, after the expiration of the ten year primary term or the additional two-year period provided for in A.R.S. § 27-6710, this lease is maintained in force and effect by the production of geothermal resources in paying quantities and the production shall cease, this lease shall continue in force and effect provided lessee pays the rentals provided for in these rules and conducts operations on the lands with reasonable diligence for the purpose of restoring the paying production of geothermal resources from the lands. In the event paying production of geothermal resources from the lands is restored within one year from the date of cessation of production, this lease shall remain in full force and effect.
- B. If geothermal resources in paying quantities are discovered on the lands covered by this lease or on lands joined therewith in a cooperative or pooled unit, while the lease is in full force and effect, but lessee is unable to produce any geothermal resources because of lack of transportation, processing or generating facilities, the lease shall be extended beyond the primary term of ten years from year to year, but not to exceed a period of three years, by payment of a shut-in geothermal resources royalty of \$2.00 per acre per year, payable in advance annually on the anniversary date of the lease, and if the payment is made it will be considered geothermal resources are being procured and produced in paying quantities from the leased premises for such year.

**Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-853 repealed, new Section R12-5-853

## State Land Department

adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2204 renumbered from Section R12-5-853 (Supp. 93-3).

**R12-5-2205. Expired****Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-854 repealed, new Section R12-5-854 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2205 renumbered from Section R12-5-854 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 474, effective January 31, 2009 (Supp. 09-1).

**R12-5-2206. Expired****Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-855 repealed, new Section R12-5-855 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2206 renumbered from Section R12-5-855 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 474, effective January 31, 2009 (Supp. 09-1).

**R12-5-2207. Expired****Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-856 repealed, new Section R12-5-856 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2207 renumbered from Section R12-5-856 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 474, effective January 31, 2009 (Supp. 09-1).

**R12-5-2208. Expired****Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-857 repealed, new Section R12-5-857 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2208 renumbered from Section R12-5-857 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 474, effective January 31, 2009 (Supp. 09-1).

**R12-5-2209. Surface Use**

**A.** Geothermal resources lessees shall have the right to use so much of the surface of the lands as may be reasonably necessary for the conduct of their operations under the leases.

**B.** Surface rights to include:

1. Prospecting, exploration drilling and production.
2. Right to construct and maintain all roads, communication lines, pipelines, reservoirs, storage tanks, pumping stations, or other structures reasonably necessary to the production thereof, to the extent such construction is compatible with existing and future surface use of the land, as determined by the State Land Commissioner.

However, the lessee shall be liable for unnecessary or excessive damage caused by lessee, in the judgment of the Department, to the state's interest in the surface, or to the interest of a surface lessee, if any, and the Department may require the lessee at any time to execute a bond in a reasonable principal amount as determined by the Department conditioned upon payment for all such damage. If the lessee and a surface lessee cannot agree upon the amount of damages caused by lessee, such damages shall be appraised by the Department or its agent and appeal from the judgment of the Department may be taken as provided by law.

**Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-858 repealed, new Section R12-5-858

adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2209 renumbered from Section R12-5-858 (Supp. 93-3).

**R12-5-2210. Environmental Protection and Conduct of Operations**

- A.** All lessees and operators shall comply with all applicable Arizona environmental statutes as now in effect or as hereafter enacted or amended, and all applicable rules and regulations. In addition, lessee must comply with all federal environmental statutes and regulations.
- B.** Lessee or operator shall be subject to liability for any excessive or unnecessary damage to the surface of the ground and improvements thereon, and is charged to conduct operations so as not to pollute surface or subsurface waters on the lands covered by the lease or on neighboring lands.
- C.** In addition, operations shall be conducted so as to prevent pollution to the air, noise pollution, compliance with the Arizona Antiquities Act and acts providing for the protection of native flora and fauna.

**Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-859 repealed, new Section R12-5-859 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2210 renumbered from Section R12-5-859 (Supp. 93-3).

**R12-5-2211. Cooperative and Unit Agreements**

Commitment of leases of state lands to cooperative or unit agreements shall be conditioned on the following procedure and requirements which shall be submitted at time of application.

1. There shall be submitted to the Department two copies of a plat showing the area to be unitized, together with such geophysical and geological information as will tend to support the delineation of a geothermal resource area. The information so furnished shall be held confidential by the Department until released by the applicant or applicants.
2. There shall be submitted to the Department two preliminary drafts of the agreement for approval as to form. Where the amount of federal land predominates in any unit area, the standard form of unit agreement of the United States should be followed.
3. After determination by the Department that it is for the best interest of the state to permit a lessee to participate in a cooperative or unit agreement for the development and operation of a geothermal resource area, the Department may grant approval therefor when a request for such approval is submitted.
4. A cooperative or unit agreement shall not affect the leasehold of any leased state lands lying outside of the unit area, and shall not be effective as to the leaseholds lying within the unit area unless the lessees thereof and the then approved operating interests shall subscribe to such an agreement.
5. The terms and conditions of leases covering state lands will be modified and changed to the extent necessary to conform the same to the terms and conditions of the agreement.

**Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-860 repealed, new Section R12-5-860 adopted effective March 14, 1979 (Supp. 79-2). Section

## State Land Department

R12-5-2211 renumbered from Section R12-5-860 (Supp. 93-3).

**R12-5-2212. Expired****Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-861 repealed, new Section R12-5-861 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2212 renumbered from Section R12-5-861 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 474, effective January 31, 2009 (Supp. 09-1).

**R12-5-2213. Expired****Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-862 repealed, new Section R12-5-862 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2213 renumbered from Section R12-5-862 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 474, effective January 31, 2009 (Supp. 09-1).

**R12-5-2214. Expired****Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-863 repealed, new Section R12-5-863 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2214 renumbered from Section R12-5-863 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 2942, effective May 31, 2004 (Supp. 04-2).

**R12-5-2215. Expired****Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-864 repealed, new Section R12-5-864 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2215 renumbered from Section R12-5-864 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 474, effective January 31, 2009 (Supp. 09-1).

**R12-5-2216. Abandonment -- Other Uses**

As provided for in A.R.S. § 27-667(C) any well drilled for geothermal resource which has penetrated fresh water zones may be disposed of as a fresh water well subject to the following conditions:

1. State's lessee must file written request for such use with the Department.
2. Condition of the hole must be such that plugging back to fresh water zone can be safely accomplished.
3. Must meet the requirements of the rules and regulations of the Department pertaining to such use.
4. Must meet the requirements of the Commission's rules and regulations pertaining to disposal of groundwater.

**Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-865 repealed, new Section R12-5-865 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2216 renumbered from Section R12-5-865 (Supp. 93-3).

**R12-5-2217. Expired****Historical Note**

No original number assigned (Supp. 76-4). Former Section R12-5-866 repealed, new Section R12-5-866 adopted effective March 14, 1979 (Supp. 79-2). Section R12-5-2217 renumbered from Section R12-5-866 (Supp. 93-3).

93-3). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 474, effective January 31, 2009 (Supp. 09-1).

**R12-5-2218. Renumbered****Historical Note**

No original numbers assigned (Supp. 76-4). Repealed effective March 14, 1979 (Supp. 79-2). Section R12-5-2218 renumbered from Section R12-5-867 (Supp. 93-3).

**R12-5-2219. Renumbered****Historical Note**

No original numbers assigned (Supp. 76-4). Repealed effective March 14, 1979 (Supp. 79-2). Section R12-5-2219 renumbered from Section R12-5-868 (Supp. 93-3).

**R12-5-2220. Renumbered****Historical Note**

No original numbers assigned (Supp. 76-4). Repealed effective March 14, 1979 (Supp. 79-2). Section R12-5-2220 renumbered from Section R12-5-869 (Supp. 93-3).

**R12-5-2221. Renumbered****Historical Note**

No original numbers assigned (Supp. 76-4). Repealed effective March 14, 1979 (Supp. 79-2). Section R12-5-2221 renumbered from Section R12-5-870 (Supp. 93-3).

**R12-5-2222. Renumbered****Historical Note**

No original numbers assigned (Supp. 76-4). Repealed effective March 14, 1979 (Supp. 79-2). Section R12-5-2222 renumbered from Section R12-5-871 (Supp. 93-3).

**R12-5-2223. Renumbered****Historical Note**

No original numbers assigned (Supp. 76-4). Repealed effective March 14, 1979 (Supp. 79-2). Section R12-5-2223 renumbered from Section R12-5-872 (Supp. 93-3).

**R12-5-2224. Renumbered****Historical Note**

No original numbers assigned (Supp. 76-4). Repealed effective March 14, 1979 (Supp. 79-2). Section R12-5-2224 renumbered from Section R12-5-873 (Supp. 93-3).

**ARTICLE 23. BOARD OF APPEALS****R12-5-2301. Definitions**

Unless the context requires otherwise, in this Article:

1. "Appellant" means the person that files a notice of appeal with the Clerk under A.R.S. § 37-215.
2. "Board" means the Land Department Board of Appeals appointed by the Governor under A.R.S. § 37-213(A).
3. "Chairperson" means the Chairperson or, in the Chairperson's absence or by designation, the Vice-chairperson of the Board.
4. "Clerk" means the person designated by the Board to handle administrative matters for the Board.
5. "Commissioner" means the State Land Commissioner appointed under A.R.S. § 37-131, or the Commissioner's designee.
6. "Department" means the State Land Department.
7. "Good cause" means a reason that the Board determines is substantial enough to afford a legal excuse.
8. "Party" has the same meaning as prescribed in A.R.S. § 41-1001.

## State Land Department

9. "Person" means an individual, limited liability company, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary representative, group acting as a unit, and any department, agency, or instrumentality of the state or a political subdivision.

**Historical Note**

Adopted effective September 9, 1983 (Supp. 83-5). Section R12-5-2301 renumbered from Section R12-5-901 (Supp. 93-3). Former Section R12-5-2301 renumbered to R12-5-2315, new Section R12-5-2301 adopted effective November 27, 1995 (Supp. 95-4). Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2302. Notice of Appeal**

- A. A person that files a notice of appeal under A.R.S. § 37-215 shall ensure that the notice is written and contains a clear and concise statement of the grounds for appeal and the specific relief requested.
- B. If a notice of appeal regards a final decision of the Commissioner relating to classification or appraisal of lands or improvements, the person filing the notice of appeal shall file it with the Commissioner under this Article.
- C. If a notice of appeal regards a final decision of the Commissioner not relating to classification or appraisal of lands or improvements, the person filing the notice of appeal shall file it with the Department under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4). Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2303. Notice of Hearing**

- A. Setting a hearing date. Within 10 days after receipt of a notice of appeal under A.R.S. § 37-215 and R12-5-2302(B), the Clerk shall set a date for the hearing.
- B. Service of a notice of hearing. At least 30 days before a hearing, the Clerk shall serve notice of the hearing, by certified mail or personal service, to the appellant, Department, and all other parties to the appeal.
- C. Contents of a notice of hearing. The Clerk shall ensure that a notice of hearing contains a statement:
1. Identifying the Board, parties, and matters asserted;
  2. Establishing the date, time, and place of the hearing;
  3. Identifying the legal authority and jurisdiction under which the hearing is to be held;
  4. Advising the parties of the requirements of R12-5-2305; and
  5. Referencing the particular statutes and rules involved.

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4). Amended by final rulemaking at 9 A.A.R. 88, effective February 17, 2003 (Supp. 02-4). Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2304. Prehearing Disclosure**

- A. Witnesses and exhibits. At least 15 days before the hearing date, each party shall:
1. File with the Clerk:
    - a. A list of all witnesses who may be called to testify on behalf of the party, and
    - b. Eight copies of all documentary exhibits to be offered on behalf of the party; and

2. Serve upon each other party a copy of the list of witnesses and a list of all exhibits to be offered on behalf of the party.

- B. The Board shall exclude the testimony of a witness and the admission of an exhibit not disclosed under subsection (A), unless the Board determines that admission of the evidence is in the interest of fairness and justice.

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4). Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2305. Continuances**

- A. General. The Chairperson may, for good cause, continue or reschedule a hearing on the Chairperson's own motion, application of a party, or stipulation of the parties.
- B. Application for continuance.
1. Filing. To obtain a continuance of a hearing, a party shall file an application for continuance with the Clerk and serve a copy of the application on all parties no later than 10 days before the scheduled hearing. For good cause, the Chairperson may allow a party to file and serve an application for continuance less than 10 days before the scheduled hearing.
  2. Contents. A party filing an application for continuance shall ensure that the application states why the continuance is requested, why a stipulation from adverse parties was not obtained, and the amount of time requested.
  3. Response and reply. An opposing party may file and serve a response within five days after service of an application for continuance. The Board shall permit a reply that is filed and served within five days after the response is served.
- C. Stipulations. The parties may stipulate to a continuance. The Board shall accept a stipulation that is filed no later than 72 hours before the time scheduled for the hearing.
- D. Time limits. Unless the parties agree, the Board shall not grant a continuance if granting the continuance causes the hearing not to be conducted in compliance with A.R.S. § 37-215(C).

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4). Typographical correction made to A.R.S. reference in R12-5-2305(E) (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2306. Computation of Time; Additional Time After Service by Mail**

- A. Computation. To compute any period prescribed or allowed by this Article or order of the Board, the day of the act, event, or default after which the period begins to run is not included. The last day of the period is included, unless the last day is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. When the period prescribed or allowed is 10 days or less, intermediate Saturdays, Sundays, and legal holidays are excluded in the computation.
- B. Service by mail. If a party has a right or is required to do some act or proceed within a prescribed period after service of a notice or other paper and if the notice or paper is served by mail, five calendar days are added to the prescribed period.



## State Land Department

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4).  
Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2307. Service of Documents Other than Subpoenas**

- A. Method of service. Unless otherwise specified in this Article, a person shall serve a document other than a subpoena by:
1. Personal service with receipt or certificate of delivery,
  2. Legible fax with confirmed receipt, or
  3. Regular mail.
- B. Service on attorney. If a party has appeared through an attorney, service upon the attorney is deemed service upon the party.
- C. Time of service. Service is made at the time a document is:
1. Personally served;
  2. Faxed to the number contained in Board's records for the person being served; or
  3. Deposited in the United States mail, postage prepaid, in a sealed envelope addressed to the person being served, at the person's address of record.

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4).  
Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2308. Subpoenas**

- A. Issuance of a subpoena. Upon written application of a party or on the Chairperson's own motion, the Chairperson may issue a subpoena requiring the attendance and testimony of a witness, production of documentary or other tangible evidence, or both.
- B. Specificity required. A party that applies for a subpoena to compel production of documentary or other tangible evidence shall ensure that the application specifically identifies the books, papers, documents, or other evidence to be produced.
- C. Service of a subpoena. A party that applies for a subpoena shall ensure that the subpoena is personally served. The person serving a subpoena shall provide proof of service by filing with the Board a certified statement of the date and manner of service and the name of the person served.
- D. Objection to a subpoena. A party or the person served with a subpoena who objects to the subpoena, or a portion of the subpoena, may file a written objection with the Board. The person filing an objection shall:
1. File it within five days after service of the subpoena or at the beginning of the hearing, whichever occurs first; and
  2. Ensure that the objection states why the subpoena is unreasonable or oppressive or how the desired testimony or evidence may be obtained by an alternative method.

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4).  
Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2309. Motions**

- A. Generally. A party that requests an order or other relief from the Board shall file a motion. Unless made during a hearing, a motion shall be made in writing at least 10 days before the hearing. All motions, whether written or oral, shall state the factual and legal grounds supporting the motion and the relief or order sought.
- B. Response to motion; reply. A party may file a response to a pre-hearing motion within five days after service of the pre-hearing motion. The responding party shall serve the response on the moving party. The moving party may file a reply within five days after service of the response.

- C. Affidavits. If a party makes a motion that relies on facts that are neither apparent in the record nor subject to official notice, the party shall support the motion by affidavit or other satisfactory evidence.
- D. Rulings on motions. The Board shall consider a pre-hearing motion on the written materials submitted by the parties, unless the Chairperson directs otherwise. The Chairperson may rule on a procedural motion. The Board shall rule on a non-procedural motion.

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4).  
Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2310. Hearing**

- A. Recording of hearing. The Board shall ensure that a hearing record is made by tape recorder or stenographer.
- B. Order of appearance. The Chairperson shall designate the order in which parties introduce their evidence.
- C. Improper conduct. It is improper conduct to fail to comply with an order of the Chairperson or to disrupt a hearing. A person who engages in improper conduct shall be excluded from the hearing if the Chairperson determines that exclusion is necessary to facilitate the hearing.

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4).  
Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2311. Evidence**

- A. Generally. A witness at a hearing shall testify under oath or affirmation. To encourage a full and true disclosure of the facts, the Chairperson shall ensure that all parties have the right to present oral or documentary evidence and conduct cross-examination. The Chairperson shall admit evidence that the Chairperson determines is relevant, probative, and material and rule upon offers of proof. The Chairperson shall exclude evidence the Chairperson determines is irrelevant, immaterial, or unduly repetitious.
- B. Evidence. The Chairperson may conduct a hearing in an informal manner without adherence to the rules of evidence required in judicial proceedings.
- C. Official notice. The Board may take official notice of any matter than might be judicially noticed by a superior court of Arizona or any matter that is peculiarly within the knowledge of the Board as an expert body.

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4).  
Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2312. Objection to Decision by Chairperson**

If any member of the Board objects to a decision made by the Chairperson under this Article, the Board member may request that the Board vote on the matter in question and the Chairperson shall submit the matter to a vote of the Board.

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4).  
Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2313. Ex Parte Communications**

- A. Prohibitions. A party shall not communicate, directly or indirectly, orally or in writing, with a member of the Board about any substantive issue relating to a proceeding before the Board unless:

## State Land Department

1. All parties are present, either personally or by an attorney;
  2. It is during a scheduled proceeding where an absent party fails to appear after proper notice; or
  3. It is by written motion with a copy to all parties.
- B.** Record. A Board member who receives an ex parte communication shall place in the public record of the proceeding:
1. A copy of the ex parte communication if the communication is written; or
  2. A summary of the substance of the ex parte communication if the communication is oral.
- C.** Action by Board. Upon receipt of an ex parte communication by a member of the Board, the Board, to the extent consistent with the interests of justice, may require the party making the ex parte communication to show cause why the party's claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected by the violation.

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4).  
Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2314. Decision of the Board**

- A.** Time limit. Unless the parties stipulate otherwise, the Board shall render its final decision within 60 days after the hearing.
- B.** Contents. The Board shall include findings of facts and conclusions of law, separately stated, in the Board's decision.

**Historical Note**

Adopted effective November 27, 1995 (Supp. 95-4).  
Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**R12-5-2315. Rehearing or Review of Decision**

- A.** Generally. Except as provided in subsection (G), within 30 days after service of notice of a final decision issued by the Board, a party may file with the Board a written motion for rehearing or review of the decision. A party is not required to file a motion for rehearing or review of a decision to exhaust the party's administrative remedies. A party may seek judicial review of the Board's final decision under A.R.S. Title 12, Chapter 7, Article 6.
- B.** Amendment of motion; response; oral argument. A party may amend a motion for rehearing or review at any time before the Board rules on the motion. Another party may file a response to a motion for rehearing or review within 10 days after service of the motion or amended motion. A party shall ensure that a motion or response is supported by a memorandum discussing legal and factual issues. Oral argument may be requested by either party or the Board.
- C.** Grounds for rehearing or review. The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
1. Irregularity in the proceedings or any order or abuse of discretion that deprived the moving party of a fair hearing;
  2. Misconduct of the Board, its staff, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  5. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings; or
  6. The findings of fact or decision is not justified by the evidence or is contrary to law.

- D.** Affirmation or modification of decision; grant of rehearing or review. The Board may affirm or modify a decision or grant a rehearing or review to all or some of the parties on all or some of the issues for any of the reasons listed in subsection (C). The Board shall specify with particularity the grounds for an order modifying a decision or granting a rehearing or review. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.
- E.** Board-initiated rehearing or review. Not later than 30 days after the date of a decision and after giving the parties notice and an opportunity to be heard, the Board may, on its own initiative, order a rehearing or review of the decision for any reason it might have granted a rehearing or review on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in a motion. The Board shall specify with particularity the grounds on which a rehearing or review is granted under this subsection.
- F.** Affidavits. When a party bases a motion for rehearing or review upon affidavits, the party shall serve the affidavits with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Chairperson for a maximum 10 days for good cause or by written stipulation of the parties. The Board may permit a party to file a reply affidavit.
- G.** Exigency. If, in a particular decision, the Board makes a specific finding that the immediate effectiveness of the decision is necessary for preservation of the public health, safety, or welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review.
- H.** Time limits. The Board shall rule on a motion for review or rehearing within 90 days after it is filed. If the Board grants a rehearing or review, the Board shall conduct the rehearing or review within 90 days after issuing the order granting the rehearing or review.

**Historical Note**

Adopted effective September 9, 1983 (Supp. 83-5). Section R12-5-2301 renumbered from Section R12-5-901 (Supp. 93-3). Section R12-5-2315 renumbered from R12-5-2301 and amended effective November 27, 1995 (Supp. 95-4). Amended by final rulemaking at 13 A.A.R. 4216, effective February 2, 2008 (Supp. 07-4).

**ARTICLE 24. EXPIRED**

*Article 24, consisting of R12-5-2401 through R12-5-2405, expired under A.R.S. § 41-1056(E) at 10 A.A.R. 2942, effective May 31, 2004 (Supp. 04-2).*

**R12-5-2401. Expired****Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 8, 1993 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 2942, effective May 31, 2004 (Supp. 04-2).

**R12-5-2402. Expired****Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 8, 1993 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 2942, effective May 31, 2004 (Supp. 04-2).

**R12-5-2403. Expired**

## State Land Department

**Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 8, 1993 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 2942, effective May 31, 2004 (Supp. 04-2).

**R12-5-2404. Expired****Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 8, 1993 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 2942, effective May 31, 2004 (Supp. 04-2). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 2942, effective May 31, 2004 (Supp. 04-2).

**R12-5-2405. Expired****Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 8, 1993 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 2942, effective May 31, 2004 (Supp. 04-2).

**ARTICLE 25. CLASSIFYING TRUST LANDS AS SUITABLE FOR CONSERVATION PURPOSES****R12-5-2501. Petition**

- A. A petition to nominate trust land suitable for conservation purposes may be filed at the Arizona State Land Department during regular business hours. The petition shall be made on a form provided by the Department.
- B. A petitioner shall nominate Trust lands in a manner consistent with and only for lands considered eligible under A.R.S. § 37-311, et seq.
- C. A petitioner shall include the following information in a petition to nominate trust land suitable for conservation purposes:
  1. A legal description of the land and a map that identifies the Township (T), Range (R), section, land description, acreage and county where the land is located. (Example: T1N, R3E, Section 17, SWNW, 40 acres, Maricopa County);
  2. A statement of proposed conservation uses of the land;
  3. A statement of why the land is suitable for conservation purposes with reference to the criteria identified in R12-5-2502(A);
  4. A statement of the existing surface uses on the land and how each existing use is affected both physically and economically by the proposed conservation use;
  5. An identification of the local jurisdiction in which the land is located;
  6. A statement of the local governing authority's comprehensive plan designation and existing zoning for the land and how the proposed conservation use is or is not consistent with the comprehensive plan and zoning;
  7. A statement of the positive and negative physical and economic impacts on the local community nearest the land;
  8. A statement of who or what entity will likely manage the land if, after the land is reclassified as suitable for conservation purposes, the land is approved for lease or purchase for conservation purposes; and
  9. A statement of any known mineral potential, including sand and gravel, of the lands.

**Historical Note**

Adopted effective March 5, 1998 (Supp. 98-1).

**R12-5-2502. Reclassification**

- A. Criteria: Reclassification of state lands as suitable for conservation purposes shall be in the best interest of the Trust as determined by the Commissioner. The Commissioner and the Conservation Advisory Committee may consider any or all of the following criteria in evaluating whether the nominated land should be reclassified as suitable for conservation purposes:
  1. Open space: Existence of substantially undisturbed open space values that make the land's conservation an asset to the community or to other adjacent developable state trust land;
  2. Unique scenic beauty:
    - a. Existence of a natural community landmark such as a significant mountain vista; or,
    - b. Existence of a scenic vista on to or through the land under petition from nearby major roadways or pathways, in addition to the mere existence of undeveloped open space;
  3. Wildlife and vegetation:
    - a. Existence of significant vegetation or wildlife, both native to the region and worthy of protection due to the relative lushness, health and diversity of the vegetation or the number and diversity of the wildlife;
    - b. Existence of endangered, threatened, or protected plants or endangered or threatened wildlife species as identified under federal or state laws;
    - c. Existence of significant stands of a signature plant characteristic of the location;
  4. Cultural resources:
    - a. Existence of a prehistoric or historic archaeological site;
    - b. Existence of a historic structure; or
    - c. Comparative costs of mitigation, data recovery, or preservation compared to potential revenue production of the land;
  5. Wildlife habitat:
    - a. Existence of sufficient acreage and habitat quality to support populations of endangered, threatened, or other particular species;
    - b. Interconnection between the land under petition and nearby public lands for wildlife movement;
    - c. Diversity of plant communities or biodiversity of plant or animal species;
    - d. Habitat condition, whether intact or degraded; or
    - e. Distance from an existing or proposed roadway, utility line, or urban development;
  6. Other:
    - a. Geologic and topographic features:
      - i. Existence of a significant wash, slope, or other topographic feature;
      - ii. Existence of a unique rock outcropping, formation or other unusual geologic feature; and
      - iii. Known soil conditions unsuitable for development purposes;
    - b. Watershed integrity: Relationship of the land to maintenance of the integrity of one or more watersheds;
    - c. Floodplain management: Impact of the 100-year floodplain on the land;
    - d. Surface water and groundwater:
      - i. Existence of a spring or other wetland;
      - ii. Occurrence of perennial or intermittent stream flow; and
      - iii. Potential for groundwater recharge.
    - e. Long-term viability of the land for conservation management;

## State Land Department

- i. Viability of the land based on its size, configuration, and location for successfully conserving the resources it seeks to protect; and
    - ii. Relationship of conservation of the land to resolving wildland fire issues, particularly in the urban-wildland interface;
  - f. Local, regional, or other planning considerations:
    - i. Relationship between the proposed conservation designation and adopted local and regional plans and policies; and
    - ii. Relationship of the land to other federal, state, local, or private land trust preserves, holdings, or plans;
  - g. Recreation:
    - i. Existence of or proposed trail-based or other low impact recreation opportunities; and
    - ii. Existence of direct access to or from adjacent public or private lands used for recreational purposes;
  - h. Accessibility:
    - i. Public accessibility and nature of that accessibility to the land; and
    - ii. Impact of accessibility, based on the purpose of conservation of the land;
  - i. Scientific education:
    - i. Historic use of the land for scientific research purposes; and
    - ii. Opportunities for scientific education;
  - j. Types of multiple use:
    - i. Multiple use potential of the land; and
    - ii. Impact of specific multiple uses on the land;
  - k. Resource production preservation:
    - i. Existence of grazing lands under petition that a conservation designation may help to protect;
    - ii. Existence of prime agriculture areas under petition that a conservation designation may help to protect; and
    - iii. Protection of the resource production component (such as grazing, agriculture, mining, and timber) of the local or regional economy;
  - l. Relationship to other state trust lands:
    - i. Proximity to other state trust lands;
    - ii. Development capability of adjacent state trust lands; and
    - iii. Anticipated timing of development activity on adjacent state trust lands;
  - m. Preexisting protections: Existence of any federal, state, or local law requiring protection by existing lessee of proposed conservation values;
  - n. Tourism: Impact on local or regional tourism;
  - o. Benefit to the Trust: Whether and for what reason reclassification is in the best interest of the Trust;
- B. Multiple Petitions:** If multiple petitions are received and the Commissioner determines that reclassification is in the best interest of the Trust, the Commissioner may reclassify the land with the conservation purpose stated in one or more than one

of the petitions, or the Commissioner may reclassify the land without stating a conservation purpose.

- C. Management Plan:** Upon reclassification, the Commissioner may require a party to submit a management plan to allow existing and conservation uses to be coordinated in a manner that will protect both existing uses and conservation and open space values.

**Historical Note**

Adopted effective March 5, 1998 (Supp. 98-1).

**R12-5-2503. Bond**

- A.** Under A.R.S. § 37-312(D), a petitioner shall submit a bond in an initial amount of \$1,000 with a petition to nominate trust land suitable for conservation purposes. The bond shall be a surety bond or a cashier's check. The State Land Commissioner may require an additional bond amount under A.R.S. § 37-312 if the processing costs of the petition are estimated to exceed the initial bond amount based on the following factors:
1. Planning Costs: Planning involves review, consideration, and evaluation of:
    - a. Evidence and testimony presented at public hearing;
    - b. Physical and economic impact on other land owned or controlled by the current lessee or on the local community;
    - c. Existing holding leases, existing planning permits, and development plans in progress;
    - d. Input from local planning and zoning agencies and regional planning authorities;
    - e. Mineral potential, including sand and gravel; and
    - f. Consistency with the Enabling Act, the State Constitution, and Arizona Revised Statutes;
  2. Notice: Development and mailing of a notice of intent to classify lands suitable for conservation purposes and a notice of public hearing to:
    - a. Existing lessees;
    - b. Local planning and zoning agencies and regional planning authorities;
    - c. Owners of property within 300 feet of the land;
    - d. Persons who have requested notice of classification of lands suitable for conservation under A.R.S. § 37-311, et seq., with the Department; and
    - e. Affected state agencies;
  3. Advertisement: Notice of public hearing for six publications in a newspaper of general circulation in the county where the land is located;
  4. Public Hearing: Receipt and processing of oral and written testimony regarding the proposed reclassification including, but not limited to, review, consideration, and evaluation of testimony, as well as the costs of meeting facility and equipment rental.
- B.** Upon reclassification of all or a portion of the land as suitable for conservation purposes, the successful petitioner shall forfeit the initial and any additional bond amounts to the state under A.R.S. § 37-312(D).

**Historical Note**

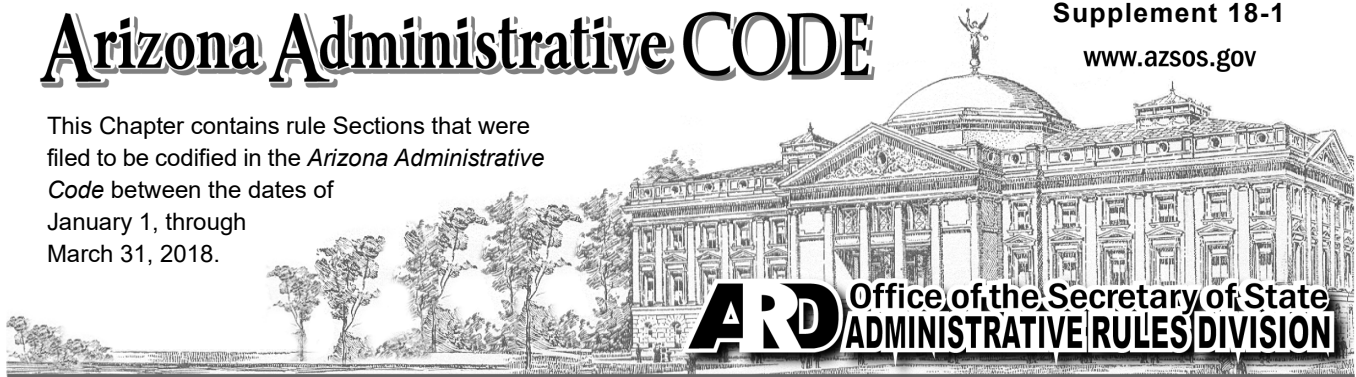
Adopted effective March 5, 1998 (Supp. 98-1).

# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 12. NATURAL RESOURCES

### CHAPTER 8. ARIZONA STATE PARKS BOARD

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

[Exhibit A.](#)      [May 1, 2018, Regular Fee Schedule](#) ..... 8

#### Questions about these rules? Contact:

Agency: Arizona State Parks  
Name: James Keegan  
Address: 23751 N. 23rd Ave., #190  
Phoenix, AZ 85085  
Telephone: (602) 542-6920  
Fax: (602) 542-4188  
E-mail: [jkeegan@azstateparks.gov](mailto:jkeegan@azstateparks.gov)

#### The release of this Chapter in supplement 18-1 replaces supplement 14-4, 1-13 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 12. NATURAL RESOURCES****CHAPTER 8. ARIZONA STATE PARKS BOARD**

Authority: A.R.S. § 41-511 et seq.

*Editor's Note: The Office of the Secretary of State publishes all Code Chapters on white paper (Supp. 01-4).*

*Editor's Note: Sections in this Chapter were adopted and amended under an exemption from the provisions of the Arizona Administrative Procedure Act, pursuant to A.R.S. § 41-1005(A)(21). Exemption from this Act means that this Section was not reviewed or approved by the Governor's Regulatory Review Council; notice of this rule was not submitted to the Office of the Secretary of State for publication in the Arizona Administrative Register; and no public comment period or public hearings were required to be held on this rule. Because this Chapter contains rules which were adopted under a rulemaking exemption, the Chapter is printed on blue paper.*

**ARTICLE 1. GENERAL PROVISIONS**

Section	
R12-8-101.	Definitions ..... 2
R12-8-102.	Permission to Enter or Remain in a State Park .... 2
R12-8-103.	Vandalism ..... 2
R12-8-104.	Hours of Use; Closure ..... 2
R12-8-105.	Repealed ..... 3
R12-8-106.	Limited Services on Christmas ..... 3
R12-8-107.	Litter and Waste ..... 3
R12-8-108.	Payment of Fees ..... 3
R12-8-109.	Fees and Permits ..... 3
R12-8-110.	Fee Waivers ..... 4
R12-8-111.	Camping ..... 5
R12-8-112.	Campfires ..... 5
R12-8-113.	Vehicles, Speed Limits, and Parking ..... 5
R12-8-114.	Watercraft; Launching and Mooring ..... 5
R12-8-115.	Pets ..... 5
R12-8-116.	Glass Containers ..... 6
R12-8-117.	Reserved ..... 6
R12-8-118.	Reserved ..... 6
R12-8-119.	Weapons ..... 6
R12-8-120.	Fireworks and Explosives ..... 6
R12-8-121.	Reserved ..... 6
R12-8-122.	Commercial Use of a State Park ..... 6
R12-8-124.	Disorderly Conduct ..... 6
R12-8-125.	Special Use Permits ..... 6

R12-8-126.	Violation; Classification ..... 7
Exhibit A.	May 1, 2018, Regular Fee Schedule ..... 8

**ARTICLE 2. OPERATION OF THE BOARD**

Section	
R12-8-201.	Meetings ..... 10
R12-8-202.	Organization of the Board ..... 10
R12-8-203.	Committees ..... 10
R12-8-204.	Procedures at Meetings ..... 10
R12-8-205.	Repealed ..... 10
R12-8-206.	Repealed ..... 10
R12-8-207.	Board Concession Approval Policy ..... 10

**ARTICLE 3. STATE HISTORIC PRESERVATION OFFICE PROGRAMS**

Section	
R12-8-301.	Definitions ..... 11
R12-8-302.	Criteria for Evaluation ..... 11
R12-8-303.	Processes of Registration ..... 11
R12-8-304.	Factors for Determining Certification Eligibility ... ..... 12
R12-8-305.	Verification of Eligibility for Property Tax Reclassification ..... 12
R12-8-306.	Minimum Maintenance/Restoration Standards .. 12
R12-8-307.	Documentation Requirements, Reports, and Inspection ..... 13

## Arizona State Parks Board

**ARTICLE 1. GENERAL PROVISIONS****R12-8-101. Definitions**

In this Chapter:

“Board” means the Arizona State Parks Board.

“Cabana site” means a camping unit with a shelter and electricity available.

“Camp or camping” means overnight use of a camping unit.

“Camping unit” means a defined space within an area designated for overnight use in a state park.

“Commercial activity” means soliciting funds, offering to sell a good or service, advertising, receiving money or another thing of value in exchange for a good, service, or activity, or conducting a business or a portion of a business, whether for profit or on behalf of a non-profit entity, on property managed by the Board. Commercial activity does not include distributing written material that describes how to make a donation at a location that is not on property managed by the Board.

“Concession” means a contract issued by the Board for the use of land managed by the Board to provide goods, services, or facilities to the public.

“Day-use area” means a space within a state park that is closed to camping but open to the public during established hours.

“Director” means the Executive Director of the Board or a representative of the Executive Director.

“Disorderly conduct” has the same meaning as prescribed in A.R.S. § 13-2904.

“Fee area” means a space in a state park for which a fee is charged to use, occupy, or enter.

“Hook-up site” means a camping unit with a connection for water, sewer, or electricity.

“Interpretive program” means a scheduled program conducted by an employee or volunteer of the Board at a state park, to inform, educate, or interpret resources for the public.

“Park Officer” means an employee of the Board who is appointed under A.R.S. § 41-511.09 as a park ranger law enforcement officer with the authority and power of a peace officer.

“Park Ranger” means an employee of the Board responsible for protecting and preserving the property at a state park and providing information services to park visitors.

“Person” means an individual, corporation, firm, partnership, club, or association.

“Service animal” has the same meaning as prescribed in A.R.S. § 11-1024.

“Special use” means the following categories of use of property managed by the Board:

Private special event: A non-public use that requires exclusion of the general public;

Public special event: A commercial activity that is not conducted under a concession or commercial rental or retail permit;

Festival special event: An exhibition, performance, or competition, whether for profit or non-profit, that is open to the public and for which a special entrance fee is charged; and

Commercial photography use: Taking photographs for any medium or making a motion picture or video.

“State-park annual pass” means a document authorizing the holder to enter, remain in, and use state parks multiple times during one year, subject to some restrictions.

“State Park System” or “state park” means the lands, waters, monuments, historical sites, state recreation areas, and any other areas managed by the Board.

“Wildlife” has the same meaning as prescribed in A.R.S. § 17-101.

**Historical Note**

Former Rule 1; Former Section R12-8-01 repealed, new Section R12-8-01 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-02 renumbered and amended as Section R12-8-101 effective November 1, 1981 (Supp. 81-5). Amended effective March 7, 1991 (Supp. 91-1). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-102. Permission to Enter or Remain in a State Park**

- A. A person who enters, remains in, or uses a state park shall comply with state law, including this Chapter.
- B. A person who violates state law, including this Chapter, while in a state park shall leave the state park upon order of a Park Ranger or Park Officer.
- C. A person who leaves a state park under subsection (B) shall not reenter the state park for at least 72 hours.

**Historical Note**

Former Rule 2; Former Section R12-8-02 repealed, new Section R12-8-02 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-01 renumbered and amended as Section R12-8-102 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-103. Vandalism**

Within a state park, a person shall not deface, injure, destroy, remove, or use, without authority, any:

- 1. Public facility or property;
- 2. Wildlife, plant, or animal; or
- 3. Archaeological, geological, or historical object.

**Historical Note**

Former Rule 3; Former Section R12-8-03 repealed, new Section R12-8-03 adopted effective January 28, 1976 (Supp. 76-1). Former Sections R12-8-03 and R12-8-06 renumbered and amended as Section R12-8-103 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-104. Hours of Use; Closure**

- A. Camping areas are open to public use at all hours.
- B. Day-use areas are open to the public during the hours posted.
- C. The Director may temporarily restrict the hours of public use or close all or a portion of a state park in the interest of public safety or to protect the property.
- D. The Director may modify the hours of use on a temporary basis to accommodate unusual or seasonal circumstances. The Director shall post any exception to usual hours of public use at the entrance to the state park.



## Arizona State Parks Board

**Historical Note**

Former Rule 4; Former Section R12-8-04 repealed, new Section R12-8-04 adopted effective January 28, 1976 (Supp. 76-1). Former Sections R12-8-04 and R12-8-05 renumbered and amended as Section R12-8-104 effective November 1, 1981 (Supp. 81-5). Amended subsections (A) and (C) effective July 12, 1984 (Supp. 84-4). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1). R12-8-104(A) corrected as filed at the request of the Board on May 29, 2014; published at 13 A.A.R. 1119 (Supp. 14-4).

**R12-8-105. Repealed****Historical Note**

Former Rule 5; Former Section R12-8-05 repealed, new Section R12-8-05 adopted effective January 28, 1976 (Supp. 76-1). Amended effective June 29, 1979 (Supp. 79-3). Former Section R12-8-05 renumbered and amended as Section R12-8-105 effective November 1, 1981 (Supp. 81-5). Amended effective March 23, 1990 (Supp. 90-1). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Section repealed by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-106. Limited Services on Christmas**

State park facilities are not staffed on Christmas except in an emergency. On Christmas, caves, museums, contact stations, and visitor centers are closed. Other state park areas are open for public use as posted.

**Historical Note**

Former Rule 6; Former Section R12-8-06 repealed, new Section R12-8-06 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-05 renumbered and amended as Section R12-8-106 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-107. Litter and Waste**

- A. Within a state park, a person shall not leave or discard trash, garbage, or human or animal waste unless the person:
  1. Confines the trash, garbage, or human or animal waste in a sanitary manner; and
  2. Deposits the trash, garbage, or human or animal waste in a facility specifically designated to receive it.
- B. Within a state park, a person shall not deposit trash, garbage, or human or animal waste collected from a private residence, business, or other place outside the state park.

**Historical Note**

Former Rule 7; Former Section R12-8-07 repealed, new Section R12-8-07 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-14 renumbered and amended as Section R12-8-107 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-108. Payment of Fees**

- A. Before entering, remaining in, or using a fee area, a person shall:
  1. Pay the required fee,
  2. Purchase a current state-park annual pass, or
  3. Obtain permission from the Director.

- B. A fee paid under subsection (A)(1) to enter, remain in, or use one state park does not authorize entering, remaining in, or using another state park.

**Historical Note**

Former Rule 8; Former Section R12-8-08 repealed, new Section R12-8-08 adopted effective February 1, 1976 (Supp. 76-1). Amended effective June 30, 1978 (Supp. 78-3). Former Section R12-8-07 renumbered and amended as Section R12-8-108 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

*Editor's Note: The Arizona State Parks Board amended this Section effective March 2, 1998, under an exemption from the Arizona Administrative Procedure Act. Exemption from this Act means this Section was not submitted to the Office of the Secretary of State for publication as a proposed rule in the Arizona Administrative Register; no public comment period or public hearings were required to be held on this rule; and the rule was not reviewed or approved by the Governor's Regulatory Review Council (Supp. 98-1).*

*Editor's Note: The Arizona State Parks Board amended this Section effective January 1, 1998, under an exemption from the Arizona Administrative Procedure Act. Exemption from this Act means this Section was not submitted to the Office of the Secretary of State for publication as a proposed rule in the Arizona Administrative Register; no public comment period or public hearings were required to be held on this rule; and the rule was not reviewed or approved by the Governor's Regulatory Review Council (Supp. 97-4).*

*Editor's Note: The Arizona State Parks Board repealed the old Section text as specified in the following Editor's Note, effective January 12, 1996, under an exemption from the Arizona Administrative Procedure Act. Exemption from this Act means that this Section was not submitted to the Office of the Secretary of State for publication as a proposed rule in the Arizona Administrative Register; no public comment period or public hearings were required to be held on this rule; and the rule was not reviewed or approved by the Governor's Regulatory Review Council (Supp. 96-1).*

*Editor's Note: The Arizona State Parks Board adopted a new R12-8-109 under an exemption from the provisions of the Arizona Administrative Procedure Act but did not repeal the old rule. Therefore the text of both the old Section and the new Section appear here, with the old Section appearing first and the new Section appearing second. The agency will repeal the old text in January 1996.*

*Editor's Note: The following Section was amended under an exemption from the provisions of the Arizona Administrative Procedure Act. Exemption from this Act means that this Section was not reviewed by the Governor's Regulatory Review Council or the Attorney General; notice of this rule was not submitted to the Office of the Secretary of State for publication in the Arizona Administrative Register; and no public comment period or public hearings were required to be held on this rule.*

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act.*

**R12-8-109. Fees and Permits**

- A. Annual fee review. The Board shall annually review and set fees for entrance, camping, and overnight parking at a state

## Arizona State Parks Board

park. The Board shall base the fees upon an analysis of the following criteria:

1. Fee and permit charges of state park agencies in the 11 western states,
  2. Fee and permit charges of entities with similar facilities within Arizona,
  3. Operational and developmental costs of the Board,
  4. Public demand for services, and
  5. Public-use impacts upon park resources.
- B.** The Board shall ensure that fees for entrance, camping, and overnight parking are posted at each state park and printed in state-park literature intended for public information.
- C.** Fee schedule. Entrance, camping, and overnight parking fees for each state park are listed in Exhibit A.
- D.** Special use fees. The Director shall negotiate a fee for a special use if the Director determines that a fee greater than the fee listed in Exhibit A is justified based upon analysis of the following criteria:
1. Board expenses resulting from the special use,
  2. Loss of revenue resulting from the special use,
  3. Impacts upon park resources and visitors as a result of the special use, and
  4. The goodwill produced for sponsors of the special use.
- E.** Interpretive program fees. The Director may establish a special fee for or waive the usual state park entrance fee during an interpretive program. The Director shall determine whether to assess a special fee or waive the usual state park entrance fee for an interpretive program using the criteria specified in subsection (D). If the Director establishes a special fee for an interpretive program, the Director shall ensure that the special fee is posted and printed in state-park literature in advance of the interpretive program.
- F.** Commercial permit. A person that intends to enter a state park to conduct any portion of a business that is not covered by a concession or special use permit shall obtain either a commercial retail or commercial rental permit from the Board before entering the state park. A commercial permit authorizes one commercial vehicle carrying no more than four individuals to enter the state park for which the commercial permit is issued.

**Historical Note**

Former Rule 9; Former Section R12-8-09 repealed, new Section R12-8-09 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-08 renumbered and amended as Section R12-8-109, subsections (A), (B) and (D), effective November 1, 1981, subsection (C) effective January 1, 1982 (Supp. 81-5). Amended by adding subsection (E) effective July 12, 1984 (Supp. 84-4). Amended subsections (B) and (D) and added subsection (F) effective January 1, 1985 (Supp. 84-6). Amended effective April 22, 1988 (Supp. 88-2). Repealed due to legislative exemption which was amended into the Arizona Administrative Procedure Act. New Section adopted effective January 1, 1994, under an exemption from the provisions of the Arizona Administrative Procedure Act; filed in the Office of the Secretary of State December 28, 1993 (Supp. 93-4). Amended effective January 1, 1995, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 41-1005(A)(21); filed in the Office of the Secretary of State December 23, 1994 (Supp. 95-3). New Section adopted effective January 1, 1996, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-1005(A)(21); filed in the Office of the Secretary of State December 22, 1995 (Supp. 95-4). Text of Section in effect before January 1, 1996, repealed effective January 11, 1996, pursuant to an exemption from A.R.S. Title 41, Chapter 6, specified in

A.R.S. § 41-1005(A)(21) (Supp. 96-1). Amended effective January 1, 1997, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State December 9, 1996 (Supp. 96-4). Amended effective January 1, 1998, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State December 11, 1997 (Supp. 97-4). Amended effective March 2, 1998, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State February 13, 1998 (Supp. 98-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

*Editor's Note: The Arizona State Parks Board amended this Section effective January 1, 1998, under an exemption from the Arizona Administrative Procedure Act. Exemption from this Act means this Section was not submitted to the Office of the Secretary of State for publication as a proposed rule in the Arizona Administrative Register; no public comment period or public hearings were required to be held on this rule; and the rule was not reviewed or approved by the Governor's Regulatory Review Council (Supp. 97-4).*

*Editor's Note: The Arizona State Parks Board repealed the old Section text as specified in the following Editor's Note, effective January 12, 1996, under an exemption from the Arizona Administrative Procedure Act. Exemption from this Act means that this Section was not submitted to the Office of the Secretary of State for publication as a proposed rule in the Arizona Administrative Register; no public comment period or public hearings were required to be held on this rule; and the rule was not reviewed or approved by the Governor's Regulatory Review Council. (Supp. 96-1).*

*Editor's Note: The Arizona State Parks Board adopted a new R12-8-109 under an exemption from the provisions of the Arizona Administrative Procedure Act but did not repeal the old rule. Therefore the text of both the old Section and the new Section appear here, with the old Section appearing first and the new Section appearing second. The agency will be repealing the old text soon.*

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act. Exemption from this Act means that this Section was not reviewed by the Governor's Regulatory Review Council; notice of this rule was not submitted to the Office of the Secretary of State for publication in the Arizona Administrative Register; no public comment period or public hearings were required to be held on this rule; and the Attorney General has not certified this rule.*

**R12-8-110. Fee Waivers**

- A.** The Director may waive the entrance fee listed in Exhibit A for the following groups. If the Director does not waive the entrance fee, members of the group shall pay the entrance fee listed in Exhibit A:
1. A preschool or K-12 school group and accompanying chaperons;
  2. A group of professional individuals participating in a parks and recreation, historic, or interpretive seminar or conference tour; and
  3. A group of disabled individuals affiliated with an organization or agency established to care for, rehabilitate, train, or serve the disabled individuals. For the purpose of this subsection, disabled means blind or visually impaired,

## Arizona State Parks Board

deaf or hard of hearing, mobility impaired, or developmentally impaired.

- B. An individual who serves as a volunteer and has a signed volunteer agreement with the Board is exempt from entrance fees listed in Exhibit A.
- C. The Director may modify any fee prescribed under R12-8-109 to grant a discount or promotional rate.

**Historical Note**

Adopted effective July 12, 1984 (Supp. 84-4). Repealed due to legislative exemption which was amended into the Arizona Administrative Procedure Act. New Section adopted effective January 1, 1994, under an exemption from the provisions of the Arizona Administrative Procedure Act; filed in the Office of the Secretary of State December 28, 1993 (Supp. 93-4). Adopted effective January 1, 1996, under an exemption from the provisions of the Arizona Administrative Procedure Act; filed in the Office of the Secretary of State December 22, 1995 (Supp. 95-4). Text of Section in effect before January 1, 1996, repealed effective January 11, 1996, pursuant to an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-1005(A)(21) (Supp. 96-1). Amended effective January 1, 1998, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State December 11, 1997 (Supp. 97-4). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-111. Camping**

- A. Camping is permitted only in a designated camping unit.
- B. Except when camping at a Board-approved concession area within a state park, a person using a camping unit shall not:
  1. Camp in a state park for more than 15 days within a 30-day period unless authorized by the Director;
  2. Camp in a state park for more than 29 days within a 45-day period that is posted as a long-term stay period unless authorized by the Director;
  3. Leave an occupied camping unit unattended overnight without written permission from the Director; or
  4. Allow the number of persons occupying a camping unit or the number of vehicles in the camping unit to exceed the limits posted at the entrance to the state park or camping unit.
- C. A camping unit is considered occupied after the use fee is paid and the camper establishes a conspicuous presence. A person shall not occupy a camping unit in violation of instructions from the Director or if there is reason to believe that the camping unit is occupied by another camper.
- D. A Park Ranger shall allow the occupants of a single vehicle to register for more than one camping unit only if the number of occupants exceeds the posted occupancy limit for the camping unit.
- E. A person shall pay the fee for a permit to use a camping unit on a per-day basis. Payment authorizes use of the camping unit until 2:00 p.m. on the day the permit expires.
- F. A person shall remove all personal property from a camping unit by 2:00 p.m. on the day that a permit expires or purchase an additional permit if eligible under subsection (B).

**Historical Note**

Former Rule 11; Former Section R12-8-11 repealed, new Section R12-8-11 adopted effective January 28, 1976 (Supp. 76-1). Former Sections R12-8-09 and R12-8-10 renumbered and amended as Section R12-8-111 effective November 1, 1981 (Supp. 81-5). Amended subsection (A), Paragraph (1) effective November 27, 1987 (Supp. 87-4). Amended by final rulemaking at 7 A.A.R. 1010,

effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-112. Campfires**

- A. A person shall ignite an outdoor fire only in a camping unit or day-use area specifically designated for an outdoor fire.
- B. A person who ignites an outdoor fire shall ensure that the fire is confined to a grill, fire ring, or other facility provided by the state park.
- C. A person shall not ignite or maintain a fire when a high wind is blowing or when open burning is prohibited by order of the Director.
- D. A person who ignites an outdoor fire shall ensure that the fire is attended and controlled at all times.

**Historical Note**

Former Rule 12; Former Section R12-8-12 repealed, new Section R12-8-12 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-11 renumbered and amended as Section R12-8-112 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-113. Vehicles, Speed Limits, and Parking**

- A. The operator of a motor vehicle within a state park shall drive the motor vehicle only on a maintained roadway, parking area, or other area designated by signs for motor vehicle use.
- B. The operator of a motor vehicle within a state park shall comply with all state law regarding operation of a motor vehicle and shall not drive the motor vehicle at a speed greater than is reasonable and prudent under the circumstances and conditions or in excess of a posted limit.
- C. The operator of a motor vehicle within a state park shall not park or leave the motor vehicle unattended except in a designated parking area or parking zone. The Director may remove an unattended motor vehicle that is illegally parked or left standing upon a roadway or in a park area in a manner that may obstruct traffic or impair normal activities of the state park.

**Historical Note**

Former Rule 29; Former Section R12-8-13 repealed, new Section R12-8-13 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-12 renumbered and amended as Section R12-8-113 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-114. Watercraft; Launching and Mooring**

A person shall not moor or launch a watercraft from a shore within a state park if the Director has determined that it is in the best interest of the state park to prohibit mooring or launching of watercraft and has posted notice of the prohibition at the shore.

**Historical Note**

Former Rule 14; Former Section R12-8-14 repealed, new Section R12-8-14 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-13 renumbered and amended as Section R12-8-114 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-115. Pets**

## Arizona State Parks Board

- A. Except as provided in subsection (B), a person shall keep a dog, cat, or other pet on a leash that does not exceed six feet or otherwise restrain the animal while in a state park.
- B. The restraint requirement in subsection (A) does not apply to a dog in an area open to hunting or field trials if the dog is participating in these activities.
- C. A person shall not take a pet into a state park building, cabana site, developed beach, or other area that the Director has determined is environmentally or ecologically sensitive. This restriction does not apply to a service animal.

**Historical Note**

Former Rule 15; Former Section R12-8-15 repealed, new Section R12-8-15 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-15 renumbered and amended as Section R12-8-115 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-116. Glass Containers**

A person shall not possess a glass or ceramic container in a state park area that is designated as a public beach or swimming area, or posted "No Glass Containers."

**Historical Note**

Adopted effective January 3, 1989 (Supp. 89-1). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-117. Reserved****R12-8-118. Reserved****R12-8-119. Weapons**

- A. The following definitions apply to this Section:
  1. "Improved recreation area" means a camping unit, roadway, amphitheater, boat launching ramp, developed picnic area, developed swimming beach, and any other area within a state park that is designated by the Director and reserved for an assembly or other temporary gathering of persons.
  2. "Prohibited weapon" means a firearm as defined by A.R.S. § 13-3101, including a BB or pellet gun, bow, or slingshot.
- B. A peace officer or private security guard employed by the holder of a park concession is authorized to carry a firearm in a state park if:
  1. The peace officer is certified under state law, or
  2. The holder of the park concession complies with A.R.S. § 32-2606(3) regarding private security guards.
- C. Unless authorized under subsection (B), a person shall not enter or remain in an improved recreation area while carrying a prohibited weapon after a reasonable request from a park ranger to remove it. A request to remove a prohibited weapon is reasonable if a park ranger believes that the person carrying the prohibited weapon poses a danger or threat to others lawfully present. If, after a reasonable request is made, a person carrying a prohibited weapon within an improved recreation area chooses to remain in the improved recreation area, the person shall place the weapon in the custody of a park ranger until the person leaves the improved recreation area.
- D. A firearm may be transported or stored in a vehicle on any state park area as allowed by A.R.S. § 13-3102(F).
- E. A hunter who holds a current license issued by the Arizona Game and Fish Department may carry a lawful hunting

weapon in any state park area designated for hunting and may carry the hunting weapon through the state park to reach the state park area designated for hunting.

**Historical Note**

Adopted effective July 12, 1984 (Supp. 84-4). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-120. Fireworks and Explosives**

A person shall not discharge fireworks or any other explosive device within a state park without first obtaining from the Director a special use permit that authorizes the discharge of fireworks or any other explosive device.

**Historical Note**

Former Rule 20. Former Section R12-8-20 repealed, new Section R12-8-20 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-20 renumbered and amended as Section R12-8-120 adopted effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-121. Reserved****R12-8-122. Commercial Use of a State Park**

- A. A person shall not engage in a commercial activity within a state park unless the commercial activity is authorized by:
  1. A special use permit issued under R12-8-125,
  2. A concession, or
  3. A commercial rental or retail permit.
- B. Subsection (A) does not apply to an individual who enters a state park in a commercially marked vehicle if the individual intends to, provide service to the holder of a special use permit, concession, or commercial rental or retail permit, or respond to an emergency.

**Historical Note**

Former Rule 22. Former Section R12-8-22 repealed, new Section R12-8-22 adopted effective January 28, 1976 (Supp. 76-1). Former Sections R12-8-22 and R12-8-23 renumbered and amended as Section R12-8-122 effective November 1, 1981 (Supp. 81-5). Amended subsection (A) effective July 12, 1984 (Supp. 84-4). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-123. Reserved****R12-8-124. Disorderly Conduct**

- A. A person shall not engage in disorderly conduct within a state park.
- B. Within a state park, a person shall not knowingly disturb the peace of an area or another person, make unreasonable noise, engage in violent behavior, use provocative language or gestures, or recklessly handle, display, or discharge a deadly weapon or dangerous instrument.
- C. A person shall not use a loudspeaker in a state park without first obtaining from the Director a special use permit that authorizes the use of a loudspeaker.

**Historical Note**

Former Rule 24. Former Section R12-8-24 repealed, new Section R12-8-24 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-24 renumbered and amended as Section R12-8-124 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-125. Special Use Permits**

## Arizona State Parks Board

- A.** Special use permit required. Within a state park, a person shall obtain a special use permit from the Board before:
1. Engaging in an activity that is prohibited by this Chapter without a permit;
  2. Excluding the general public from an area or facility within the state park;
  3. Engaging in a commercial activity not covered by a concession or commercial rental or retail permit;
  4. Engaging in a spectator event designed to attract a large crowd;
  5. Engaging in an activity that requires a permit from another entity such as the Coast Guard, Arizona Game and Fish Department, or a city, county, or municipality;
  6. Engaging in an activity that requires a reservation outside an area designated for use by reservation; or
  7. Using a state park area for a purpose different from that for which the area is designated.
- B.** General terms and conditions. The Board shall issue a special use permit only subject to the following general terms and conditions:
1. An application for the special use permit is submitted less than one year before the planned special use;
  2. The special use permit may be revoked if the Board determines that the permit holder fails to comply with state park statutes, this Chapter, and all Board policies that are terms of the special use permit;
  3. The special use permit does not conflict with a concession without written approval from the concession holder;
  4. The special use permit is issued to the first person that applies for a special use permit for a particular day at a particular location;
  5. The special use permit is issued only after the applicant complies with any indemnity and insurance requirements that the Board determines are necessary to protect the state;
  6. The special use permit is issued only after the applicant pays required fees or obtains a fee waiver under R12-8-110;
  7. The special use does not conflict with the Board's management goals for the state park; and
  8. The special use does not create a safety hazard to participants, spectators, or the general public.
- C.** Private special event. The Board shall issue a special use permit for a private special event only subject to the following specific terms and conditions:
1. The person requesting a special use permit for a private special event requests the special use permit for no more than seven consecutive days of use and no more than 14 days of use in a calendar year;
  2. The private special event does not significantly interfere with the public's use of the state park; and
  3. The person holding a special use permit for a private special event does not engage in commercial activity within a state park.
- D.** Public special event. The Board shall issue a special use permit for a public special event only subject to the following specific terms and conditions:
1. The person requesting a special use permit for a public special event requests the special use permit for no more than four consecutive days of use in a calendar quarter and no more than 16 days of use in a calendar year at a particular state park; and
  2. No more than two special use permits for a public special event are issued per day per state park.
- E.** Festival special event. The Board shall issue a special use permit for a festival special event only subject to the following specific terms and conditions:
1. The person requesting a special use permit for a festival special event requests the special use permit at least 120 days before the festival special event if no more than 1,500 people are expected to attend each day of the festival special event or at least 180 days before the festival special event if more than 1,500 people are expected to attend each day;
  2. The person requesting a special use permit for a festival special event requests no more than seven consecutive days of use and no more than 14 days of use in a calendar year at a particular state park;
  3. No more than one special use permit for a festival special event is issued per day per state park;
  4. The person requesting a special use permit for a festival special event provides to the Board a detailed plan regarding security, sanitary facilities, medical services, parking, food and drink facilities, booths, and sponsorships at least 90 days before the festival special event; and
  5. The person requesting a special use permit for a festival special event obtains all permits required by other entities such as a city, county, municipality, or agency and submits a copy of all permits to the Board at least 30 days before the festival special event.
- F.** Commercial photography special use. The Board shall issue a special use permit for commercial photography only subject to the following specific terms and conditions:
1. The person requesting a special use permit for commercial photography requests the special use permit at least 30 days before the commercial photography event;
  2. The person requesting a special use permit for commercial photography requests no more than seven consecutive days of use and no more than 14 days of use in a calendar year at a particular state park; and
  3. The person holding a commercial photography special use permit does not engage in commercial activity within a state park.

**Historical Note**

Former Rule 25; Former Section R12-8-25 repealed, new Section R12-8-25 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-25 renumbered and amended as Section R12-8-125 effective November 1, 1981 (Supp. 81-5). Amended subsections (A) and (C) effective November 27, 1987 (Supp. 87-4). Amended effective January 1, 1997, under an exemption from A.R.S. Title 41, Chapter 6; filed in the Office of the Secretary of State December 9, 1996 (Supp. 96-4). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-126. Violation; Classification**

Under A.R.S. § 41-511.13, an individual who violates a provision of this Chapter commits a class 2 misdemeanor.

**Historical Note**

Adopted effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

## Arizona State Parks Board

## Exhibit A. May 1, 2018, Regular Fee Schedule

**ARIZONA STATE PARKS FEE SCHEDULE**  
**EFFECTIVE MAY 1, 2018**

- 1: Adult is defined as an individual 14 years of age and older.  
 2: Camping fees reflect a "Range" dependent upon specific site location and seasonality. Call individual Park facility for current information.  
 4: Over-sized Parking is an additional fee for those vehicles or vehicle/trailer units that exceed 55' in total length.  
 5: Additional Program Fees may apply, see "OTHER FEES."  
 6: For Lodge, Cabins & Yurts an additional overnight fee of \$5.00 per pet per night will be assessed.  
 7: Camping by Reservation only. Contact the Park Facility directly for availability and details.

<i>These fees are charged on a "per vehicle" basis that includes up to 4 Adults per vehicle. Additional fees for vehicles containing more than 4 Adults will be assessed.</i>
50% discount off regular entrance fee for Active Duty, National Guard or Reserve members of the United States Military, Arizona residents who are United States Military Retired or Service Disabled Veterans and their families.
100% discount off regular entrance fee for Arizona residents who are 100% Service Disabled Veterans and their families. Does not apply to Kartchner Caverns State Park tour tickets, special use fees, special event fees, special event admission fees, reservation fees, camping or overnight parking.

	DAILY ENTRANCE			NIGHTLY CAMPING <sup>2</sup>								
PARK NAME	Per Vehicle 1-4 Adults <sup>1</sup>	Individual/Bicycle	Over-Size Parking <sup>4</sup>	Non-Electric Campsite	Electric Site	Premium	Standard	Rustic	Unique	Cabin <sup>6</sup>	Yurt <sup>6</sup>	Lodge <sup>6</sup>
ALAMO	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
BOYCE THOMPSON	(Separate Fee Schedule)											
BUCKSKIN MOUNTAIN	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00	50 – 300.00		
BUCKSKIN RIVER ISLAND	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
CATALINA	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
CATTAIL COVE	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00	50 – 300.00		
Boat-In sites Day Use only	10.00					15 – 50.00	15 – 50.00	15 – 50.00				
DEAD HORSE RANCH	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
FOOL HOLLOW	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
HOMOLOVI	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
KARTCHNER (Daily Entrance Fee is waived for reserved tour ticket holders)	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
LAKE HAVASU	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
LOST DUTCHMAN	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
LYMAN LAKE	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00	35 – 50.00	
ORACLE <sup>5</sup>	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
PATAGONIA LAKE	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00	50 – 300.00		
PICACHO PEAK <sup>5</sup>	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
RED ROCK <sup>5</sup>				(educational groups only: 15 – 25.00/group of 1-6 persons)								
ROPER LAKE	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
ROCKIN RIVER RANCH	5 – 30.00	2 – 5.00	10.00	15 – 25.00	20 – 50.00	15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		
SLIDE ROCK <sup>5</sup>	5 – 30.00	2 – 5.00										
SONOITA CREEK <sup>7</sup>				15 – 25.00		15 – 50.00	15 – 50.00	15 – 50.00				
TONTO NATURAL BRIDGE						15 – 50.00	15 – 50.00	15 – 50.00		50 – 300.00		400 – 1500.00

Children ages 0-6, when accompanied by a paying adult age 18 years or older, will be admitted free as long as the child is not part of an organized group. Group discounts maybe available where listed. A group is 15 persons or more with prearranged arrival. All persons in a group, regardless of age, apply toward a group's number. Group discounts do not apply to Program Fees.					
PARK NAME	DAILY ENTRANCE FEES			GROUP FEES	
	Ages 0-6	Ages 7-13	Ages 14 & up	Ages 14 & up	
FORT VERDE <sup>5</sup>	free	2.00 – 10.00	2.00 – 10.00	20% off current rate	
JEROME <sup>5</sup>	free	2.00 – 10.00	2.00 – 10.00	20% off current rate	
MCFARLAND <sup>5</sup>	free	2.00 – 10.00	2.00 – 10.00	20% off current rate	
RED ROCK <sup>5</sup>	free	2.00 – 10.00	2.00 – 10.00	20% off current rate	
TOMBSTONE <sup>5</sup>	free	2.00 – 10.00	2.00 – 10.00	20% off current rate	
TONTO NATURAL BRIDGE	free	2.00 – 10.00	2.00 – 10.00	20% off current rate	
TUBAC PRESIDIO <sup>5</sup>	free	2.00 – 10.00	2.00 – 10.00	20% off current rate	
YUMA QUARTER MASTER DEPOT <sup>5</sup>	free	2.00 – 10.00	2.00 – 10.00	20% off current rate	
YUMA TERRITORIAL PRISON <sup>5</sup>	free	2.00 – 10.00	2.00 – 10.00	20% off current rate	
Group discounts are available where listed. A group is 15 persons or more with prearranged arrival. All persons in a group, regardless of age, apply toward a group's number.					
PARK NAME	DAILY ENTRANCE FEES			GROUP FEES	
	Ages 0-6	Ages 7-13	Ages 14 & up	Ages 7-13	Ages 14 & up
RIORDAN MANSION <sup>5</sup>	free	2.00 – 10.00	2.00 – 10.00	20% off current rate	20% off current rate

## Arizona State Parks Board

## KARTCHNER CAVERNS

TOURS	Ages 0 – 6	Ages 7 – 13	Ages 14 & Up
Rotunda Tour	free	9 – 15.00	18.00 – 30.00
Big Room Tour	n/a	9 – 15.00	18.00 – 30.00
COMMERCIAL GROUP TOURS*	Ages 0 – 6	Ages 7 – 13	Ages 14 & Up
Rotunda Tour	free	20% off current rate	20% off current rate
Big Room Tour	n/a	20% off current rate	20% off current rate
*A commercial tour is pre-arranged by a commercial tour operator who organizes tours in a package with transportation and a destination or tour for one price. A group tour for Kartchner Caverns cave tour is defined as 12 persons or more.			

## OTHER FEES

Pet Fee for Cabins & Yurts	5.00	per pet per night.
Overnight Parking	Over-night Parking is described as: "A legally parked, unattended and unoccupied vehicle not in a designated campsite, remaining on the park throughout the night." The overnight parking fee is to be charged in addition to the regular Entrance Fee.	

## PASSES

Arizona State Parks Premium Annual Entrance Pass	200.00	"Valid at all State Parks for day-use activities only. Additional Program and Special Event Fees may apply."
Arizona State Parks Standard Annual Entrance Pass	75.00	"Valid at all Arizona State Parks facilities for day-use activities. Not valid from April 1 <sup>st</sup> through October 31 <sup>st</sup> at Buckskin Mountain/River Island, Cattail Cove and Lake Havasu State Parks on Fridays, Saturdays, Sundays, and recognized State Holidays. Additional Program and Special Event Fees may apply."

## PROGRAM FEES (per person or vehicle)

Students Program:	Variable
Event / Program Fees	Variable
Instructional:	Variable

## RESERVATIONS

Kartchner Tours:	3.00
Kartchner Tours Rebooking:	5 – 25.00
Camping, Cabin, Yurt, Ramada, Lodge:	5 – 25.00
Group:	5 – 25.00

## SPECIAL USE FEES

Non-Commercial:	25.00 (minimum)
Commercial:	25.00 (minimum)
Damage Deposit:	25.00 (minimum)

## FACILITY USE FEES

Ramada	15.00 (minimum)
Group Day Use	15.00 (minimum)
Group Camping	15.00 (minimum)

Dump Station Use	15 – 20.00	Use of a parks dump station without being a registered camper will be equal to one night's camping (low end of the individual Park's range)
------------------	------------	---

## PERMITS

Commercial Retail Permit:	300.00	<b>CONDITIONS OF USE</b> <ul style="list-style-type: none"> <li>• Pass is valid only for customers entering the park in the commercial vehicle.</li> <li>• Individual pass must be presented each time the commercial vehicle enters the park with passengers.</li> <li>• Pass does not permit any private vehicle to enter the park.</li> <li>• Pass is valid through the calendar year in which it was purchased.</li> <li>• Pass must be used in conjunction with commercial business pass.</li> <li>• One voucher permits up to 4 adults in the same commercial vehicle.</li> <li>• Violation of Conditions of Use may result in revocation of all commercial privileges.</li> <li>• All Commercial Vehicle Access Permits expire December 31 of the year for which they were issued.</li> <li>• Permittee clientele will be responsible for all applicable daily entrance fees when entering the park in a separate vehicle from the permittee. However, a discounted Clientele Voucher is available for all permittee clientele who enter the park in the permittee's vehicle and do not occupy a parking space.</li> </ul>
Commercial Rental Permit:	350.00	
2 <sup>nd</sup> Commercial Permit:	150.00	
Clientele Voucher:	5.00	Vouchers are sold only to Permit holders. Vouchers can only be used at the time of entry, and are non-transferable.

## Historical Note

Adopted effective January 1, 1997, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State December 9, 1996 (Supp. 96-4). Amended effective January 1, 1998, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State December 11, 1997 (Supp. 97-4). Amended effective March 2, 1998, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State February 13, 1998 (Supp. 98-1). Amended effective March 2, 1998, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State February 23, 1998 (Supp. 98-1). Amended effective January 1, 1999, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State November 24, 1998 (Supp. 98-4). Amended by exempt rulemaking at 5 A.A.R. 2173, effective July 1, 1999 (Supp. 99-2). Amended by exempt rulemaking at 7 A.A.R. 5712, effective January 1, 2002 (Supp. 01-4). Amended by exempt rulemaking at 8 A.A.R. 3657, effective July 31, 2002 (Supp. 02-3). Amended by exempt rulemaking at 9 A.A.R. 3828, effective August 6, 2003 (Supp. 03-3). Amended by exempt rulemaking at 10 A.A.R. 569, effective March 1, 2004 (Supp. 04-1). Amended by exempt rulemaking at 10 A.A.R. 1889, effective April 13, 2004 (Supp. 04-2). Amended by exempt rulemaking at 10 A.A.R. 2602, effective June 1, 2004 (Supp. 04-2). Amended by exempt rulemaking

## Arizona State Parks Board

at 10 A.A.R. 4186, effective October 1, 2004 (Supp. 04-3). Amended by exempt rulemaking at 12 A.A.R. 1700, effective March 1, 2006 (Supp. 06-2). Amended by exempt rulemaking at 14 A.A.R. 422, effective January 1, 2008 (Supp. 08-1). Amended by exempt rulemaking at 14 A.A.R. 4535, effective January 1, 2009 (Supp. 08-4). Amended by exempt rulemaking at 16 A.A.R. 293, effective March 1, 2010 at Department Request, Office File No. M11-81, filed March 8, 2011 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1998, effective December 1, 2010 (Supp. 10-3). Amended by exempt rulemaking at 18 A.A.R. 629, effective April 1, 2012 (Supp. 12-1). Amended by exempt rulemaking at 19 A.A.R. 3148, effective November 1, 2013 (Supp. 13-3). Amended by exempt rulemaking at 19 A.A.R. 4222, effective January 1, 2014 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 3561, effective February 1, 2015 (Supp. 14-4). Amended by exempt rulemaking at 34 A.A.R. 764, effective May 1, 2018 (Supp. 18-1).

**ARTICLE 2. OPERATION OF THE BOARD****R12-8-201. Meetings**

- A. There shall be a minimum of one meeting of the Arizona State Parks Board during each calendar year quarter.
- B. The time and place of a meeting shall be designated seven days before the meeting date by either:
  1. The Chairman verbally informing the Director or,
  2. Any four members informing the Director in writing, except that in the case of an emergency, the Director may be verbally informed.
- C. The Director, upon being informed of the time and place of a meeting shall:
  1. Inform each member of the time and place of the meeting at least five days before the meeting date.
  2. Prepare a written agenda consisting of the time and place of the meeting and an outline of the business to be considered. The agenda shall be verbally accepted by the Chairman or the members who set the meeting before it is distributed.
  3. Transmit the agenda to each Board Member and post the agenda in the administrative headquarters of the Board and at the headquarters area of each operational State Park at least two days before the meeting date.
  4. Prepare explanatory material concerning the business contained on the agenda and transmit the material to each Board Member.
- D. In the case of an emergency, the time requirements of subsections (B) and (C) above may be adjusted to the circumstances.

**Historical Note**

Adopted effective August 8, 1977 (Supp. 77-4). Former Section R12-8-50 renumbered as Section R12-8-201 without change effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-202. Organization of the Board**

- A. Selection of Officers
  1. At the first meeting following January 1 of each year, the members present shall select by majority vote a Chairman and a Vice Chairman to serve through the first meeting following January 1 of the year following.
  2. If a vacancy in either the Chairman or Vice Chairman office of the Board occurs, the members present at the first meeting following the occurrence of the vacancy shall select a member by majority vote to fill the unexpired term of the officer.
  3. If the Chairman and Vice Chairman are absent from a meeting of the Board held in accordance with these rules, a Presiding Officer shall be selected by majority vote of the members present.
- B. Duties of the officers are as follows:
  1. The Chairman shall preside over all meetings and functions of the Board.
  2. The Vice Chairman shall take over the duties of the Chairman if the Chairman is absent.

3. The Presiding Officer shall take over the duties as Chairman if the Chairman and Vice Chairman are absent.

**Historical Note**

Adopted effective August 8, 1977 (Supp. 77-4). Former Section R12-8-51 renumbered as Section R12-8-202 without change effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-203. Committees**

- A. There shall be no standing committees.
- B. Special committees may be appointed by the Chairman to make reports to the Board concerning matters of interest to the Board.

**Historical Note**

Adopted effective August 8, 1977 (Supp. 77-4). Former Section R12-8-52 renumbered as Section R12-8-203 without change effective November 1, 1981 (Supp. 81-5).

**R12-8-204. Procedures at Meetings**

- A. All actions of the Board shall be by majority vote of the membership present.
- B. Board meetings shall be conducted under Roberts Rules of Order.

**Historical Note**

Adopted effective August 8, 1977 (Supp. 77-4). Former Section R12-8-53 renumbered as Section R12-8-204 without change effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-205. Repealed****Historical Note**

Adopted effective June 29, 1979 (Supp. 79-3). Former Section R12-8-54 renumbered as Section R12-8-205 without change effective November 1, 1981 (Supp. 81-5). Section repealed by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-206. Repealed****Historical Note**

Adopted effective August 26, 1983 (Supp. 83-4).

**R12-8-207. Board Concession Approval Policy**

- A. The Board may enter into agreement with a private or public entity for the operation and development of a concession in an area under the jurisdiction of the Board subject to the following conditions:
  1. The proposed concession activity shall be consistent with a Board-approved master plan for development and operation of the park in which the concession is to be located. The plan shall include any amendments or other Board activity.
  2. The proposed concession activity shall be consistent with the purposes of the Board as defined by statute.



## Arizona State Parks Board

3. The Board determines that there is a need for the proposed type of concession operation and that the proposed concession activity is in the best interest of the state.
  4. The Board issues a formal request for proposals from persons interested in operating a concession.
  5. The Board determines that the concession operator selected is most advantageous to the state according to the criteria identified in the request for proposals.
- B.** The Board shall publish notice of a request for proposals for a concession in accordance with A.R.S. § 41-2533(C). In addition, the Board shall provide notice of a request for proposals at the last known address of each person who has, within the last year, expressed in writing to the Board an interest in operating a concession of the particular nature being noticed.
- C.** A copy of this rule shall be provided by the Board to each person who submits a concession proposal without prior issuance by the Board of a formal request for proposals for a concession.
- D.** The Board may exempt an existing concession renewal, consignment agreement, vending agreement, or agreement with a nonprofit organization or a local historical society from the procedures contained in this rule.

**Historical Note**

Adopted effective July 12, 1984 (Supp. 84-4). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**ARTICLE 3. STATE HISTORIC PRESERVATION OFFICE PROGRAMS****R12-8-301. Definitions**

In this Article, unless the context otherwise requires:

1. "State Historic Preservation Officer" or "Officer" means an employee of the Board who has professional competence and expertise in the field of historic preservation and administers the State Historic Preservation Program.
2. "Arizona Register of Historic Places," "Arizona Register," or "Register" means the state's list of Arizona's historic properties worthy of preservation that serves as an official record of Arizona's historic districts, sites, buildings, structures, and objects of national, state, or local significance in the fields of history, architecture, archaeology, engineering, or culture. Properties listed on or eligible for the Arizona Register of Historic Places may also be eligible for listing on the National Register of Historic Places.
3. "National Register of Historic Places" means the official national list of historic districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, or culture.
4. "Historic Sites Review Committee" or "HSRC" means a standing committee of the Arizona Historical Advisory Commission, which is appointed by the State Historic Preservation Officer under A.R.S. § 41-1352 to review nominations of properties for listing on the National or Arizona Register of Historic Places.
5. "Historic property" means a building, site, district, object, or structure evaluated by the HSRC as historically significant.
6. "State Historic Preservation Office" or "SHPO" means the program staff that work under the supervision of the Officer.

**Historical Note**

Adopted effective June 30, 1978 (Supp. 78-3). Former Section R12-8-60 renumbered as Section R12-8-301 without change effective November 1, 1981 (Supp. 81-5).

Amended effective August 26, 1983 (Supp. 83-4). Former Section R12-8-301 renumbered to R12-8-304; new Section R12-8-301 adopted by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-302. Criteria for Evaluation**

- A.** Before listing a property in the Register, the State Historic Preservation Office (SHPO), with the advice of the HSRC, will apply the following criteria for evaluating the property:
1. The property conveys significance in one or more of the following contexts: national, state or local history, architecture, archaeology, engineering, or culture;
  2. The property is classified as one of the following types: district, site, building, structure, or object;
  3. The property possesses integrity of location, design, setting, materials, workmanship, feeling, or association; and
  4. The property:
    - a. Is associated with an event that made a significant contribution to the broad pattern of history;
    - b. Is associated with the life of a historically significant person;
    - c. Embodies a distinctive characteristic of a type, period, or method of construction, represents the work of a master, possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction; or
    - d. Has yielded or is likely to yield important pre-historical or historical information.
- B.** The SHPO shall not consider eligible for the Register any property that has achieved significance within the past 50 years unless the property is an integral contributing element of a district that meets the criteria in subsection (A) or the property demonstrates exceptional individual importance.

**Historical Note**

Adopted effective June 30, 1978 (Supp. 78-3). Former Section R12-8-61 renumbered as Section R12-8-302 without change effective November 1, 1981 (Supp. 81-5). Amended effective August 26, 1983 (Supp. 83-4). Former Section R12-8-302 renumbered to R12-8-305; new Section R12-8-302 adopted by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-303. Processes of Registration**

- A.** The State Historic Preservation Officer shall serve as the keeper of the Register.
- B.** Before listing a property in the Register, the SHPO requires the following:
1. The Historic Property Inventory (HPI) form must be completed by the proponent or owner to determine whether the property is eligible for listing;
  2. The Recommendation of Eligibility form must be completed by the SHPO Officer after receiving the HPI;
  3. If a property is recommended as eligible, the National Register of Historic Places Registration Form or the National Register of Historic Places Multiple Property Documentation Form must be completed by the owner;
  4. The SHPO Officer shall give the owner at least 30 calendar days prior notification of the nomination's review by the HSRC;
  5. The SHPO Officer shall forward the National Register Registration Form to the HSRC; and
  6. The HSRC shall:

## Arizona State Parks Board

- a. Review the Registration Form, documentation, and any comments concerning the property's significance and integrity,
  - b. Recommend to the SHPO whether the property should be listed in the Arizona Register and forwarded to the keeper of the National Register; and
  - c. Review a refusal of nomination upon request.
- C. The Officer shall determine whether to place the nominated property on the Register in accordance with information provided in subsection (B).
- D. If the SHPO refuses to forward a nomination to the HSRC, the property owner may petition the HSRC Chairman in writing to have the nomination reviewed. The petition shall be filed with the Chairman at least 60 calendar days before the next scheduled meeting.

**Historical Note**

Adopted effective June 30, 1978 (Supp. 78-3). Former Section R12-8-62 renumbered as Section R12-8-303 without change effective November 1, 1981 (Supp. 81-5). Former Section R12-8-303 repealed, former Section R12-8-304 renumbered and amended as Section R12-8-303 effective August 26, 1983 (Supp. 83-4). Former Section R12-8-303 renumbered to R12-8-306; new Section R12-8-303 adopted by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-304. Factors for Determining Certification Eligibility**

- A. Before the SHPO Officer (Officer) certifies a Historic Property as eligible for a change in property tax classification, the property shall be listed in the National Register of Historic Places:
  - 1. Individually; or
  - 2. As part of a historic district. If within a historic district, the Officer shall determine whether or not the property contributes to the character of the historic district.
- B. After the SHPO Officer determines a property is eligible for reclassification, the SHPO shall certify a historic property as Non-Commercial or Commercial, as defined in A.R.S. § 42-12101.
- C. The following are exclusions from eligibility:
  - 1. The Officer shall not certify a historic property that includes within its legal description a building, structure, improvement, or land area that does not contribute to the historical character and that can be excluded by modifying the legal description. If the legal description in an application includes an element or area of this nature, the applicant shall modify the legal description upon notification by the Officer in order to be eligible for certification.
  - 2. A Historic Property that does not meet the minimum maintenance standards described in R12-8-306 shall not be certified by the Officer. In addition to other reasons established by law, the Officer may disqualify a property certified as a historic property for property tax purposes if the property owner does not comply with these rules and regulations of the Board designated in this Article.
- E. Certification continues through any change of ownership, if the new owner submits required reports and affirms compliance with the program requirements in writing.
- F. Historic Property shall not be decertified by the SHPO without proof, by certified mail, return receipt requested, that the current owner on record with the appropriate County Assessor's Office, has received notice in writing.

**Historical Note**

Adopted effective June 30, 1978 (Supp. 78-3). Former Section R12-8-63 renumbered as Section R12-8-304 without change effective November 1, 1981 (Supp. 81-5). Former Section R12-8-304 renumbered and amended as

Section R12-8-303, former Section R12-8-305 renumbered and amended as Section R12-8-304 effective August 26, 1983 (Supp. 83-4). Former Section R12-8-304 renumbered to R12-8-307; new Section R12-8-304 renumbered from R12-8-301 and amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-305. Verification of Eligibility for Property Tax Reclassification**

- A. A person that seeks to have a property reclassified for property tax purposes as either a Commercial or Non-commercial Historic Property shall submit a verification of eligibility form. The person seeking reclassification may obtain the verification of eligibility form from the SHPO or the Assessor's Office in the county where the property is located and shall submit the completed form to the Assessor's Office in the county where the property is located.
- B. A person that seeks to have a property reclassified for property tax purposes as either a Commercial or Non-commercial Historic Property, shall ensure that the verification of eligibility form provides the following information:
  - 1. Address of the property,
  - 2. Legal description of the property,
  - 3. Property classification,
  - 4. Name of owner,
  - 5. Historic property name as listed on the National Register of Historic Places,
  - 6. Date of original construction,
  - 7. Description of any exterior changes to the property since the property was listed on the National Register of Historic Places,
  - 8. Photographs of the property that meet the specifications of the Board, and
  - 9. The owner's written consent for the Officer or the Officer's representative to view the property.
- C. In addition to complying with subsection (B), a person that seeks to have a property reclassified as a Commercial Historic Property shall submit with the verification of eligibility form rehabilitation construction documents including plans and specifications.
- D. Following the assessor's review of the verification of eligibility form and any documents required under subsection (C), the assessor shall submit the verification of eligibility form and documents to the Officer for verification of eligibility for reclassification.

**Historical Note**

Adopted effective June 30, 1978 (Supp. 78-3). Former Section R12-8-64 renumbered as Section R12-8-305 without change effective November 1, 1981 (Supp. 81-5). Former Section R12-8-305 renumbered and amended as Section R12-8-304 effective August 26, 1983 (Supp. 83-4). New Section R12-8-305 renumbered from R12-8-302 and amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-306. Minimum Maintenance/Restoration Standards**

- A. The owner of a certified Commercial or Non-Commercial historic property shall maintain the property to preserve the historical integrity of the features, materials, appearance, workmanship, and environment, according to the following standards:
  - 1. Protect the Historic Property against accelerated deterioration due to:
    - a. Vandalism;

## Arizona State Parks Board

- b. Structural failure;
  - c. Climatic weathering including the affects of water infiltration;
  - d. Biological affects due to insects, animals, or plants;
  - e. Fire; or
  - f. Flooding.
- 2. Maintain the historic property by:
  - a. Keeping it secure;
  - b. Maintaining the windows and doors, or covering them in a manner that does not injure the property's integrity;
  - c. Maintaining security fencing, if applicable;
  - d. Maintaining roofs and drainage systems;
  - e. Minimizing damage from insects, birds, or animals; and
  - f. Maintaining landscaping to reduce fire potential.
- B.** The Officer shall decertify any certified Historic Property that is condemned by a local authority.
- C.** Before implementation of any rehabilitation project, the owner shall submit both a written and graphic proposal (Construction Documents) for the proposed rehabilitation project to the Officer. The Officer has 30 calendar days from receipt of the proposal in which to comment on the appropriateness of the project in relationship to The Secretary of the Interior's Standards for Rehabilitation.
- D.** The Officer shall review all rehabilitation projects done to ensure that the planned project for rehabilitation of the Historic Property is in accordance with the guidelines established by the U.S. Government, Cyclical Maintenance for Historic Buildings, J. Henry Chambers, AIA, 1976, available from the U.S. Government Printing Office and the U.S. Department of the Interior, the National Park Service publication titled, The Secretary of the Interior's Standards for Historic Preservation Projects, Section III, Guidelines, 1983 and The Secretary of the Interior's Standards for Rehabilitation, National Park Service, 1995 available from the National Park Service Technical Preservation Services Division, the State Historic Preservation Office, or the U.S. Government Printing Office. These three documents are incorporated by reference and on file with the

Board and the Office of the Secretary of State. The materials incorporated by reference contain no future editions or amendments.

- E.** The owner shall submit pictures of rehabilitation projects no later than 30 calendar days after completion of the rehabilitation project that illustrate compliance with the standards established in subsection (D).
- F.** If a conflict occurs between the requirements of the Officer or the Officer's representative and local building officials or any applicable laws, a meeting of the appropriate representatives shall be called by the owner to discuss the question and reach an equitable solution.

**Historical Note**

New Section R12-8-306 renumbered from R12-8-303 and amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-307. Documentation Requirements, Reports, and Inspection**

- A.** The owner of a certified Historic Property shall submit the following information for the requested year's activity to the Officer:
  - 1. Confirmation of current Historic Property ownership,
  - 2. A statement signed by the owner indicating that the Historic Property is operated and maintained in accordance with the laws and rules applicable to the classification of the Historic Property for property tax purposes, and
  - 3. Additional reports and inspections necessary for documentation requirements.
- B.** The owner of a classified Historic Property shall permit the Officer or representative to inspect the property for compliance with these rules. The Officer shall notify the owner by certified mail at least ten days before the inspection.

**Historical Note**

New Section R12-8-307 renumbered from R12-8-304 and amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

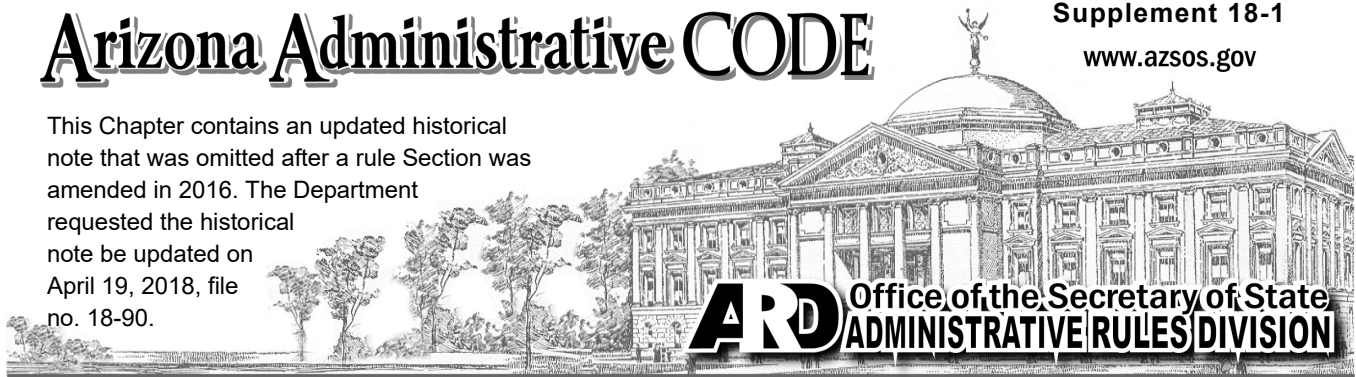
This page intentionally left blank.

# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains an updated historical note that was omitted after a rule Section was amended in 2016. The Department requested the historical note be updated on April 19, 2018, file no. 18-90.



## TITLE 15. REVENUE

### CHAPTER 3. DEPARTMENT OF REVENUE - LUXURY TAX SECTION

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

*When R15-3-501 was amended in Supp. 16-3 the historical note was omitted. At the request of the Department it was added in Supp. 18-1. Please note there are no other changes to this Chapter.*

[R15-3-501.](#)     [Filing of Luxury Tax Reports and Returns ..... 9](#)

#### Questions about these rules? Contact:

Department	Arizona Department of Revenue, Tobacco Tax Unit
Name:	Amanda Cook-McGraw, Tobacco Tax Counsel
Address:	1600 W. Monroe Phoenix, AZ 85007
Telephone:	(602) 716-6128
Fax:	(602) 716-7998
E-mail:	<a href="mailto:ACook-McGraw@azdor.gov">ACook-McGraw@azdor.gov</a>

#### The release of this Chapter in supplement 18-1 replaces supplement 16-2, 1-9 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

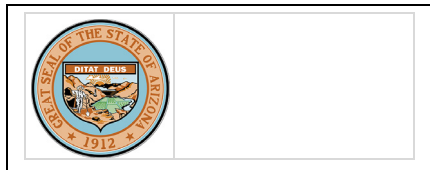
### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 15. REVENUE****CHAPTER 3. DEPARTMENT OF REVENUE - LUXURY TAX SECTION**

(Authority: A.R.S. § 42-1202 et seq.)

*Article 1 consisting of Sections R15-3-101 through R15-3-104, Article 2 consisting of Sections R15-3-201 through R15-3-204, Article 3 consisting of Sections R15-3-301 through R15-3-322, Article 4 consisting of Sections R15-3-401 through R15-3-410, Article 5 consisting of Sections R15-3-501 through R15-3-512 adopted effective March 18, 1981.*

*Former Article 1 consisting of Sections R15-3-01 through R15-3-13 and Article 2 consisting of Sections R15-3-21 through R15-3-28 repealed effective March 18, 1981.*

**ARTICLE 1. REPEALED**

*Article 1, consisting of Sections R15-3-101 through R15-3-104, repealed effective May 14, 1993 (Supp. 93-2).*

Section	
R15-3-101.	Repealed ..... 3
R15-3-102.	Repealed ..... 3
R15-3-103.	Repealed ..... 3
R15-3-104.	Repealed ..... 3

**ARTICLE 2. GENERAL**

R15-3-201.	Definitions ..... 3
R15-3-202.	Reserved ..... 3
R15-3-203.	Repealed ..... 3
R15-3-204.	Repealed ..... 3

**ARTICLE 3. TAXES ON TOBACCO PRODUCTS**

Section	
R15-3-301.	Licensing ..... 3
R15-3-302.	Repealed ..... 4
R15-3-303.	Repealed ..... 4
R15-3-304.	Change of Licensee's Business Name ..... 4
R15-3-305.	Change of Licensee's Place of Business, Business Location or Mailing Address ..... 4
R15-3-306.	Recordkeeping, Invoicing and Filing-related Requirements ..... 4
R15-3-307.	Cancellation of Distributor's License ..... 5
R15-3-308.	Revocation or Suspension of Distributor's License ..... 5
R15-3-309.	Inspection of Tobacco Product Retailers ..... 5
R15-3-310.	Vending Machine Identification and Inspection .. 6
R15-3-311.	Repealed ..... 6
R15-3-312.	Purchase of Cigarette Tax Stamps ..... 6
R15-3-313.	Invoice Issued by a Distributor ..... 6
R15-3-314.	Sales in Interstate or Foreign Commerce ..... 6
R15-3-315.	Credit Purchases of Cigarette Tax Stamps ..... 6
R15-3-316.	Sale of Unstamped Cigarettes ..... 7
R15-3-317.	Contraband and the Disposition of Seized Tobacco Products ..... 7

R15-3-318.	Refunds, Rebates and Redemption of Cigarette Tax Stamps ..... 7
R15-3-319.	Cigarette Samples ..... 7
R15-3-320.	Repealed ..... 7
R15-3-321.	Renumbered ..... 8
R15-3-322.	Renumbered ..... 8

**ARTICLE 4. TAX ON ALCOHOLIC BEVERAGES**

Section	
R15-3-401.	Tax Return Filing Requirements for a Malt Liquor Wholesaler ..... 8
R15-3-402.	Tax Return Filing Requirements for a Spirituous or Vinous Liquor Wholesaler ..... 8
R15-3-403.	Tax Return Filing Requirements for a Domestic Microbrewery, Domestic Farm Winery, or Beer Manufacturer ..... 8
R15-3-404.	Taxes Remitted ..... 8
R15-3-405.	Alcoholic Beverage Samples ..... 9
R15-3-406.	Metric Conversion ..... 9
R15-3-407.	Filing Requirements for a Primary Source of Supply ..... 9
R15-3-408.	Failure to Report Purchases from a Primary Source of Supply ..... 9
R15-3-409.	Repealed ..... 9
R15-3-410.	Failure to File a Return or Pay Tax ..... 9

**ARTICLE 5. ADMINISTRATION**

Section	
R15-3-501.	Filing of Luxury Tax Reports and Returns ..... 9
R15-3-502.	Repealed ..... 9
R15-3-503.	Repealed ..... 9
R15-3-504.	Repealed ..... 9
R15-3-505.	Repealed ..... 9
R15-3-506.	Repealed ..... 9
R15-3-507.	Repealed ..... 9
R15-3-508.	Repealed ..... 9
R15-3-509.	Repealed ..... 10
R15-3-510.	Expired ..... 10
R15-3-511.	Repealed ..... 10
R15-3-512.	Repealed ..... 10

## Department of Revenue - Luxury Tax Section

**ARTICLE 1. REPEALED****R15-3-101. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).  
Repealed effective May 14, 1993 (Supp. 93-2).

**R15-3-102. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).  
Repealed effective May 14, 1993 (Supp. 93-2).

**R15-3-103. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).  
Repealed effective May 14, 1993 (Supp. 93-2).

**R15-3-104. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).  
Repealed effective May 14, 1993 (Supp. 93-2).

**ARTICLE 2. GENERAL****R15-3-201. Definitions**

In this Chapter, unless otherwise specified:

1. "Acquire" or any variation thereof means to receive, to come to own or have, or to come into possession or control of tobacco products, regardless of the means or manner and whether the tobacco products are later transferred, sold, distributed or otherwise given to another person.
2. "Alcoholic beverage" means cider, malt liquor, spirituous liquor, and vinous liquor, as these terms are defined in A.R.S. § 42-3001.
3. "Applicant" means a person applying for a distributor's license under A.R.S. § 42-3401.
4. "Business location" means either of the following:
  - a. Pursuant to A.R.S. § 42-3151(A), any place where books, papers, invoices, or records of a wholesaler, distributor, or retailer are open for inspection by the Department; or
  - b. Pursuant to A.R.S. § 42-3151(B), any place where luxuries are placed, produced, stored, or sold.
5. "Cigar" has the same meaning as prescribed in A.R.S. § 42-3001.
6. "Cigarette" has the same meaning as prescribed in A.R.S. § 42-3001.
7. "Consumer" has the same meaning as prescribed in A.R.S. § 42-3001.
8. "Department" means the Arizona Department of Revenue.
9. "Distributor" has the same meaning as prescribed in A.R.S. § 42-3001.
10. "Luxury" has the same meaning as prescribed in A.R.S. § 42-3001.
11. "Nonparticipating manufacturer" has the same meaning as prescribed in A.R.S. § 44-7111.
12. "Other tobacco products" has the same meaning as prescribed in A.R.S. § 42-3001.
13. "Participating manufacturer" has the same meaning as prescribed in A.R.S. § 44-7111.
14. "Place of business" has the same meaning as prescribed in A.R.S. § 42-3001.
15. "Primary source of supply" has the same meaning as prescribed in A.R.S. § 4-243.01(E)(1).

16. "Retailer" has the same meaning as prescribed in A.R.S. § 42-3001.
17. "Roll-your-own tobacco" has the same meaning as prescribed in A.R.S. § 42-3001.
18. "Sale" means the act of soliciting, receiving an order for, keeping or offering for sale, delivering for value, peddling, or keeping with intent to sell any of the luxuries taxable under this Chapter.
19. "Tobacco products" has the same meaning as prescribed in A.R.S. § 42-3001.
20. "Tobacco taxes" means all taxes imposed on tobacco products under A.R.S. Title 42, Chapter 3.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).  
Amended effective May 14, 1993 (Supp. 93-2). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-202. Reserved****R15-3-203. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).  
Repealed effective July 23, 1985 (Supp. 85-4).

**R15-3-204. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).  
Repealed effective July 23, 1985 (Supp. 85-4).

**ARTICLE 3. TAXES ON TOBACCO PRODUCTS****R15-3-301. Licensing**

- A. A person shall obtain a distributor's license before engaging in business as a distributor. The Department shall issue a distributor's license to the person named in the license application for a business making the initial sale or distribution of tobacco products in this state, pursuant to the requirements of A.R.S. § 42-3401 and any applicable bonding requirements under A.R.S. § 42-1102(B).
- B. The person shall disclose all places of business and business locations in its distributor's license application.
- C. The Department shall issue a distributor's license only if the distributor maintains any books, papers, invoices, records, and tobacco products subject to the Department's inspection under A.R.S. §§ 42-3151, 42-3401(D), and 42-3405 in a place and manner at the business location that is accessible to the Department during normal business hours without a judicial warrant or prior written consent. For example, if a licensee or its agent uses the same property for residential purposes and as a business location, as that term is defined in A.A.C. R15-3-201, the books, papers, invoices, records, and tobacco products located on that property shall be maintained in a place and manner that is completely separate from the residential portion of the property so that the Department will not need a judicial warrant or written consent to inspect the business location of that property during normal business hours.
- D. If an applicant remits payment of the licensee fee by cashier's check or money order, the payment shall bear the applicant's name as the purchaser or remitter; or, if the payment is made by company check, the check shall bear the applicant's name as the drawer or maker.
- E. Pursuant to A.R.S. §§ 42-3004(1) and 42-3401(C), the Department may request an applicant to submit additional supporting documentation for the purpose of enforcing this section.



## Department of Revenue - Luxury Tax Section

- F. For purposes of licensing, “person” means any firm partnership, limited liability company, limited liability partnership or association, or corporation, and the person’s members, officers, or owners who directly or indirectly own an aggregate amount of ten percent or more of ownership interest.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-301 repealed, new R15-3-301 renumbered from R15-3-302 and amended effective June 20, 1990 (Supp. 90-2). Amended by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 19 A.A.R. 520, effective February 19, 2013 (Supp. 13-1). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-302. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-302 renumbered to R15-3-301, new Section R15-3-302 renumbered from R15-3-304 and amended effective June 20, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). New Section made by final rulemaking at 8 A.A.R. 459, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Repealed by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-303. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-303 repealed, new Section R15-3-303 renumbered from R15-3-305 and amended effective June 20, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). New Section made by final rulemaking at 12 A.A.R. 4892, effective December 5, 2006 (Supp. 06-4). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Repealed by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-304. Change of Licensee’s Business Name**

A licensee that changes the name under which its business operates shall notify the Department in writing within 30 days of the name change and request a reissuance of its distributor’s license.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-304 renumbered to R15-3-302, new Section R15-3-304 renumbered from R15-3-306 and amended effective June 20, 1990 (Supp. 90-2). Amended by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-305. Change of Licensee’s Place of Business, Business Location or Mailing Address**

- A. Except as provided in subsection (C), a licensee shall notify the Department in writing within 30 days of a change in a place of business or business location and request a reissuance

of its distributor’s license that contains the licensee’s change in information.

- B. Except as provided in subsection (C), a licensee shall notify the Department in writing within 30 days of a change in the licensee’s mailing address (where all correspondence is mailed). The licensee shall specify whether the change is for the mailing address only.
- C. A licensee that has received a service of documents from the Department pursuant to A.R.S. § 41-1092.04 shall notify the Department of any change in the licensee’s place of business, business location or mailing address that would affect the subsequent service of documents within five days of the change.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-305 renumbered to R15-3-303, new Section R15-3-305 renumbered from R15-3-307 and amended effective June 20, 1990 (Supp. 90-2). Amended by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-306. Recordkeeping, Invoicing and Filing-related Requirements**

- A. A licensee shall maintain books and records subject to inspection under A.R.S. §§ 42-3151 and 42-3405, including invoices required under A.R.S. § 42-3462(A)(13) for transactions with nonparticipating manufacturers, in a manner that allows the Department to segregate transactions by the distributor’s business location, regardless of how the distributor lists transactions on a monthly return for tobacco products.
- B. A licensee shall submit electronic copies of invoices or equivalent documentation for any nonparticipating manufacturer’s cigarettes or roll-your-own tobacco purchased, acquired, or exported by or to the licensee. Pursuant to A.R.S. §§ 42-3462(A)(13), copies of those invoices shall be submitted with the licensee’s monthly returns required under A.R.S. § 42-3462.
1. This subsection applies to any nonparticipating manufacturer’s cigarettes or roll-your-own tobacco entering or leaving the inventory of a business location or place of business in the state, and to any transaction in which a nonparticipating manufacturer’s cigarettes or roll-your-tobacco leave an out-of-state business location for any location within the state.
  2. “Equivalent documentation” means letters, memoranda, receipts, billing records or other written documentation that records or documents transactions for the purchase, acquisition or export of a nonparticipating manufacturer’s cigarettes or roll-your-own tobacco in a manner that allows the Department to match those transactions with transactions recorded in a distributor’s invoices, books and records. Equivalent documentation shall contain for each transaction:
    - a. The purchase, acquisition or export date;
    - b. The corresponding invoice number;
    - c. The brand names and quantities of each brand of cigarettes or roll-your-own tobacco purchased, acquired or exported;
    - d. The identification of any cigarette tax stamps affixed to each brand of cigarettes, if applicable; and
    - e. The recipient’s name and delivery address.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-306 renumbered to R15-3-304, new Sec-

## Department of Revenue - Luxury Tax Section

tion R15-3-306 renumbered from R15-3-308 and amended effective June 20, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). New Section made by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-307. Cancellation of Distributor's License**

- A. If a licensee sells or terminates its business or voluntarily ceases all tobacco distribution activity, the licensee shall notify the Department in writing within 30 days of selling or terminating its business or ceasing its tobacco distribution activity, including the date of the sale, termination or cessation of tobacco distribution activity. The Department shall cancel the license, effective as of the date of sale, termination or voluntary cessation of tobacco distribution activity.
- B. In the event a license is cancelled, the licensee shall file a final monthly return by the 20th day of the month immediately following the cancellation's effective date. Late or fraudulent filings are subject to civil and criminal penalties under A.R.S. §§ 42-1125(K), (U) and 42-1127(B)(1)-(2), (B)(4).

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-307 renumbered to R15-3-305, new Section R15-3-307 renumbered from R15-3-309 and amended effective June 20, 1990 (Supp. 90-2). Amended by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-308. Revocation or Suspension of Distributor's License**

- A. The Department shall not issue or renew a distributor's license if any of the conditions listed under A.R.S. § 42-3401(E)-(F) applies. The Department shall give written notice of a denial to issue or renew a license to the applicant or licensee by delivering the notice by certified mail, return receipt requested, or by personal service, to the applicant or licensee's place of business.
- B. Except as otherwise provided in A.R.S. § 42-3401 and this section, the Department may revoke or suspend a license for more than two violations within a three-year period of any provision of A.R.S. Title 42 or this Article pursuant to A.R.S. § 42-3401(G).
- C. The Department may revoke a license for a violation of A.R.S. §§ 42-3401(F), 42-3461(A) or any other statute that permits revocation.
- D. The Department shall give written notice of a revocation or suspension to a licensee by delivering the notice by certified mail, return receipt requested, or by personal service, to the licensee's place of business.
- E. The applicant or licensee may request a hearing in writing within 30 days after receipt of the notice to appeal the Department's decision. If the notice is delivered by certified mail, return receipt requested, the applicant or licensee is presumed to have received notice upon the date shown on the return receipt signed by or on behalf of the applicant or licensee, or, if the receipt is unsigned, upon the date that the United States Postal Service attempted to deliver the notice. If the notice is delivered by personal service, the applicant or licensee is presumed to have received notice upon the date of service.
- F. If the applicant or licensee does not file an appeal within the 30-day period, the Department's determination becomes final. The Department shall consider the appeal filed on the earlier of the date received by the Department or the date deposited in

the United States mail as evidenced by a postmark. If the applicant or licensee files a timely appeal, the Department shall request a hearing by the Office of Administrative Hearings.

- G. If the applicant or licensee appeals the revocation or suspension, the Department shall suspend action until the final order of the Department has been issued under A.A.C. R15-10-131.
- H. Pursuant to A.R.S. §§ 41-1092.11(B) and 42-3401(J), the Department may order the summary suspension of a license, pending a hearing by the Office of Administrative Hearings on the revocation or suspension, if the Department finds the public health, safety or welfare imperatively requires emergency action and incorporates that finding in the written notice described in subsection (D).
- I. In the event a license is revoked, the person holding the revoked license is subject to the final monthly reporting requirement of A.A.C. R15-3-307(B).
- J. In the event a license is suspended, the licensee remains subject to the final monthly reporting requirement as provided in A.R.S. §§ 42-3462 and 42-3501 during the period of suspension.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-308 renumbered to Section R15-3-306, new Section R15-3-308 renumbered from R15-3-310 and amended effective June 20, 1990 (Supp. 90-2). Amended by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 19 A.A.R. 520, effective February 19, 2013 (Supp. 13-1). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-309. Inspection of Tobacco Product Retailers**

- A. A tobacco product retailer shall maintain any books, papers, invoices, records, and luxuries subject to the Department's inspection under A.R.S. § 42-3151 in a place and manner at the retail operation that is accessible to the Department during normal business hours without a judicial warrant or prior written consent. For example, if a retailer or agent of the retailer uses the same property for residential purposes and as a business location, the retailer shall maintain its books, papers, invoices, records, and luxuries in a place and manner that is separate and apart from the residential portion so that the Department does not need a judicial warrant or written consent to inspect the business location on that property during normal business hours.
- B. If the retailer maintains any books, papers, invoices, or records electronically, the retailer shall provide access to the data for the Department's inspection at the business location, regardless of the data's storage location. The retailer shall provide access at the business location in a place and manner that is accessible to the Department during normal business hours without a judicial warrant or the retailer's prior written consent.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-309 renumbered to Section R15-3-307, new Section R15-3-309 renumbered from R15-3-311 and amended effective June 20, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). New Section made by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 22

## Department of Revenue - Luxury Tax Section

A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-310. Vending Machine Identification and Inspection**

- A.** An owner, operator, or person in possession of a vending machine shall ensure that any agent of the Department is able to inspect all cigarettes that are offered for sale using the vending machine. Except as provided in subsection (B), the owner, operator, or person in possession of the vending machine shall visibly display cigarettes in the vending machine so the Department's agent is able to inspect the cigarettes in the machine to verify that the required cigarette tax stamps are properly affixed.
- B.** If the cigarettes cannot be visually inspected in a vending machine, the owner, operator, or person in possession of the machine shall have access to the cigarettes in the machine and shall permit the Department's agent to inspect the cigarettes as needed to ensure they are properly affixed with tax stamps.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-310 renumbered to R15-3-308, new Section R15-3-310 renumbered from R15-3-313 and amended effective June 20, 1990 (Supp. 90-2). Amended by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-311. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-311 renumbered to Section R15-3-309, new Section R15-3-311 renumbered from R15-3-314 and amended effective June 20, 1990 (Supp. 90-2). Amended by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Section repealed by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-312. Purchase of Cigarette Tax Stamps**

- A.** A distributor shall obtain unaffixed cigarette tax stamps only from the Department. The Department shall not provide cigarette tax stamps to a person who does not hold a valid distributor's license issued by the Department.
- B.** A distributor shall not sell, lend, give, purchase, or otherwise transfer cigarette tax stamps to or for another person at any time.
- C.** If a distributor remits payment for cigarette tax stamps by cashier's check, company check, or money order, the payment shall bear one of the following:
1. The name of the distributor purchasing the cigarette tax stamps as the purchaser or remitter, if the payment is made by cashier's check or money order; or
  2. The name of the distributor purchasing the cigarette tax stamps as the drawer or maker, if the payment is made by company check.

**Historical Note**

Former Section R15-3-316 renumbered to R15-3-312 and amended effective June 20, 1990 (Supp. 90-2). Amended by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 22 A.A.R. 1843,

effective June 24, 2016 (Supp. 16-2).

**R15-3-313. Invoice Issued by a Distributor**

For the purpose of enforcing A.R.S. § 42-3452 and pursuant to A.R.S. § 42-3004, a distributor of tobacco products shall issue an invoice or equivalent documentation for each transaction that involves the sale, purchase, or consignment of tobacco products to a retailer or the distributor's customer. The invoice or equivalent documentation shall include the distributor's license number. A copy of the invoice or equivalent documentation shall be maintained in accordance with A.R.S. § 42-3405.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-313 renumbered to R15-3-310, new Section R15-3-313 renumbered from R15-3-318 effective June 20, 1990 (Supp. 90-2). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 4135, effective July 31, 2003 (Supp. 03-3). New Section made by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-314. Sales in Interstate or Foreign Commerce**

Tobacco products sold by licensed distributors to purchasers located outside the state are exempt from tobacco taxes if the following conditions are met:

1. The distributor ships or delivers the tobacco products to a location outside the state for use outside the state;
2. The distributor files with the Department the applicable monthly return or report for the tobacco products being sold, in the form and manner required by the Department;
3. In the appropriate section of the return or report filed under subsection (2), the distributor indicates the amount of out-of-state sales and the party to whom the sales were made;
4. The distributor provides to the Department a copy of either the invoice issued by the distributor to the out-of-state party to whom the sales were made or a copy of the return or report filed with the taxing authority of the state of destination of the cigarettes or other tobacco products; and
5. Pursuant to A.R.S. § 42-3405, the distributor retains one copy of each return or report for four years following the close of the calendar year in which the tobacco products are sold.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-314 renumbered to R15-3-311, new Section R15-3-314 renumbered from R15-3-319 and amended effective June 20, 1990 (Supp. 90-2). Amended by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-315. Credit Purchases of Cigarette Tax Stamps**

A distributor may increase its credit limit for cigarette tax stamp purchases by increasing the amount of its bond on file with the Department.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Amended effective November 5, 1986 (Supp. 86-6). Former Section R15-3-315 repealed, new Section R15-3-315 renumbered from R15-3-321 and amended effective June 20, 1990 (Supp. 90-2). Amended by final rulemaking at 5

## Department of Revenue - Luxury Tax Section

A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-316. Sale of Unstamped Cigarettes**

- A. Except as otherwise provided in A.R.S. Title 42, Chapter 3, Articles 10 and 11, a distributor shall file the applicable monthly return with the Department in the form and manner required by the Department showing that the distributor purchased a sufficient number of cigarette tax stamps to be affixed to all cigarettes it distributes in this state during the period. If the distributor does not provide this information, the Department shall presume the distributor sold unstamped cigarettes. In that case, and in addition to any other applicable penalties, the Department shall determine the amount of unstamped cigarettes sold by the distributor and shall issue a proposed deficiency assessment for any luxury tax found due. The proposed deficiency assessment becomes final unless the distributor protests the assessment within 45 days under A.R.S. § 42-1108 and 15 A.A.C. 10, Article 1.
- B. If a retailer maintains or possesses cigarettes at its place of business that, upon the Department's inspection, are loose or otherwise repackaged in a manner different from that distributed for sale by the cigarette manufacturer, the Department shall presume the retailer is offering the cigarettes for sale in violation of A.R.S. § 42-3456 unless the retailer establishes the contrary.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-316 renumbered to R15-3-312, new Section R15-3-316 renumbered from R15-3-322 and amended effective June 20, 1990 (Supp. 90-2). Amended by final rulemaking at 5 A.A.R. 2168, effective June 15, 1999 (Supp. 99-2). Amended to correct typographical error in citation to Arizona Revised Statutes (Supp. 00-1). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-317. Contraband and the Disposition of Seized Tobacco Products**

- A. Tobacco products considered to be contraband under A.R.S. § 42-3402 that are ordered, purchased or transported in violation of A.R.S. § 36-798.06 may be voluntarily reported by a person other than a licensed distributor and are subject to tax pursuant to A.R.S. § 36-798.06(E).
- B. Except as provided in subsection (C), tobacco products seized by the Department under A.R.S. § 42-1124 are subject to return to a licensee that prevails in an appeal of the seizure.
- C. Tobacco products shall be forfeited to the state and destroyed if the tobacco products constitute contraband tobacco products, as described in A.R.S. § 42-3402, or are subject to seizure and destruction under any other statute.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 520, effective February 19, 2013 (Supp. 13-1). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-318. Refunds, Rebates and Redemption of Cigarette Tax Stamps**

- A. The Department does not bear the risk of loss or theft of cigarette tax stamps sold to a licensee and are no longer in the Department's possession.
- B. The Department is not obligated to issue a refund or rebate for or to redeem lost cigarette tax stamps or cigarette tax stamps rendered unusable due to a licensee's mistake in the handling, usage or recordkeeping of stamps in the licensee's possession.
- C. The Department is not obligated to issue a refund for cigarette tax stamps unless the licensee proves it is entitled to a refund under one of the conditions of A.R.S. § 42-3008(A) and, if applicable, meets the requirements of A.A.C. R15-3-314.
- D. Pursuant to A.R.S. § 42-3008(C), the Department will not issue a refund for cigarette tax stamps affixed to tobacco products that are deemed contraband under A.R.S. Title 42, Chapter 3.
- E. Except as provided in subsections (A) and (B) above, the Department shall redeem unused or spoiled cigarette tax stamps that satisfy all conditions of A.R.S. § 42-3460, provided the Department first receives a complete request for redemption. To request a redemption, the licensee shall submit a request to the Department and the unused or spoiled stamps sought to be redeemed. The Department shall not issue a redemption unless the Department receives the cigarette tax stamps sought to be redeemed.
- F. Except as provided in subsections (A) and (B) above, the Department may issue a rebate of taxes paid on tobacco products pursuant to Article 7 of A.R.S. Title 42, Chapter 3 if the licensee establishes entitlement to the rebate pursuant to A.R.S. § 42-3406. The request for a rebate and all supporting documentation shall be submitted through the electronic filing system established by the Department.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-318 renumbered to R15-3-313 effective June 20, 1990 (Supp. 90-2). New Section made by exempt rulemaking at 19 A.A.R. 520, effective February 19, 2013 (Supp. 13-1). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-319. Cigarette Samples**

- A. A person shall not distribute loose individual cigarettes or cigarette packs containing less than 20 cigarettes within the state regardless of whether the cigarettes or cigarette packs are distributed free of charge or as samples.
- B. A person may distribute cigarettes packaged in quantities of 20 or 25 as samples if the samples were obtained from a licensed distributor that reported and affixed cigarette tax stamps to the cigarette packs in accordance with A.R.S. Title 42, Chapter 3.
- C. A person may distribute tobacco products other than cigarettes as samples within Arizona if the samples were first obtained from a licensed distributor that timely reported and remitted payment of applicable state tobacco taxes on the samples.
- D. Any person providing samples of cigarettes, as described under subsection (B), or samples of other tobacco products, as described under subsection (C), should retain invoices from the licensed distributor that reported the samples.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-319 renumbered to R15-3-314 effective June 20, 1990 (Supp. 90-2). New Section R15-3-319 made by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 (Supp. 16-2).

**R15-3-320. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).

## Department of Revenue - Luxury Tax Section

Repealed effective June 20, 1990 (Supp. 90-2).

**R15-3-321. Renumbered****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-321 renumbered to R15-3-315 effective June 20, 1990 (Supp. 90-2).

**R15-3-322. Renumbered****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Former Section R15-3-322 renumbered to Section R15-3-316 effective June 20, 1990 (Supp. 90-2).

**ARTICLE 4. TAX ON ALCOHOLIC BEVERAGES****R15-3-401. Tax Return Filing Requirements for a Malt Liquor Wholesaler**

On or before the statutory deadline each month, each wholesaler of malt liquor shall file a return on a form prescribed by the Department. The return shall show the following:

1. Taxpayer's name, mailing address, business address, liquor license number issued by the Department of Liquor Licenses and Control, and identification number;
2. The itemized quantity of malt liquor purchased during the month the tax accrued, listed by supplier and invoice number;
3. The itemized quantity of tax-free sales of malt liquor during the month the tax accrued, listed by purchaser and invoice number;
4. The itemized quantity of out-of-state sales of malt liquor during the month the tax accrued, listed by purchaser and invoice number;
5. The itemized quantity of malt liquor purchased from other licensed Arizona wholesalers during the month the tax accrued, listed by supplier and invoice number;
6. The total quantity of malt liquor purchased in Arizona during the month the tax accrued;
7. The amount of luxury tax accrued during the month; and
8. Supporting documentation for the information provided in the return.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Amended effective July 23, 1985 (Supp. 85-4). Amended by final rulemaking at 5 A.A.R. 3768, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4).

**R15-3-402. Tax Return Filing Requirements for a Spirituous or Vinous Liquor Wholesaler**

On or before the statutory deadline each month, each spirituous or vinous liquor wholesaler shall file a return on a form prescribed by the Department. The return shall show the following:

1. Taxpayer's name, mailing address, business address, liquor license number issued by the Department of Liquor Licenses and Control, and identification number;
2. The itemized quantity of spirituous or vinous liquor sold during the month the tax accrued, listed by purchaser and invoice number;
3. The itemized quantity of spirituous or vinous liquor received during the month the tax accrued, listed by supplier and invoice number;
4. The total quantity of spirituous or vinous liquor available at the beginning and at the end of the month the tax accrued;

5. The itemized quantity of tax-free sales of spirituous or vinous liquor during the month the tax accrued, listed by purchaser and invoice number;
6. The itemized quantity of out-of-state sales of spirituous or vinous liquor during the month the tax accrued, listed by purchaser and invoice number;
7. The itemized quantity of spirituous or vinous liquor sold to other licensed Arizona wholesalers during the month the tax accrued, listed by purchaser and invoice number;
8. The total quantity of spirituous or vinous liquor sold in Arizona during the month the tax accrued;
9. The amount of luxury tax accrued during the month; and
10. Supporting documentation for the information provided in the return.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Amended effective July 23, 1985 (Supp. 85-4). Amended by final rulemaking at 5 A.A.R. 3768, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4).

**R15-3-403. Tax Return Filing Requirements for a Domestic Microbrewery, Domestic Farm Winery, or Beer Manufacturer**

On or before the statutory deadline each month, each domestic microbrewery, domestic farm winery, or beer manufacturer subject to A.R.S. § 42-3355 shall file a return on a form prescribed by the Department. The return shall show the following:

1. Taxpayer's name, mailing address, business address, liquor license number issued by the Department of Liquor Licenses and Control, and identification number;
2. The itemized quantity of tax-free sales to Arizona purchasers during the month the tax accrued, listed by purchaser and invoice number;
3. For taxpayers filing for locations physically within the state, the itemized quantity of out-of-state sales during the month the tax accrued, listed by purchaser and invoice number;
4. The itemized quantity of beer, malt liquor, or vinous liquor sold to other licensed Arizona wholesalers during the month the tax accrued, listed by purchaser and invoice number;
5. The total quantity of beer, malt liquor, or vinous liquor sold to Arizona purchasers during the month the tax accrued;
6. The amount of luxury tax accrued during the month; and
7. Supporting documentation for the information provided in the return.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 3768, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4).

**R15-3-404. Taxes Remitted**

Any domestic farm winery or domestic microbrewery required under A.R.S. Title 4, Chapter 2, Article 1 to remit transaction privilege tax shall remit the tax under the retail classification (see 15 A.A.C. 5, Article 1) on its gross receipts from the sale in addition to luxury tax, regardless of its business location.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Section repealed by final rulemaking at 5 A.A.R. 3768, effective September 22, 1999 (Supp. 99-3). New Section made by final rulemaking at 14 A.A.R. 4410, effective January 3,

## Department of Revenue - Luxury Tax Section

2009 (Supp. 08-4).

**R15-3-405. Alcoholic Beverage Samples**

Samples of alcoholic beverages, whether intended for personal or commercial use and consumption, and whether provided for a consideration, are subject to luxury tax at the rates prescribed in A.R.S. § 42-3052 unless otherwise exempt under A.R.S. Title 42, Chapter 3.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Section repealed by final rulemaking at 5 A.A.R. 3768, effective September 22, 1999 (Supp. 99-3). New Section made by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4).

**R15-3-406. Metric Conversion**

To compute the luxury tax for alcoholic beverages in metric containers, each taxpayer shall multiply the quantity in liters by 0.264172 to determine the equivalent quantity in gallons.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Amended by final rulemaking at 5 A.A.R. 3768, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4).

**R15-3-407. Filing Requirements for a Primary Source of Supply**

- A. At the time of making a sale to an Arizona wholesaler, a primary source of supply shall file with the Department a copy of the sales invoice issued to the wholesaler that provides the information required under A.R.S. § 42-3352.
- B. If the Department determines that a primary source of supply failed to transmit copies of all invoices for sales of alcoholic beverages to Arizona wholesalers as required by A.R.S. § 4-243.01, the Department shall instruct each Arizona wholesaler not to accept any shipment of alcoholic beverages from the primary source of supply for one year.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Amended by final rulemaking at 5 A.A.R. 3768, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4).

**R15-3-408. Failure to Report Purchases from a Primary Source of Supply**

If the Department determines that an Arizona wholesaler failed to transmit to the Department copies of all invoices for alcoholic beverages purchased from any primary source of supply as required by A.R.S. § 4-243.01, the Department shall report the failure to the Department of Liquor Licenses and Control.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Amended by final rulemaking at 5 A.A.R. 3768, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4).

**R15-3-409. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Section repealed by final rulemaking at 5 A.A.R. 3768, effective September 22, 1999 (Supp. 99-3).

**R15-3-410. Failure to File a Return or Pay Tax**

The Department shall report any failure by a licensee to file a return or pay the tax due to the Department of Liquor Licenses and Control, and the Department shall request that the Department of Liquor Licenses and Control take any applicable action authorized under A.R.S. Title 4.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Amended by final rulemaking at 5 A.A.R. 3768, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4).

**ARTICLE 5. ADMINISTRATION****R15-3-501. Filing of Luxury Tax Reports and Returns**

The Department shall deem a report or return required to be filed under A.R.S. Title 42, Chapter 3 or this Chapter timely filed if the taxpayer submits the report or return through the electronic filing system established by the Department on or before the statutory due date.

**Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Amended effective June 20, 1990 (Supp. 90-2). Amended by final rulemaking at 14 A.A.R. 4410, effective January 3, 2009 (Supp. 08-4). Amended by exempt rulemaking at 22 A.A.R. 1843, effective June 24, 2016 in Supp. 16-2; when this Section was amended in Supp. 16-3 the preceding note was omitted due to a clerical error and was added at the request of the Department, file no. R18-90 (Supp. 18-1).

**R15-3-502. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Repealed effective February 22, 1989 (Supp. 89-1).

**R15-3-503. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Repealed effective February 22, 1989 (Supp. 89-1).

**R15-3-504. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Repealed effective February 22, 1989 (Supp. 89-1).

**R15-3-505. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Repealed effective February 22, 1989 (Supp. 89-1).

**R15-3-506. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Repealed effective February 22, 1989 (Supp. 89-1).

**R15-3-507. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2). Repealed effective February 22, 1989 (Supp. 89-1).

**R15-3-508. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).

## Department of Revenue - Luxury Tax Section

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-3-509. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).  
Repealed effective February 22, 1989 (Supp. 89-1).

**R15-3-510. Expired****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).  
Amended effective June 20, 1990 (Supp. 90-2). Section  
expired under A.R.S. § 41-1056(E) at 9 A.A.R. 4135,

effective July 31, 2003 (Supp. 03-3).

**R15-3-511. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).  
Repealed effective February 22, 1989 (Supp. 89-1).

**R15-3-512. Repealed****Historical Note**

Adopted effective March 18, 1981 (Supp. 81-2).  
Repealed effective February 22, 1989 (Supp. 89-1).

This page intentionally left blank.



# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 15. REVENUE

### CHAPTER 5. DEPARTMENT OF REVENUE - TRANSACTION PRIVILEGE AND USE TAX SECTION

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

[R15-5-601.](#)     [Taxpayer Bonds for Contractors](#) ..... [15](#)

#### Questions about these rules? Contact:

Department: Department of Revenue  
Name: Christie Comanita  
Address: 1600 W. Monroe St., Mail Code 1300  
Phoenix, AZ 85007  
Telephone: (602) 716-6791  
Fax: (602) 716-7996  
[E-mail: ccomanita@azdor.gov](mailto:ccomanita@azdor.gov)  
[Website: http://www.azdor.gov](http://www.azdor.gov)

**The release of this Chapter in supplement 18-1 replaces supplement 17-3, 44 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

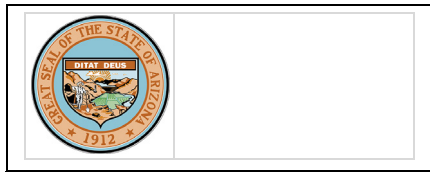
### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

## TITLE 15. REVENUE

## CHAPTER 5. DEPARTMENT OF REVENUE - TRANSACTION PRIVILEGE AND USE TAX SECTION

Authority: A.R.S. § 42-1005(A)(1)

*Editor's Note: The provisions in these rules became effective August 1, 1976, unless otherwise noted in the Historical Note following the rule.*

**ARTICLE 1. RETAIL CLASSIFICATION**

*New Article 1, consisting of Section R15-5-151, adopted effective April 15, 1993 (Supp. 93-2).*

*Former Article 1, consisting of Sections R15-5-101 through R15-5-104, repealed effective April 13, 1987.*

Section		R15-5-149.	Reserved	9	
R15-5-101.	Sales for Resale or Lease	6	R15-5-150.	Sale of Photography	9
R15-5-102.	Casual Sales	6	R15-5-151.	Artists	10
R15-5-103.	Sale of Business Enterprises	6	R15-5-152.	Tangible Personal Property Used in Soil Remediation Activities	10
R15-5-104.	Service Businesses	6	R15-5-153.	Four-inch Pipes or Valves	10
R15-5-105.	Services in Connection with Retail Sales	6	R15-5-154.	Computer Hardware and Software	10
R15-5-106.	Finance Charges in Connection with Retail Sales	6	R15-5-155.	Reserved	10
R15-5-107.	Reserved	6	R15-5-156.	Sales of Prescription Drugs and Prosthetic Appliances	10
R15-5-108.	Reserved	6	R15-5-157.	Membership Fees	11
R15-5-109.	Reserved	6	R15-5-158.	Postage Stamps	11
R15-5-110.	Lease-purchase Agreements	6	R15-5-159.	Reserved	11
R15-5-111.	Consignment Sales	6	R15-5-160.	Reserved	11
R15-5-112.	Sales by Auctioneers	7	R15-5-161.	Reserved	11
R15-5-113.	Sales by Trustees, Receivers, and Assignees	7	R15-5-162.	Reserved	11
R15-5-114.	Reserved	7	R15-5-163.	Reserved	11
R15-5-115.	Reserved	7	R15-5-164.	Reserved	11
R15-5-116.	Reserved	7	R15-5-165.	Reserved	11
R15-5-117.	Reserved	7	R15-5-166.	Reserved	11
R15-5-118.	Reserved	7	R15-5-167.	Reserved	11
R15-5-119.	Reserved	7	R15-5-168.	Reserved	11
R15-5-120.	Exempt Sales of Machinery or Equipment	7	R15-5-169.	Reserved	11
R15-5-121.	Sales of Fuel Used in Manufacturing	7	R15-5-170.	Interstate and Foreign Transactions	11
R15-5-122.	Articles Incorporated into a Manufactured Product	7	R15-5-171.	Sales to a Common Carrier	12
R15-5-123.	Sale of Tools and Supplies to Businesses	7	R15-5-172.	Sales by Florists	12
R15-5-124.	Reserved	7	R15-5-173.	Sales of Property Subsequently Taken Out-of- state	12
R15-5-125.	Reserved	7	R15-5-174.	Sales to Non-U.S. Citizens	12
R15-5-126.	Manufacturing Labor	7	R15-5-175.	Expired	12
R15-5-127.	Sales of Fuel	7	R15-5-176.	Expired	12
R15-5-128.	Electric Power Transmission and Distribution	7	R15-5-177.	Reserved	12
R15-5-129.	Discounts, Refunds, and Coupon Redemption	8	R15-5-178.	Reserved	12
R15-5-130.	Reserved	8	R15-5-179.	Reserved	12
R15-5-131.	Lay-away Sales	8	R15-5-180.	Sales by Businesses in Federal Areas	12
R15-5-132.	Retail Sales with Trade-ins	8	R15-5-181.	Governmental Organizations	12
R15-5-133.	Delivery Charges in Connection with Retail Sales	8	R15-5-182.	Nonprofit Organizations	12
R15-5-134.	Sales of Containers, Bottles, and Labels	8	R15-5-183.	Exempt Sales to Health Organizations	12
R15-5-135.	Sales of Restaurant Accessories	9			
R15-5-136.	Returnable Containers	9			
R15-5-137.	Warranty or Service Provisions and Tangible Personal Property Used in Conjunction with Warranty or Service Provisions	9			
R15-5-138.	Warranty or Service Contracts and Tangible Personal Property Used in Conjunction with Warranty or Service Contracts	9			
R15-5-139.	Reserved	9			
R15-5-140.	Reserved	9			
R15-5-141.	Reserved	9			
R15-5-142.	Reserved	9			

ARTICLE 2. RENUMBERED AND REPEALED

Section	
R15-5-201.	Repealed
R15-5-202.	Renumbered
R15-5-203.	Repealed
R15-5-204.	Renumbered
R15-5-205.	Repealed
R15-5-206.	Repealed
R15-5-207.	Repealed
R15-5-208.	Repealed
R15-5-209.	Repealed

**ARTICLE 2. RENUMBERED AND REPEALED**

Section		
R15-5-201.	Repealed .....	13
R15-5-202.	Renumbered .....	13
R15-5-203.	Repealed .....	13
R15-5-204.	Renumbered .....	13
R15-5-205.	Repealed .....	13
R15-5-206.	Repealed .....	13
R15-5-207.	Repealed .....	13
R15-5-208.	Repealed .....	13
R15-5-209.	Repealed .....	13

## Department of Revenue - Transaction Privilege and Use Tax Section

R15-5-210.	Repealed .....	13
R15-5-211.	Repealed .....	13
R15-5-212.	Renumbered .....	13

**ARTICLE 3. REPEALED**

## Section

R15-5-301.	Repealed .....	13
R15-5-302.	Repealed .....	13
R15-5-303.	Repealed .....	13
R15-5-304.	Repealed .....	13
R15-5-305.	Repealed .....	14
R15-5-306.	Repealed .....	14
R15-5-307.	Repealed .....	14

**ARTICLE 4. AMUSEMENT CLASSIFICATION**

## Section

R15-5-401.	Repealed .....	14
R15-5-402.	Repealed .....	14
R15-5-403.	Amusement Devices .....	14
R15-5-404.	Other Income .....	14
R15-5-405.	Repealed .....	14
R15-5-406.	Health or Fitness Establishments and Private Recreational Establishments .....	14
R15-5-407.	Repealed .....	14
R15-5-408.	Repealed .....	14
R15-5-409.	Repealed .....	14

**ARTICLE 5. REPEALED**

## Section

R15-5-501.	Repealed .....	14
R15-5-502.	Repealed .....	14
R15-5-503.	Repealed .....	14
R15-5-504.	Repealed .....	14
R15-5-505.	Repealed .....	14
R15-5-506.	Repealed .....	14

**ARTICLE 6. PRIME CONTRACTING CLASSIFICATION**

## Section

R15-5-601.	Taxpayer Bonds for Contractors .....	15
R15-5-602.	Expired .....	15
R15-5-603.	Repealed .....	15
R15-5-604.	Expired .....	15
R15-5-605.	Expired .....	15
R15-5-606.	Expired .....	15
R15-5-607.	Expired .....	15
R15-5-608.	Expired .....	16
R15-5-609.	Repealed .....	16
R15-5-610.	Repealed .....	16
R15-5-611.	Repealed .....	16
R15-5-612.	Expired .....	16
R15-5-613.	Expired .....	16
R15-5-614.	Expired .....	16
R15-5-615.	Expired .....	16
R15-5-616.	Expired .....	16
R15-5-617.	Repealed .....	16
R15-5-618.	Repealed .....	16
R15-5-619.	Repealed .....	16
R15-5-620.	Repealed .....	16
R15-5-621.	Repealed .....	16
R15-5-622.	Repealed .....	16
R15-5-623.	Repealed .....	16
R15-5-624.	Repealed .....	16
R15-5-625.	Repealed .....	16
R15-5-627.	Repealed .....	16
R15-5-628.	Expired .....	16
R15-5-629.	Expired .....	16

**ARTICLE 7. REPEALED**

## Section

R15-5-701.	Repealed .....	16
R15-5-702.	Repealed .....	16
R15-5-703.	Repealed .....	16
R15-5-704.	Repealed .....	16

**ARTICLE 8. REPEALED**

## Section

R15-5-801.	Repealed .....	16
R15-5-802.	Repealed .....	17
R15-5-803.	Repealed .....	17
R15-5-804.	Repealed .....	17

**ARTICLE 9. MINING CLASSIFICATION**

## Section

R15-5-901.	Definitions .....	17
R15-5-902.	General .....	17
R15-5-903.	Renumbered .....	17
R15-5-904.	Manufacturing or Processing Service Charges .....	17
R15-5-905.	Products Shipped Out of Arizona .....	17
R15-5-906.	Repealed .....	17
R15-5-907.	Repealed .....	17
R15-5-908.	Actual Freight Paid .....	17
R15-5-909.	Repealed .....	18

**ARTICLE 10. TRANSACTION PRIVILEGE TAX -  
TRANSIENT LODGING CLASSIFICATION**

## Section

R15-5-1001.	Application of the Definition of Transient for Purposes of Taxation under the Transient Lodging Classification .....	18
R15-5-1002.	Activities in Addition to Providing Lodging .....	18
R15-5-1003.	Providing Lodging to Government Agencies .....	18

**ARTICLE 11. TRANSACTION PRIVILEGE TAX - JOB  
PRINTING CLASSIFICATION**

## Section

R15-5-1101.	Definitions .....	18
R15-5-1102.	Printer's Sale of Printing .....	19
R15-5-1103.	Repealed .....	19
R15-5-1104.	Repealed .....	19
R15-5-1105.	Repealed .....	19
R15-5-1106.	Sale of Materials to a Printer .....	19
R15-5-1107.	Repealed .....	19
R15-5-1108.	Repealed .....	19
R15-5-1109.	Repealed .....	20
R15-5-1110.	Repealed .....	20
R15-5-1111.	Miscellaneous Costs of a Printer Are Not Deductions 20 .....	20
R15-5-1112.	Sale of Image Developing .....	20

**ARTICLE 12. REPEALED**

## Section

R15-5-1201.	Repealed .....	20
R15-5-1202.	Repealed .....	20

**ARTICLE 13. SALES TAX - PUBLISHING  
CLASSIFICATION**

## Section

R15-5-1301.	Repealed .....	20
R15-5-1302.	General .....	20
R15-5-1303.	Definitions .....	20
R15-5-1304.	Printing costs .....	20
R15-5-1305.	Out-of-state distribution .....	20
R15-5-1306.	Repealed .....	20

**ARTICLE 14. TRANSPORTING CLASSIFICATION**

## Section

R15-5-1401.	Repealed .....	20
R15-5-1402.	Repealed .....	20

## Department of Revenue - Transaction Privilege and Use Tax Section

R15-5-1404.	Excess Baggage Charges .....	20
R15-5-1405.	Demurrage Charges .....	21
R15-5-1406.	Repealed .....	21
R15-5-1407.	Repealed .....	21
R15-5-1408.	Rental of Aircraft .....	21

**ARTICLE 15. PERSONAL PROPERTY RENTAL CLASSIFICATION**

## Section

R15-5-1501.	Repealed .....	21
R15-5-1502.	General .....	21
R15-5-1503.	Sourcing of Leased Tangible Personal Property .....	21
R15-5-1504.	Repealed .....	21
R15-5-1505.	Repealed .....	21
R15-5-1506.	Rental of Tangible Personal Property to Government Agencies .....	21
R15-5-1507.	Rental of Tangible Personal Property to Schools, Churches, and Other Nonprofit Organizations ..	22
R15-5-1508.	Repealed .....	22
R15-5-1509.	Repealed .....	22
R15-5-1510.	Repealed .....	22
R15-5-1511.	Repealed .....	22
R15-5-1512.	Lease - Purchase Agreements .....	22
R15-5-1513.	Repealed .....	22

**ARTICLE 16. COMMERCIAL LEASE CLASSIFICATION**

## Section

R15-5-1601.	Definitions .....	22
R15-5-1602.	Casual Leasing Activity .....	22
R15-5-1603.	Renumbered .....	23
R15-5-1604.	Gross Income .....	23
R15-5-1605.	Rental to Government Agencies .....	23
R15-5-1606.	Nonprofit Organizations .....	23
R15-5-1607.	Renumbered .....	23
R15-5-1608.	Commercial property - storage facilities .....	23
R15-5-1609.	Commercial property - licensee agreements .....	23
R15-5-1610.	Expired .....	23
R15-5-1611.	Repealed .....	23
R15-5-1612.	Repealed .....	24
R15-5-1613.	Repealed .....	24
R15-5-1614.	Renumbered .....	24
R15-5-1615.	Renumbered .....	24
R15-5-1616.	Repealed .....	24
R15-5-1617.	Repealed .....	24

**ARTICLE 17. RESTAURANT CLASSIFICATION**

## Section

R15-5-1701.	Repealed .....	24
R15-5-1702.	Repealed .....	24
R15-5-1703.	Repealed .....	24
R15-5-1704.	Providing Food or Drink to Government Agencies .....	24
R15-5-1705.	Amusement Devices .....	24
R15-5-1706.	Cover Charges .....	24
R15-5-1707.	Repealed .....	24
R15-5-1708.	Gratuities (Tips) .....	24
R15-5-1709.	Coupon Redemption .....	24

**ARTICLE 18. SALES TAX - RETAIL CLASSIFICATION**

## Section

R15-5-1801.	Repealed .....	24
R15-5-1802.	Repealed .....	24
R15-5-1803.	Renumbered .....	24
R15-5-1804.	Renumbered .....	24
R15-5-1805.	Renumbered .....	24
R15-5-1806.	Repealed .....	25
R15-5-1807.	Repealed .....	25
R15-5-1808.	Renumbered .....	25

R15-5-1809.	Renumbered .....	25
R15-5-1810.	Repealed .....	25
R15-5-1811.	Renumbered .....	25
R15-5-1812.	Repealed .....	25
R15-5-1813.	Renumbered .....	25
R15-5-1814.	Renumbered .....	25
R15-5-1815.	Renumbered .....	25
R15-5-1816.	Repealed .....	25
R15-5-1817.	Renumbered .....	25
R15-5-1818.	Renumbered .....	25
R15-5-1819.	Renumbered .....	25
R15-5-1820.	Renumbered .....	25
R15-5-1821.	Renumbered .....	25
R15-5-1822.	Renumbered .....	25
R15-5-1823.	Repealed .....	25
R15-5-1824.	Repealed .....	25
R15-5-1825.	Renumbered .....	25
R15-5-1826.	Repealed .....	25
R15-5-1827.	Repealed .....	25
R15-5-1828.	Repealed .....	25
R15-5-1829.	Renumbered .....	25
R15-5-1830.	Renumbered .....	25
R15-5-1831.	Repealed .....	26
R15-5-1832.	Repealed .....	26
R15-5-1833.	Renumbered .....	26
R15-5-1834.	Renumbered .....	26
R15-5-1835.	Repealed .....	26
R15-5-1836.	Renumbered .....	26
R15-5-1837.	Repealed .....	26
R15-5-1838.	Repealed .....	26
R15-5-1839.	Renumbered .....	26
R15-5-1840.	Renumbered .....	26
R15-5-1841.	Repealed .....	26
R15-5-1842.	Repealed .....	26
R15-5-1843.	Repealed .....	26
R15-5-1844.	Repealed .....	26
R15-5-1845.	Repealed .....	26
R15-5-1846.	Renumbered .....	26
R15-5-1847.	Repealed .....	26
R15-5-1848.	Renumbered .....	26
R15-5-1849.	Renumbered .....	26
R15-5-1850.	Renumbered .....	26
R15-5-1851.	Repealed .....	26
R15-5-1852.	Repealed .....	26
R15-5-1853.	Renumbered .....	26

**ARTICLE 18.1. SALES OF FOOD**

## Section

R15-5-1860.	Definitions .....	26
R15-5-1861.	Repealed .....	28
R15-5-1862.	Restaurant food sales .....	28
R15-5-1863.	Repealed .....	28
R15-5-1864.	Repealed .....	28
R15-5-1864.01.	Repealed .....	28
R15-5-1864.02.	Repealed .....	29
R15-5-1864.03.	Repealed .....	29
R15-5-1864.04.	Repealed .....	29
R15-5-1865.	Repealed .....	29
R15-5-1867.	Repealed .....	29

**ARTICLE 19. REPEALED**

## Section

R15-5-1901.	Repealed .....	29
R15-5-1902.	Repealed .....	29
R15-5-1903.	Repealed .....	29
R15-5-1904.	Repealed .....	29
R15-5-1905.	Repealed .....	29

## Department of Revenue - Transaction Privilege and Use Tax Section

R15-5-1906.	Repealed .....	29
-------------	----------------	----

**ARTICLE 20. GENERAL**

## Section

R15-5-2001.	Definitions .....	29
R15-5-2002.	Liability for Transaction Privilege Tax .....	29
R15-5-2003.	Repealed .....	29
R15-5-2004.	Multi-location and Multi-business Taxpayers ...	29
R15-5-2005.	Repealed .....	29
R15-5-2006.	Repealed .....	29
R15-5-2007.	Credit for Accounting and Reporting Expenses	29
R15-5-2008.	Reserved .....	31
R15-5-2009.	Reserved .....	31
R15-5-2010.	Transactions Between Affiliated Persons .....	31
R15-5-2011.	Bad Debts .....	31

**ARTICLE 21. UTILITIES CLASSIFICATION**

## Section

R15-5-2101.	Repealed .....	32
R15-5-2102.	Renumbered .....	32
R15-5-2103.	Repealed .....	32
R15-5-2104.	Interstate and Foreign Sales .....	32
R15-5-2105.	Locally Delivered Utilities .....	32
R15-5-2106.	Compressed and Bottled Liquids .....	32
R15-5-2107.	Sales to Irrigation Districts .....	32
R15-5-2108.	Repealed .....	32
R15-5-2109.	Repealed .....	32
R15-5-2110.	Security Deposits .....	32

**ARTICLE 22. TRANSACTION PRIVILEGE TAX -  
ADMINISTRATION**

## Section

R15-5-2201.	Display of License .....	32
R15-5-2202.	Change in Ownership .....	33
R15-5-2203.	Change of Name or Trade Name .....	33
R15-5-2204.	Change of Business Location or Mailing Address .....	33
R15-5-2205.	Surrender of License upon Sale or Termination of Business .....	33
R15-5-2206.	Cancellation of License .....	33
R15-5-2207.	Taxpayer Bonds .....	33
R15-5-2208.	Expired .....	33
R15-5-2209.	Renumbered .....	33
R15-5-2210.	Collection of Tax by the Vendor .....	34
R15-5-2210.01.	Factoring .....	34
R15-5-2211.	Election of Basis to Report and Pay Taxes .....	34
R15-5-2212.	Expired .....	34
R15-5-2213.	Alternative Reporting .....	34
R15-5-2214.	Establishing the Right to a Deduction by Use of a Certificate or Other Documentation .....	35
R15-5-2215.	Return and Payment of Tax-estimated Tax .....	35
R15-5-2216.	Repealed .....	36
R15-5-2217.	Repealed .....	36
R15-5-2218.	Repealed .....	36
R15-5-2219.	Renumbered .....	36
R15-5-2220.	Registration and Licensing .....	36
R15-5-2221.	Remittal of Use Tax on Purchases from Unlicensed Retailers .....	36
R15-5-2222.	Record Retention .....	36
R15-5-2223.	Repealed .....	36
R15-5-2224.	Repealed .....	36
R15-5-2225.	Repealed .....	36
R15-5-2226.	Repealed .....	36
R15-5-2227.	Repealed .....	36
R15-5-2228.	Repealed .....	36
R15-5-2229.	Repealed .....	36
R15-5-2230.	Repealed .....	36
R15-5-2231.	Repealed .....	36

R15-5-2232.	Repealed .....	36
R15-5-2233.	Repealed .....	36
R15-5-2234.	Repealed .....	36
R15-5-2235.	Repealed .....	36
R15-5-2236.	Repealed .....	36
R15-5-2237.	Repealed .....	37
R15-5-2238.	Reserved .....	37
R15-5-2239.	Reserved .....	37
R15-5-2240.	Repealed .....	37
R15-5-2241.	Repealed .....	37
R15-5-2242.	Repealed .....	37

**ARTICLE 23. USE TAX**

## Section

R15-5-2301.	Definitions .....	37
R15-5-2302.	General .....	37
R15-5-2303.	Repealed .....	37
R15-5-2304.	Presumption of Taxability of Property Brought into Arizona .....	37
R15-5-2305.	Expired .....	37
R15-5-2306.	Repealed .....	37
R15-5-2307.	Repealed .....	37
R15-5-2308.	Repealed .....	37
R15-5-2309.	Exemptions - Purchases for Resale or Lease .....	37
R15-5-2310.	Payment of Use Tax by Purchaser .....	38
R15-5-2311.	Renumbered .....	38
R15-5-2312.	Casual Sales .....	38
R15-5-2313.	Expired .....	38
R15-5-2314.	Purchases from Trustees, Receivers, and Assignees .....	38
R15-5-2315.	Renumbered .....	38
R15-5-2316.	Repealed .....	38
R15-5-2317.	Renumbered .....	38
R15-5-2318.	Repealed .....	38
R15-5-2319.	Renumbered .....	38
R15-5-2320.	Exemptions - Machinery or Equipment .....	38
R15-5-2321.	Expired .....	38
R15-5-2322.	Renumbered .....	38
R15-5-2323.	Repealed .....	38
R15-5-2324.	Repealed .....	39
R15-5-2325.	Repealed .....	39
R15-5-2326.	Manufacturing Labor .....	39
R15-5-2327.	Fuels .....	39
R15-5-2328.	Electric Power Transmission and Distribution ...	39
R15-5-2329.	Repealed .....	39
R15-5-2330.	Tangible Personal Property Used in Conjunction with Warranty or Service Contracts or Provisions .....	39
R15-5-2331.	Repealed .....	39
R15-5-2332.	Delivery Charges .....	39
R15-5-2333.	Reserved .....	39
R15-5-2334.	Purchases of Restaurant Accessories .....	39
R15-5-2335.	Reserved .....	39
R15-5-2336.	Reserved .....	39
R15-5-2337.	Reserved .....	39
R15-5-2338.	Reserved .....	39
R15-5-2339.	Reserved .....	39
R15-5-2340.	Tangible Personal Property Used in Soil Remediation Activities .....	39
R15-5-2341.	Four-inch Pipes or Valves .....	40
R15-5-2342.	Computer Hardware and Software .....	40
R15-5-2343.	Purchases of Prescription Drugs and Prosthetic Appliances .....	40
R15-5-2344.	Postage Stamps .....	40
R15-5-2345.	Reserved .....	41
R15-5-2346.	Reserved .....	41
R15-5-2347.	Reserved .....	41

## Department of Revenue - Transaction Privilege and Use Tax Section

R15-5-2348.	Reserved .....	41
R15-5-2349.	Reserved .....	41
R15-5-2350.	Mail Order Retailers .....	41
R15-5-2351.	Purchases by Non-U.S. Citizens .....	41
R15-5-2352.	Expired .....	41
R15-5-2353.	Property Purchased Outside of the United States .....	41
R15-5-2354.	Reserved .....	41
R15-5-2355.	Reserved .....	41
R15-5-2356.	Reserved .....	41
R15-5-2357.	Reserved .....	41
R15-5-2358.	Reserved .....	41
R15-5-2359.	Reserved .....	41
R15-5-2360.	Government Purchases .....	41
R15-5-2361.	Nonprofit Organizations .....	41
R15-5-2362.	Exempt Purchases by Health Organizations .....	41
R15-5-2363.	Renumbered .....	42

**ARTICLE 24. REPEALED**

## Section

R15-5-2401.	Repealed .....	42
R15-5-2402.	Repealed .....	42
R15-5-2403.	Repealed .....	42
R15-5-2404.	Repealed .....	42
R15-5-2405.	Repealed .....	42
R15-5-2406.	Repealed .....	42
R15-5-2407.	Repealed .....	42
R15-5-2408.	Repealed .....	42
R15-5-2409.	Repealed .....	42
R15-5-2410.	Repealed .....	42
R15-5-2411.	Repealed .....	42
R15-5-2412.	Repealed .....	42
R15-5-2413.	Repealed .....	42
R15-5-2414.	Repealed .....	42
R15-5-2415.	Repealed .....	42
R15-5-2416.	Repealed .....	42
R15-5-2417.	Repealed .....	42
R15-5-2418.	Repealed .....	42
R15-5-2419.	Repealed .....	42
R15-5-2420.	Repealed .....	42
R15-5-2421.	Repealed .....	42
R15-5-2422.	Repealed .....	42
R15-5-2423.	Repealed .....	42
R15-5-2424.	Repealed .....	42
R15-5-2425.	Repealed .....	42
R15-5-2426.	Repealed .....	42

**ARTICLE 25. REPEALED**

*Article 25, consisting of Sections R15-5-2501 through R15-5-2507, repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).*

## Section

R15-5-2501.	Repealed .....	42
R15-5-2502.	Repealed .....	43
R15-5-2503.	Repealed .....	43
R15-5-2504.	Repealed .....	43
R15-5-2505.	Repealed .....	43
R15-5-2506.	Repealed .....	43
R15-5-2507.	Repealed .....	43

**ARTICLE 26. REPEALED**

*Article 26, consisting of Sections R15-5-2601 through R15-5-2603, R15-5-2614, and R15-5-2616, repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).*

## Section

R15-5-2601.	Repealed .....	43
R15-5-2602.	Repealed .....	43
R15-5-2603.	Repealed .....	43

R15-5-2604.	Repealed .....	43
R15-5-2605.	Repealed .....	43
R15-5-2606.	Repealed .....	43
R15-5-2607.	Repealed .....	43
R15-5-2608.	Repealed .....	43
R15-5-2609.	Repealed .....	43
R15-5-2610.	Repealed .....	43
R15-5-2611.	Repealed .....	43
R15-5-2612.	Repealed .....	43
R15-5-2613.	Repealed .....	43
R15-5-2614.	Repealed .....	43
R15-5-2615.	Repealed .....	43
R15-5-2616.	Repealed .....	43
R15-5-2617.	Repealed .....	43
R15-5-2618.	Repealed .....	43
R15-5-2619.	Repealed .....	43
R15-5-2620.	Repealed .....	43

**ARTICLE 27. RESERVED****ARTICLE 28. RESERVED****ARTICLE 29. RESERVED****ARTICLE 30. EXPIRED**

## Section

R15-5-3001.	Reserved .....	43
R15-5-3002.	Reserved .....	43
R15-5-3003.	Reserved .....	43
R15-5-3004.	Renumbered .....	43
R15-5-3005.	Renumbered .....	44
R15-5-3006.	Renumbered .....	44
R15-5-3007.	Reserved .....	44
R15-5-3008.	Reserved .....	44
R15-5-3009.	Reserved .....	44
R15-5-3010.	Reserved .....	44
R15-5-3011.	Reserved .....	44
R15-5-3012.	Reserved .....	44
R15-5-3013.	Reserved .....	44
R15-5-3014.	Reserved .....	44
R15-5-3015.	Reserved .....	44
R15-5-3016.	Repealed .....	44
R15-5-3017.	Reserved .....	44
R15-5-3018.	Renumbered .....	44
R15-5-3019.	Reserved .....	44
R15-5-3020.	Reserved .....	44
R15-5-3021.	Repealed .....	44
R15-5-3022.	Repealed .....	44
R15-5-3023.	Renumbered .....	44
R15-5-3024.	Repealed .....	44
R15-5-3025.	Renumbered .....	44
R15-5-3026.	Reserved .....	44
R15-5-3027.	Reserved .....	44
R15-5-3028.	Reserved .....	44
R15-5-3029.	Reserved .....	44
R15-5-3030.	Reserved .....	44
R15-5-3031.	Reserved .....	44
R15-5-3032.	Repealed .....	44
R15-5-3033.	Reserved .....	44
R15-5-3034.	Reserved .....	44
R15-5-3035.	Expired .....	44
R15-5-3036.	Renumbered .....	44

## Department of Revenue - Transaction Privilege and Use Tax Section

**ARTICLE 1. RETAIL CLASSIFICATION****R15-5-101. Sales for Resale or Lease**

- A. Gross receipts from the sale of tangible personal property to be resold by the purchaser in the ordinary course of business are not subject to tax under the retail classification.
- B. Gross receipts from the sale of tangible personal property to be leased by a person in the business of leasing such personal property are not subject to tax under the retail classification.
- C. Gross receipts from the sale of tangible personal property to a lessor of real property are subject to tax if:
  - 1. The tangible personal property is incorporated into, or leased in conjunction with, the real property; and
  - 2. The rental of the tangible personal property is not separately stated as part of the real property lease transaction.
- D. Gross receipts from the sale of repair or replacement parts for tangible personal property that is to be leased by a person engaged in the business of leasing such tangible personal property are not subject to tax under the retail classification.

**Historical Note**

Amended effective November 7, 1978 (Supp. 78-6).  
 Renumbered from R15-5-1811 and amended effective August 9, 1993 (Supp. 93-3). Amended by final rulemaking at 12 A.A.R. 4099, effective December 4, 2006 (Supp. 06-4).

**R15-5-102. Casual Sales**

Gross receipts from a casual sale, as defined in R15-5-2001, are not taxable under the retail classification.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).

**R15-5-103. Sale of Business Enterprises**

Gross receipts from the sale of a business as a going concern are not subject to tax if the sale is for the business as an operating enterprise.

**Historical Note**

Renumbered from R15-5-1817 and amended effective August 9, 1993 (Supp. 93-3). Amended by final rulemaking at 12 A.A.R. 4099, effective December 4, 2006 (Supp. 06-4).

**R15-5-104. Service Businesses**

- A. Gross receipts from the sale of tangible personal property to a person engaged in a professional or personal service occupation or business are subject to tax if the tangible personal property is used or consumed in the performance of the service or is sold only as an inconsequential element of the nontaxable service provided.
- B. Gross receipts from the sale of tangible personal property, by a person engaged in a professional or personal service occupation or business, are not subject to tax if the property is sold only as an inconsequential element of the nontaxable service provided.
- C. Sales of tangible personal property are inconsequential elements of the service if:
  - 1. The purchase price of the tangible personal property to the person rendering the services represents less than 15% of the charge, billing, or statement rendered to the purchaser in connection with the transaction;
  - 2. At the time of the sale, the tangible personal property transferred is not in a form that is subject to retail sale; and
  - 3. The charge for the tangible personal property is not separately stated on the invoice.
- D. A person engaged in both a retail business and a service business shall keep records of purchases of tangible personal prop-

erty sufficient to establish whether the property was resold as a taxable retail sale.

**Historical Note**

Renumbered from R15-5-1805 and amended effective August 9, 1993 (Supp. 93-3). Amended by final rulemaking at 12 A.A.R. 4099, effective December 4, 2006 (Supp. 06-4).

**R15-5-105. Services in Connection with Retail Sales**

Gross receipts from services rendered in addition to selling tangible personal property at retail are subject to tax unless the charge for service is shown separately on the sales invoice and records.

**Historical Note**

Renumbered from R15-5-1815 and amended effective August 9, 1993 (Supp. 93-3). Amended by final rulemaking at 12 A.A.R. 4099, effective December 4, 2006 (Supp. 06-4).

**R15-5-106. Finance Charges in Connection with Retail Sales**

Gross receipts from finance, carrying charges, or interest charges incurred in connection with a retail sale of tangible personal property are not subject to tax if:

- 1. The charges are separately stated as part of the sales transaction; and
- 2. The charges result from the sale of such property on credit or under an installment contract.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).  
 Amended by final rulemaking at 12 A.A.R. 4099, effective December 4, 2006 (Supp. 06-4).

**R15-5-107. Reserved****R15-5-108. Reserved****R15-5-109. Reserved****R15-5-110. Lease-purchase Agreements**

- A. Gross income derived from the leasing of tangible personal property under a lease-purchase agreement is subject to tax under the personal property rental classification.
- B. Payments received after the conversion from a lease to a purchase are subject to tax under the retail classification.
- C. Gross receipts from the sale of tangible personal property include conversion charges paid or incurred at the time the lease is converted to a purchase.

**Historical Note**

Renumbered from R15-5-1809 and amended effective August 9, 1993 (Supp. 93-3). Amended by final rulemaking at 12 A.A.R. 4099, effective December 4, 2006 (Supp. 06-4).

**R15-5-111. Consignment Sales**

- A. The following definitions apply for purposes of this rule:
  - 1. "Consignee" means the party that is in the business of selling tangible personal property belonging to a consignor.
  - 2. "Consignor" means the party with the legal right to contract the services of the consignee to sell tangible personal property on behalf of the consignor.
- B. Gross receipts from consignment sales are subject to tax under the retail classification.
- C. A consignee shall obtain a transaction privilege tax license before making consignment sales.

**Historical Note**

Renumbered from R15-5-1808 and amended effective August 9, 1993 (Supp. 93-3). Amended by final rulemaking at 12 A.A.R. 4099, effective December 4, 2006 (Supp. 06-4).



## Department of Revenue - Transaction Privilege and Use Tax Section

ing at 12 A.A.R. 4099, effective December 4, 2006  
(Supp. 06-4).

**R15-5-112. Sales by Auctioneers**

- A. Gross receipts from the sales of tangible personal property by an auctioneer are subject to tax under the retail classification.
- B. An auctioneer shall obtain a transaction privilege tax license prior to conducting an auction.

**Historical Note**

Renumbered from R15-5-1834 and amended effective August 9, 1993 (Supp. 93-3).

**R15-5-113. Sales by Trustees, Receivers, and Assignees**

- A. Gross receipts from the sale of tangible personal property by a trustee, receiver, or assignee are subject to tax if the sale of the property in the hands of the owner would be subject to tax.
- B. Gross receipts from the sale of tangible personal property by a trustee, receiver, or assignee are not subject to tax if the sale of the property in the hands of the owner would not be subject to tax.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).  
Amended by final rulemaking at 12 A.A.R. 4099, effective December 4, 2006 (Supp. 06-4).

**R15-5-114. Reserved****R15-5-115. Reserved****R15-5-116. Reserved****R15-5-117. Reserved****R15-5-118. Reserved****R15-5-119. Reserved****R15-5-120. Exempt Sales of Machinery or Equipment**

- A. Machinery or equipment used in manufacturing or processing includes machinery or equipment that constitutes the entire primary manufacturing or processing operation from the initial stage where actual processing begins through the completion of the finished end product, processing, finishing, or packaging of articles of commerce. Manufacturing is the performance as a business of an integrated series of operations which place tangible personal property in a form, composition, or character different from that in which it was acquired and transforms it into a different product with a distinctive name, character, or use.
- B. Gross receipts from the sale of repair or replacement parts for exempt machinery or equipment are not subject to the tax under the retail classification. Repair or replacement parts are defined as those individual component and constituent items which, together, comprise exempt machinery or equipment.
- C. In establishing the exempt sale of machinery or equipment, the seller shall keep adequate documentation, pursuant to statutory requirements and as delineated in R15-5-2214, for the statutorily required period of time.

**Historical Note**

Amended effective November 7, 1978, unless otherwise noted (Supp. 78-6). Amended paragraphs (9) and (10) effective March 18, 1981 (Supp. 81-2). Renumbered from R15-5-1822 and amended effective August 9, 1993 (Supp. 93-3).

**R15-5-121. Sales of Fuel Used in Manufacturing**

The sale of fuel used or consumed in a manufacturing process is taxable. The fuel is not considered to be incorporated into the manufactured product.

**Historical Note**

Renumbered from R15-5-1830 effective August 9, 1993 (Supp. 93-3).

**R15-5-122. Articles Incorporated into a Manufactured Product**

- A. Sales of articles to be incorporated into a fabricated or manufactured product are considered to be sales for resale and, therefore, exempt. For example, the sale of wood to a furniture manufacturer is a sale for resale.
- B. In order for the exemption to apply, the materials must actually become a part of the finished product. Supplies which are consumed in the manufacturing process do not qualify.

**Historical Note**

Renumbered from R15-5-1839 effective August 9, 1993 (Supp. 93-3).

**R15-5-123. Sale of Tools and Supplies to Businesses**

The sale of tools, supplies, and other articles to be used or consumed by persons in the operation of their businesses, and not for resale, are taxable as retail sales.

**Historical Note**

Renumbered from R15-5-1849 effective August 9, 1993 (Supp. 93-3).

**R15-5-124. Reserved****R15-5-125. Reserved****R15-5-126. Manufacturing Labor**

The cost of labor employed in manufacturing, processing, or fabricating tangible personal property shall not be allowed as a deduction from the gross receipts derived from a sale of such property.

**Historical Note**

Renumbered from R15-5-1848 and amended effective August 9, 1993 (Supp. 93-3).

**R15-5-127. Sales of Fuel**

- A. In this Section, "aviation fuel" and "dyed diesel fuel" have the same meanings as prescribed in A.R.S. §§ 28-101 and 28-5601.
- B. Gross receipts from the sale of dyed diesel fuel are subject to transaction privilege tax.
- C. Gross receipts from the sale of liquefied petroleum gas or natural gas used to propel a motor vehicle are exempt from transaction privilege tax.
- D. Aviation fuel is subject to tax under A.R.S. § 28-8344 only.
- E. Gross receipts from the retail sale of jet fuel are subject to the jet fuel excise and use tax under A.R.S. § 42-5352.

**Historical Note**

Renumbered from R15-5-3004 and amended effective August 9, 1993 (Supp. 93-3). Section amended by final rulemaking at 10 A.A.R. 4480, effective December 4, 2004 (Supp. 04-4).

**R15-5-128. Electric Power Transmission and Distribution**

- A. Gross receipts from the sale of machinery, equipment, or transmission lines for direct use in a transmission system are deductible from the tax base. Gross receipts from the sale of machinery, equipment, or lines for use in a distribution system are taxable.
- B. Machinery and equipment used to facilitate the production of voltage up to and including 34,500 volts shall be considered part of a distribution system.
  - 1. Gross receipts from the sale of such equipment are subject to transaction privilege tax.

## Department of Revenue - Transaction Privilege and Use Tax Section

2. If tangible personal property was purchased as exempt, subsequent nonexempt use shall subject the gross purchase price to use tax according to statutory provisions.
- C. Machinery and equipment used to facilitate the production of voltage above 34,500 volts shall be categorized as part of a transmission or distribution system based on the following definitions.
  1. "Transmission system" means:
    - a. All land, conversion structures, and equipment employed at a primary source of supply to change the voltage or frequency of electricity for the purpose of its more efficient or convenient transmission;
    - b. All land, structures, lines, switching and conversion stations, high tension apparatus and their control and protective equipment between a generating or receiving point and the entrance to a distribution center or wholesale point; and
    - c. All lines and equipment whose primary purpose is to augment, integrate, or tie together the sources of power supply.
  2. "Distribution system" means all land, structures, conversion equipment, lines, line transformers, and other facilities employed between the primary source of supply and of delivery to customers, which are not includible in a transmission system whether or not such land, structures, and facilities are operated as part of a transmission system or as part of a distribution system. Stations which change electricity from transmission to distribution voltage shall be classified as distribution stations.
  3. "Primary source of supply" means a generating station or point of receipt in the case of purchased power.
  4. Dual-use equipment shall be designated as follows:
    - a. If poles or towers support both transmission and distribution conductors, the poles, towers, anchors, guys, and rights-of-way shall be classified as a transmission system. The conductors, crossarms, braces, grounds, tie wire, insulators, and other similar tangible personal property shall be classified as transmission or distribution facilities, according to the purpose for which they are used.
    - b. If underground conduit contains both transmission and distribution conductors, the underground conduit and the right-of-way shall be classified as a distribution system. The conductors shall be classified as transmission or distribution facilities according to the purpose for which they are used.
    - c. Based on statutory provisions, transformers and control equipment utilized operationally at transmission substation sites are considered to be a part of a transmission system and, therefore, are exempt from transaction privilege and use tax.
- D. Machinery, equipment, or transmission lines for direct use in a transmission system are only those which are recorded as being part of a transmission system in accordance with the definitions in subsection (C).
  1. Gross receipts from the sale of such equipment are exempt from the tax.
  2. If such machinery and equipment is removed from inventory to be used as part of a distribution system, the purchase price is subject to use tax.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).

**R15-5-129. Discounts, Refunds, and Coupon Redemption**

- A. Cash discounts allowed the purchaser for timely payment are permissible as deductions from the sale price.
- B. Refunds in cash or credit given on returned merchandise are considered to be a reduction of sales.
- C. When coupons issued by a manufacturer are redeemed by a retailer the amounts refunded to the purchaser are not permissible as deductions from the selling price of articles sold by the retailer. In these cases, the gross selling price is taxable.
- D. Coupons issued by a retailer and later redeemed by the retailer as a discount on the price of merchandise sold by him are considered a reduction of the selling price. In such cases the net selling price is subject to tax.

**Historical Note**

Renumbered from R15-5-1840 effective August 9, 1993 (Supp. 93-3).

**R15-5-130. Reserved****R15-5-131. Lay-away Sales**

Gross receipts from lay-away agreements shall be taxable when title or possession transfers to the purchaser or at the time receipts from the transaction are determined to be nonrefundable, whichever occurs first.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).

**R15-5-132. Retail Sales with Trade-ins**

- A. When a retailer accepts tangible personal property as a trade-in for part or full payment on the sale of tangible personal property, the dollar amount of the payment represented by the trade-in is deductible from the retailer's gross receipts from that sale.
- B. A trade-in deduction shall be limited to the amount of the retailer's gross receipts on that sale.
- C. When the property traded in is subsequently sold at retail, the gross receipts from the transaction are taxable.

**Historical Note**

Renumbered from R15-5-1818 and amended effective August 9, 1993 (Supp. 93-3).

**R15-5-133. Delivery Charges in Connection with Retail Sales**

- A. A charge by a retailer for delivery from the retailer's location to the purchaser's location, if separately stated on the sales invoice, is not taxable.
- B. When the freight cost is incurred any time prior to the time of the retail sale, such cost is part of the gross sale and, therefore, subject to the tax.

**Historical Note**

Renumbered from R15-5-1820 and amended effective August 9, 1993 (Supp. 93-3).

**R15-5-134. Sales of Containers, Bottles, and Labels**

- A. The sale of containers and bottles is considered a sale for resale only when the purchaser is to transfer the containers with their contents in future sales.
- B. In cases where the containers are not subsequently sold as part of the merchandise, such sales are deemed to be taxable retail sales.
- C. The sale of labels to a purchaser who affixes them to nonreturnable containers to be resold is considered to be a sale for resale and is not taxable.
- D. In cases where the containers are returnable and a new label is to be affixed, each time the container is refilled, the sale of the labels is also considered to be a sale for resale.

## Department of Revenue - Transaction Privilege and Use Tax Section

- E. The sale of analysis tags or other labels to be attached to containers of feed and sold along as part of the article is a sale for resale.
- F. However, the sale of items such as price tags, shipping tags, and advertising matter used in connection with the subsequent sale is taxable as a retail sale.

**Historical Note**

Renumbered from R15-5-1829 and amended effective August 9, 1993 (Supp. 93-3).

**R15-5-135. Sales of Restaurant Accessories**

- A. Gross receipts from the sale of disposable containers, paper napkins, and other similar food accessories to a person engaged in the restaurant business, who, in the regular course of business, transfers these accessories to facilitate the consumption of the food, drink, or condiment provided, are considered gross receipts from sales for resale.
- B. Gross receipts from the sale of matchbooks, advertisement fliers, and other similar tangible personal property to a person engaged in the restaurant business, who transfers this property for the convenience, operation, or benefit of the restaurant business, are subject to tax.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).  
Amended by final rulemaking at 13 A.A.R. 679, effective April 7, 2007 (Supp. 07-1).

**R15-5-136. Returnable Containers**

- A. Gross receipts from deposits on sales of returnable containers which contain taxable food shall be taxable.
- B. Deposit refunds paid to purchasers on the return of such containers shall be deductible from the retailer's tax base in the month refunded.
- C. Gross receipts from deposits received on returnable containers which contain non-taxable food shall not be taxable. Therefore refunds paid on such deposits shall not reduce the tax base.

**Historical Note**

Renumbered from R15-5-1833 and amended effective August 9, 1993 (Supp. 93-3).

**R15-5-137. Warranty or Service Provisions and Tangible Personal Property Used in Conjunction with Warranty or Service Provisions**

- A. For purposes of this rule, the following definitions apply:
  1. "Covered" means included in the warranty or service provision.
  2. "Warranty or service provision" means a manufacturer's or vendor's warranty that is sold automatically with tangible personal property and, for no extra charge, applies to any tangible personal property used in the servicing of the provision.
- B. An exclusion from gross receipts is not allowed for a warranty or service provision on the sale of tangible personal property if the property cannot be sold without the acceptance of the warranty or service provision.
- C. A warranty or service provision is not considered a warranty or service contract under A.R.S. § 42-5061(A).
- D. Tangible personal property sold in conjunction with the servicing of a warranty or service provision, but not covered by the provision, is a sale of tangible personal property that is subject to tax under the retail classification unless statutorily exempt.
- E. Tangible personal property that is covered under a warranty or service provision and used in the servicing of the provision is not subject to use tax as the transaction privilege tax was paid when the tangible personal property was acquired.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).  
Amended by final rulemaking at 13 A.A.R. 679, effective April 7, 2007 (Supp. 07-1).

**R15-5-138. Warranty or Service Contracts and Tangible Personal Property Used in Conjunction with Warranty or Service Contracts**

- A. For purposes of this rule, the following definition applies: "Covered" means included in the warranty or service contract for which the warranty or service contract holder does not pay a separate charge for any tangible personal property used in the servicing of the contract.
- B. Gross receipts from the sale of warranty or service contracts are not subject to tax when the contracts are sold as a distinct and separate item and the charge for the warranty or service contract is stated separately on a sales invoice.
- C. Tangible personal property sold in conjunction with the servicing of a warranty or service contract, but not covered by the contract, is a sale of tangible personal property that is subject to tax under the retail classification unless statutorily exempt.
- D. Tangible personal property that is covered under a warranty or service contract, and used in the servicing of the contract, is subject to use tax unless transaction privilege tax was paid when the tangible personal property was acquired or the tangible personal property is otherwise statutorily exempt.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).  
Amended by final rulemaking at 13 A.A.R. 679, effective April 7, 2007 (Supp. 07-1).

**R15-5-139. Reserved****R15-5-140. Reserved****R15-5-141. Reserved****R15-5-142. Reserved****R15-5-143. Reserved****R15-5-144. Reserved****R15-5-145. Reserved****R15-5-146. Reserved****R15-5-147. Reserved****R15-5-148. Reserved****R15-5-149. Reserved****R15-5-150. Sale of Photography**

- A. In this Section:
  1. "Motion picture" has the same meaning as prescribed in A.R.S. § 41-1517.
  2. "Motion picture production company" has the same meaning as prescribed in A.R.S. § 41-1517.
  3. "Photography" means the process of taking and supplying images to customers, using film, video, or another data storage medium.
  4. "Qualified motion picture production company" means a motion picture production company that holds a valid certificate issued pursuant to A.R.S. § 42-5009(H), establishing the company's qualification for the A.R.S. § 42-5061(B)(23) exemption.
- B. Gross income or gross proceeds derived from a sale of photography are subject to tax under this Article, unless, under A.A.C. R15-5-104(C), the sale of such photography is considered an inconsequential element of nontaxable activities that

## Department of Revenue - Transaction Privilege and Use Tax Section

are associated with the sale. Examples of nontaxable activities that are associated with a sale of photography include research; script consulting; director, crew, and equipment charges; preproduction or postproduction charges; location scouting fees; and music charges. Activities that are associated with the sale of photography are nontaxable if one of the following applies:

1. The vendor is engaged in both a professional or personal service occupation or a service business under A.R.S. § 42-5061(A)(1) and the business of selling photography at retail; or
  2. The activities are not part of the manufacture, creation, or fabrication of photography and are not otherwise subject to tax under another Article of this Chapter.
- C. Gross income or gross proceeds derived from a sale of photography used directly in motion picture production by a qualified motion picture production company are exempt from tax under this Article pursuant to A.R.S. § 42-5061(B)(23).

**Historical Note**

Renumbered from R15-5-1836 and amended effective August 9, 1993 (Supp. 93-3). Amended by final rulemaking at 11 A.A.R. 5493, effective February 6, 2006 (Supp. 05-4).

**R15-5-151. Artists**

- A. Gross receipts from the sale of paintings, drawings, etchings, sculptures, craftwork, other artwork or reproductions of such items to final consumers shall be taxable under the retail classification if the person is making regular sales of these items.
- B. Gross receipts from the sale of paints, canvasses, frames, sculpture ingredients, and other items which will become an integral part of the finished product shall not be taxable if sold to a creating artist who is regularly engaged in the business of creating and selling paintings, drawings, etchings, sculptures, craftwork, other artwork, or reproductions of such items. Sales of brushes, easels, tools, and similar items to be consumed by the creating artist shall be taxable.
- C. Gross receipts from the sale by the creating artist of a painting, drawing, etching, sculpture, or a piece of craftwork that is not a reproduction of an original work shall not be taxable if:
  1. The sale is a casual sale pursuant to the definition in R15-5-1812; or
  2. The sale is of commissioned artwork by an individual artist. For purposes of this rule, "commissioned artwork" is a custom, one-of-a-kind art creation made by the individual artist pursuant to the particular requirements of a specific purchaser.

**Historical Note**

Adopted effective April 15, 1993 (Supp. 93-2). Section heading amended effective August 9, 1993 (Supp. 93-3).

*Editor's Note: R15-5-1812, referenced in subsection (C)(1) above, was repealed. Please refer to R15-5-2001 for information about casual sales.*

**R15-5-152. Tangible Personal Property Used in Soil Remediation Activities**

The gross receipts from the sale of tangible personal property incorporated or fabricated into any real property, structure, project, development or improvement under a contract specified in A.R.S. § 42-1310.16 (B)(6) are exempt from tax. The gross receipts from the sale of tangible personal property used in soil remediation activities but not incorporated or fabricated into any real property, structure, project, development or improvement are taxable.

**Historical Note**

Adopted effective December 11, 1998 (Supp. 98-4).

**R15-5-153. Four-inch Pipes or Valves**

Gross receipts from the sale of pipes, valves, or fire hydrants with an inside diameter of four inches or more are deductible from the tax base if the pipes, valves, or fire hydrants are to be used to transport oil, natural gas, artificial gas, water, or coal slurry.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).

**R15-5-154. Computer Hardware and Software**

- A. Gross receipts derived from services rendered in whole or in part in connection with the sale of computer hardware are exempt, including gross receipts derived from charges imposed for professional and technological services such as analysis, design, support engineering services, classroom instruction, and data conversion services.
- B. Except as provided in subsection (C), gross receipts derived from the sale of computer software programs are taxable, regardless of the method that a retail business uses to transfer the programs to its customers.
- C. Gross receipts derived from charges imposed for the following business activities originate from nontaxable service activities and are therefore not taxable:
  1. The original creation of an electronic data processing program for the specific use of an individual customer, or
  2. The modification of a prewritten computer software program for the specific use of an individual customer, if the charge for the modification is shown separately on the sales invoice and records.

**Historical Note**

Renumbered from R15-5-1853 effective August 9, 1993 (Supp. 93-3). Amended by final rulemaking at 11 A.A.R. 2950, effective September 10, 2005 (Supp. 05-3).

**R15-5-155. Reserved****R15-5-156. Sales of Prescription Drugs and Prosthetic Appliances****A. In this Section:**

1. "Drug" means an article that, according to federal or state law, is:
  - a. Recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopeia of the United States, official National Formulary, or any supplement to these documents; or
  - b. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals; or
  - c. Not food and is intended to affect the structure or any function of the body of humans or animals; or
  - d. Intended for use as a component of any article specified in subsections (a), (b), or (c).
2. "Drug on a prescription" means prescription drug.
3. "Food" means an article used for food or drink for humans or animals, chewing gum, or an article used as a component of such an article.
4. "Hearing aid" means any wearable device designed as a remedy or to compensate for defective human hearing, including parts, attachments, accessories, and earmolds.
5. "Legend drug" means a drug that 21 U.S.C. 353(b)(4)(A) requires to bear the symbol "Rx only" before dispensing.
6. "Nonprescription product" means a drug or other article that can be purchased by the final consumer of the drug or article without a prescription, regardless of whether purchased on the advice or recommendation of a member of the medical, dental, or veterinarian profession. Examples include over-the-counter drugs and those dietary supple-

## Department of Revenue - Transaction Privilege and Use Tax Section

- ments, vitamins, minerals, herbs, and other similar supplements that do not qualify as prescription drugs.
7. "Over-the-counter drug" means a drug that is subject to federal labeling requirements in 21 CFR 201.66.
  8. "Prescriber" means a member of the medical, dental, or veterinary profession authorized by federal or state law to prescribe a drug.
  9. "Prescription" means an order for a drug issued in any form.
  10. "Prescription drug" means a legend drug or a drug that, according to federal or state law, can be dispensed only:
    - a. Upon a written prescription of a prescriber for the drug;
    - b. Upon an oral prescription by the prescriber for the drug that federal or state law requires be reduced promptly to a form of writing by the prescriber and then filed by a pharmacist or the prescriber; or
    - c. By refilling a written or oral prescription if refilling is authorized by the prescriber for the drug either in the original prescription or by oral order that is reduced promptly to writing and then filed by a pharmacist or the prescriber.
  11. "Prescription eyeglasses" includes frames and other component parts of eyeglasses if purchased for use with prescription lenses.
  12. "Prosthetic appliance" means an artificial device that fully or partially replaces a part or function of the human body or increases the acuity of a sense organ.
- B.** Gross receipts from sales of the following kinds of tangible personal property are not subject to tax:
1. Prescription drugs, including those used in the course of treating patients;
  2. Medical oxygen, pursuant to A.R.S. § 42-5061(A)(8);
  3. Insulin, insulin syringes, and glucose strips, whether or not prescribed;
  4. Prosthetic appliances, prescribed or recommended by a statutorily-authorized individual;
  5. Durable medical equipment, pursuant to A.R.S. § 42-5061(A)(13);
  6. Prescription eyeglasses and contact lenses; and
  7. Hearing aids. Batteries and cords are subject to tax.
- C.** Gross receipts from the sale of component and repair parts for any tangible personal property that is exempt under either subsection (B) or (F) are not subject to tax.
- D.** If a written prescription or recommendation is required to purchase tangible personal property, a vendor of the property shall maintain the prescription or recommendation as part of the vendor's records. The vendor's records for documenting sales shall provide reasonable detail to allow the Department, upon inspection, to identify property as exempt.
- E.** Gross receipts from the sale to the final consumer of nonprescription products and those medical supplies or appliances not provided for under subsection (B) are subject to tax.
- F.** Gross receipts from the sale of nonprescription products or other medical supplies or appliances to doctors, dentists, or veterinarians are subject to tax unless the sale qualifies as a sale for resale and the doctor, dentist, or veterinarian is a retailer in the business of reselling the property.

**Historical Note**

Renumbered from R15-5-1819 and amended effective August 9, 1993 (Supp. 93-3). Amended by final rulemaking at 11 A.A.R. 2952, effective September 10, 2005 (Supp. 05-3).

**R15-5-157. Membership Fees**

- A.** Membership, admission, or other fees charged by a limited-access retail business shall be considered part of the taxable gross income of the business activity.
- B.** For purposes of this rule, "a limited-access retail business" means a business which does not sell to the general public but which charges a membership fee or a membership due in order to obtain access to the business or to obtain discounts or preferential treatment in the purchase or rental of tangible personal property from or through the business.
- C.** Gross income shall not include separately billed amounts paid to secure ownership interests or rights in the business which can be transferred or assigned.

**Historical Note**

Renumbered from R15-5-3036 and amended effective August 9, 1993 (Supp. 93-3).

**R15-5-158. Postage Stamps**

- A.** A retailer's gross receipts from the sale of postage stamps are not included in the tax base under the retail classification if the stamps are sold for the purpose of transporting mail.
- B.** A retailer's gross receipts from the sale of postage stamps are included in the tax base under the retail classification if the stamps are sold for any purpose other than transporting mail.
- C.** The Department shall presume that a postage stamp is sold for a purpose other than transporting mail if the postage stamp is sold for at least 50% more than its face value. A retailer may overcome the presumption; however, the burden of proof will remain on the retailer.
- D.** A retailer's gross receipts from the sale of cancelled postage stamps are included in the tax base under the retail classification.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 4112, effective October 4, 2000 (Supp. 00-4).

**R15-5-159. Reserved****R15-5-160. Reserved****R15-5-161. Reserved****R15-5-162. Reserved****R15-5-163. Reserved****R15-5-164. Reserved****R15-5-165. Reserved****R15-5-166. Reserved****R15-5-167. Reserved****R15-5-168. Reserved****R15-5-169. Reserved****R15-5-170. Interstate and Foreign Transactions**

- A.** Gross receipts from sales of tangible personal property made in interstate or foreign commerce are deductible from the tax base if all of the following apply:
  1. The order is received from a location outside of Arizona; and
  2. The retailer ships or delivers the tangible personal property to a location outside of Arizona for use outside of Arizona.
- B.** In meeting the above requirements, if delivery is made by the retailer to a common carrier for transportation to a location outside Arizona, the common carrier is deemed to be the agent of the retailer for purposes of this rule regardless of who is responsible for payment of the freight charges.

## Department of Revenue - Transaction Privilege and Use Tax Section

C. Suitable records shall be kept to substantiate the deduction for a sale made in interstate commerce. As such, records shall identify the tangible personal property sold and the delivery destination. The following records may be sufficient to substantiate the exemption:

1. Suitable records for substantiating the receipt of an order from out-of-state may include purchase orders, letters, or written memoranda on the receipt of orders placed by telephone.
2. Suitable records for substantiating out-of-state shipments include:
  - a. Internal delivery orders supported by receipts of expenses incurred in delivering the property and signed on the delivery date by the person who delivers the property;
  - b. Common carrier's receipt or bill of lading;
  - c. Parcel post receipt;
  - d. Export declaration;
  - e. Receipt from a licensed broker; or
  - f. Proof of export or import signed by a customs officer.

**Historical Note**

Renumbered from R15-5-1814 and amended effective August 9, 1993 (Supp. 93-3).

**R15-5-171. Sales to a Common Carrier**

Gross receipts from sales made to a common carrier, engaged in interstate business, for delivery by the common carrier to a location outside of Arizona and for use outside of Arizona shall not be taxable if the order is received from a location outside of Arizona and the Arizona retailer prepays the freight charge.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).

**R15-5-172. Sales by Florists**

- A. Gross receipts from sales made by florists are taxable. Delivery and relay or transmittal charges, when separately stated, are deductible from the tax base.
- B. Orders received by an Arizona florist from an out-of-state customer for delivery within Arizona are taxable. Orders received by an Arizona florist by an out-of-state customer for delivery out-of-state are not taxable.
- C. When the florist conducts transactions through a delivery association, the following shall apply:
  1. Gross receipts from sales made by an Arizona florist, where the order is subsequently transmitted to another florist for filling and delivery, whether inside or outside of Arizona, are taxable.
  2. Gross receipts from sales by Arizona florists who deliver from a transmitted order of another florist, whether the ordering florist is inside or outside of Arizona, are not taxable.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).

**R15-5-173. Sales of Property Subsequently Taken Out-of-state**

Gross receipts from sales of tangible personal property by Arizona vendors made to purchasers who subsequently take the property out-of-state do not qualify as exempt unless otherwise specifically exempted by statute.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).

**R15-5-174. Sales to Non-U.S. Citizens**

Gross receipts from sales to non-U.S. citizens are subject to the tax unless otherwise exempt.

**Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3).

**R15-5-175. Expired****Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2054, effective March 31, 2016 (Supp. 16-3).

**R15-5-176. Expired****Historical Note**

Adopted effective August 9, 1993 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 2012, effective March 31, 2001 (Supp. 01-2).

**R15-5-177. Reserved****R15-5-178. Reserved****R15-5-179. Reserved****R15-5-180. Sales by Businesses in Federal Areas**

Gross receipts from sales by businesses not operated by or as an agency of the Federal Government, located on military bases or other federal areas, are subject to tax.

**Historical Note**

Renumbered from R15-5-1825 and amended effective August 9, 1993 (Supp. 93-3). Amended by final rulemaking at 13 A.A.R. 682, effective April 7, 2007 (Supp. 07-1).

**R15-5-181. Governmental Organizations**

- A. Gross receipts from the sale of tangible personal property to the state or its political subdivisions are taxable unless otherwise exempt. Gross receipts from the sale of tangible personal property to the Federal Government or its departments and agencies are taxable at the rate prescribed by statute, unless otherwise exempt.
- B. Gross receipts from the sale of tangible personal property by the state or its political subdivisions, when acting in a proprietary capacity, are taxable unless otherwise exempt.
- C. Gross receipts from the sale of tangible personal property by the Federal Government are not taxable.

**Historical Note**

Renumbered from R15-5-1803 and amended effective August 9, 1993 (Supp. 93-3).

**R15-5-182. Nonprofit Organizations**

- A. Gross receipts from the sale of tangible personal property to nonprofit churches, schools, and other nonprofit organizations are subject to tax unless otherwise exempt.
- B. Gross receipts from the sale of tangible personal property by a charitable nonprofit organization, recognized as such for income tax purposes by the Internal Revenue Service, are not subject to tax.
- C. For purposes of the statutory exemption and this rule, the Internal Revenue Service recognition of a charitable nonprofit organization is defined in Internal Revenue Code § 501(c)(3).

**Historical Note**

Renumbered from R15-5-1804 and amended effective August 9, 1993 (Supp. 93-3). Amended by final rulemaking at 13 A.A.R. 682, effective April 7, 2007 (Supp. 07-1).

**R15-5-183. Exempt Sales to Health Organizations**

## Department of Revenue - Transaction Privilege and Use Tax Section

- A. Gross receipts from the sale of tangible personal property to qualifying hospitals, qualifying health care organizations, rehabilitation programs for mentally or physically handicapped persons, and qualifying community health centers are exempt from tax if such purchases are exempt from tax pursuant to statutory provisions.
- B. The Department may, upon review of the written request and any other information requested by the Department to make a proper determination, provide an Exemption Letter to organization meeting the statutory criteria. The Exemption Letter shall be valid for a period of 12 months from the first day of the month following the issue date of the Exemption Letter unless the organization's tax exempt status changes prior to the end of the 12-month period, or the organization misrepresented or omitted material information in its exemption request.
- C. Qualifying hospitals, qualifying health care organizations, rehabilitation programs for mentally or physically handicapped persons, and qualifying community health centers shall annually submit to the Department a written request for an Exemption Letter. The request shall be submitted at least 30 days prior to the first day of the exemption period. For purposes of this rule, "exemption period" means the 12-month period beginning on the first day of the month following the issue date of the Exemption Letter or the 12-month period requested by the organization.
1. Qualifying hospitals shall attach to their annual exemption request a copy of their current license issued by the Department of Health Services.
  2. Qualifying health care organizations shall attach to their exemption request letter the statutorily required annual financial audit and a copy of their Internal Revenue Code 501(c) recognition unless the Department has previously received a copy of this recognition.
  3. Rehabilitation programs for mentally or physically handicapped persons shall attach to their exemption request a copy of their Internal Revenue Code 501(c)(3) recognition unless the Department has previously received a copy of this recognition.
  4. Qualifying community health centers shall attach to their exemption request documentation supporting the statutory criteria and a copy of their Internal Revenue Code 501(c)(3) recognition unless the Department has previously received a copy of this recognition.

**Historical Note**

Renumbered from R15-5-1821 and amended effective August 9, 1993 (Supp. 93-3). Amended effective April 21, 1995 (Supp. 95-2).

**ARTICLE 2. RENUMBERED AND REPEALED****R15-5-201. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-202. Renumbered****Historical Note**

Section R15-5-202 renumbered to R15-5-2001 effective October 14, 1993 (Supp. 93-4).

**R15-5-203. Repealed****Historical Note**

Repealed effective October 14, 1993 (Supp. 93-4).

**R15-5-204. Renumbered****Historical Note**

Section R15-5-204 renumbered to R15-5-2002 effective October 14, 1993 (Supp. 93-4).

**R15-5-205. Repealed****Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3).

**R15-5-206. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-207. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-208. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-209. Repealed****Historical Note**

Amended effective November 7, 1978 (Supp. 78-6).  
Amended effective March 18, 1981 (Supp. 81-2).  
Renumbered as Section R15-5-3023 effective August 26, 1987 (Supp. 87-3). Renumbered and amended in error; Section R15-5-209 is reprinted herewith as it was amended effective March 18, 1981 (Supp. 88-3).  
Repealed effective October 14, 1993 (Supp. 93-4).

**R15-5-210. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-211. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-212. Renumbered****Historical Note**

Emergency rule adopted effective April 10, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days; emergency rule readopted with changes effective June 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency rule readopted with changes effective September 19, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Permanent rule adopted with changes effective December 14, 1990 (Supp. 90-4). Renumbered to Section R15-5-2215 effective October 14, 1993 (Supp. 93-4).

**ARTICLE 3. REPEALED****R15-5-301. Repealed****Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3).

**R15-5-302. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-303. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-304. Repealed**

## Department of Revenue - Transaction Privilege and Use Tax Section

**Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-305. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-306. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-307. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**ARTICLE 4. AMUSEMENT CLASSIFICATION****R15-5-401. Repealed****Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3).

**R15-5-402. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-403. Amusement Devices**

Gross proceeds of sales or gross income from the operation of coin-operated and other devices that provide amusement are included in the tax base under the amusement classification. Examples include: devices that play prerecorded music, electronic games, pinball games, and billiard tables.

1. The tax base from the business of operating amusement devices is the gross amount received from the amusement devices without deduction for commissions paid, rental cost for the equipment, or other expenses.
2. The individual having direct control of the funds generated by the amusement devices shall pay the tax to the Department.

**Historical Note**

Amended effective September 22, 1997 (Supp. 97-3).  
Amended by final rulemaking at 13 A.A.R. 682, effective April 7, 2007 (Supp. 07-1).

**R15-5-404. Other Income**

Gross receipts from the sale of programs, souvenirs, or any other items of tangible personal property are included in the tax base under the retail classification.

**Historical Note**

Amended effective April 21, 1995 (Supp. 95-2).  
Amended effective September 22, 1997 (Supp. 97-3).

**R15-5-405. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-406. Health or Fitness Establishments and Private Recreational Establishments**

- A. The operator of a "health or fitness establishment" or a "private recreational establishment," as defined in A.R.S. § 42-5073(C), shall exclude from the tax base under the amusement classification all gross proceeds of sales or gross income from membership fees and initiation fees charged for the use of the establishment, or any portion of the establishment, for 28 days or more, and fees charged for the use of the establishment by bona fide accompanied guests of members. Any other fees for the use of a health or fitness establishment or a private recre-

ational establishment, or any portion of the establishment, are included in the tax base of the amusement classification.

- B. Gross proceeds of sales or gross income derived from other businesses that are located on the premises of a health, fitness, or recreational business shall not be considered when determining whether a health, fitness, or recreational business is a "health or fitness establishment" or a "private recreational establishment" if the other businesses are separate and independent from the health, fitness, or recreational business. Whether the other businesses are separate and independent depends upon the facts in each case. The Department considers several factors in making this determination including but not limited to the following:

1. Whether the business is open to both members and non-members;
2. Whether the primary purpose of the business is closely related to the primary purpose of the health, fitness, or recreational business;
3. Whether the business could exist without the health, fitness, or recreational business; and
4. Whether the business shares assets or employees with the health, fitness, or recreational business.

**Historical Note**

Amended effective September 22, 1997 (Supp. 97-3).  
Amended by final rulemaking at 13 A.A.R. 682, effective April 7, 2007 (Supp. 07-1).

**R15-5-407. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-408. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-409. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**ARTICLE 5. REPEALED****R15-5-501. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-502. Repealed****Historical Note**

Repealed effective January 16, 1997 (Supp. 97-1).

**R15-5-503. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-504. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-505. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-506. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).



**ARTICLE 6. PRIME CONTRACTING CLASSIFICATION****R15-5-601. Taxpayer Bonds for Contractors**

- A.** For the purpose of this rule:
1. The principal place of business shall be Arizona if the licensee has continuously operated a facility with at least one full-time employee in Arizona for 12 consecutive months preceding the determination.
  2. A surety bond shall include a bond issued by a company authorized to execute and write bonds in Arizona as a surety or composed of securities or cash which are deposited with the Department of Revenue.
- B.** The businesses subject to these bonds are grouped in accordance with the standard industry classifications by average business activity. The business classes and bond amounts are as follows:
1. Two thousand dollars for:
    - a. General contractors of residential buildings other than single family;
    - b. Operative builders;
    - c. Plumbing, air conditioning, and heating, except electric;
    - d. Painting, paper hanging;
    - e. Decorating;
    - f. Electrical work;
    - g. Masonry stonework and other stonework;
    - h. Plastering, drywall, acoustical and insulation work;
    - i. Terrazzo, tile, marble and mosaic work;
    - j. Carpentry;
    - k. Floor laying and other floor work;
    - l. Roofing and sheet metal work;
    - m. Concrete work;
    - n. Water well drilling;
    - o. Structural steel erection;
    - p. Glass and glazing work;
    - q. Excavating and foundation work;
    - r. Wrecking and demolition work;
    - s. Installation and erection of building equipment;
    - t. Special trade contractors; and
    - u. Manufacturers of mobile homes.
  2. Seven thousand dollars for:
    - a. General contractors of single family housing;
    - b. Water, sewer, pipeline, communication and power-line construction.
  3. Seventeen thousand dollars for:
    - a. General contractors of industrial buildings and warehouses;
    - b. General contractors nonresidential buildings other than single family;
    - c. Highways and street construction except elevated highways.
  4. Twenty-two thousand dollars for:
    - a. Heavy construction;
    - b. Bridge construction;
    - c. Tunnel construction; and
    - d. Elevated highway construction.
- C.** Except as provided in subsection (D), any applicant whose principal place of business is outside Arizona or who has conducted business in Arizona for less than one year shall post a bond before the transaction privilege tax license shall be issued.
- D.** Any taxpayer subject to bonding requirements may submit a written request to the Director of the Department of Revenue for an exemption from the bond. The exemption request shall provide at least one of the following:
1. Any taxpayer who has been actively engaged in business for at least two years immediately preceding the exemp-

tion request may submit statements from an authorized state employee from each state in which the business has been licensed in the last two years verifying that the taxpayer has, for at least two years immediately preceding the date of the statement, made timely payment of all sales taxes and other transaction privilege taxes incurred.

2. Two-year reporting history as described above in subsection (D)(1) and an explanation of good cause for late or insufficient payment of the tax;
  3. Documentation which verifies that no potential for Arizona tax liability exists;
  4. Bond for a previously issued Arizona transaction privilege license that adequately covers the licensee's expected transaction privilege tax liability for Arizona for both the previously issued license and for this license.
- E.** The bond shall not expire prior to two years after the transaction privilege license is issued. Upon lapse or forfeiture of any bond by any licensee, the licensee shall deposit with the Department another bond within five business days of the licensee's receipt of written notification by the Department.
- F.** Any licensee, who has had a bond posted for at least two years and fulfills any exception listed in subsection (D), or whose principal place of business becomes Arizona, may request a written waiver and that the bond be returned.

**Historical Note**

Former Section R15-5-601 repealed effective August 13, 1987 (Supp. 87-3). New Section R15-5-601 renumbered from R15-10-202 (Supp. 94-1). Amended by final rulemaking at 24 A.A.R. 742, effective May 13, 2018 (Supp. 18-1).

**R15-5-602. Expired****Historical Note**

Amended effective November 7, 1978, unless otherwise noted (Supp. 78-6). Correction, subsection (C), paragraph (2) as filed effective November 7, 1978, unless otherwise noted (Supp. 82-1). Section expired under A.R.S. 41-1056(E) at 17 A.A.R. 2692, effective September 28, 2011 (Supp. 11-4).

**R15-5-603. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-604. Expired****Historical Note**

Section expired under A.R.S. 41-1056(E) at 17 A.A.R. 2692, effective September 28, 2011 (Supp. 11-4).

**R15-5-605. Expired****Historical Note**

Section expired under A.R.S. 41-1056(E) at 17 A.A.R. 2692, effective September 28, 2011 (Supp. 11-4).

**R15-5-606. Expired****Historical Note**

Amended effective December 11, 1998 (Supp. 98-4). Section expired under A.R.S. 41-1056(E) at 17 A.A.R. 2692, effective September 28, 2011 (Supp. 11-4).

**R15-5-607. Expired****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2). Amended effective December 11, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 12 A.A.R.

## Department of Revenue - Transaction Privilege and Use Tax Section

4742, effective September 30, 2006 (Supp. 06-4).

**R15-5-608. Expired****Historical Note**

Amended effective November 7, 1978 (Supp. 78-6).  
Amended by adding subsections (D) and (E) effective  
March 18, 1981 (Supp. 81-2). Section expired under  
A.R.S. 41-1056(E) at 17 A.A.R. 2692, effective Septem-  
ber 28, 2011 (Supp. 11-4).

**R15-5-609. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-610. Repealed****Historical Note**

Former Section 15-5-610 repealed, new Section R15-5-  
610 adopted effective March 18, 1981 (Supp. 81-2).  
Repealed effective January 16, 1997 (Supp. 97-1).

**R15-5-611. Repealed****Historical Note**

Repealed effective March 18, 1981 (Supp. 81-2).

**R15-5-612. Expired****Historical Note**

Amended effective November 7, 1978 (Supp. 78-6). Sec-  
tion expired under A.R.S. 41-1056(E) at 17 A.A.R. 2692,  
effective September 28, 2011 (Supp. 11-4).

**R15-5-613. Expired****Historical Note**

Amended effective November 7, 1978 (Supp. 78-6). Sec-  
tion expired under A.R.S. 41-1056(E) at 17 A.A.R. 2692,  
effective September 28, 2011 (Supp. 11-4).

**R15-5-614. Expired****Historical Note**

Amended effective November 7, 1978 (Supp. 78-6). Sec-  
tion expired under A.R.S. 41-1056(E) at 17 A.A.R. 2692,  
effective September 28, 2011 (Supp. 11-4).

**R15-5-615. Expired****Historical Note**

Section expired under A.R.S. 41-1056(E) at 17 A.A.R.  
2692, effective September 28, 2011 (Supp. 11-4).

**R15-5-616. Expired****Historical Note**

Amended effective June 18, 1987 (Supp. 87-2). Section  
expired under A.R.S. 41-1056(E) at 17 A.A.R. 2692,  
effective September 28, 2011 (Supp. 11-4).

**R15-5-617. Repealed****Historical Note**

Section repealed by final rulemaking at 10 A.A.R. 5200,  
effective February 5, 2005 (Supp. 04-4).

**R15-5-618. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-619. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-620. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-621. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-622. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-623. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-624. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-625. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-626. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-627. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-628. Expired****Historical Note**

Adopted effective November 7, 1978 (Supp. 78-6). Sec-  
tion expired under A.R.S. 41-1056(E) at 17 A.A.R. 2692,  
effective September 28, 2011 (Supp. 11-4).

**R15-5-629. Expired****Historical Note**

Adopted effective November 7, 1978, unless otherwise  
noted (Supp. 78-6). Section expired under A.R.S. 41-  
1056(E) at 17 A.A.R. 2692, effective September 28, 2011  
(Supp. 11-4).

**ARTICLE 7. REPEALED****R15-5-701. Repealed****Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3).

**R15-5-702. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-703. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-704. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**ARTICLE 8. REPEALED****R15-5-801. Repealed**

## Department of Revenue - Transaction Privilege and Use Tax Section

**Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3).

**R15-5-802. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-803. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-804. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**ARTICLE 9. MINING CLASSIFICATION****R15-5-901. Definitions**

In addition to the definitions provided in A.R.S. § 42-5001, the following definitions apply to this Article:

1. "Mining" means operations involving the extraction of nonmetalliferous mineral products from beneath or at the surface of the earth for commercial use and includes underground, surface, and open-pit operations.
2. "Nonmetalliferous mineral product" has the same meaning as prescribed in A.R.S. § 42-5072.

**Historical Note**

Amended effective November 7, 1978 (Supp. 78-6).  
Repealed effective August 13, 1987 (Supp. 87-3). New  
Section R15-5-901 renumbered from R15-5-903 and  
amended by final rulemaking at 6 A.A.R. 2952, effective  
July 18, 2000 (Supp. 00-3).

**R15-5-902. General**

- A. A person engaged in the business of mining is subject to tax under the mining classification on the gross proceeds of sales or gross income received from the sale of a nonmetalliferous mineral product to a purchaser that resells the product in the ordinary course of business.
- B. A person engaged in the business of mining is not subject to tax under the mining classification on the gross proceeds of sales or gross income received from the sale of a nonmetalliferous mineral product to a person engaged in business classified under the prime contracting classification if the nonmetalliferous mineral product is to be incorporated into a structure or project as part of the business.
- C. A person engaged in the business of mining is subject to tax under the retail classification on the gross income received from the sale of a nonmetalliferous mineral product to a final consumer.
- D. A person engaged in the business of mining shall not deduct from the tax base amounts paid as royalties.

**Historical Note**

Amended by final rulemaking at 6 A.A.R. 2952, effective  
July 18, 2000 (Supp. 00-3).

**R15-5-903. Renumbered****Historical Note**

Section R15-5-903 renumbered to R15-5-901 by final  
rulemaking at 6 A.A.R. 2952, effective July 18, 2000  
(Supp. 00-3).

**R15-5-904. Manufacturing or Processing Service Charges**

- A. A person engaged in the business of mining is subject to tax on the gross proceeds of sales or gross income from refining petroleum products, producing a combination of nonmetalliferous mineral products, as well as other manufacturing or pro-

cessing service charges derived from contracts with the owner of the products.

- B. A person who mines and processes nonmetalliferous mineral products is subject to tax on the gross proceeds of sales or gross income from the sale of the first marketable product. For example, a person who mines clay and processes the material into bricks is taxable on the gross proceeds of sales or gross income from the sale of the bricks.

**Historical Note**

Amended by final rulemaking at 6 A.A.R. 2952, effective  
July 18, 2000 (Supp. 00-3).

**R15-5-905. Products Shipped Out of Arizona**

- A. A person engaged in the business of mining that ships a nonmetalliferous mineral product out-of-state without making a sale in Arizona shall include in the tax base the market value of the nonmetalliferous mineral product before it enters interstate commerce.
- B. Unless otherwise provided in subsection (D), the taxpayer shall calculate the market value of a nonmetalliferous mineral product shipped out-of-state in the following manner:
  1. Establish the total selling price of the product outside Arizona.
  2. Deduct, from the total selling price, costs incurred out-of-state that increase the value of the product. These costs include:
    - a. The cost of actual freight paid, as provided in R15-5-908, to the point of sale outside Arizona;
    - b. The refining or processing cost incurred before the first sale; and
    - c. The cost of sales commissions, paid or accrued, in connection with the sale.
- C. The market value of the product shipped out-of-state shall not include the cost of processing if the processor has paid the Arizona transaction privilege tax on the gross proceeds of sales or gross income derived from the processing. (See R15-5-904.)
- D. A taxpayer may compute the market value of a nonmetalliferous mineral product shipped out-of-state in any manner that accurately reflects the value of the nonmetalliferous mineral product at the point it enters interstate commerce if the taxpayer gives prior written notification to the Department and the Department approves the computation method.

**Historical Note**

Amended effective March 18, 1981 (Supp. 81-2).  
Amended effective June 18, 1987 (Supp. 87-2). Amended  
by final rulemaking at 6 A.A.R. 2952, effective July 18,  
2000 (Supp. 00-3).

**R15-5-906. Repealed****Historical Note**

Section repealed by final rulemaking at 6 A.A.R. 2952,  
effective July 18, 2000 (Supp. 00-3).

**R15-5-907. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-908. Actual Freight Paid**

- A. A person engaged in the business of mining may deduct from the tax base under the mining classification actual freight costs incurred in connection with the sale that are included in the sales price if the actual freight costs incurred are separately stated in the billing to its customer.
- B. A person engaged in the business of mining that does not separately state the actual freight costs incurred in the billing to the customer may still deduct the actual freight costs paid to a

## Department of Revenue - Transaction Privilege and Use Tax Section

third party, provided the person keeps books and records to show separately the actual freight paid to the third party.

- C. A taxpayer shall not deduct the cost incurred by the taxpayer before a sale for freight from the mining or production location to the sales location.

**Historical Note**

Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 2952, effective July 18, 2000 (Supp. 00-3).

**R15-5-909. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**ARTICLE 10. TRANSACTION PRIVILEGE TAX - TRANSIENT LODGING CLASSIFICATION****R15-5-1001. Application of the Definition of Transient for Purposes of Taxation under the Transient Lodging Classification**

- A. Effective January 1, 1979, the leasing or renting of dwelling units and lodging facilities to a person shall not be taxable under the transient lodging classification if the lodging is obtained for a continuous block of time for 30 or more consecutive days except as provided under A.R.S. § 42-1310.10(B). For purposes of this rule, "person" has the same meaning as under A.R.S. § 42-1301.
- B. Gross receipts from providing lodging obtained for a continuous block of time for 30 or more consecutive days shall not be taxable under the transient lodging classification from the first day of occupancy.
1. Lodging obtained for 30 or more consecutive days in increments of time for a period of less than 30 consecutive days rather than for a continuous block of time shall be taxable under the transient lodging classification except as provided under A.R.S. § 42-1310.10(B).
  2. A lodger may originally acquire lodging on an incremental basis for a period of less than 30 consecutive days and subsequently change to a continuous block of time for 30 or more consecutive days; however, the lodging originally obtained on an incremental basis of less than 30 consecutive days shall remain subject to tax regardless of any subsequent action on the part of the lodger.
- C. If lodging is obtained on a continuous basis for 30 or more consecutive days but the person obtaining the lodging leaves before the 30-day period ends and only pays for a period of 29 days or less, the exclusion shall not apply. The gross receipts from providing lodging for 29 days or less shall be subject to tax under the transient lodging classification.
- D. The following situations are indicative of the application of the provisions in this rule:
1. A person rents a motel room on a weekly basis for 10 consecutive weeks. The total rental period is greater than 30 consecutive days; however, the method of renting by the week meets the definition of "transient." Gross receipts from renting lodging space on such a basis are subject to tax under the transient lodging classification.
  2. A motion picture company contracts with a hotel to rent a block of 15 rooms for a three-month period during which filming will occur in the area. During that three-month period, a variety of crew members and actors will occupy the rooms. Any one room may have a different occupant during the three-month time period as filming progresses and different actors or crew members are involved in the production of the film. The rental by the motion picture company for the three-month period is not subject to tax under the transient lodging classification since the motion

picture company contracted with the hotel to rent for a three-month period and, therefore, does not meet the definition of a transient.

3. An individual reserves a room in a rooming house for two weeks. The individual decides to stay another two weeks. The total number of days' stay is now at 28 days. Once again, the individual extends the stay by two weeks. Each time period is less than 30 days. Even though the total period of time is over 29 days, after the third extension of two weeks, the individual continues to be a transient for purposes of taxation under the transient lodging classification. If the individual had rented the room for 30 days or more after the first two weeks, gross receipts from the additional time would not be subject to tax. However, the first two-week block of time would remain taxable since that time period falls under the definition of transient.
4. An individual is not sure how long he will be staying at a hotel so, upon registration, gets the room for 35 days. After 21 days the individual decides to leave and pays only for the 21-day stay. Gross receipts are subject to tax under the transient lodging classification. If the individual had a contractual agreement in which, regardless of length of occupancy, he was required to pay for the entire 35 days, the gross receipts from such a transaction would not be taxable.

**Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3). New Section R15-5-1001 renumbered from R15-5-1614 (Supp. 94-2). Amended effective April 21, 1995 (Supp. 95-2).

**R15-5-1002. Activities in Addition to Providing Lodging**

- A. If a transient lodging facility is engaged in the business of providing lodging and engages in the business of providing meals, the gross receipts from lodging shall be separately stated and reported from the gross receipts from restaurant activities.
- B. Gross receipts from the providing of meals or room service shall be subject to tax under the restaurant classification.
- C. Gross receipts from the sale of tangible personal property by transient lodging facilities such as from magazine stands, gift shops, or in-room food or beverage bars shall be subject to tax under the retail classification.

**Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2). New Section R15-5-1002 renumbered from R15-5-1615 (Supp. 94-2). Amended effective April 21, 1995 (Supp. 95-2).

**R15-5-1003. Providing Lodging to Government Agencies**

Gross receipts from providing transient lodging to the United States Government, the state or its political subdivisions, or any other government agency or its employees shall be taxable under the transient lodging classification unless otherwise exempt.

**Historical Note**

Adopted effective April 21, 1995 (Supp. 95-2).

**ARTICLE 11. TRANSACTION PRIVILEGE TAX - JOB PRINTING CLASSIFICATION****R15-5-1101. Definitions**

For purposes of this Article, the following definitions apply:

1. "Image developing" means the copying or reproducing by a printer of an image by any means from film, paper, video, or another data storage medium to photographic print paper or another storage medium that can visually display the image.

## Department of Revenue - Transaction Privilege and Use Tax Section

2. "Job printing" means the copying or reproducing by a printer of documents or data directly or indirectly provided by the printer's customer, including by another person at the customer's direction, for the ultimate purpose of producing a physical or electronic copy of the document or data. The document or data can be textual or pictorial, and may be received by the printer in physical or electronic form. Examples of methods of job printing include dye sublimation, electrostatic printing, flexography, gravure, inkjet printing, laser printing, lithography, offset printing, optical scanning, photocopying, photofinishing, reprographic printing, screen printing, thermography, xerography, and similar means of duplication.
3. "Photography" means the process of taking and supplying images to customers, using film, video, or another data storage medium.
4. "Printer" means a person that copies or reproduces textual or pictorial material by any means, process, or method of job printing, engraving, embossing, or copying, but that does not distribute the copied or reproduced material on the person's own behalf.
5. "Printing" means a finished product in physical or electronic form produced by a printer through job printing, engraving, embossing, or copying and that is held for sale by the printer.
6. "Qualifying health care organization" has the same meaning as prescribed in A.R.S. § 42-5001(10).
7. "Qualifying hospital" has the same meaning as prescribed in A.R.S. § 42-5001(11).

**Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3). New Section made by final rulemaking at 11 A.A.R. 5493, effective February 6, 2006 (Supp. 05-4).

**R15-5-1102. Printer's Sale of Printing**

- A. Except as otherwise provided in subsection (F) or other applicable A.R.S. § 42-5066(B) exemptions, gross income or gross proceeds derived from all of a printer's costs or expenses of filling a customer's printing order are subject to tax under this Article. Examples of costs or expenses include charges for set-up, die cutting, embossing, folding, and binding operations.
- B. Gross income or gross proceeds derived from an Arizona printer's sale of printing within Arizona are subject to tax even when the printer conducts the job printing, engraving, embossing, or copying activity outside the state, unless the printing is shipped or delivered outside the state for use outside the state.
- C. If a printer ships or delivers printing to be used outside the state to a common carrier for transportation to a location outside the state, the common carrier is deemed to be the agent of the printer for purposes of determining whether the printing has been shipped or delivered outside the state, regardless of who is responsible for payment of the freight charges.
- D. A printer may substantiate a shipment or delivery of printing outside the state by one of the following records:
  1. An internal delivery order that is supported by receipts for expenses incurred in delivery of printing and signed on the delivery date by the person who delivers the printing;
  2. A common carrier's receipt or bill of lading;
  3. A parcel post receipt;
  4. An export declaration;
  5. A receipt from a licensed broker; or
  6. Proof of export or import, signed by a customs officer.
- E. Except as provided in subsection (F) or other applicable A.R.S. § 42-5066(B) exemptions, gross income or gross proceeds derived from an Arizona printer's charges for the distribution of printing are generally subject to tax under this Article. In the absence of documentation listed in subsection (D), it remains the taxpayer's burden to substantiate that the gross income or gross proceeds derived from a sale of printing are not taxable because the printing is shipped or delivered outside the state for use outside the state, pursuant to A.R.S. § 42-5066(B)(2). A printer substantiates that printing is shipped or delivered outside the state for use outside the state if the printer shows that the address or number to which the printer distributes the printing does not identify or is incapable of identifying an in-state location.

Repealed effective April 13, 1987 (Supp. 87-2). New Section made by final rulemaking at 11 A.A.R. 5493, effective February 6, 2006 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 470, effective February 6, 2007 (Supp. 07-1).

- F. Pursuant to A.R.S. § 42-5066(B)(4), a printer may deduct its gross income or gross proceeds derived from charges for postage and freight if the printer separately states the charges on a customer's invoice and in the printer's records, except that the amount deducted shall not exceed the amount paid by the printer to the United States Postal Service or a commercial delivery service. A printer may not deduct its gross income or gross proceeds derived from charges for delivery of the printing using the printer's own conveyance.

**Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2). New Section made by final rulemaking at 11 A.A.R. 5493, effective February 6, 2006 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 470, effective February 6, 2007 (Supp. 07-1).

**R15-5-1103. Repealed****Historical Note**

Section repealed by final rulemaking at 11 A.A.R. 5493, effective February 6, 2006 (Supp. 05-4).

**R15-5-1104. Repealed****Historical Note**

Section repealed by final rulemaking at 11 A.A.R. 5493, effective February 6, 2006 (Supp. 05-4).

**R15-5-1105. Repealed****Historical Note**

Section repealed by final rulemaking at 11 A.A.R. 5493, effective February 6, 2006 (Supp. 05-4).

**R15-5-1106. Sale of Materials to a Printer**

Sales to a printer of materials that do not become an ingredient or component part of a printing fall under the retail classification (see Article 1 of this Chapter) and are subject to tax unless otherwise exempt under A.R.S. § 42-5061. Examples of such materials include color process plates, electrotypes, film processing chemicals, printing plates, and wood mounts. In contrast, sales by the printer of any such materials that are job printed, engraved, embossed, or copied by the printer for the printer's customer constitute sales of printing and fall under this Article. An example is a printer's sale to a customer of a printing plate upon which the printer has performed job printing, engraving, embossing, or copying activity for the customer.

**Historical Note**

Amended by final rulemaking at 11 A.A.R. 5493, effective February 6, 2006 (Supp. 05-4).

**R15-5-1107. Repealed****Historical Note**

Amended effective November 7, 1978 (Supp. 78-6). Section repealed by final rulemaking at 11 A.A.R. 5493, effective February 6, 2006 (Supp. 05-4).

**R15-5-1108. Repealed**

## Department of Revenue - Transaction Privilege and Use Tax Section

**Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1109. Repealed****Historical Note**

Former Section R15-5-1109 repealed, new Section R15-5-1109 adopted effective March 18, 1981 (Supp. 81-2). Amended effective June 25, 1993 (Supp. 93-2). Section repealed by final rulemaking at 11 A.A.R. 5493, effective February 6, 2006 (Supp. 05-4).

**R15-5-1110. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1111. Miscellaneous Costs of a Printer Are Not Deductions**

- A. A printer shall not deduct the cost of subletting job printing, engraving, embossing, or copying activities.
- B. A printer shall not deduct the cost of labor or materials employed in the job printing, engraving, embossing, or copying activity of another person.

**Historical Note**

Amended by final rulemaking at 11 A.A.R. 5493, effective February 6, 2006 (Supp. 05-4).

**R15-5-1112. Sale of Image Developing**

- A. Gross income or gross proceeds derived from a sale of image developing in which the image developing is not part of a sale of photography are subject to tax under this Article.
- B. Gross income or gross proceeds derived from a sale of image developing to a business that resells the image developing are nontaxable under this Article.
- C. Gross income or gross proceeds derived from a sale of image developing either to a qualifying health care organization that uses the image developing solely to provide health and medical related educational and charitable services or to a qualifying hospital are nontaxable under this Article. An example is image developing of x-ray film or photographs.

**Historical Note**

Section repealed; new Section made by final rulemaking at 11 A.A.R. 5493, effective February 6, 2006 (Supp. 05-4).

**ARTICLE 12. REPEALED****R15-5-1201. Repealed****Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3).

**R15-5-1202. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**ARTICLE 13. SALES TAX - PUBLISHING CLASSIFICATION****R15-5-1301. Repealed****Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3).

**R15-5-1302. General**

- A. The gross income derived from the business of publishing within the state is taxable under this classification. Gross income includes revenue from subscriptions, notices, and local advertising.

- B. Subscription income includes all circulation revenue. In determining the taxable base, however, there shall be excluded from such revenue those actual amounts retained by or credited to carriers and other vendors as compensation for delivery or sale of newspapers.

1. Carriers are defined as those persons who deliver newspapers to individual subscribers. Such deliveries are confined to a specific area or route.
2. Other vendors are defined as those persons who deliver newspapers to retailers such as news stands, convenience markets, drug stores and to coin-operated vending machines located in or near commercial establishments such as office buildings, hotels, motels, grocery and department stores.

- C. Income of publishers from sales of newspapers, whether directly or through other vendors, to news stands, convenience markets, drug stores or other retailers are taxable under this classification. The sales of newspapers by such retailers to consumers are taxable as retail sales. (See R15-5-1802(C))

**Historical Note**

Amended effective March 18, 1981 (Supp. 81-2).

**R15-5-1303. Definitions**

- A. A "publisher" is one who manufactures and distributes a publication from a point within this state.
- B. The term "publication" includes books, newspapers, magazines, music, periodicals, and any other literary work.
- C. Effective 9/12/75, the term "publication" shall specifically exclude books. Sales of books directly to a final consumer, however, are taxable under the retail classification (see Article 18).

**R15-5-1304. Printing costs**

The cost of printing a publication, including the subletting of printing to another person, is not deductible from the gross income.

**R15-5-1305. Out-of-state distribution**

Income from publications, other than books, mailed or distributed from a point within this state to a point outside the state is subject to the tax under this classification.

**R15-5-1306. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**ARTICLE 14. TRANSPORTING CLASSIFICATION****R15-5-1401. Repealed****Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3).

**R15-5-1402. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1403. Repealed****Historical Note**

Repealed effective January 16, 1997 (Supp. 97-1).

**R15-5-1404. Excess Baggage Charges**

- A. Gross proceeds of sales or gross income from charges for excess baggage shipped from one point to another point in this state is included in the tax base under the transporting classification except as provided in subsection (B).
- B. Gross proceeds of sales or gross income from charges for excess baggage shipped by motor vehicle from one point to another point in this state is not included in the tax base under the transporting classification if a light motor vehicle fee imposed under A.R.S. § 28-5492 or a motor carrier fee

## Department of Revenue - Transaction Privilege and Use Tax Section

imposed under A.R.S. § 28-5852 is paid to the Department of Transportation on the vehicle used in the transporting.

**Historical Note**

Amended by final rulemaking at 6 A.A.R. 2594, effective June 12, 2000 (Supp. 00-2).

**R15-5-1405. Demurrage Charges**

Gross proceeds of sales or gross income from demurrage charges is included in the tax base under the transporting classification unless the transporting to which it relates is excluded from the transporting classification.

**Historical Note**

Amended by final rulemaking at 6 A.A.R. 2594, effective June 12, 2000 (Supp. 00-2).

**R15-5-1406. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1407. Repealed****Historical Note**

Repealed effective January 16, 1997 (Supp. 97-1).

**R15-5-1408. Rental of Aircraft**

- A. Gross proceeds of sales or gross income from transporting by aircraft freight or property from one point to another point in this state is included in the tax base under the transporting classification.
- B. A charge for the use of an aircraft when a pilot is not provided is rent. Gross proceeds of sales or gross income from the rental or leasing of aircraft is included in the tax base under the personal property rental classification unless a specific deduction or exclusion applies.

**Historical Note**

Amended by final rulemaking at 6 A.A.R. 2594, effective June 12, 2000 (Supp. 00-2).

**ARTICLE 15. PERSONAL PROPERTY RENTAL CLASSIFICATION****R15-5-1501. Repealed****Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3).

**R15-5-1502. General**

- A. Gross income derived from the rental of tangible personal property is included in the tax base under the personal property rental classification unless a specific statutory exemption, exclusion, or deduction applies. Examples of tangible personal property include: televisions, cars, trucks, lawnmowers, floor polishers, tuxedos, uniforms, furniture, towels, and linens.
- B. In this Article, the terms "lease," "rental," and "leasing" are used synonymously.
- C. Gross income from the lease of tangible personal property to a lessee who subleases the property is not taxable under the personal property rental classification if the lessee is engaged in the business of leasing the property under the personal property rental classification.
- D. Gross income from the rental of tangible personal property includes charges for installation, labor, insurance, maintenance, repairs, pick-up, delivery, assembly, set-up, personal property taxes, and penalty fees even if these charges are billed as separate items, unless a specific statutory exemption, exclusion, or deduction applies.

**Historical Note**

Amended subsection (D) and added subsection (E) effective

March 18, 1981 (Supp. 81-2). Amended by final rulemaking at 6 A.A.R. 3091, effective July 18, 2000 (Supp. 00-3).

**R15-5-1503. Sourcing of Leased Tangible Personal Property****A. In this Section:**

1. "Business location" means the business address that appears on a lessor's privilege license, but if the lessor does not have a business address in Arizona, business location means the lessee's residential or primary business street address.
2. "Source" means to determine the location of leasing or renting activity for tax purposes.

**B.** The personal property rental classification applies to a person who is engaging or continuing in the business of leasing or renting tangible personal property in Arizona for a consideration. Gross receipts from leasing or renting tangible personal property in Arizona are taxable under this classification.

**C.** The Department shall source gross receipts from leasing or renting tangible personal property to the business location. Thus, gross receipts of a lessor without a business address in Arizona, derived from leasing or renting tangible personal property, are sourced to the lessee's residential or primary business street address and are taxable when the property is shipped, delivered, or otherwise brought into the state for use in Arizona.

**D.** Gross receipts from leasing or renting tangible personal property are not taxable if the property is shipped or delivered outside of the state and intended, at the inception of the lease, for use exclusively outside of the state.

**E.** Gross receipts from leasing or renting tangible personal property are not taxable if the property is removed from the state and used exclusively outside of the state. Intermittent use of tangible personal property outside of the state does not constitute removal of the property from the state for use exclusively outside of the state, and therefore does not change the business location of the property or liability for the tax. For example, use of a business's leased tangible personal property by its employees at different locations on business trips and service calls does not change liability for the tax.

**F.** The burden of proof for establishing the applicability of subsection (D) or (E) is on the lessor.

**G.** For leasing or renting activity related to a motor vehicle, the Department shall examine whether the motor vehicle is licensed, registered, or primarily used in Arizona.

**H.** A taxpayer shall not take a deduction or credit for taxes paid in another state on a lease or rental of tangible personal property.

**Historical Note**

Amended by final rulemaking at 10 A.A.R. 3071, effective September 11, 2004 (Supp. 04-3).

**R15-5-1504. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1505. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1506. Rental of Tangible Personal Property to Government Agencies**

A lessor's gross income from the rental of tangible personal property to the United States Government, the state of Arizona, or other governmental subdivisions is taxable under the personal property rental classification unless a specific statutory exemption, exclusion, or deduction applies.

## Department of Revenue - Transaction Privilege and Use Tax Section

**Historical Note**

Amended by final rulemaking at 6 A.A.R. 3091, effective July 18, 2000 (Supp. 00-3).

**R15-5-1507. Rental of Tangible Personal Property to Schools, Churches, and Other Nonprofit Organizations**

A lessor's gross income from the rental of tangible personal property to a school, church, or other nonprofit organization is taxable under the personal property rental classification unless a specific statutory exemption, exclusion, or deduction applies.

**Historical Note**

Amended by final rulemaking at 6 A.A.R. 3091, effective July 18, 2000 (Supp. 00-3).

**R15-5-1508. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1509. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1510. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1511. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1512. Lease - Purchase Agreements**

- A. A lessor's gross income from the leasing of tangible personal property that includes an option to purchase the tangible personal property is taxable under the personal property rental classification until the lessee exercises the purchase option.
- B. Gross income received after the lessee exercises the purchase option is taxable under the retail classification.

**Historical Note**

Amended by final rulemaking at 6 A.A.R. 3091, effective July 18, 2000 (Supp. 00-3).

**R15-5-1513. Repealed****Historical Note**

Adopted effective November 7, 1978 (Supp. 78-6). Section repealed by final rulemaking at 6 A.A.R. 3091, effective July 18, 2000 (Supp. 00-3).

**ARTICLE 16. COMMERCIAL LEASE CLASSIFICATION****R15-5-1601. Definitions**

The following definitions apply for purposes of the rules in this Article, unless the context requires otherwise or unless otherwise defined.

1. "Agricultural property" means land or structures which are used for the purposes of growing crops or raising animals including agronomy, horticulture, viticulture, or animal husbandry.
2. "Economic unit of agricultural property" means agricultural property which is rented to the same lessee under one lease or rental agreement but may include more than one parcel or location which is functionally integrated.
3. "Real property used for commercial purposes" means land or structures, including parking lots but not including agricultural property or land or structures used for residential purposes.
4. "Rental" means renting or leasing

5. "Unit" means a single real property location rented or leased to a single tenant under one lease or rental agreement.

**Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3). New Section R15-5-1601 renumbered from R15-5-1603 and amended effective April 21, 1995 (Supp. 95-2).

**R15-5-1602. Casual Leasing Activity**

- A. For purposes of taxation under the commercial lease classification, there shall be no general exclusion for a casual rental of real property unless delineated under A.R.S. § 42-5059 except as provided in subsection (B) of this rule.
- B. For periods ending on or before July 31, 1988, the rental of one unit or real property shall have been deemed to be a casual activity and not subject to transaction privilege tax if:
  1. A lessor had income from another source which was unrelated to the income from the rental of real property and such income was of a significant amount so as to indicate that the rental activity was not the sole or main support of the lessor and
  2. The scope and degree of the rental activity clearly indicated that the rental activity was an investment activity rather than income from a business.
- C. For periods beginning on or after August 1, 1988, gross income from the rental of one or more units of real property used for commercial purposes shall be deemed to be a business activity and shall be taxable under the commercial lease classification.
- D. For periods prior to July 17, 1993, gross income from the rental of one economic unit of agricultural property shall not be taxable if the following conditions exist:
  1. A lessor had income from another source which was unrelated to the income from the rental of one economic unit of agricultural property and such income was of a significant amount so as to indicate that the rental activity was not the sole or main support of the lessor and
  2. The scope and degree of the rental activity clearly indicated that the rental activity was an investment activity rather than income from a business.
- E. For periods from and after July 17, 1993, gross income from the rental of agricultural property shall not be subject to tax if the conditions of A.R.S. § 42-5069(C)(12) are met.
- F. The following situations are indicative of the application of the general provisions of the commercial lease classification:
  1. A three-story office building is lease in its entirety to a large law firm. The building is one unit of property. Prior to August 1, 1988, the lessor of the office building was not considered to be engaged in business under the commercial lease classification if the conditions of subsection (A) existed. Commencing on or after August 1, 1988, the single rental of commercial real property is subject to tax under the commercial lease classification.
  2. Individual spaces in a small medical building are rented to three different members of the medical profession on separate leases. The property consists of three units. Regardless of the time period in which the rental occurred, the lessor in this situation has always been engaged in business under the commercial lease classification.
  3. A partnership is formed to hold one unit of real property for purposes of leasing. Income received from this activity is taxable since the partnership was formed for business purposes.
  4. Two hundred acres of farmland are leased to one tenant. The acreage is one economic unit of agricultural property.



## Department of Revenue - Transaction Privilege and Use Tax Section

The lessor is employed as an engineer and leases the property as an investment. Regardless of the time period in which the lease occurred, the lessor of the property is not engaged in business under the commercial lease classification.

5. Two hundred acres of agricultural property are leased to five unrelated parties on separate leases. The property consists of five economic units of agricultural property. Regardless of the time period in which the leases occurred, the lessor is engaged in business under the commercial lease classification. Five separate lease agreements are not a casual activity and the lessor does not fall within any of the current exemptions under A.R.S. § 42-5069(C)(12).

**Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2). New Section R15-5-1602 renumbered from R15-5-1607 and amended effective April 21, 1995 (Supp. 95-2). R15-5-1602(A), (E) and (F)(5) corrected to reflect updated citation references to Arizona Revised Statutes (Supp. 06-4).

**R15-5-1603. Renumbered****Historical Note**

Amended effective November 7, 1978, unless otherwise noted (Supp. 78-6). Section R15-5-1603 renumbered to R15-5-1601 effective April 21, 1995 (Supp. 95-2).

**R15-5-1604. Gross Income**

- A. Gross income under the commercial lease classification shall include all amounts paid to or on behalf of the lessor including but not limited to the following items:
  1. Rent;
  2. Property tax paid by the lessee either as reimbursement to the lessor or paid directly to the county assessor on the lessor's behalf;
  3. Insurance paid by the lessee either as reimbursement to the lessor or directly on the lessor's behalf;
  4. Common area maintenance charges paid by the lessee;
  5. Payments by the lessee for the promotion of the facility or of the lessee;
  6. Flat fees paid by the lessee for telephone and reception services, clerical services, library services, reproduction services or facsimile services when such services are contracted for as part of the lease or are obligatory under the lease;
  7. Utility connect/disconnect charges;
  8. Improvements to the leased property made on behalf of the lessor; or
  9. Reimbursement for utility service in excess of the actual amount charged by the utility company.
- B. Refundable deposits shall not be subject to tax at the time of receipt if such deposits are separate from gross receipts from commercial leasing and are maintained on the books and records of the lessor as a liability and not as income.
  1. Any portion of a refundable deposit which is retained by the lessor as a forfeited deposit shall be included in gross receipts subject to tax.
  2. Any portion of a refundable deposit which is not claimed by the tenant at the time the tenant departs shall be presumed to be abandoned property if not claimed within five years from the date of departure pursuant to A.R.S. Title 44, Chapter 3 and shall be reported and delivered as unclaimed property to the Department after the five-year period of time has elapsed.
  3. If amounts reported as income are claimed as refundable deposits, the burden of proof shall be on the taxpayer to

show that the income reported is not gross receipts subject to tax.

- C. Nonrefundable charges, such as cleaning charges, shall be included in gross income at the time of receipt.

**Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2). Adopted effective April 21, 1995 (Supp. 95-2).

**R15-5-1605. Rental to Government Agencies**

- A. Gross receipts from the rental of real property to the United States Government, state of Arizona, or any other government agency shall be taxable under the commercial lease classification unless otherwise exempt.
- B. For periods beginning May 24, 1990, and ending on March 31, 1993, the gross receipts from the rental of a single unit of real property to the United States Government shall not be subject to tax if the lessor did not have any other commercial lease income and either of the following conditions existed:
  1. The real property was listed on the National Register of Historic Places; or
  2. The real property was leased to the United States Postal Service for use as a postal facility.

**Historical Head**

Amended effective April 21, 1995 (Supp. 95-2).

**R15-5-1606. Nonprofit Organizations**

- A. Nonprofit organizations shall be subject to tax under the commercial lease classification for gross receipts from the rental of real property unless otherwise exempt.
- B. Leases of real property to nonprofit organizations shall be subject to tax under the commercial lease classification unless otherwise exempt.

**Historical Head**

Amended effective April 21, 1995 (Supp. 95-2).

**R15-5-1607. Renumbered****Historical Note**

Amended effective November 1, 1976 (Supp. 76-5).  
Amended effective November 7, 1978 (Supp. 78-6). Section R15-5-1607 renumbered to R15-5-1602 effective April 21, 1995 (Supp. 95-2).

**R15-5-1608. Commercial property - storage facilities**

Income from the rental of storage facilities is taxable, provided the lessee retains the right of direct access to the stored goods. Conversely, the storage of property by a warehouse, when the warehouse proprietor maintains full control over the specific location of the stored goods within the building, is not taxable. Such storage is deemed to be a service rather than rental of real property.

**R15-5-1609. Commercial property - licensee agreements**

When a department store enters into an agreement with a licensee to provide space within the store which does not give the licensee exclusive right to any specific area within the store, the income from such an agreement is not subject to tax. The transaction is deemed to be a licensee agreement rather than the subleasing of real property.

**R15-5-1610. Expired****Historical Note**

Amended effective April 21, 1995 (Supp. 95-2). Section expired under A.R.S. § 41-1056(E) at 12 A.A.R. 4742, effective September 30, 2006 (Supp. 06-4).

**R15-5-1611. Repealed**

## Department of Revenue - Transaction Privilege and Use Tax Section

**Historical Note**

Repealed effective January 16, 1997 (Supp. 97-1).

**R15-5-1612. Repealed****Historical Note**

Repealed effective January 16, 1997 (Supp. 97-1).

**R15-5-1613. Repealed****Historical Note**

Amended effective November 1, 1976 (Supp. 76-5).

Repealed effective April 21, 1995 (Supp. 95-2).

**R15-5-1614. Renumbered****Historical Note**

Amended effective November 7, 1978, unless otherwise noted (Supp. 78-6). Renumbered to R15-5-1001 (Supp. 94-2).

**R15-5-1615. Renumbered****Historical Note**

Amended effective November 7, 1978 (Supp. 78-6).

Renumbered to R15-5-1002 (Supp. 94-2).

**R15-5-1616. Repealed****Historical Note**

Repealed effective April 21, 1995 (Supp. 95-2).

**R15-5-1617. Repealed****Historical Note**

Repealed effective April 21, 1995 (Supp. 95-2).

**ARTICLE 17. RESTAURANT CLASSIFICATION****R15-5-1701. Repealed****Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3).

**R15-5-1702. Repealed****Historical Note**

Amended effective November 7, 1978 (Supp. 78-6).

Repealed April 21, 1995 (Supp. 95-2).

**R15-5-1703. Repealed****Historical Note**

Repealed effective March 18, 1981 (Supp. 81-2).

**R15-5-1704. Providing Food or Drink to Government Agencies**

A restaurant's gross proceeds of sales or gross income from sales of food or drink to the United States Government, the state or its political subdivisions, or any other government agency, or its employees is included in the tax base under the restaurant classification unless exempt as a sale to a qualifying hospital under A.R.S. § 42-5074(B)(7) or as a sale *for consumption within the premises of a prison, jail or other institution under the jurisdiction of the state department of corrections, the department of public safety, the department of juvenile corrections or a county sheriff* under A.R.S. § 42-5074(B)(9).

**Historical Note**

Amended effective December 16, 1997 (Supp. 97-4).

R15-5-1704 corrected to reflect updated citation references to Arizona Revised Statutes (Supp. 06-4).

**R15-5-1705. Amusement Devices**

A restaurant's gross proceeds of sales or gross income from the operation of amusement devices is included in the tax base under the amusement classification (see Article 4).

**Historical Note**

Amended effective December 16, 1997 (Supp. 97-4).

**R15-5-1706. Cover Charges**

A restaurant's gross proceeds of sales or gross income from a cover charge or other minimum charge is included in the tax base under the restaurant classification.

**Historical Note**

Amended effective December 16, 1997 (Supp. 97-4).

**R15-5-1707. Repealed****Historical Note**

Repealed effective January 16, 1997 (Supp. 97-1).

**R15-5-1708. Gratuities (Tips)**

A. A restaurant's gross receipts from gratuities that are separately stated on the check or bill are not included in the restaurant's tax base if:

1. The exact amount charged on a check for gratuities is segregated on the seller's records for the account of the employees actually providing the services; and
2. The amounts so segregated are distributed directly to the employees providing the services for which the charges were made.

B. If a restaurant cannot specifically segregate the charges for gratuities or if any portion of the amounts charged for gratuities is not distributed to the employees involved, the total gross receipts from the gratuities are included in the tax base under the restaurant classification.

**Historical Note**

Amended effective December 16, 1997 (Supp. 97-4).

**R15-5-1709. Coupon Redemption**

A restaurant that accepts coupons is subject to transaction privilege tax on the full sales price of the food or beverage before the coupon value is deducted if the restaurant receives advertising, services, or products in exchange for providing the discounts.

**Historical Note**

Adopted effective November 7, 1978 (Supp. 78-6).

Amended effective December 16, 1997 (Supp. 97-4).

**ARTICLE 18. SALES TAX - RETAIL CLASSIFICATION****R15-5-1801. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-1802. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1803. Renumbered****Historical Note**

Renumbered to R15-5-181 effective August 9, 1993 (Supp. 93-3).

**R15-5-1804. Renumbered****Historical Note**

Renumbered to R15-5-182 effective August 9, 1993 (Supp. 93-3).

**R15-5-1805. Renumbered**

## Department of Revenue - Transaction Privilege and Use Tax Section

**Historical Note**

Renumbered to R15-5-104 effective August 9, 1993 (Supp. 93-3).

**R15-5-1806. Repealed****Historical Note**

Amended effective November 7, 1978 (Supp. 78-6).  
Repealed effective August 9, 1993 (Supp. 93-3).

**R15-5-1807. Repealed****Historical Note**

Repealed effective August 9, 1993 (Supp. 93-3).

**R15-5-1808. Renumbered****Historical Note**

Renumbered to R15-5-111 effective August 9, 1993 (Supp. 93-3).

**R15-5-1809. Renumbered****Historical Note**

Renumbered to R15-5-110 effective August 9, 1993 (Supp. 93-3).

**R15-5-1810. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1811. Renumbered****Historical Note**

Amended effective November 7, 1978 (Supp. 78-6).  
Renumbered to R15-5-101 effective August 9, 1993 (Supp. 93-3).

**R15-5-1812. Repealed****Historical Note**

Repealed effective August 9, 1993 (Supp. 93-3).

*Editor's Note: The information about casual sales that formerly was contained in R15-5-1812, and which is referenced in subsection R15-5-151(C)(1), now appears in R15-5-2001.*

**R15-5-1813. Renumbered****Historical Note**

Renumbered to R15-5-2011 effective October 14, 1993 (Supp. 93-4).

**R15-5-1814. Renumbered****Historical Note**

Amended subsections (A) and (B) effective March 18, 1981 (Supp. 81-2). Renumbered to R15-5-170 effective August 9, 1993 (Supp. 93-3).

**R15-5-1815. Renumbered****Historical Note**

Renumbered to R15-5-105 effective August 9, 1993 (Supp. 93-3).

**R15-5-1816. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1817. Renumbered****Historical Note**

Renumbered to R15-5-103 effective August 9, 1993

(Supp. 93-3).

**R15-5-1818. Renumbered****Historical Note**

Renumbered to R15-5-132 effective August 9, 1993 (Supp. 93-3).

**R15-5-1819. Renumbered****Historical Note**

Amended effective November 7, 1978, unless otherwise noted (Supp. 78-6). Amended subsection (B), paragraph (1) effective March 18, 1981 (Supp. 81-2). Renumbered to R15-5-156 effective August 9, 1993 (Supp. 93-3).

**R15-5-1820. Renumbered****Historical Note**

Renumbered to R15-5-133 effective August 9, 1993 (Supp. 93-3).

**R15-5-1821. Renumbered****Historical Note**

Amended effective November 7, 1978, unless otherwise noted (Supp. 78-6). Amended subsection (B) effective March 18, 1981 (Supp. 81-2). Renumbered to R15-5-183 effective August 9, 1993 (Supp. 93-3).

**R15-5-1822. Renumbered****Historical Note**

Amended effective November 7, 1978, unless otherwise noted (Supp. 78-6). Amended paragraphs (9) and (10) effective March 18, 1981 (Supp. 81-2). Renumbered to R15-5-120 effective August 9, 1993 (Supp. 93-3).

**R15-5-1823. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1824. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1825. Renumbered****Historical Note**

Renumbered to R15-5-180 effective August 9, 1993 (Supp. 93-3).

**R15-5-1826. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1827. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1828. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1829. Renumbered****Historical Note**

Renumbered to R15-5-134 effective August 9, 1993 (Supp. 93-3).

**R15-5-1830. Renumbered**

## Department of Revenue - Transaction Privilege and Use Tax Section

**Historical Note**

Renumbered to R15-5-121 effective August 9, 1993 (Supp. 93-3).

**R15-5-1831. Repealed****Historical Note**

Repealed effective August 9, 1993 (Supp. 93-3).

**R15-5-1832. Repealed****Historical Note**

Former Section R15-5-1832 repealed, new Section R15-5-1832 adopted effective September 3, 1978 (Supp. 78-6). Repealed effective August 9, 1993 (Supp. 93-3).

**R15-5-1833. Renumbered****Historical Note**

Former Section R15-5-1833 repealed, new Section R15-5-1833 adopted effective March 18, 1981 (Supp. 81-2). Renumbered to R15-5-136 effective August 9, 1993 (Supp. 93-3).

**R15-5-1834. Renumbered****Historical Note**

Renumbered to R15-5-112 effective August 9, 1993 (Supp. 93-3).

**R15-5-1835. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1836. Renumbered****Historical Note**

Renumbered to R15-5-150 effective August 9, 1993 (Supp. 93-3).

**R15-5-1837. Repealed****Historical Note**

Repealed effective April 15, 1993 (Supp. 93-2).

**R15-5-1838. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1839. Renumbered****Historical Note**

Renumbered to R15-5-129 effective August 9, 1993 (Supp. 93-3).

**R15-5-1840. Renumbered****Historical Note**

Renumbered to R15-5-122 effective August 9, 1993 (Supp. 93-3).

**R15-5-1841. Repealed****Historical Note**

Repealed effective August 9, 1993 (Supp. 93-3).

**R15-5-1842. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1843. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1844. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1845. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1846. Renumbered****Historical Note**

Renumbered to R15-5-3004 effective July 23, 1985 (Supp. 85-4).

**R15-5-1847. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1848. Renumbered****Historical Note**

Renumbered to R15-5-126 effective August 9, 1993 (Supp. 93-3).

**R15-5-1849. Renumbered****Historical Note**

Renumbered to R15-5-123 effective August 9, 1993 (Supp. 93-3).

**R15-5-1850. Renumbered****Historical Note**

Former Section R15-5-1850 repealed, new Section R15-5-1850 adopted effective June 18, 1987 (Supp. 87-2). Section R15-5-1850 renumbered to R15-5-2010 effective October 14, 1993 (Supp. 93-4).

**R15-5-1851. Repealed****Historical Note**

Repealed effective August 9, 1993 (Supp. 93-3).

**R15-5-1852. Repealed****Historical Note**

Repealed effective August 9, 1993 (Supp. 93-3).

**R15-5-1853. Renumbered****Historical Note**

Adopted effective November 7, 1978 (Supp. 78-6). Amended effective June 16, 1987 (Supp. 87-2). Renumbered to R15-5-154 effective August 9, 1993 (Supp. 93-3).

**ARTICLE 18.1. SALES OF FOOD****R15-5-1860. Definitions**

For the purpose of these rules, unless the context requires otherwise, the following definitions will apply:

1. "Accessory food items" means coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments and spices, and other non-staple foods.
2. "Attendant" means a person, generally the employee of the retailer, who waits on the customers, or tends to their needs.
3. "Automatic retailer" means a coin operated mechanical device or system which sells tangible personal property. Such device or system must itself vend or sell the items, i.e., a device or system which delivers the subject of the sale, or by automatic action physically delivers the thing sold. Vending machines are considered automatic retailers.

## Department of Revenue - Transaction Privilege and Use Tax Section

4. "Caterer" means a person engaged in the business of serving meals, food and drinks on the premises used by his customer, but does not include employees hired by the hour of day.
5. "Delicatessen" means a business which sells specialty food items, such as prepared cold meats, perishable food and grocery items kept under refrigeration.
6. "Facilities for the consumption of food" means appropriate furniture, tableware, or parking areas for sitting both in or on the premises of the business, either in or out of a motor vehicle.
7. "Food"
  - a. Under A.R.S. § 42-1387, the Department is required to promulgate rules defining food as those items that may be purchased from an eligible grocery business with food coupons, but in no event may such definition of food include food for consumption on the premises, alcoholic beverages or tobacco. Even though alcoholic beverages and food for consumption on the premises may be intended for human consumption, such items are not considered food by the statutory provisions. In these rules, items that are considered food by the Statutes, and therefore tax exempt if sold by a qualified retailer, shall be referred to as "tax exempt foods." Other items that may be intended for human consumption but are excluded from the definition of food by the Statute, and are therefore subject to the Sales Tax, shall be referred to herein as "taxable foods."
  - b. "Food" means: Items intended for human consumption. Food is deemed to be intended for human consumption when its intended or ordinary use is as a food for human consumption or is an ingredient used in preparing food for human consumption. For example, even though animal food may be used by some humans, its ordinary or intended use is not for human consumption. Also, even though vitamins and other medication may be ingested, its intended or ordinary use is as a health aid or therapeutic agent or a deficiency corrector and is not intended for use as food. Following is a numeration of items which the Department does not consider food for human consumption:
    - i. Pet food and supplies
    - ii. Cosmetics and grooming items
    - iii. Tobacco products
    - iv. Soaps and paper products and household supplies
    - v. Dietary supplements such as vitamins or protein supplements
    - vi. Medicines
    - vii. Fertilizer
8. "Food for consumption on the premises"
  - a. "Food for consumption on the premises" means the following:
    - i. Hot prepared food, including products, items or ingredients of food which are prepared and sold or are intended to be sold in a heated condition. This also includes a combination of hot and cold food items or ingredients if a single price is charged by the retailer.
    - ii. Hot or cold sandwiches including frozen sandwiches.
    - iii. Food served by an attendant to be eaten at tables, chairs, benches, booths, stools, counters and within parking areas (for in-car consumption).
  - iv. Food served with trays, glasses, dishes or other tableware. Food which is generally selected by the customer from available displays and then taken by the customer to a checkout stand for payment is not considered to be served by the retailer.
  - v. Beverages sold in cups, glasses or open containers. Beverages shall include items such as milk shakes and ice cream floats.
  - vi. Food sold by caterers.
  - vii. Food sold within the premises of theaters, exhibitions, fairs, amusement parks, bowling alleys, athletic events, and other shows or contests and any businesses which charge admission, entrance or cover fees for exhibition, amusement, entertainment or instruction. While food for consumption on the premises includes any food sold within the premises of certain businesses, including businesses that charge admission, entrance or cover fees for exhibition, amusement, entertainment or instruction, food for consumption on premises does not include sales of tax exempt food by a qualified retailer within the premises of a full time educational institution that charges tuition for a full course of studies.
  - b. Any item enumerated in subparagraph (a) which is sold on a take-out or to-go basis is still considered to be food for consumption on the premises and therefore taxable.
9. "Food intended for home consumption" means food, other than food for consumption on the premises, which is usually intended to be consumed at home. Unless the taxpayer can establish to the contrary, food delivered by a retailer to an office or other business establishment shall not be considered food intended for home consumption.
10. "Home" means a natural person's usual or habitual dwelling place, including rest homes, nursing homes, jails and other such institutions.
11. "Premises" means the total space and facilities, including buildings, grounds and parking lot that are made available for use by the retailer for the purpose of consuming food sold by such retailer.
12. "Qualified retailer"
  - a. A qualified retailer or qualified retail business is one that may be eligible to sell tax exempt food without including the sale of tax exempt food items in its taxable base. A retailer other than a qualified retailer must pay a tax measured by the sale of otherwise exempt food even though the sale of such items would be exempt if sold by a qualified retailer.
  - b. Qualified retailers are:
    - i. An eligible grocery business, which includes retailers who are eligible to participate in the United States Department of Agriculture Food Stamp Program, whether such retailer actually participates in the food stamp program. If a retailer is eligible to participate in the food stamp program, but does not participate in such program, such retailer may only be an eligible grocery business if the retailer first makes application to the Department to sell food tax exempt. Examples of retailers that might be considered eligible grocery businesses include:

## Department of Revenue - Transaction Privilege and Use Tax Section

- (1) Grocery stores;
    - (2) Convenience stores;
    - (3) Butcher shops;
    - (4) Bakeries;
    - (5) Dairy stores;
    - (6) Cheese stores;
    - (7) Farmer's markets.
  - ii. Retailers whose primary business is not the sale of food, but who sell food in a manner similar to grocery stores. This category includes stores such as department stores, drug stores, and gas stations.
  - iii. Retailers who sell food and who do not provide any facilities for consumption of food on the premises. This category may include certain health food stores, and certain outlets retailing soda and other similar beverages in bottles or cans, but not cups.
  - iv. Delicatessen business, if such retailer conducts his business so that the sale of tax exempt foods and other taxable items may be separately accounted for, through, for example, the use of two (2) cash registers, or a cash register with at least two (2) tax computing keys which are used to record taxable and tax exempt sales.
  - v. A retailer who is a street or sidewalk vendor who uses a pushcart, mobile facility, motor vehicle, or other such conveyance. Such retailers include:
    - (1) Snackmobile;
    - (2) Chuck wagon;
    - (3) Mobile hot dog stands.
  - vi. Vending machines and other automatic retailers.
13. "Staple food" means those food items intended for home preparation and consumption, which includes meat, poultry, fish, bread and bread stuffs, cereals, vegetables, fruits, fruit and vegetable juices, and dairy products.
14. "Taxable foods" are items which may be intended for human consumption, but are still subject to the Sales Tax when sold. Examples of taxable foods would be alcoholic beverages, and food for consumption on the premises.
15. Tax-exempt foods
- a. "Tax exempt foods" are generally those items of food intended for home consumption which, if purchased from an eligible grocery business, would be eligible as of January 1, 1979, to be purchased with food coupons issued by the United States Department of Agriculture.
  - b. Tax-exempt food shall also include any new items of food intended for human consumption which would have been eligible for purchase with food coupons issued by the United States Department of Agriculture if such items would have existed for sale on January 1, 1979.
  - c. The following are examples of items which the Department will consider as tax exempt food:
    - bread and flour products
    - vegetables and vegetable products
    - candy and confectionery
    - sugar, sugar products and substitutes
    - cereal and cereal products
    - butter, oleomargarine, shortening and cooking oils
    - cocoa and cocoa products
    - coffee and coffee substitutes
    - milk and milk products
    - eggs and egg products
    - tea
    - meat and meat products
    - spices, condiments, extracts and food colorings
    - fish and fish products
    - frozen foods
    - soft drinks and soda (including bottles on which a deposit is required to be paid)
    - fruit and fruit products
    - packaged ice cream products
    - dietary substitutes
    - ice cubes and bottled water including carbonated and mineral water
    - purchases of seed and plants for use in gardens to produce food items for personal consumption
16. "Two tax computing keys" shall mean the mechanical or electronic function in a cash register which can separately record and accumulate taxable and nontaxable items without having the items presorted.
- Historical Note**  
Adopted as an emergency effective June 30, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-3). Former emergency adoption now amended and adopted effective October 15, 1980 (Supp. 80-5).
- R15-5-1861. Repealed**
- Historical Note**  
Repealed effective April 13, 1987 (Supp. 87-2).
- R15-5-1862. Restaurant food sales**
- A. Restaurants are generally not qualified retailers, and therefore cannot sell food tax free, but are taxable upon all of their gross income or gross proceeds of sale.
  - B. If a qualified retailer also operates a restaurant, the gross income or gross receipts of a sale from the two (2) activities must be kept separate. The gross receipts or gross income from the operation of the restaurant shall always be taxable, as will the income from all sales of taxable food and nonfood items. Except for items which may be exempt under some other provision, only tax-exempt foods sold by a qualified retailer not in connection with its restaurant operation shall be exempt.
  - C. To the extent that a delicatessen may sell taxable food, such as hot or cold sandwiches, such delicatessen will be required to report under this classification. Since a delicatessen business may constitute a qualified retailer, such business may still be eligible to sell tax exempt food, if such sales are separately accounted for.
- Historical Note**  
Adopted as an emergency effective June 30, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-3). Former emergency adoption now amended and adopted effective October 15, 1980 (Supp. 80-5).
- R15-5-1863. Repealed**
- Historical Note**  
Repealed effective April 13, 1987 (Supp. 87-2).
- R15-5-1864. Repealed**
- Historical Note**  
Repealed effective October 17, 1986 (Supp. 86-5).
- R15-5-1864.01. Repealed**

## Department of Revenue - Transaction Privilege and Use Tax Section

**Historical Note**

Repealed effective October 17, 1986 (Supp. 86-5).

**R15-5-1864.02. Repealed****Historical Note**

Repealed effective October 17, 1986 (Supp. 86-5).

**R15-5-1864.03. Repealed****Historical Note**

Repealed effective October 17, 1986 (Supp. 86-5).

**R15-5-1864.04. Repealed****Historical Note**

Repealed effective October 17, 1986 (Supp. 86-5).

**R15-5-1865. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1866. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1867. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**ARTICLE 19. REPEALED****R15-5-1901. Repealed****Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3).

**R15-5-1902. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1903. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1904. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1905. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-1906. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**ARTICLE 20. GENERAL****R15-5-2001. Definitions**

The following definitions apply for the purposes of the rules in this Chapter, unless the context requires otherwise or unless otherwise defined. An individual rule may contain definitions which are specific to the context of that rule.

1. "Casual sale" means an occasional transaction of an isolated nature made by a person who is not engaged in the business of selling, within or without the state, the same type or character of property as that which was sold.
2. "Department" means the Arizona Department of Revenue.

3. "Gross income" means all receipts of a trade or business from sales or services. It includes the total consideration received or constructively received. The value of all services which are part of the sale is considered part of the gross income, unless statutorily excluded.
4. "Gross receipts" means gross receipts as defined in A.R.S. § 42-5001.
5. "Real property" means land and anything permanently affixed to land.
6. "Taxpayer" means any person required by law to file returns or to pay transaction privilege tax, use tax, rental occupancy tax, or excise taxes to the Department.
7. "Vendor" means any person engaged in a business which is subject to Arizona tax.

**Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3). New Section R15-5-2001 renumbered from R15-5-202 and amended effective October 14, 1993 (Supp. 93-4). R15-5-2001(4) corrected to reflect an updated citation reference to Arizona Revised Statutes (Supp. 06-4).

**R15-5-2002. Liability for Transaction Privilege Tax**

The transaction privilege tax is imposed directly on the person engaging in a taxable business within Arizona. The vendor shall be liable for the tax, regardless of whether or not the vendor passes on the economic burden of the tax to the customer.

**Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2). New Section R15-5-2002 renumbered from R15-5-204 and amended effective October 14, 1993 (Supp. 93-4).

**R15-5-2003. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-2004. Multi-location and Multi-business Taxpayers**

- A. A taxpayer with multiple licenses for separate businesses shall maintain separate records for each licensed business.
- B. A tax is levied upon the privilege of engaging in specified businesses within Arizona. Class codes for reporting gross receipts subject to tax have been determined by the Department based on statutory provisions. Each business classification is independent of the others even when transacted under one license. A person who engages in more than one type of business under each license shall maintain books and records so that the gross proceeds of sales or gross income of each taxable business classification is shown separately.
- C. Failure to maintain appropriate books and records shall result in the imposition of the tax at the highest tax rate on gross proceeds of sales or gross income applicable to a classification under which the taxpayer is doing business.

**Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2). New Section R15-5-2004 renumbered from R15-5-2215 and amended effective October 14, 1993 (Supp. 93-4).

**R15-5-2005. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-2006. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-2007. Credit for Accounting and Reporting Expenses**

- A. For purposes of this rule, the following definitions apply:

## Department of Revenue - Transaction Privilege and Use Tax Section

1. "Reporting period" means a calendar month unless another period is authorized pursuant to A.R.S. § 42-1322.
  2. "Statutory delinquency date" means the date by which a payment of tax is considered delinquent pursuant to A.R.S. § 42-1322.
  3. "Tax return" means the Transaction Privilege, Use, and Severance Tax Return (TPT-1).
  4. "Taxable business" means a business which is subject to either transaction privilege or severance tax.
  5. "Taxpayer" means taxpayer as defined in A.R.S. § 42-1322.04(C), including an entity which is exempt from state income tax. The following are considered a single taxpayer:
    - a. Members of an Arizona affiliated group filing a consolidated corporate income tax return under A.R.S. § 43-947;
    - b. Corporations in a unitary business filing a combined corporate income tax return under A.A.C. R15-2-1131(E);
    - c. Married taxpayers operating separate sole proprietorships and filing a joint income tax return under A.A.C. R15-2-1131(E); or
    - d. Partnerships, S Corporations, trusts, or estates conducting multiple businesses, filing a single income tax return.
- B.** A taxpayer shall compute the credit, using the full amount of tax as required to be reported on the tax return, including any excess tax collected. The Department shall not allow a credit against taxes other than the state transaction privilege tax and the severance tax.
- C.** Except as provided in subsection (D), the Department shall not allow a credit if the taxpayer fails to pay the tax due before the statutory delinquency date. Failure to pay the tax due includes the following circumstances:
1. The taxpayer makes an underpayment of tax due, including any estimated tax due, or,
  2. The taxpayer's check is dishonored.
- D.** In the case of taxpayer computational error, the Department shall allow the credit based on the amounts originally filed, if the computational error resulted in the overpayment or underpayment of the tax actually due:
1. In the case of an overpayment, the Department shall allow the credit on the actual amount of tax due for the reporting period.
  2. In the case of an underpayment, the Department shall allow the credit on the amount of the tax paid prior to the statutory delinquency date.
- E.** To receive the credit for each reporting period, the taxpayer shall claim the credit on the tax return. If the taxpayer understates the amount of the credit on the tax return, the Department shall allow the amount of credit which the taxpayer has claimed. The taxpayer may file an amended return to claim any unclaimed portion of the credit if the taxpayer timely paid the tax upon which the credit is based. If the taxpayer overstates the amount of the credit, the Department shall allow the amount of credit actually permitted for the reporting period.
- F.** A taxpayer is entitled to one credit, regardless of the number of licenses, businesses, or locations the taxpayer may have. Taxpayers with multiple licenses for separate businesses or separate locations shall elect the manner in which to allocate the credit among their licenses within the \$10,000 annual limitation. The election shall be made on a form 51-T. The taxpayer shall file the election on or before January 15 of the first year for which an election is being made or within 30 days prior to beginning operations if the taxpayer is a new business entity. The taxpayer is required to file an election one time; however, a new election may be filed under the following circumstances:
1. If a taxpayer does not claim the entire \$10,000 credit during the calendar year, the taxpayer may amend the election at the end of the calendar year to reallocate the unclaimed portion of the credit for that particular year. This amended election shall be filed on or before January 31 of the following year. To claim the reallocated credit, the taxpayer shall file an amended tax return for each reporting period in which a sufficient tax was due and timely paid. For example: an individual owns three separate businesses with different transaction privilege tax licenses. At the beginning of the year, the individual allocates the \$10,000 credit as follows: \$3,000 to Company A; \$2,000 to Company B; and \$5,000 to Company C. At the end of the year, Companies A and B have claimed the credit up to their allocated amounts. However, Company C has only claimed \$1,000 of its allocated credit. Company A timely paid a sufficient amount of tax during the months of August and September to qualify for an additional \$4,000 credit. The individual may amend the election to reallocate the unclaimed credit to Company A. To claim the \$4,000 credit, the individual must file an amended tax return for Company A for the months of August and September.
  2. If a taxpayer acquires, sells, or terminates a taxable business during the calendar year, the taxpayer may amend the election at that time to reallocate the credit. The taxpayer shall only reallocate the portion of the credit which has not been claimed by the date on which the taxpayer acquires, sells, or terminates the business. The taxpayer shall ensure that the election relates to the acquired, sold, or terminated business and is made on a prospective basis only. The taxpayer shall notify the Department of the reallocation 30 days prior to the due date of the tax return for the reporting period to which the reallocation applies. For example: Corporation A is the common parent of Corporations B and C and elects to file a consolidated corporate state income tax return. Each of the three corporations conducts a taxable business activity. Since the three corporations file state income tax as one entity, Corporation A is required to allocate the \$10,000 credit among the three corporations. At the beginning of the year, Corporation A elects to allocate the entire \$10,000 credit to Corporation B. On July 1, Corporation A acquires Corporation D which also conducts a taxable business activity. Corporation A may amend its election at this time to take into account Corporation D. Corporation A may reallocate the portion of the credit not already claimed by Corporation B to Corporation D.
- G.** Where a taxpayer is allocating the \$10,000 credit, the following rules apply:
1. The Department shall allow a unitary business, filing a combined corporate state income tax return, or an Arizona affiliated group, filing a consolidated corporate state income tax return, one \$10,000 credit. The unitary business or affiliated group may allocate the credit among its members. If the unitary business or affiliated group fails to allocate the \$10,000 credit, the Department shall allocate the credit to the corporation in whose name the unitary business or affiliated group files its state income tax return regardless of whether the corporation conducts a taxable business.
    - a. If a corporation joins an Arizona affiliated group or unitary business during the calendar year, the



## Department of Revenue - Transaction Privilege and Use Tax Section

Department shall classify the corporation as a separate taxpayer for the period before it joins the affiliated group or unitary business. The Department shall classify the corporation as the same taxpayer, an affiliated group, or unitary business for the period after it joins the affiliated group or unitary business. An affiliated group or unitary business may allocate the \$10,000 credit, even if a member corporation claimed the credit before it joined the affiliated group or unitary business.

- b. If a corporation leaves an affiliated group or unitary business during the calendar year, the Department shall classify the corporation as the same taxpayer, an affiliated group, or unitary business for the period before it leaves the affiliated group or unitary business. The Department shall not classify the corporation as the same taxpayer for the period after it leaves the affiliated group or unitary business. The corporation, as a separate taxpayer or part of a separate taxpayer, may allocate the \$10,000 credit, even if the corporation claimed the credit before it left an affiliated group or unitary business.
2. If a partnership, S corporation, trust, or estate conducts multiple taxable businesses, the Department shall allow the partnership, S corporation, trust, or estate one \$10,000 credit. The partnership, S corporation, trust, or estate may allocate the credit among its businesses. The credit shall not be allocated to the partners of a partnership, shareholders of an S corporation, or beneficiaries of a trust or estate.
3. In cases where the taxpayers are married and each spouse conducts a taxable business, the Department shall allow one \$10,000 credit per income tax return. If the married taxpayers file separate individual income tax returns, the Department shall allow each spouse one \$10,000 credit. If the married taxpayers file a joint income tax return, the Department shall allow one \$10,000 credit for the couple.

**Historical Note**

Renumbered from R15-5-3025 (Supp. 94-2). Amended effective August 13, 1996 (Supp. 96-3).

**R15-5-2008. Reserved****R15-5-2009. Reserved****R15-5-2010. Transactions Between Affiliated Persons**

- A. For purposes of this rule, the following definitions apply:
  1. "Actual ownership" means direct ownership and control but does not include ownership by or through affiliated persons.
  2. "Affiliated persons" means members of the individual's family or persons who have ownership or control of a business entity.
  3. "Constructive purchase price" means the fair market value or, if the fair market value cannot be determined, the value established by expert appraisal that takes into consideration all factors relevant to the transaction.
  4. "Control of a business entity" means direct or indirect ownership or control of more than 50% of the business entity. The following guidelines, as to indirect ownership, shall apply for purposes of determining control of a business entity.
    - a. A corporation, partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

- b. An individual shall be considered as owning directly or indirectly that portion which is owned by or for members of the individual's family.
- c. The ownership of stock by a corporation, partnership, estate, or trust shall be considered actual ownership to its shareholders, partners, or beneficiaries for purposes of making another individual a constructive owner.
- d. Ownership based on a family relationship shall not be treated as actual ownership by the related party for the purpose of making another individual a constructive owner.
5. "Fair market value" means the gross receipts that the transaction would have brought in the open market at a time and location similar to that of the affiliated party transaction and between a willing purchaser and a willing seller, who are not affiliated and have reasonable knowledge of the relevant facts.
6. "Members of the individual's family" means the relationship of spouse, brothers, and sisters, whether by whole or half blood and including adopted persons, ancestors, and lineal descendants.
- B. The tax shall be computed upon the constructive purchase price when:
  1. The transaction is between affiliated persons, and
  2. The facts and circumstances indicate that the reported gross receipts from the transaction are not indicative of the fair market value of the transaction.

**Historical Note**

Renumbered from Section R15-5-1850 and amended effective October 14, 1993 (Supp. 93-4). Corrected typographical error to reflect what was filed with the Office of Secretary of State October 14, 1993; changed "owner" to "owned" in subsection (A)(4)(a) (Supp. 97-1).

**R15-5-2011. Bad Debts**

- A. The deduction of a bad debt shall be allowed from gross receipts if the following conditions apply:
  1. The gross receipts from the transaction on which the bad debt deduction is being taken have been reported as taxable;
  2. The debt arose from a debtor-creditor relationship based upon a valid and enforceable obligation to pay a fixed or determinable sum of money; and
  3. All or part of the debt is worthless.
- B. A debt shall be considered worthless if:
  1. The surrounding circumstances indicate that the debt is uncollectible; and
  2. Legal action to enforce payment has not or, in all probability, would not result in the satisfaction of the debt.
- C. The bad debt deduction shall be computed by subtracting the amounts received on the debt from the amount originally reported as taxable. The portion of the amounts received on the debt representing carrying charges, interest, and repossession expenses, which have not been reported as taxable, shall not be allowed as a bad debt deduction.
- D. A bad debt deduction shall be taken in the month in which the conditions of subsection (A) apply.
- E. A bad debt deduction shall be allowed, pursuant to the provisions in this rule, on conditional or installment sales if:
  1. The tax liability is paid on the full sales price of the tangible personal property at the time of the sale; or
  2. A contract or other financial obligation is sold to a third party as a sale with recourse and principal payments are made by the vendor to the third party, pursuant to the default of the original payor. Such principal payments

## Department of Revenue - Transaction Privilege and Use Tax Section

may be taken as a bad debt deduction if the tax was paid by the vendor on the original sale of the tangible personal property or on the subsequent sale of the financing contract.

3. For purposes of the bad debt deduction in situations of default on conditional or installment sales, a "sale with recourse" means that a vendor sells a contract or other financial obligation to a third party but retains liability for payment upon default of the original payor.

- F. Any recovery of a bad debt subsequent to a bad debt deduction shall be reported as taxable gross receipts when received.

**Historical Note**

Renumbered from Section R15-5-1813 and amended effective October 14, 1993 (Supp. 93-4). Corrected misspelling in subsection (E)(3) from "retails" to "retains" (Supp. 94-2).

**ARTICLE 21. UTILITIES CLASSIFICATION****R15-5-2101. Repealed****Historical Note**

Repealed effective August 13, 1987 (Supp. 87-3).

**R15-5-2102. Renumbered****Historical Note**

Renumbered to R15-5-3024 (Supp. 86-6).

**R15-5-2103. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-2104. Interstate and Foreign Sales**

A person engaged in business under the utilities classification may deduct from the tax base gross receipts from sales of electricity, gas, or water, delivered through transmission lines or pipelines to a point in another state or country, from a point in this state and used outside this state.

**Historical Note**

Amended effective October 17, 1997 (Supp. 97-4).

**R15-5-2105. Locally Delivered Utilities**

A person engaged in business under the utilities classification is subject to tax on the gross receipts from sales of electricity, gas, or water, produced outside this state that is delivered through transmission lines or pipelines to a point in this state, for use in this state unless an exemption applies.

**Historical Note**

Amended effective October 17, 1997 (Supp. 97-4).

**R15-5-2106. Compressed and Bottled Liquids**

The gross receipts from sales of bottled gases and bottled water are subject to tax under the retail classification unless otherwise exempt.

**Historical Note**

Amended effective March 18, 1981 (Supp. 81-2).

Amended effective October 17, 1997 (Supp. 97-4).

**R15-5-2107. Sales to Irrigation Districts**

A person engaged in business under the utilities classification is subject to tax on the gross receipts from producing and furnishing or furnishing electricity or gas to an irrigation district for the purpose of producing water for irrigation of farm lands or of lands subdivided for residential purposes which are entitled to irrigation water unless an exemption applies.

**Historical Note**

Amended effective October 17, 1997 (Supp. 97-4).

**R15-5-2108. Repealed****Historical Note**

Repealed effective October 17, 1997 (Supp. 97-4).

**R15-5-2109. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-2110. Security Deposits**

Gross receipts from customer deposits that are held as security for payment of utility billings are not subject to tax until recognized as income. A deposit that is not applied to a customer's bill or refunded to a customer when utility services are discontinued shall be presumed to be abandoned property if the customer does not claim it within the period established under A.R.S. Title 44, Chapter 3. Customer deposits that are presumed to be abandoned property under A.R.S. Title 44, Chapter 3, shall be reported and delivered to the Department as unclaimed property. Amounts delivered to the Department as unclaimed property are not included in the tax base. For example:

1. A utility company requires a new customer to deposit \$150 before it provides utility service. The customer moves and notifies the utility company to discontinue service. The customer's final bill is \$130. The utility applies the deposit to the final bill and refunds \$20 to the customer. The amount applied to the utility bill is recognized as income and subject to tax. The amount refunded to the customer is not recognized by the utility as income and is not subject to tax.
2. A utility company requires a new customer to deposit \$150 before it provides utility service. The customer notifies the utility company to discontinue service. The customer's final bill is \$130. The utility applies the deposit to the final bill. The customer does not provide a forwarding address to the utility. Therefore, the utility company is not able to refund the remaining \$20 to the customer. The amount applied to the utility bill is recognized as income and subject to tax. The remaining \$20 is presumed to be abandoned property if not claimed under A.R.S. Title 44, Chapter 3. The amount presumed to be abandoned property shall be reported and delivered to the Department as unclaimed property under A.R.S. Title 44, Chapter 3. The amount delivered to the Department as unclaimed property is not recognized as income by the utility and is not subject to tax.

**Historical Note**

Amended effective October 17, 1997 (Supp. 97-4).

**ARTICLE 22. TRANSACTION PRIVILEGE TAX - ADMINISTRATION****R15-5-2201. Display of License**

- A. A person maintaining a public place of business in Arizona shall display the transaction privilege tax license in a location conspicuous to the public.
- B. If a person maintains more than one place of business in Arizona, a transaction privilege tax license shall be displayed at each location.
- C. For lessors engaged in the business of commercial leasing, a transaction privilege tax license shall be displayed in each location from which the lessor engages in business transactions.

**Historical Note**

Amended effective November 7, 1978, unless otherwise noted (Supp. 78-6). Amended effective October 15, 1980 (Supp. 80-5). Repealed effective February 22, 1989

## Department of Revenue - Transaction Privilege and Use Tax Section

(Supp. 89-1). Section R15-5-2201 renumbered from R15-5-2203 and amended effective October 14, 1993 (Supp. 93-4).

**R15-5-2202. Change in Ownership**

- A. A transaction privilege tax or use tax license is issued to a specific person. The license shall not be transferred to the new owner when selling a business. The new owner shall apply to the state for a new license before engaging in business transactions.
- B. Court-appointed trustees, receivers, and others in cases of liquidation or operational bankruptcies shall obtain a transaction privilege tax or use tax license.
- C. If a licensee has any change in ownership, the licensee shall apply for a new license.

**Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1). Section R15-5-2202 renumbered from R15-5-2205 and amended effective October 14, 1993 (Supp. 93-4).

**R15-5-2203. Change of Name or Trade Name**

If a change is made in the name or trade name under which the business is operating and the ownership remains the same, the taxpayer shall apply for a new license.

**Historical Note**

Section R15-5-2203 renumbered to R15-5-2201, new Section R15-5-2203 renumbered from R15-5-2206 and amended effective October 14, 1993 (Supp. 93-4).

**R15-5-2204. Change of Business Location or Mailing Address**

- A. The taxpayer shall apply for a new transaction privilege tax or use tax license if the physical location of the business changes.
- B. The taxpayer shall notify the Department in writing of a change in mailing address.

**Historical Note**

Amended effective October 15, 1980 (Supp. 80-5). Section R15-5-2204 repealed, new Section R15-5-2204 renumbered from R15-5-2207 and amended effective October 14, 1993 (Supp. 93-4).

**R15-5-2205. Surrender of License upon Sale or Termination of Business**

If a business is sold or terminated, the taxpayer shall notify the Department in writing of the date of sale or termination and shall surrender the transaction privilege tax or use tax license to the Department.

**Historical Note**

Amended effective November 7, 1978 (Supp. 78-6). Section R15-5-2205 renumbered to R15-5-2202, new Section R15-5-2205 renumbered from R15-5-2209 effective October 14, 1993 (Supp. 93-4).

**R15-5-2206. Cancellation of License**

- A. The Department may cancel a license if:
  1. During any consecutive 12-month period, the licensee reports no taxable transaction; and
  2. The licensee is not a subcontractor or wholesaler.
- B. The Department shall notify a licensee in writing of its intention to cancel the license. The notice shall explain the action the licensee may take to contest cancellation of the license and when cancellation is final.
- C. The Department shall cancel a license 30 days after the notice of intention to cancel is mailed unless, within 30 days, the licensee objects to the cancellation in writing and produces documentation that the licensee is actively engaged in a tax-

able business. Suitable documentation includes, but is not limited to, the following:

1. Evidence that the licensee holds an inventory of raw or finished tangible personal property for sale or resale;
  2. Evidence that the licensee maintains segregated bank accounts for the purpose of transacting business;
  3. Bona fide contracts for future sale or resale of tangible personal property;
  4. Profit and loss statements for federal or state income tax purposes; or
  5. Evidence that the licensee otherwise actually engages in bona fide business activities.
- D. Within 30 days of receipt of the licensee's objections and documentation, the Department shall notify the licensee in writing of its decision to cancel or retain the license. If the decision is to cancel the license, the licensee may request an administrative hearing.

**Historical Note**

Section R15-5-2206 renumbered to R15-5-2203, new Section R15-5-2206 renumbered from R15-5-3018 effective October 14, 1993 (Supp. 93-4).

**R15-5-2207. Taxpayer Bonds**

- A. The amount of the bond required under A.R.S. § 42-112 shall be the greater of five hundred dollars, or:
  1. For licensees reporting monthly, four times the average monthly tax liability;
  2. For licensees reporting quarterly, six times the average monthly tax liability; or
  3. For licensees reporting annually, fourteen times the average monthly tax liability.
- B. For purposes of determining the bond amount, the average monthly tax liability is equal to the average monthly tax due from the licensee for the preceding six consecutive months. If an applicant does not have a six-month payment history, the bond amount shall be a minimum of five hundred dollars.
- C. If a licensee provides a surety bond and the bond lapses, the licensee must deposit with the Department cash or other security in an amount equal to the lapsed surety bond within five business days of the licensee's receipt of written notification by the Department.
- D. The bond amount may be increased or decreased as necessary based upon a change in the licensee's previous filing period, filing compliance record, or payment history. If the bond amount has been increased above the amount computed under subsection (B) of this rule, the licensee may request a hearing pursuant to A.R.S. § 42-112 to show why the order increasing the bond amount is in error.

**Historical Note**

Former Section R15-5-2207 renumbered to R15-5-2204 effective October 14, 1993 (Supp. 93-4). New Section R15-5-2207 renumbered from R15-10-201 (Supp. 94-1).

**R15-5-2208. Expired****Historical Note**

Repealed effective October 14, 1993 (Supp. 93-4). New Section made by exempt rulemaking at 16 A.A.R. 1226, effective June 15, 2010; Section number corrected at request of Department, Office File No. M11-118, filed March 31, 2011 (Supp. 10-2). Section expired under A.R.S. § 41-1056(E) at 18 A.A.R. 1652, effective March 31, 2012 (Supp. 12-2).

**R15-5-2209. Renumbered**

## Department of Revenue - Transaction Privilege and Use Tax Section

**Historical Note**

Section R15-5-2209 renumbered to R15-5-2205 effective October 14, 1993 (Supp. 93-4).

**R15-5-2210. Collection of Tax by the Vendor**

- A. The vendor may pass on the economic burden of the transaction privilege tax, either as an unspecified portion of the overall selling price or as a separate and distinct item of charge.
1. If a vendor elects to pass on the economic burden of the tax as a separate and distinct item of charge, the vendor's tax base shall not include any collected state, county, city, or town taxes.
  2. If the vendor does not pass on the tax as a separate and distinct item of charge, the vendor may factor out the tax. See R15-5-2210.01.
  3. The amount of tax on a transaction shall be the same whether the tax is stated as a separate and distinct item of charge or the tax is calculated using the factoring method.
  4. Calculation of the amount of the tax using the separate and distinct item of charge method shall be as follows:
 

Price of tangible personal property	\$100
Multiply the price by the applicable tax rate	
\$100 times 5% equals the tax as calculated	\$5
Total cost to the consumer	\$105
- B. All taxes collected shall be remitted to the Department and applicable taxing jurisdictions. If a vendor has collected tax in excess of the tax liability for the reporting period, the excess tax shall also be remitted.

**Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2). New Section adopted effective October 14, 1993 (Supp. 93-4). Reference correction (Supp. 95-2).

**R15-5-2210.01. Factoring**

"Factoring" means a method by which the taxpayer may determine the amount of the tax when the tax is collected as an unspecified part of the selling price.

1. The taxpayer may use any factoring method resulting in a tax amount equal to the tax as calculated using the separate and distinct item of charge method.
2. The following factoring method is approved and recommended by the Department.

To calculate the tax under the factoring method, the total cost to the consumer is divided by one plus the cumulative amount of the state and applicable county, city, and town tax rates, stated as a decimal. The result of this calculation is then multiplied by the cumulative tax rate to arrive at the amount of the tax on the sale. The gross receipts subject to tax, plus the cumulative tax on that amount, shall equal the total cost to the consumer.

To factor:

Total cost to the consumer	\$105
Divide the total cost to the consumer by 1 plus the tax rate (1.00 plus .05)	
\$105 divided by 1.05 equals the price of tangible personal property	\$100
Tax as calculated (\$100 times 5%)	\$5

**Historical Note**

New Section adopted effective October 14, 1993 (Supp. 93-4).

**R15-5-2211. Election of Basis to Report and Pay Taxes**

- A. For purposes of this Section, the following definitions apply:

1. "Accrual method" means that a sale is reported in the reporting period in which the sale occurs regardless of when payment is received.
  2. "Cash receipts method" means that a sale is reported in the reporting period in which payment is received.
  3. "Method of reporting" means a method to report and pay transaction privilege tax.
  4. "Payment" means all consideration received including cash, credit, property, and services.
  5. "Reporting period" means a calendar month or as prescribed by A.R.S. § 42-5014.
- B. A taxpayer shall elect a method of reporting based on either the accrual or the cash receipts method at the time of making the application for a transaction privilege tax license or use tax registration.
- C. A taxpayer shall report allowable exclusions, deductions, and exemptions in a manner consistent with the method of reporting elected under subsection (B).
- D. A taxpayer shall provide written notification to the Department prior to changing its method of reporting elected under subsection (B). The Department may audit the books of the taxpayer to adjust any tax liability resulting from the change in the method of reporting.

**Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4). New Section renumbered from R15-5-2213 and amended effective October 14, 1993 (Supp. 93-4). Amended by final rulemaking at 14 A.A.R. 3616, effective November 8, 2008 (Supp. 08-3).

**R15-5-2212. Expired****Historical Note**

Repealed effective July 23, 1987 (Supp. 85-4). New Section R15-5-2212 renumbered from Section R15-5-3005 and amended effective October 14, 1993 (Supp. 93-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 2207, effective March 30, 2017 (Supp. 17-3).

**R15-5-2213. Alternative Reporting**

- A. The Department shall authorize taxpayers to report on an annual or quarterly basis, if the taxpayer has established a filing history that shows that the taxpayer is not currently delinquent and that the taxpayer's annual tax liability is between \$500 and \$1,250 for quarterly reporting or \$500 or less for annual reporting.
- B. The Department shall authorize new businesses that reasonably estimate their annual tax liability for the succeeding 12 months will be between \$500 and \$1,250 to report and remit tax on a quarterly basis.
- C. A taxpayer shall increase the reporting frequency to monthly and notify the Department of the change in reporting if the taxpayer's annual tax liability equals or exceeds or can reasonably be expected to equal or exceed \$1,250. The taxpayer shall increase the reporting frequency to quarterly and notify the Department of the change in reporting if the taxpayer's annual tax liability exceeds or can reasonably be expected to exceed \$500, but is or will be less than \$1,250. Failure to increase reporting frequency will subject the taxpayer to interest. Failure to increase reporting frequency will also subject the taxpayer to penalties unless the taxpayer can show that the failure was due to reasonable cause and not willful neglect.
- D. A taxpayer shall begin to report on a monthly basis at any time during a 12-month period if the annualized tax liability for the taxpayer reporting on an annual or quarterly basis equals or exceeds \$1,250. A taxpayer shall begin to report on a quarterly basis at any time during a 12-month period if the annualized

## Department of Revenue - Transaction Privilege and Use Tax Section

tax liability for the taxpayer reporting on an annual basis is expected to exceed \$500, but be less than \$1,250.

**Historical Note**

Former Section R15-5-2213 renumbered to R15-5-2211, new Section R15-5-2213 adopted effective October 14, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 5065, effective October 5, 2001 (Supp. 01-4).

**R15-5-2214. Establishing the Right to a Deduction by Use of a Certificate or Other Documentation**

- A. The vendor is responsible for the payment of tax and therefore shall provide sufficient documentation in support of all deductions.
- B. The vendor may establish a deduction or exclusion from the tax base pursuant to A.R.S. § 42-1316 or 42-1328.
  1. If the purchaser does not have a valid license number, the purchaser shall indicate the reason on any certificate.
  2. Marking an invoice may be done either by recording the purchaser's transaction privilege tax license number on the invoice or by cross referencing the specific transaction to the specific exemption certificate of the specific purchaser.
  3. The Department has prescribed a certificate for establishing entitlement to statutory deductions. Reproductions of the blank prescribed original certificate shall be acceptable for use.
  4. The appropriate certificate shall be accurately and fully completed by the purchaser.
  5. If the vendor has reason to believe that the information contained in the certificate is not accurate, complete, or applicable to the transaction, the vendor may refuse to accept the certificate.
  6. If at any time the vendor has reason to believe that the certificate is not applicable to a transaction, the vendor may refuse to honor the certificate for that transaction.
  7. The Department may challenge the certificate as accepted by the vendor if the Department has reason to believe that the information in the certificate is incomplete, inaccurate, or if the exemption claimed is not based on statutory provisions. The burden of proof lies with the Department when a vendor accepts a completed departmental certificate and marks the applicable invoice pursuant to statute.
- C. A blanket certificate may be accepted if the vendor and purchaser agree. The blanket certificate may continue in force, for applicable transactions, for a period of time as set forth on the certificate. For purposes of this rule, a blanket certificate is one which covers the indicated type of transaction over a specified period of time.
  1. The vendor may refuse to honor a blanket certificate and shall cancel such a certificate if, at any time, the vendor has reason to believe that the information contained in the certificate is no longer accurate or complete or no longer applies.
  2. A new, accurate, and complete certificate may then be accepted.
- D. Documentation, including a certificate other than a departmental certificate, may be accepted by the vendor to establish the right to a deduction.
  1. If the vendor accepts a form of documentation other than a completed departmental certificate, the burden of proof remains with the vendor to establish the right to the deduction.
  2. Other documentation necessary to establish a deduction from the tax base shall contain the information required by A.R.S. § 42-1316(A).

- E. Documentation or a certificate to establish a deduction from the tax base shall be provided for each transaction or if a blanket certificate is used for each different exemption category.
- F. The vendor shall retain all documentation for the required statutory period pursuant to A.R.S. § 42-113.

**Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2). New Section R15-5-2214 adopted effective October 14, 1993 (Supp. 93-4).

**R15-5-2215. Return and Payment of Tax-estimated Tax**

- A. For purposes of this rule, the following definitions apply:
  1. "Annual estimated tax payment" means ½ of the total tax liability for the entire month of May or the total tax liability for the first 15 days of the month of June.
  2. "Annual tax liability" means a total tax liability of \$100,000.00 or more in the preceding calendar year or a reasonable anticipation of a total tax liability of \$100,000.00 or more in the current year.
  3. "Taxpayer" has the meaning set forth in A.R.S. § 42-1322(J). The following are considered a single taxpayer:
    - a. Members of an Arizona-affiliated group filing a consolidated corporate income tax return under A.R.S. § 43-947;
    - b. Corporations in a unitary business filing a combined corporate income tax return under A.A.C. R15-2-1131(E);
    - c. Married taxpayers operating separate sole proprietorships and filing a joint income tax return; or
    - d. Partnerships, Limited Liability Companies, S Corporations, trusts, or estates conducting multiple businesses, filing a single income tax return.
  4. "Total tax liability" means the combined total of the transaction privilege tax, telecommunications services excise tax, and county excise tax liabilities.
- B. The requirement to make an annual estimated tax payment is based on the annual tax liability. Use tax and severance tax are not subject to the estimated tax provisions.
  1. A taxpayer shall make an annual estimated tax payment if during the current calendar year the taxpayer, through use of ordinary business care and prudence, can anticipate incurring the annual tax liability. For example:
 

ABC Company has been selling home electronics for several years. Its tax liability for previous calendar years has averaged between \$60,000 and \$70,000. In February of the current year, ABC Company begins selling computers and accessories as well. Early sales reports show an increase in total sales of approximately 50%. Based on these facts, ABC Company can reasonably anticipate incurring the annual tax liability.
  2. Taxpayers with multiple locations shall make the annual estimated tax payment based on the combined actual or anticipated annual tax liability from all locations. Taxpayers with multiple locations, shall make a single estimated payment each June.
- C. A taxpayer shall not amend an annual estimated tax payment except to increase the amount of the payment.
- D. The annual estimated tax payment shall not be applied, credited, or refunded until a Transaction Privilege, Use, and Severance Tax Return (TPT-1) for the month of June is filed.
- E. Late payment, underpayment, or non-payment of the annual estimated tax payment shall result in the following:
  1. Application of the penalty provisions under A.R.S. § 42-136;

## Department of Revenue - Transaction Privilege and Use Tax Section

2. Accrual of interest beginning from the due date of the annual estimated tax payment as prescribed in A.R.S. § 42-1322(D); and
3. Loss of the accounting credit, as defined in A.R.S. § 42-1322.04 for the June reporting period.

F. Taxpayers who are not required to make the annual estimated tax payment but make a voluntary annual estimated payment are not subject to subsection (E).

**Historical Note**

Former Section R15-5-2215 renumbered to R15-5-2004, new Section R15-5-2215 renumbered from R15-5-212 effective October 14, 1993 (Supp. 93-4). Amended effective April 8, 1997 (Supp. 97-2).

**R15-5-2216. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2217. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2218. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2219. Renumbered****Historical Note**

Renumbered to R15-5-3005 effective July 23, 1985 (Supp. 85-4).

**R15-5-2220. Registration and Licensing**

- A. Out-of-state vendors making sales to Arizona purchasers shall obtain a use tax license from the Department.
- B. Use tax collected on an isolated sale to an Arizona customer may be remitted under a cover letter rather than on a standard report form.

**Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4). New Section R15-5-2220 renumbered from R15-5-2363 and amended effective October 14, 1993 (Supp. 93-4).

**R15-5-2221. Remittal of Use Tax on Purchases from Unlicensed Retailers**

- A. Arizona purchasers regularly making purchases from unlicensed vendors, where the purchases are subject to use tax, shall obtain a use tax license and remit payments directly to the Department.
- B. An Arizona purchaser who is licensed in Arizona shall remit the use tax to the Department on the purchaser's Sales, Use, and Severance Tax Return (ST-1) if tangible personal property is purchased from an out-of-state retailer who is not licensed to collect the use tax.
- C. An Arizona purchaser who is not licensed in Arizona shall remit the use tax to the Department under a cover letter if tangible personal property is purchased from an out-of-state retailer who is not licensed to collect the use tax.

**Historical Note**

Amended effective March 18, 1981 (Supp. 81-2). Repealed effective February 22, 1989 (Supp. 89-1). New Section adopted effective October 14, 1993 (Supp. 93-4).

**R15-5-2222. Record Retention**

A vendor collecting use tax from a purchaser shall keep and preserve suitable records and other books and accounts necessary to determine the tax collected for the statutorily prescribed limitation

period. For purposes of this rule, the limitation period is the period of time for which the Department may assess tax, penalties, or interest pursuant to A.R.S. § 42-113. Records, books, and accounts shall be open for inspection at any reasonable time by the Department or its authorized agent.

**Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1). New Section adopted effective October 14, 1993 (Supp. 93-4).

**R15-5-2223. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2224. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2225. Repealed****Historical Note**

Repealed effective March 18, 1981 (Supp. 81-2).

**R15-5-2226. Repealed****Historical Note**

Repealed effective March 18, 1981 (Supp. 81-2).

**R15-5-2227. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-2228. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2229. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2230. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2231. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2232. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2233. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2234. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2235. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2236. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

## Department of Revenue - Transaction Privilege and Use Tax Section

**R15-5-2237. Repealed****Historical Note**

Repealed effective April 13, 1987 (Supp. 87-2).

**R15-5-2238. Reserved****R15-5-2239. Reserved****R15-5-2240. Repealed****Historical Note**

Adopted effective April 21, 1994 (Supp. 94-2). Section repealed by final rulemaking at 9 A.A.R. 5042, effective January 3, 2004 (Supp. 03-4).

**R15-5-2241. Repealed****Historical Note**

Adopted effective April 21, 1994 (Supp. 94-2). Section repealed by final rulemaking at 11 A.A.R. 5214, effective November 10, 2005 (Supp. 05-4).

**R15-5-2242. Repealed****Historical Note**

Adopted effective April 21, 1994 (Supp. 94-2). Section repealed by final rulemaking at 11 A.A.R. 5214, effective November 10, 2005 (Supp. 05-4).

**ARTICLE 23. USE TAX****R15-5-2301. Definitions**

The following definitions apply for the Department's administration of use tax:

1. "Mail order retailer" means a retailer who solicits orders by mail, notwithstanding the fact that orders may be received by telephone or by mail or that goods may be delivered by mail or by private delivery system.
2. "Purchases" means purchase for storage, use, or consumption in Arizona.
3. "Retailer" includes any retailer located outside this state who solicits orders for tangible personal property by mail from points in this state if the solicitations are substantial and recurring.

**Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4). New Section R15-5-2301 adopted effective December 6, 1990 (Supp. 90-4). Amended effective September 29, 1993 (Supp. 93-3).

**R15-5-2302. General**

- A. In this Section, "retailer" and "utility business" have the same meanings as prescribed in A.R.S. § 42-5151.
- B. A.R.S. § 42-5155 imposes Arizona use tax upon a purchaser that purchases tangible personal property from an out-of-state retailer or utility business if the retailer or utility business's gross receipts from the sale have not already been included in the measure of Arizona transaction privilege tax. Because Arizona transaction privilege tax and Arizona use tax are complementary taxes, only one of the taxes is imposed on a given transaction.
- C. Arizona use tax generally applies to the use, storage, or consumption in this state of tangible personal property purchased from an out-of-state retailer or utility business.
- D. If a purchaser pays to an out-of-state retailer or utility business a tax of another state levied on the sale or use of tangible personal property that is subject to Arizona use tax, the purchaser may apply the amount of tax paid to the other state against the purchaser's use tax liability.

- E. A purchaser that purchases tangible personal property exempt from tax because the property is purchased for resale in the ordinary course of business but subsequently uses or consumes the tangible personal property shall pay Arizona use tax.

**Historical Note**

Amended by final rulemaking at 11 A.A.R. 2293, effective August 6, 2005 (Supp. 05-2).

**R15-5-2303. Repealed****Historical Note**

Repealed effective January 16, 1997 (Supp. 97-1).

**R15-5-2304. Presumption of Taxability of Property Brought into Arizona**

- A. If tangible personal property is purchased outside Arizona and is subsequently brought into this state for use, storage, or consumption, the purchaser of such property shall be subject to the Arizona use tax unless the purchaser establishes to the satisfaction of the Department:
  1. That the property is not used in conducting a business in Arizona; and
  2. That the property was purchased for bona fide use or consumption outside Arizona. Unless shown otherwise, it shall be presumed that the property was purchased for bona fide use or consumption outside of Arizona if the property was purchased at least three months prior to its initial entry into Arizona; or
  3. If the property was purchased by a nonresident individual, that the first actual use or consumption of the property occurred outside Arizona.
- B. It shall be presumed that property brought into the state is subject to the use tax. The burden of proof that a purchase is not subject to use tax rests upon the purchaser.

**Historical Note**

Former Section R15-5-2311 repealed, new Section R15-5-2311 adopted effective August 7, 1985 (Supp. 85-4). Former Section R15-5-2304 repealed, new Section R15-5-2304 renumbered from R15-5-2311 and amended effective September 29, 1993 (Supp. 93-3).

**R15-5-2305. Expired****Historical Note**

Section expired under A.R.S. § 41-1056(E) at 13 A.A.R. 1744, effective March 31, 2007 (Supp. 07-2).

**R15-5-2306. Repealed****Historical Note**

Section repealed by final rulemaking at 11 A.A.R. 2293, effective August 6, 2005 (Supp. 05-2).

**R15-5-2307. Repealed****Historical Note**

Section repealed by final rulemaking at 11 A.A.R. 2293, effective August 6, 2005 (Supp. 05-2).

**R15-5-2308. Repealed****Historical Note**

Section repealed by final rulemaking at 11 A.A.R. 2293, effective August 6, 2005 (Supp. 05-2).

**R15-5-2309. Exemptions - Purchases for Resale or Lease**

- A. Purchases of tangible personal property from a retailer for resale in the ordinary course of the purchaser's business are not subject to use tax.

## Department of Revenue - Transaction Privilege and Use Tax Section

- B.** Purchases of tangible personal property from a retailer for subsequent leasing or renting in the ordinary course of the purchaser's business are not subject to use tax.

**Historical Note**

Former Section R15-5-2309 renumbered to R15-5-2363, new Section R15-5-2309 renumbered from R15-5-2322 and amended effective September 29, 1993 (Supp. 93-3). Amended by final rulemaking at 12 A.A.R. 4099, effective December 4, 2006 (Supp. 06-4).

**R15-5-2310. Payment of Use Tax by Purchaser**

- A.** The Use Tax must be paid to:
1. An out-of-state vendor holding a certificate of authority for the collection of Use Tax, or
  2. The Arizona Department of Revenue in cases where the vendor is not registered for the collection of the tax.
- B.** Arizona purchasers making recurring purchases from out of state may apply to the Department for a registration certificate and remit payment directly to the state on a monthly report form in lieu of making payment to the vendor.
- C.** The purchaser will be relieved of his liability for the tax when payment is made directly to the out-of-state vendor registered and a receipt of the tax paid is obtained by him.

**R15-5-2311. Renumbered****Historical Note**

Former Section R15-5-2311 repealed, new Section R15-5-2311 adopted effective August 7, 1985 (Supp. 85-4). Former Section R15-5-2311 renumbered to R15-5-2304 effective September 29, 1993 (Supp. 93-3).

**R15-5-2312. Casual Sales**

Tangible personal property purchased in a casual sale, as defined in R15-5-2001, is not taxable.

**Historical Note**

Former Section R15-5-2312 repealed, new Section R15-5-2312 adopted effective September 29, 1993 (Supp. 93-3).

**R15-5-2313. Expired****Historical Note**

Former Section R15-5-2313 repealed, new Section R15-5-2313 adopted effective September 29, 1993 (Supp. 93-3). Amended by final rulemaking at 12 A.A.R. 4099, effective December 4, 2006 (Supp. 06-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 2207, effective March 30, 2017 (Supp. 17-3).

**R15-5-2314. Purchases from Trustees, Receivers, and Assignees**

- A.** Tangible personal property purchased for storage, use, or consumption in Arizona from a trustee, receiver, or assignee is subject to use tax if the purchase of the tangible personal property in the hands of the owner would be subject to use tax.
- B.** Tangible personal property purchased for storage, use, or consumption in Arizona from a trustee, receiver, or assignee is not subject to use tax if the purchase of the property from the owner would not be subject to use tax.

**Historical Note**

Former Section R15-5-2314 renumbered to R15-5-2321, new Section adopted effective September 29, 1993 (Supp. 93-3). Amended by final rulemaking at 12 A.A.R. 4099, effective December 4, 2006 (Supp. 06-4).

**R15-5-2315. Renumbered****Historical Note**

Former Section R15-5-2315 renumbered to R15-5-3006 effective July 23, 1985 (Supp. 85-4).

**R15-5-2316. Repealed****Historical Note**

Repealed effective September 29, 1993 (Supp. 93-3).

**R15-5-2317. Renumbered****Historical Note**

Former Section R15-5-2317 renumbered to R15-5-2352 effective September 29, 1993 (Supp. 93-3).

**R15-5-2318. Repealed****Historical Note**

Repealed effective September 29, 1993 (Supp. 93-3).

**R15-5-2319. Renumbered****Historical Note**

Former Section R15-5-2319 renumbered to R15-5-2353 effective September 29, 1993 (Supp. 93-3).

**R15-5-2320. Exemptions - Machinery or Equipment**

- A.** Machinery or equipment used in manufacturing or processing includes machinery or equipment that constitutes the entire primary manufacturing or processing operation from the initial stage where actual processing begins through the completion of the finished end product, and that is used in the production, manufacture, fabrication, processing, finishing, or packaging of articles of commerce. Manufacturing is the performance as a business of an integrated series of operations which place tangible personal property in a form, composition, or character different from that in which it was acquired, and transforms it into a different product with a distinctive name, character, or use.
- B.** Purchase of repair or replacement parts for exempt machinery or equipment is not subject to the use tax. Repair or replacement parts are defined as those individual component and constituent items which, together, comprise exempt machinery or equipment.

**Historical Note**

Amended effective November 7, 1978, unless otherwise noted (Supp. 78-6). Amended subsection (B) effective March 18, 1981 (Supp. 81-2). Former Section R15-5-2320 renumbered to R15-5-2362, new Section R15-5-2320 renumbered from R15-5-2321 and amended effective September 29, 1993 (Supp. 93-3).

**R15-5-2321. Expired****Historical Note**

Amended effective November 7, 1978, unless otherwise noted (Supp. 78-6). Amended paragraphs (9) and (10) effective March 18, 1981 (Supp. 81-2). Former Section R15-5-2321 renumbered to R15-5-2320, new Section R15-5-2321 renumbered from R15-5-2314 effective September 29, 1993 (Supp. 93-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 2207, effective March 30, 2017 (Supp. 17-3).

**R15-5-2322. Renumbered****Historical Note**

Former Section R15-5-2322 renumbered to R15-5-2309 effective September 29, 1993 (Supp. 93-3).

**R15-5-2323. Repealed**



## Department of Revenue - Transaction Privilege and Use Tax Section

**Historical Note**

Amended effective November 7, 1978 (Supp. 78-6).  
Repealed effective September 29, 1993 (Supp. 93-3).

**R15-5-2324. Repealed****Historical Note**

Repealed effective September 29, 1993 (Supp. 93-3).

**R15-5-2325. Repealed****Historical Note**

Repealed effective September 29, 1993 (Supp. 93-3).

**R15-5-2326. Manufacturing Labor**

The cost of labor employed in the manufacturing, processing, or fabricating of tangible personal property shall not be allowed as a deduction from the sales price on a purchase of such property.

**Historical Note**

Former Section R15-5-2326 repealed, new Section R15-5-2326 adopted effective September 29, 1993 (Supp. 93-3).

**R15-5-2327. Fuels**

- A. In this Section, "aviation fuel," "dyed diesel fuel," and "use fuel" have the same meanings as prescribed in A.R.S. §§ 28-101 and 28-5601.
- B. Except as provided in subsection (D), a purchase of use fuel is subject to use tax under A.R.S. § 42-5155 on the date the consumer is issued a refund because the use fuel is not subject to the use fuel tax under A.R.S. § 28-5606.
- C. Dyed diesel fuel is subject to use tax if transaction privilege tax is not imposed by the Department.
- D. Liquefied petroleum gas or natural gas used to propel a motor vehicle is exempt from use tax.
- E. Aviation fuel is subject to tax under A.R.S. § 28-8344 only.
- F. A purchase of jet fuel is subject to the jet fuel excise and use tax under A.R.S. § 42-5352.

**Historical Note**

Former Section R15-5-2327 renumbered to R15-5-2360, new Section R15-5-2327 renumbered from R15-5-3006 and amended effective September 29, 1993 (Supp. 93-3). Section amended by final rulemaking at 10 A.A.R. 4480, effective December 4, 2004 (Supp. 04-4).

**R15-5-2328. Electric Power Transmission and Distribution**

Purchases of machinery, equipment, or transmission lines for direct use in producing or transmitting power but not including distribution are subject to use tax based on the same definitions as in R15-5-128.

**Historical Note**

Former Section R15-5-2328 renumbered to R15-5-2361, new Section R15-5-2328 adopted effective September 29, 1993 (Supp. 93-3).

**R15-5-2329. Repealed****Historical Note**

Former Section R15-5-2329 repealed effective September 29, 1993 (Supp. 93-3).

**R15-5-2330. Tangible Personal Property Used in Conjunction with Warranty or Service Contracts or Provisions**

- A. For purposes of this rule, the following definition applies: "Covered" means covered as defined in R15-5-138 for tangible personal property under a warranty or service contract, or covered as defined in R15-5-137 for tangible personal property under a warranty or service provision.

- B. A warrantor or service person is subject to use tax on the cost of covered tangible personal property that is purchased for resale but subsequently taken out of inventory and used in the servicing of a warranty or service contract.
- C. Tangible personal property that is covered under a warranty or service contract and used in the servicing of the contract is subject to use tax unless transaction privilege tax was paid when the tangible personal property was acquired or the tangible personal property is otherwise statutorily exempt.
- D. Tangible personal property that is covered under a warranty or service provision and used in the servicing of the provision is not subject to use tax as the transaction privilege tax was paid when the tangible personal property was acquired.

**Historical Note**

Adopted effective September 3, 1978 (Supp. 78-6). Former Section R15-5-2330 renumbered to R15-5-2343, new Section R15-5-2330 adopted effective September 29, 1993 (Supp. 93-3). Amended by final rulemaking at 13 A.A.R. 679, effective April 7, 2007 (Supp. 07-1).

**R15-5-2331. Repealed****Historical Note**

Adopted as an emergency effective July 1, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-3). Former emergency adoption now adopted effective October 15, 1980 (Supp. 80-5). Repealed effective September 29, 1993 (Supp. 93-3).

**R15-5-2332. Delivery Charges**

A charge by a retailer for delivery from the retailer's location to the purchaser's location, if separately stated on the sales invoice, is not taxable.

**Historical Note**

Adopted effective December 6, 1990 (Supp. 90-4). Former Section R15-5-2332 renumbered to R15-5-2350, new Section R15-5-2332 adopted effective September 29, 1993 (Supp. 93-3).

**R15-5-2333. Reserved****R15-5-2334. Purchases of Restaurant Accessories**

- A. If a person engaged in the restaurant business purchases disposable containers, paper napkins, and other similar food accessories and, transfers these accessories in the regular course of business to facilitate the consumption of the food, drink, or condiment provided, the purchases are considered purchases for resale.
- B. If a person engaged in the restaurant business purchases matchbooks, advertisement fliers, and other similar tangible personal property and transfers this property for the convenience, operation, or benefit of the restaurant business, the purchases are subject to tax.

**Historical Note**

Adopted effective September 29, 1993 (Supp. 93-3). Amended by final rulemaking at 13 A.A.R. 679, effective April 7, 2007 (Supp. 07-1).

**R15-5-2335. Reserved****R15-5-2336. Reserved****R15-5-2337. Reserved****R15-5-2338. Reserved****R15-5-2339. Reserved****R15-5-2340. Tangible Personal Property Used in Soil Remedi-**

## Department of Revenue - Transaction Privilege and Use Tax Section

**ation Activities**

The purchase of tangible personal property for incorporation or fabrication into any real property, structure, project, development or improvement under a contract specified in A.R.S. § 42-5075(B)(6) is exempt from tax. The purchase of tangible personal property used in soil remediation activities but not incorporated or fabricated into any real property, structure, project, development or improvement is taxable.

**Historical Note**

Adopted effective December 11, 1998 (Supp. 98-4).  
R15-5-2340 corrected to reflect updated citation reference to Arizona Revised Statutes (Supp. 07-2).

**R15-5-2341. Four-inch Pipes or Valves**

Purchases of pipes, valves, or fire hydrants with an inside diameter of four inches or more are not taxable if the pipes, valves, or fire hydrants are to be used to transport oil, natural gas, artificial gas, water, or coal slurry.

**Historical Note**

Adopted effective September 29, 1993 (Supp. 93-3).

**R15-5-2342. Computer Hardware and Software**

Purchases of computer hardware and software are subject to the use tax based on the same provisions as delineated in R15-5-154.

**Historical Note**

Adopted effective September 29, 1993 (Supp. 93-3).

**R15-5-2343. Purchases of Prescription Drugs and Prosthetic Appliances****A. In this Section:**

1. "Drug" means an article that, according to federal or state law, is:
  - a. Recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopeia of the United States, official National Formulary, or any supplement to these documents; or
  - b. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals; or
  - c. Not food and is intended to affect the structure or any function of the body of humans or animals; or
  - d. Intended for use as a component of any article specified in subsections (a), (b), or (c).
2. "Drug on a prescription" means a prescription drug.
3. "Food" means an article used for food or drink for humans or animals, chewing gum, or an article used as a component of such an article.
4. "Hearing aid" means any wearable device designed as a remedy or to compensate for defective human hearing, including parts, attachments, accessories, and earmolds.
5. "Legend drug" means a drug that 21 U.S.C. 353(b)(4)(A) requires to bear the symbol "Rx only" before dispensing.
6. "Nonprescription product" means a drug or other article that can be purchased by the final consumer of the drug or article without a prescription, regardless of whether purchased on the advice or recommendation of a member of the medical, dental, or veterinarian profession. Examples include over-the-counter drugs and those dietary supplements, vitamins, minerals, herbs, and other similar supplements that do not qualify as prescription drugs.
7. "Over-the-counter drug" means a drug that is subject to federal labeling requirements in 21 CFR 201.66.
8. "Prescriber" means a member of the medical, dental, or veterinary profession authorized by federal or state law to prescribe a drug.

9. "Prescription" means an order for a drug issued in any form.
10. "Prescription drug" means a legend drug or a drug that, according to federal or state law, can be dispensed only:
  - a. Upon a written prescription of a prescriber for the drug;
  - b. Upon an oral prescription by the prescriber for the drug that federal or state law requires be reduced promptly to a form of writing by the prescriber and then filed by a pharmacist or the prescriber; or
  - c. By refilling a written or oral prescription if refilling is authorized by the prescriber for the drug either in the original prescription or by oral order that is first reduced promptly to writing and then filed by a pharmacist or the prescriber.
11. "Prescription eyeglasses" includes frames and other component parts of eyeglasses if purchased for use with the prescription lenses.
12. "Prosthetic appliance" means an artificial device that fully or partially replaces a part or function of the human body or increases the acuity of a sense organ.

**B. The storage, use, or consumption in this state of the following kinds of tangible personal property is not subject to tax:**

1. Prescription drugs, including those used in the course of treating patients;
2. Medical oxygen, pursuant to A.R.S. § 42-5159(A)(16);
3. Insulin, insulin syringes, and glucose strips, whether or not prescribed;
4. Prosthetic appliances, prescribed or recommended by a statutorily-authorized individual;
5. Durable medical equipment, pursuant to A.R.S. § 42-5159(A)(21);
6. Prescription eyeglasses and contact lenses; and
7. Hearing aids. Batteries and cords are subject to tax.

**C. The purchase of component and repair parts for any tangible personal property that is exempt under either subsection (B) or (F) is not subject to tax.****D. If a written prescription or recommendation is required to purchase tangible personal property, a taxpayer shall maintain the prescription or recommendation as part of the taxpayer's records. The taxpayer's records for documenting purchases shall provide reasonable detail to allow the Department, upon inspection, to identify property as exempt.****E. Purchases by a final consumer of nonprescription products and those medical supplies or appliances not provided for under subsection (B) are subject to tax.****F. Purchases of nonprescription products or other medical supplies or appliances by doctors, dentists, or veterinarians are subject to tax unless the purchase qualifies as a purchase for resale and the doctor, dentist, or veterinarian is a retailer in the business of reselling the property.****Historical Note**

Renumbered from R15-5-2330 and amended effective September 29, 1993 (Supp. 93-3). Amended by final rulemaking at 11 A.A.R. 2952, effective September 10, 2005 (Supp. 05-3).

**R15-5-2344. Postage Stamps**

- A.** The purchase of postage stamps is not subject to use tax if the stamps are purchased for the purpose of transporting mail.
- B.** The purchase of postage stamps is subject to use tax if the stamps are purchased for any purpose other than transporting mail.
- C.** The Department shall presume that a postage stamp is purchased for a purpose other than transporting mail if the postage stamp is purchased for at least 50% more than its face value. A

## Department of Revenue - Transaction Privilege and Use Tax Section

purchaser may overcome the presumption; however, the burden of proof will remain on the purchaser.

- D. The purchase of cancelled postage stamps is subject to use tax.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 4112, effective October 4, 2000 (Supp. 00-4).

**R15-5-2345. Reserved**

**R15-5-2346. Reserved**

**R15-5-2347. Reserved**

**R15-5-2348. Reserved**

**R15-5-2349. Reserved**

**R15-5-2350. Mail Order Retailers**

This rule is not a limitation on other provisions of Arizona Revised Statutes, Title 42, Chapter 8. Article 2. A mail order retailer's transactions are substantial and recurring if the following conditions are satisfied:

1. The sale of tangible personal property would be subject to transaction privilege taxation if the transaction would have occurred in this state, and
2. During any 12-month period:
  - a. The retailer's total sales in this state exceed \$100,000.00; or
  - b. Two or more mailings, aggregating 5,000 or more solicitations, are made to points in this state.

**Historical Note**

Adopted effective December 6, 1990 (Supp. 90-4).  
Renumbered from R15-5-2332 effective September 29, 1993 (Supp. 93-3).

**R15-5-2351. Purchases by Non-U.S. Citizens**

Purchases of tangible personal property by non-U.S. citizens shall be subject to the use tax unless otherwise exempt.

**Historical Note**

Adopted effective September 29, 1993 (Supp. 93-3).

**R15-5-2352. Expired****Historical Note**

Section R15-5-2352 renumbered from R15-5-2317 and amended effective September 29, 1993 (Supp. 93-3). Section expired under A.R.S. § 41-1056(E) at 18 A.A.R. 1652, effective March 31, 2012 (Supp. 12-2).

**R15-5-2353. Property Purchased Outside of the United States**

- A. Tangible personal property purchased outside of the United States is taxable when purchased for business use.
- B. In any one calendar month, tangible personal property purchases with a cumulative purchase price of \$200 or less are not taxable if purchased for nonbusiness use. Purchases in excess of the \$200 exemption are taxable on the excess amount.

**Historical Note**

Section R15-5-2353 renumbered from R15-5-2319 and amended effective September 29, 1993 (Supp. 93-3).

**R15-5-2354. Reserved**

**R15-5-2355. Reserved**

**R15-5-2356. Reserved**

**R15-5-2357. Reserved**

**R15-5-2358. Reserved**

**R15-5-2359. Reserved**

**R15-5-2360. Government Purchases**

- A. Purchases of tangible personal property by any state or its political subdivisions are taxable.
- B. Purchases by the Federal Government are not taxable.

**Historical Note**

Section R15-5-2360 renumbered from R15-5-2327 and amended effective September 29, 1993 (Supp. 93-3).

**R15-5-2361. Nonprofit Organizations**

- A. Purchases of tangible personal property by nonprofit churches, schools, and other nonprofit organizations are taxable unless otherwise exempt.
- B. Purchases of tangible personal property from a charitable nonprofit organization recognized as having tax-exempt status for income tax purposes with the Internal Revenue Service and the Department are not taxable.
- C. If an organization wishes to obtain tax-exempt status by being recognized by the Department as a nonprofit charitable organization, it shall submit a letter to the Department requesting tax-exempt status and shall include a copy of its Internal Revenue Service recognition.
- D. For purposes of the statutory exemption and for this rule, the Internal Revenue Service recognition of a charitable nonprofit organization is as defined in Internal Revenue Code § 501(c)(3).

**Historical Note**

Section R15-5-2361 renumbered from R15-5-2328 and amended effective September 29, 1993 (Supp. 93-3).

**R15-5-2362. Exempt Purchases by Health Organizations**

- A. Purchases by qualifying hospitals, nursing care institutions, qualifying health care organizations, rehabilitation programs for mentally or physically handicapped persons, and qualifying community health centers are exempt from tax pursuant to statutory provisions.
- B. The Department may, upon review of the written request and any other information requested by the Department to make a proper determination, provide an Exemption Letter to organizations meeting the statutory criteria. The Exemption Letter shall be valid for a period of 12 months from the first day of the month following the issue date of the Exemption Letter unless the organization's tax exempt status changes prior to the end of the 12-month period, or the organization misrepresented or omitted material information in its exemption request.
- C. Qualifying hospitals, qualifying health care organizations, rehabilitation programs for mentally or physically handicapped persons, and qualifying community health centers shall annually submit to the Department a written request for an Exemption Letter. The request shall be submitted at least 30 days prior to the first day of the exemption period. For purposes of this rule, "exemption period" means the 12-month period beginning on the first day of the month following the issue date of the Exemption Letter or the 12-month period requested by the organization.
  1. Qualifying hospitals shall attach to their annual exemption request a copy of their current license issued by the Department of Health Services.
  2. Qualifying health care organizations shall attach to their exemption request letter the statutorily required annual financial audit and a copy of their Internal Revenue Code 501(c) recognition unless the Department has previously received a copy of this recognition.
  3. Rehabilitation programs for mentally or physically handicapped persons shall attach to their exemption request a copy of their Internal Revenue Code 501(c)(3) recogni-

## Department of Revenue - Transaction Privilege and Use Tax Section

tion unless the Department has previously received a copy of this recognition.

4. Qualifying community health centers shall attach to their exemption request documentation supporting the statutory criteria and a copy of their Internal Revenue Code 501(c)(3) recognition unless the Department has previously received a copy of this recognition.

**Historical Note**

Section R15-5-2362 renumbered from R15-5-2310 and amended effective September 29, 1993 (Supp. 93-3).

Amended effective April 21, 1995 (Supp. 95-2).

**R15-5-2363. Renumbered****Historical Note**

Renumbered from R15-5-2309 effective September 29, 1993 (Supp. 93-3). Renumbered to R15-5-2220 effective October 14, 1993 (Supp. 93-4).

**ARTICLE 24. REPEALED****R15-5-2401. Repealed****Historical Note**

Repealed effective October 14, 1993 (Supp. 93-4).

**R15-5-2402. Repealed****Historical Note**

Repealed effective October 14, 1993 (Supp. 93-4).

**R15-5-2403. Repealed****Historical Note**

Repealed effective October 14, 1993 (Supp. 93-4).

**R15-5-2404. Repealed****Historical Note**

Repealed effective October 14, 1993 (Supp. 93-4).

**R15-5-2405. Repealed****Historical Note**

Repealed effective October 14, 1993 (Supp. 93-4).

**R15-5-2406. Repealed****Historical Note**

Amended effective March 18, 1981 (Supp. 81-2).  
Repealed effective October 14, 1993 (Supp. 93-4).

**R15-5-2407. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-2408. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-2409. Repealed****Historical Note**

Repealed effective October 14, 1993 (Supp. 93-4).

**R15-5-2410. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2411. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-2412. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-2413. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-2414. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2415. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-2416. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2417. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2418. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2419. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2420. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2421. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2422. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2423. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2424. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2425. Repealed****Historical Note**

Repealed effective September 24, 1986 (Supp. 86-5).

**R15-5-2426. Repealed****Historical Note**

Repealed effective April 21, 1995 (Supp. 95-2).

**ARTICLE 25. REPEALED****R15-5-2501. Repealed****Historical Note**

Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

## Department of Revenue - Transaction Privilege and Use Tax Section

**R15-5-2502. Repealed****Historical Note**

Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-2503. Repealed****Historical Note**

Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-2504. Repealed****Historical Note**

Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-2505. Repealed****Historical Note**

Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-2506. Repealed****Historical Note**

Amended effective November 7, 1978, unless otherwise noted (Supp. 78-6). Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-2507. Repealed****Historical Note**

Amended effective March 18, 1981 (Supp. 81-2). Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**ARTICLE 26. REPEALED****R15-5-2601. Repealed****Historical Note**

Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-2602. Repealed****Historical Note**

Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-2603. Repealed****Historical Note**

Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-2604. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-2605. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2606. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2607. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-2608. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-2609. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-2610. Repealed****Historical Note**

Repealed effective July 23, 1985 (Supp. 85-4).

**R15-5-2611. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2612. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2613. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2614. Repealed****Historical Note**

Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-2615. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2616. Repealed****Historical Note**

Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-2617. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2618. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2619. Repealed****Historical Note**

Repealed effective February 22, 1989 (Supp. 89-1).

**R15-5-2620. Repealed****Historical Note**

Repealed effective April 21, 1995 (Supp. 95-2).

**ARTICLE 27. RESERVED****ARTICLE 28. RESERVED****ARTICLE 29. RESERVED****ARTICLE 30. EXPIRED****R15-5-3001. Reserved****R15-5-3002. Reserved****R15-5-3003. Reserved****R15-5-3004. Renumbered**

## Department of Revenue - Transaction Privilege and Use Tax Section

**Historical Note**

(A.R.S. § 1321) Former Section R15-5-1846 renumbered as Section R15-5-3004 and amended effective July 23, 1985 (Supp. 85-4). Renumbered to R15-5-127 effective August 9, 1993 (Supp. 93-3).

**R15-5-3005. Renumbered****Historical Note**

(A.R.S. § 42-1451) Former Section R15-5-2219 renumbered as Section R15-5-3005 and amended effective July 23, 1985 (Supp. 85-4). Former Section R15-5-3005 renumbered to R15-5-2212 effective October 14, 1993 (Supp. 93-4).

**R15-5-3006. Renumbered****Historical Note**

(A.R.S. § 42-1409) Former Section R15-5-2315 renumbered as Section R15-5-3006 and amended effective July 23, 1985 (Supp. 85-4). Former Section R15-5-3006 renumbered to R15-5-2327 effective September 29, 1993 (Supp. 93-3).

**R15-5-3007. Reserved****R15-5-3008. Reserved****R15-5-3009. Reserved****R15-5-3010. Reserved****R15-5-3011. Reserved****R15-5-3012. Reserved****R15-5-3013. Reserved****R15-5-3014. Reserved****R15-5-3015. Reserved****R15-5-3016. Repealed****Historical Note**

(A.R.S. §§ 42-1313, 42-1317) Adopted effective October 1, 1986 (Supp. 86-5). Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-3017. Reserved****R15-5-3018. Renumbered****Historical Note**

(A.R.S. § 42-1305) Adopted effective September 3, 1986 (Supp. 86-5). Renumbered to R15-5-2206 effective October 14, 1993 (Supp. 93-4).

**R15-5-3019. Reserved****R15-5-3020. Reserved****R15-5-3021. Repealed****Historical Note**

Adopted effective August 13, 1987 (Supp. 87-3). Repealed effective October 14, 1993 (Supp. 93-4).

**R15-5-3022. Repealed****Historical Note**

Adopted effective August 13, 1987 (Supp. 87-3). Repealed effective October 14, 1993 (Supp. 93-4).

**R15-5-3023. Renumbered****Historical Note**

(A.R.S. § 42-1302) Former Section R15-5-209 renumbered and amended as Section R15-5-3023 effective August 26, 1987 (Supp. 87-3). Section R15-5-209 renumbered as Section R15-5-3023 and amended in error, see Section R15-5-209 (Supp. 88-3).

**R15-5-3024. Repealed****Historical Note**

(A.R.S. § 42-1307) Former Section R15-5-2102 renumbered and amended as Section R15-5-3024 (Supp. 86-6). Correction, effective date of last amendment to read: "effective December 31, 1986" (Supp. 87-3). Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-3025. Renumbered****Historical Note**

(A.R.S. § 42-1322.01) Adopted effective September 24, 1986 (Supp. 86-5). Renumbered to R15-5-2007 (Supp. 94-2).

**R15-5-3026. Reserved****R15-5-3027. Reserved****R15-5-3028. Reserved****R15-5-3029. Reserved****R15-5-3030. Reserved****R15-5-3031. Reserved****R15-5-3032. Repealed****Historical Note**

(A.R.S. § 42-1472) Adopted effective September 24, 1986 (Supp. 86-5). Repealed by final rulemaking at 6 A.A.R. 956, effective February 15, 2000 (Supp. 00-1).

**R15-5-3033. Reserved****R15-5-3034. Reserved****R15-5-3035. Expired****Historical Note**

Adopted effective September 16, 1987 (Supp. 87-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 2207, effective March 30, 2017 (Supp. 17-3).

**R15-5-3036. Renumbered****Historical Note**

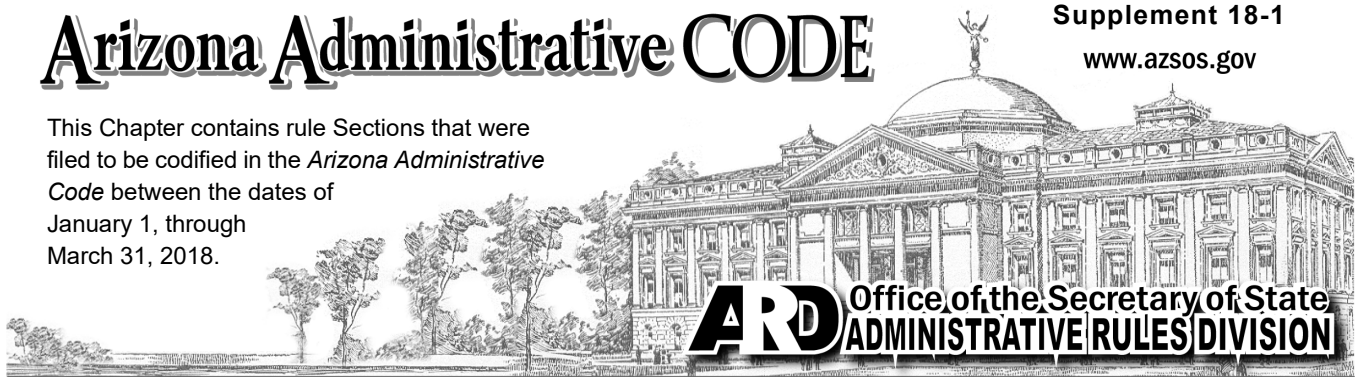
Adopted effective August 7, 1987 (Supp. 87-3). Renumbered to R15-5-157 effective August 9, 1993 (Supp. 93-3).

# Arizona Administrative CODE

Supplement 18-1

www.azsos.gov

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 17. TRANSPORTATION

### CHAPTER 1. DEPARTMENT OF TRANSPORTATION - ADMINISTRATION

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

#### ARTICLE 7. ADVERTISING AND SPONSORSHIP PROGRAM

<a href="#">R17-1-701.</a>	<a href="#">Definitions .....</a>	<a href="#">19</a>
<a href="#">R17-1-702.</a>	<a href="#">Program Administration .....</a>	<a href="#">20</a>
<a href="#">R17-1-703.</a>	<a href="#">Request for Advertising or Sponsorship: Approval or Denial: Time-frames .....</a>	<a href="#">21</a>
<a href="#">R17-1-704.</a>	<a href="#">Advertising or Sponsorship Approval: Agreement: LeaseRequest for Advertising or Sponsorship: Approval or Denial: Time-frames .....</a>	<a href="#">21</a>
<a href="#">R17-1-705.</a>	<a href="#">Advertising or Sponsorship Acknowledgment: Content Approval .....</a>	<a href="#">22</a>
<a href="#">R17-1-706.</a>	<a href="#">Advertising or Sponsorship Acknowledgment: Prohibited Content .....</a>	<a href="#">22</a>

<a href="#">R17-1-707.</a>	<a href="#">Denial of a Request for Advertising or Sponsorship: Administrative Hearing: Time-frames .....</a>	<a href="#">23</a>
<a href="#">R17-1-708.</a>	<a href="#">Program Administration: Pricing and Lease Procedures: Priority: Renewal .....</a>	<a href="#">23</a>
<a href="#">R17-1-709.</a>	<a href="#">Acknowledgment Signs and Plaques: Design and Placement .....</a>	<a href="#">24</a>
<a href="#">R17-1-710.</a>	<a href="#">Criteria for Highway-related Acknowledgment Signs and Plaques .....</a>	<a href="#">24</a>
<a href="#">R17-1-711.</a>	<a href="#">Highway-related Sponsorship Restrictions and Allowances: Existing Leases or Agreements .....</a>	<a href="#">25</a>
<a href="#">R17-1-712.</a>	<a href="#">Program Eligibility and Compliance .....</a>	<a href="#">26</a>
<a href="#">R17-1-713.</a>	<a href="#">Advertising or Sponsorship Agreement or Lease Termination .....</a>	<a href="#">26</a>
<a href="#">R17-1-714.</a>	<a href="#">Removal of Advertising or Sponsorship Content: Program Termination .....</a>	<a href="#">26</a>

#### Questions about these rules? Contact:

Department: Arizona Department of Transportation  
Name: John Lindley, Administrative Rules  
Address: Government Relations and Policy Development Office  
206 S. 17th Ave., Mail Drop 140A  
Phoenix, AZ 85007  
Telephone: (602) 712-8804  
E-mail: [jlindley@azdot.gov](mailto:jlindley@azdot.gov)  
Website: [www.azdot.gov/about/GovernmentRelations](http://www.azdot.gov/about/GovernmentRelations)

**The release of this Chapter in supplement 18-1 replaces supplement 11-3, 18 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

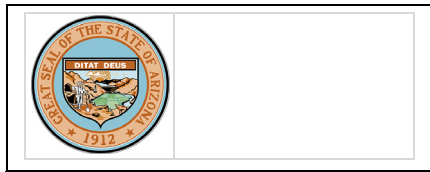
At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*





## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

## TITLE 17. TRANSPORTATION

## CHAPTER 1. DEPARTMENT OF TRANSPORTATION - ADMINISTRATION

## ARTICLE 1. GENERAL PROVISIONS

*Article 1, consisting of Section R17-1-101 and Table A, recodified from 17 A.A.C. 4 at 7 A.A.R. 919, effective January 24, 2001 (Supp. 01-1).*

## Section

R17-1-101.	Recodified .....	3
Table A.	Recodified .....	3
R17-1-102.	Licensing Time-frames .....	3
Table A.	Motor Vehicle Division .....	3
Table B.	Intermodal Transportation Division .....	5
R17-1-103.	Petition for Department Rulemaking or Review ..	5
R17-1-104.	Rulemaking Oral Proceeding .....	5

## ARTICLE 2. FEES

*Article 2, consisting of Sections R17-1-202 through R17-1-204, recodified from 17 A.A.C. 4 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).*

## Section

R17-1-201.	Definitions .....	6
R17-1-202.	MVD Record Copy Charges .....	6
Table 1.	Certified and Uncertified Motor Vehicle Record Fees .....	6
R17-1-203.	Dishonored Payments; Fees and Charges; Penalties .....	6
R17-1-204.	MVD Postage Fund; Registration by Mail Charges .....	7
R17-1-205.	Abandoned Vehicle Fees .....	7
R17-1-206.	MVD Facsimile Charges .....	7

## ARTICLE 3. TAXES

*Article 3, consisting of Sections R17-1-301 through R17-1-349, transferred from Title 17, Chapter 4, Article 3 (Supp. 92-4).*

## Section

R17-1-301.	Renumbered .....	7
R17-1-302.	Repealed .....	7
R17-1-303.	Renumbered .....	7
R17-1-304.	Renumbered .....	7
R17-1-305.	Renumbered .....	7
R17-1-306.	Motor vehicle fuel - distributor reports .....	7
R17-1-307.	Repealed .....	8
R17-1-308.	Repealed .....	8
R17-1-309.	Motor vehicle fuel - distributor reports of sales by counties .....	8
R17-1-310.	Repealed .....	8
R17-1-311.	Repealed .....	8
R17-1-312.	Repealed .....	8
R17-1-313.	Repealed .....	8
R17-1-314.	Repealed .....	8
R17-1-315.	Repealed .....	8
R17-1-316.	Motor vehicle fuel - pipeline imports .....	8
R17-1-317.	Motor vehicle fuel - importation reports .....	9
R17-1-318.	Repealed .....	9
R17-1-319.	Repealed .....	9
R17-1-320.	Repealed .....	9
R17-1-321.	Repealed .....	9
R17-1-322.	Repealed .....	9
R17-1-323.	Repealed 1 .....	0

R17-1-324.	Renumbered .....	10
R17-1-325.	Renumbered .....	10
R17-1-326.	Renumbered .....	10
R17-1-327.	Renumbered .....	10
R17-1-328.	Renumbered .....	10
R17-1-329.	Renumbered .....	10
R17-1-330.	General requirements; collection of use fuel tax by vendor; form of invoice; approval of invoice form; disposition of invoices .....	10
R17-1-331.	Repealed .....	10
R17-1-332.	Repealed .....	10
R17-1-333.	Repealed .....	10
R17-1-334.	Repealed .....	11
R17-1-335.	Repealed .....	11
R17-1-336.	Repealed .....	11
R17-1-337.	Repealed .....	11
R17-1-338.	Renumbered .....	11
R17-1-339.	Renumbered .....	11
R17-1-340.	Renumbered .....	11
R17-1-341.	Renumbered .....	11
R17-1-342.	Renumbered .....	11
R17-1-343.	Renumbered .....	11
R17-1-344.	Renumbered .....	11
R17-1-345.	Renumbered .....	11
R17-1-346.	Procedure to estimate use fuel consumption .....	11
R17-1-347.	Procedure to estimate percentage of consumption of use fuel in each county .....	11
R17-1-348.	Requirements to provide data pertaining to county highway miles .....	12
R17-1-349.	Period of applicability .....	12

## ARTICLE 4. REPEALED

*Article 4, consisting of Sections R17-1-401 through R17-1-407, repealed by final rulemaking at 15 A.A.R. 182, effective March 7, 2009 (Supp. 09-1).*

*Article 4, consisting of Sections R17-1-401 through R17-1-407, made by final rulemaking at 8 A.A.R. 3236, effective July 10, 2002 (Supp. 02-3).*

## Section

R17-1-401.	Repealed .....	12
R17-1-402.	Repealed .....	12
R17-1-403.	Repealed .....	12
R17-1-404.	Repealed .....	12
R17-1-405.	Repealed .....	12
R17-1-406.	Repealed .....	12
R17-1-407.	Repealed .....	12

## ARTICLE 5. ADMINISTRATIVE HEARINGS

## Section

R17-1-501.	Definitions .....	12
R17-1-502.	Request for Hearing .....	13
R17-1-503.	Notice of Hearing .....	13
R17-1-504.	Representation .....	13
R17-1-505.	Administrative Hearing Procedure .....	13
R17-1-506.	Administrative Hearing Evidence .....	14
R17-1-507.	Time Computation .....	14
R17-1-508.	Motion Practice .....	14
R17-1-509.	Subpoena Issuance .....	14

## Department of Transportation – Administration

R17-1-510.	Document Filing .....	15	R17-1-701.	Definitions .....	19
R17-1-511.	Continuing an Administrative Hearing .....	15	R17-1-702.	Program Administration .....	20
R17-1-512.	Rehearing and Judicial Review .....	15	R17-1-703.	Request for Advertising or Sponsorship; Approval or Denial; Time-frames .....	21
R17-1-513.	Summary Review of an Administrative Suspension Order Under A.R.S. § 28-1385 .....	16	R17-1-704.	Advertising or Sponsorship Approval; Agreement; LeaseRequest for Advertising or Sponsorship; Approval or Denial; Time-frames .....	21
R17-1-514.	Maintaining Administrative Hearing Decorum .	16	R17-1-705.	Advertising or Sponsorship Acknowledgment; Content Approval .....	22
<b>ARTICLE 6. SOLICITATION</b>					
<i>Article 6, consisting of Sections R17-1-601 through R17-1-609, made by final rulemaking at 17 A.A.R. 1995, effective September 13, 2011 (Supp. 11-3).</i>					
Section					
R17-1-601.	Definitions .....	16	R17-1-706.	Advertising or Sponsorship Acknowledgment; Prohibited Content .....	22
R17-1-602.	Applicability; Exemptions .....	17	R17-1-707.	Denial of a Request for Advertising or Sponsorship; Administrative Hearing; Time-frames .....	23
R17-1-603.	Application for Permit .....	17	R17-1-708.	Program Administration; Pricing and Lease Procedures; Priority; Renewal .....	23
R17-1-604.	Application Processing; Time-frames .....	18	R17-1-709.	Acknowledgment Signs and Plaques; Design and Placement .....	24
R17-1-605.	Permit Limitations .....	18	R17-1-710.	Criteria for Highway-related Acknowledgment Signs and Plaques .....	24
R17-1-606.	Permit Issuance; Denial; Appeal; Hearing .....	18	R17-1-711.	Highway-related Sponsorship Restrictions and Allowances; Existing Leases or Agreements .....	25
R17-1-607.	Solicitor Responsibilities; Prohibited Activities	18	R17-1-712.	Program Eligibility and Compliance .....	26
R17-1-608.	Signage Requirements .....	19	R17-1-713.	Advertising or Sponsorship Agreement or Lease Termination .....	26
R17-1-609.	Removal; Revocation; Appeal; Hearing .....	19	R17-1-714.	Removal of Advertising or Sponsorship Content; Program Termination .....	26
<b>ARTICLE 7. ADVERTISING AND SPONSORSHIP PROGRAM</b>					
<i>Article 7, consisting of Sections R17-1-701 through R17-1-714, made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).</i>					
Section					

## Department of Transportation – Administration

**ARTICLE 1. GENERAL PROVISIONS****R17-1-101. Recodified****Historical Note**

New Section recodified from R17-4-710 at 7 A.A.R. 919, effective January 24, 2001 (Supp. 01-1). Former Section R17-1-101 recodified to R17-1-102 at 7 A.A.R. 3476, effective July 20, 2001 (Supp. 01-3).

**Table A. Recodified****Historical Note**

New Table recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 919, effective January 24, 2001 (Supp. 01-1). Former Table A recodified to R17-1-102, Table A, at 7 A.A.R. 3476, effective July 20, 2001 (Supp. 01-3).

**R17-1-102. Licensing Time-frames**

- A.** Time-frames. The time-frames listed in Tables A and B apply to licenses issued by the Department.
1. "Department" means the Arizona Department of Transportation.
  2. "License" has the meaning prescribed in A.R.S. § 41-1001(10).
  3. "Administrative completeness review time-frame" has the meaning prescribed in A.R.S. § 41-1072(1).
  4. "Overall time-frame" has the meaning prescribed in A.R.S. § 41-1072(2).
  5. "Substantive review time-frame" has the meaning prescribed in A.R.S. § 41-1072(3).
- B.** Administrative completeness review – notice of deficiency. Within the time-frame for the administrative completeness review listed in Tables A and B, the Department shall notify the applicant in writing that the application is complete or incomplete. If the application is incomplete, the Department shall issue a notice of deficiency to the applicant specifying the information required to make the application administratively complete.
1. The notice of deficiency shall list all missing information.
  2. A notice of deficiency issued by the Department within the administrative completeness review time-frame suspends the administrative completeness review time-frame and the overall time-frame, from the date the Department issues the notice of deficiency until the date that the Department receives all missing information from the applicant.
- C.** Denial during administrative completeness review.
1. If the applicant does not withdraw the application and does not respond, within 60 days after the date on a notice of deficiency issued under subsection (B), to each item listed in the notice of deficiency, the Department shall treat the application as withdrawn. The Department shall not issue a written notice of denial.
  2. The applicant may withdraw the application during the 60-day response period. If the applicant withdraws the application, the Department shall not issue a written notice of denial. If the applicant wishes to obtain a license after withdrawal of the application, an applicant shall submit a new application.

3. The Department may issue a written notice of denial to an applicant before finding administrative completeness if the information provided by the applicant demonstrates that the applicant is not eligible for a license under the relevant statute or rules.
  4. The notice of denial shall provide a justification for the denial and an explanation of the applicant's right to a hearing or appeal.
- D.** Substantive review – additional information. Within the time-frame for the substantive review listed in Tables A and B, the Department may issue a comprehensive request for additional information, or by mutual agreement with the applicant, issue a supplemental request for additional information.
1. Any request for additional information shall list all items of information required.
  2. Any request for additional information issued by the Department within the substantive review time-frame suspends the substantive review time-frame and overall time-frame, from the date the Department issues the request until the date that the Department receives all the required additional information from the applicant.
- E.** Denial during substantive review. The following provisions apply:
1. If the applicant does not withdraw the application and does not respond, within 60 days after the date on a request for additional information under subsection (D), to each item required by the request, the Department shall treat the application as withdrawn. The Department shall not issue a written notice of denial.
  2. The applicant may withdraw the application during the 60-day response period. If the applicant withdraws the application, the Department shall not issue a written notice of denial. If the applicant wishes to obtain a license after withdrawal of an application, an applicant shall submit a new application.
  3. The notice of denial shall provide a justification for the denial and an explanation of the applicant's right to a hearing or appeal.
- F.** Notification after substantive review. Upon completion of the substantive review, the Department shall notify the applicant in writing that the license is granted or denied within the overall time-frames listed in Tables A and B. The notice of denial shall provide a justification for the denial and an explanation of the applicant's right to a hearing or appeal.
- G.** Applicant response period. In computing the applicant's response periods prescribed in this Section, the last day of a response period is counted. If the last day is a Saturday, Sunday, or legal holiday, the applicant's response period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- H.** Effective date. This Section applies to applications filed with the Department on or after the effective date of this Section.

**Historical Note**

New Section R17-1-102 recodified from R17-1-101 by final rulemaking at 7 A.A.R. 3476, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4347, effective September 9, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 923, effective

## Department of Transportation – Administration

February 11, 2002 (Supp. 02-1).

**Table A. Motor Vehicle Division**

LICENSE	STATUTORY AUTHORITY	ADMINISTRATIVE COMPLETENESS REVIEW TIME-FRAME	SUBSTANTIVE REVIEW TIME-FRAME	OVERALL TIME-FRAME
Fleet registration	A.R.S. §§ 28-2201 to 28-2208	60 days	30 days	90 days
International proportional registration	A.R.S. §§ 28-2231 to 28-2239	20 days	10 days	30 days
Alternative proportional registration	A.R.S. § 28-2261 to 28-2269	60 days	30 days	90 days
Personalized special plates	A.R.S. § 28-2406	5 days	30 days	35 days
Traffic survival school or traffic survival school instructor license	A.R.S. §§ 28-3306 to 28-3307	5 days	35 days	40 days
Driver license issued after suspension, revocation or disqualification	A.R.S. § 28-3315	5 days	30 days	35 days
Automotive recycler, broker, motor vehicle dealer or wholesale motor vehicle dealer license	A.R.S. §§ 28-4301 to 28-4366	8 days	117 days	125 days
Manufacturer, distributor, factory branch, or distributor branch license	A.R.S. §§ 28-4301 to 28-4366	6 days	14 days	20 days
Permit to exhibit or display and sell vehicles off dealer's premises	A.R.S. § 28-4401	6 days	9 days	15 days
Permit to exhibit recreational vehicles at public event	A.R.S. § 28-4402	6 days	9 days	15 days
Authorization to use dealer license plates	A.R.S. § 28-4533	7 days	38 days	45 days
Authorization to dispose of junk vehicle	A.R.S. § 28-4882	5 days	45 days	50 days
License to operate as a title service company	A.R.S. § 28-5003	6 days	14 days	20 days
Third-party authorization to perform certain title and registration, motor carrier licensing and tax reporting, dealer licensing, and driver license functions*	A.R.S. §§ 28-5101 to 28-5110	5 days	90 days	95 days
Third-party authorization to issue over-weight and over-dimensional permits*	A.R.S. §§ 28-1145 and 28-5101 to 28-5110	5 days	90 days	95 days
Certification of an authorized third party, or the authorized third party's employee or agent, to perform the authorized functions	A.R.S. §§ 28-5101 to 28-5110	5 days	60 days	65 days
Professional driver training school or professional driver training school instructor license	A.R.S. §§ 32-2351 to 32-2393	5 days	35 days	40 days
* The Division shall have the right to determine when an authorized third party may begin to transact business after a license has been granted.				

**Historical Note**

New Table A recodified from R17-1-101, Table A, by final rulemaking at 7 A.A.R. 3476, effective July 20, 2001 (Supp. 01-3).  
Amended by final rulemaking at 7 A.A.R. 4347, effective September 9, 2001 (Supp. 01-3).

## Department of Transportation – Administration

**Table B. Intermodal Transportation Division**

LICENSE	STATUTORY AUTHORITY	ADMINISTRATIVE COMPLETENESS REVIEW TIME-FRAME	SUBSTANTIVE REVIEW TIME- FRAME	OVERALL TIME-FRAME
Outdoor advertising permit	A.R.S. §§ 28-7901 to 28-7909	30 days	30 days	60 days
Encroachment permit	A.R.S. §§ 28-7053(A), 7053(D), 7045(2)	30 days	120 days	150 days
Junkyard screening license	A.R.S. §§ 28-7941 to 28-7943	30 days	60 days	90 days

**Historical Note**

New Table B made by final rulemaking at 7 A.A.R. 4347, effective September 9, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 923, effective February 11, 2002 (Supp. 02-1).

**R17-1-103. Petition for Department Rulemaking or Review**

**A.** A person may petition the Department under A.R.S. § 41-1033(A) for a:

1. Rulemaking action relating to a Department rule, including making a new rule or amending or repealing an existing rule; or
2. Review of an existing Department practice or substantive policy statement alleged to constitute a rule.

**B.** To act under A.R.S. § 41-1033(A) and this Section, a person shall submit to the Department Director a written petition that includes the following information:

1. Name, address, telephone number, and facsimile number, if any, of the person submitting the petition;
2. If the person submitting the petition is a representative of another person, the name of each person represented;
3. If requesting a rulemaking action:
  - a. A statement of the rulemaking action sought, including the A.A.C. citation for each existing rule involved, and the specific language of each new rule or rule amendment; and
  - b. Reasons for the rulemaking action, including an explanation of why an existing rule is inadequate, unreasonable, unduly burdensome, or unlawful.
4. If requesting a review of an existing practice or substantive policy statement:
  - a. The subject matter of the existing practice or substantive policy statement, and
  - b. Reasons why the existing practice or substantive policy statement constitutes a rule.
5. The dated signature of the person submitting the petition.

**C.** A person may submit supporting information with a petition, including:

1. Statistical data; and
2. A list of other persons likely to be affected by the rulemaking action or the review, with an explanation of the likely effects.

**D.** The Department Director or the director's authorized representative shall send the person submitting a petition a written response within 60 calendar days of the date the Department receives the petition.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5437, effective November 14, 2001 (Supp. 01-4).

**R17-1-104. Rulemaking Oral Proceeding**

**A.** Public request for an oral proceeding. A person may request an oral proceeding as prescribed under A.R.S. § 41-1023(C) by submitting the following information in writing to the agency official identified in a proposed rule's preamble:

1. Identify the specific proposed rule for oral proceeding by Section number and title heading; and
2. Provide the following requestor information:
  - a. Name;
  - b. Address;
  - c. Telephone number during regular state business hours as prescribed under A.R.S. § 38-401; and
  - d. Optional information, if applicable:
    - i. The requestor's occupational title; and
    - ii. The name of the entity the requestor represents.
- B.** Oral proceeding protocol.
  1. The Department shall record an oral proceeding electronically or stenographically, and shall make any audio or video cassette, transcript, register, and written comment received part of the Department's rulemaking record as required under A.R.S. § 41-1029(B)(4) and (5).
  2. The Department's presiding official shall use the following guidelines to conduct an oral proceeding:
    - a. Registration of attendees. Attendee registration is voluntary;
    - b. Registration of persons intending to speak. A person wishing to speak shall provide the person's name, representative capacity, if applicable, a brief statement of the person's position regarding the proposed rule, and approximate length of time the person wishes to speak;
    - c. Opening of the record. The Department's presiding official shall identify:
      - i. The rule to be considered;
      - ii. The location;
      - iii. The date;
      - iv. The time of day;
      - v. The purpose of the proceeding including applicable background information or Department representative's opening statement on the proposed rule; and
      - vi. Any applicable time limitation of the meeting location's use or electronic communication linkage.
    - d. A public oral comment period. Any person may speak at an oral proceeding. A person who speaks shall ensure that all comments address the rule being considered. The Department's presiding official may limit the time allotted to each speaker and preclude undue repetition;
    - e. A recess provision. If an oral proceeding must recess because of a time limitation indicated in subsection (B)(2)(c)(vi), the Department's presiding official shall ensure that the oral proceeding's continuation

## Department of Transportation – Administration

- complies with the meeting notice provision prescribed under A.R.S. § 38-431.02(E);
- f. Closing remarks. Before closing an oral proceeding record, the Department's presiding official shall announce:
- The location and last day for submitting written comments about the rule; and
  - Any known future rulemaking steps the Department intends to take regarding the rule after the rulemaking public record closes.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 4920, effective January 5, 2003 (Supp. 02-4).

**ARTICLE 2. FEES****R17-1-201. Definitions**

In addition to the definitions prescribed under A.R.S. §§ 28-440 and 44-6851, the following terms apply to this Article:

"Automated clearing house" has the same meaning as provided under A.A.C. R17-8-401.

"Batch" means a query-command method that initiates simultaneous production of an electronic file or series of requests that may have delayed results.

"Certified record" means a copy of a document designated as a true copy by the agency officer entrusted with custody of the original to be used for purposes prescribed under A.R.S. § 28-442.

"Electronic payment" means money which is exchanged electronically, including credit card payments, credit transfer, electronic checks, direct debit, and person-to-person payments.

"Interactive" means an electronic query-command method individually initiated by a person that produces immediate results.

"Reasonable costs" means 10 cents for each page of standard reproduction of documents and the actual costs for reproduction of documents which require special processing plus the reasonable clerical costs incurred in locating and making the documents available billed at the rate of \$10 per hour per person.

"Special MVR" means a motor vehicle record that is comprised of the least possible subset of information necessary to respond to the type of request received.

"Stale-dated" means a check presented at the paying bank six months or more after the issue date of the check. A stale-dated check is not an invalid check, but the paying bank may deem the check an irregular bill of exchange and return it unpaid.

"Support document" means any customer record maintained by the agency in an electronic, hardcopy, or microfilm file storage format.

**Historical Note**

New Section made by exempt rulemaking at 8 A.A.R. 2963, effective June 27, 2002 (Supp. 02-2). Amended by exempt rulemaking at 13 A.A.R. 3041, effective August 31, 2007 (Supp. 07-3). Amended by final rulemaking at 16 A.A.R. 1994, effective November 13, 2010 (Supp. 10-3).

**R17-1-202. MVD Record Copy Charges**

In accordance with A.R.S. §§ 12-351 and 28-446, for each separate request, the Division shall assess a charge as provided in Table 1. Certified and Uncertified Motor Vehicle Record Fees. Therefore, a

fee is collected if the request results in a motor vehicle record or "No Record Found."

**Table 1. Certified and Uncertified Motor Vehicle Record Fees**

Description	Method of Delivery	Amount
A certified record:	Over-the-counter immediate or overnight service; Mail-in request; or Electronic interactive.	\$5
	Electronic batch.	\$3
A certified support document:	Over-the-counter immediate or overnight service; or Mail-in request.	\$5
An uncertified record:	Over-the-counter immediate service; Mail-in request; or Electronic interactive.	\$3
	Electronic batch; or Over-the-counter overnight service.	\$2
An uncertified support document:	Over-the-counter immediate or overnight service; or Mail-in request.	\$3
An uncertified Special MVR:	Over-the-counter immediate and overnight service; Mail-in request; or Electronic interactive.	\$1.50
Civil subpoena support documentation:	Over-the-counter immediate and overnight service; or Mail-in request.	Reasonable costs.
Any photocopied item: (Does not include... etc.)	Over-the-counter immediate and overnight service; or Mail-in request.	25¢ per page.

**Historical Note**

New Section recodified from R17-4-702 at 7 A.A.R.

3477, effective July 20, 2001 (Supp. 01-3). Section

repealed; new Section made by exempt rulemaking at 8

A.A.R. 2963, effective June 27, 2002 (Supp. 02-2).

Amended by exempt rulemaking at 10 A.A.R. 4845,

effective November 18, 2004 (Supp. 04-4). Amended by

exempt rulemaking at 11 A.A.R. 3124, effective July 20,

2005 (Supp. 05-3). Amended by exempt rulemaking at 13

A.A.R. 3041, effective August 31, 2007 (Supp. 07-3).

**R17-1-203. Dishonored Payments; Fees and Charges; Penalties**

**A.** In addition to the original payment amount, the maker or drawer of a check, draft, order, or electronic payment dishonored because of insufficient monies, payments stopped, or closed accounts shall pay to the Department:

- A service fee of \$25 as provided under A.R.S. §§ 28-372 and 44-6852,
- Any actual charges assessed to the Department by a financial institution as a result of the dishonored instrument, and
- Any collection costs due to the Department under A.R.S. § 28-372.

**B.** For a check, draft, or order dishonored:

- Insufficient monies include:
  - A check written for less than the minimum amount due,
  - A check drawn against uncollected funds,
  - A check post-dated, or
  - A check stale-dated;

## Department of Transportation – Administration

2. Payments stopped include an item marked refer to maker, and
  3. Closed accounts include an item marked unable to locate account.
- C.** For an electronic payment dishonored:
1. Insufficient monies include:
    - a. A credit limit exceeded,
    - b. An e-check or other electronic payment failure, or
    - c. An inaccurate automated clearing house transaction,
  2. Payments stopped include a credit card charge back, and
  3. Closed accounts include an item marked unable to locate account.
- D.** Payments, fees, and charges due to the Department under subsection (A), shall be made by:
1. Cash, cashier's check, money order, or credit card for a dishonored check, draft, or order; or
  2. Cash, cashier's check, or money order for a dishonored electronic payment.
- E.** Penalties.
1. A person who does not make payment under subsection (A) on or before the vehicle's registration expiration date is subject to a late title and registration penalty as prescribed under A.R.S. § 28-2162.
  2. A person who does not make payment under subsection (A) within 45 days after the date of a written Department notice of a dishonored check, draft, order, or electronic payment is subject to the following actions on the person's license, permit, or registration that was insufficiently funded:
    - a. For a driver license or permit, as prescribed under A.R.S. § 28-3301(A);
    - b. For a nonoperating identification license, as prescribed under A.R.S. § 28-3301(F); or
    - c. For a vehicle registration, as prescribed under A.R.S. § 28-2161(A)(2).

**Historical Note**

New Section recodified from R17-4-707 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 3822, effective October 4, 2003 (Supp. 03-3). Section repealed; new Section made by final rulemaking at 16 A.A.R. 1994, effective November 13, 2010 (Supp. 10-3).

**R17-1-204. MVD Postage Fund; Registration by Mail Charges**

- A.** For purposes of A.R.S. § 28-2151, the Division establishes a registration by mail postage fund.
- B.** The Division shall charge a registration by mail applicant current applicable U.S. Postal Service postage rates for mailing:
1. A registration by mail renewal notice,
  2. A license plate, or
  3. A registration tab.

**Historical Note**

New Section recodified from R17-4-703 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

**R17-1-205. Abandoned Vehicle Fees**

- A.** The Department establishes the following fees under A.R.S. § 28-4802 for the transfer of ownership or disposal of an abandoned vehicle:
1. The fee is \$500 if the vehicle was abandoned as described under A.R.S. § 28-4802(A), and
  2. The fee is \$600 if the vehicle was abandoned as described under A.R.S. § 28-4802(B).
- B.** The Department establishes the following fees under A.R.S. § 28-4802 for processing an abandoned vehicle report:

1. The fee is \$8 if the report is submitted electronically, via the Department's authorized third-party electronic service provider; and
  2. The fee is \$10 if the report is submitted for processing by any other means.
- C.** The fee for processing the abandoned vehicle report is non-refundable unless provided for under A.R.S. § 28-373.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 3746, effective September 30, 2003 (Supp. 03-3). Amended by exempt rulemaking at 17 A.A.R. 297, effective March 1, 2011 (Supp. 11-1).

**R17-1-206. MVD Facsimile Charges**

In accordance with A.R.S. § 28-446, the Department shall assess a fee of \$2 per page for information or copies faxed to a requester.

**Historical Note**

New Section made by exempt rulemaking at 14 A.A.R. 4046, effective October 24, 2008 (Supp. 08-4).

**ARTICLE 3. TAXES****R17-1-301. Renumbered****Historical Note**

Renumbered from R17-4-301 (Supp. 92-4).

**R17-1-302. Repealed****Historical Note**

Adopted effective August 1, 1988 (Supp. 88-3). Renumbered from R17-4-302 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-303. Renumbered****Historical Note**

Renumbered from R17-4-303 (Supp. 92-4).

**R17-1-304. Renumbered****Historical Note**

Renumbered from R17-4-304 (Supp. 92-4).

**R17-1-305. Renumbered****Historical Note**

Renumbered from R17-4-305 (Supp. 92-4).

**R17-1-306. Motor vehicle fuel - distributor reports**

- A.** That all distributors of motor vehicle fuel shall, in addition to the information now required of them as such, furnish to the Motor Vehicle Division of the Arizona Highway Department at the time of making their regular monthly report to the said Motor Vehicle Division, the following information:
1. Motor vehicle fuel on hand at first of month.
  2. Motor vehicle fuel acquired during month (sources itemized).
  3. Total sales during month.
  4. Total taxable sales during month.
  5. Sales to United States Government during month.
  6. Export sales during month (sources itemized).
  7. Motor vehicle fuel on hand end of month.
- B.** That sale of motor vehicle fuel to the Federal Government during the month must be supported by affidavit in the case of charge sales, and by submittal of U.S. Form 44 in the case of sales other than charge sales.
- C.** That the form on which the information hereby required is furnished and the form of affidavit to be used in supporting charge sales to the United States Government shall be pre-

## Department of Transportation – Administration

scribed by the Motor Vehicle Superintendent, and shall be furnished by him.

**Historical Note**

Former Rule, General Order 14. Former Section R17-4-05 renumbered without change as Section R17-4-306 (Supp. 87-2). Renumbered from R17-4-306 (Supp. 92-4).

**R17-1-307. Repealed****Historical Note**

Former Rule, General Order 5. Former Section R17-4-03 renumbered without change as Section R17-4-307 (Supp. 87-2). Renumbered from R17-4-307 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-308. Repealed****Historical Note**

Former Rule, General Order 20. Former Section R17-4-06 renumbered without change as Section R17-4-308 (Supp. 87-2). Renumbered from R17-4-308 (Supp. 92-4). Section repealed by final rulemaking at 14 A.A.R. 316, effective March 8, 2008 (Supp. 08-1).

**R17-1-309. Motor vehicle fuel - distributor reports of sales by counties**

- A. Each county in the state of Arizona participates in motor vehicle fuel taxes in the proportion that sales in such county bear to the total sales throughout the state.
- B. The statutes require that the county in which a sale is completed by a distributor (county in which delivery is made, irrespective of the source of supply) shall be credited with the sale.
- C. It is essential that the accounting office of the distributor and the Motor Vehicle Division shall definitely know the county in which a delivery is made by a distributor.
- D. On and after November 1, 1936, each distributor's invoice and duplicates covering a sale of motor vehicle fuel in this state shall designate the name of the county in which such fuel is delivered by the distributor. Such designation shall be made at the time the invoice is prepared by writing or stamping the name of the county in a conspicuous place on the invoice and duplicates, preferably following the name or address of the purchaser.

**Historical Note**

Former Rule, General Order 31. Former Section R17-4-11 renumbered without change as Section R17-4-309 (Supp. 87-2). Renumbered from R17-4-309 (Supp. 92-4).

**R17-1-310. Repealed****Historical Note**

Former Rule, General Order 25. Former Section R17-4-09 renumbered without change as Section R17-4-310 (Supp. 87-2). Renumbered from R17-4-310 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-311. Repealed****Historical Note**

Former Rule, General Order 24. Former Section R17-4-08 renumbered without change as Section R17-4-311 (Supp. 87-2). Renumbered from R17-4-311 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-312. Repealed****Historical Note**

Former Rule, General Order 39. Former Section R17-4-13 renumbered without change as Section R17-4-312 (Supp. 87-2). Renumbered from R17-4-312 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-313. Repealed****Historical Note**

Former Rule, General Order 27. Former Section R17-4-10 renumbered without change as Section R17-4-313 (Supp. 87-2). Renumbered from R17-4-313 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-314. Repealed****Historical Note**

Former Rule, General Order 69. Former Section R17-4-27 renumbered without change as Section R17-4-314 (Supp. 87-2). Renumbered from R17-4-314 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-315. Repealed****Historical Note**

Former Rule, General Order 61. Former Section R17-4-23 renumbered without change as Section R17-4-315 (Supp. 87-2). Renumbered from R17-4-315 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-316. Motor vehicle fuel - pipeline imports**

- A. Imports of motor vehicle fuel via pipeline carriers: Authorization of report forms: and definition of "barrel,"
  1. A.R.S. § 28-1503 reads as follows:
    - a. On or before the twenty-fifth day of each month, every distributor shall file with the superintendent, on forms prescribed and furnished by the superintendent, a true and verified statement showing the total number of gallons of motor vehicle fuel refined, manufactured, produced, blended, compounded, imported or acquired during the preceding calendar month, the number of gallons of motor vehicle sold or otherwise disposed of by him for use in each of the several counties of this state and other and further data or information the superintendent requires.
    - b. Every distributor shall, in addition to making the report required in subsection (a) of this Section, upon receipt of any interstate shipment of motor vehicle fuel, forthwith report to the superintendent, on forms prescribed and furnished by the superintendent, the quantity and particular description of the fuel received, the name of the consignor, the date shipped, the date received, how shipped and other information in respect thereto the superintendent requires.
  2. To carry out the provisions of A.R.S. § 28-1503(B), it is ordered that a copy of the pipeline carrier's delivery ticket, as approved by the vehicle superintendent, is designated as the consignee report to be used by distributors receiving shipments of motor vehicle fuel via pipeline carrier.
- B. A.R.S. § 28-1515 reads, in part:
  1. Every railroad company, street, suburban or interurban railroad company, pipeline company, common carrier and person transporting motor vehicle fuel by whatever man-



## Department of Transportation – Administration

ner to points in this state from any point without this state, shall report to the vehicle superintendent on forms prescribed by the superintendent, all deliveries of motor vehicle fuel so transported.

2. The report shall:
  - a. Cover monthly periods and shall be submitted monthly within twenty-five days after the close of the month covered by the report.
  - b. Show the name and address of the person to whom the deliveries of motor vehicle fuel have in fact been made, or the name and address of the originally named consignee if the fuel has been delivered to other than the originally named consignee.
  - c. Show the point of origin, the point of delivery and the date of delivery.
- C. To carry out the provisions of A.R.S. § 28-1515(A) and (B), it is ordered that a summary report of all shipments handled by the pipeline carrier, containing the information required in said Section, is authorized as the carrier's report.
- D. It is further ordered that the term "barrel," as used in connection with the shipment of motor vehicle fuel via pipeline, shall mean a quantity equivalent to 42 U.S. gallons.
- E. It is further ordered that motor vehicle fuel shall be deemed "possessed" and/or "imported" under A.R.S. §§ 28-1501, 28-1503 and 28-1515 when delivered by the pipeline carrier into the terminal storage facilities of the distributor in Arizona.

**Historical Note**

Former Rule, General Order 57. Former Section R17-4-20 renumbered without change as Section R17-4-316 (Supp. 87-2). Renumbered from R17-4-316 (Supp. 92-4).

**R17-1-317. Motor vehicle fuel - importation reports**

- A. Section 1686, Revised Code of the state of Arizona, as amended, defines motor vehicle fuel as follows: "Motor vehicle fuel shall mean and include any inflammable liquid, by whatsoever name such liquid may be known or sold, which is used or usable in motor vehicles, either alone or when mixed, blended or compounded, for the propulsion thereof upon the public highways . . ."
- B. Certain liquid petroleum products having an A.P.I. gravity greater than 24 at 60° F, such as diesel oil, stove oil, etc., not now classed as motor vehicle fuel, are being used to propel motor vehicles over the highways of this state and for mixing, blending or compounding motor vehicle fuel.
- C. Each person who delivers such products into the fuel tanks of motor vehicles, or who uses such products in mixing, blending or compounding motor vehicle fuels, is required to pay to the state of Arizona the five-cent-per-gallon motor vehicle fuel tax on such fuel so used.
- D. It is necessary that the Vehicle Superintendent know the sources of supply in this state of such products when used as motor vehicle fuel in order to ascertain that the tax has been paid to the state.
- E. Each distributor and each person shall, upon receipt of any interstate shipment of liquid petroleum products having an A.P.I. gravity greater than 24 at 60° F, which might be classed as motor vehicle fuel, immediately report the receipt of such shipment to the Vehicle Superintendent in the manner prescribed in sections 1673c and 1674c, R.C.A., as amended by Chapter 70, Legislature of 1935, regular session, for immediately reporting receipt of interstate shipments of motor vehicle fuel.
- F. Each person transporting such products from a point without this state to a point within this state by means of any vehicle operated over the highways of this state shall immediately report such shipment to the Vehicle Superintendent in the man-

ner prescribed in Section 1675, R.C.A., as amended by Chapter 70, Legislature of 1935, regular session, for immediately reporting such shipments of motor vehicle fuel.

- G. Every railroad company transporting such products from a point without this state to a point within this state shall report such shipment to the Vehicle Superintendent on or before the 25th of the next succeeding month, in the manner as shipments of motor vehicle fuel are reported.
- H. Forms 70-3307 "Motor Vehicle Fuel Shipments to Arizona" shall be used for the above mentioned reports in the same manner as prescribed for their use in reporting shipments of motor vehicle fuel.
- I. Penalties prescribed by the statutes for noncompliance with respect to reporting shipments of motor vehicle fuel shall likewise apply for noncompliance with respect to reporting shipments of liquid petroleum products as above mentioned.

**Historical Note**

Former Rule, General Order 36. Former Section R17-4-12 renumbered without change as Section R17-4-317 (Supp. 87-2). Renumbered from R17-4-317 (Supp. 92-4).

**R17-1-318. Repealed****Historical Note**

Former Rule, General Order 7. Former Section R17-4-04 renumbered without change as Section R17-4-318 (Supp. 87-2). Renumbered from R17-4-318 (Supp. 92-4). Section repealed by final rulemaking at 14 A.A.R. 316, effective March 8, 2008 (Supp. 08-1).

**R17-1-319. Repealed****Historical Note**

Former Rule, General Order 44. Former Section R17-4-14 renumbered without change as Section R17-4-319 (Supp. 87-2). Renumbered from R17-4-319 (Supp. 92-4). Section repealed by final rulemaking at 14 A.A.R. 316, effective March 8, 2008 (Supp. 08-1).

**R17-1-320. Repealed****Historical Note**

Former Rule, General Order 54 (Amended). Former Section R17-4-18 renumbered without change as Section R17-4-320 (Supp. 87-2). Renumbered from R17-4-320 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-321. Repealed****Historical Note**

Former Rule, General Order 21. Former Section R17-4-07 renumbered without change as Section R17-4-321 (Supp. 87-2). Renumbered from R17-4-321 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-322. Repealed****Historical Note**

Former Rule, General Order 3. Former Section R17-4-02 renumbered without change as Section R17-4-322 (Supp. 87-2). Renumbered from R17-4-322 (Supp. 92-4). Section repealed by final rulemaking at 14 A.A.R. 316, effective March 8, 2008 (Supp. 08-1).

**R17-1-323. Repealed****Historical Note**

Former Rule, General Order 2A. Former Section R17-4-01 renumbered without change as Section R17-4-323

## Department of Transportation – Administration

(Supp. 87-2). Renumbered from R17-4-323 (Supp. 92-4).  
Section repealed by final rulemaking at 14 A.A.R. 316,  
effective March 8, 2008 (Supp. 08-1).

**R17-1-324. Renumbered****Historical Note**

Renumbered from R17-4-324 (Supp. 92-4).

**R17-1-325. Renumbered****Historical Note**

Renumbered from R17-4-325 (Supp. 92-4).

**R17-1-326. Renumbered****Historical Note**

Renumbered from R17-4-326 (Supp. 92-4).

**R17-1-327. Renumbered****Historical Note**

Renumbered from R17-4-327 (Supp. 92-4).

**R17-1-328. Renumbered****Historical Note**

Renumbered from R17-4-328 (Supp. 92-4).

**R17-1-329. Renumbered****Historical Note**

Renumbered from R17-4-329 (Supp. 92-4).

**R17-1-330. General requirements; collection of use fuel tax by vendor; form of invoice; approval of invoice form; disposition of invoices**

- A. Any sales of use fuel delivered into a vehicle fuel tank by a vendor on which no tax was collected will be presumed taxable to the vendor unless the vendor retains an invoice completed pursuant to the requirements of A.A.C. R17-1-330(B) showing that no tax was required to be collected on such sale.
- B. The invoice required by A.R.S. § 28-1568 shall contain the following preprinted information:
  1. Consecutive invoice numbers, which numbers shall be selected and used in such a way that a particular number will be used no more than once every four years by the licensed use fuel vendor.
  2. Use fuel tax license number of the vendor;
  3. Name and physical address of the vendor provided, however, that when a licensed use fuel vendor maintains multiple use fuel vending locations, separate invoices are required bearing
    - a. The name and account number reflected on the use fuel vendor's license and
    - b. The city or place of such branch use fuel vending location.
  4. An entry line identified as "Plus Arizona Use Fuel Tax"; or if the posted pump price includes the Arizona Use Fuel Tax, an entry line identified as "Less Arizona Use Fuel Tax" together with the statement: "Posted pump price includes Arizona Use Fuel Tax."

5. The following information block:

<div style="display: flex; justify-content: space-between; align-items: center;"> <span>← 2" →</span> </div>	
A	ARIZONA USE FUEL TAX INFORMATION BLOCK
B	VEHICLE TYPE <input type="checkbox"/> USE CLASS LIGHT CLASS <input type="checkbox"/>
C	USE FUEL TAX YES <input type="checkbox"/> NO <input type="checkbox"/>
	BULK SALE <input type="checkbox"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Type of Container

2 1/2"

PLACE AN "X" IN CORRECT BOX(S)

The block shall be at least 2 inches wide and 2 1/2 inches high, and shall be in the form set forth above. Parts A and B must be completed on each vehicle fuel tank sale or delivery, and parts B and C must be completed on each sale or delivery into other than a vehicle fuel tank, except as provided for in A.A.C. R17-1-333(D).

6. The form of the invoice must be such that at least one simultaneous duplicate is prepared. The top sheet shall be marked "Original" and each succeeding sheet shall be marked "Copy."
- C. Prior to use of the invoice forms provided for in this rule, the vendor shall submit the form, and any modifications to existing approved forms, to the Motor Vehicle Division, Arizona Department of Transportation, for approval.
- D. Whenever a vendor of use fuel prepares an invoice as required by this rule, the original shall be given to the purchaser of the use fuel and the original will be the only document deemed as valid for tax credit to the user. At least one copy of the invoice shall be indexed by the vendor as to calendar month of sale and maintained for audit in ascending invoice number order.

**Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-67 renumbered without change as Section R17-4-330 (Supp. 87-2). Renumbered from R17-4-330 (Supp. 92-4).

**R17-1-331. Repealed****Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-68 renumbered without change as Section R17-4-331 (Supp. 87-2). Renumbered from R17-4-331 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-332. Repealed****Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-69 renumbered without change as Section R17-4-332 (Supp. 87-2). Renumbered from R17-4-332 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-333. Repealed**

## Department of Transportation – Administration

**Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-71 renumbered without change as Section R17-4-333 (Supp. 87-2). Amended effective December 30, 1987 (Supp. 87-4). Renumbered from R17-4-333 (Supp. 92-4). Section repealed by final rulemaking at 14 A.A.R. 316, effective March 8, 2008 (Supp. 08-1).

**R17-1-334. Repealed****Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-70 renumbered without change as Section R17-4-334 (Supp. 87-2). Renumbered from R17-4-334 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-335. Repealed****Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-401 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-401 renumbered without change as Section R17-4-335 (Supp. 87-2). Renumbered from R17-4-335 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-336. Repealed****Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-402 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-402 renumbered without change as Section R17-4-336 (Supp. 87-2). Renumbered from R17-4-336 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-337. Repealed****Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-403 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-403 renumbered without change as Section R17-4-337 (Supp. 87-2). Renumbered from R17-4-337 (Supp. 92-4). Section repealed by final rulemaking at 8 A.A.R. 563, effective January 15, 2002 (Supp. 02-1).

**R17-1-338. Renumbered****Historical Note**

Renumbered from R17-4-338 (Supp. 92-4).

**R17-1-339. Renumbered****Historical Note**

Renumbered from R17-4-339 (Supp. 92-4).

**R17-1-340. Renumbered****Historical Note**

Renumbered from R17-4-340 (Supp. 92-4).

**R17-1-341. Renumbered****Historical Note**

Renumbered from R17-4-341 (Supp. 92-4).

**R17-1-342. Renumbered****Historical Note**

Renumbered from R17-4-342 (Supp. 92-4).

**R17-1-343. Renumbered****Historical Note**

Renumbered from R17-4-343 (Supp. 92-4).

**R17-1-344. Renumbered****Historical Note**

Renumbered from R17-4-344 (Supp. 92-4).

**R17-1-345. Renumbered****Historical Note**

Renumbered from R17-4-345 (Supp. 92-4).

**R17-1-346. Procedure to estimate use fuel consumption****Definitions:**

1. “Assistant Director” means the Assistant Director of the Department of Transportation for the Motor Vehicle Division.
2. “County highway mile” means one mile of highway maintained by a county for which the county does not receive full reimbursement for such maintenance from any other entity.
3. “Population” means the population as determined pursuant to the provisions of A.R.S. § 28-1598.

**Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Renumbered from R17-4-346 (Supp. 92-4).

**R17-1-347. Procedure to estimate percentage of consumption of use fuel in each county**

- A.** The Motor Vehicle Division shall calculate the estimated percentage of use fuel consumed in a particular county for a particular month as compared to the total amount of use fuel consumed in the entire state during the same month in accordance with the following formula:

$$X = \frac{.7A + .3B + C}{2}$$

1. “X” is the percentage for a particular county of the total amount of use fuel consumed in the entire state for a month.
  2. “A” is the number of county highway miles in the county divided by the total number of county highway miles in all counties within the state.
  3. “B” is the total unincorporated county population in the county divided by the total unincorporated county population in all counties within the state.
  4. “C” is the percent of use fuel consumed in the county that was used to distribute highway user revenue funds in June 1985.
- B.** If the formula described in subsection (A) results in a particular county having less than 1% of the use fuel consumed in the state, that county’s share shall be raised to 1% and the resulting deficiency shall be prorated among the remaining counties in the same percentage as the amount of use fuel consumed.

## Department of Transportation – Administration

**Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Renumbered from R17-4-347 (Supp. 92-4).

**R17-1-348. Requirements to provide data pertaining to county highway miles**

- A. Each year prior to April 1, the county engineer for each county in the state shall certify under oath and deliver to the Motor Vehicle Division a report containing the number of county highway miles located in his county as of the preceding December 31. The report shall contain the designation of each highway included in the number of county highway miles, the location of its termini, and the length of the highway measured on its centerline to the nearest one tenth of a mile.
- B. The Assistant Director shall give notice in writing to any county engineer who fails to deliver the report by March 31. The notice shall state that the report has not been received and demand that it be delivered to the Motor Vehicle Division within ten days of the mailing of the notice.
- C. If a county engineer fails to deliver the report required by subsection (A) after being given the ten-day notice provided in subsection (B), the Assistant Director shall continue to perform the calculations required by A.R.S. § 28-1598 using the county road miles reported by the delinquent county for the prior year. However, commencing with distributions made in the month following the expiration of the ten-day notice, the funds due the delinquent county pursuant to the provisions of A.R.S. § 28-1598 shall not be distributed to the delinquent county until the County Engineer has provided the report to the Motor Vehicle Division required by subsection (A).
- D. The report required by subsection (A) shall be available for inspection by all of the counties. A county may challenge the report made by any other county by filing a challenge in writing with the Assistant Director not later than April 30 of each year. In the case of reports received after April 1 of each year, the challenge must be received by the Assistant Director not later than 30 days after receipt of the report by the Assistant Director. The challenge shall specify the highways and the number of disputed miles being contested.
- E. If the Assistant Director receives a challenge to a report, the Assistant Director of the Department of Transportation for Transportation Planning Division shall hold a hearing within 60 days upon receipt to resolve the challenge. The burden of proof at the hearing shall be on the county bringing the challenge. The decision of the Assistant Director of the Department of Transportation for Transportation Planning Division concerning the outcome of the challenge shall be final.

**Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Renumbered from R17-4-348 (Supp. 92-4).

**R17-1-349. Period of applicability**

The estimated percentage of use fuel consumed in each county that is calculated annually pursuant to the provisions of this Article shall be used to calculate the distribution pursuant to A.R.S. § 28-1598 commencing with distributions made after June 30 of that year and shall continue to be used until the next succeeding June 30 or until a new estimated percentage of use fuel consumed in each county is calculated in accordance with the provisions of this Article, whichever is later.

**Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Renumbered from R17-4-349 (Supp. 92-4).

**ARTICLE 4. REPEALED****R17-1-401. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3236, effective July 10, 2002 (Supp. 02-3). Section repealed by final rulemaking at 15 A.A.R. 182, effective March 7, 2009 (Supp. 09-1).

**R17-1-402. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3236, effective July 10, 2002 (Supp. 02-3). Section repealed by final rulemaking at 15 A.A.R. 182, effective March 7, 2009 (Supp. 09-1).

**R17-1-403. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3236, effective July 10, 2002 (Supp. 02-3). Section repealed by final rulemaking at 15 A.A.R. 182, effective March 7, 2009 (Supp. 09-1).

**R17-1-404. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3236, effective July 10, 2002 (Supp. 02-3). Section repealed by final rulemaking at 15 A.A.R. 182, effective March 7, 2009 (Supp. 09-1).

**R17-1-405. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3236, effective July 10, 2002 (Supp. 02-3). Section repealed by final rulemaking at 15 A.A.R. 182, effective March 7, 2009 (Supp. 09-1).

**R17-1-406. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3236, effective July 10, 2002 (Supp. 02-3). Section repealed by final rulemaking at 15 A.A.R. 182, effective March 7, 2009 (Supp. 09-1).

**R17-1-407. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3236, effective July 10, 2002 (Supp. 02-3). Section repealed by final rulemaking at 15 A.A.R. 182, effective March 7, 2009 (Supp. 09-1).

**ARTICLE 5. ADMINISTRATIVE HEARINGS****R17-1-501. Definitions**

The following definitions apply to this Article unless otherwise required:

1. "Administrative hearing" means a scheduled Executive Hearing Office proceeding for deciding a dispute based on the evidence presented to an administrative law judge. An administrative hearing includes:
  - a. Advance notice to participants of record,
  - b. An opportunity for witnesses to testify under oath, and
  - c. Presentation of documentary evidence.
2. "Administrative law judge" means a person who conducts a summary review or presides at an administrative hearing, with the powers listed under these rules.
3. "Affidavit" means a declaration or statement of facts made:
  - a. In writing, and

## Department of Transportation – Administration

- b. Under oath or affirmation.
- 4. “Agency action” means an action affecting a license, permit, certificate, approval, registration, or other permission issued by the Arizona Department of Transportation or the Division.
- 5. “Attorney” means:
  - a. An individual who is an active member in good standing with the State Bar of Arizona,
  - b. An individual approved to appear pro hac vice before the Executive Hearing Office pursuant to Rule 38(A) of the Arizona Supreme Court, or
  - c. An individual authorized by Rule 31 of the Arizona Supreme Court to appear on behalf of another person or legal entity at a hearing before the Executive Hearing Office.
- 6. “Business day” means a day other than a Saturday, Sunday, or state holiday.
- 7. “Deposition” means a witness’ testimony:
  - a. Given under oath or affirmation,
  - b. Brought out by another person’s oral or written questions, and
  - c. Reduced to writing for a proceeding.
- 8. “Director” means the Arizona Department of Transportation, Motor Vehicle Division Director.
- 9. “Division” means the Arizona Department of Transportation, Motor Vehicle Division.
- 10. “Executive Hearing Office” means the branch of the Director’s office that conducts an administrative hearing or a summary review.
- 11. “In writing” means:
  - a. An original document,
  - b. A photocopy,
  - c. A facsimile, or
  - d. An electronic mail message.
- 12. “Motion” means a written or oral proposal for consideration and action filed by a person with the Executive Hearing Office.
- 13. “Participant of record” means:
  - a. A petitioner or a respondent;
  - b. An attorney representing a petitioner or respondent; or
  - c. A person or entity with an interest in the subject matter of an administrative hearing as determined from Division records or from Arizona Department of Transportation records.
- 14. “Petitioner” means a person or entity that requests an administrative hearing or a summary review from the Executive Hearing Office.
- 15. “Respondent” means a person against whom relief is sought in an Executive Hearing Office proceeding.
- 16. “Summary review” means an Executive Hearing Office proceeding conducted under A.R.S. § 28-1385(L).
- 17. “Under oath or affirmation” means a witness’ sworn statement made to a person with the power to administer an oath or affirmation.

**Historical Note**

New Section recodified from R17-4-901 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-502. Request for Hearing**

- A. A petitioner or petitioner’s attorney shall file a request for a hearing:

- 1. By mail or hand delivery to the Executive Hearing Office’s street address:  
Executive Hearing Office, Arizona Department of Transportation, Motor Vehicle Division, 3737 N. 7th St., Suite 160, Phoenix, AZ 85014-5017;
- 2. By fax to (602) 241-1624; or
- 3. By e-mail to the Executive Hearing Office’s electronic mail address: hearingoffice@azdot.gov; and
- 4. Timeliness of filing is determined as of the date the Executive Hearing Office receives a request for hearing.
- B. A request for hearing shall be submitted to the Executive Hearing Office within 15 days of the date of an agency action notice.
- C. A request for a hearing shall include the petitioner’s name, mailing address, and telephone number.

**Historical Note**

New Section recodified from R17-4-902 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-503. Notice of Hearing**

- A. If a petitioner timely files a request for a hearing as provided under R17-1-502, the Executive Hearing Office shall send a notice of hearing to the petitioner’s mailing address in the request for hearing and to any other participant of record.
- B. The notice of hearing shall state the:
  - 1. Time, date, and place of the administrative hearing;
  - 2. Type of administrative hearing; and
  - 3. Statutory authority for the administrative hearing.

**Historical Note**

New Section recodified from R17-4-903 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-504. Representation**

- A. Prior to any appearance, a petitioner’s or respondent’s attorney licensed in a state other than Arizona, shall file with, and obtain approval from, the Executive Hearing Office the following documentation:
  - 1. An original motion to appear pro hac vice,
  - 2. The Notice of Receipt of Complete Application from the State Bar of Arizona, and
  - 3. The original certificate of good standing from the licensing State Bar.
- B. Documentation under subsection (A) shall be filed with the Executive Hearing Office at least five business days before date of appearance.
- C. Non-compliance with this Section shall result in the exclusion of a petitioner’s or respondent’s attorney licensed in a state other than Arizona from participation in an administrative hearing.

**Historical Note**

New Section recodified from R17-4-904 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Former R17-1-504 renumbered to R17-1-505; new R17-1-504 made by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-505. Administrative Hearing Procedure**

- A. An administrative law judge shall preside at an administrative hearing and shall:

## Department of Transportation – Administration

1. Administer oaths or affirmations;
  2. Conduct fair and impartial hearings;
  3. Have the parties state orally at the hearing their positions on the issues;
  4. Rule on motions filed under R17-1-508;
  5. Maintain an administrative hearing record;
  6. Issue a written decision, including findings of fact and conclusions of law, based on the record, and
  7. Sustain an agency action supported by the record, state and administrative law.
- B.** In addition to the requirements of subsection (A), an administrative law judge may:
1. Issue a subpoena for the attendance of a relevant witness or for the production of relevant documents or things, and
  2. Question a witness.
- C.** An administrative law judge may order summary suspension of a license according to A.R.S. § 41-1064(C).
- D.** A.R.S. § 41-1063 applies to the contents and service of an administrative hearing decision.
- E.** A participant of record shall not communicate, either directly or indirectly, with the administrative law judge about any substantive issue in a pending matter unless:
1. All participants of record are present;
  2. Communication is during a scheduled proceeding, where an absent participant of record fails to appear after proper notice; or
  3. Communication is by written motion with copies to all participants of record.
- F.** At the request of a participant of record or at the judge's discretion, an administrative law judge may order a witness excluded from the hearing room except:
1. A participant of record, or
  2. A person whose presence is shown to be essential to the presentation of a participant of record's case.

**Historical Note**

New Section recodified from R17-4-905 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Former R17-1-505 renumbered to R17-1-506; new R17-1-505 renumbered from R17-1-504 and amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-506. Administrative Hearing Evidence**

- A.** A.R.S. §§ 41-1062(A) applies to evidence offered in an administrative hearing.
- B.** The administrative law judge may admit a witness' deposition or affidavit and determine its evidentiary weight. The party taking a witness' deposition or affidavit shall bear all deposition-related or affidavit-related costs.

**Historical Note**

New Section recodified from R17-4-906 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Former R17-1-506 renumbered to R17-1-507; new R17-1-506 renumbered from R17-1-505 and amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-507. Time Computation**

In computing a time period under this Article, the Executive Hearing Office shall:

1. Exclude the day of the act triggering the period;
2. If the last day is a Saturday, Sunday, or legal holiday, extend the period to the end of the next business day;

3. If the period is 10 days or less, count only the business days; and
4. If service is by mail, extend the period by five days.

**Historical Note**

New Section recodified from R17-4-907 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Former R17-1-507 renumbered to R17-1-508; new R17-1-507 renumbered from R17-1-506 and amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-508. Motion Practice**

- A.** A party or a party's attorney making a motion shall state in the motion the relief sought, the factual basis, and the legal authority for the requested relief.
1. For a pre-hearing motion, a party or a party's attorney shall:
    - a. Make the motion in writing, and
    - b. File the motion with the Executive Hearing Office at least five business days before the administrative hearing.
  2. For a motion made at an administrative hearing:
    - a. A party or a party's attorney may make the motion orally, and
    - b. The administrative law judge may require the party or the party's attorney to file the motion in writing.
- B.** An administrative law judge may include a ruling on a motion in an administrative hearing decision.

**Historical Note**

New Section recodified from R17-4-908 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Former R17-1-508 renumbered to R17-1-509; new R17-1-508 renumbered from R17-1-507 and amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-509. Subpoena Issuance**

- A.** In connection with an administrative hearing, an administrative law judge may issue a subpoena to compel the attendance of a witness or the production of documents or things.
1. A party or a party's attorney requesting a subpoena shall file a written subpoena request, briefly stating the substance of the evidence sought and why the evidence is necessary for the hearing.
  2. An administrative law judge has discretion to issue or deny a subpoena based on the:
    - a. Relevance of the evidence sought,
    - b. Reasonable need for the evidence sought, and
    - c. Timeliness of the request.
- B.** A party or a party's attorney requesting a subpoena shall:
1. Draft the subpoena in the correct format, including:
    - a. The caption and docket number of the matter;
    - b. A list of documents or things to be produced;
    - c. The full name and address of:
      - i. The custodian of the documents or things listed, or
      - ii. The person ordered to appear;
    - d. The time, date, and place to appear or to produce documents or things; and
    - e. The name, address, and telephone number of the party or the party's attorney requesting the subpoena;
  2. Obtain an administrative law judge's signature on the subpoena,

## Department of Transportation – Administration

3. Ensure service of the subpoena on the person named in the subpoena under subsection (C), and
  4. Bear all subpoena-related costs.
- C.** Unless otherwise provided by statute or administrative rule, a party or a party's attorney requesting a subpoena shall have the subpoena served by a person who:
1. Is at least age 18 and is not a party to the administrative hearing;
  2. Delivers, within Arizona, a copy of the subpoena to the person named in the subpoena;
  3. If the subpoena requires the named person's attendance at an administrative hearing, hands the named person the amount prescribed in A.R.S. § 12-303 as the witness fee for one day's attendance and allowed mileage; and
  4. Files with the Executive Hearing Office a proof of service, signed by the person who served the subpoena, certifying:
    - a. The date of service,
    - b. The manner of service, and
    - c. The name of the person served.
- D.** A party or a person served with a subpoena who objects to the subpoena or a portion of the subpoena, may file an objection in writing with the Executive Hearing Office. The party or person served with the subpoena shall:
1. State in the objection the reasons for objecting; and
  2. File the objection:
    - a. Within five days after service of the subpoena; or
    - b. If the subpoena is served less than five days before an administrative hearing, at the start of the hearing.
- E.** An administrative law judge may quash or modify a subpoena if:
1. The subpoena is unreasonable or imposes an undue burden, or
  2. The evidence sought may be obtained by another method.
- F.** Unless otherwise provided by statute or administrative rule, a party or a party's attorney requesting a subpoena or the Arizona Department of Transportation shall enforce the subpoena in the Superior Court of Arizona, in the county where the administrative hearing is held.

**Historical Note**

New Section recodified from R17-4-909 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Former R17-1-509 renumbered to R17-1-510; new R17-1-509 renumbered from R17-1-508 and amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-510. Document Filing**

- A.** A document filed in an Executive Hearing Office proceeding shall state:
1. The description and title of the proceeding,
  2. The name of the party filing the document,
  3. The date the document is signed,
  4. The title and address of the document's signer, and
  5. If applicable, the attorney's name, state bar number, law firm, address, and telephone number.
- B.** A party or a party's attorney shall sign a document filed with the Executive Hearing Office. By signing, the signer certifies that:
1. The signer read the document;
  2. The document is supported by the facts and the law or by a good faith argument to extend, modify, or reverse the law; and

3. The document is not filed to harass, delay, or needlessly increase the cost of the Executive Hearing Office proceeding.
- C.** A document is filed as of the date the Executive Hearing Office receives the document.

**Historical Note**

New Section recodified from R17-4-913 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Former R17-1-510 renumbered to R17-1-511; new R17-1-510 renumbered from R17-1-509 and amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-511. Continuing an Administrative Hearing**

- A.** An administrative hearing participant of record requesting a continuance shall file the request with the Executive Hearing Office at least seven business days before the hearing. The continuance request shall state a reason for continuing the administrative hearing.
- B.** An administrative law judge shall not grant a continuance unless the participant of record establishes good cause for the continuance.
- C.** An administrative law judge shall not grant a request for continuance which is untimely unless the participant of record establishes good cause for the delay in filing the request.

**Historical Note**

New Section recodified from R17-4-911 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Former R17-1-511 renumbered to R17-1-512; new R17-1-511 renumbered from R17-1-510 and amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-512. Rehearing and Judicial Review**

- A.** A party may file a written motion for rehearing with the executive hearing office, stating in detail the reasons a rehearing should be granted.
- B.** Unless otherwise provided by statute, a motion for rehearing is timely if received by the Executive Hearing Office within the later of:
1. Fifteen days after the date of in-person service of the administrative hearing decision, or
  2. Fifteen days after the mailing date of the administrative hearing decision.
- C.** A timely motion for rehearing stays an agency action, other than:
1. A summary suspension under A.R.S. § 41-1064(C), or
  2. An agency action sustained under subsection (J).
- D.** An administrative law judge may grant a rehearing for any of the following reasons materially affecting a party's rights:
1. Irregularity in the proceedings of the Arizona Department of Transportation or the Division, or any order or abuse of discretion, that deprived the moving party of a fair hearing;
  2. Misconduct of the Arizona Department of Transportation or the Division, its staff, an administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  5. Excessive penalty;

## Department of Transportation – Administration

6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
  7. That the administrative hearing decision is a result of passion or prejudice; or
  8. That the findings of fact or decision is not justified by the evidence or is contrary to law.
- E.** An administrative law judge may affirm or modify an administrative hearing decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying an administrative hearing decision or granting a rehearing shall specify the grounds for the order.
- F.** An administrative law judge may order a rehearing for a reason in subsection (D).
- G.** An administrative law judge may require the filing of written briefs on the issues raised in a motion for rehearing.
- H.** When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. An administrative law judge may extend this period for a maximum of 20 days for good cause as described in subsection (I) or by written stipulation of the parties. Reply affidavits may be permitted at the discretion of the administrative law judge.
- I.** An administrative law judge may extend the time limits in subsections (A) and (H) upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have known in time, using reasonable diligence, and a ruling on the motion will:
1. Further administrative convenience, expedition, or economy; or
  2. Avoid undue prejudice to any party.
- J.** An administrative law judge shall issue an administrative hearing decision as a final decision without an opportunity for a rehearing if the administrative law judge makes specific findings that:
1. The public health, safety, and welfare require immediate effectiveness of the administrative hearing decision; and
  2. A rehearing of the decision is impractical, unnecessary, or contrary to the public interest.
- K.** A party may appeal or request judicial review of a final administrative hearing decision in the Superior Court of Arizona as provided by statute.

**Historical Note**

New Section recodified from R17-4-912 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Former R17-1-512 renumbered to R17-1-513; new R17-1-512 renumbered from R17-1-511 and amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-513. Summary Review of an Administrative Suspension Order Under A.R.S. § 28-1385**

- A.** A petitioner issued a driving privilege suspension order under A.R.S. § 28-1385, may request summary review instead of a hearing.
1. The requirements of R17-1-502 apply to a summary review request.
  2. The petitioner or the petitioner's attorney may include with the summary review request a written statement of:
    - a. The reasons why the Division should not suspend the petitioner's driving privilege, and
    - b. Reasons to find that at least one issue in subsections (C)(1) through (C)(3) is not met by the affidavit filed by a law enforcement officer with the Department.

- B.** An administrative law judge conducting summary review of a suspension order under A.R.S. § 28-1385 shall:
1. Conduct the summary review without the petitioner's presence,
  2. Examine the documents in the Executive Hearing Office case file, and
  3. Issue a written summary review decision sustaining or voiding the suspension order.
- C.** An administrative law judge conducting summary review of a suspension order under A.R.S. § 28-1385 shall consider the following factors:
1. Whether the law enforcement officer's certified report reflects the officer had reasonable grounds to believe the petitioner was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor;
  2. Whether the law enforcement officer's certified report reflects the officer placed the petitioner under arrest for a violation of A.R.S. §§ 4-244(33), 28-1381, 28-1382, or 28-1383, and the petitioner complied with A.R.S. § 28-1321;
  3. Whether the law enforcement officer's certified report reflects petitioner's test results indicating at least the applicable alcohol concentration stated in A.R.S. § 28-1385; and
  4. Whether the petitioner's written statement of the reasons why the Division should not suspend the petitioner's driving privilege provides convincing evidence that at least one issue in subsections (C)(1) through (C)(3) was not met.

**Historical Note**

New Section recodified from R17-4-910 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4133, effective September 13, 2001 (Supp. 01-3). Former R17-1-513 renumbered to R17-1-514; new R17-1-513 renumbered from R17-1-512 and amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**R17-1-514. Maintaining Administrative Hearing Decorum**

- A.** All hearings are open to the public, however a person shall not interfere with access to or from a hearing room, or interfere, or threaten interference with a hearing.
- B.** If a person interferes, threatens interference, or disrupts a hearing, the administrative law judge may order the disruptive person to leave or be removed.

**Historical Note**

Section R17-1-514 renumbered from R17-1-513 and amended by final rulemaking at 13 A.A.R. 4598, effective February 3, 2008 (Supp. 07-4).

**ARTICLE 6. SOLICITATION****R17-1-601. Definitions**

The following terms and phrases apply to this Article, unless otherwise specified:

"Animal guide or service animal" means an animal that:

- Completes a formal training program,
- Assists its owner in one or more daily living tasks associated with a productive lifestyle, and
- Is trained to not pose a danger to the health and safety of the general public.

"Application" means a solicitation request form that is completed and submitted to the Department by a person seeking to conduct a solicitation on Department property.



## Department of Transportation – Administration

“Department” means the Arizona Department of Transportation.

“Department property” means real property and buildings under the jurisdiction of the Director, excluding a highway, highway right-of-way, excess right-of-way, property leased by the Department to a third party, and any sidewalk or paved area along the street frontage of the property that is not physically distinguishable from an adjacent municipal or other public sidewalk.

“Director” means the Director of the Arizona Department of Transportation or the Director’s designee.

“Excess right-of-way” means real property under the jurisdiction of the Director that is:

Determined by the Director to be no longer needed or used for transportation purposes, and

Held by the Department for disposition under the provisions of A.R.S. § 28-7095.

“Permit” means an original application form signed by the Director as authorization for a solicitor to conduct a specified solicitation.

“Person” has the meaning prescribed under A.R.S. § 1-215.

“Solicitation” means any activity, except an activity prohibited under R17-1-607(B)(3) or (4), that can be reasonably interpreted as being for the distribution of information or the promotion of causes or memberships.

“Solicitation area” means a location outside a building on Department property, which may be designated by an office supervisor or the office supervisor’s designee for solicitation activities without interfering with business operations, blocking entry or exit doors, or inhibiting pathways necessary for building access or egress.

“Solicitation material” means advertising circulars, flyers, handbills, leaflets, petitions, or other printed information.

“Solicitor” means a person conducting a solicitation or the person’s agent.

“Work site” means a location within a building on Department property where public employees or officers conduct the daily business of the Department. An office supervisor may designate a cafeteria or break room as a work site if appropriate.

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 1995, effective September 13, 2011 (Supp. 11-3).

**R17-1-602. Applicability; Exemptions**

- A. This Article does not apply to any state-authorized or state-sponsored employee programs expressly exempted by the Arizona Department of Administration under A.A.C. R2-11-309(A).
- B. Employee associations composed principally of employees of state government agencies may apply under this Article for a permit to conduct a solicitation or collect membership fees at a Department work site. Employee associations composed principally of employees of state government agencies are exempt from the requirements of R17-1-607 and R17-1-608, as applicable.

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 1995, effective September 13, 2011 (Supp. 11-3).

**R17-1-603. Application for Permit**

- A. A person seeking to conduct a solicitation on Department property shall first apply to the Department for a permit by completing a solicitation request form provided by the Department.
- B. The person shall submit the completed solicitation request form by mail, fax, or e-mail as provided on the form at least 15 days before the desired effective date of the solicitation.
- C. A completed application is one that is legible and contains, at a minimum, all of the following information:
  - 1. The name, address, and telephone number of the applicant. If a permit is requested on behalf of an organization, the application shall also include the name, address, and telephone number of the organization, as well as its primary representative or contact person deemed in charge of and responsible for the proposed solicitation;
  - 2. The proposed effective date and approximate starting and concluding times of the proposed solicitation;
  - 3. The names of all persons who will take part in conducting solicitation activities on behalf of the applicant;
  - 4. The specific office location requested for the proposed solicitation;
  - 5. The general purpose of the proposed solicitation;
  - 6. Copies of all solicitation materials to be used so the Department can verify that the purpose of the solicitation does not violate R17-1-607(B)(3) or (4);
  - 7. Certification by the applicant that the applicant, and any person acting on behalf of the applicant, has not been convicted of a felony or misdemeanor offense involving dishonesty, fraud, theft, assault, battery, or other crime involving physical violence within five years of the date of the application; and
  - 8. The signature of the applicant acknowledging that he or she agrees to:
    - a. Comply with all requirements under this Article; and
    - b. Indemnify and reimburse the Department for claims and expenses arising out of the solicitor’s use of Department property, including any cleanup or damage repair costs associated with the solicitation incurred by the Department.
- D. The Department, to the extent necessary and as appropriate to the time, place, and manner of each proposed solicitation and the safety issues it may pose, may require an applicant to provide at the applicant’s own expense:
  - 1. Adequate liability insurance coverage in the form of a certificate of insurance listing the state of Arizona and the Arizona Department of Transportation as additional insured entities, and
  - 2. Adequate security services during solicitation activities.
- E. The Department shall consider the following criteria in determining whether one or more of the actions in subsection (D) is necessary and in the best interest of the state. The listed factors also apply in determining the amount of liability insurance coverage an applicant shall provide:
  - 1. Previous experience with similar solicitation activities,
  - 2. Data regarding the risk of the proposed solicitation activities,
  - 3. Security services required for similar solicitation activities in Arizona and the cost of those services, and
  - 4. The applicant’s ability to pay an insurance premium or security service provider.

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 1995, effective September 13, 2011 (Supp. 11-3).

**R17-1-604. Application Processing; Time-frames**

## Department of Transportation – Administration

- A. The Department shall provide notice to the applicant that the application is either complete or incomplete within five business days of receiving the application:
  - 1. If the application is complete, the notice to the applicant shall indicate the date the Department stamped the complete application as received; or
  - 2. If the application is incomplete, the notice to the applicant shall indicate the current date and include an itemized list of all missing information the Department requires of the applicant before the application can be processed.
- B. An applicant with an incomplete application shall respond to the notice provided by the Department under subsection (A)(2) within 10 days after the date indicated on the notice.
  - 1. The Department may deny the permit if the applicant fails to provide all required information within 10 days after the date of the notice.
  - 2. On receipt of all required information, the Department shall provide to the applicant the notice prescribed under subsection (A)(1).
- C. The Director shall render a permit decision within 10 business days after the date an application is determined to be complete. The date of receipt is the date on the notice provided by the Department to the applicant under subsection (A)(1) acknowledging receipt of the complete application.
- D. For the purpose of A.R.S. § 41-1073, the Department establishes the following permit time-frames:
  - 1. Administrative completeness review time-frame: Five business days.
  - 2. Substantive review time-frame: 10 business days.
  - 3. Overall time-frame: 15 business days.
- 3. Shall not be transferred or assigned, in whole or in part, to any person other than the person or organization to whom the permit is issued; and
- 4. May be renewed only upon submission of a new application.
- B. The Director shall deny an application for a permit for one or more of the following reasons:
  - 1. The solicitation is likely to:
    - a. Interfere with the work of an employee or daily business of the Department;
    - b. Create an unreasonable risk of injury to a person or risk of damage to property; or
    - c. Conflict with the time, place, manner, or duration of another solicitation for which a permit is already issued or pending;
  - 2. The applicant or the solicitation activity fails to comply with the requirements of this Article or any other applicable rule or statute;
  - 3. The applicant, or the person or organization on whose behalf the application was made, has:
    - a. Within 12 months of the date of application, had a previous solicitation permit revoked by the Department for non-compliance with a provision of this Article or any other applicable rule or statute; or
    - b. Within five years of the date of application, on three separate occasions, had a previous solicitation permit revoked by the Department for non-compliance with a provision of this Article or any other applicable rule or statute.
- C. If the Director denies an application for a solicitation permit, the Department shall send written notification of the Director's decision to the mailing address listed on the applicant's permit application, within three business days of denying the permit. The written notification shall state:
  - 1. The Department's reason for the denial, citing all applicable supporting statutes or rules;
  - 2. The applicant's right to request a hearing to appeal the Department's action under A.R.S. Title 41, Chapter 6, Article 6, and Article 5 of this Chapter; and
  - 3. The time-frame for requesting a hearing with the Department's Executive Hearing Office as prescribed under Article 5 of this Chapter.
- D. The scope of the hearing shall be limited to a determination of whether the Department possessed grounds to deny the solicitor's permit under subsection (B).

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 1995, effective September 13, 2011 (Supp. 11-3).

**R17-1-605. Permit Limitations**

- A. The Director may accept an application and issue a solicitation permit under this Article on a first-come, first-served basis no earlier than 60 days before the proposed solicitation.
- B. A permit holder may conduct a solicitation only as authorized by the Director under this Article, and only:
  - 1. At the approved location designated on the permit,
  - 2. Between the hours of 9:00 a.m. and 4:00 p.m., and
  - 3. On a day the approved location is open for regular business.
- C. A maximum of three solicitations may be conducted at any one approved location on a particular day.
- D. A maximum of two solicitor representatives named on the permit may conduct solicitation activities on behalf of the permit holder at any one approved location, unless extenuating circumstances exist and advance written permission to exceed this limitation is granted by the Director on receipt of a written request by the solicitor.

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 1995, effective September 13, 2011 (Supp. 11-3).

**R17-1-606. Permit Issuance; Denial; Appeal; Hearing**

- A. If the Director approves an application for a solicitation permit, the permit:
  - 1. Shall expire after the approved solicitation time period specified on the permit, unless previously revoked;
  - 2. Shall not be valid for more than 90 days from the effective date approved by the Director;

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 1995, effective September 13, 2011 (Supp. 11-3).

**R17-1-607. Solicitor Responsibilities; Prohibited Activities**

- A. After receiving express written permission from the Director for a solicitation on Department property, an approved solicitor shall:
  - 1. Provide a table to be used for all authorized solicitation activity;
  - 2. Present the original solicitation permit without any modifications or alterations, to an office supervisor at the approved location for inspection and sign-in prior to setting up a table or distributing materials;
  - 3. Provide at least one form of photo identification to an office supervisor for each person participating in or conducting solicitation activities on behalf of the permit holder;
  - 4. Maintain a copy of the approved solicitation permit at each authorized location at all times;
  - 5. Set up a table only in the solicitation area;

## Department of Transportation – Administration

6. Remain at the table in the solicitation area while performing any solicitation activity;
  7. Ensure that no entry or exit doors are blocked at any time;
  8. Ensure that no solicitation activity interferes with building access or egress;
  9. Ensure that no solicitation activity interferes with Department operations; and
  10. Ensure that all solicitors employed by, or acting on behalf of, the permit holder display a name badge that is at least three inches in height and four inches in width. The name badge shall contain:
    - a. The name of the organization conducting the solicitation, if applicable;
    - b. The organization's address;
    - c. The name of the individual solicitor in bold letters; and
    - d. The words "Authorized Representative."
- B.** A solicitor shall not:
1. Conduct any type of solicitation on Department property without the express written permission of the Director as provided under this Article;
  2. Perform any activity not specifically authorized by the permit;
  3. Collect monetary contributions of any kind, including credit or debit card numbers, whether for charitable purposes or not;
  4. Offer goods or services for sale, or engage in any other activity involving the exchange of money for a product or service, including collecting credit or debit card numbers;
  5. Engage in any solicitation activity outside of the solicitation area;
  6. Engage in behavior that interferes with the business activities of the Department and its customers, including but not limited to:
    - a. Following or continuing to solicit a person after that person has given a negative response to the solicitation;
    - b. Intimidating, verbally harassing, or shouting at a customer or employee of the Department; or
    - c. Preventing or interrupting the flow of customer traffic to or from a building located on Department property.
  7. Use any audio amplification device to attract the public, unless the device is assistive technology relating to a disability;
  8. Use any Department materials, supplies, equipment, or other resources to conduct a solicitation;
  9. Bring an animal, other than an animal guide or service animal, into the solicitation area;
  10. Leave garbage, litter, trash, human or animal waste, or any other kind of waste on Department property unless the waste is deposited in a container the Department maintains for that kind of waste; or
  11. Conduct a solicitation on Department property in violation of a permit limitation provided under R17-1-605.

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 1995, effective September 13, 2011 (Supp. 11-3).

**R17-1-608. Signage Requirements**

- A.** A solicitor approved for conducting a solicitation at any Department location shall provide, and prominently display beside each solicitation table, a sign that is clearly visible to the public.
1. The sign shall:
    - a. Be at least 22" wide and 28" high;

- b. Be printed in black ink on plain white poster board; and
  - c. Include the following language using a minimum of one inch letters in Times New Roman font: "(Name of company or organization represented) is a private organization. Its representatives are not affiliated with, nor are they employees of, the state of Arizona or the Arizona Department of Transportation. By approval of this solicitation, the state of Arizona does not endorse any product or petition promoted by solicitors/representatives."
2. The sign for a solicitor providing voter registration services shall include the following additional language using a minimum of one inch letters in Times New Roman font: "ADOT provides voter registration services inside all Motor Vehicle Division Customer Service offices and on the internet at [www.ServiceArizona.com](http://www.ServiceArizona.com)."
- B.** The sign required by the Department under subsection (A) shall contain no additions or modifications.

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 1995, effective September 13, 2011 (Supp. 11-3).

**R17-1-609. Removal; Revocation; Appeal; Hearing**

- A.** The Department may immediately remove, or cause to be removed, items of a solicitation that may damage state property, inhibit building access or egress, or pose safety issues. The Department also may remove, or cause to be removed, any and all solicitors who are found to be damaging state property, inhibiting building access or egress, or posing safety issues.
- B.** The Director may revoke a permit and ask a solicitor to leave the premises if the Director determines that:
1. The solicitor's permit application contained a false or misleading statement or a material omission, or
  2. The solicitor or solicitation failed to comply with a provision of this Article or any other applicable rule or statute.
- C.** If the Director revokes a solicitation permit, the Department shall send written notification of the Director's decision to the mailing address listed on the solicitor's permit application, within three business days of revoking the permit. The written notification shall state:
1. The Department's reason for the revocation, citing all applicable supporting statutes or rules;
  2. The applicant's right to request a hearing to appeal the Department's action under A.R.S. Title 41, Chapter 6, Article 6, and Article 5 of this Chapter; and
  3. The time-frame for requesting a hearing with the Department's Executive Hearing Office as prescribed under Article 5 of this Chapter.
- D.** The scope of a hearing shall be limited to a determination of whether the Department possessed grounds to revoke the solicitor's permit under subsection (B).

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 1995, effective September 13, 2011 (Supp. 11-3).

**ARTICLE 7. ADVERTISING AND SPONSORSHIP PROGRAM****R17-1-701. Definitions**

In addition to the definitions provided under A.R.S. §§ 28-601, 28-7316, and 28-7901, the following terms apply to this Article:

"Acknowledgment plaque" means a sign panel intended only to inform the traveling public that a highway-related service,

## Department of Transportation – Administration

product, or monetary contribution was provided by the sponsor portrayed on the sign panel.

“Acknowledgment sign” means a sign intended only to inform the traveling public that a highway-related service, product, or monetary contribution was provided by the sponsor portrayed on the sign. Acknowledgment signs are a way of recognizing a company, business, or volunteer group that provides a highway-related service.

“Advertise” means to display or promote commercial brands, products, or services on authorized non-highway assets and facilities of the Department. Advertising may contain descriptive words or phrases providing information relating to promotional offers, location directions, amenity listings, telephone numbers, internet addresses (including domain names), slogans, or any other message essential in identifying the advertiser or sponsor, and informing the public of where the promoted products or services can be obtained.

“Advertiser” means a person, firm, or entity authorized to enter into a lease agreement with the Department or its contractor for providing a motor vehicle-, motorist-, or highway-related service or product to the Department, or a monetary contribution to the state highway fund as provided under A.R.S. § 28-7316, in exchange for the ability to advertise on non-highway assets or facilities authorized by the Department.

“Advertising agreement” means a written lease agreement between an advertiser and the Department or its contractor allowing the advertiser to advertise on authorized non-highway assets and facilities of the Department.

“Contract” means a written agreement between a contractor and the Department, which describes the obligations and rights of both parties relative to the administration, operation, and maintenance of the advertising and sponsorship program, or an element thereof, when conducted on behalf of the Department.

“Contractor” means a person, firm, or entity that enters into a contract with the Department to administer, operate, and maintain on behalf of the Department the advertising and sponsorship program, or an element thereof, and that is responsible for conducting all aspects of the advertising and sponsorship program as outlined in the contract and this Article.

“Clear zone” means the unobstructed relatively flat area beyond the edge of a roadway that allows a driver to stop safely or regain control of a vehicle that leaves the main traveled way.

“Department” means the Arizona Department of Transportation as the owner of the highway on which signs are placed and the organization that directly receives the highway-related service, product, or monetary contribution from a sponsor, and to which the sponsorship policy and agreement applies.

“Driver distraction” means a driver’s inattention to the driving task at hand, resulting from internal or external events or actions.

“FHWA” means the Federal Highway Administration of the U.S. Department of Transportation.

“Highway” has the same meaning as prescribed in A.R.S. § 28-101, under “street or highway.”

“Highway-related service” means any activity customarily administered or delivered by the Department in the process of designing, building, operating, or maintaining key highway facilities, including, but not limited to, highway construction and maintenance activities, traffic management programs, rest

area operation and maintenance, emergency response and service patrols, travel information services, parkway and interchange landscape maintenance, snow removal and ice control, dust abatement, or adopt-a-highway litter removal and other highway beautification programs.

“Highway right-of-way” means a strip of property, owned by the Department, within which a highway exists or is planned to be built. The highway right-of-way consists of all lands within the defined highway right-of-way limits, including the airspace above and below. This area typically includes: roadways; shoulders; sidewalks; rest areas; clear zones; and areas for drainage, utilities, landscaping, berms, and fencing.

“Interstate highway” or “Interstate highway system” has the meaning prescribed in A.R.S. § 28-7901, under “Interstate system.”

“Lease” or “Lease agreement” means a written agreement between the Department, or its contractor, and an advertiser or sponsor, which authorizes the advertiser or sponsor to advertise in, or otherwise sponsor, certain assets or facilities of the Department subject to the terms and conditions outlined in the agreement and this Article.

“MUTCD” means the most recent edition of the federal Manual on Uniform Traffic Control Devices for Streets and Highways, as published by the FHWA at [www.mutcd.fhwa.dot.gov](http://www.mutcd.fhwa.dot.gov) and amended by the Department in the Arizona Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways available on the Department’s web site at [www.azdot.gov](http://www.azdot.gov). The federal Manual on Uniform Traffic Control Devices for Streets and Highways is used by road managers nationwide for uniform installation and maintenance of traffic control devices.

“Primary highway” has the meaning prescribed in A.R.S. § 28-7901, under “Primary system.”

“Rest area” means an area or site established and maintained within, or adjacent to, the right-of-way of an interstate or primary highway under the supervision and control of the Department for the safety, recreation, and convenience of the traveling public.

“Serviceable” means an acknowledgment sign or plaque that is usable, in working order, and adequately fulfills its function.

“Sponsor” means a person, firm, or entity authorized to enter into a lease agreement with the Department or its contractor for sponsorship of a certain element of the Department’s operation of an asset or facility by providing a motor vehicle-, motorist-, or highway-related service or product to the Department, or a monetary contribution to the state highway fund as provided under A.R.S. § 28-7316, in exchange for placement of an acknowledgment sign or plaque to inform the public that a monetary contribution or a motor vehicle-, motorist-, or highway-related service or product was provided by the sponsor.

“Sponsorship agreement” means a written lease agreement between a sponsor and the Department or its contractor, which authorizes sponsorship of a certain element of the Department’s operation of an asset or facility.

**Historical Note:**

New Section R17-1-701 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

**R17-1-702. Program Administration**

- A. The Department may operate an advertising and sponsorship program, or may select a contractor to administer its advertis-

## Department of Transportation – Administration

ing and sponsorship program, to generate additional revenue for the state highway fund as provided under A.R.S. § 28-7316.

- B. If the Department utilizes a contractor to administer its advertising and sponsorship program, the Department shall solicit offers to select a contractor as provided under A.R.S. Title 41, Chapter 23, Arizona Procurement Code.
- C. Use of highway right-of-way for advertising purposes is prohibited, except as provided in 23 U.S.C. 111(b), Rest Areas.
- D. The Department or its contractor may provide opportunities for:
  1. Advertisers to buy or lease advertising space or media on authorized non-highway assets and facilities of the Department;
  2. Advertisers to buy or lease advertising space or media for conducting limited commercial activities at rest areas as permitted under 23 U.S.C. 111; and
  3. Sponsors to provide monetary sponsorship of any element of the Department's operation of highway or non-highway assets and facilities by providing highway-related services or products to the Department, or monetary contributions to the state highway fund as provided under A.R.S. § 28-7316.

**Historical Note:**

New Section R17-1-702 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

**R17-1-703. Request for Advertising or Sponsorship; Approval or Denial; Time-frames**

- A. An advertiser or sponsor seeking to participate in the Department's advertising and sponsorship program by leasing or buying advertising on non-highway assets of the Department, or providing monetary sponsorship of highway-related facilities and assets of the Department, may complete and submit electronically to the Department or its contractor an online request form provided by the Department at [www.azdot.gov](http://www.azdot.gov).
- B. The Department shall, within 10 calendar days of receiving a request under subsection (A) or (C), provide written notice to the advertiser or sponsor acknowledging receipt of the request:
  1. If the request is complete, the notice shall acknowledge receipt of a complete request and indicate the date the Department received the complete request; or
  2. If the request is incomplete, the notice shall indicate the current date and include an itemized list of all additional information the advertiser or sponsor must provide to the Department before the request can be considered complete and subsequently processed.
- C. An advertiser or sponsor with an incomplete request shall respond to the notice provided by the Department under subsection (B)(2) within 15 calendar days after the date indicated on the notice or the Department may deny the request for advertising or sponsorship.
- D. The Department shall render a decision on the request within 20 calendar days after the date on the notice the Department provided to the advertiser or sponsor under subsection (B)(1) acknowledging receipt of a complete request.
- E. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames:
  1. Administrative completeness review time-frame: 10 calendar days.
  2. Substantive review time-frame: 20 calendar days.
  3. Overall time-frame: 30 calendar days.
- F. Advertisers and sponsors authorized by the Department or its contractor to participate in the Department's advertising and sponsorship program may lease or buy advertising on authorized assets or facilities of the Department, conduct limited

commercial activities at rest areas, or provide monetary sponsorship of authorized facilities and assets of the Department if the advertiser or sponsor:

1. Is a provider of motor vehicle- or motorist-related goods or services, as provided under A.R.S. § 28-7316;
2. Is authorized to enter into a lease agreement with the Department or its contractor for:
  - a. Advertising on, or sponsorship of, non-highway assets or facilities of the Department;
  - b. Advertising on, or sponsorship of, rest area facilities as permitted under 23 U.S.C. 111; or
  - c. Sponsorship of highway-related assets or facilities of the Department; and
3. Is otherwise eligible under this Article to participate in the Department's advertising and sponsorship program.

**Historical Note:**

New Section R17-1-703 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

**R17-1-704. Advertising or Sponsorship Approval; Agreement; LeaseRequest for Advertising or Sponsorship; Approval or Denial; Time-frames**

- A. An advertiser or sponsor seeking to participate in the Department's advertising and sponsorship program shall first negotiate and enter into a written advertising or sponsorship agreement with the Department or its contractor.
- B. An advertising or sponsorship agreement made between the Department, or its contractor, and the advertiser or sponsor may be of any duration up to five years and shall:
  1. Provide economic viability and a net benefit to the public, in the discretion of the Department;
  2. Include provisions for maintenance and removal of physical elements of the advertising or sponsorship acknowledgment after the agreement expires or the advertiser or sponsor withdraws;
  3. Identify any specific highway sites, corridors, or operations supported by any monetary contribution provided by a sponsor, if the sponsor is making a monetary contribution;
  4. Be approved by the FHWA Division Administrator before it becomes effective, if the agreement involves the Interstate highway system;
  5. Require that the authorized advertiser or sponsor comply with all state laws prohibiting discrimination based on race, religion, color, age, sex, national origin, and other applicable laws;
  6. Include a termination clause, where applicable, based on:
    - a. Safety concerns, as determined by the Department in its sole discretion;
    - b. Interference with the free and safe flow of traffic, as determined by the Department in its sole discretion;
    - c. Construction activities approved or initiated by the Department in the area, which may pose conflicts with advertising or sponsorship activities, including construction and maintenance projects, road widening, detour, diversion, rebuilding, re-routing, temporary or permanent closure because of weather or other damage, land-use changes, changes in applicable federal or state laws, or any similar reason for termination of the agreement;
    - d. Payment default by the advertiser or sponsor;
    - e. Noncompliance with contractual terms or provisions of the agreement; or
    - f. A determination, made by the Department in its sole discretion, concluding that the agreement is not in the public interest;

## Department of Transportation – Administration

7. Include only the types of advertisers and sponsors deemed acceptable under applicable state and federal laws;
  8. Recommend that for assets and facilities on which federal-aid funds were not used, the advertising or sponsorship revenue or monetary contributions received as part of the agreement be used for highway purposes as permitted under state law;
  9. Require that for assets and facilities on which federal-aid funds were used, the advertising or sponsorship revenue or monetary contributions received as part of the agreement be used only for highway purposes;
  10. Require that for rest areas authorized for limited commercial activities under 23 U.S.C. 111, the advertising or sponsorship revenue or monetary contributions received as part of the agreement be used to cover the costs of acquiring, constructing, operating, and maintaining rest areas;
  11. Require the advertiser or sponsor to certify that the advertiser or sponsor will comply with all applicable federal, state, and local laws, ordinances, rules, regulations, and contractual requirements of the Department's advertising and sponsorship program and maintain content- and viewpoint-neutral standards as provided under this Article; and
  12. Require the advertiser or sponsor to acknowledge that it is the Department's intent to preserve the assets and facilities of the Department as a non-public forum, notwithstanding the placement in those locations of the advertising or sponsorship content referenced in the agreement.
- C. The Department or its contractor shall provide a copy of any signed advertising or sponsorship agreement to the advertiser or sponsor if approved.
- D. All advertising or sponsorship agreements under this Article are public records under A.R.S. Title 39, Chapter 1, Article 2, and A.R.S. Title 41, Chapter 1, Article 2.1. The Department or its contractor shall not agree with any advertiser or sponsor to keep confidential, or not to disclose upon receipt of a public record request, either the content of any written agreement under this Article, or the negotiations leading up to any agreement, nor the advertiser's proprietary or trade information disclosed to the Department or its contractor in the course of negotiating or executing such written agreement, without regard to whether such information, including a logo, slogan, or other commercial message is claimed to be confidential, proprietary, trademarked, copyrighted, or otherwise registered by the advertiser, sponsor, or agent with rights reserved.

**Historical Note**

New Section R17-1-704 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

**R17-1-705. Advertising or Sponsorship Acknowledgment; Content Approval**

- A. An advertiser or sponsor authorized by the Department or its contractor to participate in the Department's advertising and sponsorship program shall obtain Department approval of all advertising or sponsorship content, in accordance with the standards provided under this Article and any other applicable law, before the advertising or sponsorship content appears on any asset or facility the Department designates for advertising or sponsorship opportunities under this Article or any other advertising or sponsorship agreement.
- B. An advertiser or sponsor shall deliver to the Department or its contractor for installation, advertising content, images, or copy that meets all of the Department's content standards and technical specifications provided under this Article for the appropriate creation and display of advertising or sponsorship acknowledgment.

For advertising on, or sponsorship of, authorized assets and facilities of the Department, the Department or its contractor shall:

- C. For advertising on, or sponsorship of, authorized assets and facilities of the Department, the Department or its contractor shall:
1. Review all advertising or sponsorship acknowledgment content for compliance with the standards provided under this Article and any other applicable law; and
  2. Ensure that advertising or sponsorship acknowledgment content does not interfere with the business activities of the Department and its customers.
- D. For monetary sponsorship of an element of the Department's operation of any highway-related assets and facilities, the Department or its contractor shall additionally:
1. Ensure that the most current FHWA policy directives are followed when using signs to acknowledge the provision of highway-related services under both corporate and volunteer sponsorship programs;
  2. Ensure that all signs are of reasonable size, as determined by the Department, and as specified in the provisions of the MUTCD and FHWA policy directives; and
  3. Ensure that all sign message content is simple, brief, and minimizes driver distraction.

**Historical Note**

New Section R17-1-705 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

**R17-1-706. Advertising or Sponsorship Acknowledgment; Prohibited Content**

- A. The Department shall deny a request for placement of advertising or sponsorship content if the content is not for a motor vehicle-, motorist-, or highway-related service, message, or product, unless otherwise authorized by law. The Department shall also deny a request for placement of advertising or sponsorship content if the content is likely to:
1. Conflict with other advertising or sponsored content for which the Department has an existing or pending agreement;
  2. Conflict with the reasonable standards established by the Department under this Section;
  3. Conflict with the time, place, manner, or duration of the Department's office or highway operations or security;
  4. Create an unreasonable risk of injury to a person or risk of damage to property;
  5. Interfere with the work of a Department employee or the business or mission of the Department; or
  6. Result in non-compliance with other applicable statutes or rules.
- B. The Department, in its sole discretion, may reject types of advertising or sponsorship content that the Department deems unacceptable for its advertising and sponsorship program. Content deemed unacceptable by the Department for its advertising and sponsorship program shall include any advertising or sponsorship content that:
1. Contains obscene, pornographic, indecent or explicit messages, or contains an offensive level of sexual over-tone, innuendo, or double entendre, as determined by the Department in accordance with community standards in the vicinity of where the content would be displayed;
  2. Contains profanity or vulgar language;
  3. Creates non-compliance with federal and state nondiscrimination laws, regulations, and policies;
  4. Denigrates a person, organization, or group based on gender, sexual orientation, religion, race, ethnic or political affiliations, or national origin;

## Department of Transportation – Administration

5. Includes the name of a person, organization, or group that has historically advocated the denigration of other persons or groups based on gender, sexual orientation, religion, race, ethnic or political affiliations, or national origin;
6. Includes or concerns political or election campaign messaging, imagery, or symbolism;
7. Promotes, identifies, highlights, criticizes or endorses a political candidate, political party or movement, or any ballot measure circulated, submitted, or scheduled for consideration by the electorate of any jurisdiction, past, present, or future;
8. Promotes, identifies, highlights, suggests, or expresses an opinion for or against contraceptive products or services, or any services related to abortion, euthanasia, or counseling with regard to any of these products, services, procedures, or issues;
9. Promotes, identifies, highlights, suggests, or expresses an opinion for or against the use of alcohol, tobacco, marijuana or firearms;
10. Promotes, identifies, highlights, or suggests the use of a drug or other substance in violation of either federal or state law or regulations; or
11. Promotes, identifies, highlights, or suggests the use of products or services with sexual overtones such as massage parlors, escort services, or establishments for show or sale of X-rated, adult-only, or pornographic movies, products or services, or for establishments primarily featuring nude or semi-nude images or performances.

**Historical Note**

New Section R17-1-706 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

**R17-1-707. Denial of a Request for Advertising or Sponsorship; Administrative Hearing; Time-frames**

- A. An advertiser or sponsor whose request for placement of advertising or sponsorship content is denied by the Department may request an administrative hearing in connection with the denial, or any other action taken by the Department in connection with the rules prescribed in this Article, as provided under A.R.S. Title 41, Chapter 6, Article 6, and Article 5 of this Chapter, as applicable.
- B. If the Department denies a request for placement of advertising or sponsorship content, the Department or its contractor shall send written notification of the denial to the advertiser or sponsor within five calendar days of denying a request for placement of advertising or sponsorship content. Written notification of the denial shall state:
  1. The Department's reason for the denial, citing all applicable supporting statutes or rules;
  2. The advertiser's or sponsor's right to request a hearing under A.R.S. § 41-1065 to contest the Department's decision; and
  3. The time-frame for requesting a hearing with the Department's Executive Hearing Office as prescribed under A.R.S. § 41-1065 and Article 5 of this Chapter.
- C. If an advertiser or sponsor requests a hearing, the Department shall hold the hearing according to the procedures provided under A.R.S. Title 41, Chapter 6, Article 6, this Article, and 17 A.A.C. 1, Article 5, as applicable. The Department shall:
  1. Schedule a hearing within 30 calendar days after receiving a written request for a hearing from an advertiser or sponsor;
  2. Provide to the advertiser or sponsor who requested a hearing, a notice of the scheduled date and time of the

- hearing at least 20 calendar days before the date set for the hearing, as prescribed under A.R.S. § 41-1061;
  3. Ensure that the presiding officer makes a written determination of the presiding officer's decision or order, including findings of fact and conclusions of law, within 10 calendar days after concluding the hearing; and
  4. Mail a copy of the written determination to the advertiser or sponsor who requested the hearing.
- D. The scope of the hearing shall be limited to a determination of whether the Department possessed grounds to take the action indicated in the notice of action provided by the Department in connection with the rules prescribed in this Article.

**Historical Note**

New Section R17-1-707 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

**R17-1-708. Program Administration; Pricing and Lease Procedures; Priority; Renewal**

- A. For administration of the Department's advertising and sponsorship program, the Department or its contractor may use:
  1. Rate schedules that are established and periodically adjusted by the Department; or
  2. Competitive pricing established by one or more offers from potential or current advertisers or sponsors.
- B. The Department or its contractor may use competitive pricing or rate schedules to determine the ranking order of potential or current advertisers or sponsors who may be awarded advertising and sponsorship opportunities at specific locations authorized by the Department for such activities.
- C. In determining competitive pricing and rate schedules, the Department may consider the amount of space available for advertising and sponsorship activities, and one or more of the following additional factors:
  1. The average annual daily traffic at, or adjacent to, the location of the Department's available asset or facility;
  2. The population mix and relative distribution between all other advertisers or sponsors that meet all of the Department's advertising and sponsorship program requirements;
  3. The ranking order determined by the Department or its contractor based on existing rate schedules or competitive pricing proposed or offered by potential or current advertisers or sponsors for each Department authorized location; or
  4. The competitive market conditions, as well as economic, regulatory, logistical, and other related factors as determined by the Department or its contractor.
- D. If any of the factors provided under subsection (C) are used in determining competitive pricing or rate schedules, the Department or its contractor shall make the information relevant to these factors available to advertisers and sponsors on the Department's or its contractor's website.
- E. If a clear ranking order of preference for awarding a specific location cannot be determined using the factors provided under subsection (C), the Department or its contractor shall prioritize the remaining requests for advertising or sponsorship opportunities based on the following additional factors, in order:
  1. The advertiser or sponsor having the closest business location to the Department facility or asset location requested;
  2. The advertiser or sponsor providing the most business days and hours of service to the public; and
  3. The advertiser or sponsor first requesting authorization to place advertising or sponsorship content on the Department authorized facility or asset at that location.

## Department of Transportation – Administration

- F. If a potential advertiser or sponsor requests placement of advertising or sponsorship content on a specific Department facility or asset where there are no available placements, a competitive bidding process may be used to determine which potential advertiser will participate, assuming the Department determines in its sole discretion that the location may be made available for advertising or sponsorship.
- G. The Department or its contractor may choose not to renew an existing advertising or sponsorship agreement, or an advertising or sponsorship agreement expiring within the next 60 calendar days, if another eligible advertiser or sponsor with a higher priority ranking requests placement of advertising or sponsorship content at that same location.
- H. The Department or its contractor may collect all applicable taxes due from an advertiser or sponsor under the advertising or sponsorship agreement.
- I. An advertiser or sponsor may request reimbursement of any pre-paid lease payments if, for a reason solely caused by the Department or its contractor, the Department or its contractor does not install the advertiser's or sponsor's content or copy within 90 calendar days after receiving the pre-paid lease payments.
- J. The Department or its contractor shall refund any pre-paid lease payments to an advertiser or sponsor within 30 calendar days after the advertiser or sponsor requests reimbursement under subsection (I).
- K. The Department may require an advertiser or sponsor who requests reimbursement of pre-paid lease payments to provide additional information if required by the State of Arizona for processing a refund.
- 4. Display no directional information or indicators;
- 5. Display no telephone numbers, internet addresses, or other legends prohibited by the MUTCD for the purpose of contacting the sponsor or to obtain information on the sponsorship program, such as how to become a sponsor at an available site, unless such information is part of the sponsor's official name; and
- 6. Remain in place only for the duration of the sponsorship agreement.
- C. The Department or its contractor shall not place acknowledgment signs or plaques at key decision points where a driver's attention is more appropriately focused on traffic control devices, roadway geometry, or traffic conditions.

**Historical Note**

New Section R17-1-709 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

**R17-1-710. Criteria for Highway-related Acknowledgment Signs and Plaques**

- A. For highway-related sponsorship opportunities, the Department or its contractor shall:
  - 1. Ensure that acknowledgment signs and plaques take only the form of static, non-changeable, non-electronic legends to maintain the recognition value of official devices used for traffic control;
  - 2. Ensure that messages on acknowledgment signs and plaques are not interspersed, combined, or alternated with other official traffic control messages, either in the same display space, by adjacency in the same assembly, or by adjacency of multiple assemblies whose longitudinal separation does not meet the placement criteria contained in the MUTCD, including when placed on opposite sides of the roadway facing the same direction of travel, except as provided for acknowledgment plaques under R17-1-711(B);
  - 3. Ensure that the focus remains on the service provided rather than on the sponsor, and that the sponsor logo area on an acknowledgment sign or plaque is a horizontally oriented rectangle, consistent with the provisions on business logos in the MUTCD, Chapter 2J, Specific Service Signs. The width of the rectangle shall be at least approximately 1.67 times its height, the total area of which shall not exceed the maximum referenced or specified in this Article or the MUTCD. The word legend describing the activity, such as "SPONSORED BY," shall be composed of upper-case lettering of the FHWA standard alphabets at least three inches high on conventional roads and at least four inches high on expressways and freeways;
  - 4. Ensure that any slogan displayed on an acknowledgment sign is a brief jurisdiction-wide slogan or that of a program name, such as "ADOPT-A-HIGHWAY." Slogans for companion, supplementary, or other programs unrelated to the service being sponsored shall not be displayed on any acknowledgment sign or plaque, in accordance with the MUTCD, Section 2H.08, Acknowledgment Signs.
  - 5. Ensure that if a graphic business logo is used to represent a sponsor, instead of a word legend using the FHWA Standard Alphabets, the logo is the principal trademarked official logo that represents the business name of the sponsor. Secondary logos or representations, even if trademarked, copyrighted, or otherwise protected, are classified as promotional advertising and are not allowed as provided under the MUTCD, Section 1A.01, Purpose of Traffic Control Devices;

**Historical Note**

New Section R17-1-708 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

**R17-1-709. Acknowledgment Signs and Plaques; Design and Placement**

- A. The Department may acknowledge sponsors with acknowledgment signs or plaques. Acknowledgment signs and plaques shall meet all of the general principles and specific design and placement criteria prescribed in the MUTCD, Part 2, Signs, as supplemented by the most recent edition of the FHWA Standard Highway Signs and Markings Book:
  - 1. An acknowledgment sign is installed only as an independent sign assembly unless the acknowledgment sign is part of the Department's Adopt-a-Highway Volunteer Program; and
  - 2. An acknowledgment plaque is installed only in the same sign assembly below a primary sign that provides the road user specific information on accessing the service being sponsored. A plaque legend is displayed on a separate substrate from that of the sign below which it is mounted.
- B. Acknowledgment signs and plaques shall:
  - 1. Be appropriately sized for the legibility needs of a bike-way or path user when located on a bikeway or shared-use path;
  - 2. Be placed near the site being sponsored, consistent with the purpose and principles of traffic control devices in the MUTCD, Part 1, General and Part 2, Signs;
  - 3. Be placed approximately one mile away from other acknowledgment signs or plaques associated with the same element of the Department's highway operation, such as Adopt-a-Highway, when facing the same direction, as consistent with the purpose and principles of traffic control devices in the MUTCD, Part 1, General and Part 2, Signs;



## Department of Transportation – Administration

6. Ensure compliance with the following design guidelines if a graphic business logo is used to represent a sponsor:
    - a. Logos shall be as simple as possible and provide good readability during both daylight and nighttime hours;
    - b. Logos may consist of a symbol, trademark, or a legend message identifying the name or abbreviation of a specific business;
    - c. Logos shall not contain a telephone or fax number, street name, e-mail or web address, or a direction indicator as part of the business logo unless such information is part of the sponsor's official name;
    - d. Logos shall not resemble an official traffic control device; and
    - e. Symbols or trademarks used alone for acknowledgment shall be simple and dignified and reproduced in the colors and general shape consistent with customary use, and any integral legend shall be in proportionate size.
  7. Obtain an encroachment permit if applicable under 17 A.A.C. 3, Article 5, before installing, maintaining, or removing sponsorship content or copy from a highway-related facility or asset of the Department located along a state highway; and
  8. Determine the best placement of sponsorship content or copy and cooperate with the sponsor to provide all appropriate information to the public as outlined in both the contract and the sponsorship agreement, while remaining in full compliance with any encroachment permit requirements, if the contractor requests an encroachment permit under 17 A.A.C. 3, Article 5.
- B.** For highway-related sponsorship opportunities, the Department or its contractor shall not:
1. Install acknowledgment signs or plaques overhead due to maximum overall size limitations and related safety considerations. Only roadside, post-mounted installations of acknowledgment signs and plaques are allowed;
  2. Allow promotional advertising on any traffic control device or its supports, as provided under the MUTCD, Section 1A.01, Purpose of Traffic Control Devices;
  3. Allow acknowledgment signs and plaques to contain an alternative business name that appears to have the sole or primary purpose of circumventing the MUTCD provisions. Such content or copy is considered promotional advertising rather than acknowledgment of a sponsor providing a highway-related service; and
  4. Allow sponsorship acknowledgment signs or plaques that include displays that mimic, or in the Department's sole discretion, attempt to mimic, imitate, or resemble advertising. The determination of whether a sign mimics or constitutes advertising lies solely with the Department, applying in good faith the relevant standards set forth by the FHWA.
- Historical Note**
- New Section R17-1-710 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).
- R17-1-711. Highway-related Sponsorship Restrictions and Allowances; Existing Leases or Agreements**
- A.** For sponsorship of rest areas, the Department or its contractor:
1. May install one acknowledgment sign for each direction of travel on the highway mainline;
  2. May place additional acknowledgment signs within a rest area, provided that the sign legends are not visible to the highway mainline traffic and do not pose safety risks to rest area users;
- B.** Shall not append acknowledgment signs to any other sign, sign assembly, or other traffic control device; and
- C.** Shall not place acknowledgment signs within 500 feet of other traffic control devices located on the highway mainline.
- B.** For sponsorship of travel service programs that are not site specific, such as 511 traveler information, radio-weather, radio-traffic, and emergency service patrol, the Department or its contractor may mount an acknowledgment plaque below a general service sign for that program in the same sign assembly. The acknowledgment plaque shall:
1. Be a horizontally oriented rectangle, with the horizontal dimension longer than the vertical dimension;
  2. Be of a size not to exceed approximately one-third of the area of the general service sign below which it is mounted or 24 square feet, whichever is less;
  3. Be of a size not to exceed approximately one-third of the area of the largest size prescribed in the MUTCD for the specific standard sign below which the acknowledgment plaque is mounted, even if the standard sign was enlarged under the MUTCD, Sections 2A.11, Dimensions and 2I.01, Sizes of General Service Signs, or was designated in the MUTCD as being oversized for its application; and
  4. Be of a size that is equivalent to the unmodified national standard for the sign, as provided in the MUTCD, even if the size of the standard sign is modified based on the Arizona supplement to the MUTCD, or other equivalent, and would result in a sign size larger than that of the standard sign prescribed in the MUTCD.
- C.** For sponsorship by way of providing highway-related services, products, or monetary contributions that result in a naming sponsorship granted by the Department, where the sponsor is allowed naming rights to an officially mapped, named or numbered highway, the Department or its contractor:
1. May use only acknowledgment signs to place an unofficial overlay or secondary designation in the name of the sponsor on the official highway name or number through proclamation, contract, agreement, or other means for acknowledgment within the highway right-of-way; and
  2. Shall not display on an acknowledgment sign a legend that states, either explicitly or by implication, that the highway is named for the sponsor.
- D.** For the purpose of protecting life or property, the Department may install on any highway or non-highway asset or facility under its jurisdiction a changeable message sign, traffic control device, or other official sign provided by a sponsor. The name of the sponsor who made placement of the item possible may be affixed to the official sign or device in a conspicuous location visible from the main traveled roadway, unless specifically prohibited by federal law, including on the sign base, apron, supports, or other structural member. No more than one sponsor's name may appear on any one official sign or device at any given time.
- E.** The Department or its contractor shall solely determine the placement of any new advertising or sponsorship content as new opportunities arise, whether a previously leased location is vacated, a waiting list exists, another advertiser or sponsor seeks to lease or sponsor a specific asset or facility, or a new location is identified and made available for advertising or sponsorship opportunities.
- F.** The provisions of this Article apply to new and modified acknowledgment sign installations in support of national uniformity and consistency. Acknowledgment signs installed prior to the effective date of this Section are subject only to the terms and conditions provided in any existing lease or other agreement already in effect between the Department and an

## Department of Transportation – Administration

advertiser or sponsor. Replacement of an existing acknowledgment sign for compliance with this Article is not required unless the currently installed acknowledgment sign is no longer serviceable or the advertiser or sponsor requests a modification of the sponsor name or logo that is consistent with this Article.

**Historical Note**

New Section R17-1-711 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

**R17-1-712. Program Eligibility and Compliance**

- A. An advertiser or sponsor participating in the Department's advertising and sponsorship program shall ensure compliance with A.R.S. § 28-7316 and all criteria established under this Article.
- B. The Department or its contractor may choose not to enter into, or renew, an advertising or sponsorship agreement if the eligibility criteria provided under this Article is not met.
- C. An advertiser or sponsor is ineligible to place advertising or sponsorship content on any asset or facility of the Department if:
  - 1. Thirty calendar days have elapsed since the Department or its contractor issued a notice of default to the advertiser or sponsor and the default remains uncured, or
  - 2. The advertiser or sponsor has defaulted on an advertising or sponsorship agreement made with the Department or its contractor.

**Historical Note**

New Section R17-1-712 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

**R17-1-713. Advertising or Sponsorship Agreement or Lease Termination**

- A. If an advertiser or sponsor becomes ineligible to participate in the Department's advertising and sponsorship program, the Department or its contractor shall remove any existing content or copy from the Department asset or facility after notifying the ineligible advertiser or sponsor as provided in the advertising or sponsorship agreement.
- B. An advertiser or sponsor who becomes ineligible to participate in the Department's advertising and sponsorship program may be held responsible for the costs involved with removal or reinstallation of advertising or sponsorship acknowledgment

signs in accordance with the terms and conditions provided in the advertiser's or sponsor's written lease or other agreement with the Department or its contractor.

**Historical Note**

New Section R17-1-713 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

**R17-1-714. Removal of Advertising or Sponsorship Content; Program Termination**

- A. If the Department temporarily requires removal of an acknowledgment sign or advertising or sponsorship content or copy from any Department facility or asset for construction activities in the area that may pose conflicts with the sponsorship, as provided under R17-1-704(B) (i.e. sign needs to be removed due to a road widening project), the Department or its contractor, in its sole discretion, may:
  - 1. Relocate the acknowledgment sign or advertising or sponsorship content or copy to a comparable site for the duration of the advertising or sponsorship agreement, if requested by the advertiser or sponsor and the acknowledgment sign or advertising or sponsorship content or copy is for a program that is not site-specific; or
  - 2. Re-erect the acknowledgment sign or advertising or sponsorship content or copy at its original location once the construction activities are completed, if possible, and revise the original advertising or sponsorship agreement to remain in place until the minimum lease obligations are fulfilled.
- B. If the Department's advertising and sponsorship program is terminated, the Department or its contractor shall:
  - 1. Notify an advertiser or sponsor by mail, or a mutually agreed upon electronic communication method, of the program termination and the location where an advertiser or sponsor may claim its materials, if any;
  - 2. Remove all advertising or sponsorship content or copy from any Department facilities or assets; and
  - 3. Refund unused lease payments to each advertiser or sponsor on a prorated basis.

**Historical Note**

New Section R17-1-714 made by final rulemaking at 24 A.A.R. 673, effective May 7, 2018 (Supp. 18-1).

# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 17. TRANSPORTATION

### CHAPTER 5. DEPARTMENT OF TRANSPORTATION - COMMERCIAL PROGRAMS

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

<a href="#">R17-5-801.</a>	<a href="#">Definitions .....</a>	<a href="#">41</a>	<a href="#">R17-5-807.</a>	<a href="#">X12 Data Format for Policy Receipt and Error Return .....</a>	<a href="#">42</a>
<a href="#">R17-5-802.</a>	<a href="#">Insurance Company Electronic Reporting Requirement: Applicability .....</a>	<a href="#">41</a>	<a href="#">R17-5-808.</a>	<a href="#">Insurance Company Reporting Errors: Resolution: Noncompliance .....</a>	<a href="#">42</a>
<a href="#">R17-5-803.</a>	<a href="#">Insurance Company Reportable Activity .....</a>	<a href="#">42</a>	<a href="#">R17-5-809.</a>	<a href="#">Insurance Company Failure to Submit Required Data: Request for Hearing .....</a>	<a href="#">42</a>
<a href="#">R17-5-804.</a>	<a href="#">Record Matching Criteria for a Vehicle-specific Policy .....</a>	<a href="#">42</a>	<a href="#">R17-5-810.</a>	<a href="#">Self-insurance as Alternate Proof of Financial Responsibility: Provisions: Applicability .....</a>	<a href="#">43</a>
<a href="#">R17-5-805.</a>	<a href="#">Record Matching Criteria for a Non-vehicle-specific Commercial Policy .....</a>	<a href="#">42</a>			
<a href="#">R17-5-806.</a>	<a href="#">Department-authorized EDI Reporting Methods: Reporting Schedule .....</a>	<a href="#">42</a>			

#### Questions about these rules? Contact:

Department: Arizona Department of Transportation  
Name: Jane McVay  
Address: 206 S. 17th Ave., Mail Drop 140A  
Phoenix, AZ 85007  
Telephone: (602) 712-4279  
E-mail: [jmcvay@azdot.gov](mailto:jmcvay@azdot.gov)  
Website: [www.azdot.gov/about/GovernmentRelations](http://www.azdot.gov/about/GovernmentRelations)

**The release of this Chapter in supplement 18-1 replaces supplement 17-3, 45 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

## TITLE 17. TRANSPORTATION

## CHAPTER 5. DEPARTMENT OF TRANSPORTATION - COMMERCIAL PROGRAMS

*Editor's Note: The Department was given an exemption to the provisions in the Arizona Administrative Procedure Act to make rules under Laws 2015, Ch. 235, § 14. Refer to the historical notes in Article 9 for more information (Supp. 15-3).*

*Editor's Note: The Department was given an exemption to the provisions in the Arizona Administrative Procedure Act to make or amend rules under Laws 2013, Ch. 129, § 27. Refer to the historical notes in Article 3 for more information (Supp. 15-2).*

*Editor's Note: 17 A.A.C. 5 was created from Sections recodified from 17 A.A.C. 4 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).*

## ARTICLE 1. GENERAL PROVISIONS

## ARTICLE 2. MOTOR CARRIERS

## Section

R17-5-201.	Definitions .....	4
R17-5-202.	Motor Carrier Safety: Incorporation of Federal Regulations; Applicability .....	4
R17-5-203.	Motor Carrier Safety: 49 CFR 390 - Federal Motor Carrier Safety Regulations; General .....	4
R17-5-204.	Motor Carrier Safety: 49 CFR 391 - Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors .....	5
R17-5-205.	Motor Carrier Safety: 49 CFR 383 - Commercial Driver's License Standards; Requirements and Penalties .....	5
R17-5-206.	Motor Carrier Safety: 49 CFR 392 - Driving of Commercial Motor Vehicles .....	6
R17-5-207.	Civil Penalties .....	6
R17-5-208.	Commercial Driver License Intrastate Medical Waiver; Intrastate Alternative Physical Qualification Standards for the Loss or Impairment of Limbs, an Insulin-Dependent Diabetic Condition, or Monocular Vision .....	6
R17-5-209.	Hazardous Materials Transportation: Incorporation of Federal Regulations; Applicability .....	10
R17-5-210.	Motor Carrier Safety: Public Service Corporation, Political Subdivision of this State that is Engaged in Rendering Public Utility Service, or Railroad Contacting State Officials in an Emergency .....	11
R17-5-211.	Motor Carrier Safety: Inspection, Enforcement, Sanction .....	12
R17-5-212.	Motor Carrier Safety: Hearing Procedure .....	12

## ARTICLE 3. PROFESSIONAL DRIVER SERVICES

## Section

R17-5-301.	Definitions .....	13
R17-5-302.	Professional Driver Training School and Traffic Survival School Licensing; Eligibility and Application Requirements .....	14
R17-5-303.	Professional Driver Training School Instructor Qualifications and Requirements .....	15
R17-5-304.	Fingerprint Background Check; Fingerprint Clearance Card .....	16
R17-5-305.	Traffic Survival School Qualified Instructor Status; Eligibility and Application Requirements .....	16
R17-5-306.	Required Training and Examination of School and Instructor Applicants .....	16
R17-5-307.	Approval or Denial of Application; Hearing; Appeal .....	16
R17-5-308.	License Issuance; Effective Date; Expiration; Display .....	17
R17-5-309.	Renewal of License .....	17

R17-5-310.	Modifications of Original Application Information .....	17
R17-5-311.	Professional Conduct; Conflicts of Interest; Advertising .....	17
R17-5-312.	Cancellation and Continuity of Services to Participants .....	18
R17-5-313.	Method of Instruction; Curriculum .....	18
R17-5-314.	Certificate of Completion .....	18
R17-5-315.	Record Retention .....	19
R17-5-316.	Traffic Survival School Department-Approved Inventory .....	19
R17-5-317.	School Responsibilities .....	19
R17-5-318.	Instructor Responsibilities .....	19
R17-5-319.	Traffic Survival Schools .....	20
R17-5-320.	High School Driver Education Program .....	20
R17-5-321.	Periodic Audits, Monitoring, Inspections, and Investigations .....	21
R17-5-322.	Cease and Desist Order; Hearing and Appeal .....	21
R17-5-323.	Non-compliance; Notice of Corrective Action; Cancellation, Suspension, or Revocation of a Professional Driver Training School License or Traffic Survival School License or Qualification of a Traffic Survival School Instructor; Hearing and Appeal .....	22

## ARTICLE 4. DEALERS

## Section

R17-5-401.	Definitions .....	22
R17-5-402.	Bond Amounts; Dealers, Brokers, and Automotive Recyclers' Business Licenses .....	22
R17-5-403.	Expired .....	23
R17-5-404.	Dealer Title Requirement for Vehicle Sale .....	23
R17-5-405.	Dealer Acquisition Contract .....	23
R17-5-406.	Dealer Consignment Contract .....	23
R17-5-407.	Motor Vehicle Repossession .....	24
R17-5-408.	Resale of a New Motor Vehicle .....	24

## ARTICLE 5. MOTOR CARRIER FINANCIAL RESPONSIBILITY

## Section

R17-5-501.	Definitions .....	25
R17-5-502.	Repealed .....	25
R17-5-503.	Repealed .....	25
R17-5-504.	Requirement to Submit Proof of Financial Responsibility; Applicability; Procedure; Exception .....	25
R17-5-505.	Repealed .....	25
R17-5-506.	Repealed .....	25
R17-5-507.	Repealed .....	25

## Department of Transportation - Commercial Programs

**ARTICLE 6. IGNITION INTERLOCK DEVICE MANUFACTURERS**

Section	
R17-5-601.	Definitions ..... 26
R17-5-602.	Ignition Interlock Device Manufacturer Certification; Expiration; Cancellation of Certification; Notice ..... 28
R17-5-603.	Device Requirements, Technical Specifications, and Standards for Setup and Calibration ..... 28
R17-5-604.	Ignition Interlock Device Certification; Application Requirements ..... 29
R17-5-605.	Application Processing; Time-frames; Exception ..... 30
R17-5-606.	Application Completeness; Denial of Ignition Interlock Device Certification; Hearing ..... 31
R17-5-607.	Cancellation of Certification; Hearing ..... 31
Appendix A.	Renumbered ..... 32
Appendix B.	Renumbered ..... 32
Appendix C.	Renumbered ..... 32
R17-5-608.	Modification of a Certified Ignition Interlock Device Model ..... 32
R17-5-609.	Manufacturer Referral to Authorized Installers; Manufacturer Oversight of its Authorized Installers ..... 32
R17-5-610.	Installation Verification; Accuracy Check; Noncompliance and Removal Reporting; Report Review ..... 33
Exhibit A.	Renumbered ..... 34
Exhibit B.	Renumbered ..... 34
Appendix A.	Repealed ..... 34
Appendix B.	Repealed ..... 34
Appendix C.	Repealed ..... 34
R17-5-611.	Emergency Assistance by Manufacturers and Authorized Installers; Continuity of Serviceto Participants ..... 34
R17-5-612.	Records Retention; Submission of Copies and Quarterly Reports ..... 35
R17-5-613.	Inspections ..... 36

**ARTICLE 7. IGNITION INTERLOCK DEVICE INSTALLERS**

*Article 7, consisting of Sections R17-5-701 through R17-5-708, made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Article 7 introduction added for clarification per the Department's request (Supp. 09-2).*

*Article 7, consisting of Sections R17-5-701 through R17-5-706, repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2).*

Section	
R17-5-701.	Definitions ..... 36
R17-5-702.	Ignition Interlock Device Installer Certification; Application Requirements; Recertification ..... 36
R17-5-703.	Ignition Interlock Device Installer Bond Requirements; Recertification ..... 37
Exhibit A.	Repealed ..... 37
Exhibit B.	Repealed ..... 37
R17-5-704.	Authorized Installer Responsibilities ..... 37
R17-5-705.	Installer-certified Service Representatives ..... 38
R17-5-706.	Accuracy and Compliance Check; Requirements ..... 38
R17-5-707.	Inspection of Service Centers; Application ..... 39
R17-5-708.	Notice; Denial or Cancellation of Certification; Appeal; Hearing ..... 40

**ARTICLE 8. MANDATORY INSURANCE AND FINANCIAL RESPONSIBILITY**

*Article 8, consisting of Sections R17-5-801 through R17-5-811, made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1).*

Section	
R17-5-801.	Definitions ..... 41
R17-5-802.	Insurance Company Electronic Reporting Requirement; Applicability ..... 41
R17-5-803.	Insurance Company Reportable Activity ..... 42
R17-5-804.	Record Matching Criteria for a Vehicle-specific Policy ..... 42
R17-5-805.	Record Matching Criteria for a Non-vehicle-specific Commercial Policy ..... 42
R17-5-806.	Department-authorized EDI Reporting Methods; Reporting Schedule ..... 42
R17-5-807.	X12 Data Format for Policy Receipt and Error Return ..... 42
R17-5-808.	Insurance Company Reporting Errors; Resolution; Noncompliance ..... 42
R17-5-809.	Insurance Company Failure to Submit Required Data; Request for Hearing ..... 42
R17-5-810.	Self-insurance as Alternate Proof of Financial Responsibility; Provisions; Applicability ..... 43
R17-5-811.	Certificate of Deposit as Alternate Proof of Financial Responsibility; Applicability ..... 43

**ARTICLE 9. TRANSPORTATION NETWORK COMPANIES**

*Article 9, consisting of Sections R17-5-901 through R17-5-906, repealed by final rulemaking; new Article 9, consisting of Sections R17-5-901 through R17-5-906, made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).*

*Article 9, consisting of Sections R17-5-901 through R17-5-906, made by exempt rulemaking at 21 A.A.R. 1825, under Laws 2015, Ch. 235, § 14, effective August 21, 2015 (Supp. 15-3).*

Section	
R17-5-901.	Definitions ..... 43
R17-5-902.	Transportation Network Company Permit - Initial Application; Issuance; Fee ..... 44
R17-5-903.	Transportation Network Company Permit - Renewal Application; Issuance; Fee ..... 44
R17-5-904.	Transportation Network Company Permit or Renewal - General Provisions ..... 44
R17-5-905.	Transportation Network Company - Record Review ..... 44
R17-5-906.	Transportation Network Company - Designated Point of Contact ..... 45

**ARTICLE 10. VEHICLE FOR HIRE**

*Article 10, consisting of Sections R17-5-1001 through R17-5-1009, made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).*

Section	
R17-5-1001.	Definitions ..... 45
R17-5-1002.	Incorporation by Reference ..... 45
R17-5-1003.	Vehicle for Hire Company Permit; Good Standing; Handbook 44 ..... 45
R17-5-1004.	Vehicle for Hire Company Permit - Initial Application; Issuance; Fee ..... 45
R17-5-1005.	Vehicle for Hire Company Permit - Renewal Application; Issuance; Fee ..... 46
R17-5-1006.	Vehicle for Hire Company Permit or Renewal - General Provisions ..... 46

## Department of Transportation - Commercial Programs

R17-5-1007.	Vehicle for Hire Company; Record Review; Inspection .....	46	R17-5-1009.	Appealable Agency Actions; Rehearing; Judicial Review .....	46
R17-5-1008.	Posting of Fares .....	46			

## Department of Transportation - Commercial Programs

**ARTICLE 1. GENERAL PROVISIONS****ARTICLE 2. MOTOR CARRIERS****R17-5-201. Definitions**

In addition to the definitions provided under A.R.S. §§ 28-3001 and 28-5201, the following definitions apply to this Article unless otherwise specified:

“Audit” means any inspection of a transporter’s motor vehicle, equipment, books, or records to determine compliance with this Article and A.R.S. Title 28, Chapter 14.

“Co-applicant” means an employer or potential employer.

“Danger to public safety” means any condition of a transporter likely to result in serious peril to the public if not discontinued immediately.

“Director” means the Director of the Arizona Department of Transportation or the Director’s designated agent.

“Executive Hearing Office” means the Arizona Department of Transportation’s Executive Hearing Office.

“Medical waiver evaluation summary” means the form, provided by the Department, to be completed by either a board qualified or board certified orthopedic surgeon or physiatrist and mailed to the Department, at the address provided on the form, on behalf of an Arizona intrastate medical waiver applicant.

“Physiatrist” means a doctor of medicine specialized in physical medicine and rehabilitation.

“Transporter” means any person, driver, motor carrier, shipper, manufacturer, or motor vehicle, including any motor vehicle transporting a hazardous material, hazardous substance, or hazardous waste, subject to this Article and A.R.S. Title 28, Chapter 14.

“Violation” means any conduct, act, or failure to act required or prohibited under this Article and A.R.S. Title 28, Chapter 14.

“Vision examination report” means a form provided by the Department to be completed by an ophthalmologist or a licensed optometrist on behalf of a driver or driver applicant and mailed to the Department, at the address provided on the form, for use in determining whether or not a medical condition affects the driver’s, or driver applicant’s, ability to safely perform the functional skills involved with driving a motor vehicle.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3).

**R17-5-202. Motor Carrier Safety: Incorporation of Federal Regulations; Applicability**

- A. The Department incorporates by reference 49 CFR 40, 379, 382, 383, 385, 390, 391, 392, 393, 395, 396, 397, and 399, revised as of October 1, 2012, and no later amendments or editions, as amended under this Article. The incorporated material is on file with the Department and is available from the U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000. The incorporated material can be ordered online by visiting the U.S. Government Online Bookstore at <http://bookstore.gpo.gov>.
- B. The sections of 49 CFR incorporated under subsection (A) apply as amended under this Article to all intrastate and interstate motor carriers operating in Arizona and persons operat-

ing a commercial motor vehicle, except as provided under subsection (C).

- C. The intrastate operator of a tow truck with a gross vehicle weight rating of 26,000 pounds or less is exempt from the requirements of 49 CFR 390 through 399, except that the driver is subject to the physical qualifications and examination requirements of 49 CFR 391, subpart E.

**Historical Note**

New Section recodified from R17-4-435 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1867, effective June 3, 2003 (Supp. 03-2). Amended by final rulemaking at 10 A.A.R. 2679, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 1559, effective May 2, 2006 (Supp. 06-2). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 2382, effective August 5, 2014 (Supp. 14-3).

**R17-5-203. Motor Carrier Safety: 49 CFR 390 - Federal Motor Carrier Safety Regulations; General**

- A. 49 CFR 390.3, General applicability. Paragraph (a) is amended to read: Regulations incorporated in this section are applicable to all motor carriers operating in Arizona and any vehicle owned or operated by the state, a political subdivision, or a state public authority that is used to transport a hazardous material in an amount requiring the vehicle to be placarded as prescribed under R17-5-209.
- B. 49 CFR 390.5, Definitions. The definitions listed under 49 CFR 390.5 are amended as follows:
  - “Commercial Motor Vehicle” or “CMV” has the same meaning as prescribed under A.R.S. § 28-5201.
  - “Special agent” means an officer or agent of the Department, the Department of Public Safety, or a political subdivision, who is trained and certified by the Department of Public Safety to enforce Arizona’s Motor Carrier Safety requirements.
  - “State” means a state of the United States or the District of Columbia.
  - “Tow truck,” as used in the definition of emergency under 49 CFR 390.5, has the same meaning as prescribed under A.A.C. R13-3-701.
- C. 49 CFR 390.19, Motor carrier, hazardous material shipper, and intermodal equipment provider identification reports. Paragraph (a)(1) is amended to read: A U.S.-, Canada-, Mexico-, or non-North America-domiciled motor carrier conducting operations in interstate commerce or in intrastate commerce in a CMV, except for intrastate commerce in a farm vehicle as defined under A.R.S. § 28-2514, must file a Motor Carrier Identification Report, Form MCS-150.
- D. 49 CFR 390.23, Relief from regulations.
  1. Paragraph (a)(2), Local emergencies, is amended by adding: When a local emergency exists that justifies an exemption from parts 390 through 399 of this chapter, a motor carrier may request the exemption by contacting Commercial Vehicle Enforcement at the Arizona Department of Public Safety, Highway Patrol Division, P.O. Box 6638, Phoenix, Arizona 85005. The Arizona Department of Public Safety may grant the exemption with or without restrictions as necessary to provide vital service to the public.



## Department of Transportation - Commercial Programs

2. Paragraph (a)(2)(i)(A) is amended to read: An emergency has been declared by a federal, state or local government official having authority to declare an emergency; or an emergency situation exists under A.R.S. § 28-5234(B); or
- E. 49 CFR 390.25, Extension of relief from regulations - emergencies, is amended by adding: A motor carrier seeking to extend a period of relief from these regulations may request the extension by contacting Commercial Vehicle Enforcement at the Arizona Department of Public Safety, Highway Patrol Division, P.O. Box 6638, Phoenix, Arizona 85005. The Arizona Department of Public Safety may grant the extension with any restrictions it considers necessary to provide vital service to the public.

**Historical Note**

New Section recodified from R17-4-435.01 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1867, effective June 3, 2003 (Supp. 03-2). Amended by final rulemaking at 11 A.A.R. 862, effective February 1, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 1559, effective May 2, 2006 (Supp. 06-2). Amended by final rulemaking at 13 A.A.R. 2636, effective July 10, 2007 (Supp. 07-3). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 2382, effective August 5, 2014 (Supp. 14-3).

**R17-5-204. Motor Carrier Safety: 49 CFR 391 - Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors**

- A. 49 CFR 391.11, General qualifications of drivers. Paragraph (b)(1) is amended to read: Is at least 21 years of age for interstate operation or is at least 18 years of age for operations restricted to intrastate transportation not involving the transportation of a reportable quantity of hazardous substance, hazardous waste required to be manifested, or hazardous material in an amount requiring a vehicle to be placarded as prescribed under R17-5-209;
- B. 49 CFR 391.51, General requirements for driver qualification files. Paragraph (b)(8) is amended to read: A Skill Performance Evaluation Certificate obtained from a Field Administrator, Division Administrator, or state Director issued in accordance with § 391.49; or the Medical Exemption document, issued by a Federal medical program in accordance with part 381 of this chapter; or a copy of the Arizona intrastate medical waiver, if a waiver is granted by the Director as prescribed under R17-5-208.

**Historical Note**

New Section recodified from R17-4-435.02 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 2382, effective August 5, 2014 (Supp. 14-3).

**R17-5-205. Motor Carrier Safety: 49 CFR 383 - Commercial Driver's License Standards; Requirements and Penalties**

- A. 49 CFR 383.5, Definitions. The definitions listed under 49 CFR 383.5 are amended as follows:  
 "Commercial motor vehicle" or "CMV" has the same meaning as prescribed under A.R.S. § 28-3001.

"Conviction" has the same meaning as prescribed under A.R.S. § 28-3001.

"Disqualification" has the same meaning as prescribed under A.R.S. § 28-3001.

"Motor vehicle" has the same meaning as prescribed under A.R.S. § 28-101.

"Out-of-service order" has the same meaning as prescribed under A.R.S. § 28-5241.

"School bus" has the same meaning as prescribed under A.R.S. § 28-101.

"Tank vehicle" has the same meaning as prescribed under A.R.S. § 28-3103.

- B. 49 CFR 383.71, Driver application and certification procedures. Paragraphs (b)(1)(ii), Excepted interstate, and (b)(1)(iv), Excepted intrastate, are deleted.
- C. 49 CFR 383.73, State procedures.
- Paragraph (a)(2)(vi) is amended to read: Require compliance with the standards for providing proof of citizenship or lawful permanent residency specified in § 383.71(a)(2)(v) and proof of state of domicile specified in § 383.71(a)(2)(vi). Exception: A state is required to check the proof of citizenship or legal presence specified in this paragraph only for initial issuance, renewal or upgrade of a CLP or non-domiciled CLP and for initial issuance, renewal, upgrade or transfer of a CDL or non-domiciled CDL for the first time after July 8, 2011, provided a notation is made on the driver's record confirming that the proof of citizenship or legal presence check required by this paragraph has been made and noting the date it was done;
  - Paragraph (b)(6) is amended to read: Require compliance with the standards for providing proof of citizenship or lawful permanent residency specified in § 383.71(b)(9) and proof of state of domicile specified in § 383.71(b)(10). Exception: A state is required to check the proof of citizenship or legal presence specified in this paragraph only for initial issuance, renewal or upgrade of a CLP or non-domiciled CLP and for initial issuance, renewal, upgrade or transfer of a CDL or non-domiciled CDL for the first time after July 8, 2011, provided a notation is made on the driver's record confirming that the proof of citizenship or legal presence check required by this paragraph has been made and noting the date it was done;
  - Paragraph (c)(4) is amended to read: If such applicant wishes to retain a hazardous materials endorsement, require compliance with standards for such endorsement specified in §§ 383.71(b)(8) and 383.141 and ensure that the driver has successfully completed a new test for such endorsement specified in § 383.121.
  - Paragraphs (c)(4)(i) and (c)(4)(ii) are deleted.
  - Paragraph (c)(7) is amended to read: Require compliance with the standards for providing proof of citizenship or lawful permanent residency specified in § 383.71(b)(9) and proof of state of domicile specified in § 383.71(b)(10). Exception: A state is required to check the proof of citizenship or legal presence specified in this paragraph only for initial issuance, renewal or upgrade of a CLP or non-domiciled CLP and for initial issuance, renewal, upgrade or transfer of a CDL or non-domiciled CDL for the first time after July 8, 2011, provided a notation is made on the driver's record confirming that the proof of citizenship or legal presence check required by

## Department of Transportation - Commercial Programs

this paragraph has been made and noting the date it was done;

6. Paragraph (d)(7) is amended to read: Require compliance with the standards for providing proof of citizenship or lawful permanent residency specified in § 383.71(b)(9) and proof of state of domicile specified in § 383.71(b)(10). Exception: A state is required to check the proof of citizenship or legal presence specified in this paragraph only for initial issuance, renewal or upgrade of a CLP or non-domiciled CLP and for initial issuance, renewal, upgrade or transfer of a CDL or non-domiciled CDL for the first time after July 8, 2011, provided a notation is made on the driver's record confirming that the proof of citizenship or legal presence check required by this paragraph has been made and noting the date it was done; and
7. Paragraph (e)(5) is amended to read: Require compliance with the standards for providing proof of citizenship or lawful permanent residency specified in § 383.71(b)(9) and proof of state of domicile specified in § 383.71(b)(10). Exception: A state is required to check the proof of citizenship or legal presence specified in this paragraph only for initial issuance, renewal or upgrade of a CLP or non-domiciled CLP and for initial issuance, renewal, upgrade, or transfer of a CDL or non-domiciled CDL, for the first time after July 8, 2011, provided a notation is made on the driver's record confirming that the proof of citizenship or legal presence check required by this paragraph has been made and noting the date it was done;
8. Paragraph (f)(2)(ii) is amended to read: The state must add the word "non-domiciled" to the face of the CLP or CDL, in accordance with § 383.153(c); and
9. Paragraph (m), Document verification, is amended to read: The state must require at least two persons within the driver licensing agency to participate substantively in the processing and verification of the documents involved in the licensing process for initial issuance, renewal or upgrade of a CLP or non-domiciled CLP and for initial issuance, renewal, upgrade or transfer of a CDL or non-domiciled CDL. The documents being processed and verified must include, at a minimum, those provided by the applicant to prove legal presence and domicile, the information filled out on the application form, and knowledge and skills test scores. This section does not require two people to process or verify each document involved in the licensing process. Exception: For offices with only one staff member, at least some of the documents must be processed or verified by a supervisor before issuance or, when a supervisor is not available, copies must be made of some of the documents involved in the licensing process and a supervisor must verify them within one business day of issuance of the CLP, non-domiciled CLP, CDL or non-domiciled CDL.

**D. 49 CFR 383.75, Third party testing.**

1. Paragraph (a)(7) is amended to read: A skills test examiner who is also a skills instructor either as a part of a school, training program or otherwise is prohibited from administering a skills test to an applicant who received skills training by that skills test examiner; and
2. Paragraph (a)(8)(v) is amended to read: Require the third party tester to initiate and maintain a bond in an amount pursuant to A.R.S. Title 28, Chapter 13 to be sufficient to pay for re-testing drivers in the event that the third party or one or more of its examiners is involved in fraudulent activities related to conducting skills testing of applicants

for a CDL. Exception: A third party tester that is a government entity is not required to maintain a bond.

- E. 49 CFR 383.153, Information on the CLP and CDL documents and applications.**
  1. Paragraph (b)(1) is amended to read: A CLP may, but is not required to, contain a digital color image or photograph or black and white laser engraved photograph.
  2. Paragraph (e) is amended to read: Before a CLP or CDL may be issued:
    - a. A driver applicant must provide the driver applicant's Social Security Number on the application of a CLP or CDL.
    - b. The state must provide the Social Security Number to the CDLIS.
    - c. The state must not display the Social Security Number on the CLP or CDL.
  3. Paragraph (h) is amended to read: On or after July 8, 2014 current CLP and CDL holders who do not have the standardized endorsement and restriction codes and applicants for a CLP or CDL are to be issued CLPs with the standardized codes upon initial issuance, renewal or upgrade and CDLs with the standardized codes upon initial issuance, renewal, upgrade or transfer.

**Historical Note**

New Section recodified from R17-4-435.03 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Section repealed by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). New Section made by final rulemaking at 20 A.A.R. 2382, effective August 5, 2016 (Supp. 14-3).

**R17-5-206. Motor Carrier Safety: 49 CFR 392 - Driving of Commercial Motor Vehicles**

49 CFR 392.5, Alcohol prohibition. Paragraph (e) is amended by adding: Drivers who violate the terms of an out-of-service order as prescribed under this section are also subject to the provisions and sanctions of A.R.S. § 28-5241.

**Historical Note**

New Section recodified from R17-4-435.04 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 1867, effective June 3, 2003 (Supp. 03-2). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3).

**R17-5-207. Civil Penalties**

To determine the amount of civil penalty for repeat findings of responsibility for the same class of violations involving vehicles required to be placarded, the higher level of civil penalty as prescribed under A.R.S. § 28-5238 applies.

**Historical Note**

New Section recodified from R17-4-435.05 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3).

**R17-5-208. Commercial Driver License Intrastate Medical Waiver; Intrastate Alternative Physical Qualification Standards for the Loss or Impairment of Limbs, an Insulin-Dependent Diabetic Condition, or Monocular Vision**

- A.** A person who is not physically qualified to drive a commercial motor vehicle in interstate commerce due to loss of limb, limb

## Department of Transportation - Commercial Programs

impairment, an insulin-dependent diabetic condition, or monocular vision, as provided under 49 CFR 391.41(b)(1), (b)(2), (b)(3), or (b)(10), but otherwise meets all other requirements under 49 CFR 391.41, may operate a commercial motor vehicle in intrastate commerce if granted an intrastate medical waiver by the Director. Application for an intrastate medical waiver shall be submitted according to subsection (B).

**B.** A driver applicant, or a driver applicant jointly with the motor carrier co-applicant that will employ the driver applicant, may complete and submit an intrastate medical waiver application to the Department's Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, Arizona 85001-2100, which shall:

1. Identify the applicant:
  - a. Name and complete address of the driver applicant;
  - b. Name and complete address of the motor carrier co-applicant;
  - c. U.S. Department of Transportation motor carrier identification number, if known; and
  - d. A description of the driver applicant's limb or visual impairment or insulin-dependent diabetic condition as applicable to the type of waiver being requested;
2. Describe the type of operation the driver applicant will be employed to perform, including the following information (if known):
  - a. Average period of time the driver will be driving or on duty, per day;
  - b. Type of commodities or cargo to be transported;
  - c. Type of driver operation (i.e., sleeper team, relay, owner operator, etc.); and
  - d. Number of years experience operating each type of commercial motor vehicle requested in the intrastate medical waiver application and total years of experience operating all types of commercial motor vehicles;
3. Describe the commercial motor vehicles the driver applicant intends to drive:
  - a. Truck, truck tractor, or bus make, model, and year (if known);
  - b. Drive train:
    - i. Transmission type (automatic or manual - if manual, designate number of forward speeds);
    - ii. Auxiliary transmission (if any) and number of forward speeds; and
    - iii. Rear axle (designate single speed, two-speed, or three-speed);
  - c. Type of brake system;
  - d. Steering, manual or power assisted;
  - e. Description of types of trailers (i.e., van, flatbed, cargo tank, drop frame, lowboy, or pole);
  - f. Number of semitrailers or full trailers to be towed at one time;
  - g. For commercial motor vehicles designed to transport passengers, indicate the seating capacity of the commercial motor vehicle; and
  - h. Description of any modifications made to the commercial motor vehicle for the driver applicant, attach photographs where applicable;
4. Include a certification statement:
  - a. The driver applicant shall certify that the driver applicant is otherwise qualified to drive a commercial motor vehicle under the regulations of 49 CFR 391 as adopted by the Department; and
  - b. In case of a co-applicant, the co-applicant motor carrier shall certify that the driver applicant is otherwise qualified to drive a commercial motor vehicle under

the regulations of 49 CFR 391 as adopted by the Department; and

5. Contain signature of each applicant and date signed:
  - a. The driver applicant's signature; and
  - b. The motor carrier official's signature and title if the application has a co-applicant. Depending on the motor carrier's organizational structure (corporation, partnership, or proprietorship), the signer of the application shall be an officer, partner, or the proprietor.
- C.** The completed intrastate medical waiver application for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(1) or (2) shall be accompanied by:
  1. A copy of the medical examination report and medical examination certificate completed pursuant to 49 CFR 391.43;
  2. The Department's medical waiver evaluation summary completed by either a board-qualified or board-certified physiatrist or orthopedic surgeon. The co-applicant motor carrier or the driver applicant shall provide the physiatrist or orthopedic surgeon with a description of the job-related tasks the driver applicant will be required to perform:
    - a. The medical waiver evaluation summary for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(1) shall include:
      - i. An assessment of the functional capabilities of the driver as they relate to the ability of the driver to perform normal tasks associated with operating a commercial motor vehicle; and
      - ii. A statement by a board-qualified or board-certified physiatrist or orthopedic surgeon that the applicant is capable of demonstrating precision prehension (e.g., manipulating knobs and switches) and power grasp prehension (e.g., holding and maneuvering the steering wheel) with each upper limb separately;
    - b. The medical waiver evaluation summary for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(2) shall include:
      - i. An explanation as to how and why the impairment interferes with the ability of the applicant to perform normal tasks associated with operating a commercial motor vehicle;
      - ii. An assessment and medical opinion of whether the condition will likely remain medically stable over the lifetime of the driver applicant; and
      - iii. A statement by a board-qualified or board-certified physiatrist or orthopedic surgeon that the applicant is capable of demonstrating precision prehension (e.g., manipulating knobs and switches) and power grasp prehension (e.g., holding and maneuvering the steering wheel) with each upper limb separately;
  3. A description of the driver applicant's prosthetic or orthotic device worn, if any; and
  4. A copy of the driver applicant's state motor vehicle driving record for the past three years from each state in which a motor vehicle driver license or permit has been obtained.
- D.** The completed intrastate medical waiver application for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(3) shall be accompanied by:
  1. A copy of the medical examination report and medical examination certificate completed pursuant to 49 CFR 391.43;

## Department of Transportation - Commercial Programs

2. An evaluation by a board-certified or board-eligible endocrinologist. A complete endocrinologist evaluation shall consist of:
    - a. A comprehensive evaluation of the applicant's five-year medical history and current status. The applicant shall provide the examining endocrinologist with a complete medical history as it pertains to the applicant's diabetes or its complications or both, including, the date insulin use began, all hospitalization reports, consultation notes for diagnostic examinations, special studies, follow-up reports, reports of any hypoglycemic insulin reactions within the 12 months prior to the date of application, and other reports as requested by the endocrinologist. The evaluation shall also include a review of:
      - i. Daily glucose monitoring logs, glycosylated hemoglobin (A1c) indicating a result in the range of 7% to 10%, including lab reference page performed during the last six months unless recently diagnosed;
      - ii. Insulin dosages and types, diet utilized for control, and all medications taken; and
      - iii. Examinations to detect any peripheral neuropathy or circulatory insufficiency of the extremities;
    - b. A statement that the applicant is free from insulin reactions. Insulin reactions include any severe hypoglycemic reaction, which can be a reaction that results in seizure, loss of consciousness, requiring the assistance of another person, or a period of impaired cognitive function that occurs without warning. To be eligible the applicant must not have hypoglycemia unawareness and must have had no more than one documented severe hypoglycemic reaction in the previous 12 months and must have had:
      - i. No recurrent (two or more) severe hypoglycemic reactions resulting in a loss of consciousness or seizure within the past five years;
      - ii. No recurrent severe hypoglycemic reactions requiring the assistance of another person within the past five years;
      - iii. No recurrent severe hypoglycemic reactions resulting in impaired cognitive functions that occurred without warning symptoms within the past five years; and
      - iv. A period of one year of demonstrated stability following the first period of severe hypoglycemia;
    - c. A statement prepared and signed by the examining endocrinologist whose status as board-certified or board-eligible is indicated. The signed statement shall include separate declarations indicating the following medical determinations:
      - i. The endocrinologist is familiar with the applicant's medical history for the past five years through a records review, treating the patient, or consultation with the treating physician;
      - ii. The applicant is able to safely operate a commercial motor vehicle while using insulin; and
      - iii. The applicant has been educated in diabetes, including the last education date, and its management and is informed of and understands how to individually manage and monitor the applicant's diabetes mellitus and has demonstrated the ability and willingness to properly monitor and manage the applicant's diabetes and procedures to follow if complications arise;
  3. A separate signed vision evaluation report from an ophthalmologist or optometrist indicating that the applicant has been examined and does not have diabetic retinopathy and meets the vision standard of 49 CFR 391.41(b)(10), or has been issued a valid intrastate medical waiver for monocular vision. If the applicant has any evidence of diabetic retinopathy, the applicant must be examined by an ophthalmologist and submit a separate signed statement from the ophthalmologist that the applicant does not have unstable proliferative diabetic retinopathy (i.e. unstable advancing disease of blood vessels in the retina); and
  4. A copy of the driver applicant's state motor vehicle driving record for the past three years from each state in which a motor vehicle driver license or permit has been obtained.
- E. The completed intrastate medical waiver application for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(10) shall be accompanied by:
1. A copy of the medical examination report and medical examination certificate completed pursuant to 49 CFR 391.43;
  2. A current vision examination report issued within the last 90 days from the date the report is received by the Department, completed by an ophthalmologist or optometrist. The report shall indicate that the applicant has distant visual acuity of at least 20/40 (Snellen), with or without a corrective lens, in one eye, and the applicant's dominant eye has a visual field of at least 70° peripheral measurement in one direction and 35° in the opposite direction of the horizontal meridian and the ability to distinguish the colors of a traffic signal or device showing standard red, green, and amber, as applicable to the type of medical waiver being requested;
  3. A copy of the driver applicant's state motor vehicle driving record for the past three years from each state in which a motor vehicle driver license or permit has been obtained; and
  4. A statement from the employer that the driver applicant has driven the type of vehicle for which the waiver is being requested for at least two of the previous five years.
- F. Agreement. A motor carrier that employs a driver subject to an intrastate medical waiver granted by the Director under subsection (A), whether the waiver was granted unilaterally to the driver, or to the driver and co-applicant motor carrier, shall agree to:
1. Report to the Department's Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, Arizona 85001-2100, in writing, any suspension, revocation, disqualification, or withdrawal of the subject driver's driver license or permit, and any accident, arrest, or conviction involving the driver within 30 days after the occurrence;
  2. Provide to the Department's Medical Review Program, on request, any documents and information pertaining to the driving activities, accidents, arrests, convictions, and driver license or permit suspensions, revocations, disqualifications, or withdrawals involving the subject driver;
  3. Evaluate the subject driver with a road test using the trailer types the motor carrier intends the driver to transport, or alternatively accept a certificate of a trailer road test from another motor carrier if the trailer types are similar, or accept the trailer road test completed during the

## Department of Transportation - Commercial Programs

- skill performance evaluation if trailer types are similar to that of the prospective motor carrier;
4. Evaluate the subject driver for those non-driving safety related job tasks associated with each type of trailer that will be used and any other non-driving safety related or job related tasks unique to the operations of the employing motor carrier; and
  5. Use the subject driver to operate the type of commercial motor vehicle indicated on the intrastate medical waiver only when the driver is in compliance with the conditions and limitations of the waiver.
- G.** A driver subject to an intrastate medical waiver, issued by the Director under subsection (A), shall supply each employing motor carrier with a copy of the intrastate medical waiver.
- H.** The Department may require the driver applicant to demonstrate the driver applicant's ability to safely operate the commercial motor vehicle the driver intends to drive.
- I.** If required by the Department during the application process, a driver applicant shall have a skill performance evaluation performed by a federally-certified state commercial driver license examiner at a Department commercial driver license facility when directed.
- J.** If the Director grants an intrastate medical waiver under subsection (A) to the driver applicant, the Department shall mail to the driver applicant and co-applicant motor carrier (if applicable) written approval of the intrastate medical waiver describing the terms, conditions, and limitations of the waiver.
- K.** The intrastate medical waiver granted by the Director under subsection (A) shall identify:
1. The power unit (bus, truck, truck tractor) for which the waiver is granted; and
  2. The trailer type used in the skill performance evaluation, if applicable, without limiting the waiver to that specific trailer type.
- L.** A subject driver may use the intrastate medical waiver with other trailer types if the driver successfully completes:
1. A trailer road test administered by the motor carrier under subsection (F)(3) for each type of trailer, and
  2. A non-driving safety related or job related task evaluation administered by the motor carrier under subsection (F)(4).
- M.** The intrastate medical waiver granted by the Director under subsection (A) is:
1. Valid for a period of not more than two years from the date of issuance;
  2. Renewable 30 days prior to the expiration date; and
  3. Transferable from an original motor carrier co-applicant employer to a new motor carrier employer or to the subject driver, as a unilateral applicant if becoming self-employed, upon written notification to the Department's Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, Arizona 85001-2100, stating the new employer's name and the type of equipment to be driven.
- N.** An intrastate medical waiver granted by the Director under subsection (A) to a driver applicant for monocular vision under subsection (E), shall prohibit the subject driver from transporting:
1. Passengers for hire; and
  2. Reportable quantities of hazardous substances, manifested hazardous wastes, and hazardous material required to be placarded.
- O.** A driver subject to an intrastate medical waiver, issued by the Director under subsection (A), shall have the intrastate medical waiver (or a legible copy) in the subject driver's possession while on duty.
- P.** The motor carrier employing a subject driver shall maintain a copy of the intrastate medical waiver in its driver qualification file and retain the copy in the motor carrier's file for a period of three years after the driver's employment is terminated.
- Q.** A driver subject to an intrastate medical waiver, issued by the Director under subsection (A) to an applicant for insulin-dependent diabetes under subsection (D), must comply with the following conditions:
1. Maintain appropriate medical supplies for glucose management while preparing for the operation of a commercial motor vehicle and during its operation. The supplies shall include the following:
    - a. A digital glucose monitor with computerized memory,
    - b. Supplies needed to obtain adequate blood samples and to measure blood glucose,
    - c. Insulin to be used as necessary, and
    - d. An amount of rapidly absorbable glucose to be used as necessary;
  2. Maintain a daily record of actual driving time to correlate with the daily glucose measurements;
  3. Monitor and maintain blood glucose levels in the range of 100 to 400 milligrams per deciliter (mg/dl) prior to and while driving.
    - a. Check glucose before starting to drive and take corrective action if necessary. If glucose is less than 100 mg/dl, take glucose or food and recheck in 30 minutes. Repeat the process until glucose is greater than 100 mg/dl. Do not drive if glucose is less than 100 mg/dl;
    - b. While driving, stop the vehicle in a safe location and check glucose every two to four hours and take appropriate action to maintain it in the range of 100 to 400 mg/dl;
    - c. Have food available at all times when driving. If glucose is less than 100 mg/dl, stop driving and eat. Recheck in 30 minutes and repeat procedure until glucose is greater than 100 mg/dl; and
    - d. If glucose is greater than 400 mg/dl, stop driving until glucose returns to the 100 to 400 mg/dl range. If more than two hours have passed since last insulin injection and eating, take additional insulin. Recheck blood glucose in 30 minutes. Do not resume driving until glucose is less than 400 mg/dl;
  4. Participate in a diabetes education program annually;
  5. Undergo the following evaluations and examinations and submit to the Department's Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, Arizona 85001-2100, within 10 days of the date of the evaluation or exam:
    - a. A quarterly evaluation completed by a board-certified or board-eligible endocrinologist. A quarterly endocrinologist evaluation shall include a review of the driver's daily glucose logs and glucose levels (from the subject driver's required monitoring device), a comparison of monitoring dates to the driving log to ensure that the subject driver is checking glucose levels prior to operating a commercial motor vehicle, a certifying statement indicating that the subject driver is maintaining a glucose level in the range of 100 to 400 mg/dl while driving a commercial motor vehicle, a certifying statement indicating that the subject driver is maintaining a stable insulin regimen and that the subject driver's quarterly A1c result continues to reflect stable control, reports of any severe hypoglycemic episodes, any

## Department of Transportation - Commercial Programs

- hypoglycemic-related hospitalization, and any treatment regimen changes since the last hypoglycemic episode;
- b. An annual evaluation completed by a board-certified or board-eligible endocrinologist. In addition to the requirements of a quarterly endocrinologist evaluation under subsection (Q)(5)(a), an annual endocrinologist evaluation shall also include a general physical examination, an indication that the driver has continued to participate in a diabetes education program with the last education date provided, a certifying statement indicating that the driver understands how to individually manage and monitor the driver's diabetes mellitus, an indication of the development of, or progression, or both, in diabetes complications (i.e. renal disease, cardiovascular disease, and neurological disease), a list of all medications taken and whether any of the medications may compromise the driver's ability to operate a commercial motor vehicle, the endocrinologist's belief that the driver has demonstrated the ability and willingness to properly manage the driver's diabetes, and a certifying statement indicating that the driver is able to safely operate a commercial motor vehicle while using insulin;
  - c. An annual vision evaluation report, as prescribed under subsection (D)(3). If there is any evidence of diabetic retinopathy, provide annual documentation by an ophthalmologist that the driver does not have unstable proliferative diabetic retinopathy; and
  - d. An annual medical examination report and medical examination certificate completed pursuant to 49 CFR 391.43. Provide copies of the endocrinologist evaluation and the vision evaluation report to the medical examiner for review; and
6. Report the following information to the Department's Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, Arizona 85001-2100, within two days of occurrence;
    - a. All episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; and
    - b. Any involvement in an accident or any other adverse event in a commercial motor vehicle or personal vehicle, related to an episode of hypoglycemia or hyperglycemia.
- R. A driver subject to an intrastate medical waiver, issued by the Director under subsection (A) to an applicant for monocular vision under subsection (E), must be physically examined every year and shall submit the following to the Department's Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, Arizona 85001-2100:
1. A vision examination report issued within the last 90 days from the date the report is received by the Department, as prescribed under subsection (E)(2); and
  2. A current medical examination report and medical examination certificate completed pursuant to 49 CFR 391.43 within the past year.
- S. A driver subject to an intrastate medical waiver, or a driver subject to an intrastate medical waiver jointly with a motor carrier co-applicant, may renew an intrastate medical waiver by submitting to the Department's Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, Arizona 85001-2100, a new intrastate medical waiver application. The intrastate medical waiver application shall contain the following:
1. Name and complete address of the motor carrier currently employing the applicant;
  2. Name and complete address of the subject driver;
  3. Total miles driven under the current intrastate medical waiver;
  4. Number of accidents incurred while driving under the current intrastate medical waiver, including the date of each accident, number of fatalities, number of injuries, and the estimated dollar amount of any property damage;
  5. A current medical examination report and medical examination certificate completed pursuant to 49 CFR 391.43;
  6. A current medical examination or evaluation as applicable to the medical condition:
    - a. A current medical waiver evaluation summary, as prescribed under subsection (C)(2), for a driver with a loss of limb or limb impairment;
    - b. A current endocrinologist evaluation, as prescribed under subsection (D)(2), and a current vision evaluation report, as prescribed under subsection (D)(3), for a driver who is an insulin-dependent diabetic; or
    - c. A current vision examination report, as prescribed under subsection (E)(2), for a driver with monocular vision;
  7. A copy of the subject driver's current state motor vehicle driving record for the period of time the current intrastate medical waiver has been in effect;
  8. Notification of any change in the type of tractor the driver will operate;
  9. Subject driver's signature and date signed; and
  10. Motor carrier co-applicant's signature and date signed (if applicable).
- T. The Director may deny an application for the intrastate medical waiver or may grant the waiver in whole or in part and issue the waiver subject to such terms, conditions, and limitations as the Director deems consistent with the public interest.
- U. The Director may revoke an intrastate medical waiver after providing the driver subject to an intrastate medical waiver written notice of the proposed revocation and a reasonable opportunity to request a hearing pursuant to the procedure prescribed under 17 A.A.C. 1, Article 5. The Director may revoke an intrastate medical waiver if the:
1. Driver subject to an intrastate medical waiver, or co-applicant (if applicable), or both provided false information in the application,
  2. Driver subject to an intrastate medical waiver, or co-applicant (if applicable), or both failed to comply with the terms and conditions of the intrastate medical waiver, or
  3. Issuance of the intrastate medical waiver resulted in a lower level of safety than before the waiver was granted.
- V. If the enforcement of any provision of this Section would result in the loss or disqualification of federal funding for any state agency or program, that provision is invalid.

**Historical Note**

New Section recodified from R17-4-435.06 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). Section repealed; new Section made by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 2382, effective August 5, 2014 (Supp. 14-3).

**R17-5-209. Hazardous Materials Transportation: Incorporation of Federal Regulations; Applicability****A. Incorporation of federal regulations.**

1. As relevant to the transportation of hazardous materials by highway, the Department incorporates by reference, as

## Department of Transportation - Commercial Programs

amended under this Section, the following Parts of the Federal Hazardous Materials Regulations; revised as of October 1, 2012, and no later amendments or editions, as 49 CFR - Transportation, Subtitle B - Other Regulations Relating to Transportation, Chapter I - Pipeline and Hazardous Materials Safety Administration, Department of Transportation:

- a. Subchapter A - Hazardous Materials and Oil Transportation; Part 107 - Hazardous materials program procedures; and
- b. Subchapter C - Hazardous Materials Regulations; Parts:
  - i. 171 - General information, regulations, and definitions;
  - ii. 172 - Hazardous materials table, special provisions, hazardous materials communications, emergency response information, training requirements, and security plans;
  - iii. 173 - Shippers - general requirements for shipments and packagings;
  - iv. 177 - Carriage by public highway;
  - v. 178 - Specifications for packagings; and
  - vi. 180 - Continuing qualification and maintenance of packagings.

2. The material incorporated by reference under this subsection is on file with the Department and is available from the U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000. The incorporated material can be ordered online by visiting the U.S. Government Online Bookstore at <http://bookstore.gpo.gov>.

**B. Application and exceptions.**

1. Application.
  - a. Regulations incorporated under subsection (A) apply as amended by subsection (C) to motor carriers, shippers, and manufacturers as defined under A.R.S. § 28-5201.
  - b. Regulations incorporated under subsection (A) also apply to any vehicle owned or operated by the state, a political subdivision, or a state public authority, used to transport a hazardous material, including hazardous substances and hazardous waste.
2. Exceptions. An authorized emergency vehicle, as defined under A.R.S. § 28-101, is excepted from the provisions of this Section.

**C. Amendments.** The following sections of the Federal Hazardous Materials Regulations, incorporated under subsection (A), are amended as follows:

1. Part 171, General information, regulations, and definitions. Section 171.8, Definitions and abbreviations. Section 171.8 is amended by revising the definitions for "Carrier," "Hazmat employer," and "Person," and adding a definition for "Highway" as follows:
 

"Carrier" means a person engaged in the transportation of passengers or property by highway as a common, contract, or private carrier and also includes the state, a political subdivision, and a state public authority engaged in the transportation of hazardous material."

"Hazmat employer" means a person who uses one or more employees in connection with: transporting hazardous material; causing hazardous material to be transported or shipped; or representing, marking, certifying, selling, offering, reconditioning, testing, repairing, or modifying containers, drums, or packagings as qualified for use in the transportation of hazardous material. This term includes motor carriers, shippers, and manufacturers

defined under A.R.S. § 28-5201 and includes the state, political subdivisions, and state public authorities."

"Highway" means a public highway defined under A.R.S. § 28-5201."

"Person" has the same meaning as defined under A.R.S. § 28-5201."

2. Part 172, Hazardous materials table, special provisions, hazardous materials communications, emergency response information, training requirements, and security plans. Section 172.3, Applicability. Paragraph (a)(2) is amended to read: "Each motor carrier that transports hazardous materials, and each state agency, political subdivision, and state public authority that transports hazardous material by highway."
3. Part 177, Carriage by public highway.
  - a. Section 177.800, Purpose and scope of this part and responsibility for compliance and training. In paragraph (a), the phrase "by private, common, or contract carriers by motor vehicle" is amended to read, "by a motor carrier operating in Arizona, a state agency, a political subdivision, or a state public authority that transports hazardous material by highway."
  - b. Section 177.802, Inspection. Section 177.802 is amended to read: "Records, equipment, packagings, and containers under the control of a motor carrier or other persons subject to this part, affecting safety in transportation of hazardous material by motor vehicle, must be made available for examination and inspection by an authorized representative of the Department as prescribed under A.R.S. §§ 28-5204 and 28-5231."

**Historical Note**

New Section recodified from R17-4-436 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1867, effective June 3, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 1262, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 2382, effective August 5, 2014 (Supp. 14-3).

**R17-5-210. Motor Carrier Safety: Public Service Corporation, Political Subdivision of this State that is Engaged in Rendering Public Utility Service, or Railroad Contacting State Officials in an Emergency**

- A.** A public service corporation, a political subdivision of this state that is engaged in rendering public utility service, or a railroad shall notify Commercial Vehicle Enforcement, through the Arizona Department of Public Safety Duty Office, that an emergency situation under A.R.S. § 28-5234(B) exists. Notification shall be made on a form provided by the Arizona Department of Public Safety and sent by fax transmission to (602) 223-2929 immediately, but in no case longer than three hours from the time the public service corporation, political subdivision of this state that is engaged in rendering public utility service, or railroad determines that the emergency situation exists. The information to be provided includes:
1. Date of the emergency situation,
  2. Time that the emergency situation started,
  3. Description of the emergency situation,
  4. Location of the emergency situation,
  5. Projected duration of the emergency situation,

## Department of Transportation - Commercial Programs

6. Authorized party's signature for determining that an emergency situation exists,
  7. Name and contact number of responsible party in the field, and
  8. The utility's self-generated Emergency ID or tracking number.
- B.** A public service corporation, a political subdivision of this state that is engaged in rendering public utility service, or a railroad shall maintain supporting documentation for no less than three years from the date of an emergency situation and shall make the supporting documentation available to a special agent upon request. Supporting documentation includes:
1. A list of drivers involved in the emergency situation;
  2. The duration of the emergency situation;
  3. The off-duty time provided for the affected drivers after the emergency situation concluded; and
  4. Any United States Department of Transportation recordable accidents, as defined under 49 CFR 390.5, which occurred during the emergency situation.
- C.** After an emergency situation terminates and a driver returns to the principal place of business, the driver shall not drive a commercial motor vehicle unless the driver remains off duty under 49 CFR 395.

**Historical Note**

New Section recodified from R17-4-438 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4259, effective September 13, 2001 (Supp. 01-3). Section repealed by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). New Section made by final rulemaking at 11 A.A.R. 862, effective February 1, 2005 (Supp. 05-1). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3).

**R17-5-211. Motor Carrier Safety: Inspection, Enforcement, Sanction**

- A.** Scope. This Section applies to any transporter subject to:
1. R17-5-201 through R17-5-209; and
  2. A.R.S. Title 28, Chapter 14.
- B.** Audits.
1. The Department may conduct an audit for cause or without cause.
  2. The Department may enter the premises of any transporter for the purpose of conducting an audit.
  3. The Department may inspect a motor vehicle:
    - a. Within Arizona at:
      - i. A transporter's place of business, or
      - ii. Any other in-state location, or
    - b. Outside Arizona at a transporter's place of business.
  4. A transporter shall make records available for audit:
    - a. During the transporter's normal business hours, and
    - b. In a specific location as follows:
      - i. The transporter's Arizona place of business, or
      - ii. Either an Arizona location designated by the Director or the transporter's out-of-state place of business.
  5. The Department shall charge a transporter in advance for all expenses to be incurred in performance of an out-of-state audit.
- C.** Violation notification. Within five days after audit completion, the Department shall notify an audited transporter in writing of all violations. The notification shall specify a deadline date for remedy of all violations.
- D.** Obligation to remedy violations. After receipt of a violation notification, a transporter shall remedy all violations by the specified date to comply with:

1. R17-5-201 through R17-5-209; and
  2. A.R.S. Title 28, Chapter 14.
- E.** Noncompliance: Failure to remedy violations. If the Department determines a transporter does not remedy a violation by the date specified in a violation notice, the Department shall initiate further enforcement action as prescribed under A.R.S. §§ 28-5237 and 28-5238.
- F.** Danger to public safety. If the Director determines a written violation report establishes probable cause of danger to public safety, the Director shall issue an order by 5:00 p.m. the next business day suspending the Arizona registration of the motor vehicle owned or leased by the transporter, or a driver's Arizona driver license or nonresident driving privilege.

**Historical Note**

New Section recodified from R17-4-439 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4259, effective September 13, 2001 (Supp. 01-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 2382, effective August 5, 2014 (Supp. 14-3).

**R17-5-212. Motor Carrier Safety: Hearing Procedure**

- A.** Scope.
1. This Section applies only to a motor carrier enforcement action under:
    - a. R17-5-201 through R17-5-209; and
    - b. A.R.S. Title 28, Chapter 14.
  2. In an enforcement hearing involving a manufacturer, motor carrier, shipper, or driver under this Section, the Department shall follow the procedures prescribed under 17 A.A.C. 1, Article 5, except as modified under subsections (B) through (I).
- B.** Initiation of proceedings, pleadings.
1. The Director shall initiate a hearing under this Section by:
    - a. Signing and serving a complaint in the form prescribed under subsection (G) that cites a manufacturer, motor carrier, shipper, or driver for an alleged infraction; and
    - b. Serving the cited manufacturer, motor carrier, shipper, or driver with a hearing notice within 15 days after the date the complaint is signed.
  2. After the Director signs a complaint, the Executive Hearing Office shall act on the Director's behalf through completion of an administrative proceeding under this Section.
- C.** Order to show cause.
1. When a complaint is served, the Executive Hearing Office shall immediately issue a summons for a respondent to appear at an administrative hearing to explain why the Executive Hearing Office should not grant the requested relief.
  2. The Executive Hearing Office shall hold a hearing under this Section within 60 days after the date the complaint is served.
  3. The parties may resolve a complaint before the hearing date.
    - a. The respondent shall file any settlement condition with the Executive Hearing Office.
    - b. Complaint settlement terminates the right of both petitioner and respondent to receive additional administrative review.
- D.** Service.
1. The Executive Hearing Office shall:
    - a. Send an order to show cause by certified mail as prescribed under A.R.S. § 28-5232(B), and



## Department of Transportation - Commercial Programs

- b. Maintain a proof-of-service file.
- 2. The date of service is the date of mailing.
- E. Answer.**
  - 1. Within 15 days after service of a complaint, a respondent shall respond to the complaint by:
    - a. Filing a written answer with the Executive Hearing Office; and
    - b. Serving the Assistant Attorney General, Transportation Division, representing the Department with a copy of the answer.
  - 2. A respondent's written answer shall contain:
    - a. An admission or denial of each complaint allegation, and
    - b. A list of all defenses that the respondent intends to raise during the hearing.
  - 3. In a hearing, the Executive Hearing Office shall consider any allegation not denied in the answer as an admission to the allegation.
- F. Default.**
  - 1. The Executive Hearing Office shall find in default a respondent that fails to file an answer within 15 days after the service date of a complaint.
  - 2. If the Executive Hearing Office finds a respondent in default, the Executive Hearing Office shall:
    - a. Consider the respondent's default as an admission of all complaint allegations unless the default is cured under subsection (F)(3), and
    - b. Enter an order granting the relief requested in the Department's complaint.
  - 3. A respondent may cure a default by following Rule 60(c) of the Arizona Rules of Civil Procedure.
- G. Emergency motor carrier hearings; scope.**
  - 1. The Director shall initiate an emergency motor carrier hearing process according to R17-5-211(E) by:
    - a. Issuing a complaint and order to show cause according to the hearing scope under A.R.S. § 28-5232(C); and
    - b. Ordering immediate suspension of the registration of the motor vehicle owned or leased by the manufacturer, shipper, or motor carrier, or the driver license or driver's nonresident operating privilege, as prescribed under A.R.S. § 28-5232(A).
  - 2. The Executive Hearing Office shall set an emergency hearing date to occur within 30 days after the date on the complaint.
  - 3. The complaint and order to show cause shall contain the following:
    - a. The Department as the designated petitioner on the state's behalf;
    - b. The respondent's name and the basis of fact for the complaint, including a listing of any alleged violation of Department statute or rule;
    - c. The relief sought by the Department; and
    - d. An original copy of the written violation notice issued by a law enforcement agency that was served upon the respondent.
  - 4. At an emergency motor carrier hearing, an Executive Hearing Office administrative law judge shall determine whether the respondent:
    - a. Was operating on a public highway and the operation created a danger to the public safety,
    - b. Was responsible for the danger, and
    - c. Is responsible for preventing or remedying further danger to public safety.
  - 5. Upon a finding that the factors in subsection (G)(4) are present, the administrative law judge shall order that the

motor carrier's registration and operator's driver license or driver's nonresident operating privilege suspension continue.

- 6. If a respondent fails to appear at an emergency motor carrier hearing, any suspension previously ordered remains in effect until the respondent appears and meets all requirements under A.R.S. § 28-5232(F).

**H.** Upon a finding that the factors in subsection (G)(4) are present, the Director shall impose a civil penalty as prescribed under A.R.S. §§ 28-5232, 28-5237 and 28-5238.

**I.** A respondent may request judicial review of a motor carrier safety hearing as prescribed under A.R.S. § 28-5239.

**Historical Note**

New Section recodified from R17-4-440 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 4230, effective November 15, 2002 (Supp. 02-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3).

**ARTICLE 3. PROFESSIONAL DRIVER SERVICES****R17-5-301. Definitions**

In addition to the definitions under A.R.S. §§ 28-101 and 32-2351, the following definitions apply to this Article, unless otherwise specified:

"Activity" means a function or service that is provided by a licensed professional driver training school pursuant to A.R.S. Title 32, Chapter 23 or licensed traffic survival school pursuant to A.R.S. Title 28, Chapter 8, Article 7.1 and that is performed by a professional driver training school instructor or traffic survival school qualified instructor as defined in this Article.

"Applicant" means an individual or school, including principals, requesting in the manner set forth in this Article the issuance or renewal of a license or to become a qualified instructor under A.R.S. Title 28, Chapter 8, Article 7.1 or Title 32, Chapter 23 and this Article.

"Application date" means the date the Department or private entity receives a signed application from an applicant.

"Audit" means a review of the operations, facilities, equipment, and records of a licensee under this Article, which is performed by the Department or private entity under A.R.S. § 28-3411 or 32-2352 to assess and ensure compliance with all applicable federal and state laws and rules.

"Branch" means a licensed professional driver training school's or licensed traffic survival school's business location that is an additional established place of business, but not the school's principal place of business.

"Business day" means a day other than a Saturday, Sunday, or legal state holiday.

"Business manager" means an owner or employee of a licensed school who has primary and sufficient oversight, supervision, and responsibility for all operations necessary to ensure full compliance with all applicable federal or state laws, rules, and school guidelines.

"Certificate of completion" means an electronic or paper document that is approved by the Department or private entity and that is issued by a traffic survival school or high school qualified instructor to a student who has demonstrated successful completion of a training or educational session or both conducted under this Article.

"Character and reputation" means a person:

## Department of Transportation - Commercial Programs

Has not been convicted of a class 1 or 2 felony by a court of competent jurisdiction,

Has not within five years of application date been convicted of any other felony or misdemeanor offense having a reasonable relationship to the functions of the activity or the employment or category for which the qualification is sought, and

Has not within 12 months of application date had an application or an examination required for license or qualification under this Chapter denied or revoked due to fraud or misrepresentation.

“Commercial driver license motor vehicle record” has the same meaning as a CDLIS motor vehicle record as defined in 49 CFR 384.105.

“Department-approved inventory” means educational media and related items or other resources provided and approved by the Department or private entity that are deemed necessary or useful for traffic survival school instruction, which includes curriculum, computer disks or drives, classroom training materials, instructor workbooks, instructor training manuals, or other materials, whether stored in paper or electronic formats.

“Established place of business” means a licensed professional driver training school’s or licensed traffic survival school’s business location that is:

Approved by the Department,  
Located in Arizona,  
Not used as a residence, and  
Where the licensed school performs licensed activities.

“Good standing” means an applicant:

Has not had a similar business license, qualification, or approval suspended, revoked, canceled, or denied within the previous three years of the application date;

Does not have any pending corrective action, as defined under R17-5-323, relating to a Department-issued business license, qualification, or approval;

Has not had a fingerprint clearance card required for licensure under this Article suspended, revoked, or canceled;

Does not owe delinquent fees, taxes, or unpaid balances to the Department or private entity;

Has not had any substantiated derogatory information relevant to the requested license reported to the Department about the applicant from any state agency contacted by the Department; or

Has not been dismissed, or resigned in lieu of dismissal, from a position for cause following allegations of misconduct having a reasonable relationship to the person’s proposed area of licensure or qualification, if the applicant is a former Department employee or a former principal or employee of a licensed professional driver training school or licensed traffic survival school.

“Immediate family member” has the same meaning as prescribed in A.R.S. § 28-2401.

“Inactivation” or “inactive” means a temporary or permanent status, assigned by the Department to a school previously licensed under this Article, which prohibits the school from further engaging in the previously licensed activity after the occurrence of any of the following actions:

Cancellation of license, as defined in R17-5-323;  
Suspension of license, as defined in R17-5-323;  
Revocation of license, as defined in R17-5-323;  
Non-renewal of license; or

Relinquishment of license.

“Licensee” means a school licensed by the Department or private entity under A.R.S. § 28-3413 or 32-2371 and this Article, to perform a licensed activity.

“Principal” means any of the following:

If a sole proprietorship, the sole proprietor;

If a partnership, limited partnership, limited liability partnership, limited liability company or corporation, the:

Partner;

Manager;

Member;

Officer;

Director;

Agent; or

If a limited liability company or corporation, each stockholder owning 20 percent or more of the limited liability company or corporation; or

If a political subdivision or government agency, the political subdivision or agency head.

“Principal place of business” means a licensed professional driver training school’s or licensed traffic survival school’s administrative headquarters, which shall not be used as a residence.

“Private entity” means an entity that contracts with the Department under A.R.S. § 28-3411 or 32-2352.

“Professional driver training school instructor” means an individual meeting the qualifications under R17-5-303 who can present specific training and educational curriculum to professional driver training school students as provided under this Article.

“Satisfactory driver record” means an applicant has not had within the past 39 months:

A conviction for driving under the influence, reckless or aggressive driving, racing on a highway, or leaving the scene of an accident;

A driver license previously canceled, suspended, revoked, or disqualified for any reason except for failing to meet or maintain the commercial driver license physical qualifications under 49 CFR 391.41 and A.A.C. R17-4-508; and

More than three previous assignments to attend traffic survival school and no pending assignment.

“Traffic survival school qualified instructor” means an individual deemed qualified by the Department or private entity under this Article to conduct instruction of an education session on behalf of a licensed traffic survival school.

#### Historical Note

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

#### **R17-5-302. Professional Driver Training School and Traffic Survival School Licensing; Eligibility and Application Requirements**

**A.** An applicant for a professional driver training school or traffic survival school license, issued by the Department or private entity under A.R.S. § 28-3411 or 32-2371 and this Section, shall meet all applicable licensing requirements under state law and this Article when applying for an original or renewal license.

## Department of Transportation - Commercial Programs

- B.** An applicant for a professional driver training school or traffic survival school license shall complete and submit to the Department or private entity an application packet that contains all of the following:
1. An application, completed on a form approved by the Department;
  2. Certification that each classroom used for the instruction of students is maintained in compliance with all applicable fire codes and local zoning ordinances;
  3. Certification that each classroom used for the instruction of students meets the accessibility requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended;
  4. A copy of the following documents relating to the applicant's business if the applicant is a:
    - a. Corporation:
      - i. A copy of the articles of incorporation, including any amendments filed with the Arizona Corporation Commission; and
      - ii. Any other official documents, including copies of board meeting minutes and annual reports that reflect the most recent change to the corporate name, structure, or officers;
    - b. Limited liability company:
      - i. A copy of the articles of organization, including any amendments filed with the Arizona Corporation Commission; or
      - ii. A copy of the application for registration as a foreign limited liability company filed with the Arizona Corporation Commission and a copy of the certificate of registration issued by the Arizona Corporation Commission to a foreign limited liability company;
    - c. Limited partnership or a limited liability partnership:
      - i. A copy of a valid certificate of existence issued by the Arizona Office of the Secretary of State;
      - ii. A copy, stamped "filed" by the Arizona Office of the Secretary of State, of a certificate of limited partnership, certificate of foreign limited partnership, limited liability partnership form, foreign limited liability partnership form, or statement of qualification for conversion of limited partnership or limited liability partnership; or
      - iii. A copy of a valid trade name certificate issued by the Arizona Office of the Secretary of State; or
    - d. Sole proprietor:
      - i. A copy of a valid certificate of existence issued by the Arizona Office of the Secretary of State, or
      - ii. A copy of a valid trade name certificate issued by the Arizona Office of the Secretary of State;
  5. The name and Arizona address of the school's statutory agent, as designated in the articles of incorporation, if the applicant is a corporation;
  6. Documentation prescribed under A.R.S. § 41-1080 indicating that each applicant's presence in the United States is authorized under federal law if the applicant is an individual, a sole proprietor, or part of a general partnership;
  7. Payment of the license fees prescribed under A.R.S. § 28-3415 or 32-2374 for each activity requested; and
  8. A form, approved by the Department, completed for each branch license, if applicable, and accompanied by payment of any applicable branch license fees prescribed under A.R.S. § 28-3415 or 32-2374.
- C.** An applicant shall not use the following in any part of its school name, which is subject to approval by the Department or private entity:
1. The terms "Arizona Department of Transportation," "Department of Transportation," "Motor Vehicle Division," "Motor Vehicle Department," "Division of Motor Vehicles," or "Department of Motor Vehicles;" or
  2. The acronyms "ADOT," "DOT," "MVD," or "DMV."
- D.** Professional driver training school applicants must provide the following additional documents with the school's application packet:
1. A copy of the school's complete curriculum, including a sample of all written examinations and answer keys, unless the curriculum is provided by the Department or private entity;
  2. Verification of liability insurance coverage reflecting at least the minimum amount prescribed under A.R.S. § 32-2393 for each motor vehicle used to provide instruction; and
  3. Diagrams detailing a minimum of three separate behind-the-wheel final evaluation routes with a written narrative indicating all required maneuvers, if the applicant will be providing behind-the-wheel driver training.

**Historical Note**

New Section recodified from R17-4-512 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section amended by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-303. Professional Driver Training School Instructor Qualifications and Requirements**

- A.** A professional driver training school instructor shall:
1. Work for a professional driver training school licensed by the Department or private entity under A.R.S. § 32-2371 and R17-5-302,
  2. Possess a valid Arizona commercial driver license with applicable endorsements representative of the vehicle to be used in training,
  3. Meet the character and reputation requirements as defined in R17-5-301, and
  4. Meet all applicable instructor requirements under state law and this Article.
- B.** Each professional driver training school licensed under A.R.S. § 32-2371 and this Article shall maintain a file for each professional driver training school instructor that contains the following:
1. A copy of a valid Arizona commercial driver license with applicable endorsements representative of the vehicle to be used in training, and
  2. An annual commercial driver license motor vehicle record which indicates the instructor has maintained a satisfactory driver record as defined in R17-5-301.
- C.** A business manager of a professional driver training school licensed under A.R.S. § 32-2371 and this Article shall submit to the Department or private entity a list of all of its professional driver training school instructors, including full name and commercial driver license number, at the time of hiring the instructors, within 10 calendar days of making any changes to the instructors as required under R17-5-310, and when renewing the school license as required under R17-5-309.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking

## Department of Transportation - Commercial Programs

at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-304. Fingerprint Background Check; Fingerprint Clearance Card**

- A. An applicant for a license issued under A.R.S. Title 28, Chapter 8, Article 7.1 or Title 32, Chapter 23, Article 2 and this Article, as applicable, shall:
1. Successfully complete a fingerprint background check conducted by the Arizona Department of Public Safety under A.R.S. § 41-1758.01, and
  2. Submit to the Department or private entity a copy of the fingerprint clearance card issued to the applicant under A.R.S. § 41-1758.03 as part of the application packet.
- B. An applicant is responsible for all costs associated with obtaining the fingerprint clearance card.
- C. A licensee, as applicable, shall maintain a valid fingerprint clearance card while licensed under this Article, and shall provide written notice to the Department or private entity within 10 calendar days if the fingerprint clearance card is cancelled, suspended, or revoked.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-305. Traffic Survival School Qualified Instructor Status; Eligibility and Application Requirements**

- A. An applicant for traffic survival school qualified instructor status shall:
1. Apply through a traffic survival school licensed by the Department or private entity under A.R.S. § 28-3413 and this Article,
  2. Possess a valid Arizona driver license,
  3. Meet all applicable requirements under this Article, and
  4. Meet the good standing and character and reputation requirements as defined in R17-5-301.
- B. Each traffic survival school qualified instructor applicant shall complete an application packet that contains the following:
1. An application, completed on a form approved by the Department;
  2. A copy of a valid Arizona driver license;
  3. Documentation prescribed under A.R.S. § 41-1080 indicating that the applicant's presence in the United States is authorized under federal law;
  4. A motor vehicle record, dated within 30 days of the application date, which indicates that the applicant maintained a satisfactory driver record as defined in R17-5-301;
  5. An affidavit from the business manager of the traffic survival school certifying that the qualified instructor applicant has the necessary skills and abilities to give instruction at a professional level; and
  6. Payment of authorized fees as required by the private entity for application and administration of the instructor qualification process and for required instructor continuing education, which shall be negotiated by the Department and the private entity and shall be set forth in their contract.
- C. An applicant for instructor qualification shall have successfully completed a traffic survival school educational workshop or similar curriculum approved by the Department or private entity before being permitted to instruct any traffic survival school course.
- D. An applicant for instructor qualification shall have successfully completed an examination given for qualification of instructors by the Department or private entity as required

under R17-5-306 before being permitted to instruct any traffic survival school course.

- E. A business manager of a traffic survival school licensed under A.R.S. § 28-3413 and this Article shall submit to the Department or private entity the complete application packet for each qualified instructor applicant.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-306. Required Training and Examination of School and Instructor Applicants**

- A. An applicant for traffic survival school instructor qualification under this Article shall attend Department-approved training and shall pass one or more required examinations administered by the Department or private entity.
- B. The Department or private entity shall limit a traffic survival school qualified instructor applicant to three opportunities within 90 days, based on scheduling, to successfully complete and achieve a passing score or grade on each examination required under this Section.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-307. Approval or Denial of Application; Hearing; Appeal**

- A. An application will not be approved by the Department or private entity unless it is properly and fully completed with all required supporting documents and applicable fees as identified in this Article.
- B. The Department or private entity shall provide written notification to the professional driver training school or traffic survival school of the approval or denial of a license or traffic survival school instructor qualification. A notice denying the applicant a license or qualification under this Article shall specify the basis for denial and indicate that the applicant may request a hearing on the denial with the Department's Executive Hearing Office within 30 calendar days of the date on the notice unless the application is withdrawn by the applicant.
- C. The Department or private entity may deem a traffic survival school instructor applicant qualified when a completed application is received and the applicant has successfully completed all required training and examinations.
- D. Unless the application is withdrawn by the applicant, the Department or private entity may deny an application in which the applicant has:
1. Failed to have or to document a satisfactory driver record as required under R17-5-305, as applicable;
  2. Failed to meet the good standing or character and reputation requirements of the Department as defined in R17-5-301;
  3. Failed to meet the fingerprint clearance card requirement under R17-5-304, as applicable;
  4. Made a material misrepresentation or misstatement on the application;
  5. Violated a federal or state law or rule reasonably related in a business context to the authority applied for; or
  6. Failed to complete all applicable application requirements under this Article.

## Department of Transportation - Commercial Programs

- E. If timely requested by an applicant under subsection (B), the Department shall schedule and conduct a hearing as prescribed under A.R.S. Title 41, Chapter 6, Article 6 and 17 A.A.C. 1, Article 5 for denial of a license.
- F. An applicant whose application was previously denied by the Department or private entity for making a material misrepresentation or misstatement on the application is not eligible to reapply for 12 months from the date of previous denial.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-308. License Issuance; Effective Date; Expiration; Display**

- A. The Department or private entity may issue the following licenses upon determining an applicant meets all eligibility and application requirements provided under A.R.S. Title 28, Chapter 8, Article 7.1 or Title 32, Chapter 23 and this Article:
  - 1. Professional driver training school,
  - 2. Traffic survival school, and
  - 3. Established place of business (branch).
- B. The Department or private entity shall license only a school that employs or contracts at least one professional driver training school instructor who meets the qualifications under this Article or at least one currently qualified traffic survival school instructor, as applicable.
- C. A license issued under this Article is:
  - 1. Effective on the date of issuance;
  - 2. Effective until its expiration on the last day of each calendar year, except:
    - a. A license subject to an active duty military extension shall expire as provided under A.R.S. § 32-4301, and
    - b. A license subject to an individual's limited length of authorized stay shall expire immediately if the individual's presence in the United States is no longer authorized under federal law; and
  - 3. Nontransferable under any circumstances.
- D. A licensed school shall prominently and publicly display all licenses currently in effect at the school's principal place of business.
- E. A school shall surrender to the Department or private entity within three business days after the date of any license inactivation, as defined in R17-5-301, all:
  - 1. Licenses;
  - 2. Records pertaining to the school's operations and the training of students; and
  - 3. Department-approved inventory, as applicable and as defined in this Article.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-309. Renewal of License**

- A. A completed renewal, consisting of the following, shall be submitted to the Department or private entity a minimum of 30 calendar days prior to license expiration, notwithstanding A.A.C. R17-1-102, failure to submit a renewal prior to December 1st shall result in the applicant being subject to all original licensing requirements:
  - 1. A renewal application, completed on a form approved by the Department, including:
    - a. An updated list of all principals, instructors, contracted personnel, and employees of the school who are responsible for Arizona school operations, including full name and driver license number; and
    - b. The signature of all current principals on the completed application; and
  - 2. Payment of applicable license fees prescribed under A.R.S. § 28-3415 or 32-2374, for each activity and branch.

- B. Notwithstanding A.R.S. § 28-3415 or 32-2374, an annual license issued by the Department or private entity under this Article during the month of December shall not expire until the last day of the subsequent calendar year.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-310. Modifications of Original Application Information**

- A. A licensee or traffic survival school qualified instructor, making or learning of any change in the content of its original application information, other than ownership, shall provide written notification of the change, completed on a form approved by the Department and signed by a principal or business manager, to the Department or private entity within two business days of making the change.
- B. A licensed school making a change to a principal or corporate structure shall submit to the Department or private entity a new application for licensing under this Article and all applicable fees, as a new applicant for licensure, within 10 calendar days of making the change.
- C. A licensed school submitting a new application to the Department or private entity, as provided under subsection (B), is subject to the fingerprint clearance card requirement under R17-5-304 unless a valid fingerprint clearance card is already on file with the Department.
- D. A licensed school shall provide written or electronic notification on a form, approved by the Department, to the Department or private entity within 10 calendar days of making any changes to the licensee's contact person, business manager, or instructors.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-311. Professional Conduct; Conflicts of Interest; Advertising**

- A. A professional driver training school or traffic survival school representative or instructor shall not:
  - 1. Accompany a student into any Department office or office of an authorized third party driver license or driver license training provider; or
  - 2. Solicit an individual for any purpose on any premises rented, leased, operated, or owned by the Department or by an authorized third party driver license or driver license training provider.
- B. A licensee or traffic survival school qualified instructor shall maintain good standing with the Department at all times while licensed or qualified by the Department or private entity under this Article.

## Department of Transportation - Commercial Programs

- C. A licensee shall not delegate or subcontract any licensed activity authorized by the Department or private entity under this Article.
- D. The Department may take corrective action as provided under R17-5-321 and R17-5-323 if the Department or private entity determines or has reason to believe that a licensee or instructor has demonstrated unethical conduct in the performance of official duties, including:
  - 1. Verbally abusing, intimidating, or sexually harassing a student or potential student; or
  - 2. Making a false statement that is material to the activities regulated in this Article to any personnel of the Department or private entity.
- E. A school shall use for all licensed activities and related advertising purposes only its official business name or its doing-business-as name as indicated on the license issued under this Article.
- F. A licensee shall not represent or imply that it is the state of Arizona, the Department, the Motor Vehicle Division, or any government agency in any printed or electronic advertising or promotional material, except to the extent expressly authorized by the Department.
- G. Licensee advertising shall not in any way:
  - 1. Contain false, deceptive, or misleading information;
  - 2. Imply that the licensee can issue or guarantee issuance of a driver license or endorsement;
  - 3. Imply that the licensee can influence the Department or an authorized third party provider in the issuance of a driver license or endorsement;
  - 4. Imply that the licensee can provide any activity the licensee is not licensed by the Department or private entity to perform;
  - 5. Imply that preferential or advantageous treatment by the Department can be obtained; or
  - 6. Use or contain a term prohibited under R17-5-302(C).
- H. A school licensed by the Department or private entity under this Article may state in its advertising that it is "licensed" or "qualified" by the Department, but shall not indicate that the school is approved, sanctioned, or in any other way endorsed or recommended by the Department.
- I. All printed or electronic advertising or promotional material used, issued, or published by a licensee must be pre-approved by the Department or private entity.
- J. An instructor, in any official capacity as an instructor or for compensation, shall not provide any classroom instruction or skills training for an immediate family member or a principal or employee of any school that employs the instructor.
- K. A full-time employee of the state of Arizona shall not receive any direct pecuniary payments from any fees paid by those who attend a licensed school.
- 2. A principal shall refund within four business days any payment received by the school for a course not yet provided.
- B. A principal of a school ceasing operations shall provide to the Department or private entity, upon request, a written list of all students notified under subsection (A) with an explanation of the final resolution reached as a result of the principal's contact with the student.
- C. A principal's failure to provide continuity of services to enrolled students as provided under this Section may result in the loss of the principal's status of good standing with the Department.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-313. Method of Instruction; Curriculum**

- A. An instructor shall teach only curriculum approved by the Department or private entity to a student attending a class.
- B. An instructor shall not conduct personal business during a time designated for instruction.
- C. An instructor shall not solicit students during training classes for businesses other than those licensed by the Department or private entity.
- D. A school or instructor shall ensure that a student has both fully attended and successfully completed a course before issuing a certificate of completion to the student.
- E. A licensed traffic survival school must use all equipment required by the Department or private entity to present the curriculum to the students, including at a minimum, a computer, a PowerPoint compatible projector, a DVD player, and a display monitor visible to all students.
- F. Professional driver training school approved curriculum. The Department shall approve, and may modify, in writing, a uniform curriculum that the professional driver training school shall teach as applicable for each activity the licensee is authorized to perform. The curriculum shall be a standard course of instruction used by a professional driver training school for the training and education of students.
- G. Traffic survival school approved curriculum. The Department shall approve, and may modify, in writing a uniform curriculum that the traffic survival school shall teach. The curriculum shall be selected and approved on the basis of effectiveness in improving the safety and habits of drivers.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-314. Certificate of Completion**

- A. A qualified instructor for traffic survival school or high school driver education program shall accurately complete all required information on a certificate of completion:
  - 1. The instructor providing the training listed on the certificate of completion shall sign the document once training is complete, or
  - 2. The instructor providing the final instruction or test shall sign the certificate of completion if training is provided by multiple instructors.
- B. A qualified instructor shall provide a certificate of completion to the student at the conclusion of the course. A traffic survival school qualified instructor shall print the certificate of completion.

**R17-5-312. Cancellation and Continuity of Services to Participants**

- A. A principal of a school ceasing operations or cancelling courses for any reason shall ensure continuity of services to each student currently enrolled in courses as follows:
  - 1. A principal shall notify each student currently scheduled for, or enrolled in, a course that the school will be unable to provide the services previously offered 72 hours before the scheduled course; and

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

## Department of Transportation - Commercial Programs

tion from the web site of the Department's private entity or the Department's web site, as applicable.

- C. A high school qualified instructor shall not make a correction to a certificate of completion. If an error is made, the high school qualified instructor shall:
  1. Void the certificate of completion,
  2. Write the word "VOID" or "VOIDED" clearly on the face of each voided certificate of completion, and
  3. Issue a new certificate of completion.
- D. The Department may elect not to accept a certificate of completion that contains an alteration, erasure, correction, or illegible information.
- E. A school or qualified instructor shall not withhold timely issuance of a certificate of completion due to a payment dispute between the school and the student.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-315. Record Retention**

- A. A licensed traffic survival school shall electronically transmit proof of course completion immediately following each student's satisfactory completion of a traffic survival school course in a manner and with the basic computer equipment prescribed by the Department or private entity. At a minimum, the computer equipment must be able to temporarily store, and electronically transmit over the internet, the certificates of completion required by the Department or private entity.
- B. All records pertaining to a licensed school's operations and training of students shall be:
  1. Stored and securely maintained at the licensee's principal place of business,
  2. Available for inspection by the Department or private entity during business hours, and
  3. Retained by the school for three years from the date of course completion.
- C. A licensed school shall establish and maintain separate records for each authorized activity.
- D. A licensed school shall maintain, for three years, attendance records for each class conducted.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-316. Traffic Survival School Department-Approved Inventory**

- A. A traffic survival school licensed under this Article shall:
  1. Prohibit public or other unauthorized access to all Department-approved inventory, and
  2. Submit to the Department or private entity a written report detailing the circumstances surrounding the loss or theft of any missing or stolen Department-approved inventory.
- B. A licensee shall use only Department-approved inventory.
- C. A school principal or business manager shall submit to the Department or private entity a written or electronic request for any additional Department-approved inventory the school may require.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-317. School Responsibilities**

While licensed by the Department or private entity under A.R.S. § 28-3413 or 32-2371 and this Article, the school shall:

1. Comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and applicable federal regulations by providing appropriate auxiliary aids and services to students with disabilities requesting reasonable accommodation;
2. Comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and applicable federal regulations. As a requirement of compliance, the school shall:
  - a. Provide public notification of its compliance with Title VI by displaying a Department-approved notice to the public;
  - b. Take reasonable steps to ensure that Limited English Proficient (non-English speaking) customers have meaningful access to the services or activities performed under this Article, which includes, providing the school's services and authorized transactions in languages other than English and providing these services at no additional cost to the customer or student;
  - c. Report promptly any customer complaints alleging discrimination or failure to meet the requirements of this Section to the Department's Civil Rights office for processing and investigation. The school shall immediately upon receipt of such complaints provide access to its facilities, books, records, accounts, and other sources of information as may be determined or requested by the Department to be pertinent, in order to ascertain compliance with Title VI; and
  - d. Inform and formally train all school officers, principals, employees, and contractors on the requirements to comply with Title VI; and
3. Provide written notice to the Department or private entity within twenty-four hours if the driver license of any of the school's principals, managers, or instructors is suspended, revoked, cancelled, or disqualified.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-318. Instructor Responsibilities**

A professional driver training school instructor or traffic survival school qualified instructor shall:

1. Attend all ongoing training and continuing education as required by the Department or private entity;
2. Provide written notice to the licensed professional driver training school or traffic survival school within twenty-four hours if the instructor's driver license is suspended, revoked, cancelled, or disqualified;
3. Conduct training and courses only at training sites approved by the Department or private entity;
4. Conduct the final evaluation on behind-the-wheel final evaluation routes approved by the Department or private entity;
5. Follow and complete the curriculum approved by the Department or private entity for each course conducted; and
6. Conduct at least two courses in a calendar year.

## Department of Transportation - Commercial Programs

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-319. Traffic Survival Schools**

- A. The Department shall assign an individual only to a traffic survival school licensed by the Director under this Article.
- B. A traffic survival school or qualified instructor shall allow only students who provide acceptable proof of traffic survival school assignment to register for and attend a traffic survival school course. The following documents are acceptable proof of assignment:
  1. Notice of traffic survival school assignment or suspension for failure to attend traffic survival school,
  2. An order from a court or other appropriate tribunal from Arizona or another state indicating traffic survival school assignment,
  3. Traffic survival school proof of assignment form obtained from the Department,
  4. Electronic verification of traffic survival school assignment through the Department's private entity, or
  5. Motor vehicle record.
- C. On enrollment of a student in, or on a student's attendance of, a traffic survival school course, a licensed traffic survival school shall collect the statutory enrollee fee provided in A.R.S. § 28-3411, unless the student has paid the enrollee fee in advance. The licensed traffic survival school also shall collect the records fee prescribed by A.R.S. § 28-446, if applicable, before the student attends the traffic survival school course. The licensed traffic survival school shall fully remit these fees to the private entity within four business days after a student completes the traffic survival school course. If a licensed traffic survival school does not timely remit the enrollee fees, the Department or private entity may notify the traffic survival school that its prospective future students will be required to prepay the enrollee fees until remittances are current. The amount of the enrollee fee charged by the private entity shall be negotiated by the Department and the private entity and shall be set forth in their contract.
- D. A traffic survival school or qualified instructor shall not:
  1. Conduct courses with a number of students in excess of the classroom's fire safety capacity reported to the Department or private entity by the licensee under R17-5-321;
  2. Conduct courses with more than 30 students per qualified instructor;
  3. Exclude a translator, the Director, the private entity, or Department personnel from attending courses;
  4. Issue a certificate of completion to a student who has not fully completed the required curriculum; or
  5. Issue a certificate of completion for a student whom the instructor did not personally instruct.
- E. A licensee shall retain for three years all copies of the student's acceptable proof of assignment and the signed class roster of attending students.
- F. The private entity may develop and administer a web site that allows individuals who are assigned to traffic survival school to locate and enroll online in traffic survival school courses.
- G. Only an individual who meets the qualifications under R17-5-305, remains in compliance with this Article, and who is granted and retains traffic survival school qualified instructor status, may be allowed to teach individuals assigned by the Department to attend a licensed traffic survival school.

- H. A licensed traffic survival school must hold at least one course every 60 days at the school's established place of business and each branch, as applicable.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-320. High School Driver Education Program**

- A. The following definitions apply to this Section:
  1. "Accountable forms inventory" means a series of distinctly and consecutively numbered documents provided by the Department to an instructor qualified under this Section for:
    - a. Recording in a log, the assigned number of each document completed, issued, or voided by a high school qualified instructor; and
    - b. Reporting to the Department the assigned number of each document completed, issued, or voided by a high school qualified instructor.
  2. "Certified instructor report" means a report prepared and certified monthly by each high school qualified instructor listing all certificates of completion that were issued and voided.
- B. The Department shall cooperate with the Arizona Department of Education, under A.R.S. §§ 28-3174 and 32-2353, to enable the issuance of a certificate of completion to a regularly enrolled full-time student as part of a high school driver education program.
- C. The Director or private entity shall qualify an instructor approved by the Arizona Department of Education to issue a certificate of completion.
- D. A high school qualified instructor may issue a certificate of completion to a regularly enrolled full-time student who:
  1. Successfully completes the classroom course of instruction required by the Arizona Department of Education, which may waive the student's requirement to take the Department's written test; or
  2. Successfully completes the skills course of instruction required by the Arizona Department of Education, which may waive the student's requirement to take the Department's skills test.
- E. A high school qualified instructor shall submit to the Department, no later than the fifth day of each month, all certified instructor reports and certificates of completion issued by the school during the preceding month. A high school qualified instructor who does not issue any certificates of completion during the preceding month shall submit to the Department a certified instructor report indicating "no activity."
- F. A high school qualified instructor shall provide the status of certificates of completion to the Department, upon request, by identifying the certificates by number as either issued, not issued, lost, or stolen.
- G. A high school representative shall promptly return all unused or un-issued certificates of completion to the Department, upon request.
- H. A certificate of completion constitutes accountable forms inventory to be secured at all times by the high school qualified instructor or other designee of the high school and any misuse, fraud, or negligence by a high school qualified instructor involving the form in consultation with the Arizona Department of Education pursuant to A.R.S. § 28-3174 may lead to Department disqualification of the instructor's authorization to issue the form.
- I. A high school qualified instructor shall submit to the Department all reports required under this Article by regular mail,



## Department of Transportation - Commercial Programs

certified mail, registered mail, electronic mail, or personal delivery. The following dates shall be used to determine whether a report was received within the required timeframes established under this Section:

1. For regular mail, the postmark date;
2. For certified or registered mail, the date of receipt by the designated delivery service;
3. For electronic mail, the send date; and
4. For personal delivery, the Department's time and date stamp of receipt.

- J.** If a high school qualified instructor fails to timely or accurately submit to the Department a certified instructor report required under this Section, the Department may initiate corrective action. The Department may:
1. Provide an oral or written warning for a first untimely or inaccurate report,
  2. Send a letter of concern for a second untimely or inaccurate report in a 12-month period, and
  3. Request that the Arizona Department of Education disqualify a high school qualified instructor from issuing a certificate of completion under this Article for a third untimely or inaccurate report in a 12-month period.
- K.** A high school shall develop and maintain a driver education class training record for each student, which shall include at least the following information:
1. Student's name;
  2. Student's phone number;
  3. Student's driver license or instruction permit number and its expiration date;
  4. Fee amounts collected for any related services;
  5. Date, type, and duration of all classroom lessons and practical instruction;
  6. Make, model, and license plate number of any motor vehicle used to conduct training, as applicable;
  7. Date and results of all tests administered;
  8. Number of certificates of completion issued; and
  9. Name and Department-issued number of each instructor who conducted a lesson or test.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-321. Periodic Audits, Monitoring, Inspections, and Investigations**

- A.** To determine compliance with license requirements, qualification requirements and applicable federal and state laws and rules, the Department or private entity may:
1. Monitor for compliance by attending any licensed school's course or other activities on a scheduled or unscheduled basis;
  2. Audit for compliance by performing periodic reviews of the operations, facilities, equipment, and records;
  3. Inspect for compliance by making random, on-site visits during posted business hours; or
  4. Investigate for compliance by interviewing or submitting questions to school owners, instructors, and former or current students.
- B.** Failure of a school or instructor to allow or cooperate in an audit, monitoring, inspection, or investigation may result in the Department issuing an immediate cease and desist order or requesting a hearing for suspension or revocation of a license issued under this Article.
- C.** During an audit, monitoring, inspection, or investigation of a licensee, the Department, the private entity, a law enforcement

agency, or employee of the Federal Motor Carrier Safety Administration may:

1. Review and copy paper and electronic records;
  2. Examine the licensee's principal and established place of business, all branches, training, or road training sites; and
  3. Interview the school's employees, instructors, and customers.
- D.** A licensee shall make records available for audit, monitoring, inspection, or investigation at the licensee's principal place of business.
- E.** After an audit or monitoring, the Department or private entity shall send a report of the results in writing to the school.
- F.** If instances of non-compliance are found as a result of an audit, monitoring, inspection, or investigation, the Department or private entity may determine if either of the following actions is required:
1. An informal meeting to discuss findings, or
  2. A written compliance plan addressing findings.
- G.** If greater instances of non-compliance are found as a result of an audit, monitoring, inspection, or investigation, the Department may determine if either of the following actions is required:
1. A probationary period; or
  2. A request for a hearing to cancel, suspend, or revoke a license to operate a school or conduct instruction under this Article.
- H.** The Department or private entity may issue a notice of corrective action to a licensee if the licensee fails to comply with a warning letter, with an audit, inspection or investigation request, a monitoring request, or with written findings provided by the Department or private entity. Only the Department may initiate a corrective action provided under subsection (G).
- I.** Each site used by a school as an office, training location, or classroom location shall:
1. Be inspected and approved by the Department or private entity prior to initial use or relocation,
  2. Be licensed by the Department or private entity, and
  3. Have office hours displayed in a conspicuous location at each site open to the public during the posted hours.
- J.** There shall be a clearly defined and visible separation between a school and any other business if a professional driver training school or traffic survival school is located in an office building, store, or other physical structure shared with any other business or enterprise.
- K.** Any request by a school for inspection and approval of a site on a recognized Indian reservation shall contain the written permission of the appropriate Tribal authority.
- L.** Any request by a school for inspection and approval of a site on a military base shall contain the written permission of the appropriate military authority.
- M.** A school shall submit to the Department or private entity a copy of the written lease or contract agreement or deed of ownership, if the site is owned by the school, for each site, as applicable.
- N.** Any request by a traffic survival school for inspection and approval of a site to be used for educational sessions shall include the approved fire safety capacity of the classroom(s) at that site and shall be signed by a principal of the traffic survival school.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-322. Cease and Desist Order; Hearing and Appeal**

## Department of Transportation - Commercial Programs

- A. The Department may immediately issue and serve a cease and desist order on a licensee, as prescribed under A.R.S. § 28-3417 or 32-2394, if the Department or private entity has reasonable cause to believe that the licensee has violated or is violating a federal or state law or rule relating to a duty prescribed under this Article.
- B. A cease and desist order issued by the Department to a licensee under this Article shall:
  - 1. Require the person on receipt of the order to cease and desist from further engaging in the prohibited conduct or in any activity authorized under this Article as specified in the cease and desist order, and
  - 2. Provide information regarding the person's right to request a hearing to show cause as to why the Department's order should not be upheld.
- C. On failure or refusal of a licensee to comply with a cease and desist order, or after a requested hearing, the Department may cancel, suspend, or revoke the license of the licensee under A.R.S. § 28-3416 or 32-2391 and R17-5-323.
- E. A notice of corrective action issued by the Department to cancel, suspend, or revoke an existing qualification of a traffic survival school instructor shall include:
  - 1. The grounds for the Department's action; and
  - 2. A brief written statement explaining that it will request that a hearing be held before the Department's Executive Hearing Office on the proposed cancellation, suspension, or revocation of a professional driver training school license or a traffic survival school license, as provided under A.R.S. § 28-3416 or 32-2391.
- F. The Department shall provide notice and conduct hearings as prescribed under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5, as applicable.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

**R17-5-323. Non-compliance; Notice of Corrective Action; Cancellation, Suspension, or Revocation of a Professional Driver Training School License or Traffic Survival School License or Qualification of a Traffic Survival School Instructor; Hearing and Appeal**

- A. The following definitions apply to this Section:
  - 1. "Cancellation" means a Department action that withdraws a license or qualification of a traffic survival school instructor issued under A.R.S. Title 28, Chapter 8, Article 7.1 or Title 32, Chapter 23 and this Article.
  - 2. "Revocation" means a Department action that terminates, for an indefinite period of time, a licensee's or traffic survival school qualified instructor's privilege to operate a school or conduct instruction under this Article.
  - 3. "Suspension" means a Department action that prohibits, for a stated period of time, a licensee or traffic survival school qualified instructor from operating as a school or instructor under this Article.
- B. The Department or private entity may initiate corrective action on a licensee or a traffic survival school qualified instructor as provided under A.R.S. Title 28, Chapter 8, Article 7.1, Title 32, Chapter 23, Article 3, or Title 41, Chapter 6, Article 6, and this Article, if satisfactory evidence shows that a licensee or instructor, individually or collectively:
  - 1. Violated a federal or state law or rule reasonably relating in a business context to a duty prescribed under this Article;
  - 2. Failed to maintain a status of good standing or character and reputation as defined in R17-5-301; or
  - 3. Provided false, deceptive, or misleading information to the Department or private entity in either an application or in response to an audit or inspection conducted pursuant to R17-5-321.
- C. A corrective action initiated under subsection (B), depending on the severity or number of violations, may include the Department imposing a term of probation; issuing a cease and desist order under A.R.S. § 28-3417 or 32-2394; or requesting a hearing to cancel, suspend, or revoke an existing license under A.R.S. § 28-3416 or 32-2391.
- D. A notice of corrective action issued by the Department requesting a hearing to cancel, suspend, or revoke an existing school license shall include:

- 1. The grounds for the Department's action; and
- 2. A brief written statement explaining that it will request that a hearing be held before the Department's Executive Hearing Office on the proposed cancellation, suspension, or revocation of a professional driver training school license or a traffic survival school license, as provided under A.R.S. § 28-3416 or 32-2391.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**ARTICLE 4. DEALERS****R17-5-401. Definitions**

In addition to the definitions in A.R.S. §§ 28-4301 and 28-4410, the following definitions apply to this Article unless otherwise specified:

"Dealer" or "motor vehicle dealer" has the same meaning as "motor vehicle dealer" in A.R.S. § 28-4301.

"Director" has the same meaning as in A.R.S. § 28-101.

"Owner" means a person who holds the legal title of a motor vehicle.

"Principal place of business" means a licensed place of business from which a wholesale motor vehicle dealer or a broker conducts business and keeps the records of the business.

"State" means the state of Arizona and all its agencies and political subdivisions, their officers and agents.

"Taxpayer identification number" means a number used for tax purposes that is assigned by the Social Security Administration or the Internal Revenue Service.

"VIN" or "Vehicle Identification Number" means the unique code, including serial number, used by an automobile manufacturer to identify a specific motor vehicle.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).

**R17-5-402. Bond Amounts; Dealers, Brokers, and Automotive Recyclers' Business Licenses**

- A. As prescribed under A.R.S. § 28-4362, the Department shall require a bond in the amount specified for the following motor vehicle business license applicants:
  - 1. \$100,000 for:
    - a. A new motor vehicle dealer,
    - b. A used motor vehicle dealer, or
    - c. A public consignment auction dealer.
  - 2. \$25,000 for:

## Department of Transportation - Commercial Programs

- a. A broker,
  - b. A wholesale motor vehicle dealer, or
  - c. A wholesale motor vehicle auction dealer.
- 3. \$20,000 for an automotive recycler.
- B.** An applicant shall submit a bond on the original vehicle dealer bond form prescribed by the Director that meets the requirements in A.R.S. § 28-4362 and these rules. An applicant shall submit a separate, original bond for each application and for each county in which an applicant or licensee has an established place of business or a principle place of business. A power of attorney for the attorney-in-fact shall be attached to the dealer bond, if applicable.
- C.** An applicant shall sign the dealer bond, in addition to all partners for a partnership, or one officer for an incorporation.
- D.** The completed bond form shall contain an embossed stamp, seal, or sticker from the bond company.
- E.** The Department shall not accept a handwritten bond.

**Historical Note**

New Section recodified from R17-4-240 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 1864, effective August 2, 2003 (Supp. 03-2). Section amended by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).

**R17-5-403. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1864, effective August 2, 2003 (Supp. 03-2). Section expired under A.R.S. 1056(J) at 22 A.A.R. 3195, effective October 5, 2016 (Supp. 16-3).§

**R17-5-404. Dealer Title Requirement for Vehicle Sale**

For purposes of A.R.S. § 28-4409(A), the dealer's name shall be recorded on a title certificate as transferee or purchaser.

**Historical Note**

New Section recodified from R17-4-241 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section heading corrected as recodified at 7 A.A.R. 3483 (Supp. 09-2).

**R17-5-405. Dealer Acquisition Contract**

- A.** For the purposes of A.R.S. § 28-4410, a dealer shall prepare a dealer acquisition contract on a Department form with contents as prescribed under subsection (B).
- B.** A dealer acquisition contract shall contain the following information:
  - 1. The heading "Dealer Acquisition Contract;"
  - 2. The dealer's name and dealer license number;
  - 3. The dealer's business address and telephone number;
  - 4. The owner's name, address, telephone number; driver license number or taxpayer identification number, as applicable; and type of ownership;
  - 5. The VIN; license plate number; licensing state; and model, make, and year of the motor vehicle that has a dealer acquisition contract;
  - 6. If there is a lien holder, for each lien holder:
    - a. The lien holder's name, address, and telephone number;
    - b. The lien balance;
    - c. The prepayment penalties, if any; and
    - d. Other information on the terms and conditions of the lien repayment.
  - 7. A statement by the owner that the motor vehicle is free and clear of all liens and encumbrances, except those disclosed under subsection (B)(6)(a) and the unpaid lien bal-

ance is no greater than disclosed under subsection (B)(6)(b);

- 8. The contracted purchase price and a recital that this amount has been either paid directly to the owner or credited to the owner against the purchase price of another motor vehicle;
- 9. A statement indicating that the owner is selling and transferring the described motor vehicle to the dealer;
- 10. An authorization by the owner permitting the dealer to obtain all information necessary to verify the accuracy of the lien balance and assure that the balance is paid and the lien is released;
- 11. A statement by the owner that the registration document provided to the dealer is the original and most recent registration issued for the vehicle;
- 12. An agreement indicating whether the owner or dealer is responsible to satisfy the lien balance;
- 13. An authorization by the owner permitting the dealer to obtain the original title certificate from the lien holder; endorse the owner's name on the title; and if necessary, transfer the title to the dealer;
- 14. A statement that if the owner receives the certificate of title, the owner shall immediately deliver the title to the dealer and provide any signature and acknowledgment necessary to complete the title transfer to the dealer;
- 15. The date when the dealer acquisition contract is executed by each party;
- 16. The dealer's signature; and
- 17. The owner's signature.
- C.** A dealer or an owner who adds to a dealer acquisition contract a provision not described in this Section shall ensure that the provision does not conflict with or alter the meaning of a provision of this Section.
- D.** When a dealer prepares a dealer acquisition contract as prescribed under this Section, the dealer shall give a copy to the owner and keep the original at the dealer's established place of business for three years after the date that the contract expires or terminates, or the date the motor vehicle is sold.
- E.** In complying with this Section, a dealer shall not interpret or claim compliance to be an approval by the state of the fairness, validity, or legality of a dealer acquisition contract. This Section furnishes only information required in a dealer acquisition contract. This Section does not detail any additional contractual requirements that may be defined under other Arizona statutes.

**Historical Note**

New Section recodified from R17-4-245 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 4234, effective November 15, 2002 (Supp. 02-3). Section amended by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).

**R17-5-406. Dealer Consignment Contract**

- A.** For the purposes of A.R.S. § 28-4410, a motor vehicle dealer shall prepare a dealer consignment contract on a form with contents as prescribed under subsection (B).
- B.** A dealer consignment contract shall contain the following information:
  - 1. The heading "Dealer Consignment Contract;"
  - 2. The dealer's name and dealer license number;
  - 3. The dealer's business address and telephone number;
  - 4. The owner's name, address, telephone number, driver license number or taxpayer identification number, and type of ownership;

## Department of Transportation - Commercial Programs

5. The VIN; license plate number; licensing state; and model, make, and year of the motor vehicle that has a dealer consignment contract;
  6. If there is a lien holder, for each lienholder:
    - a. The lien holder's name, address, and telephone number;
    - b. The lien balance;
    - c. The prepayment penalties, if any; and
    - d. Other information on the terms and conditions of the lien repayment;
  7. A statement by the owner that the vehicle is free and clear of all liens and encumbrances, except those disclosed under subsection (B)(6)(a) and the lien balance is no greater than that disclosed under subsection (B)(6)(b);
  8. An authorization by the owner permitting the dealer to market and sell the vehicle on behalf of the owner at a mutually-agreed upon, specified, minimum price;
  9. An agreement by the dealer to inform any prospective purchaser that the vehicle is on consignment;
  10. An agreement by the dealer that, upon receiving the sale proceeds, the dealer shall immediately satisfy all disclosed liens and ensure that the liens are released;
  11. An agreement by the owner that, upon the completion of the sale and after receiving the sale proceeds, the owner shall promptly deliver and endorse the title certificate for reassignment to the purchaser;
  12. The expiration date of the consignment contract;
  13. An agreement by the dealer to deliver the motor vehicle to the owner at a specified location on the date that the contract expires or terminates;
  14. An agreement by the owner to pay any specified fees due to the motor vehicle dealer on the return of the vehicle, after the expiration or termination of the consignment contract;
  15. The date the contract is executed;
  16. The dealer's signature; and
  17. The owner's signature.
- C.** A dealer or an owner who adds to a dealer consignment contract a provision not described in this Section shall ensure that the provision does not conflict with or alter the meaning of a provision of this Section.
- D.** When a dealer prepares a dealer consignment contract as prescribed under this Section, the dealer shall give a copy to the owner and keep the original at the dealer's established place of business for three years after the date that the dealer consignment contract expires or terminates, or the vehicle is sold.
- E.** In complying with this Section, a dealer shall not interpret or claim compliance to be an approval by the state of the fairness, validity, or legality of a dealer consignment contract. This Section furnishes only information required in a dealer consignment contract. This Section does not detail any additional contractual requirements that may be defined under other Arizona statutes.
1. The motor vehicle is physically located in this state;
  2. A notice of lien is filed with the Department;
  3. A completed affidavit from the lienholder is submitted to the Department stating that the motor vehicle is physically located in this state and was repossessed on default pursuant to the terms of the lien and applicable law and that this state, its agencies, employees, and agents shall not be held liable for relying on the contents of the affidavit; and
  4. In addition to the information required in subsection (A)(3), the affidavit contains the following information:
    - a. The (VIN),
    - b. The vehicle model year,
    - c. The vehicle make,
    - d. The registered owner's name,
    - e. The date of repossession,
    - f. The state in which the vehicle is titled,
    - g. The lienholder company name,
    - h. The lienholder agent or representative name,
    - i. The lienholder signature, and
    - j. The notary or Department agent signature.
- B.** The Department shall accept out-of-state affidavits of repossession that comply with the requirements in subsections (A)(3), (A)(4), and subsection (C) if all of the following apply:
1. The affidavit is submitted by an Arizona licensed dealer, and
  2. The Arizona licensed dealer is transferring the title into the dealership's name.
- C.** A lienholder may sell a repossessed motor vehicle without transferring the title into the lienholder's name by completing a Bill of Sale for submission to the Department. The Bill of Sale may be combined with the affidavit of repossession and shall contain the following information:
1. The buyer's name;
  2. The sale date;
  3. The buyer's street address, including the city, state, and zip code;
  4. The name of the new lienholder, if applicable;
  5. The new lien date, if applicable;
  6. The odometer certification statement, if required by A.R.S. § 28-2058, including odometer reading, and an acknowledgment with the buyer's name and signature;
  7. A statement that the buyer is aware of the odometer certification made by the seller;
  8. The seller's name;
  9. The seller's notarized signature; and
  10. The seller's address, including city, state, and zip code.
- D.** A completed repossession affidavit as prescribed in this Section is proof of ownership, right of possession, and right of transfer.
- E.** The Department has no responsibility relating to foreclosure on real property under A.R.S. Title 33, Chapter 7.

**Historical Note**

New Section recodified from R17-4-260 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 10 A.A.R. 3399, effective October 2, 2004 (Supp. 04-3). Section amended by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).

**R17-5-408. Resale of a New Motor Vehicle****R17-5-407. Motor Vehicle Repossession**

- A.** The Department shall not transfer a title when the ownership of a motor vehicle titled in this state or another state reverts through operation of state law to a lienholder of record through repossession unless the following conditions are met:

- A.** A motor vehicle dealer that sells a new motor vehicle that was delivered to a previous purchaser, shall provide written notice to the new purchaser under subsection (B).
- B.** A motor vehicle dealer shall ensure that the notice under A.R.S. § 28-4422 contains the following information:
1. The name of the dealership;

## Department of Transportation - Commercial Programs

2. A vehicle description, including year, make, and VIN;
  3. A statement that the new motor vehicle was delivered to a previous purchaser;
  4. The printed name of the new purchaser; and
  5. The signature of the new purchaser (initials are not acceptable) indicating that the new purchaser has received the notice.
- C.** The motor vehicle dealer shall:
1. Provide a copy of the notice under subsection (B) to the new purchaser, and
  2. Keep a copy of the signed notice under subsection (B) at the new motor vehicle dealer's established place of business for at least three years.
- D.** The motor vehicle dealer is not required to submit the notice to the Department under subsection (B) unless otherwise required by state or federal law.
- E.** A new motor vehicle dealer shall not add additional language to the notice that would conflict with, or alter the intent of the provisions specified in subsection (B).

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 225, effective March 11, 2006 (Supp. 06-1). Section amended by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).

**ARTICLE 5. MOTOR CARRIER FINANCIAL RESPONSIBILITY****R17-5-501. Definitions**

In addition to the definitions provided under A.R.S. §§ 28-4001, 28-4031, 28-5201, and 28-5431, the following terms apply to this Article, unless the context otherwise requires:

"Binder" means a contract for temporary insurance as described in A.R.S. § 20-1120.

"Initial motor vehicle registration" means the first time a motor carrier registers a specific motor vehicle or a vehicle combination in Arizona.

"Insurance company" means an entity that is in the business of issuing motor carrier liability insurance policies.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1). Amended by final rulemaking at 18 A.A.R. 2365, effective November 10, 2012 (Supp. 12-3).

**R17-5-502. Repealed****Historical Note**

New Section recodified from R17-4-226 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1).

**R17-5-503. Repealed****Historical Note**

New Section recodified from R17-4-226.01 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1).

**R17-5-504. Requirement to Submit Proof of Financial Responsibility; Applicability; Procedure; Exception**

- A.** If a person or motor carrier subject to financial responsibility requirements under A.R.S. § 28-4032 does not insure its motor vehicle or vehicle combination through an insurance company that electronically reports to the Department under A.R.S. §

28-4148 and Article 8 of this Chapter, the person or motor carrier shall submit proof of financial responsibility as prescribed in this Section, and in the amount required under A.R.S. § 28-4033(A):

1. On initial motor vehicle registration, or
  2. On written request by the Department.
- B.** An insurance company, its managing general agent, broker, or agent may submit proof of financial responsibility to the Department on behalf of a person or motor carrier.
- C.** As proof of financial responsibility, a person or motor carrier shall submit to the Department a photocopy of:
1. A valid liability insurance policy;
  2. A binder dated within 90 days of filing with the Department;
  3. A completed and signed Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state, naming the Arizona Department of Transportation as the agency;
  4. A completed and signed Certificate of Liability Insurance form, issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state, naming the Arizona Department of Transportation as the certificate holder; or
  5. A certificate of self-insurance issued by the Department after a person or motor carrier meets the requirements of R17-5-810 and A.R.S. §§ 28-4007 and 28-4135.
- D.** Before a binder submitted as proof of financial responsibility expires, a motor carrier shall submit:
1. A binder from an insurance company other than the insurance company named in the first binder; or
  2. Proof of financial responsibility listed in subsections (C)(1) or (C)(3) through (5).
- E.** A person or motor carrier that maintains a valid USDOT number and files proof of financial responsibility with the Federal Motor Carrier Safety Administration under 49 CFR 387 is not required to submit additional proof of financial responsibility under this Section, except on written request by the Department.

**Historical Note**

New Section recodified from R17-4-445 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1). Amended by final rulemaking at 18 A.A.R. 2365, effective November 10, 2012 (Supp. 12-3).

**R17-5-505. Repealed****Historical Note**

New Section recodified from R17-4-446 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1).

**R17-5-506. Repealed****Historical Note**

New Section recodified from R17-4-447 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1). Repealed by final rulemaking at 18 A.A.R. 2365, effective November 10, 2012 (Supp. 12-3).

**R17-5-507. Repealed**

## Department of Transportation - Commercial Programs

**Historical Note**

New Section recodified from R17-4-448 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1).

**ARTICLE 6. IGNITION INTERLOCK DEVICE MANUFACTURERS****R17-5-601. Definitions**

In addition to the definitions provided under A.R.S. §§ 28-101 and 28-1301, in this Article, unless the context otherwise requires, the following terms apply:

“Alcohol” means ethyl alcohol, also called ethanol.

“Alcohol concentration” means the weight amount of alcohol contained in a unit volume of breath or air, measured in grams of ethanol/210 liters of breath or air and expressed as grams/210 liters.

“Alveolar breath sample” means the last portion of a prolonged, uninterrupted exhalation from which breath alcohol concentrations can be determined.

“Anticircumvention feature” means any feature or circuitry incorporated into the ignition interlock device that is designed to prevent human activity that would cause the device not to operate as intended.

“Authorized installer” means a person or entity appointed by a manufacturer, and certified by the Department, to install and service a certified ignition interlock device model provided by the manufacturer.

“Breath alcohol test” means analysis of a sample of the participant’s expired alveolar breath to determine alcohol concentration.

“Business day” means a day other than a Saturday, Sunday, or state holiday.

“Calibration” means the testing, adjustment, or systematic standardization of an ignition interlock device to determine and verify its accuracy.

“Cancellation” means the withdrawal of a certification granted by the Department under this Article, which prohibits a previously certified ignition interlock device manufacturer, its authorized installer, or the authorized installer’s service center from offering, installing, or servicing an ignition interlock device under Arizona law.

“Certification” means a status granted by the Department under this Article, which permits a certified ignition interlock device manufacturer, an authorized installer, or an authorized installer’s service center to offer, install, or service an ignition interlock device under Arizona law.

“Corrective action” means an action specified in or reasonably implied from Title 28, Chapter 4, Arizona Revised Statutes, that the Department takes in relation to a participant’s driving privilege and the usage or discontinuation of usage of a certified ignition interlock device, or an action that the Department takes in relation to the performance of the duties of a manufacturer or an installer in Articles 6 or 7 of this Chapter to deny or cancel manufacturer or installer certification.

“Customer number” means the system-generated, or other distinguishing number, assigned by the Department to each person conducting business with the Department. The customer number of a private individual is generally the person’s driver license or non-operating identification license number.

“Data storage system” means a computerized recording of all events monitored by an installed ignition interlock device, which may be reproduced in the form of specific reports.

“Emergency bypass” means an event that permits a vehicle equipped with an ignition interlock device to be started without requiring successful completion of a required breath alcohol test.

“Emergency situation” means a circumstance in which the participant declares to the installer that the vehicle needs to be moved to comply with the law or the participant has a valid and urgent need to operate the vehicle.

“Established place of business” means a business location that is:

Approved by the Department;

Located in Arizona;

Not used as a residence; and

Where a manufacturer’s authorized installer performs authorized activities.

“False sample” means any sample other than the unaltered, undiluted, or unfiltered alveolar breath sample coming from the participant.

“Filtered breath sample” means any mechanism by which there is an attempt to remove alcohol from the human breath sample.

“Fixed-site service center” means a permanent location operated by an installer for conducting business and providing services related to a certified ignition interlock device.

“Free restart” means a function of a certified ignition interlock device that will allow a participant to restart the vehicle, under the conditions provided in R17-5-603, without completing another breath alcohol test.

“Ignition interlock period” means the period in which a participant is required to use a certified ignition interlock device that is installed in a vehicle. “Improper reporting” means any of the following:

Failure of a manufacturer or its authorized reporting installer to report any violations to the Department within 24 hours as required in R17-5-610(D)(2), or failure to send participant ignition interlock reporting records, including records relating to a violation, to the Department as required in R17-5-612(B)(1);

Failure of a manufacturer or its authorized reporting installer to provide copies of participant certified ignition interlock device records to the Department within 10 days after the Department’s request;

Failure of a manufacturer or its authorized reporting installer to provide quarterly reports as required in accordance with the schedule prescribed in R17-5-612(B);

Failure of a manufacturer or its authorized reporting installer to screen and remove invalid or unsubstantiated reporting data from a participant’s ignition interlock reporting records prior to submitting these reporting records to the Department;

Failure of a manufacturer or its authorized reporting installer to electronically send each Certified Ignition Interlock Summarized Reporting Record to the Department within 24 hours, after performing an accuracy and compliance check, that results in the Department mailing a driver license suspension to a driver;

## Department of Transportation - Commercial Programs

Electronic reporting by a manufacturer or its authorized reporting installer to the Department of data that is an exact duplicate of a single violation that occurs on a particular day and time and is reported multiple times;

An incident that occurs when a participant's vehicle has high or low voltage;

An incident that occurs when a participant has a free restart test to start the participant's vehicle;

An incident that occurs in which an installer downloads data from the device during an accuracy check and tampers with a certified ignition interlock device; or

An incident that occurs after the participant's vehicle is turned off.

"Independent laboratory" means a testing facility, not owned or operated by a manufacturer, that can test an ignition interlock device according to the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), Appendix A-Quality Assurance Plan Template, and Appendix B-Sample Format For Downloaded Data From The Interlock Data Logger, NHTSA, published at 78 FR 26862 to 26867, May 8, 2013.

"Installer-certified service representative" means any individual who has successfully completed all requirements under R17-5-705, and has received certification from an installer to install, inspect, download, calibrate, repair, monitor, maintain, service, or remove a specific certified ignition interlock device.

"Lock-out condition" means the operational status of a certified ignition interlock device, which after recording any violation of A.R.S. Title 28, Chapter 4, Article 5, immobilizes a participant's vehicle by disallowing further operation of the device. The lock-out feature is built into a certified ignition interlock device through manufacturer software or firmware, and once activated, the device must be re-set by the manufacturer's authorized installer.

"Manufacturer's authorized representative" means an individual or entity designated by a manufacturer to represent or act on behalf of the manufacturer of a certified ignition interlock device.

"Material modification" means a change to a certified ignition interlock device that affects the functionality of the device.

"Missed rolling retest" means the participant refused or failed to provide a valid and substantiated breath sample in response to a requested rolling retest within the time period described in R17-5-610(H).

"Mobile service center" means the portable operation of an installer, whether contained within a vehicle or temporarily erected at a publicly accessible commercial location, including a kiosk, which includes all personnel and equipment necessary for an installer to conduct certified ignition interlock device related business and services, separately and simultaneously, with its parent fixed-site service center.

"NHTSA" means the United States Department of Transportation's National Highway Traffic Safety Administration.

"NHTSA specifications" means the specifications for breath alcohol ignition interlock devices published at 78 FR 26862 to 26867, May 8, 2013.

"Participant" means a person who is ordered by an Arizona court or the Department to equip each motor vehicle operated by the person with a functioning certified ignition interlock

device and who becomes a customer of an installer for installation and servicing of the certified ignition interlock device.

"Positive result" means a test result indicating that the alcohol concentration meets or exceeds the startup set point value.

"Principal place of business" means the administrative headquarters of a manufacturer or a manufacturer's authorized installer that is located in Arizona and is not used as a residence.

"Purge" means any mechanism that cleanses or removes a previous breath or reference sample from the device and specifically removes alcohol.

"Reference sample device" means a device containing a sample of known alcohol concentration.

"Retest set point" has the same meaning as startup set point.

"Rolling retest" means an additional breath alcohol test required of the participant at random intervals after the start of the vehicle that is in addition to the initial test required to start the vehicle.

"Service center" means a certified ignition interlock device service center operated by an installer and considered an installer under this Section, who meets and maintains all Department certification and inspection requirements under R17-5-707, whether operated on a fixed-site or mobile.

"Startup set point" means the alcohol concentration value, established by the Department under R17-5-603(A), which is determined by the Department to be the point at which, or above, a certified ignition interlock device shall disable the ignition of a motor vehicle.

"Violation" includes, but is not limited to any of the following reportable activities performed by a participant against whom the Department shall take corrective action against the participant's driving privilege:

Tampering with the certified ignition interlock device as defined in A.R.S. § 28-1301;

Failing to provide proof of compliance or inspection of the certified ignition interlock device under A.R.S. § 28-1461(E)(4);

Attempting to operate the vehicle with an alcohol concentration of 0.08 or more as prescribed in A.R.S. § 28-1461(E) if the participant is at least 21 years of age;

Attempting to operate the vehicle with an alcohol concentration value in excess of the startup set point if the participant is under 21 years of age;

Refusing or failing to provide any set of four valid and substantiated breath samples in response to a requested rolling retest during a participant's ignition interlock period; or

Disconnecting or removing a certified ignition interlock device, except:

On receipt of Department authorization to remove the device;

On repair of the vehicle, if the participant provided to the manufacturer, installer, or service center advanced notice of the repair and the anticipated completion date; or

On replacement of one vehicle with another vehicle if replacement of the device is accomplished within 72 hours of device removal.

## Department of Transportation - Commercial Programs

“Violation reset” means the unplanned servicing of a certified ignition interlock device and the downloading of information from its data storage system by a service center when required as a result of an over-accumulation of violations.

**Historical Note**

New Section recodified from R17-4-709 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-602. Ignition Interlock Device Manufacturer Certification; Expiration; Cancellation of Certification; Notice**

- A. An ignition interlock device manufacturer shall obtain certification by the Department under this Article before offering an ignition interlock device model for installation under Arizona law.
- B. After receiving Department certification for an ignition interlock device model and meeting all the requirements under R17-5-604, the ignition interlock device manufacturer is effectively certified by the Department to offer its certified ignition interlock device model for installation under Arizona law.
- C. An ignition interlock device manufacturer shall submit a new application to the Department under R17-5-604 for the certification of each new ignition interlock device model the manufacturer intends to offer for installation.
- D. Manufacturer certification issued by the Department under this Article shall automatically expire if:
  1. The manufacturer no longer provides at least one currently certified ignition interlock device model for installation under Arizona law; and
  2. The manufacturer has no pending application on file with the Department for the certification of a device under R17-5-604.
- E. If the Department determines that a reporting manufacturer fails to properly report ignition interlock information and data to the Department in the manner prescribed in these rules, the Department may immediately provide written notice to the authorized reporting manufacturer with the following information:
  1. The name of the participant and the date of the improper reporting; and
  2. The reporting manufacturer shall send the required record or report to the Department within ten business days, if applicable.
- F. If the reporting manufacturer fails to remedy the issues identified in the notice within ten business days, the Department may cancel the manufacturer device certification.
- G. If the Director cancels a manufacturer's device certification, the Director shall notify each participant with the manufacturer's certified ignition interlock device that the participant has 30 days to obtain another installer.
- H. After the one-year cancellation period ends, a manufacturer may reapply to the Department for certification by completing a new application for the certification of a device and meeting all certification requirements under this Article.
- I. If a manufacturer's certification expires as a result of subsections (D)(1) and (D)(2), the manufacturer may reapply for certification by submitting a new application to the Department for the certification of a device under R17-5-604.

**Historical Note**

New Section recodified from R17-4-709.01 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-602 renumbered to R17-5-604; new R17-5-602 made by final rulemaking at 13 A.A.R. 3499, effective Decem-

ber 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-603. Device Requirements, Technical Specifications, and Standards for Setup and Calibration**

- A. The startup set point value for a certified ignition interlock device shall be an alcohol concentration of 0.020 g/210 liters of breath. The accuracy of a device shall be 0.020 g/210 liters plus or minus 0.010 g/210 liters. The accuracy shall be determined by analysis of an external standard generated by a reference sample device.
- B. A device shall have a demonstrable feature designed to assure that a breath sample measured is essentially alveolar.
- C. A test of alcohol-free samples shall not yield a positive result. Endogenously produced substances capable of being present in the breath shall not yield or significantly contribute to a positive result.
- D. All devices, including those with cameras, shall meet the requirements of subsection (A) when used at ambient temperatures of -20° Celsius to 83° Celsius.
- E. A device shall be designed so that anticircumvention features will be difficult to bypass.
  1. Anticircumvention provisions shall include, but are not limited to, prevention or preservation of any evidence of cheating by attempting to use a false or filtered breath sample or electronically bypassing the breath sampling requirements of a device.
  2. A device shall use special seals or other methods that reveal attempts to bypass lawful device operation.
- F. A device shall:
  1. Allow a free restart of a motor vehicle's ignition, within three minutes after the ignition is switched off, without requiring another breath alcohol test.
  2. Automatically purge alcohol before allowing analysis.
  3. Have a data storage system with the capacity to sufficiently record and maintain a record of the participant's daily driving activities that occur between each regularly scheduled accuracy and compliance check referenced under R17-5-610 and R17-5-706. A manufacturer or its authorized installer shall download any digital images taken during a participant's accuracy and compliance check. A manufacturer or its authorized installer shall make these digital images available to the Department on request.
  4. Use the most current version of the manufacturer's software and firmware to ensure compliance with this Article and any other applicable rule or statute, and the manufacturer's software and firmware:
    - a. Shall require device settings and operational features to include, but are not limited to, sample delivery requirements, startup and retest set points, free restart, rolling retest requirements, violation settings and lock-out conditions; and
    - b. Shall not allow modification of the device settings or operational features by a service center or service representative unless the Department approves the modification under subsection (G).
  5. Record all emergency bypasses in its data storage system.
  6. Require a participant to perform a rolling retest within five to 15 minutes after the initial test required to start an engine, and the device shall continuously require additional rolling retests at random intervals of up to 30 minutes after each previously requested retest as follows:
    - a. A device shall emit a warning light, tone, or both, to alert a participant that a rolling retest is required.



## Department of Transportation - Commercial Programs

- b. A device shall allow a period of six minutes after the warning light, tone, or both, to allow a participant to take a rolling retest.
- c. A device shall require a participant to perform a new test to restart an engine if it is inadvertently switched off during or after a rolling retest warning.
- d. A device shall use the startup set point value as its retest set point value.
- e. A device shall record, in its data storage system, the result of each rolling retest performed by a participant during the participant's ignition interlock period and any valid and substantiated missed rolling retests; and
- f. A device shall immediately require another rolling retest each time a participant refuses to perform a requested rolling retest.
- 7. Until a participant successfully performs a rolling retest, or the engine is switched off, a device shall record in its data storage system, each subsequent refusal or failure of the participant to perform the requested rolling retest.
- 8. On recording a violation of A.R.S. Title 28, Chapter 4, Article 5, emit a unique cue, either auditory, visual, or both, to warn a participant that the device will enter into a lock-out condition in 72 hours unless reset by the installer.
- 9. When a violation results in a lock-out condition, the device shall:
  - a. Immobilize the participant's vehicle;
  - b. Uniquely record the event in the data storage system; and
  - c. Require a violation reset by the installer.
- G.** No modification shall be made to the design or operational concept of a device model after the Department has certified the device for installation under Arizona law, except that:
  - 1. A software or firmware update required to maintain a device model is permissible if the update does not modify the design or operational concept of the device.
  - 2. Replacement, substitution, or repair of a part required to maintain a device model is permissible if the part does not modify the design or operational concept of the device.
  - 3. If a manufacturer determines that an existing Department-certified ignition interlock device model requires a modification that may affect the operational concept of a device, the manufacturer shall immediately notify the Department.
- 3. The manufacturer's status as a sole proprietorship, partnership, limited liability company, or corporation;
- 4. The name of the sole proprietor or of each partner, officer, director, manager, member, agent, or 20% or more stockholder;
- 5. The name and model number of the ignition interlock device and the name under which the ignition interlock device will be marketed; and
- 6. The following statements, signed by the manufacturer's authorized representative and acknowledged by a notary public or Department agent:
  - a. A statement that all information provided on the application form, including all information provided on any attachment to the application form, is complete, true, and correct;
  - b. A statement that the manufacturer agrees to indemnify and hold harmless the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona from all liability for:
    - i. Damage to property or injury to people arising, directly or indirectly, out of any act or omission by the manufacturer or its authorized installer relating to the installation and operation of the ignition interlock device; and
    - ii. All court costs, expenses of litigation, and reasonable attorneys' fees;
  - c. A statement that the manufacturer agrees to comply with all requirements under this Article; and
  - d. A statement that the manufacturer agrees to immediately notify the Department of any change to the information provided on the application form.
- C.** A manufacturer shall submit the following additional items with the application form:
  - 1. A document that provides a detailed description of the ignition interlock device and a photograph, drawing, or other graphic depiction of the device;
  - 2. A document that contains the complete technical specifications for the accuracy, reliability, security, data collection, recording, and tamper detection capabilities of the ignition interlock device;
  - 3. An independent laboratory's report that:
    - a. Presents supporting data to demonstrate that the ignition interlock device meets or exceeds the test results required by the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), Appendix A-Quality Assurance Plan Template, and Appendix B-Sample Format For Downloaded Data From The Interlock Data Logger, NHTSA, published at 78 FR 26862 to 26867, May 8, 2013. The NHTSA specifications are incorporated by reference and are on file with the Department and the NHTSA Office of Research and Technology (NTS-131), 400 7th St. S.W., Washington, D.C. 20590. This incorporation by reference contains no future editions or amendments;
    - b. Provides the independent laboratory's name, address, and telephone number; and
    - c. Provides the name and model number of the ignition interlock device tested.
  - 4. A laboratory certification form, signed by an authorized representative of the independent laboratory that prepared the report required under subsection (C)(3) and acknowledged by a notary public or Department agent, that states:
    - a. The laboratory is not owned or operated by a manufacturer and no other conflict of interest exists;

**Historical Note**

New Section recodified from R17-4-709.02 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-603 renumbered to R17-5-606; new R17-5-603 made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-604. Ignition Interlock Device Certification; Application Requirements**

- A.** A manufacturer shall offer for installation only an ignition interlock device that is certified by the Department under this Section.
- B.** For certification of an ignition interlock device model, a manufacturer shall submit to the Department a properly completed application form that provides:
  - 1. The manufacturer's name;
  - 2. The manufacturer's principal place of business in this state, established places of business in this state, and telephone numbers;

## Department of Transportation - Commercial Programs

- b. The laboratory tested the ignition interlock device in accordance with the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), Appendix A-Quality Assurance Plan Template, and Appendix B-Sample Format For Downloaded Data From The Interlock Data Logger, NHTSA, published at 78 FR 26862 to 26867, May 8, 2013.
  - c. The laboratory confirms that the ignition interlock device meets or exceeds the test results required under the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), Appendix A-Quality Assurance Plan Template, and Appendix B-Sample Format for Downloaded Data From The Interlock Data Logger, NHTSA, published at 78 FR 26862 to 26867, May 8, 2013;
  - d. The laboratory used properly maintained equipment and trained personnel to test the ignition interlock device; and
  - e. The laboratory presented accurate test results to the Department;
5. A list of all authorized installers of the ignition interlock device, including the name, location, telephone number, contact person, and hours of operation of each authorized installer;
  6. A copy of the complete written instructions the manufacturer will provide to its authorized installers under R17-5-609 for installation and operation of the ignition interlock device for which the manufacturer seeks certification. The written instructions shall include a requirement for the installer to affix, to each certified ignition interlock device installed, a warning label that conforms to the criteria prescribed under R17-5-609, as illustrated on the application form provided by the Department;
  7. A copy of the complete written instructions the manufacturer shall provide to its authorized installers under R17-5-609 for distribution under R17-5-704 to participants and other operators of a vehicle equipped with the ignition interlock device for which the manufacturer seeks certification; and
  8. A certificate of insurance, issued by an insurance company authorized to transact business in Arizona, specifying:
    - a. A product liability policy with a current effective date;
    - b. The name and model number of the ignition interlock device model covered by the policy;
    - c. Policy coverage of at least \$1,000,000;
    - d. The manufacturer as the insured and the state of Arizona as an additional insured;
    - e. Product liability coverage for defects in manufacture, materials, design, calibration, installation, and operation of the ignition interlock device; and
    - f. The insurance company shall notify the Department at least 30 days before canceling the product liability policy.
- D.** On or before April 1, 2015, a manufacturer shall submit a new application form and all the information required in this Section to the Department to certify any new ignition interlock device, or recertify an existing ignition interlock device, to the NHTSA specifications in subsection (E). For each ignition interlock device, a manufacturer shall submit a new laboratory report from an independent laboratory to the Department that presents supporting data to demonstrate that the ignition interlock device meets or exceeds the test results required by the NHTSA specifications.
- E.** Beginning on April 1, 2015, for any new installation of an ignition interlock device or replacement of a device on a participant's vehicle, a manufacturer or its authorized installer shall install only a certified ignition interlock device that meets or exceeds the test results required by the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), Appendix A - Quality Assurance Plan Template, and Appendix B - Sample Format For Downloaded Data from the Interlock Data Logger, NHTSA, published at 78 FR 26862 to 26868, May 8, 2013.

**Historical Note**

New Section recodified from R17-4-709.03 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-604 renumbered to R17-5-607; new R17-5-604 renumbered from R17-5-602 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-605. Application Processing; Time-frames; Exception**

- A.** The Department shall process an application for certification under this Article or Article 7, or an application for recertification under R17-5-702, only if an applicant meets all applicable application requirements.
- B.** The Department shall, within 10 days of receiving an application for certification or recertification provide notice to the applicant that the application is either complete or incomplete.
1. The date of receipt is the date the Department stamps on the application when received.
  2. If an application is incomplete, the notice shall specifically identify what required information is missing.
- C.** An applicant with an incomplete application shall provide all missing information to the Department within 15 days of the date indicated on the notice provided by the Department under subsection (B).
1. After receiving all of the required information, the Department shall notify the applicant that the application is complete.
  2. The Department may deny certification or recertification if the applicant fails to provide the required information within 15 days of the date indicated on the notice provided by the Department under subsection (B).
- D.** Except as provided under subsection (F), the Department shall render a decision on an application for certification or recertification under this Article or Article 7, within 30 days of the date indicated on the notice acknowledging receipt of a complete application under subsection (B) or provided to the applicant under subsection (C).
- E.** For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for processing an application for certification or recertification under this Article or Article 7:
1. Administrative completeness review time-frame: 10 days.
  2. Substantive review time-frame: 30 days.
  3. Overall time-frame: 40 days.
- F.** Established time-frames may be suspended by the Department under A.R.S. § 41-1074 until all external agency approvals required for certifying a new ignition interlock device model are submitted by a manufacturer under R17-5-604.

**Historical Note**

New Section recodified from R17-4-709.04 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-605 renumbered to R17-5-608; new R17-5-605 made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007.

## Department of Transportation - Commercial Programs

ber 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-606. Application Completeness; Denial of Ignition Interlock Device Certification; Hearing**

- A.** An application for certification of an ignition interlock device model is complete when the Department receives:
1. From the manufacturer, a properly prepared application form;
  2. From the manufacturer, all additional items required under R17-5-604(C); and
  3. From the Arizona Department of Public Safety, under A.R.S. § 28-1462, written confirmation or disapproval of the independent laboratory's report that the ignition interlock device meets the NHTSA specifications in R17-5-604(C).
- B.** The Director shall deny an application for certification of an ignition interlock device model if all requirements of subsection (A) are not met, or on finding any of the following:
1. The design, materials, or workmanship contains a defect that causes the ignition interlock device model to fail to function as intended;
  2. The manufacturer's liability insurance coverage is terminated or canceled;
  3. The manufacturer no longer offers the ignition interlock device model for installation under Arizona law;
  4. The manufacturer or independent laboratory provided false or inaccurate information to the Department relating to the performance of the ignition interlock device model;
  5. The components, design, or installation and operating instructions have undergone a modification that causes the ignition interlock device model to be out of compliance with the NHTSA specifications in R17-5-604(C); or
  6. The Department receives a report of device disapproval from an independent laboratory or other external reviewer.
- C.** The Department shall mail to the manufacturer, written notification of the certification or denial of certification of an ignition interlock device model. A notice denying certification of an ignition interlock device model shall specify the basis for the denial and indicate that the applicant may, within 15 days of the date on the notice, request a hearing on the Director's decision to deny certification by filing a written request with the Department's Executive Hearing Office as prescribed under 17 A.A.C. 1, Article 5.
- D.** If a manufacturer timely requests a hearing on the Director's decision to deny certification of an ignition interlock device model, the Department's Executive Hearing Office shall conduct the hearing as provided under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5.

**Historical Note**

New Section recodified from R17-4-709.05 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-606 renumbered to R17-5-609; new R17-5-606 renumbered from R17-5-603 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-607. Cancellation of Certification; Hearing**

- A.** The Director shall cancel an ignition interlock device model certification and remove the device from its list of certified ignition interlock devices on finding any of the following:
1. The design, materials, or workmanship contains a defect that causes the ignition interlock device model to fail to function as intended;

2. The manufacturer's liability insurance coverage is terminated or canceled;
  3. The manufacturer no longer offers the ignition interlock device model for installation under Arizona law;
  4. The manufacturer or independent laboratory provided false or inaccurate information to the Department relating to the performance of the ignition interlock device model;
  5. The components, design, or installation and operating instructions have undergone a modification that causes the ignition interlock device model to be out of compliance with the NHTSA specifications in R17-5-604(C);
  6. The manufacturer instructs the Department to cancel its certification of the ignition interlock device model; or
  7. The manufacturer, its authorized installer, or the device does not comply with this Article or any other applicable rule or statute.
- B.** The Department, on finding any of the conditions described under subsection (A), or on finding that the reporting manufacturer failed to timely remedy the issues identified in the notice provided under R17-5-602(E), shall mail to the manufacturer a notice and order of cancellation of certification for the specific ignition interlock device model. The notice and order of cancellation shall:
1. Specify the basis for the action;
  2. Specify the date when the one-year decertification begins and ends; and
  3. State that the manufacturer may, within 15 days after receipt of a notice and order of manufacturer device model cancellation, file a written request for a hearing with the Department's Executive Hearing Office as prescribed under 17 A.A.C. 1, Article 5, to show cause as to why the ignition interlock device certification should not be cancelled.
- C.** If a hearing to show cause is timely requested, the Department's Executive Hearing Office shall conduct the hearing as prescribed under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5. The request for a hearing stays the summary cancellation of manufacturer device model certification.
- D.** Within 10 days after a hearing, the hearing officer shall issue to the manufacturer a written decision, which shall:
1. Provide findings of fact and conclusions of law; and
  2. Grant or cancel the certification.
- E.** If the hearing officer affirms the manufacturer device model cancellation, the manufacturer may seek judicial review under A.R.S. Title 12, Chapter 7, Article 6, within 35 days of the date when a copy of the decision sought to be reviewed is served upon the party affected unless the court grants a stay while the appeal is pending.
- F.** Within 60 days after the effective date of an order of cancellation, the manufacturer shall, at the manufacturer's own expense, ensure the removal of all ignition interlock devices that are not certified and facilitate the replacement of each device with a certified ignition interlock device.
- G.** The manufacturer of a previously decertified ignition interlock device model may reapply to the Department for certification of the ignition interlock device model under R17-5-604 after the one-year device decertification period ends.
- H.** During the period of cancellation, the Department shall notify each authorized installer of the manufacturer and each service representative that each of them is prohibited from installing the ignition interlock device for which the device certification was cancelled.
- I.** Cancellation of a manufacturer's device model certification prohibits the manufacturer from performing its duties with respect to the device model that has been cancelled and mak-

## Department of Transportation - Commercial Programs

ing the device model available for installation in the state for a period of one year from the latest of the following dates when:

1. The Department cancels a manufacturer's device model certification, or
2. The Department's Executive Hearing Office cancels the manufacturer's device model certification.

**Historical Note**

New Section recodified from R17-4-709.06 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-607 renumbered to R17-5-610; new R17-5-607 renumbered from R17-5-604 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**Appendix A. Renumbered****Historical Note**

New Appendix recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Appendix A renumbered to R17-5-610, Appendix A, by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Appendix B. Renumbered****Historical Note**

New Appendix recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Appendix B renumbered to R17-5-610, Appendix B, by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Appendix C. Renumbered****Historical Note**

New Appendix recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Appendix C renumbered to R17-5-610, Appendix C, by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**R17-5-608. Modification of a Certified Ignition Interlock Device Model**

- A. A manufacturer shall notify the Department in writing at least 10 days before a material modification is made to a certified ignition interlock device model.
- B. Before providing a previously certified but materially modified ignition interlock device model for installation in a motor vehicle under an order of an Arizona court or the Department, a manufacturer shall:
  1. Submit to the Department a completed application form and all additional items required under R17-5-604(C), and
  2. Obtain certification of the materially modified ignition interlock device from the Department.
- C. The Department's certification of a materially modified ignition interlock device model does not affect the original certification of the unmodified model.

**Historical Note**

New Section recodified from R17-4-709.07 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-608 renumbered to R17-5-611; new R17-5-608 renumbered from R17-5-605 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-609. Manufacturer Referral to Authorized Installers;****Manufacturer Oversight of its Authorized Installers**

- A. A manufacturer shall perform a background records check on a manufacturer's authorized installer to determine:
  1. Each authorized installer's past employment history,
  2. That each authorized installer provides good customer service and adequately serves the public interest,
  3. That each authorized installer has certified that the authorized installer has not had a felony conviction in the five years preceding the individual's request for certification, and
  4. The authorized installer's motor vehicle record, driver license status, and the existence of any driving under the influence convictions.
- B. In this Section, conviction means that a court of competent jurisdiction, after adjudication, found the individual guilty.
- C. A manufacturer shall refer a participant only to an authorized installer.
- D. A manufacturer shall provide the Department with a toll-free telephone number for a participant to call to obtain names, locations, telephone numbers, contact persons, and hours of operation for its authorized installers.
- E. A manufacturer shall notify the Department within 10 days of a change of address of its principal or established place of business in this state.
- F. A manufacturer shall ensure that its authorized installer follows the installation and operation procedures established by the manufacturer.
- G. A manufacturer shall ensure that its authorized installer receives and maintains all necessary training and skills required to install, troubleshoot, examine, and verify proper operation of the certified ignition interlock device.
- H. A manufacturer shall ensure that its authorized installer:
  1. Complies with the manufacturer's procedures for removing a certified ignition interlock device from a vehicle, and
  2. Electronically notifies the Department within 24 hours after removing a certified ignition interlock device.
- I. A manufacturer shall ensure that its authorized installer distributes and makes available for every participant operating a motor vehicle equipped with a certified ignition interlock device, the manufacturer's written instructions for the following:
  1. Operating a motor vehicle equipped with the certified ignition interlock device,
  2. Cleaning and caring for the certified ignition interlock device, and
  3. Identifying and addressing any vehicle malfunctions or repairs that may affect the certified ignition interlock device.
- J. A manufacturer shall ensure that its authorized installer provides to every participant, and makes available for any participant operating a motor vehicle equipped with a certified ignition interlock device, the manufacturer's specified training on how to operate a motor vehicle equipped with the device.
- K. A manufacturer or installer shall provide a warning label, for each certified ignition interlock device installed, which shall:
  1. Be of a size appropriate to each device model;
  2. Have an orange background; and
  3. Contain the following language in black lettering: "Warning! Any person tampering with, circumventing, or otherwise misusing this Ignition Interlock Device, is guilty of a Class 1 misdemeanor."
- L. A manufacturer shall ensure that its authorized installer affixes conspicuously to each installed certified ignition interlock device the warning label described under subsection (K).

## Department of Transportation - Commercial Programs

**Historical Note**

New Section recodified from R17-4-709.08 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-609 renumbered to R17-5-612; new R17-5-609 renumbered from R17-5-606 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-610. Installation Verification; Accuracy Check; Non-compliance and Removal Reporting; Report Review**

- A.** A participant shall have installed in a motor vehicle, only an ignition interlock device certified by the Department under R17-5-604.
- B.** A manufacturer shall comply, and ensure that its authorized installer complies, with its written procedures for the installation of a certified ignition interlock device.
- C.** Certified ignition interlock device installation verification.
  1. A manufacturer shall electronically transmit, or ensure that its authorized installer electronically transmits, a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours of installing a certified ignition interlock device.
  2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for installation verification shall contain all of the following information:
    - a. Installer ID;
    - b. Participant's full name (first, middle, last and suffix);
    - c. Date of birth;
    - d. Driver license or customer number;
    - e. Report date;
    - f. Install date;
    - g. Removal date; and
    - h. Report type.
- D.** Certified ignition interlock device accuracy and compliance check.
  1. A manufacturer shall ensure that its authorized installer schedules a participant for accuracy and compliance checks as follows:
    - a. 30 days, 60 days, and 90 days after installation of a certified ignition interlock device; and
    - b. At least once every 90 days after the first 90-day accuracy and compliance check until the participant is eligible for device removal.
  2. A manufacturer shall electronically transmit, or ensure that the manufacturer's authorized reporting installer electronically transmits, a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours after performing an accuracy and compliance check on an installed certified ignition interlock device.
  3. A manufacturer or the manufacturer's authorized reporting installer shall submit to the Department the following valid and substantiated proof or evidence of a reportable activity related to a violation, as prescribed in subsection (F), within 10 days by electronic means or by regular mail, which shall include:
    - a. A report summarizing why the data logger or any other evidence confirms the occurrence of a violation; and
    - b. A data logger that shows at least 12 hours of data before and after the violation.
  4. A manufacturer or the manufacturer's authorized reporting installer may submit to the Department the following additional valid and substantiated proof or evidence of a reportable activity related to a violation, as prescribed in subsection (F), if available, within 10 days by electronic means or by regular mail, which may include:
    - a. Photographs;
    - b. Video recordings;
    - c. Written statements; and
    - d. Any other evidence relevant to a violation.
5. The electronic Certified Ignition Interlock Device Summarized Reporting Record for the accuracy and compliance check shall contain all of the following information:
  - a. Installer ID;
  - b. Participant's full name (first, middle, last and suffix);
  - c. Date of birth;
  - d. Driver license or customer number;
  - e. Report date;
  - f. Install date;
  - g. Removal date;
  - h. Report type;
  - i. Missed rolling retest count and dates;
  - j. Noncompliance code;
  - k. Alcohol concentration violation count and dates;
  - l. Tampering violation date;
  - m. Device download date; and
  - n. Device download time.
- E.** Certified ignition interlock device removal report.
  1. A manufacturer shall electronically transmit, or ensure that its authorized installer electronically transmits, a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours if a certified ignition interlock device is removed before the end of a participant's certified ignition interlock device period.
  2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for removal of a device shall indicate the condition of noncompliance and contain all of the following information:
    - a. Installer ID;
    - b. Participant's full name (first, middle, last and suffix);
    - c. Date of birth;
    - d. Driver license or customer number;
    - e. Report date;
    - f. Install date;
    - g. Removal date;
    - h. Report type; and
    - i. Noncompliance code.
- F.** Reportable activity for a participant's noncompliance with these rules and A.R.S. Title 28, Chapter 4, Article 5, shall be limited to valid and substantiated instances by a participant of any of the following:
  1. Tampering with a certified ignition interlock device as defined in A.R.S. § 28-1301;
  2. A missed rolling retest as defined in R17-5-601;
  3. Failing to provide proof of compliance or inspection of the certified ignition interlock device as required under A.R.S. § 28-1461(E)(4);
  4. Attempting to operate the vehicle with an alcohol concentration of 0.08 or more as prescribed in A.R.S. § 28-1381(A) if the participant is at least 21 years of age;
  5. Attempting to operate the vehicle with an alcohol concentration in excess of the startup set point if the participant is under 21 years of age; or
  6. Disconnecting or removing a certified ignition interlock device, except:
    - a. On receipt of Department authorization to remove the device;

## Department of Transportation - Commercial Programs

- b. On repair of the vehicle, if the participant provided to the manufacturer, installer, or service center advance notice of the repair and the anticipated completion date; or
  - c. On replacement of one vehicle with another vehicle if replacement of the device is accomplished within 72 hours of device removal.
- G.** A participant shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle's ignition. A missed rolling retest is reportable activity for a participant's noncompliance under subsection (F).
- H.** The Department shall count one missed rolling retest for a participant who refuses or fails to provide a valid and substantiated breath sample in response to a requested rolling retest if not followed by the participant providing a valid and substantiated breath sample within six minutes.
- I.** Beginning on April 1, 2015, the Department shall extend the ignition interlock period for six months, as provided in A.R.S. § 28-1461(E) for any set of four missed rolling retests that occur during the participant's ignition interlock period.
- J.** A manufacturer or its authorized reporting installer shall screen a participant's data loggers to ensure that there is no improper reporting. A manufacturer or its authorized reporting installer shall report to the Department any valid and substantiated missed rolling retests, as defined in R17-5-601, that occur during a participant's ignition interlock period.
- K.** A manufacturer shall provide written notice, as requested, to the Department of each authorized reporting installer who is authorized to send data loggers, reports, and other participant records to the Department.
- L.** A manufacturer or its authorized installer shall ensure that a certified ignition interlock device has the necessary programming to identify each participant's ignition interlock period and to report and send data and violations to the Department as required by these rules.
- M.** A manufacturer or its authorized reporting installer shall review within 10 days all reports generated by the Department and returned to the manufacturer or installer for verification of accurate reporting. If a manufacturer or its authorized installer finds that the reported information does not indicate valid and substantiated evidence of a violation, the manufacturer or its authorized installer shall immediately contact the Department to correct the participant's record before corrective action is initiated against a participant as a result of misreported ignition interlock data.
- N.** A manufacturer or its authorized reporting installer shall immediately contact the Department if the manufacturer or its authorized reporting installer finds that the reported information indicates:
  - 1. An obvious mechanical failure of a certified ignition interlock device;
  - 2. Obvious errors in the recorded, certified ignition interlock device data that cannot be attributed to a participant's actions; or
  - 3. Obvious errors in the transmission of certified ignition interlock device data to the Department, including misreported instances of tampering.

**Historical Note**

New Section recodified from R17-4-709.09 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-610 renumbered to R17-5-703; new R17-5-610 renumbered from R17-5-607 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132,

effective April 1, 2015 (Supp. 14-4).

**Exhibit A. Renumbered****Historical Note**

New Exhibit recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Exhibit A renumbered to R17-5-703, Exhibit A, by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Exhibit B. Renumbered****Historical Note**

New Exhibit recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Exhibit B renumbered to R17-5-703, Exhibit B, by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Appendix A. Repealed****Historical Note**

Appendix A renumbered from R17-5-607, Appendix A, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Appendix B. Repealed****Historical Note**

Appendix B renumbered from R17-5-607, Appendix B, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Appendix C. Repealed****Historical Note**

Appendix C renumbered from R17-5-607, Appendix C, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**R17-5-611. Emergency Assistance by Manufacturers and Authorized Installers; Continuity of Serviceto Participants**

- A.** A manufacturer shall ensure that its authorized installer provides to each participant a 24-hour emergency phone number for assistance in the event a certified ignition interlock device fails to operate properly or a vehicle experiences a problem relating to the installation, operation, or failure of a certified ignition interlock device.
  - 1. Within two hours after receiving a participant's call for emergency assistance, if the authorized installer determines that a vehicle is experiencing a problem relating to the installation, operation, or failure of a certified ignition interlock device, the authorized installer shall either:
    - a. Provide telephonically, the technical information required for the participant to resolve the issue; or
    - b. Provide or arrange for appropriate towing or roadside assistance services if unable to resolve the issue telephonically.
  - 2. Within 48 hours after receiving a participant's call for emergency assistance, the authorized installer shall either:
    - a. Make the certified ignition interlock device functional, or
    - b. Replace the certified ignition interlock device.
- B.** A manufacturer shall ensure uninterrupted service to a participant for the duration of the participant's certified ignition interlock period, which shall include facilitating the immediate replacement of an authorized installer if the installer goes out of business, its recertification is denied, or its certification is cancelled by the Department under R17-5-708.

## Department of Transportation - Commercial Programs

1. If a manufacturer terminates its authorized installer's appointment, or the Department cancels the installer's certification or denies recertification under R17-5-708, the manufacturer shall:
    - a. Obtain participant records from its formerly authorized installer; and
    - b. Provide the participant records to a new authorized installer for retention according to R17-5-612; or
    - c. Retain the participant records according to R17-5-612, if a new authorized installer is not appointed.
  2. If a manufacturer appoints a new authorized installer, the manufacturer shall:
    - a. Ensure that the new authorized installer operates either:
      - i. A mobile service center that is located within 75 miles of the Arizona residence of each participant with an installed certified ignition interlock device provided by the manufacturer; or
      - ii. A service center that is a permanent facility located within 125 miles of the Arizona residence of each participant with an installed certified ignition interlock device provided by the manufacturer; and
    - b. Notify each participant affected by the appointment of the new authorized installer at least 30 days before the appointment becomes effective.
  3. If a manufacturer does not appoint a new authorized installer, or its new authorized installer cannot provide service as prescribed under subsection (B)(2), the manufacturer, at no cost to the participant, shall:
    - a. Provide written notification to all participants affected by the change of authorized installers at least 30 days before the authorized installer is to discontinue service. The written notification shall inform the participant of the manufacturer's responsibility to facilitate removal and replacement of the certified ignition interlock device and shall provide all of the instructions necessary for the participant to successfully exchange the device;
    - b. Remove the device from the vehicle of each affected participant; and
    - c. Facilitate the replacement of each device through a manufacturer with an authorized installer that can provide service as prescribed under subsection (B)(2).
  4. A manufacturer shall notify the Department within 72 hours of replacing its authorized installer.
  5. A manufacturer shall submit to the Department an updated list of its authorized installers within 10 days after making a change to the list provided to the Department under R17-5-604.
- C.** Except in an emergency situation, a manufacturer or its authorized installer shall not remove another manufacturer's certified ignition interlock device without the express permission of that manufacturer.
1. If in an emergency situation a manufacturer or its authorized installer removes another manufacturer's certified ignition interlock device, that manufacturer or authorized installer shall return the device to the original installer within 72 hours of the emergency removal; and
  2. The original installer, on receipt of the device, shall provide to the Department an electronic report of the device removal under R17-5-610, which shall include the transmission of all data stored in its data storage system.
- D.** A manufacturer shall facilitate the immediate replacement of its authorized installer's service center if the service center goes out of business or the installer's certification is cancelled or recertification is denied under R17-5-708. The manufacturer shall notify the Department within 72 hours of replacing a service center.
1. If an out-of-business or cancelled service center is replaced, the manufacturer shall make all reasonable efforts to obtain, from the service center being replaced, all participant records and data required to be retained under R17-5-612. The records shall be provided to, and maintained by the new service center.
  2. If an out-of-business or cancelled service center is not replaced, the manufacturer shall retain the records and data as required under R17-5-612. The Department shall be notified of this event within 72 hours.
    - a. The manufacturer shall facilitate removal of all installed certified ignition interlock devices no longer serviced by the out-of-business or cancelled service center, and shall bear the cost of replacing each device with a serviceable certified ignition interlock device, even if the replacement device must be provided through an alternate manufacturer.
    - b. The manufacturer shall, within 30 days, make a reasonable effort to notify its customers of the change of service center or replacement of a device.
  3. If the manufacturer cannot comply with subsection (D)(1) or subsection (D)(2) within 60 days, the manufacturer shall:
    - a. Notify its customers and the Department that service will be terminated; and
    - b. Remove each device at no cost to the customer.

**Historical Note**

Section R17-5-611 renumbered from R17-5-608 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-612. Records Retention; Submission of Copies and Quarterly Reports**

- A.** Records retention. A manufacturer shall retain, or ensure that its authorized installer retains, a participant's records in an electronic or a paper format for three years after the removal of a certified ignition interlock device. The retained records shall consist of every document relating to installation and operation of the certified ignition interlock device. The installer and the service center shall maintain all daily participant driving activity records in the device's data storage system, and shall make participant records available to the Department on request at the principal place of business.
- B.** Copies of records and quarterly reports.
1. A manufacturer shall ensure that its authorized reporting installer or the manufacturer provides copies of participants' records to the Department within 10 days after Department personnel make a request for copies of records, including records relating to installation and operation of the certified ignition interlock device.
  2. A manufacturer shall ensure that its authorized installer mails or e-mails to the Department, by the 10th day of January, April, July, and October, a quarterly report containing the following information for the previous three months:
    - a. The number of certified ignition interlock devices the authorized installer currently has in service;

## Department of Transportation - Commercial Programs

- b. The number of certified ignition interlock devices installed since the previous quarterly report; and
- c. The number of certified ignition interlock devices removed by the authorized installer since the previous quarterly report.

**Historical Note**

Section R17-5-612 renumbered from R17-5-609 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-613. Inspections**

- A. The Department shall investigate any complaint or report of misconduct brought against a certified ignition interlock device manufacturer, installer, or installer-certified service representative, or against a service center for noncompliance with a provision of Articles 6 or 7 of this Chapter or A.R.S. Title 28, Chapter 4, Article 5.
- B. To comply with certification and the enforcement provisions of A.R.S. § 28-1465, the Department may request the consent of a manufacturer or a manufacturer's authorized installer for periodic onsite inspections at the established place of business of a manufacturer, a manufacturer's authorized installer, or a service center to determine whether a manufacturer or a manufacturer's authorized installer is in compliance with the Department's ignition interlock program requirements established under Articles 6 and 7 of this Chapter and A.R.S. Title 28, Chapter 4, Article 5.
- C. The Department shall conduct an inspection of a manufacturer, an installer, or a service center under the provisions of A.R.S. § 41-1009. The inspection shall include an examination of participant records and verification of an adequate supply of the warning labels that meet the requirements of A.R.S. § 28-1462, R17-5-609, and R17-5-704.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**ARTICLE 7. IGNITION INTERLOCK DEVICE INSTALLERS****R17-5-701. Definitions**

In addition to the definitions provided under A.R.S. §§ 28-101 and 28-1301, the definitions provided under R17-5-601 apply to this Article unless the context otherwise requires.

**Historical Note**

New Section recodified from R17-4-801 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-702. Ignition Interlock Device Installer Certification; Application Requirements; Recertification**

- A. A manufacturer's authorized installer shall be certified by the Department before installing a certified ignition interlock device, and shall be recertified annually by the Department to continue to install a certified ignition interlock device under Arizona law.
- B. The Department may establish a system of staggered recertification for authorized installers throughout the twelve months of the year. If the Department approves an installer's certification or recertification, the certification or recertification shall

extend for one year from the date of Department approval. A manufacturer's authorized installer shall submit to the Department the information required in subsection (D) on an annual basis for recertification. The Department may accept documents submitted with the initial application for certification, subject to Department approval.

- C. A manufacturer's authorized installer shall obtain from the manufacturer, as provided under R17-5-609, all necessary training and skills required to install, troubleshoot, examine, and verify proper operation of the manufacturer's certified ignition interlock device.
- D. A manufacturer's authorized installer shall submit to the Department a properly completed application for installer certification or recertification. The application for installer certification or recertification shall provide:
  - 1. The authorized installer's name;
  - 2. The authorized installer's business address and telephone number;
  - 3. The authorized installer's status as a sole proprietorship, partnership, limited liability company, or corporation;
  - 4. The name of the sole proprietor or of each partner, officer, director, manager, member, agent, or 20% or more stockholder;
  - 5. The name and model number of each certified ignition interlock device the authorized installer intends to install; and
  - 6. The following statements, signed by the authorized installer and acknowledged by a notary public or Department agent:
    - a. A statement that all information provided on the application form, including all information provided on any attachment to the application form, is complete, true, and correct;
    - b. A statement that the authorized installer agrees to indemnify and hold harmless from all liability the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona;
    - c. A statement that the authorized installer agrees to comply with all requirements under this Article; and
    - d. A statement that the authorized installer agrees to immediately notify the Department of any change to the information provided on the application form.
- E. The Department shall process an application for installer certification or recertification as provided under R17-5-605.
- F. Department certification issued to an authorized installer under this Article shall not expire as long as the installer remains authorized by a manufacturer to install its certified ignition interlock device model under Arizona law and the installer completes all requirements for annual recertification in the time period prescribed in this Section.
  - 1. If a Department-certified installer is no longer authorized by a manufacturer to install its certified ignition interlock device, the manufacturer shall notify the Department within 24 hours that an installer is no longer authorized by the manufacturer.
  - 2. If the installer again becomes authorized by a manufacturer to install its certified ignition interlock device, the installer may reapply to the Department for certification under this Article by submitting a new application.
- G. A Department-certified ignition interlock device installer shall notify the Department within 24 hours of making a decision to relocate a fixed-site service center.
- H. A Department-certified installer shall train and certify each of its service representatives on the proper installation of a certi-



## Department of Transportation - Commercial Programs

fied ignition interlock device before allowing the service representative to install the certified ignition interlock device.

- I.** A Department-certified ignition interlock device installer shall provide to the Department a current list of the names of each of its certified service representatives on a quarterly basis. The installer shall electronically notify the Department within 24 hours after making a change to its list.

**Historical Note**

New Section recodified from R17-4-805 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-703. Ignition Interlock Device Installer Bond Requirements; Recertification**

- A.** Before installing, servicing, or removing a certified ignition interlock device, an installer shall:
1. Be appointed by a manufacturer as an authorized installer of its certified ignition interlock device;
  2. Obtain an ignition interlock installer bond from a surety company authorized by the Arizona Department of Insurance to conduct general surety business in Arizona. The ignition interlock installer bond shall be:
    - a. In the amount of \$25,000;
    - b. On the approved form provided by the Department; and
    - c. Maintained for as long as the installer intends to install, service, or remove Department-certified ignition interlock devices under Arizona law;
  3. Submit the original completed ignition interlock installer bond to the Arizona Department of Transportation, Motor Vehicle Division, Ignition Interlock Program, 1801 W. Jefferson St. MD530M, Phoenix, AZ 85007; and
  4. Receive Department certification or recertification under R17-5-702.
- B.** An installer authorized by a manufacturer and certified or recertified by the Department to install, service, or remove more than one certified ignition interlock device model needs only one bond, which shall extend as long as the installer is certified or recertified.

**Historical Note**

New Section recodified from R17-4-806 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). Section R17-5-703 renumbered from R17-5-610 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**Exhibit A. Repealed****Historical Note**

Exhibit A renumbered from R17-5-610, Exhibit A, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**Exhibit B. Repealed****Historical Note**

Exhibit B renumbered from R17-5-610, Exhibit B, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

**R17-5-704. Authorized Installer Responsibilities**

- A.** An authorized installer certified by the Department to install a certified ignition interlock device shall:
1. Follow the installation and operating procedures established and provided by the manufacturer;
  2. Acquire and maintain all necessary training and skills specified by the manufacturer for installing, troubleshooting, examining, and verifying the proper operation of its certified ignition interlock device;
  3. Comply with all of the manufacturer's procedures for removing the certified ignition interlock device from a vehicle;
  4. Electronically notify the Department within 24 hours after removing a certified ignition interlock device under R17-5-610;
  5. Provide to the manufacturer, or to the Department if delegated by the manufacturer, an accurate electronic reporting of all applicable information required of the manufacturer under R17-5-610 and R17-5-612;
  6. Provide to every participant, and make available for every person operating a motor vehicle equipped with the certified ignition interlock device, a copy of the manufacturer's written instructions for the following:
    - a. Operating a motor vehicle equipped with the certified ignition interlock device;
    - b. Cleaning and caring for the certified ignition interlock device; and
    - c. Identifying and addressing vehicle malfunctions or repairs that may affect the certified ignition interlock device;
  7. Ensure that each participant receives an operator's manual and is further instructed regarding all of the following:
    - a. How to use the system;
    - b. How to obtain service for the system;
    - c. How to find answers to any additional questions;
    - d. How the alcohol retest feature works;
    - e. How drinking alcohol before a test may result in a reading of sensitive or fail;
    - f. How the device shall not be removed, except by an installer-certified service representative;
    - g. How missing an appointment for a regularly scheduled accuracy check will cause the certified ignition interlock device to enter into a lock-out condition that will emit a unique cue, either auditory, visual, or both, to warn the driver that after 72 hours the vehicle will not start. It shall be the responsibility of each participant to have the car towed to the service center if a lock-out condition occurs;
    - h. How noncompliance with a regularly scheduled accuracy check shall result in suspension under A.R.S. § 28-1463 of the participant's driver license until proof of compliance is submitted to the Department under A.R.S. § 28-1461; and the duration of the participant's certified ignition interlock device requirement shall be extended under A.R.S. § 28-1461;
    - i. What the penalties are for tampering with or misusing the system;
    - j. What will happen after failing a start-up breath alcohol test;
    - k. What will happen after a participant has a set of four valid and substantiated missed rolling retests during the participant's ignition interlock period; and that a participant shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle's ignition; and

## Department of Transportation - Commercial Programs

1. What events or actions will result in a lock-out of the certified ignition interlock device.
  8. Ensure that each participant demonstrates:
    - a. A properly delivered alveolar breath sample; and
    - b. An understanding of how the abort test feature works.
  9. Affix conspicuously, the warning label provided by the manufacturer under R17-5-609.
  10. Check each device for evidence of tampering at least once every 90 days or more frequently if needed. This anticircumvention check shall be conducted at each participant's regularly scheduled accuracy and compliance check required under R17-5-610.
  11. Notify the Department electronically under R17-5-610 if any evidence of tampering is discovered and submit valid and substantiated proof or evidence of a reportable activity.
- B.** An installer shall not permit a service representative whose driving privilege is limited pursuant to A.R.S. §§ 28-1381, 28-1382, 28-1383, or 28-3319, or restricted under A.R.S. § 28-1402 to install, inspect, download, calibrate, repair, monitor, maintain, service, or remove a certified ignition interlock device until the restrictive period of the service representative's driving privilege ends. An installer whose driving privilege is limited pursuant to A.R.S. §§ 28-1381, 28-1382, 28-1383, or 28-3319, or restricted under A.R.S. § 28-1402 shall not install, inspect, download, calibrate, repair, monitor, maintain, service, or remove a certified ignition interlock device until the restrictive period of the installer's driving privilege ends.

**Historical Note**

New Section recodified from R17-4-807 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-705. Installer-certified Service Representatives**

- A.** Certification requirements.
1. To achieve certification as a service representative, an individual shall obtain written documentation from a Department-certified ignition interlock device installer documenting that the individual is currently trained in each aspect involved with the specific certified ignition interlock device for which the individual seeks certification to install or service.
  2. An installer shall not certify as a service representative, any individual with a felony conviction in the five years preceding the individual's request for certification. In this Section, conviction means that a court of competent jurisdiction adjudicated the individual guilty.
- B.** Proficiency requirements.
1. It is the responsibility of the installer to ensure that its certified service representatives maintain proficiency in each aspect involved with each specific certified ignition interlock device model the individual is certified to install or service.
  2. The Department may at any time require an installer-certified service representative to demonstrate competency in the installation, inspection, downloading, calibrating, repairing, monitoring, maintaining, servicing or removal of a specific certified ignition interlock device. Failure of the installer-certified service representative to demonstrate proficiency to the Department may result in correc-

tive action against the installer as provided under R17-5-601.

**Historical Note**

New Section recodified from R17-4-808 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-706. Accuracy and Compliance Check; Requirements**

- A.** An installer-certified service representative shall inspect, maintain, and check each certified ignition interlock device for calibration accuracy and operational performance before the device is placed into, or returned to service.
- B.** The installer-certified service representative shall perform each accuracy and compliance check in accordance with NHTSA specifications as referenced in R17-5-604(C) at a service center authorized by an installer certified by the Department under R17-5-702.
- C.** The accuracy and compliance check performed under R17-5-610 shall include an inspection of the device to verify that it is properly functioning in accordance with all of the following criteria:
1. Accuracy standards as prescribed under R17-5-603;
    - a. The device shall be calibrated before placed into, or returned to service.
    - b. The calibration test shall consist of introducing to the device a known alcohol concentration from a reference sample device, the analysis of which indicates the device's agreement with the known concentration. The installer's software shall be capable of performing, documenting, and reporting the result of this calibration test. The calibration test result shall verify the accuracy of the ignition interlock device according to the standards prescribed under R17-5-603; and
  2. Anticircumvention standards and operational features as prescribed under R17-5-603.
- D.** The calibration test referenced under subsection (C) shall be performed when the information uploaded from a device indicates that the device has experienced an interruption in service or was completely disconnected. Additionally, the complete device shall be examined for evidence of tampering while it is still attached to the vehicle.
- E.** If calibration confirmation test results reveal that the device is not properly calibrated, the device shall be recalibrated to restore the accuracy standards prescribed under R17-5-603 before the device is returned to service.
- F.** At least once every 90 days, an installer-certified service representative shall perform a physical inspection of the ignition interlock device while it is still attached to the vehicle.
- G.** An installer-certified service representative shall perform a physical inspection of the ignition interlock device at other times when the data logger indicates that tampering has occurred and shall maintain a log showing the findings.
- H.** If at any time an individual device fails to meet the provisions of this Section, the manufacturer, installer, service center, or installer-certified service representative shall either:
1. Repair, recalibrate, and retest the device to ensure that it does meet all applicable standards; or
  2. Remove the device from service.

**Historical Note**

New Section recodified from R17-4-501 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section

## Department of Transportation - Commercial Programs

repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-707. Inspection of Service Centers; Application**

- A. A service center, whether located on a fixed site or mobile, shall meet the requirements necessary to maintain installer certification under this Article before it is used by an installer to conduct certified ignition interlock device related business in this state.
  - B. An installer shall submit to the Department a separate application for each individual service center the installer intends to use for conducting certified ignition interlock device related business in this state.
  - C. On an application for a service center, available from the Department, an installer shall identify:
    1. The physical location of the service center;
    2. The certified ignition interlock device, or devices, to be merchandised and serviced at the location; and
    3. The reference sample device, or devices, that will be used at the location.
  - D. An installer shall attach to the application submitted to the Department under subsection (B), a statement from the manufacturer acknowledging that the installer is authorized to install the certified ignition interlock device, or devices, described on the application.
  - E. The Department may request an installer applying to meet the requirements for a service center to consent to allow the Department access to the service center for inspection under subsection (H).
  - F. An installer applying for a service center shall agree to comply with all provisions under this Article and A.R.S. Title 28, Chapter 4, Article 5.
  - G. To operate a service center, the installer's ignition interlock device testing facilities, equipment, and the procedures used in the service center shall meet the following conditions:
    1. A fixed-site service center shall be located in a facility that accommodates installing, inspecting, downloading, calibrating, repairing, monitoring, maintaining, servicing, and removing a specific ignition interlock device consistent with the requirements of this Article. The installer shall:
      - a. Provide a designated waiting area for the participant that is separate from the installation area; and
      - b. Ensure that no participant witnesses installation of the certified ignition interlock device.
    2. A mobile service center shall be equipped with the same materials and capacities prescribed under subsection (G)(1). An installer or service representative operating a mobile service center shall:
      - a. Provide a designated waiting area for the participant that is separate from the area used for the installation area; and
      - b. Ensure that no participant witnesses installation of the certified ignition interlock device.
    3. The installer, whether operating a fixed-site service center, or mobile, shall ensure that its certified service representatives utilize all of the following:
      - a. The analysis of a reference sample such as head-space gas from a mixture of water and alcohol, the results of which shall agree with the reference sample predicted value, or other methodologies approved by the Department. The preparatory documentation on the reference sample solution, such as a certificate of analysis, shall be made available to the Department on request.
      - b. The startup set point value established under R17-5-603(A). All analytical results shall be expressed in grams of alcohol per 210 liters of breath (g/210L).
      - c. The most current versions of manufacturer software and firmware to ensure continuous compliance under this Article and A.R.S. Title 28, Chapter 4, Article 5.
4. Only a properly trained installer-certified service representative shall perform certified ignition interlock device related services rendered through a service center.
    - a. The installer shall maintain sufficient staff at each service center to ensure an acceptable level of service. The service center shall always be staffed with at least one installer-certified service representative.
    - b. The installer shall schedule accuracy and compliance checks at each service center in a manner that will not deprive a participant of an acceptable level of service.
    - c. The installer's software shall document the certified service representative performing each accuracy and compliance check and shall record the date each service is performed.
    - d. Department-certified installers may train potential certified service representatives in the service center only under the direct supervision of a currently certified service representative.
  5. The installer shall agree to:
    - a. Submit a violation as defined in R17-5-601 regarding a participant's noncompliance to the Department by providing valid and substantiated proof or evidence of a reportable activity as required in R17-5-610(D) no later than 24 hours after the installer discovers the violation;
    - b. Maintain complete records in an electronic or paper format of each device installation for three years from the date of its removal;
    - c. Require each applicant seeking installer certification as a service representative to certify that the applicant has not been convicted of a felony within the five years preceding the date of application;
    - d. Retain the five-year felony certification required of each installer-certified service representative under subsection (G)(5)(c) for five years after the date of the employee's separation from employment; and
    - e. Make available to the Department on request, either by inspection or in hard copy form, all records relating to the installer's ignition interlock device operations.
  6. The installer shall ensure that all anticircumvention features are activated on each installed certified ignition interlock device.
  7. The installer shall install and inspect each certified ignition interlock device as provided under this Article.
    - a. Each time an installer uploads the information from a participant's certified ignition interlock device, the installer-certified service representative shall perform a visual inspection of the vehicle, the device, and the device's wiring to ensure that no tampering has occurred during the monitoring period.
    - b. The calibration test referenced under R17-5-706 shall be performed if the downloaded device information indicates that the device has experienced an interruption in service or was completely disconnected.

## Department of Transportation - Commercial Programs

8. The installer shall agree to abide by conditions for the removal of a certified ignition interlock device, including but not limited to the following:
  - a. Provide electronic notification to the Department of device removal under R17-5-610(E) within 24 hours and electronically submit the required reporting record.
  - b. A service representative or service center shall not remove the certified ignition interlock device of another manufacturer, except in an emergency, or other special circumstance authorized by the Department. All removals shall be documented and reported to the Department. All device removal records shall be retained as prescribed under R17-5-612.
  - c. When a participant makes a request to exchange one manufacturer's device for the device of another manufacturer, the installer of the original device shall notify the Department of the device removal under R17-5-610(E).
- H. The Department may cancel the certification of an installer, prohibiting operation of its service center if the installer or service center is not complying with any provision under this Article, engaging in improper reporting as defined in R17-5-601, not complying with reporting provisions in R17-5-610, or not complying with A.R.S. Title 28, Chapter 4, Article 5. To ensure continuous compliance with the Department's certified ignition interlock program requirements, the Department may inspect an installer's service center and take corrective action against the installer as provided under R17-5-601 if a deficiency is identified during an inspection conducted under R17-5-613.
- I. An installer shall designate a custodian of records who shall, if required in an administrative hearing or court proceeding, provide testimony concerning the interpretation of data storage system records and answer questions concerning the installer's certification and compliance with the Department's ignition interlock program requirements.
- J. Before issuing certification, the Department may perform an onsite inspection of a service center to verify compliance with this Article.
- K. After verifying compliance with subsections (A) through (G), the Department shall provide evidence of approval to the installer that shall remain valid until cancelled by the Department or terminated by the installer or service center. Evidence of approval provided to an installer or service center under this Section demonstrates that the installer's service center has met all of the criteria necessary for approval by the Department.
- L. Approval of the installer's service center is contingent on the installer's agreement to conform with and abide by all directives, orders, and policies issued by the Department regarding any service center activities regulated by the Department under this Article and A.R.S. Title 28, Chapter 4, Article 5, which may include:
  1. Program administration,
  2. Reports,
  3. Records and forms,
  4. Inspections,
  5. Methods of operations and testing protocol,
  6. Personnel training and qualifications,
  7. Criminal history considerations for installer-certified service representatives, and
  8. Records custodian.
- M. Certification of an installer issued under this Article may be cancelled by the Department if the installer's service center, or installer-certified service representative is not in compliance

with a provision of this Article, provisions regarding reporting in R17-5-610 and R17-5-601, or A.R.S. Title 28, Chapter 4, Article 5, or the certified ignition interlock device equipment it is authorized by the manufacturer to install no longer meets the requirements provided under Article 6 of this Chapter.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R.

3499, effective December 1, 2007 (Supp. 07-4).

Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**R17-5-708. Notice; Denial or Cancellation of Certification; Appeal; Hearing**

- A. If the Department determines that an authorized reporting installer fails to properly report ignition interlock information and data to the Department in the manner prescribed in these rules, the Department may immediately provide written notice to the authorized reporting installer with the following information:
  1. The name of the participant and the date of the improper reporting; and
  2. The authorized reporting installer shall send the required record or report to the Department within ten business days, if applicable.
- B. If the authorized reporting installer fails to remedy the issues identified in the notice provided under R17-5-708(A) within ten business days, the Department may cancel the authorized reporting installer's certification.
- C. If the Department denies a pending application for certification or recertification of an installer, or cancels a certification previously issued to an installer, the installer may appeal the action as follows:
  1. Within 15 days after receipt of a notice of denial of application or a notice of cancellation of certification or a notice of denial of recertification of an installer, the installer may file a written request for a hearing on the issue of the denial or cancellation with the Department's Executive Hearing Office as prescribed under 17 A.A.C. 1, Article 5.
  2. If a hearing on the issue of the denial or cancellation is timely requested, the Department's Executive Hearing Office shall conduct the hearing as prescribed under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5. The request for a hearing stays the summary cancellation of an installer's certified activities.
  3. Within 10 days after a hearing, the hearing officer shall issue to the installer a written decision, which shall:
    - a. Provide findings of fact and conclusions of law; and
    - b. Grant the application, deny the application, deny recertification, or cancel the certification.
  4. If the hearing officer affirms the denial of application or recertification or cancellation of certification, the installer may seek judicial review under A.R.S. Title 12, Chapter 7, Article 6, within 35 days of the date when a copy of the decision sought to be reviewed is served upon the party affected unless the court grants a stay pending the outcome of judicial review.
- D. If an installer's certification is cancelled or denied, or recertification is denied, the installer is prohibited from performing its duties and operating under these rules for a period of one year from the latest of the following dates when:
  1. The Department denies an application or recertification, or cancels a certification of an installer, or
  2. The Department's Executive Hearing Office denies the application or recertification, or cancels a certification of an installer.

## Department of Transportation - Commercial Programs

- E. After the one-year decertification period ends, an installer may reapply to the Department for certification by completing a new application and meeting all certification requirements under this Article.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).  
Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4).

**ARTICLE 8. MANDATORY INSURANCE AND FINANCIAL RESPONSIBILITY****R17-5-801. Definitions**

In addition to the definitions under A.R.S. §§ 28-101 and 28-4001, in this Chapter, unless otherwise specified:

“*Arizona Mandatory Insurance Reporting System Guide for Insurance Companies*” means the Department’s guide that is available on the agency’s website and provides technical information to a company about information transmission between the Department and the company.

“Company” means an insurance or indemnity company authorized to write motor vehicle liability coverage in Arizona.

“Customer number” means the system-generated, or other distinguishing number, assigned by the Department to each person conducting business with the Department, as prescribed in R17-5-805.

“EDI” means electronic data interchange, which is the transmission of data in a standardized format from one computer to another without the use of magnetic tape.

“EDI reporting” means the computer-to-computer transmission of data from a company to the Department.

“Error return” means the computer-to-computer transmission, from the Department to a company, of all data reporting errors received during EDI reporting.

“FEIN” means the federal employer identification number or federal tax identification number used to identify a business entity.

“FTP” means file transfer protocol, which is a common protocol used by the Department for exchanging files over any network that supports EDI reporting transmitted through the Internet or Intranet.

“Information exchange” means EDI reporting where a company or service provider transmits a report to the Department through a connection to a private information network.

“Motor Vehicle Division” means the Arizona Department of Transportation’s Motor Vehicle Division.

“NAIC” means the National Association of Insurance Commissioners.

“Private information network” means the value-added network used by a company or service provider to facilitate EDI transmissions to the Department and to provide other network services where fees are charged for the network connection based on the number of characters and messages transmitted.

“Reportable activity” means the information required to be transmitted to the Department under A.R.S. § 28-4148 and this Article.

“Self-insurer” means a person or entity that has met the qualifications, completed the application process, and received a

certificate of self-insurance issued by the Department under R17-5-810.

“Service provider” means a person or entity that reports for an insurance company through a connection to a private information network or an FTP for EDI reporting.

“SR22” means a certification filed, by a company duly authorized to transact business in this state, as proof of financial responsibility for the future, which guarantees that the insured owner or operator has in effect at least the minimum motor vehicle liability insurance coverage required under A.R.S. Title 28, Chapter 9, Article 3.

“SR26” means a certification filed by a company duly authorized to transact business in this state, which notifies the Department that an insured owner or operator required to maintain proof of financial responsibility for the future, under A.R.S. Title 28, Chapter 9, Article 3, is no longer covered under a previously reported SR22.

“Value-added network” means a private network provider that is hired by a company to facilitate EDI or provide other network services.

“X12” means the American National Standards Institute, Accredited Standards Committee, uniform standards for the inter-industry electronic exchange of business transactions by EDI.

“X12 (TS811)” means X12 Transaction Set 811, Consolidated Service Invoice – Statement, version 3050, which is the specific set of EDI transactions developed for the insurance industry in the X12 standard format for automobile liability insurance reporting.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-802. Insurance Company Electronic Reporting Requirement; Applicability**

- A. A company that provides motor vehicle liability insurance coverage for an Arizona vehicle shall electronically transmit to the Department all reportable activity under A.R.S. § 28-4148 and R17-5-803 using one of the authorized EDI reporting methods identified in the *Arizona Mandatory Insurance Reporting System Guide for Insurance Companies*. Each transmission shall include all of the applicable record matching criteria prescribed under R17-5-804 or R17-5-805.
- B. A company that issues 1,000 or more SR22 policies per calendar year shall electronically transmit to the Department all SR22 and SR26 activity using one of the Department-authorized EDI reporting methods identified in the *Arizona Mandatory Insurance Reporting System Guide for Insurance Companies*. Each transmission shall include all of the applicable record matching criteria prescribed under R17-5-804 or R17-5-805.
- C. The Department shall not accept or record an out-of-state motor vehicle liability insurance policy for a passenger vehicle, even if written by a company authorized to transact business in this state.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective

## Department of Transportation - Commercial Programs

January 12, 2018 (Supp. 18-1).

**R17-5-803. Insurance Company Reportable Activity**

- A. A company shall transmit to the Department:
1. All reportable activity, not previously reported, that was processed by the company seven or fewer days before each reporting date; or
  2. A statement of inactivity, if no reportable activity occurred by the reporting date.
- B. For the purpose of this Article, reportable activity shall include:
1. A policy cancellation;
  2. A policy non-renewal;
  3. A new policy issuance;
  4. A commercial policy reissuance;
  5. A vehicle added to a policy;
  6. A vehicle deleted from a policy;
  7. A policy reinstatement; and
  8. All SR22 and SR26 filings by insurance companies issuing 1,000 or more SR22 policies per calendar year.
- C. Reportable activity does not include the addition or deletion of a vehicle to or from a non-vehicle-specific commercial policy.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-804. Record Matching Criteria for a Vehicle-specific Policy**

For each vehicle-specific policy transmitted to the Department, a company shall include all of the following information to assist with the matching of policies to Department customers:

1. The complete and valid vehicle identification number;
2. The policy number; and
3. The NAIC number of the reporting company.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-805. Record Matching Criteria for a Non-vehicle-specific Commercial Policy**

- A. For each non-vehicle-specific commercial policy transmitted to the Department, a company shall include all of the following information to assist with the matching of policies to Department customers:

1. The Department customer number of the insured:
  - a. If a policy covers all vehicles registered in the name of a business or organization, the customer number is the FEIN of the business or organization, or a system-generated number; or
  - b. If a policy covers all vehicles registered in the name of a private individual, the customer number is the Arizona Driver License number or the non-operating identification license number of the private individual;
2. The policy number; and
3. The NAIC number of the responsible company.

- B. If the Department customer number required under subsection (A)(1) is not available to a company, the company may provide the complete and valid vehicle identification number of each vehicle covered under the policy in-lieu of the Department customer number.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-806. Department-authorized EDI Reporting Methods; Reporting Schedule**

- A. A company shall transmit to the Department all reportable activity listed in R17-5-803 using a Department-authorized EDI reporting method specified in the *Arizona Mandatory Insurance Reporting System Guide for Insurance Companies*.
- B. A company shall transmit all reportable activity to the Department at least once every seven days.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-807. X12 Data Format for Policy Receipt and Error Return**

- A. Reporting format. A company shall transmit to the Department all reportable activity using the format prescribed in the *Arizona Mandatory Insurance Reporting System Guide for Insurance Companies* provided by the Department.
- B. Error return format. The Department shall return to a company all reporting errors received during a transmission of reportable activity using the X12 error return format prescribed in the *Arizona Mandatory Insurance Reporting System Guide for Insurance Companies*.
- C. The Department shall return to a company an acknowledgment that a transmission of reportable activity was received and processed using the format in the *Arizona Mandatory Insurance Reporting System Guide for Insurance Companies*.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-808. Insurance Company Reporting Errors; Resolution; Noncompliance**

- A. The Department shall:
1. Return to a company, using the X12 error return format provided in R17-5-807(B), all reporting errors received during or after a transmission; and
  2. Instruct the company to correct all reporting errors affecting the Department's processing of the required data.
- B. All companies reporting electronic policy information shall notify the Department prior to making changes to any reporting systems, or previously established policy reporting formats, that may affect the Department's ability to match and process the information received.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-809. Insurance Company Failure to Submit Required Data; Request for Hearing**

If a company fails to submit the data required under A.R.S. § 28-4148, and this Article, the Department shall:

1. Send to the company, a dated written notice, which:

## Department of Transportation - Commercial Programs

- a. Identifies the business week or reporting period in which the company did not submit the required information;
  - b. Instructs the company to submit the information for the identified business week or reporting period within seven days of the date of the notice;
  - c. Informs the company that a failure to respond to the Department's request within the allotted time-frame, shall result in a referral of the matter to the Arizona Department of Insurance, under A.R.S. § 20-237, which may result in a civil penalty for each violation of up to \$250 per day for each day the insurer is in violation of A.R.S. § 28-4148; and
  - d. Provides notice of the company's right to request a hearing with the Arizona Department of Insurance under A.R.S. § 20-237; and
2. Advise the Arizona Department of Insurance if the company fails to comply with the Department's written notice provided under this Section.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-810. Self-insurance as Alternate Proof of Financial Responsibility; Provisions; Applicability**

- A. Self-insurance applicant qualification. A person or entity may apply for self-insurance under this Section if the applicant:
- 1. Owns the minimum number of vehicles prescribed under A.R.S. § 28-4007(A) with current Arizona registration;
  - 2. Demonstrates minimum assets of \$1 million on documentation required under subsections (C) and (D);
  - 3. Meets any additional financial responsibility requirements under A.R.S. § 28-4033(A), according to the insured vehicle's weight and/or intended use; and
  - 4. Provides a business office contact for the company with a current phone number and mailing information.
- B. A self-insurance applicant shall provide, on a self-insurance application form provided by the Department, the following information:
- 1. Applicant's name;
  - 2. Business name, if applicable;
  - 3. Mailing address, city, state, and ZIP code;
  - 4. A selection of coverage type:
    - a. Public liability only; or
    - b. Public liability and property damage;
  - 5. Number of vehicles in the applicant's fleet;
  - 6. A selection list that describes the nature of the applicant's business;
  - 7. A description of any hazardous materials transported by type, class, and weight;
  - 8. A report of all accidents in the prior 39-month period before the application date;
  - 9. The applicant's signature and official business title to certify that all information is true and correct; and
  - 10. Acknowledgment by a notary public or by the signature of an authorized Department agent.
- C. Supplementary documentation. In addition to a completed self-insurance application form, the applicant shall submit a profit and loss statement certified by a Certified Public Accountant for the 12-month period before the application date. The profit and loss statement shall include one of the following:
- 1. A balance sheet; or
  - 2. An annual financial report.

- D. On approval of an application, the Department shall issue a certificate of self-insurance that is continuously valid, but shall require the self-insurer to submit a 12-month update of supplementary documentation prescribed under subsection (C) on or before July 1 of each successive year.
- E. An initial self-insurance applicant or a self-insurer making an annual update shall submit documentation required under subsections (B) through (D) to the following address:  
 Motor Vehicle Division  
 Financial Responsibility Unit  
 P.O. Box 2100, Mail Drop 535M  
 Phoenix, AZ 85001-2100
- F. A self-insurer shall keep a copy of the self-insurance certificate in each covered vehicle at all times.
- G. A self-insurer shall submit periodic, written notification updates to the Department of vehicles added or removed from self-insurance coverage. The written notification shall include the vehicle identification number of each vehicle.
- H. A self-insurer that terminates self-insurance shall provide new evidence of financial responsibility as required under A.R.S. § 28-4135 for each vehicle previously covered under a self-insurance certificate.
- I. In addition to the reasonable grounds prescribed under A.R.S. § 28-4007(C), the Department may cancel a self-insurance certificate under the following circumstances:
  - 1. A self-insurer fails to comply with provisions of the Department's annual update requirement under subsection (D), or
  - 2. A self-insurer no longer owns the covered business or fleet.
- J. For the purpose of A.R.S. § 28-4007(C) and this Section, the Department shall conduct a self-insurance cancellation hearing according to the provisions prescribed under 17 A.A.C. 1, Article 5.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

**R17-5-811. Certificate of Deposit as Alternate Proof of Financial Responsibility; Applicability**

For the purpose of A.R.S. §§ 28-4076(2) and 28-4084, a person depositing a \$40,000 certificate of deposit with the state treasurer as alternate proof of financial responsibility may apply the certificate to a maximum of 25 non-commercial vehicles registered in the person's name.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1).

**ARTICLE 9. TRANSPORTATION NETWORK COMPANIES****R17-5-901. Definitions**

In addition to the definitions provided under A.R.S. § 28-9551, when applicable to a transportation network company, the following definitions apply to this Article unless otherwise specified:

"Applicant" means a person that meets the statutory requirements of a transportation network company as prescribed under A.R.S. Title 28, Chapter 30, Article 3.

"Designated point of contact" means a person employed by a transportation network company who has the authority to gather and provide records to the Department on request.

"Transportation network company permit" means a document issued by the Department to an applicant that meets the

## Department of Transportation - Commercial Programs

requirements prescribed under A.R.S. Title 28, Chapter 30, Article 3, as authorization to conduct transportation network services in this state.

“Violation” means a failure to maintain or make available to the Department any records the transportation network company is required to maintain and provide to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556.

**Historical Note**

New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-902. Transportation Network Company Permit - Initial Application; Issuance; Fee**

- A. An applicant for a transportation network company permit issued by the Department under A.R.S. § 28-9552, shall apply to the Department by:
  1. Completing and submitting online the application form provided by the Department at [www.azdot.gov](http://www.azdot.gov);
  2. Providing the full name and contact information of the applicant's agent for service of process in this state;
  3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3;
  4. Filing a legible illustration of the applicant's trade dress; and
  5. Paying a \$1,000 application fee as provided under A.R.S. § 28-9552(A).
- B. Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit.
- C. The application fee paid to the Department under subsection (A) is refundable in full if the transportation network company permit application is:
  1. Denied by the Department, or
  2. Withdrawn by the applicant before the Department issues a transportation network company permit.
- D. A transportation network company permit issued by the Department under this Section expires three years after issuance and may be renewed as provided under R17-5-903.

**Historical Note**

New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-903. Transportation Network Company Permit - Renewal Application; Issuance; Fee**

- A. A transportation network company shall apply to the Department for renewal of a transportation network company permit issued by the Department under A.R.S. § 28-9552 and R17-5-902, no earlier than 90 days, and no later than 30 days, before the permit expires by:
  1. Completing and submitting online the renewal application form provided by the Department at <https://secure.servicearizona.com>;
  2. Filing with the Department a legible illustration of the applicant's trade dress if different than the illustration already on file with the Department;
  3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3; and

4. Paying a \$1,000 renewal application fee as provided under A.R.S. § 28-9552(A).

- B. Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit renewal.
- C. A transportation network company permit renewal issued by the Department expires three years after the date the existing transportation network company permit expires.
- D. The holder of an expired transportation network company permit may apply to the Department for a new transportation network company permit using the renewal application procedure provided under R17-5-903(A).

**Historical Note**

New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-904. Transportation Network Company Permit or Renewal - General Provisions**

- A. A transportation network company permit or renewal issued by the Department under this Article shall include an assigned number that remains effective until either withdrawn by the Department or until it expires.
- B. A transportation network company permit or renewal issued by the Department under this Article shall not be transferred or assigned, in whole or in part, to any person other than the person to whom the permit is issued, except upon a merger, change in control, or sale of substantially all of the transportation network company's assets to an entity that assumes the duties and obligations of the permit. The transportation network company shall notify the Department within 30 days of such a transfer or assignment, and the Department shall have 30 days beginning on such notification to nullify the transfer or assignment based on the criteria set forth in this Article. An initial public offering shall not be deemed to trigger a transfer or assignment under this Section.

**Historical Note**

New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-905. Transportation Network Company - Record Review**

- A. The Department, after providing reasonable notice to a transportation network company, may review with or without cause all records a transportation network company is required to make available to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556.
- B. A transportation network company shall make all records described under subsection (A) available to the Department for review at an Arizona location.
- C. The Department shall conduct a record review during the transportation network company's normal business hours.
- D. The Department shall provide a copy of its review report to the transportation network company's designated point of contact. The report shall include the review results and indicate any violations found.

**Historical Note**

New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective



## Department of Transportation - Commercial Programs

March 6, 2017 (Supp. 17-1).

**R17-5-906. Transportation Network Company - Designated Point of Contact**

- A. A transportation network company shall provide to the Department the name and contact information of the transportation network company's designated point of contact in this state.
- B. A transportation network company shall notify the Department within 10 business days of making a change to the name or contact information of the transportation network company's designated point of contact in this state.

**Historical Note**

New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**ARTICLE 10. VEHICLE FOR HIRE**

**R17-5-1001. Definitions**

In addition to the definitions in A.R.S. §§ 28-101 and 28-9501, the following terms apply to this Article unless otherwise specified:

"Appealable agency action" has the meaning prescribed in A.R.S. § 41-1092.

"Applicant" means a company that applies to the Department for a vehicle for hire company permit as prescribed under A.R.S. Title 28, Chapter 30, Article 1, and these rules.

"Application" means forms designated as an application and all documents and additional information the Department requires a vehicle for hire company applicant to submit to obtain a vehicle for hire company permit.

"Contested case" has the meaning prescribed in A.R.S. § 41-1001.

"Designated point of contact" means a person employed by a vehicle for hire company who has the authority to gather and provide records to the Department on request.

"Good standing" means that an applicant does not have:

- Any outstanding civil penalties owed to the Department;
- Any suspension, revocation, or cancellation of a vehicle for hire company permit issued by the Department;
- Any delinquent fees, taxes, or unpaid balances owed to the Department; or
- Any open complaints submitted to the Department regarding compliance with vehicle for hire statutes or rules.

"Government agency" means this state and any political subdivision of this state that receives and uses tax revenues.

"*Handbook 44*" means the U. S. Department of Commerce, National Institute of Standards and Technology (NIST) *Handbook 44*, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Section 5.54. Taximeters, revised as of 2016.

"NIST" means the National Institute of Standards and Technology of the U.S. Department of Commerce.

"Permittee" means the owner or responsible party in the vehicle for hire company that meets all permit requirements and holds a vehicle for hire company permit.

"Trade dress" means a removable and distinct logo, insignia or emblem attached to, or visible from the exterior of a taxi while

providing vehicle for hire services as a taxi, and that includes the word "taxi" or "cab."

"Vehicle for hire company permit" means the permit required in A.R.S. § 28-9503 for a vehicle for hire company to operate in this state.

"Violation" means the failure of a vehicle for hire company to:

Provide to the Department any records the vehicle for hire company is required to maintain and provide on request, as provided in A.R.S. § 28-9507;

Follow these rules; or

Follow A.R.S. Title 28, Chapter 30, Articles 1 and 2.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1002. Incorporation by Reference**

The Department incorporates by reference the U. S. Department of Commerce, National Institute of Standards and Technology (NIST) *Handbook 44*, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Section 5.54. Taximeters, revised as of 2016, and no later amendments or editions. The incorporated material is available at [www.nist.gov/pml/pubs/hb44.cfm](http://www.nist.gov/pml/pubs/hb44.cfm). The incorporated material is on file with the Department at 206 S. 17th Ave., Phoenix, AZ.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1003. Vehicle for Hire Company Permit; Good Standing; Handbook 44**

- A. An applicant to the Department for a vehicle for hire company permit shall be in good standing with the Department at the time the vehicle for hire company applies for or renews a vehicle for hire company permit.
- B. A vehicle for hire company that operates a vehicle for hire as a taxi shall have an operating taxi meter installed in each taxi by a person or company that uses *Handbook 44*.
- C. A vehicle for hire company operating a taxi shall maintain, and make available to the Department, records for the installation and calibration of each taxi meter for the duration of the three-year vehicle for hire company permit.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1004. Vehicle for Hire Company Permit - Initial Application; Issuance; Fee**

- A. A vehicle for hire company shall apply to the Department for a vehicle for hire company permit by:
  1. Completing and submitting the application form to the Department that is located at: [www.azdot.gov](http://www.azdot.gov);
  2. Providing the full name and contact information of the vehicle for hire company's agent for service of process in this state;
  3. Submitting a clear illustration of the vehicle for hire company's trade dress, if operating as a taxi;
  4. Paying the application fee of \$24 per vehicle that is used as a taxi by the vehicle for hire company at the time of application, not to exceed a total of \$1,000 per applicant, as required by A.R.S. § 28-9503;
  5. Certifying that the vehicle for hire company meets all vehicle for hire company requirements in A.R.S. Title 28, Chapter 30, Article 1; and

## Department of Transportation - Commercial Programs

6. Stating the total number of vehicles for hire in the vehicle for hire company fleet at the time of application.
- B. A vehicle for hire company shall provide to the Department the name and contact information of the vehicle for hire company's designated point of contact in this state.
- C. After the Department receives and accepts a completed application, all certifications, and the application fee, if applicable, the Department shall issue to an applicant a vehicle for hire company permit.
- D. A vehicle for hire company permit issued by the Department expires three years after the date of issuance.
- E. A vehicle for hire company may apply to renew a vehicle for hire company permit as provided in R17-5-1005.
- F. A vehicle for hire company shall notify the Department within 10 business days of making a change to the name or contact information of the vehicle for hire company's designated point of contact in this state.
- G. A vehicle for hire company permit or renewal issued by the Department under this Article may be transferred to a person other than the person to whom the permit is issued, if ownership of the vehicle for hire company changes. The vehicle for hire company shall notify the Department within 30 days of such a transfer.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1005. Vehicle for Hire Company Permit - Renewal Application; Issuance; Fee**

- A. A vehicle for hire company shall apply to the Department for renewal of an existing vehicle for hire company permit under A.R.S. § 28-9503, no earlier than 90 days and no later than 30 days before the three-year permit expires by:
  1. Completing and submitting the required information, all certifications, and the application fee, if applicable, to the Department at: <https://secure.servicearizona.com>;
  2. Submitting a clear illustration of the vehicle for hire company's trade dress, if operating as a taxi, and if different than the illustration already on file with the Department;
  3. Paying the renewal application fee of \$24 per vehicle that is used as a taxi at the time of permit renewal, not to exceed a total of \$1,000 per applicant, as required by A.R.S. § 28-9503; and
  4. Certifying that the vehicle for hire company meets all the vehicle for hire company requirements in A.R.S. Title 28, Chapter 30, Article 1.
- B. Upon receipt and acceptance of all required documents, fees, if applicable, and certifications, the Department shall issue to an applicant a vehicle for hire company permit renewal.
- C. A vehicle for hire company permit renewal issued by the Department expires three years after the existing vehicle for hire company permit expires.
- D. The holder of an expired vehicle for hire company permit may apply to the Department for a new vehicle for hire company permit using the renewal application procedure provided under R17-5-1005(A).

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1006. Vehicle for Hire Company Permit or Renewal -****General Provisions**

A vehicle for hire company permit issued by the Department shall include an assigned number that remains effective until either withdrawn by the Department or until the permit expires.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1007. Vehicle for Hire Company; Record Review; Inspection**

- A. The Department, after providing reasonable notice to a company with a vehicle for hire company permit, may review, with or without cause, all records of a vehicle for hire company as prescribed in A.R.S. § 28-9507, at intervals determined by the Department.
- B. A vehicle for hire company shall make all records described under subsection (A) available to the Department for review at an Arizona location.
- C. The Department shall conduct a record review during the vehicle for hire company's normal business hours.
- D. The Department may conduct a periodic, random inspection of a taxi meter and any vehicle for hire, or in response to a complaint by the public. An inspection may include an inspection of the taxi meter in a taxi and the signage required by A.R.S. § 28-9506.
- E. After the inspection, the Department shall provide a copy of the inspection report to the vehicle for hire company or the designated point of contact. The report shall include any deficiencies or violations indicated during the inspection.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1008. Posting of Fares**

- A. When a livery vehicle provides local transportation at fares that are established in a contract with a government agency, the livery vehicle interior signage shall indicate that fares are determined by contract with a government agency when providing those services.
- B. When a livery vehicle provides local transportation services at fares that are not established in a contract with a government agency, the livery vehicle interior signage shall post fares in accordance with A.R.S. § 28-9506(A)(2).

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**R17-5-1009. Appealable Agency Actions; Rehearing; Judicial Review**

- A. A.R.S. Title 41, Chapter 6, Article 10 applies to all contested cases and all appealable agency actions of the Department under A.R.S. Title 28, Chapter 30, Article 2.
- B. A vehicle for hire company whose permit, renewal, or authority is denied has a right to a hearing, an opportunity for rehearing under A.R.S. Title 41, Chapter 6, Articles 6 and 10, and if the denial is upheld, judicial review under A.R.S. Title 12, Chapter 7, Article 6.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

# Arizona Administrative CODE

Supplement 18-1

www.azsos.gov

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 18. ENVIRONMENTAL QUALITY

### CHAPTER 15. WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

#### ARTICLE 1. GENERAL PROVISIONS

<a href="#">R18-15-101.</a>	<a href="#">Definitions .....</a>	<a href="#">2</a>
<a href="#">R18-15-102.</a>	<a href="#">Types of Assistance Available .....</a>	<a href="#">3</a>
<a href="#">R18-15-103.</a>	<a href="#">Application Process .....</a>	<a href="#">3</a>
<a href="#">R18-15-104.</a>	<a href="#">General Financial Assistance Application Requirements .....</a>	<a href="#">3</a>
<a href="#">R18-15-105.</a>	<a href="#">General Financial Assistance Conditions .....</a>	<a href="#">4</a>
<a href="#">R18-15-106.</a>	<a href="#">Environmental Review .....</a>	<a href="#">5</a>
<a href="#">R18-15-107.</a>	<a href="#">Disputes .....</a>	<a href="#">7</a>

#### ARTICLE 2. CLEAN WATER REVOLVING FUND

<a href="#">R18-15-201.</a>	<a href="#">Clean Water Revolving Fund Financial Assistance Eligibility Criteria .....</a>	<a href="#">8</a>
<a href="#">R18-15-202.</a>	<a href="#">Clean Water Revolving Fund Intended Use Plan .....</a>	<a href="#">8</a>
<a href="#">R18-15-203.</a>	<a href="#">Clean Water Revolving Fund Project Priority List .....</a>	<a href="#">9</a>
<a href="#">R18-15-204.</a>	<a href="#">Clean Water Revolving Fund Project Priority List Ranking .....</a>	<a href="#">9</a>
<a href="#">R18-15-205.</a>	<a href="#">Clean Water Revolving Fund Fundable Range for Financial Assistance .....</a>	<a href="#">10</a>
<a href="#">R18-15-206.</a>	<a href="#">Clean Water Revolving Fund Application for Financial Assistance .....</a>	<a href="#">10</a>
<a href="#">R18-15-207.</a>	<a href="#">Clean Water Revolving Fund Application Review for Financial Assistance .....</a>	<a href="#">10</a>

#### ARTICLE 3. DRINKING WATER REVOLVING FUND

<a href="#">R18-15-303.</a>	<a href="#">Drinking Water Revolving Fund Project Priority List .....</a>	<a href="#">11</a>
<a href="#">R18-15-304.</a>	<a href="#">Drinking Water Revolving Fund Project Priority List Ranking .....</a>	<a href="#">12</a>
<a href="#">R18-15-305.</a>	<a href="#">Drinking Water Revolving Fund Fundable Range for Financial Assistance .....</a>	<a href="#">12</a>
<a href="#">R18-15-306.</a>	<a href="#">Drinking Water Revolving Fund Application for Financial Assistance .....</a>	<a href="#">12</a>
<a href="#">R18-15-307.</a>	<a href="#">Drinking Water Revolving Fund Application Review for Financial Assistance .....</a>	<a href="#">12</a>

#### ARTICLE 4. WATER SUPPLY DEVELOPMENT REVOLVING FUND

<a href="#">R18-15-401.</a>	<a href="#">Water Supply Development Revolving Fund Financial Assistance Eligibility Criteria .....</a>	<a href="#">13</a>
<a href="#">R18-15-402.</a>	<a href="#">Water Supply Development Revolving Fund Project List .....</a>	<a href="#">13</a>

<a href="#">R18-15-403.</a>	<a href="#">Water Supply Development Revolving Fund Project List Ranking .....</a>	<a href="#">14</a>
<a href="#">R18-15-404.</a>	<a href="#">Water Supply Development Revolving Fund Application for Financial Assistance .....</a>	<a href="#">14</a>
<a href="#">R18-15-405.</a>	<a href="#">Water Supply Development Revolving Fund Application Review for Financial Assistance .....</a>	<a href="#">14</a>
<a href="#">R18-15-406.</a>	<a href="#">Water Supply Development Revolving Fund Requirements .....</a>	<a href="#">15</a>
<a href="#">R18-15-407.</a>	<a href="#">Renumbered .....</a>	<a href="#">15</a>
<a href="#">R18-15-408.</a>	<a href="#">Renumbered .....</a>	<a href="#">15</a>

#### ARTICLE 5. TECHNICAL ASSISTANCE

Section	
<a href="#">R18-15-501.</a>	<a href="#">Technical Assistance ..... 15</a>
<a href="#">R18-15-502.</a>	<a href="#">Technical Assistance Intended Use Plan ..... 15</a>
<a href="#">R18-15-503.</a>	<a href="#">Clean Water Planning and Design Assistance .... 16</a>
<a href="#">R18-15-504.</a>	<a href="#">Drinking Water Planning and Design Assistance ..... 16</a>
<a href="#">R18-15-505.</a>	<a href="#">Water Supply Development Planning and Design Assistance Grants ..... 17</a>

#### ARTICLE 6. HARDSHIP GRANT FUND PROGRAM

Section

[R18-15-602.](#)    [Hardship Grant Fund Financial Assistance .....](#) [18](#)

#### ARTICLE 7. INTEREST RATE SETTING AND FORGIVABLE PRINCIPAL

Section		
<a href="#">R18-15-701.</a>	<a href="#">Interest Rate Setting and Forgivable Principal ...</a>	<a href="#">18</a>

#### Questions about these rules? Contact:

Department: Water Infrastructure Finance  
Authority of Arizona  
Name: Trish Incognito, Executive Director  
Address: 100 N. 15th Ave., Suite 103  
Phoenix, AZ 85007  
Telephone: (602) 364-1310  
E-mail: [pincognito@azwifa.gov](mailto:pincognito@azwifa.gov)

**The release of this Chapter in supplement 18-1 replaces supplement 10-3, 19 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 18. ENVIRONMENTAL QUALITY****CHAPTER 15. WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA****ARTICLE 1. GENERAL PROVISIONS**

Section	
R18-15-101.	Definitions ..... 2
R18-15-102.	Types of Assistance Available ..... 3
R18-15-103.	Application Process ..... 3
R18-15-104.	General Financial Assistance Application Requirements ..... 3
R18-15-105.	General Financial Assistance Conditions ..... 4
R18-15-106.	Environmental Review ..... 5
R18-15-107.	Disputes ..... 7
R18-15-108.	Repealed ..... 8
R18-15-109.	Repealed ..... 8
R18-15-110.	Repealed ..... 8
R18-15-111.	Repealed ..... 8
R18-15-112.	Renumbered ..... 8
R18-15-113.	Renumbered ..... 8

**ARTICLE 2. CLEAN WATER REVOLVING FUND**

Section	
R18-15-201.	Clean Water Revolving Fund Financial Assistance Eligibility Criteria ..... 8
R18-15-202.	Clean Water Revolving Fund Intended Use Plan ..... 8
R18-15-203.	Clean Water Revolving Fund Project Priority List ..... 9
R18-15-204.	Clean Water Revolving Fund Project Priority List Ranking ..... 9
R18-15-205.	Clean Water Revolving Fund Fundable Range for Financial Assistance ..... 10
R18-15-206.	Clean Water Revolving Fund Application for Financial Assistance ..... 10
R18-15-207.	Clean Water Revolving Fund Application Review for Financial Assistance ..... 10
R18-15-208.	Clean Water Revolving Fund Requirements ..... 11

**ARTICLE 3. DRINKING WATER REVOLVING FUND**

Section	
R18-15-301.	Drinking Water Revolving Fund Financial Assistance Eligibility Criteria ..... 11
R18-15-302.	Drinking Water Revolving Fund Intended Use Plan ..... 11
R18-15-303.	Drinking Water Revolving Fund Project Priority List ..... 11
R18-15-304.	Drinking Water Revolving Fund Project Priority List Ranking ..... 12
R18-15-305.	Drinking Water Revolving Fund Fundable Range for Financial Assistance ..... 12
R18-15-306.	Drinking Water Revolving Fund Application for Financial Assistance ..... 12
R18-15-307.	Drinking Water Revolving Fund Application Review for Financial Assistance ..... 12
R18-15-308.	Drinking Water Revolving Fund Requirements ..... 13

**ARTICLE 4. WATER SUPPLY DEVELOPMENT REVOLVING FUND**

Section	
R18-15-401.	Water Supply Development Revolving Fund Financial Assistance Eligibility Criteria ..... 13
R18-15-402.	Water Supply Development Revolving Fund Project List ..... 13
R18-15-403.	Water Supply Development Revolving Fund Project List Ranking ..... 14
R18-15-404.	Water Supply Development Revolving Fund Application for Financial Assistance ..... 14
R18-15-405.	Water Supply Development Revolving Fund Application Review for Financial Assistance ..... 14
R18-15-406.	Water Supply Development Revolving Fund Requirements ..... 15
R18-15-407.	Renumbered ..... 15
R18-15-408.	Renumbered ..... 15

**ARTICLE 5. TECHNICAL ASSISTANCE**

*Article 5, consisting of Sections R18-15-501 through R18-15-507, adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2).*

Section	
R18-15-501.	Technical Assistance ..... 15
R18-15-502.	Technical Assistance Intended Use Plan ..... 15
R18-15-503.	Clean Water Planning and Design Assistance ..... 16
R18-15-504.	Drinking Water Planning and Design Assistance ..... 16
R18-15-505.	Water Supply Development Planning and Design Assistance Grants ..... 17
R18-15-506.	Repealed ..... 17
R18-15-507.	Repealed ..... 17
R18-15-508.	Repealed ..... 17
R18-15-509.	Repealed ..... 18
R18-15-510.	Repealed ..... 18
R18-15-511.	Repealed ..... 18

**ARTICLE 6. HARDSHIP GRANT FUND PROGRAM**

*Article 6, consisting of Sections R18-15-601 through R18-15-603, adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2).*

Section	
R18-15-601.	Hardship Grant Fund Administration ..... 18
R18-15-602.	Hardship Grant Fund Financial Assistance ..... 18
R18-15-603.	Hardship Grant Fund Technical Assistance ..... 18

**ARTICLE 7. INTEREST RATE SETTING AND FORGIVABLE PRINCIPAL**

*Article 7, consisting of Section R18-15-701, adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2).*

Section	
R18-15-701.	Interest Rate Setting and Forgivable Principal ..... 18

## Water Infrastructure Finance Authority of Arizona

**ARTICLE 1. GENERAL PROVISIONS****R18-15-101. Definitions**

In addition to the definitions prescribed in A.R.S. § 49-1201, the terms of this Chapter, unless otherwise specified, have the following meanings:

“Advisory Board” has same meaning as prescribed in A.R.S. § 41-5356(A)(5).

“Applicant” means a governmental unit, a non-point source project sponsor, a drinking water facility, or a water provider that is seeking financial or technical assistance from the Authority under the provisions of this Chapter.

“Application” means a request for financial or technical assistance submitted to the Board by an applicant.

“Authority” means the Water Infrastructure Finance Authority of Arizona pursuant to A.R.S. § 49-1201(1).

“Board” means the board of directors of the Arizona finance authority established by A.R.S. Title 41, Chapter 53, Article 2.

“Certified Water Quality Management Plan” means a plan prepared by a designated Water Quality Management Planning Agency under Section 208 of the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Water Quality Act of 1987 (P.L. 100-4), certified by the Governor or the Governor’s designee, and approved by the United States Environmental Protection Agency.

“Clean Water Revolving Fund” means the fund established by A.R.S. § 49-1221.

“DBE” means EPA’s Disadvantaged Business Enterprise Program.

“Dedicated revenue source for repayment” means a source of revenue pledged by a borrower to repay the financial assistance.

“Department” means the Arizona Department of Environmental Quality.

“Disbursement” means the transfer of cash from a fund to a recipient.

“Discharge” has same meaning as prescribed in A.R.S. § 49-201(12).

“Drinking water facility” has same meaning as prescribed in A.R.S. § 49-1201(5).

“Drinking Water Revolving Fund” means the fund established by A.R.S. § 49-1241.

“EA” means an environmental assessment.

“EID” means an environmental information document.

“EIS” means an environmental impact statement.

“EPA” means the United States Environmental Protection Agency.

“Executive director” means the executive director of the Water Infrastructure Finance Authority of Arizona.

“Federal capitalization grant” means the assistance agreement by which the EPA obligates and awards funds allotted to the Authority for purposes of capitalizing the Clean Water Revolving Fund and the Drinking Water Revolving Fund.

“Financial assistance” means the use of monies for any of the purposes identified in R18-15-102(B).

“Financial assistance agreement” means any agreement that defines the terms for financial assistance provided according to this Chapter.

“FONSI” means a finding of no significant impact.

“Fundable range” means a subset of the project priority list that demarcates the ranked projects which have been determined to be ready to proceed and will be provided with a project finance application.

“Governmental unit” means a political subdivision or Indian tribe that may receive technical or financial assistance from the Authority pursuant to A.R.S. § 49-1203.

“Impaired water” means a navigable water for which credible scientific data exists that satisfies the requirements of A.R.S. § 49-232 and that demonstrates that the water should be identified pursuant to 33 U.S.C. 1313(d) and the regulations implementing that statute.

“Intended Use Plan” means the document prepared by the Authority identifying the intended uses of Clean Water Revolving Fund and Drinking Water Revolving Fund federal capitalization grants according to R18-15-202 and R18-15-302, and the intended uses of funds for technical assistance according to R18-15-502.

“Master priority list” means the master priority list for Capacity Development developed by the Arizona Department of Environmental Quality under A.A.C. R18-4-803, which ranks public water systems according to their need for technical assistance.

“Onsite system” means a conventional septic tank system or alternative system that is installed at a site to treat and dispose of wastewater of predominantly human origin that is generated at that site.

“Planning and design assistance” means technical assistance that provides for the use of monies for a specific water facility, wastewater treatment facility, or water supply delivery system for planning or design to facilitate the design, construction, acquisition, improvement, or consolidation of a drinking water project, wastewater project, or water supply development project.

“Planning and design assistance agreement” means any agreement that defines the terms for technical assistance provided according to Article 5 of this Chapter.

“Planning and design technical assistance applicant” means a governmental unit, a nonpoint source project sponsor, a drinking water facility, or a water provider that is seeking planning and design assistance from the Authority under the provisions of this Chapter.

“Planning and design technical assistance application” means a request for planning and design assistance submitted to the Board by an applicant in a format prescribed by the Authority.

“Planning and design loan repayment agreement” means the same as technical assistance loan repayment agreement and has the meaning at A.R.S. § 49-1201(11).

“Professional assistance” means the use of monies by or on behalf of the Authority to conduct research, conduct studies, conduct surveys, develop guidance, and perform related activities that benefit more than one water or wastewater treatment facility.

“Project” means any distinguishable segment or segments of a wastewater treatment facility, drinking water facility, water



## Water Infrastructure Finance Authority of Arizona

supply delivery system, or nonpoint source pollution control that can be bid separately and for which financial or technical assistance is being requested or provided.

“Project priority list” means the document developed by the Board according to R18-15-203 or R18-15-303 that ranks projects according to R18-15-204 or R18-15-304.

“Recipient” means an applicant who has entered into a financial assistance agreement or planning and design assistance agreement with the Authority.

“ROD” means a record of decision.

“Staff assistance” means the use of monies for a specific water or wastewater treatment facility to assist that system to improve its operations or assist a specific water provider with a water supply delivery system. For water providers, staff assistance is limited to planning and design of water supply development projects according to A.R.S. § 49-1203(B)(17).

“Technical assistance” means assistance provided by the Authority in the form of staff assistance, professional assistance and planning and design assistance.

“Wastewater treatment facility” has the same meaning as prescribed in A.R.S. § 49-1201(12).

“Water provider” has the same meaning as prescribed in A.R.S. § 49-1201(13).

“Water supply development” has the same meaning as prescribed in A.R.S. § 49-1201(14).

“Water Supply Development Revolving Fund” means the fund established by A.R.S. § 49-1271.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-102. Types of Assistance Available**

- A.** The Authority may provide financial and technical assistance under the following programs if the Board determines funding is available:
  1. Clean Water Revolving Fund Program and Clean Water Technical Assistance Program,
  2. Drinking Water Revolving Fund Program and Drinking Water Technical Assistance Program,
  3. Water Supply Development Revolving Fund Program and Water Supply Development Technical Assistance Program, and
  4. Hardship Grant Fund Program.
- B.** Financial assistance available from the Authority includes any of the following:
  1. Financial assistance loan repayment agreements;
  2. The purchase or refinance of local debt obligations;
  3. The guarantee or purchase of insurance for local obligations to improve credit market access or reduce interest rates;
  4. Short-term emergency loan agreements in accordance with A.R.S. § 49-1269; and
  5. Providing linked deposit guarantees through third-party lenders as authorized by A.R.S. §§ 49-1223(A)(6), 49-1243(A)(6), and 49-1273(A)(6).

- C.** Technical assistance available from the Authority includes planning and design assistance, staff assistance, and professional assistance. Technical assistance may be offered at the Board’s discretion.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Former R18-15-102 renumbered to R18-15-103; new Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-103. Application Process**

- A.** An applicant requesting assistance shall apply to the Authority for the financial or technical assistance described in R18-15-102 on forms provided by the Authority.
- B.** An applicant seeking financial assistance through the Clean Water Revolving Fund Program shall apply for financial assistance according to Articles 1 and 2 of this Chapter.
- C.** An applicant seeking financial assistance through the Drinking Water Revolving Fund Program shall apply for financial assistance according to Articles 1 and 3 of this Chapter.
- D.** An applicant seeking financial assistance through the Water Supply Development Revolving Fund Program shall apply for financial assistance according to Articles 1 and 4 of this Chapter.
- E.** An applicant seeking technical assistance available through the technical assistance programs shall apply for technical assistance according to Articles 1 and 5 of this Chapter.
- F.** An applicant shall mark any confidential information with the words “confidential information” on each page of the material containing such information. A claim of confidential information may be asserted for a trade secret or information that, upon disclosure, would harm a person’s competitive advantage. The Authority shall not disclose any information determined confidential. Upon receipt of a claim of confidential information, the Authority shall make one of the following written determinations:
  1. The designated information is confidential and the Authority shall not disclose the information except to those individuals deemed by the Authority to have a legitimate interest.
  2. The designated information is not confidential.
  3. Additional information is required before a final confidentiality determination can be made.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed; new R18-15-103 renumbered from R18-15-102 and amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-104. General Financial Assistance Application Requirements**

- A.** The applicant shall provide in the financial assistance application the information in subsections (B), (C), (D), and (E).
- B.** The applicant shall demonstrate the applicant is legally authorized to apply for long-term indebtedness, and is legally authorized to declare its intent to obligate a dedicated revenue source for repayment under subsection (C).
  1. If the applicant is a political subdivision and the long-term indebtedness is authorized through an election, the applicant shall provide all of the following:

## Water Infrastructure Finance Authority of Arizona

- a. One copy of the sample election ballot and election pamphlet, if applicable,
    - b. One copy of the governing body resolution calling for the election, and
    - c. Official evidence of the election results following the election.
  2. If the applicant is a political subdivision and the long-term indebtedness is not required by law to be authorized through an election, the applicant shall provide one copy of the approved governing body resolution authorizing the application for long-term indebtedness and an identification of the dedicated revenue source.
  3. If the applicant is a political subdivision and the long-term indebtedness is authorized through a special taxing district creation process, the applicant shall provide one copy of the final documentation, notices, petitions, and related information authorizing the long-term indebtedness.
  4. If the applicant is regulated by the Arizona Corporation Commission, the applicant shall provide evidence that the financial assistance from the Authority to the applicant is authorized by the Arizona Corporation Commission.
  5. All other applicants shall demonstrate that a majority of the beneficiaries consent to apply to the Authority for financial assistance. The Authority shall assist each applicant to devise a process by which this consent is documented.
- C.** The applicant shall identify a dedicated revenue source for repayment of the financial assistance and demonstrate that the dedicated revenue source is sufficient to repay the financial assistance.
1. The applicant shall provide the following information:
    - a. Amount of the financial assistance requested;
    - b. One copy of each financial statement, audit, or comprehensive financial statement from at least the previous three financial operating years (fiscal or calendar);
    - c. One copy of each budget, business plan, management plan, or financial plan from the current financial operating years (fiscal or calendar);
    - d. One copy of the proposed budget, business plan, management plan, or financial plan for the next financial operating year (fiscal or calendar);
    - e. Documentation of current rates and fees for drinking or wastewater services including, as applicable, any resolutions related to rates and fees passed by the governing body of a political subdivision; and
    - f. Copies of documentation relating to outstanding indebtedness pledged to the dedicated source for repayment, including official statements, financial assistance agreements, and amortization schedules.
  2. If any of the required information listed in subsection (C)(1) is not available, the Authority may assist the applicant in determining alternative documentation to support the applicant's financial capability.
  3. The Authority may ask for additional financial information as necessary to evaluate the applicant's financial capability.
- D.** The applicant shall demonstrate the applicant is technically capable to construct, operate, and maintain the proposed project.
1. The applicant shall provide the following information:
    - a. An estimate of the project costs in as much detail as possible, including an estimate of applicable planning, design, construction, and material costs;
    - b. The number of connections to be served by the proposed project;
    - c. The most recent version of the applicant's capital improvement plan or other plan explaining proposed infrastructure investments;
    - d. One copy of each feasibility study, engineering report, design memorandum, set of plans and specifications, and other technical documentation related to the proposed project and determined applicable by the Authority for the stage of project completion;
    - e. Biographies or related information of the certified operators, system employees, or contractors employed by the applicant to operate and maintain the existing facilities and the proposed project;
    - f. A description of the service area, including maps; and
    - g. A description of the existing physical facilities.
  2. The Authority may ask for additional information as necessary to evaluate the applicant's technical capability.
- E.** The applicant shall demonstrate the applicant is capable of managing the system and the proposed project.
1. The applicant shall provide the following information:
    - a. Years of experience and related information regarding the owners, managers, chief elected officials, and governing body members of the applicant; and
    - b. A list of professional and outside services retained by the applicant.
  2. If any of the required information listed in subsection (E)(1) is not available, the Authority may assist the applicant in determining alternative documentation to support the applicant's managerial capability.
  3. The Authority may ask for additional information as necessary to evaluate the applicant's managerial capability.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3).  
 Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-105. General Financial Assistance Conditions**

- A.** The Authority shall not execute a financial assistance agreement with an applicant until the applicant provides all documentation specified by the Authority.
- B.** The documentation required prior to execution of the financial assistance agreement shall at a minimum include:
1. If there is a governing body, one copy of the governing body resolution approving the execution of the financial assistance agreement,
  2. A project budget, and
  3. An estimated disbursement schedule.
- C.** The financial assistance agreement between the recipient and the Authority shall at a minimum specify:
1. Rates of interest, fees, and any costs as determined by the Authority;
  2. Project details;
  3. The maximum amount of principal and interest due on any payment date;
  4. Debt service coverage requirements;
  5. Reporting requirements;
  6. Debt service reserve fund and repair and replacement reserve fund requirements;
  7. The dedicated source for repayment and pledge;
  8. The requirement that the recipient comply with applicable federal, state and local laws;



## Water Infrastructure Finance Authority of Arizona

9. A schedule for repayment; and
  10. Any other agreed-upon conditions.
- D.** The Authority may require a recipient to pay a proportionate share of the expenses of the Authority's operating costs.
- E.** The recipient shall maintain the project account in accordance with generally accepted government accounting standards. After reasonable notice by the Authority, the recipient shall make available any project records reasonably required to determine compliance with the provisions of this Chapter and the financial assistance agreement.
- F.** The Authority shall release loan proceeds subject to a disbursement request if the request is consistent with the financial assistance agreement and the disbursement schedule.
1. The applicant shall submit each disbursement request on the forms provided by the Authority. Each disbursement request shall include a certification and signature document, a cost-incurred report, and a DBE report. The Authority shall not process a disbursement until the applicant provides a completed disbursement form.
  2. The applicant shall include copies of invoices or other documents that show proof of eligible costs incurred with each disbursement request.
- G.** The recipient shall make repayments according to an agreed-upon schedule in the financial assistance agreement. The Authority may charge a late fee for any loan repayment not paid when due. The Authority may refer any loan repayment past due to the Office of the Attorney General for appropriate action.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3).  
 Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed; new  
 Section made by final rulemaking at 16 A.A.R. 1709,  
 effective October 9, 2010 (Supp. 10-3). Amended by final  
 rulemaking at 24 A.A.R. 239, effective March 11, 2018  
 (Supp. 18-1).

**R18-15-106. Environmental Review**

- A.** The Authority shall conduct an environmental review according to this Section for impacts of the design or construction of water infrastructure. As part of the application process, the Authority shall request information from the applicant to conduct an environmental review consistent with 40 CFR 35.3140 and 40 CFR 35.3580. The Authority shall determine whether the project meets the criteria for categorical exclusion under subsections (B) and (C), or whether the project requires the preparation of an environmental assessment (EA) or an environmental impact statement (EIS) to identify and evaluate its environmental impacts.
1. The Authority shall not execute a technical or financial assistance agreement with an applicant until the requirements of this section are met. For projects that include an environmental information document or an environmental impact statement, the Authority may execute a technical or financial assistance agreement with an applicant prior to the completion of the conditions of this section, provided that the applicant meets the requirements of this section before proceeding with the design of the selected alternative.
  2. Projects under the Water Supply Development Revolving Fund Program are not subject to the requirements of this section.
- B.** A project may be categorically excluded from environmental review if the project fits within a category that is eligible for exclusion and the project does not involve any of the extraordinary circumstances listed in subsection (C). If, based on the

application and other information submitted by the applicant, the Authority determines that a categorical exclusion from an environmental review is warranted, the project is exempt from the requirements of this Section, except for the public notice and participation requirements in subsection (J). The Authority may issue a categorical exclusion if information and documents demonstrate that the project qualifies under one or more of the following categories:

1. Any project relating to existing infrastructure systems that involves minor upgrading, minor expansion of system capacity, rehabilitation (including functional replacement) of the existing system and system components, or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities. This category does not include projects that:
    - a. Involve new or relocated discharges to surface water or groundwater,
    - b. Will likely result in the substantial increase in the volume or the loading of pollutant to the receiving water,
    - c. Will provide capacity to serve a population 30% greater than the existing population,
    - d. Are not supported by the state or other regional growth plan or strategy, or
    - e. Directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purposes of future development.
  2. Any clean water project in unsewered communities involving the replacement of existing onsite systems, providing the new onsite systems do not result in substantial increases in the volume of discharge or the loadings of pollutants from existing sources, or relocate an existing discharge.
- C.** The Authority shall deny a categorical exclusion if any of the following extraordinary circumstances apply to the project:
1. The project is known or expected to have potentially significant adverse environmental impacts on the quality of the human environment either individually or cumulatively over time.
  2. The project is known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities.
  3. The project is known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.
  4. The project is known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archaeological, or cultural value, including but not limited to, property listed on or eligible for the Arizona or National Registers of Historic Places.
  5. The project is known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, wild and scenic rivers, and significant fish or wildlife habitat.
  6. The project is known or expected to cause significant adverse air quality effects.
  7. The project is known or expected to have a significant effect on the pattern and type of land use or growth and distribution of population, including altering the character of existing residential areas, or may not be consistent with state or local government, or federally-recognized

## Water Infrastructure Finance Authority of Arizona

- Indian tribe approved land use or federal land management plans.
8. The project is known or expected to cause significant public controversy about a potential environmental impact of the proposed action.
  9. The project is known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts.
  10. The project is known or expected to conflict with federal, state, or local government, or federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.
- D.** If the Authority denies the categorical exclusion under subsection (C), the Authority shall conduct an EA according to subsection (E), unless the Authority decides to prepare an EIS according to subsections (F) and (G) without first undertaking an EA. If the Authority conducts an EA, the applicant shall:
1. Prepare an environmental information document (EID) in a format prescribed by the Authority. The EID shall be of sufficient scope to undertake an environmental review and to allow development of an EA under subsection (E); or
  2. Provide documentation, upon Authority approval, in another format if the documentation is of sufficient scope to allow the development of an EA under subsection (E).
- E.** The Authority shall conduct the EA that includes:
1. A brief discussion of:
    - a. The need for the project;
    - b. The alternatives, including a no action alternative;
    - c. The affected environment, including baseline conditions that may be impacted by the project and alternatives;
    - d. The environmental impacts of the project and alternatives, including any unresolved conflicts concerning alternative uses of available resources; and
    - e. Other applicable environmental laws.
  2. A listing or summary of any coordination or consultation undertaken with any federal agency, state or local government, or federally-recognized Indian tribe regarding compliance with applicable laws and executive orders;
  3. Identification and description of any mitigation measures considered, including any mitigation measures that must be adopted to ensure the project will not have significant impacts; and
  4. Incorporation of documents by reference, if appropriate, including the EID.
- F.** Upon completion of the EA required by subsection (E), the Authority shall determine whether an environmental impact statement (EIS) is necessary.
1. The Authority shall prepare or direct the applicant to prepare an EIS in the manner prescribed in subsection (G) if any of the following conditions exist:
    - a. The project would result in a discharge of treated effluent from a new or modified existing facility into a body of water and the discharge is likely to have a significant effect on the quality of the receiving water.
    - b. The project is likely to directly, or through induced development, have significant adverse effect upon local ambient air quality or local ambient noise levels.
    - c. The project is likely to have significant adverse effects on surface water reservoirs or navigation projects.
  - d. The project would be inconsistent with state or local government, or federally-recognized Indian tribe approved land use plans or regulations, or federal land management plans.
  - e. The project would be inconsistent with state or local government, or federally-recognized Indian tribe environmental, resource-protection, or land-use laws and regulations for the protection of the environment.
  - f. The project is likely to significantly affect the environment through the release of radioactive, hazardous, or toxic substances, or biota.
  - g. The project involves uncertain environmental effects or highly unique environmental risks that are likely to be significant.
  - h. The project is likely to significantly affect national natural landmarks or any property on or eligible for the Arizona or National Registers of Historic Places.
  - i. The project is likely to significantly affect environmentally important natural resources such as wetlands, significant agricultural lands, aquifer recharge zones, wild and scenic rivers, and significant fish or wildlife habitat.
  - j. The project in conjunction with related federal, state, or local government, or federally-recognized Indian tribe projects is likely to produce significant cumulative impacts.
  - k. The project is likely to significantly affect the pattern and type of land use or growth and distribution of population, including altering the character of existing residential areas.
  - l. The project is a new regional wastewater treatment facility or water supply system for a community with a population greater than 100,000.
  - m. The project is an expansion of an existing wastewater treatment facility that will increase existing discharge to an impaired water by more than 10 million gallons per day (mgd).
- 2.** The Authority may issue a finding of no significant impact (FONSI) if the EA supports the finding that the project will not have a significant impact on the environment. The FONSI shall include the submitted EA and a brief description of the project, alternatives considered, and project impacts. The FONSI must also include any commitments to mitigation that are essential to render the impacts of the project not significant. The Authority shall issue the FONSI for public comment in accordance with subsection (J).
- G.** The Authority shall prepare or direct the applicant to prepare an EIS required by subsection (F)(1) when the project will significantly impact the environment, including any project for which the EA analysis demonstrates that significant impacts will occur and not be reduced or eliminated by changes to, or mitigation of, the project. The Authority shall perform the following actions:
1. As soon as practicable after its decision to prepare an EIS and before the scoping process, the Authority shall prepare a notice of intent. The notice of intent shall briefly describe the project and possible alternatives and the proposed scoping process. The Authority shall distribute the notice of intent to affected federal, state, and local agencies, any affected Indian tribe, the applicant, and other interested parties. The Authority shall issue the notice of intent for public comment in accordance with subsection (J)(3).

## Water Infrastructure Finance Authority of Arizona

2. As soon as possible after the distribution and publication of the notice of intent required by subsection (G)(1), the Authority shall convene a meeting of affected federal, state, and local agencies, affected Indian tribes, the applicant, and other interested parties. At the meeting, the parties attending the meeting shall determine the scope of the EIS by considering a number of factors, including all of the following:
    - a. The significant issues to be analyzed in depth in the EIS,
    - b. The preliminary range of alternatives to be considered,
    - c. The potential cooperating agencies and information or analyses that may be needed from cooperating agencies or other parties, and
    - d. The method for EIS preparation and the public participation strategy.
  3. Upon completion of the process described in subsection (G)(2), the Authority shall identify and evaluate all potentially viable alternatives to adequately address the range of issues identified. Additional issues also may be addressed, or others eliminated, and the reasons documented as part of the EIS.
  4. After the analysis of issues is conducted according to subsection (G)(3), the Authority shall issue a draft EIS for public comment according to subsection (J)(4).
  5. Following public comment according to subsection (J), the Authority shall prepare a final EIS, consisting of all of the following:
    - a. The draft EIS;
    - b. An analysis of all reasonable alternatives and the no action alternative;
    - c. A summary of any coordination or consultation undertaken with any federal, state, or local government, or federally-recognized Indian tribe;
    - d. A summary of the public participation process;
    - e. Comments received on the draft EIS;
    - f. A list of persons commenting on the draft EIS;
    - g. The Authority's responses to significant comments received;
    - h. A determination of consistency with the Certified Water Quality Management Plan, if applicable;
    - i. The names and qualifications of the persons primarily responsible for preparing the EIS; and
    - j. Any other information added by the Authority.
  6. The Authority shall prepare or direct the applicant to prepare a supplemental EIS when appropriate, including when substantial changes are made to the project that are relevant to environmental concerns, or when there are significant new circumstances or information relevant to environmental concerns bearing on the project.
- H.** After issuance of a final EIS under subsection (G)(5), the Authority shall prepare and issue a record of decision (ROD) containing the Authority's decision whether to proceed or not proceed with a project. A ROD issued with a decision to proceed shall include a brief description of the project, alternatives considered, and project impacts. In addition, the ROD must include any commitments to mitigation, an explanation if the environmental preferred alternative was not selected, and any responses to substantive comments on the final EIS. A ROD issued with a decision not to proceed shall preclude the project from receiving financial assistance under this Article.
- I.** For all determinations (categorical exclusions, FONSI, or RODs) that are five years old or older and for which the project has not been implemented, the Authority shall re-evaluate the project, environmental conditions, and public views to determine whether to conduct a supplemental environmental review of the project and complete an appropriate environmental review document or reaffirm the Authority's original determination. The Authority shall provide public notice of the re-evaluation according to subsection (J)(5).
- J.** The Authority shall conduct public notice and participation under this Section as follows:
1. If a categorical exclusion is granted under subsection (B), the Authority shall provide public notice of that fact by publishing the notice as a legal notice at least once, in one or more newspapers of general circulation in the county or counties concerned.
  2. If a FONSI is issued under subsection (F)(2), the Authority shall provide public notice that the FONSI is available for public review by publishing the notice as a legal notice at least once in one or more newspapers of general circulation in the county or counties concerned. The notice shall provide that comments on the FONSI may be submitted to the Authority for a period of 30 days from the date of publication of the notice. If no comments are received, the FONSI shall immediately become effective. The Authority may proceed with the project subject to any mitigation measures described in the FONSI after responding to any substantive comments received on the FONSI during the 30-day comment period, or 30 days after issuance of the FONSI if no substantive comments are received.
  3. If a notice of intent is prepared and distributed under subsection (G)(1), the Authority shall publish it as a legal notice at least once, in one or more newspapers of general circulation in the county or counties concerned.
  4. If a draft EIS is issued under subsection (G)(4), the Authority shall provide public notice by publishing the notice as a legal notice at least once, in one or more newspapers of general circulation in the county or counties concerned, that the draft EIS is available for public review. The notice shall provide that comments on the draft EIS may be submitted to the Authority for a period of 45 days from the date of publication of the notice. When the Authority determines that a project may be controversial, the notice shall provide for a general public hearing to receive public comments.
  5. If the Authority reaffirms or revises a decision according to subsection (I), the Authority shall provide public notice of that fact by publishing the notice as a legal notice at least once, in one or more newspapers of general circulation in the county or counties concerned.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3).  
 Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section repealed; new R18-15-106 renumbered from R18-15-107 and amended at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-107. Disputes**

- A.** Any interested party having a substantial financial interest in or suffering a substantial adverse financial impact from an action taken under this Chapter, excluding actions taken under R18-15-503, R18-15-504, and R18-15-505, may file a formal letter of dispute with the executive director according to subsections (B), (C), (D), and (E). Any interested party having a substantial financial interest in or suffering a substantial

## Water Infrastructure Finance Authority of Arizona

adverse financial impact from an action taken under R18-15-503, R18-15-504 or R18-15-505 shall proceed under R18-15-503(H), R18-15-504(H) or R18-15-505(H), as applicable.

- B.** The interested party shall file the formal letter of dispute with the executive director within 30 days of the action and provide a copy to each member of the Board. The formal letter of dispute shall include the following information:
1. The name, address, and telephone number of the interested party;
  2. The signature of the interested party or the interested party's representative;
  3. A detailed statement of the legal and factual grounds of the dispute including:
    - a. Copies of relevant documents, and
    - b. The nature of the substantial financial interest or the nature of the substantial adverse financial impact of the interested party; and
  4. The form of relief requested.
- C.** Within 30 days of receipt of a dispute letter, the Authority shall issue a preliminary decision in writing, to be forwarded by certified mail to the party.
- D.** Any party filing a dispute under subsection (B) that disagrees with a preliminary decision of the Authority may file a formal letter of appeal, explaining why the party disagrees with the preliminary decision, with the Board, provided the letter is received by the executive director not more than 15 days after the receipt by the party of the preliminary decision.
- E.** The Board shall issue a final decision on issues appealed under subsection (D) not more than 60 days after receipt of the formal letter of appeal.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Former R18-15-107 renumbered to R18-15-106; new R18-15-107 renumbered from R18-15-112 and amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-108. Repealed****Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Section repealed; new Section R18-15-108 renumbered from R18-15-109 by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-109. Repealed****Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Former Section R18-15-109 renumbered to R18-15-108; new Section R18-15-109 renumbered from R18-15-110 by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-110. Repealed****Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Former Section R18-15-110 renumbered to R18-15-111; new Section adopted effective June 4, 1998 (Supp. 98-2). Former Section R18-15-110 renumbered to R18-15-109; new

Section R18-15-110 renumbered from R18-15-111 and amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-111. Repealed****Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Former Section R18-15-111 renumbered to R18-15-112; new Section R18-15-111 renumbered from R18-15-110 and amended effective June 4, 1998 (Supp. 98-2). Former Section R18-15-111 renumbered to R18-15-110; new Section R18-15-111 renumbered from R18-15-112 and amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-112. Renumbered****Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Former Section R18-15-112 renumbered to R18-15-113; new Section R18-15-112 renumbered from R18-15-111 (Supp. 98-2). Former Section R18-15-112 renumbered to R18-15-111; new Section R18-15-112 renumbered from R18-15-113 and amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Former R18-15-112 renumbered to R18-15-107 by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-113. Renumbered****Historical Note**

Section R18-15-113 renumbered from R18-15-112 (Supp. 98-2). Section R18-15-113 renumbered to R18-15-112 by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4).

**ARTICLE 2. CLEAN WATER REVOLVING FUND****R18-15-201. Clean Water Revolving Fund Financial Assistance Eligibility Criteria**

To receive financial assistance from the Clean Water Revolving Fund, the applicant shall demonstrate the applicant is eligible under A.R.S. § 49-1224(A) to request financial assistance for a purpose as defined in A.R.S. § 49-1223(A); the proposed project is to design, construct, acquire, improve, or refinance a publicly owned wastewater treatment facility, or for any other purpose permitted by the Clean Water Act including nonpoint source projects; and the proposed project appears on the Clean Water Revolving Fund Project Priority List developed under R18-15-203.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-202. Clean Water Revolving Fund Intended Use Plan**

- A.** The Authority annually shall develop and publish a Clean Water Revolving Fund Intended Use Plan that identifies the intended uses of funds available in the Clean Water Revolving Fund Program. The Intended Use Plan shall include the project priority list according to R18-15-203. If the Intended Use Plan

## Water Infrastructure Finance Authority of Arizona

is to be submitted as one of the documents required to obtain a federal capitalization grant under Title VI of the Clean Water Act, 33 U.S.C. 1381 to 1387, the Intended Use Plan shall include any additional information required by federal law.

- B.** The Authority shall provide for a public review and written comment period of the draft Clean Water Revolving Fund Intended Use Plan for a minimum of 14 calendar days. The Authority shall summarize all written comments submitted and prepare responses for Board review. After review of the summary, the Board shall make any appropriate changes to the Plan and then adopt the Clean Water Revolving Fund Intended Use Plan at a public meeting.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed; new R18-15-202 renumbered from R18-15-203 and amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-203. Clean Water Revolving Fund Project Priority List**

- A.** The Authority annually shall prepare a Clean Water Revolving Fund Project Priority List as part of the Intended Use Plan described in R18-15-202. The Board may waive the requirement to develop a Clean Water Revolving Fund Project Priority List if funds are not adequate to assist any projects or if the Board determines that no financial assistance will be offered for the annual funding cycle.
- B.** An applicant pursuing financial assistance from the Authority for a project shall request to have the project included on the Clean Water Revolving Fund Project Priority List. The applicant may request that multiple projects be placed on the Clean Water Revolving Fund Project Priority List. An applicant shall make a request for placement of a project on the Clean Water Revolving Fund Project Priority List on or before a date specified by the Authority and in an application format specified by the Authority. The Authority shall include with the project priority list application form the criteria under each ranking category in R18-15-204(A), by which the project will be evaluated and the relative importance of each of the criterion.
- C.** In preparing the Clean Water Revolving Fund Project Priority List, the Authority shall consider all project priority list applications submitted under subsection (B). The Authority shall evaluate the merits of each project with respect to water quality issues and determine the total points of each project according to R18-15-204. At a minimum, the Clean Water Revolving Fund Project Priority List shall identify:
1. The applicant,
  2. Project title,
  3. Type of project,
  4. The amount requested for financial assistance,
  5. The subsidy according to R18-15-204(C),
  6. Whether the project is within the fundable range according to R18-15-205, and
  7. The rank of each project by its total points, determined according to R18-15-204.
- D.** After adoption of the annual Intended Use Plan and project priority list according to R18-15-202, the Board may allow:
1. Updates and corrections to the adopted Clean Water Revolving Fund Project Priority List, if the updates and corrections are adopted by the Board after public notice; or
  2. Additions to the Clean Water Revolving Fund Project Priority List, if the additions are adopted by the Board after public notice.

- E.** After public notice, the Board may remove a project from the Clean Water Revolving Fund Project Priority List under one or more of the following circumstances:

1. The recipient has received all financial assistance identified in the executed financial assistance agreement with the Authority;
2. The project was financed from another source;
3. The project is no longer an eligible project;
4. The applicant requests removal;
5. The applicant is no longer an eligible applicant; or
6. The applicant did not update, modify, correct or resubmit a project from the project priority list developed for the previous funding cycle.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Former R18-15-203 renumbered to R18-15-202; new Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-204. Clean Water Revolving Fund Project Priority List Ranking**

- A.** The Authority shall rank each project on the Clean Water Revolving Fund Project Priority List based on the total points of each project. The Authority shall consider the following categories to determine the total points of each project:
1. The Authority shall evaluate the current conditions of the project, including existing environmental, structural, and regulatory integrity and the degree to which the project is consistent with the Clean Water Act, 33 U.S.C. 1251 to 1387.
  2. The Authority shall evaluate the degree to which the project improves or protects water quality.
  3. The Authority shall evaluate the degree to which the project addresses water or energy efficiency or environmentally innovative approaches.
  4. The Authority shall evaluate the degree to which the project promotes any of the following:
    - a. Consolidation of facilities, operations, and ownership;
    - b. Extending service to existing areas currently served by another facility; or
    - c. A regional approach to operations, management, or new facilities.
  5. The Authority shall determine whether the project received assistance from the Authority in a previous funding cycle.
  6. The Authority shall evaluate the applicant's local fiscal capacity.
- B.** Two or more projects may receive the same total points. If sufficient clean water revolving loan funds are not available to fund the projects, the Authority shall give priority to the project with the highest current condition score under subsection (A)(1). If projects remain tied, priority will be given to the project with the highest water quality improvement score under subsection (A)(2). If projects remain tied, this process shall continue through the categories under subsections (A)(3) through (6), sequentially. If projects continue to have the same total points, the Board shall determine the priority of the tied projects.
- C.** The Authority shall determine the subsidy for each project on the Clean Water Revolving Fund Project Priority List based on the applicant's local fiscal capacity score under subsection

## Water Infrastructure Finance Authority of Arizona

(A)(6) and the total points of the project. The Authority shall incorporate the subsidy in the financial assistance agreement.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-205. Clean Water Revolving Fund Fundable Range for Financial Assistance**

- A. Prior to adoption by the Board of the Clean Water Revolving Fund Project Priority List, the Authority shall determine which projects are within the fundable range.
- B. In determining the fundable range, the Authority shall evaluate each project for evidence of debt authorization according to R18-15-104(B).

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Section repealed; new Section R18-15-205 renumbered from R18-15-206 and amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-206. Clean Water Revolving Fund Application for Financial Assistance**

- A. The Authority shall accept an application for financial assistance from an eligible applicant for a project that appears on the Clean Water Revolving Fund Project Priority List and is determined to be in the fundable range. At the Authority's discretion, the Authority may accept an application for financial assistance prior to the project appearing on a Board-adopted Clean Water Revolving Fund Project Priority List and in the fundable range.
- B. The Authority shall not present an application to the Board for consideration until all the following conditions are met:
  - 1. The project is on the Clean Water Revolving Fund Project Priority List, including the Project Priority List to be adopted at the Board meeting;
  - 2. The applicant has provided supporting documentation according to R18-15-205(B);
  - 3. The applicant has demonstrated legal capability, financial capability, technical capability, and managerial capability as described in R18-15-104;
  - 4. For nonpoint source projects, the applicant has provided evidence that the project is consistent with Section 319 and Title VI of the Clean Water Act, 33 U.S.C. 1329, 1381 to 1387; and
  - 5. The proposed project is consistent with the Certified Water Quality Management Plan.
- C. The application criteria required under subsections (A) and (B) shall not apply to financial assistance requests for short-term emergency loans under A.R.S. § 49-1269.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Former Section R18-15-206 renumbered to R18-15-205; new Section R18-15-206 made by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final

rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-207. Clean Water Revolving Fund Application Review for Financial Assistance**

- A. The Authority shall evaluate and summarize each application received and develop an analysis that provides recommendations to the Board. The analysis shall at a minimum include:
  - 1. The scope, size, and budget of the proposed project, including as much cost detail as possible;
  - 2. A summary of the applicant's legal capability including authorization to enter into long-term indebtedness and to pledge the specified dedicated revenue source for repayment;
  - 3. A summary of the applicant's technical capability including its ability to construct, operate, and maintain the proposed project;
  - 4. A summary of the applicant's managerial capability, including the experience of elected officials and management team in managing similar organizations and similar projects;
  - 5. A summary of the applicant's financial capability, including:
    - a. The amount of money collected through the dedicated revenue source for repayment for each of the previous three financial operating years (fiscal or calendar),
    - b. An estimate of the amount of money that will be collected through the dedicated revenue source for repayment for the current financial operating year (fiscal or calendar), and
    - c. A projection of the amount of money that will be collected through the dedicated revenue source for repayment for each of the next five financial operating years (fiscal or calendar);
  - 6. The applicant's history of compliance with, as applicable, the Clean Water Act, 33 U.S.C. 1251 to 1387, related Arizona statutes, and related rules, regulations, and policies; and
  - 7. A summary of any previous assistance provided by the Authority to the applicant.
- B. After an opportunity for public comment, the Board shall make a determination regarding the applicant's request for financial assistance at a public meeting. The Board shall base this determination on the information provided in the application, the analysis prepared by the Authority, and any other information provided at the public meeting. The Authority shall inform the applicant of the Board's determination, which may include recommended modifications to any of the following:
  - 1. The proposed project,
  - 2. The applicant's legal structure and organization,
  - 3. The dedicated revenue source for repayment, or
  - 4. The structure of the financial assistance request.
- C. If the Board determines at any time during a funding cycle that funds are limited or are not available to provide financial assistance, the Authority shall notify applicants on the current Clean Water Revolving Fund Project Priority List that the Authority is no longer accepting applications. The Board shall determine the amount of funding available, if any, to provide financial assistance for the applications already accepted by the Authority. The Board shall consider each application in the order the project appears within the fundable range on the current Clean Water Revolving Fund Project Priority List. The Board shall make a determination as described in subsection (B) on each application until the available funds are committed.

## Water Infrastructure Finance Authority of Arizona

- D. Upon Board approval of the applicant's request for financial assistance, the Authority shall prepare a financial assistance agreement for execution by the applicant and the Authority.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Section repealed; new Section made by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-208. Clean Water Revolving Fund Requirements**

- A. The duly authorized agent, principal or officer of the applicant shall certify that the applicant has not violated any federal, state, or local law pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest, or other unlawful or corrupt practices relating to or in connection with facilities planning, design, or construction work on a wastewater treatment facility project.
- B. All projects shall comply with the provisions of the Civil Rights Act of 1964, P.L. 88-352, 42 U.S.C. 2000d et seq., and all other applicable federal laws.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**ARTICLE 3. DRINKING WATER REVOLVING FUND****R18-15-301. Drinking Water Revolving Fund Financial Assistance Eligibility Criteria**

To be eligible to receive financial assistance from the Drinking Water Revolving Fund, the applicant shall demonstrate that the applicant is a drinking water facility as defined by A.R.S. § 49-1201 requesting financial assistance for a purpose as defined in A.R.S. § 49-1243(A); the proposed project is to plan, design, construct, acquire, or improve a drinking water facility or refinance an eligible drinking water facility; and the proposed project appears on the Drinking Water Revolving Fund Project Priority List developed under R18-15-303.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-302. Drinking Water Revolving Fund Intended Use Plan**

- A. The Authority annually shall develop and publish a Drinking Water Revolving Fund Intended Use Plan that identifies the intended uses of funds available in the Drinking Water Revolving Fund Program. The Intended Use Plan shall include the project priority list according to R18-15-303. If an Intended Use Plan is to be submitted as one of the documents required to obtain a federal capitalization grant under the Safe Drinking Water Act, 42 U.S.C. 300f to 300j-26, the Intended Use Plan shall include any additional information required by federal law.
- B. The Authority shall provide for a public review and written comment period of the draft Drinking Water Revolving Fund Intended Use Plan for a minimum of 14 calendar days. The Authority shall summarize all written comments submitted

and prepare responses for Board review. After review of the summary, the Board shall make any appropriate changes to the Plan and then adopt the Drinking Water Revolving Fund Intended Use Plan at a public meeting.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed; new R18-15-302 renumbered from R18-15-303 and amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-303. Drinking Water Revolving Fund Project Priority List**

- A. The Authority annually shall prepare a Drinking Water Revolving Fund Project Priority List as part of the Intended Use Plan described in R18-15-302. The Board may waive the requirement to develop an annual Drinking Water Revolving Fund Project Priority List if funds are not adequate to assist any projects or if the Board determines that no financial assistance will be offered for the annual funding cycle.
- B. An applicant pursuing financial assistance from the Authority for a project shall request to have the project included on the Drinking Water Revolving Fund Project Priority List. The applicant may request that multiple projects be placed on the Drinking Water Revolving Fund Project Priority List. An applicant shall make a request for placement of a project on the Drinking Water Revolving Fund Project Priority List on or before a date specified by the Authority and in an application format specified by the Authority. The Authority shall include with the project priority list application form the criteria under each ranking category in R18-15-304(A) by which the project will be evaluated and the relative importance of each of the criterion.
- C. In preparing the Drinking Water Revolving Fund Project Priority List, the Authority shall consider all project priority list applications submitted under subsection (B). The Authority shall evaluate the merits of each project with respect to water quality issues and determine the total points of each project according to R18-15-304. At a minimum, the Drinking Water Revolving Fund Project Priority List shall identify:
1. The applicant;
  2. Project title;
  3. Type of project;
  4. Population of service area;
  5. The amount requested for financial assistance;
  6. The subsidy according to R18-15-304(C);
  7. Whether the project is within the fundable range according to R18-15-305; and
  8. The rank of each project by its total points, determined according to R18-15-304.
- D. After adoption of the annual Intended Use Plan and project priority list according to R18-15-302, the Board may allow:
1. Updates and corrections to the adopted Drinking Water Revolving Fund Project Priority List, if the updates and corrections are adopted by the Board after public notice; or
  2. Additions to the Drinking Water Revolving Fund Project Priority List, if the additions are adopted by the Board after public notice.
- E. After public notice, the Board may remove a project from the Drinking Water Revolving Fund Project Priority List under one or more of the following circumstances:
1. The recipient has received all financial assistance identified in the executed financial assistance agreement with the Authority;

## Water Infrastructure Finance Authority of Arizona

2. The project was financed from another source;
3. The project is no longer an eligible project;
4. The applicant requests removal;
5. The applicant is no longer an eligible applicant; or
6. The applicant did not update, modify, correct or resubmit a project from the project priority list developed for the previous funding cycle.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Former R18-15-303 renumbered to R18-15-302; new Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-304. Drinking Water Revolving Fund Project Priority List Ranking**

- A. The Authority shall rank each project listed on the Drinking Water Revolving Fund Project Priority List based on the total points of each project. The Authority shall consider the following categories to determine the total points of each project:
  1. The Authority shall evaluate the current conditions of the system through the system's scores on the Department's master priority list.
  2. The Authority shall evaluate the degree to which the project will result in improvement to the water system.
  3. The Authority shall evaluate the degree to which the project addresses water or energy efficiency or environmentally innovative approaches.
  4. The Authority shall evaluate the degree to which the project promotes any of the following:
    - a. Consolidation of facilities, operations, and ownership;
    - b. Extending service to existing areas currently served by another facility; or
    - c. A regional approach to operations, management, or new facilities.
  5. The Authority shall determine whether the project received assistance from the Authority in a previous funding cycle.
  6. The Authority shall evaluate the applicant's local fiscal capacity.
- B. Two or more projects may receive the same total points. If sufficient clean water revolving loan funds are not available to fund the projects, the Authority shall give priority to the project with the highest current condition score under subsection (A)(1). If projects remain tied, priority will be given to the project with the highest water system improvement score under subsection (A)(2). If projects remain tied, this process shall continue through the categories under subsections (A)(3) through (6), sequentially. If projects continue to have the same total points, the Board shall determine the priority of the tied projects.
- C. The Authority shall determine the subsidy for each project on the Drinking Water Revolving Fund Project Priority List based on the applicant's local fiscal capacity score and the total points of the project. The Authority shall incorporate the subsidy in the financial assistance agreement.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-305. Drinking Water Revolving Fund Fundable Range for Financial Assistance**

- A. Prior to adoption by the Board of the Drinking Water Revolving Fund Project Priority List, the Authority shall determine which projects are within the fundable range.
- B. In determining the fundable range the Authority shall evaluate each project for evidence of debt authorization according to R18-15-104(B).

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Former Section R18-15-305 repealed; new Section R18-15-305 renumbered from R18-15-306 and amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-306. Drinking Water Revolving Fund Application for Financial Assistance**

- A. The Authority shall accept an application for financial assistance from an eligible applicant for a project that appears on the Drinking Water Revolving Fund Project Priority List and is determined to be within the fundable range. At the Authority's discretion, the Authority may accept an application for financial assistance prior to the project appearing on a Board-adopted Drinking Water Revolving Fund Project Priority List.
- B. The Authority shall not present an application to the Board for consideration until all the following conditions are met:
  1. The project is on the Drinking Water Revolving Fund Project Priority List, including the Project Priority List to be adopted at the Board meeting;
  2. The applicant has provided supporting documentation according to R18-15-305(B); and
  3. The applicant has demonstrated legal capability, financial capability, technical capability and managerial capability as described in R18-15-104.
- C. The application criteria required under subsections (A) and (B) shall not apply to financial assistance requests for short-term emergency loans under A.R.S. § 49-1269.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Former Section R18-15-306 renumbered to R18-15-305; new Section R18-15-306 made by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-307. Drinking Water Revolving Fund Application Review for Financial Assistance**

- A. The Authority shall evaluate and summarize each application received and develop an analysis that provides recommendations to the Board. At a minimum, the analysis shall include:
  1. The scope, size, and budget of the proposed project, including as much cost detail as possible;
  2. A summary of the applicant's legal capability, including authorization to enter into long-term indebtedness and to pledge the specified dedicated revenue source for repayment;



## Water Infrastructure Finance Authority of Arizona

3. A summary of the applicant's technical capability, including its ability to construct, operate, and maintain the proposed project;
  4. A summary of the applicant's managerial capability, including the experience of elected officials and management team in managing similar organizations and similar projects;
  5. A summary of the applicant's financial capability, including:
    - a. The amount of money collected through the dedicated revenue source for repayment for each of the previous three financial operating years (fiscal or calendar),
    - b. An estimate of the amount of money that will be collected through the dedicated revenue source for repayment for the current financial operating year (fiscal or calendar), and
    - c. A projection of the amount of money that will be collected through the dedicated revenue source for repayment for each of the next five financial operating years (fiscal or calendar);
  6. The applicant's history of compliance with, as applicable, the Safe Drinking Water Act, 42 U.S.C. 300f to 300j-26, related Arizona statutes, and related rules, regulations and policies; and
  7. A summary of any previous assistance provided by the Authority to the applicant.
- B.** After an opportunity for public comment, the Board shall make a determination regarding the applicant's request for financial assistance at a public meeting. The Board shall base this determination on the information provided in the application, the analysis prepared by the Authority, and any other information provided at the public meeting. The Authority shall inform the applicant of the Board's determination, which may include recommended modifications to any of the following:
1. The proposed project,
  2. The applicant's legal structure and organization,
  3. The dedicated revenue source for repayment, or
  4. The structure of the financial assistance request.
- C.** If the Board determines at any time during a funding cycle that funds are limited or are not available to provide financial assistance, the Authority shall notify applicants on the current Drinking Water Revolving Fund Project Priority List that the Authority is no longer accepting applications. The Board shall determine the amount of funding available, if any, to provide financial assistance for the applications already accepted by the Authority. The Board shall consider each application in the order the project appears within the fundable range on the current Drinking Water Revolving Fund Project Priority List. The Board shall make a determination as described in subsection (B) on each application until the available funds are committed.
- D.** Upon Board approval of the applicant's request for financial assistance, the Authority shall prepare a financial assistance agreement for execution by the applicant and the Authority.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Section repealed; new Section made by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final

rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-308. Drinking Water Revolving Fund Requirements**

- A.** The duly authorized agent, principal or officer of the applicant shall certify the applicant has not violated any federal, state, or local law pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest, or other unlawful or corrupt practices relating to or in connection with facilities planning, design, or construction work on a project.
- B.** All projects shall comply with the provisions of the Civil Rights Act of 1964, P.L. 88-352, 42 U.S.C. 2000d et seq., and all other applicable federal laws.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**ARTICLE 4. WATER SUPPLY DEVELOPMENT REVOLVING FUND****R18-15-401. Water Supply Development Revolving Fund Financial Assistance Eligibility Criteria**

To be eligible to receive financial assistance from the Water Supply Development Revolving Fund, the applicant shall demonstrate the applicant is a water provider as defined by A.R.S. § 49-1201(13) requesting financial assistance for a purpose as defined in A.R.S. § 49-1273(A); the water provider meets the requirements of A.R.S. § 49-1273(C); and the proposed project appears on the Water Supply Development Revolving Fund project list developed under R18-15-402.

**Historical Note**

Adopted effective September 18, 1997 (Supp. 97-3). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-402. Water Supply Development Revolving Fund Project List**

- A.** The Authority annually shall prepare a Water Supply Development Revolving Fund project list. The Authority is not required to prepare a Water Supply Development Revolving Fund project list if funds are not adequate to assist any projects or if the Board determines that no financial assistance will be offered for the annual funding cycle.
- B.** An applicant pursuing financial assistance from the Authority for a water supply development project shall request to have the project included on the Water Supply Development Revolving Fund project list. The applicant may request that multiple projects be placed on the Water Supply Development Revolving Fund project list. An applicant shall make a request for placement of a project on the Water Supply Development Revolving Fund project list on or before a date specified by the Authority and in an application format specified by the Authority. The Authority shall include with the project list application form the criteria under each ranking category in R18-15-403(A) by which the project will be evaluated and the relative importance of each of the criterion.
- C.** In preparing the Water Supply Development Revolving Fund project list, the Authority shall consider all project list applications submitted under subsection (B). The Authority shall evaluate the merits of each project with respect to water supply development issues and determine the order and priority of each project according to R18-15-403. At a minimum, the

## Water Infrastructure Finance Authority of Arizona

Water Supply Development Revolving Fund project list shall identify:

1. The applicant;
2. Project title;
3. Population of water provider's service area;
4. The amount requested for financial assistance; and
5. The order and priority of each project, determined according to R18-15-403.

- D.** The Authority shall provide for a public comment period of the draft Water Supply Development Revolving Fund project list for a minimum of 14 calendar days. The Authority shall summarize all written comments submitted and prepare responses for Board review. After review of the summary, the Board shall make any appropriate changes to the project list and then adopt the Water Supply Development Revolving Fund project list at a public meeting.
- E.** After adoption of the annual project list, the Board may allow:
1. Updates and corrections to the adopted Water Supply Development Revolving Fund project list, if the updates and corrections are adopted by the Board after an opportunity for public notice; or
  2. Additions to the Water Supply Development Revolving Fund project list, if the additions are adopted by the Board after an opportunity for public notice.
- F.** After an opportunity for public notice, the Board may remove a project from the Water Supply Development Revolving Fund project list under one or more of the following circumstances:
1. The recipient has received all financial assistance identified in the executed financial assistance agreement with the Authority;
  2. The project was financed from another source;
  3. The project is no longer an eligible project;
  4. The applicant requests removal;
  5. The applicant is no longer an eligible applicant; or
  6. The applicant did not update, modify, correct or resubmit a project from the project list developed for the previous funding cycle.

#### Historical Note

Adopted effective September 18, 1997 (Supp. 97-3). Section repealed; new Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section R18-15-402 repealed; new Section R18-15-402 renumbered from R18-15-403 and amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

#### R18-15-403. Water Supply Development Revolving Fund Project List Ranking

- A.** The Authority shall consider the following categories to determine the order and priority of each project on the Water Supply Development Revolving Fund project list.
1. The Authority shall evaluate the existing, near-term, and long-term water demands of the water provider as compared to the existing water supplies of the water provider.
  2. The Authority shall evaluate the existing and planned conservation and water management programs of the water provider.
  3. The Authority shall evaluate the current conditions of the water provider's facilities and the water provider's water supply needs, and evaluate how effectively the project will benefit the infrastructure or water supply needs.
  4. The Authority shall evaluate the sustainability of the water supply to be developed through the project.
  5. The Authority shall evaluate the applicant's need for financial assistance.

- B.** Two or more projects may receive the same total points. If sufficient water supply development revolving loan funds are not available to fund the projects, the Authority shall give priority to the project with the highest water demand score under subsection (A)(1). If projects remain tied, priority will be given to the project with the highest conservation and water management score under subsection (A)(2). If projects remain tied, this process shall continue through the categories under subsections (A)(3) through (5), sequentially. If projects continue to remain tied, the Board shall determine the priority of the tied projects.

#### Historical Note

Adopted effective September 18, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Section repealed by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). New Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section R18-15-403 renumbered to R18-15-402; new Section R18-15-403 renumbered from R18-15-404 and amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

#### R18-15-404. Water Supply Development Revolving Fund Application for Financial Assistance

- A.** The Authority shall accept an application for financial assistance from an eligible applicant for a project that appears on the Water Supply Development Revolving Fund project list. At the Authority's discretion, the Authority may accept an application for financial assistance prior to the project appearing on a Board-adopted Water Supply Development Revolving Fund project list.
- B.** The Authority shall not forward an application for financial assistance to the Board for consideration until all the following conditions are met:
1. The water supply development project has been prioritized;
  2. The applicant has provided supporting documentation according to R18-15-104;
  3. The applicant has demonstrated legal capability, financial capability, technical capability, and managerial capability under R18-15-104; and
  4. The applicant has demonstrated the ability to meet any applicable environmental requirements imposed by federal, state, or local agencies.

#### Historical Note

New Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section R18-15-404 renumbered to R18-15-403; new Section R18-15-404 renumbered from R18-15-406 and amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

#### R18-15-405. Water Supply Development Revolving Fund Application Review for Financial Assistance

- A.** The Authority shall evaluate and summarize each application for financial assistance received and develop an analysis that provides recommendations to the Board. The analysis shall at a minimum include:
1. The scope, size, and budget of the proposed project, including as much cost detail as possible;
  2. A summary of the applicant's legal capability including authorization to enter into long-term indebtedness and to pledge the specified dedicated revenue source for repayment;

## Water Infrastructure Finance Authority of Arizona

3. A summary of the applicant's technical capability, including its ability to construct, operate and maintain the proposed project;
  4. A summary of the applicant's managerial capability, including the experience of elected officials and management team in managing similar organizations and similar projects;
  5. A summary of the applicant's financial capability, including:
    - a. The amount of money collected through the dedicated revenue source for repayment for each of the previous three financial operating years (fiscal or calendar),
    - b. An estimate of the amount of money that will be collected through the dedicated revenue source for repayment for the current financial operating year (fiscal or calendar), and
    - c. A projection of the amount of money that will be collected through the dedicated revenue source for repayment for each of the next five financial operating years (fiscal or calendar);
  6. A summary of any previous assistance provided by the Authority to the applicant; and
  7. A summary of the applicant's ability to meet any applicable permitting and environmental requirements imposed by federal, state, or local agencies.
- B.** The Board shall make a determination regarding the applicant's request for financial assistance at a public meeting. The Board shall base this determination on the information provided in the application, the analysis prepared by the Authority, and any other information provided at the public meeting. The Authority shall inform the applicant of the Board's determination, which may include recommended modifications to any of the following:
1. The proposed project,
  2. The applicant's legal structure and organization,
  3. The dedicated revenue source for repayment, or
  4. The structure of the financial assistance request.
- C.** If the Board determines at any time during a funding cycle that funds are limited or are not available to provide financial assistance, the Authority shall notify applicants on the current Water Supply Development Revolving Fund project list that the Authority is no longer accepting applications. The Board shall determine the amount of funding available, if any, to provide financial assistance for the applications by the Authority. The Board shall consider each application in the order the project appears on the current Water Supply Development Revolving Fund project list. The Board shall make a determination as described in subsection (B) on each application until the available funds are committed.
- D.** Upon Board approval of the applicant's request for financial assistance, the Authority shall prepare a financial assistance agreement for execution by the applicant and the Authority.

**Historical Note**

New Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section R18-15-405 repealed; new Section R18-15-405 renumbered from R18-15-407 and amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-406. Water Supply Development Revolving Fund Requirements**

The duly authorized agent, principal or officer of the applicant shall certify the applicant has not violated any federal, state, or local law pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest, or other unlawful or corrupt practices relating to or in con-

nection with facilities planning, design, or construction work on a project.

**Historical Note**

New Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section R18-15-406 renumbered to R18-15-404; new Section R18-15-406 renumbered from R18-15-408 and amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-407. Renumbered****Historical Note**

New Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section R18-15-407 renumbered to R18-15-405 by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-408. Renumbered****Historical Note**

New Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section R18-15-408 renumbered to R18-15-406 by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**ARTICLE 5. TECHNICAL ASSISTANCE****R18-15-501. Technical Assistance**

The Authority may provide Clean Water technical assistance, Drinking Water technical assistance, and Water Supply Development technical assistance. The Authority shall provide technical assistance in compliance with A.R.S. § 49-1203(B)(16) and (17).

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Former R18-15-501 renumbered to R18-15-502; new Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-502. Technical Assistance Intended Use Plan**

- A.** The Authority annually shall develop and publish one or more Technical Assistance Intended Use Plans that identify intended uses of funds available for Clean Water technical assistance and Drinking Water technical assistance. The Intended Use Plan shall identify whether funds are available and the amount of funds available for planning and design assistance, staff assistance, and professional assistance for Clean Water and Drinking Water. The Authority may develop Technical Assistance Intended Use Plans separately for Clean Water and Drinking Water or as parts of the Intended Use Plans required under R18-15-202 and R18-15-302. If the Technical Assistance Intended Use Plan is to be submitted as a document required to obtain a federal capitalization grant, the Technical Assistance Intended Use Plan shall include any additional information required by federal law.
- B.** The Authority shall provide for a public review and written comment period of any draft Technical Assistance Intended Use Plan for a minimum of 14 calendar days. The Authority shall summarize all written comments received and prepare responses. The Authority shall provide a summary of the written comments and the Authority's responses regarding the Clean Water and Drinking Water Technical Assistance

## Water Infrastructure Finance Authority of Arizona

Intended Use Plans to the Board. After review of the comments and the Authority's responses to comments received during the public review and written comment period, the Board, as applicable, shall adopt the applicable Technical Assistance Intended Use Plan or Plans at a public meeting with any changes made in response to public comments or comments by members of the Board.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed; new R18-15-502 renumbered from R18-15-501 and amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-503. Clean Water Planning and Design Assistance**

- A. Planning and design assistance to a specific wastewater treatment facility shall assist that system to achieve or enhance its legal, financial, technical, or managerial capability to facilitate the design, construction, acquisition, improvement, or consolidation of the wastewater treatment facility. Projects for any other purpose permitted by the Clean Water Act including nonpoint source projects are also eligible. The Board shall approve funds available for planning and design assistance in the annual Clean Water Technical Assistance Intended Use Plan. The Board may determine that no assistance will be offered for the annual funding cycle.
- B. To be eligible to receive planning and design assistance under the Clean Water Technical Assistance Program, the applicant shall demonstrate the applicant is eligible under R18-15-201. An eligible applicant shall apply for planning and design assistance on or before a date specified by the Authority and on an application form specified by the Authority.
- C. An applicant shall commit to a matching contribution toward the total project cost as specified in the Request for Applications. The matching contribution may include cash contributions or in-kind contributions. The Board may waive or modify the applicant's match requirement according to criteria established in the Request for Applications.
- D. The Authority shall solicit, evaluate, and award planning and design assistance in accordance with A.R.S. § 41-2702.
- E. The Authority shall evaluate the applications received to determine which projects are eligible under the Clean Water Act, 33 U.S.C. 1381 to 1387. Eligible applications shall specify a demonstrated need of the applicant for assistance in securing financial assistance for development and implementation of a wastewater capital improvement project or stormwater or nonpoint source project.
- F. The Authority shall determine planning and design assistance awards based on the amount of funding available. If funding is limited, all eligible projects may not be funded. The Authority shall provide the planning and design assistance award recommendations to the Board for review and approval at a public meeting. The Board may adopt, modify, or reject the Authority's recommendations in whole or in part.
- G. Within 30 days after the adoption of the planning and design assistance awards at a public meeting, the Authority shall notify all applicants whether or not they received an award.
- H. An unsuccessful applicant may submit an appeal in writing in accordance with A.R.S. § 41-2704.
- I. The Authority and the applicant shall enter into a planning and design assistance agreement that shall include at a minimum:
  1. A scope of work,

2. The amount awarded,
3. The amount of the local match required,
4. A final project budget and timeline, and
5. Reporting requirements.

- J. The Authority shall release proceeds subject to a disbursement request if the request is consistent with the planning and design assistance agreement and the disbursement schedule.
  1. The recipient shall request each disbursement on the forms provided by the Authority. Each disbursement request shall include a certification and signature document, a cost-incurred report, and a DBE report. The Authority shall not process a disbursement until the recipient provides a completed disbursement form.
  2. The recipient shall include copies of invoices or other documents that show proof of eligible costs incurred with each disbursement request.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-504. Drinking Water Planning and Design Assistance**

- A. Planning and design assistance to a specific drinking water facility, excluding a nonprofit noncommunity water system, shall assist that facility to achieve or enhance its legal, financial, technical, or managerial capability to facilitate the design, construction, acquisition, improvement, or consolidation of a community water system. The Board shall approve funds available for planning and design assistance in the annual Drinking Water Technical Assistance Intended Use Plan. The Board may determine that no assistance will be offered for the annual funding cycle.
- B. To be eligible to receive planning and design assistance under the Drinking Water Technical Assistance Program, the applicant shall demonstrate the applicant owns a drinking water facility, excluding a nonprofit noncommunity water system. An eligible applicant shall apply for planning and design assistance on or before a date specified by the Authority and on an application form specified by the Authority.
- C. An applicant shall commit to a matching contribution toward the total project cost as specified in the Request for Applications. The matching contribution may include cash contributions or in-kind contributions. The Board may waive or modify the applicant's match requirement according to criteria established in the Request for Applications.
- D. The Authority shall solicit, evaluate, and award planning and design assistance in accordance with A.R.S. § 41-2702.
- E. The Authority shall evaluate the applications received to determine which projects are eligible under the Safe Drinking Water Act, 42 U.S.C. 300f to 300j-26. Eligible applications shall specify a demonstrated need of the applicant for assistance in securing financial assistance for development and implementation of a drinking water capital improvement project.
- F. The Authority shall determine planning and design assistance awards based on the amount of funding available. If funding is limited, all eligible projects may not be funded. The Authority shall provide the planning and design assistance award recommendations to the Board for review and approval at a public meeting. The Board may adopt, modify, or reject the Authority's recommendations in whole or in part.

## Water Infrastructure Finance Authority of Arizona

- G. Within 30 days after the adoption of the planning and design assistance awards at a public meeting, the Authority shall notify all applicants whether or not they received an award.
- H. An unsuccessful applicant may submit an appeal in writing according to A.R.S. § 41-2704.
- I. The Authority and the applicant shall enter into a planning and design assistance agreement that shall include at a minimum:
  1. A scope of work,
  2. The amount awarded,
  3. The amount of the local match required,
  4. A final project budget and timeline, and
  5. Reporting requirements.
- J. The Authority shall release proceeds subject to a disbursement request if the request is consistent with the planning and design assistance agreement and the disbursement schedule.
  1. The recipient shall request each disbursement on the forms provided by the Authority. Each disbursement request shall include a certification and signature document, a cost-incurred report, and a DBE report. The Authority shall not process a disbursement until the recipient provides a completed disbursement form.
  2. The recipient shall include copies of invoices or other documents that show proof of eligible costs incurred with each disbursement request.
- F. The Authority shall determine planning and design assistance grant awards based on the amount of funding available. If funding is limited, all eligible projects may not be funded. The Authority shall provide the planning and design assistance grant award recommendations to the Board for review and approval at a public meeting. The Board may adopt, modify, or reject the Authority's recommendations in whole or in part.
- G. Within 30 days after the adoption of the planning and design assistance grant awards at a public meeting, the Authority shall notify all grant applicants whether or not they received an award.
- H. An unsuccessful grant applicant may submit an appeal in writing according to A.R.S. § 41-2704.
- I. The Authority and the grant applicant shall enter into a planning and design assistance grant agreement that shall include at a minimum:
  1. A scope of work,
  2. The amount of the grant awarded,
  3. The amount of the local match required,
  4. A final project budget and timeline, and
  5. Reporting requirements.
- J. The Authority shall release grant proceeds subject to a disbursement request if the request is consistent with the planning and design assistance grant agreement and the disbursement schedule.
  1. The grant recipient shall request each disbursement on the forms provided by the Authority. Each disbursement request shall include a certification and signature document, and a cost-incurred report. The Authority shall not process a disbursement until the recipient provides a completed disbursement form.
  2. The grant recipient shall include copies of invoices or other documents that show proof of eligible costs incurred with each disbursement request.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2). Former Section R18-15-504 repealed; new Section R18-15-504 renumbered from R18-15-505 and amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-505. Water Supply Development Planning and Design Assistance Grants**

- A. Planning and design assistance grant funding to a water provider shall assist the water provider in the planning or design of a water supply development project. A single planning and design assistance grant award shall not exceed \$100,000. The Board may determine that no assistance will be offered for the annual funding cycle.
- B. To be eligible to receive a planning and design assistance grant under the Water Supply Development Technical Assistance Program, the grant applicant shall demonstrate the applicant is a water provider as defined in A.R.S. § 49-1201 and meet the requirements of A.R.S. § 49-1273(C). An eligible grant applicant shall apply for a planning and design assistance grant on or before a date specified by the Authority and on a grant application form specified by the Authority.
- C. A grant applicant shall commit to a matching contribution toward the total project cost as specified in the Request for Grant Applications. The matching contribution may include cash contributions or in-kind contributions. The Board may waive or modify the grant applicant's match requirement according to criteria established in the Request for Grant Applications.
- D. The Authority shall solicit, evaluate, and award planning and design assistance grants in accordance with A.R.S. § 41-2702.
- E. The Authority shall evaluate the grant applications received to determine which projects are eligible. Eligible applications shall specify a demonstrated need of the grant applicant for assistance in securing financial assistance for planning and design of a water supply capital improvement project.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2). Former Section R18-15-505 renumbered to R18-15-504; new Section R18-15-505 made by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-5-506. Repealed****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2). Section repealed; new Section made by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-507. Repealed****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2). Section repealed; new Section made by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-508. Repealed**

## Water Infrastructure Finance Authority of Arizona

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-509. Repealed****Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-510. Repealed****Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-511. Repealed****Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**ARTICLE 6. HARDSHIP GRANT FUND PROGRAM****R18-15-601. Hardship Grant Fund Administration**

- A. The Authority shall establish a separate account or accounts for the Hardship Grant Fund Program from any monies received according to A.R.S. § 49-1267(A). The Authority shall only use the monies from the Hardship Grant Fund Program for:
1. Providing hardship grants to political subdivisions or Indian tribes to plan, design, acquire, construct or improve wastewater collection and treatment facilities; and
  2. Providing training and technical assistance related to operation and maintenance of wastewater treatment facilities.
- B. The Authority shall identify any funding available for financial assistance under the Hardship Grant Fund Program in the annual Clean Water Revolving Fund Intended Use Plan described in R18-15-202 and any funding available for technical assistance in the Clean Water Technical Assistance Intended Use Plan described in R18-15-502. If the Board determines no funding is available for the Hardship Grant Fund Program, the Authority shall not evaluate any applications for financial assistance or grant applications for technical assistance for funding from the Hardship Grant Fund Program.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**R18-15-602. Hardship Grant Fund Financial Assistance**

- A. If funding is available in the Hardship Grant Fund Program, the Authority shall determine if any of the applicants requesting placement on the Clean Water Revolving Fund Project Priority List meet the requirements according to A.R.S. § 49-1268(A)(2). Criteria by which assistance will be awarded shall

be based on criteria established in the capitalization grant providing the funding.

- B. The Authority shall make the determination of applicant's eligibility for the Hardship Grant Fund Program during the ranking of the project under R18-15-204. Of the applicants eligible to receive financial assistance from the Hardship Grant Fund Program, the Authority shall award the hardship grant monies based on an applicant's financial capability and ability to generate sufficient revenues to pay for debt service.
- C. The Authority shall proceed according to Article 2 of this Chapter for any applicant meeting the eligibility requirements for the Hardship Grant Fund Program. In addition to proceeding under R18-15-207, the Authority shall identify any applicant that qualifies for Hardship Grant Fund Program financial assistance and shall make a recommendation to the Board regarding the amount of funding to provide the applicant from the Hardship Grant Fund Program.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

**R18-15-603. Hardship Grant Fund Technical Assistance**

- A. If funding is available in the Hardship Grant Fund Program, the Authority shall identify in the Request for Grant Applications prepared according to A.R.S. § 41-2702(B) the amount of funding for technical assistance available from the Hardship Grant Fund Program.
- B. The Authority shall make the determination of grant applicant's eligibility for the Hardship Grant Fund Program during the ranking of the project under R18-15-503. Of the grant applicants eligible to receive technical assistance from the Hardship Grant Fund Program, the Authority shall award the hardship grant monies based on the financial capability of a grant applicant.
- C. The Authority shall proceed according to R18-15-503 for any grant applicant requesting assistance for operation and maintenance for a wastewater treatment facility. In addition to proceeding under R18-15-503(F), the Authority shall identify any grant applicant that qualifies for Hardship Grant Fund Program technical assistance and shall make a recommendation to the Board regarding the amount of funding to provide the grant applicant from the Hardship Grant Fund Program.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3).

**ARTICLE 7. INTEREST RATE SETTING AND FORGIVABLE PRINCIPAL****R18-15-701. Interest Rate Setting and Forgivable Principal**

- A. The Authority shall prescribe the rate of interest, including interest rates as low as 0% on Authority loans, bond purchase agreements, and linked deposit guarantees based on the applicant's local fiscal capacity under R18-15-204(A)(6) or R18-15-304(A)(6), or financial need under R18-15-404(A)(5), and an applicant's ability to generate sufficient revenues to pay debt service.

## Water Infrastructure Finance Authority of Arizona

- B. The Authority may forgive principal on Clean Water and Drinking Water loans, bond purchase agreements, and linked deposit guarantees based on:
1. The applicant's local fiscal capacity under R18-15-204(A)(6) and R18-15-304(A)(6),
  2. Whether the applicant cannot otherwise afford the project,
  3. Whether the project qualifies for the Green Project Reserve as defined by EPA, and
  4. Whether the project mitigates stormwater runoff.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2116, effective May 16, 2000 (Supp. 00-2). Amended by final rulemaking at 7 A.A.R. 5956, effective December 4, 2001 (Supp. 01-4). Amended by final rulemaking at 16 A.A.R. 1709, effective October 9, 2010 (Supp. 10-3). Section amended by final rulemaking at 24 A.A.R. 239, effective March 11, 2018 (Supp. 18-1).

This page intentionally left blank.

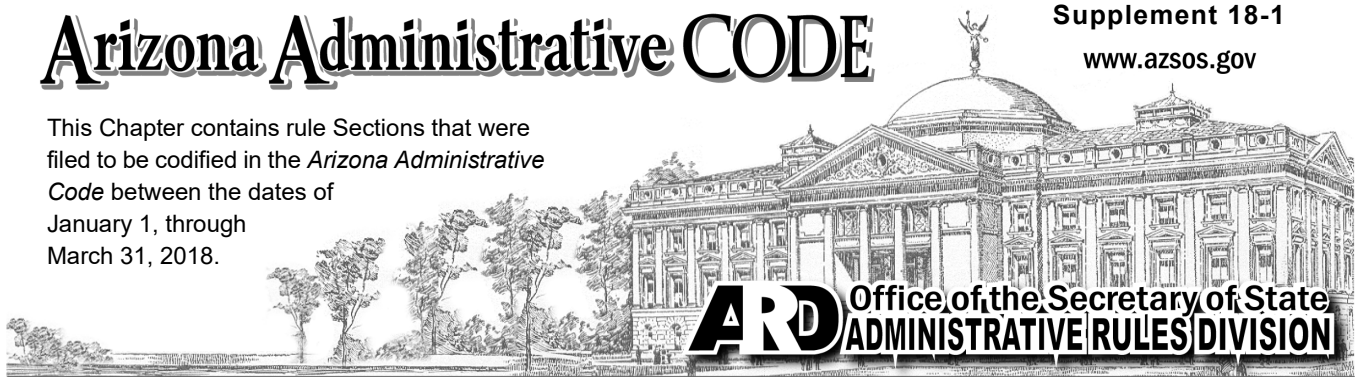


# Arizona Administrative CODE

Supplement 18-1

www.azsos.gov

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

### CHAPTER 2. ARIZONA RACING COMMISSION

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

#### ARTICLE 6. STATE BOXING AND MIXED MARTIAL ARTS COMMISSION: ADMINISTRATION OF UNARMED COMBAT SPORTS

<a href="#">R19-2-601.</a>	<a href="#">Renumbered</a>	<a href="#">98</a>
<a href="#">R19-2-602.</a>	<a href="#">Renumbered</a>	<a href="#">98</a>
<a href="#">R19-2-603.</a>	<a href="#">Renumbered</a>	<a href="#">99</a>
<a href="#">R19-2-604.</a>	<a href="#">Renumbered</a>	<a href="#">99</a>
<a href="#">R19-2-605.</a>	<a href="#">Renumbered</a>	<a href="#">99</a>
<a href="#">R19-2-606.</a>	<a href="#">Renumbered</a>	<a href="#">99</a>
<a href="#">R19-2-607.</a>	<a href="#">Repealed</a>	<a href="#">99</a>
<a href="#">R19-2-608.</a>	<a href="#">Repealed</a>	<a href="#">99</a>
<a href="#">R19-2-609.</a>	<a href="#">Renumbered</a>	<a href="#">99</a>
<a href="#">R19-2-610.</a>	<a href="#">Renumbered</a>	<a href="#">99</a>

#### PART A. GENERAL ADMINISTRATION

<a href="#">R19-2-A601.</a>	<a href="#">Definitions and Interpretation Guidance</a>	<a href="#">99</a>
<a href="#">R19-2-A602.</a>	<a href="#">Delegation by and Reports to the Commission.</a>	<a href="#">100</a>

#### PART B. EVENTS

<a href="#">R19-2-B601.</a>	<a href="#">Notice and Approval of Events; Publicity</a>	<a href="#">100</a>
<a href="#">R19-2-B602.</a>	<a href="#">State Championships</a>	<a href="#">101</a>
<a href="#">R19-2-B603.</a>	<a href="#">Duty of Matchmakers</a>	<a href="#">101</a>
<a href="#">R19-2-B604.</a>	<a href="#">Insurance for Contestant</a>	<a href="#">101</a>
<a href="#">R19-2-B605.</a>	<a href="#">Selection and Payment of Officials</a>	<a href="#">101</a>
<a href="#">R19-2-B606.</a>	<a href="#">Commission Seating at Events</a>	<a href="#">102</a>
<a href="#">R19-2-B607.</a>	<a href="#">Ticket Manifest, Collection, Accounting</a>	<a href="#">102</a>
<a href="#">R19-2-B608.</a>	<a href="#">Annual Bond, Event Bond, Claims</a>	<a href="#">103</a>
<a href="#">R19-2-B609.</a>	<a href="#">Payment of Contestants</a>	<a href="#">103</a>

#### PART C. LICENSING AND DISCIPLINE

<a href="#">R19-2-C601.</a>	<a href="#">Licensing, General Requirements</a>	<a href="#">103</a>
<a href="#">R19-2-C602.</a>	<a href="#">Licensing Time-Frames</a>	<a href="#">104</a>
<a href="#">R19-2-C603.</a>	<a href="#">License Fees</a>	<a href="#">104</a>
<a href="#">R19-2-C604.</a>	<a href="#">Licensing Requirements Related to Ability and Fitness</a>	<a href="#">105</a>
<a href="#">R19-2-C605.</a>	<a href="#">Grounds for Disciplinary Action; Penalties</a>	<a href="#">106</a>
<a href="#">R19-2-C606.</a>	<a href="#">Effect of Discipline</a>	<a href="#">107</a>
<a href="#">R19-2-C607.</a>	<a href="#">Civil Penalties</a>	<a href="#">107</a>
<a href="#">R19-2-C608.</a>	<a href="#">Appeal, Rehearing, or Review of Decision</a>	<a href="#">107</a>
<a href="#">R19-2-C609.</a>	<a href="#">Registration of Amateur Sanctioning Organizations; Requirements; Application; Fees; Revocation, Suspension or Setting Conditions</a>	<a href="#">108</a>

#### PART D. UNARMED COMBAT RULES

<a href="#">R19-2-D601.</a>	<a href="#">General Provisions for All Unarmed Combat Disciplines</a>	<a href="#">109</a>
<a href="#">R19-2-D602.</a>	<a href="#">Boxing</a>	<a href="#">113</a>
<a href="#">R19-2-D603.</a>	<a href="#">Mixed Martial Arts</a>	<a href="#">114</a>
<a href="#">R19-2-D604.</a>	<a href="#">Kickboxing</a>	<a href="#">116</a>
<a href="#">R19-2-D605.</a>	<a href="#">Muay Thai</a>	<a href="#">119</a>
<a href="#">R19-2-D606.</a>	<a href="#">Toughman</a>	<a href="#">121</a>
<a href="#">R19-2-D607.</a>	<a href="#">Exhibitions; Fee</a>	<a href="#">122</a>
<a href="#">Table 1.</a>	<a href="#">Time-frames</a>	<a href="#">122</a>
<a href="#">Table 2.</a>	<a href="#">Bandages (Gauze and Tape)</a>	<a href="#">122</a>

#### Questions about these rules? Contact:

Department: Arizona Department of Gaming  
Name: Aiden Fleming  
Address: 1110 W. Washington, Suite 450  
Phoenix, AZ 85007  
Telephone: (602) 255-3879  
E-mail: [afleming@azgaming.gov](mailto:afleming@azgaming.gov)

**The release of this Chapter in supplement 18-1 replaces supplement 17-1, 99 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING****CHAPTER 2. ARIZONA RACING COMMISSION**

(Authority: A.R.S. § 5-101 et seq.)

*Editor's Note: A.R.S. § 41-1005 was amended. The reference to the A.R.S. § 41-1005(A)(18) exemption in this Chapter has changed to A.R.S. § 41-1005(A)(16) (Supp. 14-4).*

*Editor's Note: The Office of the Secretary of State prints all Code Chapters on white paper (Supp. 03-4).*

*Editor's Note: This Chapter contains rules which were adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for review and approval; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and the Commission was not required to hold public hearings on these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

*19 A.A.C. 2, consisting of R19-2-101 through R19-2-124, R19-2-301 through R19-2-331, and R19-2-501 through R19-2-523, recodified from 4 A.A.C. 27, consisting of R4-27-101 through R4-27-124, R4-27-301 through R4-27-331, and R4-27-501 through R4-27-523, pursuant to R1-1-102 (Supp. 95-1).*

*Title 4, Chapter 27 consisting of Sections R4-27-101 through R4-27-124, R4-27-301 through R4-27-323 adopted effective August 5, 1983. R19-2-101 through R19-2-124 recodified from R4-27-101 through R4-27-124 (Supp. 95-1).*

*Former Title 4, Chapter 27 consisting of Sections R4-27-101 through R4-27-111, R4-27-201 through R4-27-211, R4-27-301 through R4-27-312 repealed effective August 5, 1983. R19-2-101 through R19-2-111, R19-2-201 through R19-2-211, R19-2-301 through R19-2-312 recodified from R4-27-101 through R4-27-111, R4-27-201 through R4-27-211, R4-27-301 through R4-27-312 (Supp. 95-1).*

**ARTICLE 1. HORSE RACING**

Section	
R19-2-101.	Power and Authority ..... 3
R19-2-102.	Definitions ..... 3
R19-2-103.	Permit Applications ..... 5
R19-2-104.	Permittee Responsibilities ..... 5
R19-2-105.	Charity Races ..... 7
R19-2-106.	Licensing ..... 7
R19-2-107.	Stable Names ..... 8
R19-2-108.	Leases ..... 9
R19-2-109.	Jockeys and Apprentice Jockeys ..... 9
R19-2-110.	Jockey Agents ..... 11
R19-2-111.	Trainers ..... 11
R19-2-112.	Prohibited Acts ..... 12
R19-2-113.	Entries and Subscriptions ..... 13
R19-2-114.	Penalties and Allowances ..... 15
R19-2-115.	Claiming Races ..... 15
R19-2-115.01.	Repealed ..... 17
R19-2-115.02.	Repealed ..... 17
R19-2-115.03.	Repealed ..... 17
R19-2-115.04.	Repealed ..... 17
R19-2-115.05.	Repealed ..... 17
R19-2-115.06.	Repealed ..... 17
R19-2-115.07.	Repealed ..... 17
R19-2-115.08.	Repealed ..... 17
R19-2-115.09.	Repealed ..... 17
R19-2-115.10.	Repealed ..... 17
R19-2-116.	Arizona Bred Eligibility and Breeders' Award Payments ..... 17
R19-2-117.	Objections ..... 19
R19-2-118.	Scale of Weights for Age ..... 19
R19-2-119.	Running the Race and Winnings ..... 20
R19-2-120.	Veterinary Practices, Animal Medication, and Animal Testing ..... 21
R19-2-121.	Officials ..... 28
R19-2-122.	Transfers ..... 32
R19-2-123.	Procedure before the Department ..... 32
R19-2-124.	Procedure before the Commission ..... 34

R19-2-125.	Arizona Stallion Awards .....35
R19-2-126.	Race Horse Adoption Grants .....37

**ARTICLE 2. RACING REGULATION FUND 37**

*Article 2, consisting of Sections R19-2-201 through R19-2-205, made by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3).*

Section	
R19-2-201.	Racing Regulation Fund .....37
R19-2-202.	Licensing Fees .....38
R19-2-203.	Repealed .....38
R19-2-204.	Regulatory Assessment for Dark Day Simulcasting .....38
R19-2-205.	Regulatory Wagering Assessment of Pari-mutuel Pools .....38

**ARTICLE 3. GREYHOUND RACING**

Section	
R19-2-301.	Power and Authority .....39
R19-2-302.	Definitions .....39
R19-2-303.	Permit Applications .....41
R19-2-304.	Permittee Responsibilities .....41
R19-2-305.	Charity Races .....42
R19-2-306.	Licensing .....42
R19-2-307.	Kennel Names .....44
R19-2-308.	Owners, Kennel Owners, and Trainers .....44
R19-2-309.	Officials .....45
R19-2-310.	Lead-outs .....48
R19-2-311.	Prohibited Acts .....49
R19-2-312.	Registration and Transfers .....50
R19-2-313.	Leases .....51
R19-2-314.	Weights and Weighing .....51
R19-2-315.	Schooling .....52
R19-2-316.	Entries and Subscriptions .....52
R19-2-317.	Rules of the Race .....54
R19-2-318.	Repealed .....55
R19-2-319.	Arizona Bred Eligibility and Breeders' Award Payments .....55

## Arizona Racing Commission

R19-2-320.	Objections .....	56
R19-2-321.	Repealed .....	57
R19-2-322.	Procedure before the Department .....	57
R19-2-323.	Procedure before the Commission .....	58
R19-2-324.	Greyhound Housing .....	60
R19-2-325.	Grounds of the Racing Kennel, Breeding Farm, or Other Operation .....	60
R19-2-326.	General Care of Greyhounds in a Racing Kennel, on a Breeding Farm, or on Another Operation ..	61
R19-2-327.	Personnel of the Racing Kennel, Breeding Farm, or Other Operation .....	61
R19-2-328.	Transportation of Greyhounds .....	61
R19-2-329.	Disposition of Greyhounds .....	62
R19-2-330.	Inspection Procedure for a Racing Kennel, Breeding Farm, or Other Operation .....	62
R19-2-331.	Greyhound Adoption Grants .....	62
R19-2-332.	Certifying a Greyhound Arizona Bred .....	63

#### ARTICLE 4. ADVANCE DEPOSIT WAGERING, TELETRACKING, AND SIMULCASTING

*Article 4, consisting of Sections R19-2-401 through R19-2-410, adopted effective February 26, 1996, under an exemption from the rulemaking process pursuant to A.R.S. § 41-105(A)(18) (Supp. 96-1).*

*Article 4, consisting of Sections R4-27-401 through R4-27-410, repealed effective December 14, 1994 (Supp. 94-4).*

*Article 4, consisting of Sections R4-27-401 through R4-27-410, adopted effective April 3, 1984 (Supp. 84-2). R19-2-401 through R19-2-410 recodified from R4-27-401 through R4-27-410 (Supp. 95-1).*

Section	
R19-2-401.	Definitions .....
R19-2-402.	ADWP Licensing Requirements .....
R19-2-403.	ADW Permit Applications.....
R19-2-404.	Application for ADWP Permit; Plan of Operation .....
R19-2-405.	Contracts and Agreements .....
R19-2-406.	Plan of Operation Approval and Amendments ..
R19-2-407.	ADWP Permit Renewal .....
R19-2-408.	ADWP Licensing .....
R19-2-409.	ADW – Racetrack Permittee Contracts .....
R19-2-410.	ADW Accounts .....
R19-2-411.	Advance Deposit Wagering .....
R19-2-412.	Teletrack Wagering .....
R19-2-413.	General Provisions Regarding Teletrack Facilities .....
R19-2-414.	Application for Original Teletrack Wagering Permit; Plan of Operation; Renewals of Teletrack Wagering Permit .....
R19-2-415.	Approval of Additional Wagering Facilities; Plan of Operation; Renewal or Approval of Additional Wagering Facilities .....
R19-2-416.	Suspension of Teletrack Permit .....
R19-2-417.	Licensing of Employees at Teletrack Facilities ..
R19-2-418.	Directives .....
R19-2-419.	Simulcast Wagering .....
R19-2-420.	Interstate Common Pool Wagering .....

#### ARTICLE 5. PARI-MUTUEL WAGERING

*Article 5, consisting of Sections R4-27-501 through R4-27-523, adopted effective October 21, 1993, under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regula-*

*tory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is being printed on blue paper. R-19-2-501 through R19-2-523 recodified from R4-27-501 through R4-27-523 (Supp. 95-1).*

Section	
R19-2-501.	General .....
R19-2-502.	Records .....
R19-2-503.	Pari-mutuel Tickets .....
R19-2-504.	Pari-mutuel Ticket Sales .....
R19-2-505.	Advance Performance Wagering .....
R19-2-506.	Claims for Payment from Pari-mutuel Pool .....
R19-2-507.	Payment for Errors .....
R19-2-508.	Betting Explanation .....
R19-2-509.	Display of Betting Information .....
R19-2-510.	Cancelled Contests .....
R19-2-511.	Refunds .....
R19-2-512.	Coupled Entries and Mutuel Fields .....
R19-2-513.	Pools Dependent upon Betting Interests .....
R19-2-514.	Prior Approval Required for Betting Pools .....
R19-2-515.	Closing of Wagering in a Contest .....
R19-2-516.	Complaints Pertaining to Pari-mutuel Operations .....
R19-2-517.	Licensed Employees .....
R19-2-518.	State Mutuel Supervisor .....
R19-2-519.	Mutuel Manager .....
R19-2-520.	Stored Value Instruments .....
R19-2-521.	Repealed .....
R19-2-522.	Repealed .....
R19-2-523.	Calculation of Payoffs and Distribution of Pools ...
Table 1.	Win Pool - Standard Price Calculation .....
Table 2.	Place Pool - Standard Price Calculation .....
Table 3.	Show Pool - Standard Price Calculation .....
Table 4.	Show Pool - Single Takeout Rate & Single Betting Source .....
Table 5.	Double Pool - Standard Price Calculation .....
Table 6.	Double Pool - Consolation Pricing .....
Table 7.	Pick 7 Pool - Multiple Takeout Rates & Multiple Betting Sources .....

#### ARTICLE 6. STATE BOXING AND MIXED MARTIAL ARTS COMMISSION: ADMINISTRATION OF UNARMED COMBAT SPORTS

*Article 6, consisting of Sections R19-2-601 through R19-2-610, recodified from Sections R4-3-415 through R4-3-424 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2).*

Section	
R19-2-601.	Renumbered .....
R19-2-602.	Renumbered .....
R19-2-603.	Renumbered .....
R19-2-604.	Renumbered .....
R19-2-605.	Renumbered .....
R19-2-606.	Renumbered .....
R19-2-607.	Repealed .....
R19-2-608.	Repealed .....
R19-2-609.	Renumbered .....
R19-2-610.	Renumbered .....

#### PART A. GENERAL ADMINISTRATION

##### Section

## Arizona Racing Commission

R19-2-A601.	Definitions and Interpretation Guidance .....	99
R19-2-A602.	Delegation by and Reports to the Commission	100

**PART B. EVENTS**

## Section

R19-2-B601.	Notice and Approval of Events; Publicity .....	100
R19-2-B602.	State Championships .....	101
R19-2-B603.	Duty of Matchmakers .....	101
R19-2-B604.	Insurance for Contestant .....	101
R19-2-B605.	Selection and Payment of Officials .....	101
R19-2-B606.	Commission Seating at Events .....	102
R19-2-B607.	Ticket Manifest, Collection, Accounting .....	102
R19-2-B608.	Annual Bond, Event Bond, Claims .....	103
R19-2-B609.	Payment of Contestants .....	103

**PART C. LICENSING AND DISCIPLINE**

## Section

R19-2-C601.	Licensing, General Requirements .....	103
R19-2-C602.	Licensing Time-Frames .....	104
R19-2-C603.	License Fees .....	104
R19-2-C604.	Licensing Requirements Related to Ability and Fitness .....	105

R19-2-C605.	Grounds for Disciplinary Action; Penalties	106
R19-2-C606.	Effect of Discipline .....	107
R19-2-C607.	Civil Penalties .....	107
R19-2-C608.	Appeal, Rehearing, or Review of Decision .....	107
R19-2-C609.	Registration of Amateur Sanctioning Organizations: Requirements; Application; Fees; Revocation, Suspension or Setting Conditions .	108

**PART D. UNARMED COMBAT RULES**

## Section

R19-2-D601.	General Provisions for All Unarmed Combat Disciplines .....	109
R19-2-D602.	Boxing .....	113
R19-2-D603.	Mixed Martial Arts .....	114
R19-2-D604.	Kickboxing .....	116
R19-2-D605.	Muay Thai .....	119
R19-2-D606.	Toughman .....	121
R19-2-D607.	Exhibitions; Fee .....	122
Table 1.	Time-frames .....	122
Table 2.	Bandages (Gauze and Tape) .....	122

## Arizona Racing Commission

**ARTICLE 1. HORSE RACING****R19-2-101. Power and Authority**

- A. All powers of the Department and Commission not specifically defined in this Chapter are reserved to the Department and Commission under the law creating the Department and Commission and specifying its powers and duties.
- B. The jurisdiction of the Department and Commission over matters covered by A.R.S. Title 5, Chapter 1 and this Chapter is continuous throughout the year.
- C. A.R.S. Title 5, Chapter 1, this Chapter, and the orders of the Department and Commission take precedence over the conditions of a race or the conditions of a race meet.
- D. The Director may sustain, reverse, or modify any penalty or decision imposed by the stewards.
- E. The Commission may sustain, reverse, or modify any penalty or decision imposed by the Director.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Editor spelling correction to subsection (C) (Supp. 88-4). R19-2-101 recodified from R4-27-101 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-102. Definitions**

The definitions in A.R.S. § 5-101 apply to this Chapter. Additionally, unless the context requires otherwise, in this Article:

1. "Added money" means money a permittee adds to the nominating and starting fees in a race.
2. "Age" means the age of a horse as computed from the first day of January in the year in which the horse is foaled.
3. "Allowance race" means an overnight race for which a horse's eligibility and weight to be carried are determined according to specified conditions that include age, sex, earnings, and number of wins.
4. "Also eligible" means a horse, properly entered for a race, which is not drawn for inclusion in the race but becomes eligible according to preference or lot if an entry is scratched before the scratch-time deadline.
5. "Authorized agent" means a person appointed under R19-2-106(G).
6. "Breakage" means net pool minus payout.
7. "Breeder" means the owner or lessee of a horse's dam at the time the horse is foaled.
8. "Breeding place" means the place of birth of a horse.
9. "Business day" means a day on which live racing is conducted or a day on which entries are taken.
10. "Carryover" means non-distributed pool monies that are retained and added to a corresponding pool in accordance with this Chapter.
11. "Claiming race" means a horse race in which each owner declares in advance the price at which the owner's horse will be offered for sale after the race.
12. "Complaint" means a written allegation of a violation of A.R.S. Title 5, Chapter 1, or this Chapter.
13. "Contest" means a competitive racing event on which pari-mutuel wagering is conducted.
14. "Declaration" means the act of withdrawing an entered horse from a race.
15. "Entrance fee" means a fee set by a permittee that must be paid to make a horse eligible for a stakes race.
16. "Entry" means, according to its context, either:
  - a. A horse eligible and entered in a race, or
  - b. Two or more horses that are entered in a race as a single wagering unit and are:
    - i. Owned, in whole or in part, by the same owner; or
    - ii. Trained by a trainer who owns an interest in another horse in the race.
17. "Equipment" means whips, blinkers, tongue straps, muzzles, hoods, nose bands, shadow rolls, martingales, breast plates, bandages, boots, plates (shoes), and all other paraphernalia that is or might be used on or attached to a horse while racing.
18. "Field" means:
  - a. The entire group of horses in a race; or
  - b. Two or more starting horses running as a single wagering unit when there are more starting horses in a race than positions of the tote.
19. "Foreign substance" means any drug, medicine, metabolite, or other substance that does not exist naturally in an untreated horse and that may have a pharmacological effect on the racing performance of a horse or may affect sampling or testing procedures. Foreign substances include but are not limited to stimulants, depressants, local anesthetics, narcotics, and analgesics.
20. "Foul" means any action by a horse or jockey that interferes with another horse or jockey in the running of a race.
21. "Grounds" means the entire area used by a permittee to conduct a race meet including, but not limited to, the track, grandstand, stables, concession areas, and parking facilities.
22. "Handicap" means a race in which the weight to be carried by each entered horse is adjusted to equalize each horse's chance of winning.
23. "Horse" means a filly, mare, colt, horse, gelding, and ridgling except when referring to sex, "horse" means a male that is five years or older and retains all reproductive organs.
24. "Hurdle race" means a race over a track in which jumps or hurdles are used.
25. "Immediate," for the purpose of suspension or revocation of a license issued under this Chapter, means the first date that the suspension or revocation does not negatively impact another licensee, as determined by the Department.
26. "Inactive person" means an individual who has never been licensed or whose license has expired, been revoked, or been suspended for more than 30 days.
27. "Inquiry" means an investigation of possible interference in a contest conducted by the stewards before the stewards declare the result of the contest official.
28. "In-today horse" means a horse that is entered and has drawn a position to run on one race day and also is entered for the next race day.
29. "Lawfully issued prescription" means a prescription-only drug, as defined at A.R.S. § 13-3401, obtained directly from or under a valid prescription order written by a licensed physician acting in the course of professional practice.
30. "Lessee" or "lessor" means a person who leases a horse for racing purposes.
31. "Maiden" means a horse that at the time of starting has never won a race on the flat in any country on a recognized track or that was disqualified after finishing first.
32. "Match race" means a race between two or more horses, each of which is the property of different owners, on terms agreed to by the owners and approved by the Department.

## Arizona Racing Commission

33. "Minus pool" means there is not enough money, after deductions of state tax and statutory commissions, to pay the legally prescribed minimum on each winning wager.
34. "Net pool" means the sum of all wagers on a race minus refundable wagers and statutory commissions.
35. "Net take" means the amount of a track's commission minus allowed deductions.
36. "Nominating fee" means a fee set by a permittee that must be paid to make a horse eligible for a stakes or handicap race.
37. "Nomination" means naming a horse or its foal in utero to compete in a specific race or series of races, eligibility for which may require paying a fee at the time of naming.
38. "Nominator" means the person in whose name a horse is nominated for a stakes or handicap race.
39. "Official laboratory" means the facility with which the Department contracts under A.R.S. § 5-105(A).
40. "Official race program" means a published listing of all contests and contestants for a specific performance.
41. "Off time" means the moment at which, on signal of the starter, the horses break and run.
42. "Overnight race" means a race for which entries close 96 or fewer hours before the time set for the first race of the day on which the race is to be run.
43. "Overpayment" means the amount by which purses paid exceed the amount due horsemen based on the net take and breakage.
44. "Owner" means any person possessing all or part of the legal title to a horse.
45. "Payout" means the amount of money payable to winning wagers.
46. "Performance" means a schedule of races run consecutively as one program.
47. "Place" means a horse finishes in one of the first three positions in a race.
48. "Pool" means the sum of all wagers on a race.
49. "Post position" means the position assigned to a horse for the start of a race.
50. "Post time" means the time set for horses in a race to arrive at the starting point.
51. "Preferred list" means a record of a horse with a prior right to starting usually because the horse was previously entered in a race that did not fill with the required minimum number of horses.
52. "Program trainer" means a licensed trainer identified in the official race program as the trainer of a horse that is actually under the control of and trained by another individual who may or may not hold a trainer's license in any jurisdiction and who is not identified in the official race program as the trainer of the horse.
53. "Prohibited substance" means any substance regulated by A.R.S. Title 13, Chapter 34.
54. "Purse" means the total dollar amount for which a race is contested.
55. "Purse race" means a race for money or other prize to which owners of horses engaged in the race do not contribute an entry fee.
56. "Quarter race" means a race on the flat of 1,000 yards or less.
57. "Race" means a contest among horses for purse, stakes, premium, or wager for money, that is run in the presence of racing officials of the track and a Department representative.
58. "Race meet" means the period for which a permit to conduct racing is granted to a permittee by the Commission.
59. "Race on the flat" means a race over a track on which no jumps or other obstacles are placed.
60. "Racing Regulation Fund" means the fund established under A.R.S. § 5-113.01 and administered by the Department to receive funding for regulation of racing from various pari-mutuel racing industry sources.
61. "Racing secretary" means the official who drafts conditions of races.
62. "Recognized track" means a track where pari-mutuel wagering is authorized by law or that is recognized by the American Quarter Horse Association.
63. "Restricted area" means an enclosed portion of a permittee grounds to which access is limited to licensees whose occupation or participation requires access.
64. "Result" means the part of the official order of finish used to determine the pari-mutuel payout of pools for each contest.
65. "Ridgling" means a male horse that has one or both testicles absent from the scrotum.
66. "Ruled off" means the act of:
- a. Barring a licensee from the grounds of a permittee and denying the licensee all racing privileges; or
  - b. Preventing a horse from being entered because the stewards have determined that preventing the horse from racing is in the best interest of the health, safety, and welfare of licensees and the state.
67. "Scratch" means to withdraw an entered horse from a race after overnight entries have been closed.
68. "Scratch time" means the time set by the permittee for withdrawing entered horses from the races of a particular day.
69. "Stakes race" means a race for which the owner of an entered horse is required to pay a fee to which the track may add money or other prize to make up the total purse and for which nominations close more than 72 hours before the time for the first race of the day on which the stakes race is to be run.
70. "Starter race" means an allowance or handicap race restricted to horses that have previously started for a specified claiming price or less and for which the racing secretary may establish other conditions.
71. "Starting fee" means the amount of money, specified by the conditions of the race and set by the permittee, which must be paid by a horse's owner for the horse to start in a race.
72. "Starting horse" means a horse that leaves the paddock for the post, excluding:
- a. A horse subsequently excused by the stewards, or
  - b. A horse for which the starting gate stall doors do not open in front of the horse at the time the starter dispatches the field.
73. "Steward" means an official of a race meet responsible for enforcing A.R.S. Title 5, Chapter 1 and this Chapter.
74. "Subscription" means the fee paid by the owner to nominate a horse for a stakes race.
75. "Supplemental fee" means a fee set by a permittee that must be paid by a horse's owner at a time prescribed by the permittee to make the horse eligible for a stakes race after the time for nominations is closed.
76. "Suspended" means that a privilege granted by the officials of a race meet or by the Commission or Department has been temporarily withdrawn.
77. "Sustaining fees" mean fees that must be paid periodically, as prescribed by the conditions of a race, to keep a horse eligible for the race.
78. "TCO2" means total carbon dioxide.



## Arizona Racing Commission

79. "Tote or totalisator" means the machines from which pari-mutuel tickets are sold and the board on which the approximate odds for a race are posted.
80. "Track" means the course over which a race takes place.
81. "Trainer" means a person employed by an owner or lessee to condition a horse for racing.
82. "Underpayment" means the amount by which the amount due horsemen, based on the net take and breakage, exceeds the amount of purses paid.
83. "Walkover" means a race in which there are not two or more horses of separate interest sent to post.
84. "Weight" means the standard weight described in R19-2-118.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended paragraph (15), added new paragraphs (26) and (45) and renumbering accordingly effective June 6, 1986 (Supp. 86-3). Amended by adding paragraphs (19) and (32) and renumbering accordingly effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-102 recodified from R4-27-102 (Supp. 95-1). Amended by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-103. Permit Applications**

- A. A person or persons, associations, or corporations desiring to hold or conduct a horse racing meeting within the state of Arizona shall file with the Commission its permit application that contains the information required in A.R.S. § 5-107 in paper copy and in an electronic medium. All electronic media submissions shall be compatible with the Department's computer system and software. If any addendum to the permit application cannot be submitted in an electronic medium, the applicant shall submit the addendum in a paper copy.
- B. The Department shall not issue a permit until the applicant has furnished evidence of compliance with A.R.S. § 23-901 et seq. (Workers' Compensation).
- C. Permit applicants shall submit to the Commission the names of the proposed track officials at least 60 days prior to the beginning of their meet, along with a short biographical sketch of each official not previously licensed in the same capacity by the Department.
- D. A permit application shall specify the number of races to be run on a daily basis.
- E. Racing shall be conducted only on those days granted by permit.
- F. Permit Application Time-frames.
  1. Administrative completeness review time-frame.
    - a. Within 728 days after receiving an application package, the Department shall determine whether the application package contains the information required by subsections (A), (B), (C), and (D).
    - b. If the application package is incomplete, the Department shall issue a written notice that specifies what information is required and return the application. If the application package is complete, the Department shall provide a written notice of administrative completeness.
    - c. The Department shall deem an application package withdrawn if the applicant fails to file a complete application package within 180 days of being notified that the application package is incomplete.
  2. Substantive review time-frame. Within 30 days after receipt of a complete application package, the Commission,

with the recommendation of the Department, shall determine whether the applicant meets all substantive requirements and issue a written notice granting or denying the permit.

3. Overall time-frame. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a permit.
  - a. Administrative completeness review time-frame: 728 days;
  - b. Substantive review time-frame: 30 days;
  - c. Overall time-frame: 758 days.
4. Renewal and temporary permit time-frames. The administrative completeness review time-frame is 30 days, the substantive review time-frame is 30 days, and the overall time-frame is 60 days, excluding time for mailing. The renewal or temporary permit is considered administratively complete unless the Department issues a written notice of deficiencies to the applicant. Temporary permits are valid until a full permit is awarded or until the Commission revokes the temporary permit.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-103 recodified from R4-27-103 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1). Amended by final rulemaking at 11 A.A.R. 5534, effective February 4, 2006 (Supp. 05-4).

**R19-2-104. Permittee Responsibilities**

- A. A permittee shall maintain the grounds in a neat, clean, and safe condition. If a steward determines that a permittee is not in compliance with this Section, the steward shall require that the permittee immediately bring the grounds into compliance.
- B. The permittee shall prevent any person, corporation, firm, or association not licensed by the Department from performing any act at its track which requires a license under A.R.S. Title 5, Chapter 1, or this Article.
- C. Each permittee department head shall see that the permittee department head's employees are licensed and furnish a list of the employees upon request.
- D. A permittee shall take all steps necessary to deny the privileges of a license to anyone whose license has been revoked or suspended and to keep such a person off the grounds of the permittee and to prevent a person who has been ruled off from entering the grounds of the permittee.
- E. A permittee or its employees shall not obstruct a representative of the Department performing the representative's duties.
- F. A permittee shall not knowingly allow on its grounds any betting or other operations in contravention of any law of the state of Arizona or of the United States.
- G. The permittee shall immediately report all observed violations of any racing regulation or statute to the Department and shall cooperate with the Department and with state, federal, and local authorities in investigations of alleged violations.
- H. A permittee shall provide the following services at the track:
  1. A horse ambulance, approved by the Department, for the removal of crippled animals from the track.
  2. A physician or emergency paramedic certified under A.R.S. § 36-2205 on duty during racing hours.
  3. An ambulance, available during morning works and racing hours.
  4. First aid quarters, available during morning works and racing hours.
  5. A detention paddock (test barn) where all winners and other horses selected by the stewards are taken and kept under the supervision of the Department veterinarian



## Arizona Racing Commission

- until saliva, urine, blood, and other samples have been obtained.
6. An adequate security force whose duties include:
    - a. Maintaining order.
    - b. Excluding from the grounds all handbooks, touts, and operators of gambling devices.
    - c. Excluding from the grounds all persons ruled off by the stewards or the Department.
    - d. Excluding from the grounds all persons not eligible for a license under A.R.S. § 5-108.
    - e. Immediately reporting to the stewards any licensee who, while on the premises of the permittee, creates a disturbance, is intoxicated, interferes with any racing operation, or acts in an abusive or threatening manner to any racing official or other person.
  7. A security guard stationed at the stable area entrance whose duties include:
    - a. Denying entrance to all persons not holding a license or credentials issued by the Department or a Departmental pass issued by the permittee.
    - b. Allowing any person seeking employment within the stable area to have access to that area for a period of one day, provided that:
      - i. The person is given a numbered card.
      - ii. A list of recipients of the numbered cards is provided to the track office of the Department upon request.
      - iii. The numbered card is retrieved by the security guard when the person leaves the stable area.
      - iv. The track office of the Department is notified of the retrieval.
  8. A furnished office, including utilities and necessary office equipment, for the exclusive use of Department employees and officials.
  9. A uniformed security official approved by the Department, on duty in the Department test barn during its regular business hours. The official shall provide security and monitor the collection procedure and sealing of samples taken from the horses.
  10. A copy of all tip sheets offered for sale in the parking area or elsewhere on the grounds of the permittee, furnished daily to the stewards not later than three hours before first post.
- I. A person shall not sell tip sheets, pamphlets, or other printed matter purporting to predict the outcome of a race other than official programs, the Daily Racing Form, and newspapers in the betting area.
  - J. Wagering shall be conducted upon the grounds of a permittee only under the pari-mutuel method as provided by statute and this Article and by the use of such mechanical or other equipment as the Department may require. Bookmaking or betting other than by the pari-mutuel method is prohibited.
  - K. A permittee shall not allow the official racing of horses on any track under its control except as provided by subsection (P) below unless:
    1. The conditions of the race have been written by the racing secretary at the meeting.
    2. The entries have been made in accordance with the requirements set forth in R19-2-113.
    3. The race programmed as a part of a regular racing card conducted under the pari-mutuel system.
  - L. On a daily basis, and as soon as the entries have been closed and compiled and the declarations have been made, the permittee posts a list of the entries and declarations in a conspicuous place.
  - M. A permittee shall print on a daily racing program a list of all officials and directors of the permittee and of track and racing officials, together with such pertinent rules as the Department may designate.
  - N. A permittee shall not allow an official to act until the official's appointment has been approved by the Department; provided that, in the case of sickness or inability to act, the provisions of R19-2-121(A)(5) apply.
  - O. The permittee shall provide a photo finish and videotape device, approved by the Department, for the purpose of recording all races. The photographs and videotapes may be used to aid the stewards in determining the finishes of races. Permittees shall retain for three months all official race photographs and videotapes. The Department may require that specific photographs and videotapes be retained for a longer period of time or be transmitted to the Department for subsequent administrative or judicial proceedings.
  - P. Notwithstanding subsection (K), wagering may be conducted, by permission of the Department, on electronically televised simulcasts provided:
    1. The simulcasts originate from a racing facility outside the state of Arizona.
    2. The race is televised on the grounds of the permittee.
    3. The televised race is included with the posted races for that racing day.
    4. The televised race complies with the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.).
    5. Monies wagered are computed in the total daily handle.
    6. An out-of-state facility, receiving a simulcast originating from a racing facility within the state of Arizona, operates under the approval and regulation of an official agency of that state.
  - Q. Any automatic timing device installed by the permittee shall have the approval of the Department.
  - R. Each commercial horse racing permittee shall furnish the Department with annual financial statements audited and certified by a firm approved by the auditor general.
    1. The firm shall conduct the audit in accordance with audit standards prescribed by the auditor general.
    2. The firm shall prepare the financial statements in accordance with generally accepted accounting practices.
    3. The firm shall use the following accounting practices:
      - a. Overpayments shall be treated as an asset to the extent that they are recoverable. Overpayments are reported as an asset titled "Purse Overpayments," immediately following current assets. If the permittee and the accountant determine that all or part of any overpayment is not recoverable, the dollar amount expensed and the basis of the determination shall be disclosed in the notes to the financial statements.
      - b. Underpayments shall be reflected as an account payable.
      - c. Wagering income shall be reported net of sales taxes.
      - d. Amounts which a permittee is seeking to recover through litigation shall not be reported as assets.
    4. The firm shall submit the following information with the financial statements in a form prescribed by the Department:
      - a. An analysis of the composition of and changes in accounts payable which include underpayments and asset accounts which include overpayments,
      - b. A summary of current year purse expense and over- or underpayment,
      - c. The total amount of salaries and bonuses expense,

## Arizona Racing Commission

- d. Legal and accounting expense attributable to racing-related matters,
  - e. An explanation of the types of revenues and expenses classified in accounts titled "other," and
  - f. Other financial information requested by the Commission or Department.
5. Financial statements of permittees granted original permits prior to July 1, 1982, shall be on a fiscal year basis. Financial statements of permittees granted original permits after July 1, 1982, may be on a fiscal or calendar year basis at the discretion of the Director.
  6. The firm shall submit financial statements within 120 calendar days of the end of the fiscal or calendar year.
  7. The firm shall report overpayments and underpayments to the Department in a form prescribed by the Department within 10 working days after the end of each condition book period.
- S. Each permittee shall comply with the provisions of Article 2 of this Chapter.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended subsection (H) paragraph (9) effective August 2, 1985 (Supp. 85-4). Amended subsection (R) effective June 6, 1986 (Supp. 86-3). Amended effective March 20, 1990 (Supp. 90-1). Amended effective August 6, 1991 (Supp. 91-3). R19-2-104 recodified from R4-27-104 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1). Amended by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3).

**R19-2-105. Charity Races**

- A. A permittee shall provide the Commission with:
1. The name of any nonprofit organization or corporation selected by the permittee as a charity entitled to benefit from a charity racing day or race.
  2. A list of the names and addresses of all directors, officers, and shareholders holding 10% or more of the total number of outstanding voting shares of the charitable corporation.
  3. A brief description of the purposes and activities to be benefited by monies received from the charity racing day or race.
  4. A copy of an Internal Revenue Service letter of determination qualifying the particular charity as an exempt organization or corporation for federal income tax purposes.
- B. No permittee shall charge any expenses incurred by operation of racing against the pari-mutuel handle of a charity racing day or race except those prorated expenses incurred on the day of that particular charity racing day or race.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-105 recodified from R4-27-105 (Supp. 95-1).

**R19-2-106. Licensing**

- A. A person that participates in any capacity in a race meet, including a person who performs services in connection with the conduct of the race meet, shall obtain a license from the Department, except:
1. A person that performs services during a county fair meet and is identified by a steward as a volunteer; or
  2. A person that owns less than 10 percent of outstanding shares of stock, regardless of classification or type, of a permittee or licensee.
- B. License application.

1. To apply for a license, a person shall complete the license application prescribed by the Department, which requires the following information, and submit the completed application to a steward:
    - a. Name, including all aliases or other names ever used;
    - b. Mailing and local addresses;
    - c. Telephone number;
    - d. Date of birth;
    - e. Physical description;
    - f. Social Security or alien status number;
    - g. Documentation, as specified under A.R.S. § 41-1080(A), of lawful presence in the U.S.;
    - h. Complete criminal history information including any racing-related sanctions; and
    - i. License category for which application is made.
  2. The Department may issue written instructions regarding preparation and execution of the license application. The instructions may be a part of or separate from the application, or both.
  3. When an applicant submits a license application, the applicant shall also submit the fee established by the Department under R19-2-202(C). The Department shall ensure that a schedule of license and fingerprint processing fees is displayed prominently at each track and on its web site.
  4. An applicant who is at least 18 years old shall submit two full sets of fingerprints to the Department. The applicant shall ensure that the fingerprints are taken by the Department, a law enforcement agency, or other authority acceptable to the Department and in a format acceptable to the Arizona Department of Public Safety and the Federal Bureau of Investigation.
  5. An applicant for a trainer license who has not been licensed as a trainer in any jurisdiction during the last 10 years shall demonstrate knowledge and skill in protecting and promoting the safety and welfare of animals participating in race meets by passing an examination, which may include written, oral, and skill demonstration parts, prescribed by the Department. An applicant who fails to pass the examination shall wait at least 90 days before retaking the examination.
- C. The Department shall presume that an applicant or licensee knows the law governing racing in Arizona. An applicant or licensee shall follow A.R.S. Title 5, Chapter 1 and this Chapter.
- D. License procedure.
1. Under delegation from the Director, on receipt of a license application, a steward shall grant or deny a temporary license and transmit the license application to the Director.
  2. In considering each application for a license, a steward may require the applicant, as well as individuals attesting to the applicant's abilities, to appear before the steward and show that the applicant is qualified to receive the license requested. The steward shall grant a temporary license only if the steward determines that the applicant meets all the requirements in A.R.S. Title 5, Chapter 1, and this Chapter.
  3. Licensing time-frames.
    - a. Administrative completeness review time-frame.
      - i. Within 85 days after receiving a license application, the Department shall determine whether the license application contains the information required under subsection (B).

## Arizona Racing Commission

- ii. If the license application is incomplete, the Department shall issue a written notice that specifies what information is required and return the license application. If the license application is complete, the Department shall provide a written notice of administrative completeness.
      - iii. The Department shall deem a license application withdrawn if the applicant fails to file a complete license application within 15 days of the date on the notice that the license application is incomplete.
    - b. Substantive review time-frame. Within five days after determining that a license application is administratively complete, the Department shall determine whether the applicant meets all substantive requirements and the Director, or designee, shall issue a written notice granting or denying a license.
    - c. Overall time-frame. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a license:
      - i. Administrative completeness review time-frame: 85 days.
      - ii. Substantive review time-frame: five days.
      - iii. Overall time-frame: 90 days.
  - 4. Temporary license. All licenses are temporary for 90 days under A.R.S. § 5-108(F). Unless the Director denies a license to an applicant, a temporary license automatically becomes the license after 90 days.
  - 5. The Department shall perform a background investigation of an applicant who is at least 18 years old, including fingerprint processing through the Department of Public Safety and the FBI, and reviewing records of a national database containing license information and rulings, information systems, courts, law enforcement agencies, and the Department within the time-frame prescribed under subsection (D)(3)(a).
- E. Denials.**
- 1. The Department shall base a decision to deny a license on an assessment of whether the applicant:
    - a. Has been or is intoxicated at the time of application or has a history as a user of a narcotic drug, as defined at A.R.S. § 36-2501(A)(8), within the grounds of the permittee, or
    - b. Fails to disclose the true ownership or interest in any horse.
  - 2. When a license is denied, the Director shall report the reason for the denial in writing to the applicant and a national database listing license information and rulings.
- F. General requirements and restrictions.**
- 1. A licensee who is employed in more than one license category or who changes from one category to another shall be licensed in each category.
  - 2. A licensee who is an official at more than one type of track (horse, harness, or greyhound) shall be licensed at each type of track. The requirement in this subsection does not apply to a pari-mutuel manager who may use the same license at any type of track.
  - 3. The Director or designee shall not license a person who is younger than 16 years old in any capacity other than as an owner, and shall not license a person who is younger than 18 years old as an official, trainer, or assistant trainer. A person who is younger than 18 years old is not eligible to be licensed as an owner unless the person's parent or guardian signs the owner's license application and assumes full financial responsibility for the owner.
  - 4. When present in the barn area of a horse track, paddock area, or any other restricted area, a person shall wear in full view a photo identification badge issued by the Department or a pass issued by the permittee.
- G. Authorized agents.**
- 1. A person may hold a license only as an authorized agent or be licensed as an authorized agent and in another category.
  - 2. The principal shall sign a license application on behalf of an authorized agent and clearly identify the powers of the agent, including whether the agent is empowered to collect money from the permittee. The principal shall have the license application either notarized or signed in the presence of a Department employee and a copy filed with the horsemen's bookkeeper and the Department. If there is a separate power of attorney, the principal shall file a copy of the instrument with the bookkeeper and the Department.
  - 3. To change an agent's powers or revoke an agent's authority, the principal shall describe the changed powers or revoked authority in writing that is either notarized or signed in the presence of a Department employee and filed with the Department and the horsemen's bookkeeper.
- Historical Note**
- Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended subsections (G) and (I) effective January 25, 1985 (Supp. 85-1). Amended subsections (F) and (G) effective December 5, 1985 (Supp. 85-6). Amended subsections (F) and (G) effective February 19, 1987 (Supp. 87-1). Amended subsections (A) and (B) effective October 23, 1987 (Supp. 87-4). Amended subsections (E), (F) and (G) effective November 30, 1988 (Supp. 88-4).  
 Amended effective March 20, 1990 (Supp. 90-1).  
 Amended effective January 13, 1995 (Supp. 95-1). R19-2-106 recodified from R4-27-106 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 4483, effective December 4, 2004 (Supp. 04-4).  
 Amended by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).
- R19-2-107. Stable Names**
- A.** A licensed owner who wishes to race under a stable name shall register the stable name with the Department and pay the fee listed in R19-2-106.
- 1. Only an owner may register or secure a license under a stable name.
  - 2. A name other than the legal name of an owner is a stable name.
- B.** When registering a stable name, a licensed owner shall identify any individual or business entity operating under the stable name.
- 1. An individual operating under a stable name shall possess and be able to produce the individual's owner's license upon request by a racing official.
  - 2. An individual operating under a stable name shall sign the authorized agent's application.
  - 3. A business entity operating under a stable name shall:
    - a. Register to do business according to the laws of the state of Arizona;

## Arizona Racing Commission

- b. Submit a list that identifies each stockholder who owns more than 10% of the existing shares, or each partner in a partnership;
  - c. Notify the Department immediately of any change in ownership; and
  - d. Use the name under which the business entity does business in Arizona as its stable name.
- C.** If consistent with other laws, a licensed owner may change a stable name by registering the new stable name and paying the applicable fee in R19-2-106.
- D.** To abandon a registered stable name, a licensed owner shall provide written notice to the Department.
- E.** A licensed owner shall select a stable name that is distinguishable from other registered stable names.
- F.** Upon registration, the Department shall determine whether a prospective stable name will be:
- 1. Misleading to the public, or
  - 2. Unbecoming to the sport.
- G.** The Department shall not register a stable name that is misleading to the public or unbecoming to the sport.
- H.** A licensed owner shall register a separate name for each of the owner's stables.
- I.** A licensed owner operating under a stable name shall pay all entry fees for and penalties against the stable.
- J.** At the time of entry, a licensed owner shall ensure that the applicable stable name is furnished for the official program.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-107 recodified from R4-27-107 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4919, effective December 6, 2003 (Supp. 03-4).

**R19-2-108. Leases**

- A.** The lessee of a horse shall file a copy of the leasing arrangement with the Department. The leasing arrangement shall include:
- 1. The name of the horse,
  - 2. The name and address of the owner-lessor,
  - 3. The name and address of the lessee,
  - 4. The stable name, if any, of each party,
  - 5. The terms of the lease.
- B.** No corporation having more than 10 stockholders who are the registered or beneficial owners of stock or membership in the corporation shall lease any horse owned or controlled by it to any person or partnership for racing purposes.
- C.** No owner's license shall be granted to a lessee of any corporation referred to in subsection (B) of these rules.
- D.** A corporation which leases horses for racing purposes in this state, its stockholders, and its members shall file with the Department, upon request, a report containing such information as the Department may specify.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-108 recodified from R4-27-108 (Supp. 95-1).

**R19-2-109. Jockeys and Apprentice Jockeys**

- A.** In this Chapter, unless the context requires otherwise:
- 1. A jockey shall pass a physical examination by a physician designated by a permittee. A physical examination is valid for 12 months. A steward may require that a jockey take an additional physical examination if the steward reasonably believes a jockey's physical condition may endanger himself, his mount, or others. A steward may refuse to allow a jockey to ride until the jockey success-

fully passes another physical examination. A steward or a steward's designee may require that a jockey provide blood or urine samples for analysis upon request under A.R.S. § 5-104(C).

- 2. Unless excused by the stewards, a jockey engaged to ride in a race shall report to the jockey room at least one hour before post time of the first race in which the jockey is scheduled to ride and, unless excused by the stewards, shall remain in the jockey room between races until all engagements for the day have been fulfilled.
  - 3. A jockey shall wear standard jockey attire in official races.
  - 4. Only a jockey, an attendant, and a racing official are permitted in the jockey room.
  - 5. A jockey is entitled to a mount fee as established by agreement between the jockey and the owner or trainer when the jockey is weighed out by the clerk of scales except when:
    - a. The jockey refuses to ride a mount without proper cause; and
    - b. A steward replaces the jockey with a substitute jockey, unless the jockey is being replaced because of an injury received after weighing out and before the start of a race.
  - 6. An owner or trainer may replace a jockey named at the draw by lot or by a steward without payment of a mount fee by notifying a steward or the steward's designee by 9:00 a.m. MST the entry day following the draw.
  - 7. An owner or trainer shall pay a mount fee to a replaced jockey that is equal to the fee paid to the jockey who rides the race unless:
    - a. The owner or trainer replaces the jockey by notifying a steward or the steward's designee no later than 9:00 a.m. MST on the next business day after the jockey is replaced. If this notice is made, the owner shall pay a losing fee to each jockey the owner replaced in a race. The Director may establish an earlier deadline for jockey changes in consultation with a permittee, steward, jockey, owner, and trainer, or their representatives at the race meet. The Director shall not establish a deadline for jockey changes later than noon of a race day at any race meet with an average daily handle of \$100,000.00 or less; or
    - b. The replaced jockey or jockey's agent waives the fee.
- B. Equipment.**
- 1. A steward shall ensure that a bridle used in a race does not exceed two pounds in weight.
  - 2. If a jockey uses a whip in a race, the jockey shall ensure that the whip is at least 1/4 inch in diameter and not more than one pound in weight or 30 inches in length including the popper.
  - 3. When a jockey races without a whip, notice that the jockey is racing without a whip shall be made in the official race program or announced to the general public through effective, usual, and customary means intended and expected to reach the majority of the racing public.
  - 4. A jockey, apprentice jockey, exercise rider, pony person, and any other person shall wear a properly fastened helmet at all times when mounted on a racing surface.
  - 5. A jockey, apprentice jockey, and exercise rider shall wear an industry-approved safety vest at all times when mounted on a racing surface.
- C. Weight; weighing.**
- 1. An owner shall deposit a losing mount fee with a permittee before a jockey is weighed out for a race. If an owner

## Arizona Racing Commission

fails to comply with this subsection, a steward may declare the owner's horse out of the race.

2. A jockey shall weigh out and weigh in for a race without a whip or bridle.
3. A jockey's weight is measured against the jockey's assigned weight as published in the official race program.
4. A jockey shall not ride in a race if the jockey weighs out more than one pound less than the jockey's assigned weight published in the official race program.
5. A jockey shall report the jockey's weight to the clerk of scales one hour before the time set for the first scheduled race of the race day.
  - a. A jockey shall not ride in a race if more than two pounds overweight without the consent of the owner or trainer of the horse the jockey is to ride.
  - b. A jockey shall not ride in a race if more than seven pounds overweight without the consent of a steward.
  - c. A steward shall not disqualify a horse because of any overweight the horse carries.
  - d. A permittee shall notify the public of any weight different from that published in the official race program through effective, usual, and customary mechanisms intended and expected to reach the majority of the wagering public.
6. Immediately after pulling up, a jockey shall ride to the place of weighing in, dismount after obtaining permission from the official in charge, and wait to be weighed by the clerk of the scales.
7. A jockey shall not intentionally touch any person or thing other than the jockey's own equipment before weighing in.
  - a. A jockey shall unsaddle the jockey's own horse, unless the jockey obtains permission from an official in charge.
  - b. An attendant shall touch a horse only by the horse's bridle unless the attendant obtains permission from an official in charge.
  - c. A person shall not touch the equipment of a jockey who has returned to the winner's circle to dismount until the jockey has been weighed in unless the person obtains permission from an official in charge.
8. A jockey who is not able to ride to the place of weighing in because of an accident or illness that disables either the jockey or the horse shall walk or be assisted to the scales.

**D. Apprentice jockey.**

1. Licenses.
  - a. An applicant for an apprentice jockey license shall submit to the Department a certified copy of the applicant's birth certificate or other satisfactory evidence of date of birth.
  - b. A steward shall issue an apprentice jockey license if an applicant:
    - i. Is more than 16 years old and, if less than age 18 years old, a parent or guardian signs the license application assuming full financial responsibility for the applicant;
    - ii. Is approved by a starter for working a horse out of the gate;
    - iii. Successfully demonstrates to a steward the ability to gallop or exercise a horse; and
    - iv. Has the necessary tack and apparel.
2. Expiration of license; weight allowance.
  - a. An apprentice jockey license expires when the apprentice jockey can no longer claim the weight allowances under subsection (D)(2)(b). When an apprentice jockey license expires, the apprentice

jockey shall surrender the license to the Department. If an apprentice jockey license expires during the term of the current licensing cycle, the Department shall issue a jockey license at no additional cost.

- b. An apprentice jockey who has not been licensed previously in any country may claim a weight allowance as follows in all overnight races except handicaps and stakes:
  - i. Five pounds for one year from the date of the apprentice jockey's fifth winner; or
  - ii. If the apprentice jockey has not ridden at least 40 winners within one year from the date of the apprentice jockey's fifth winner, five pounds for three years from the date of the apprentice jockey's first winner or until the apprentice jockey has ridden a total of 40 winners, whichever comes first.
- c. The calculation of the time for which an apprentice jockey may claim a weight allowance shall not include time:
  - i. In the armed forces, or
  - ii. The apprentice jockey is physically incapacitated from performing as a jockey.
- d. An apprentice jockey may ride quarter horses under the following conditions:
  - i. The apprentice jockey does not claim an apprentice jockey weight allowance in the race; and
  - ii. The Department does not consider a winner in the race for the purpose of computing the expiration of the right of the apprentice jockey to claim a weight allowance.

**E. Prohibited acts.**

1. A jockey shall not fail or refuse to fulfill an engagement for a race unless:
  - a. The race or race card is canceled, or
  - b. A steward excuses the jockey.
2. A jockey shall not own, either in whole or in part, a horse registered for racing at a track where the jockey is riding.
3. A jockey shall not engage in any pari-mutuel wagering transaction except through the owner of and on the horse that the jockey rides.
4. A jockey attendant, jockey valet, or any licensee employed inside a jockey room shall not place a wager for themselves or another person while they are acting under the authority of their license.
5. A jockey shall not ride against a horse trained by the jockey's spouse except as part of an entry.
6. A jockey shall not whip a horse:
  - a. On the head, flanks, or any part of the horse's body other than the shoulders or hind quarters;
  - b. During the post parade except when necessary to control the horse;
  - c. Excessively or brutally causing welts or breaks in the skin;
  - d. When the horse clearly is out of the race or has obtained its maximum placing; or
  - e. Persistently even though the horse is showing no response to the whip.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-109 recodified from R4-27-109 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 812, effective February 24, 1999 (Supp. 99-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1).

## Arizona Racing Commission

Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-110. Jockey Agents**

- A. When applying for a jockey agent license, an applicant shall be accompanied by a jockey that the applicant will represent as jockey agent.
- B. A person who has not previously been licensed as a jockey agent in any jurisdiction shall demonstrate the knowledge to be licensed as a jockey agent by passing an examination prescribed by the Department. An applicant who fails to pass the examination shall wait 60 days before retaking the examination.
- C. A jockey agent shall not contract riding engagements for more than three jockeys at the same time.
- D. The Department shall charge only one fee for a jockey agent's license no matter how many jockeys the jockey agent represents.
- E. A jockey agent shall not change a rider unless the stewards grant permission.
- F. A jockey agent shall not work in any other capacity at the track where the jockey agent is licensed without permission of the stewards and without being licensed in the other capacity.
- G. A jockey agent may enter a horse in a race if the jockey agent has the permission of the horse's trainer.
- H. Riding engagements shall be made only by a jockey or the jockey's jockey agent.
- I. A jockey agent shall not communicate with a jockey the jockey agent represents during racing hours. A jockey agent shall notify a jockey the jockey agent represents of riding engagements made during racing hours through the stewards or a designated official.
- J. A jockey may act as the jockey's own agent. If a jockey chooses to act as the jockey's own agent, the jockey shall:
  - 1. Notify the stewards of that intention,
  - 2. Comply with provisions of this Chapter governing jockey agents,
  - 3. Not obtain a jockey agent's license, and
  - 4. Be present at the time entries are drawn unless other arrangements have been made with the stewards.
- K. When a jockey or the jockey's jockey agent wishes to terminate the agent agreement, the jockey and jockey agent shall appear together before the stewards to advise the stewards that the agent agreement has been terminated.
- L. A jockey agent or jockey acting as the jockey's own agent shall honor a call given to an owner or trainer for a mount in a race. If the Department determines that a jockey agent or jockey violated this subsection, the Department shall fine the jockey agent or jockey, suspend the license of the jockey agent or jockey, or both.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-110 recodified from R4-27-110 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-111. Trainers**

- A. A trainer shall know and follow the provisions of A.R.S. Title 5, Chapter 1 and this Chapter governing racing in the state of Arizona.
- B. A trainer and the trainer's employees shall comply with the decisions of the stewards on all questions to which the stewards' authority extends, subject to the right of appeal to the Department under R19-2-123.
- C. A trainer is responsible for the condition of horses under the trainer's care and shall protect the horses from acts of other parties.
- D. A trainer shall ensure that each person employed by the trainer at a licensed track is licensed by the Department and that the owner of each horse that is to be entered by the trainer in a race is licensed by the Department at least one hour before the scheduled post time of the race in which the horse is entered.
  - 1. A trainer shall refuse to act on behalf of any participant at a licensed track if the trainer has reasonable cause to believe that the participant is not licensed by the Department.
  - 2. A trainer shall not start a horse in a race if the trainer has reason to believe that an owner of the horse is not licensed by the Department. A trainer may enter a horse for an unlicensed owner in a race. If there are no horses on the also-eligible list for the race and the owner of the horse entered by the trainer is not licensed at least one hour before post time of the first race of the day, the trainer shall have the horse scratched. If there are horses on the also-eligible list, a trainer who entered a horse of an owner who remains unlicensed at the designated scratch time for the race shall have the horse scratched.
  - 3. A trainer shall report to the stewards the existence of the circumstances described in subsections (D)(1) and (2).
  - 4. A trainer shall present the trainer's horse in the paddock at least 17 minutes before post time or at another time specified by the stewards before the race in which the horse is entered.
- E. A trainer shall file all registration papers with the racing secretary within 48 hours of the trainer's arrival on the grounds of the permittee.
- F. If track colors are not in use, a trainer shall ensure that each of the trainer's horses has a set of colors registered in the office of the racing secretary and possessed by the jockey room custodian before the horses are entered in a race.
- G. A trainer shall pick up all registration papers and colors at the close of the race meet.
- H. A trainer shall notify the stewards before the transfer of a horse to or from another trainer during a race meet. The trainer shall not make a transfer until the transfer is approved by the stewards.
- I. A trainer shall not shoe a horse that is not under the trainer's care except by permission of the stewards.
- J. When a trainer is absent from the grounds where the trainer's horse is racing, the trainer shall provide a substitute licensed trainer to be responsible for the horse. If there is a violation of subsection (C) or R19-2-120(O)(1), the stewards shall take appropriate action against the responsible party. No provision of this Chapter relieves an absent trainer of responsibility or limits the absent trainer's responsibility under subsection (C). Both the absent and substitute trainers shall sign a "Trainers' Responsibility Form" provided by the Department, which shall be submitted to and approved by a steward.
- K. A trainer shall not have an ownership interest in a horse unless the trainer trains the horse and the horse is located at the track where the trainer trains. For purposes of this subsection, a reversionary interest created by an agreement transferring control of a horse is not an ownership interest.
- L. A trainer may employ an assistant trainer with the approval of the stewards. An assistant trainer shall comply with all requirements for a trainer prescribed by this Section.
- M. A trainer shall not train a horse for the benefit, credit, reputation, or satisfaction of an inactive person at a location under the jurisdiction of the Department.
  - 1. A trainer shall not:

## Arizona Racing Commission

- a. Assume the responsibilities of an inactive person at a location under the jurisdiction of the Department,
  - b. Complete a race entry form for or on behalf of an inactive person or an owner for whom the inactive person works,
  - c. Pay or advance an entry fee for or on behalf of an inactive person or an owner for whom the inactive person works, or
  - d. Pay or provide consideration in any form to an inactive person or a person associated with the inactive person; and
2. If a trainer fails to comply fully with this subsection, the trainer shall not:
    - a. Be paid a salary directly or indirectly by or on behalf of the inactive person, and
    - b. Receive consideration in any form however denominated.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended subsection (D) paragraph (2) effective February 7, 1984 (Supp. 84-1). Amended effective March 20, 1990 (Supp. 90-1). R19-2-111 recodified from R4-27-111 (Supp. 95-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-112. Prohibited Acts**

In addition to other prohibitions described in A.R.S. Title 5, Chapter 1 and this Chapter:

1. A licensee shall not enter, or cause or permit to be entered, or start a horse that the licensee knows or has reason to believe should be disqualified or may be ineligible to race.
2. A veterinarian or plater, licensed to practice on a track under the jurisdiction of the Department, shall not own, lease, or train a horse racing at the track on which the veterinarian or plater practices.
3. A licensee shall not enter a stall, shed row, tack room, or feed shed assigned to another licensee without prior approval from the licensee to whom the area is assigned. The Department shall discipline a licensee determined to have violated this subsection, including voiding the transfer of a horse to which the licensee has made a successful claim.
4. A licensee shall not subject or permit an animal under the licensee's control, custody, or supervision to be subjected to any form of cruelty, mistreatment, neglect, or abuse and shall not abandon, injure, maim, kill, administer a noxious substance to, or deprive the animal of necessary care, sustenance, or shelter.
5. A licensee shall not participate in an unauthorized race on a track while a race meet is in progress on the track.
6. A licensee shall not offer or receive money or other consideration for declaring an entry out of a purse or stakes race.
7. A licensee shall not possess, within the grounds of a permittee, an electrical, mechanical, or other device, except a whip, which may be used to affect the speed or racing condition of a horse. Possession includes, but is not limited to, having the device:
  - a. On the licensee's person;
  - b. In living or sleeping quarters;
  - c. In an assigned stall, tack room, or other area; and
  - d. In a motor vehicle or trailer.
8. A person holding a license listed in A.R.S. § 5-104(C) shall not apply, inject, inhale, ingest, be under the influence of, possess, or use a narcotic, dangerous drug, or controlled or prohibited substance regulated under A.R.S. Title 13, Chapter 34 while on permittee grounds unless, on the request of a steward, the licensee can produce evidence that the licensee has a lawfully issued prescription for possession or use of the narcotic, dangerous drug, or controlled or prohibited substance.
9. A jockey, apprentice jockey, exercise rider, or pony rider shall not consume any quantity of an alcoholic beverage on a race day before completing riding commitments for the day.
10. A licensee or employee of a permittee shall not accept, either directly or indirectly, a bribe, gift, or gratuity in any form that is intended to or might influence the results of a race or the conduct of a race meet.
11. A licensee, while on the premises of a permittee, shall not create a disturbance, be intoxicated, interfere with a racing operation, or act in an abusive or threatening manner to a racing official or other person.
12. A licensee shall not engage in conduct that is prohibited by the Department or detrimental to the best interests of horse racing including, but not limited to, soliciting, aiding, or abetting another person to participate in conduct prohibited by the Department or detrimental to the best interests of horse racing.
13. A licensee shall immediately submit to blood, urine, breath, or other tests ordered by the stewards if the stewards have reason to believe the licensee is under the influence of or in possession of a prohibited substance or has consumed alcohol in violation of subsection (8), (10) or (11).
  - a. A licensee ordered by a steward to submit to a test under this subsection shall provide a sample in the presence of the steward or the steward's designee and submit the sample to the steward or the steward's designee in a container furnished by the Department;
  - b. The steward or steward's designee shall immediately seal the sample container in the presence of the licensee being tested;
  - c. The steward or steward's designee shall mark the sample container with the following items: sample identification number; time, date, and location at which the sample was given; and signature of Department personnel sealing the container;
  - d. The steward or steward's designee shall submit the sample to the official laboratory for analysis;
  - e. If analysis of the sample provided under this subsection indicates the presence of a prohibited substance or alcohol, the licensee who provided the sample shall be subject to disciplinary action authorized under A.R.S. § 5-108.05(A);
  - f. The Department shall ensure that results and information obtained as a result of analysis of the sample provided under this subsection are accessible only to members of the Commission, the Director or designees, and the tested licensee until any disciplinary action or administrative proceeding is complete; and
  - g. Compliance with this subsection by the steward or steward's designee constitutes prima facie evidence that the chain of custody of the test sample is secure. The presiding officer or administrative law judge in an administrative proceeding of the Department or

## Arizona Racing Commission

Commission shall admit the results of the tests as evidence.

14. A licensee shall promptly pay any financial obligation incurred in connection with racing in this state. If failure or refusal to pay a financial obligation incurred in connection with racing in this state results in the financial obligation being reduced to a judgment against a licensee, the Department shall take disciplinary action against the licensee as authorized under A.R.S. § 5-108.05.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Amended paragraphs (10) and (11) effective June 6, 1986 (Supp. 86-3). Amended paragraphs (10) and (11) effective August 3, 1987 (Supp. 87-3). Amended effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-112 recodified from R4-27-112 (Supp. 95-1). Amended effective January 12, 1996 (Supp. 96-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-113. Entries and Subscriptions****A. Entry.**

1. An owner, trainer, or authorized agent shall not register a horse for racing under this Chapter unless the horse is registered by the Jockey Club, American Quarter Horse Association, Arabian Horse Club Registry of America, Inc., Appaloosa Horse Club Inc., American Paint Horse Association, American Donkey and Mule Society, or American Mule Association.
2. An owner, trainer, or authorized agent shall list each person with an ownership interest in a horse on the back of the horse's registration papers.
3. An owner, trainer, or authorized agent may enter a horse in person, by telephone or telegram, or in writing.
4. An owner, trainer, or authorized agent shall declare at the time of entry whether the jockey will carry a whip.
5. A person shall not enter a horse in a race unless the horse is eligible in all aspects at the time of entry, except with permission of the stewards.
6. The stewards shall assume a horse entered for a purse is a starting horse unless the stewards declare the horse out of the race.
7. A person nominating a horse in a stakes race shall write the person's full name, mailing address, and telephone number on the nomination form.
8. A person shall not enter a horse in more than one race in one day.
9. An owner shall not transfer a horse to a new trainer after entry.
10. An owner shall not enter a horse unless the horse's performance records for the preceding calendar year:
  - a. Are printed in the Daily Racing Form Monthly Chart Book, or
  - b. The owner provides the horse's performance records to the racing secretary before entry.
11. An owner, trainer, or authorized agent shall sign and certify a horse's performance record and shall provide the following information for the horse's last four races to ensure that all of the horse's races are in the record:
  - a. Where and when the horse raced;
  - b. The distance, weight carried, and amount earned; and
  - c. The finishing position and time of the race.
12. If a race overfills, the racing secretary shall ensure that the second half of an entry has no starting preference over a single entry except in stakes, handicap, and qualifying races.
13. An owner entering two or more horses in a race shall indicate the owner's preference for the horse that is to start if the race overfills. The owner shall make the claim of preference by noting the preference on the entry blank. An owner who fails to make a claim of preference loses the preference.
14. The racing secretary shall ensure that a horse excluded because a race overfills receives no consideration.
15. Two or more horses entered in a race may be uncoupled for wagering purposes if approved by the stewards, and:
  - a. All horses are owned, in whole or in part, by the same person; or
  - b. All horses are trained by a trainer who owns an interest in one of the horses.
16. In a race in which spouses who are both licensed trainers have entered horses, the trainers are not required to list an overfill preference unless there is common ownership of the horses entered.
17. The racing secretary shall decide whether to use an also-eligible list for any race meet:
  - a. The racing secretary shall determine the number of also-eligibles if the number of entries in a race exceeds the capacity of the starting gate;
  - b. If the number of entries in a race exceeds the number of horses permitted to start, the racing secretary shall determine the starters in a drawing supervised by a steward and witnessed by those making entries. If any of the starters declare out, the racing secretary shall draw from the also-eligible list the number of horses needed to fill the vacancies in the race;
  - c. The racing secretary shall assign horses, other than quarter horses, that gain a position in a race from the also-eligible list, to the outside post positions in the order in which they are drawn from the list. The racing secretary shall assign a quarter horse to the stall of a horse that is declared out;
  - d. If a horse on the also-eligible list does not start because of insufficient declarations, the racing secretary shall place the horse on the preferred list unless the owner has declined to accept an opportunity to start the horse;
  - e. If a race in which a horse is entered overfills, the racing secretary shall not consider an in-today horse for the race unless the conditions for the race read "Arizona Breds Preferred," or the race is a stakes or handicap race.
  - f. The racing secretary shall not consider a horse on the also-eligible list as an in-today horse until it has been given a position in a race or an opportunity to run.
  - g. At tracks where entries are taken two or more days before the date of a race, an owner, trainer, or authorized agent may enter a horse for the next race date if the horse has been placed on the also-eligible list for the first race date. If the horse is drawn into a race from its position on the also-eligible list, the racing secretary shall declare the horse an in-today horse and withdraw the horse from the race on the next race day in favor of a horse on the also-eligible list for that race.
18. After a horse is entered in a race, a person shall withdraw the horse only with permission of the stewards.
19. The racing secretary shall post a copy of the preferred list each afternoon. The stewards shall recognize a claim of



## Arizona Racing Commission

error in the preferred list only if the claim of error is made by 10:00 a.m. of the day after the preferred list is posted.

20. If an owner, trainer, or authorized agent does not declare a horse from the also-eligible list by the prescribed time, the racing secretary shall consider the owner or trainer willing to start the horse if another horse is scratched from the race. The racing secretary shall not place a horse on the preferred list if the owner or trainer does not accept the opportunity to start the horse.
21. A person shall not alter an entry after the closing of entries. The racing secretary may correct an error in an entry at any time.
22. If the name of a horse is changed, the racing secretary shall publish the new name and the former name in the official entries for the horse's first three starts after the name change. If the name of an Arizona-bred horse is changed, the racing secretary shall report the name change to the Department in writing within 30 days, listing both the new and former names.

**B. Conditions for entry.**

1. A person shall not enter a horse in a race unless the horse's certificate of foal registration, certificate of foreign registration, or racing permit is on file in the office of the racing secretary or permission is granted by the stewards. Foal certificates that are registered with the racing secretary and are in transit between the office of the racing secretary and the American Quarter Horse Association because of a transfer of ownership are considered to be in the possession of the racing secretary.
2. A horse that has reached its 14th birthday is ineligible to race in Arizona.
3. The stewards shall not permit a horse to run in a purse or stakes race unless the horse is entered in and eligible for the race.
4. The stewards may require a person in whose name a horse is entered to produce proof that the horse entered is not the property, either in whole or in part, of a person who is disqualified, or to produce proof of the extent of the person's interest in the horse. If the person fails to produce satisfactory proof, the stewards shall declare the horse out of the race if the stewards determine that declaring the horse is necessary to protect the public peace, safety, or welfare.
5. A person shall not enter a horse if the horse is on the stewards', paddock judge's, starter's, or veterinarian's list, or if the horse has been ruled off.
6. The racing secretary shall consider the performance record of a horse racing on the county fair circuit to determine the horse's eligibility at a commercial meet. A county fair racing secretary shall place a county fair win on the back of the horse's foal certificate.
7. The owner, trainer, or authorized agent shall ensure that a horse that has not started during the 45 days before a commercial meet has one official workout before starting at the commercial meet.
8. The racing secretary shall not allow a first-time starter to race until the horse has gate approval and at least two timed workouts, one of which is out of the gate and within 30 days before the race in which the horse is entered.
9. The racing secretary shall not allow a horse, other than a first-time starter, that has not started for one year or more to race unless the horse:
  - a. Completes at least two timed workouts within 60 days before the race in which the horse is entered; and

- b. One of the timed workouts is performed in the presence of the track veterinarian at a distance determined by the track veterinarian.

10. The racing secretary shall not allow a quarter horse to be entered for the first time in a race around a turn unless the horse has at least one timed workout around the turn.
11. The Department shall waive workout requirements for a county fair meet not run at a commercial track except the owner or trainer of a horse that has not started for one year or more shall complete a workout schedule with and determined by the state veterinarian before entry in the country fair meet.

**C. Starts.**

1. A person shall not start a horse in a race unless the horse is fully identified and tattooed, or otherwise authorized by the stewards. The Department shall hold a person, including the breeder, owner, trainer, and identifier, responsible for the accuracy of information the person provides regarding the identity of a horse.
2. An owner, trainer, or authorized agent shall not start a horse in a race until all stakes, forfeits, entry fees, and arrears due on the horse have been paid.
3. An owner, trainer, or authorized agent shall not start a horse in a race unless all persons having an ownership interest in the horse or an interest in the winnings of the horse have registered with the racing secretary.
4. The racing secretary shall display the post-position numbers of the horses in a race after overnight entries are closed and post positions are drawn. If a horse with an assigned post-position number does not start or run the track, the stewards may require an explanation from the owner, trainer, or jockey.

**D. Fees.**

1. Entrance to a purse race is free unless otherwise stipulated in the conditions of the race. If the conditions require an entrance fee, the fee is due at the time of entry.
2. The licensee entering a horse shall pay the nominating, sustaining, and starting fees. Except as provided in subsection (D)(4), the permittee shall not refund any fees paid to enter a horse in a race even if the horse dies, is withdrawn, or there is a mistake in the horse's entry if the horse was eligible at the time of entry.
3. If the conditions of a purse race require that an entrance fee be paid, the permittee shall not refund the entrance fee if the purse race is run even if a horse fails to start or dies except as provided in the conditions of the race.
4. The permittee shall distribute the entrance money, starting, and subscription fees as provided in the conditions of the race. If a race is not run, the permittee shall refund all stakes or entrance money.
5. The death of a nominator or subscriber does not void an entry, subscription, or right of entry.
6. A licensee shall not transfer a horse to an owner or trainer to avoid disqualification. As provided in A.R.S. § 5-108.05, the Department may fine or suspend the licensee making or receiving a transfer to avoid disqualification.

**E. Closing.**

1. The racing secretary shall close entries for a purse race at the time advertised in the condition book specifying the terms of the race and shall not accept an entry after that time. If a race fails to fill, additional time for entries may be granted by the stewards.
2. Unless contrary notice is provided by the permittee, nominations for stakes that close during or on the eve of a race meet close at the office of the racing secretary at the published time.

## Arizona Racing Commission

3. The racing secretary shall not accept entries or declarations for stakes after the designated closing time.
  4. The racing secretary shall not accept an entry after a race has been drawn even if the number of horses on the also-eligible list is insufficient to provide a full field.
  5. The racing secretary shall consider a horse to be a scratch if the horse is withdrawn from a race after the overnight entries are closed. The scratched horse loses all of the horse's accrued preferences up to the date of the scratch unless the horse is excused by the stewards.
- F. Declarations.**
1. An owner, trainer, or authorized agent shall declare a horse from a stakes, handicap, or qualifying race in writing no later than one hour before post time of for the race.
  2. The racing secretary shall not give preference to a horse that is declared from the also-eligible list of a race. The horse may retain the position previously held on the preferred list if a full field is left in the race at scratch time.
3. Is not disqualified for failing to take a weight penalty in a race if the penalty results from the horse placing in a previous race after the race to which the weight penalty would be applicable is run.
  - G.** The stewards shall ensure that when a race is in dispute, both the horse that finished first and any horse claiming to have finished first incur the weight penalty that attaches to the winner of the race until the matter is decided.
  - H.** The stewards shall consider a horse that starts for a claiming price in optional or combination races to have started in a claiming race.
  - I.** When the conditions of a race indicate the race is to be run under "scale weights" or "weights for age," the stewards shall ensure that the race is run under the scale approved by the Department.
  - J.** The stewards shall ensure that in races of intermediate length, all horses carry weights for the shorter distances.
  - K.** In all races except handicap races and races in which conditions expressly provide otherwise:
    1. Two-year-old fillies are allowed three pounds,
    2. Fillies and mares that are three years old and older are allowed five pounds from January 1 through August 31 and three pounds from September 1 through December 31; and
    3. The provisions of subsections (K)(1) and (2) do not apply to quarter horse fillies and mares.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). Age reference to "16th birthday" in subsection (B)(2) corrected to read "6th birthday" (Supp. 93-1). R19-2-113 recodified from R4-27-113 (Supp. 95-1). Amended effective April 7, 1995 (Supp. 95-2). Amended effective March 7, 1996 (Supp. 96-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-114. Penalties and Allowances**

- A.** After consideration of the reports, records, and statistics published by the Daily Racing Form and other racing statistical publications, the stewards shall determine eligibility, penalties, and allowances. The owner and trainer of a horse shall ensure that the horse is eligible and carries the correct weight.
- B.** Penalties and allowances are not cumulative unless the racing secretary declares penalties and allowances to be cumulative by the conditions of the race. Penalties and allowances take effect at the time a race starts except that in an overnight event, a horse shall have only the allowance to which it was entitled at the time of entry.
- C.** Penalties are obligatory. Allowances are optional in whole or in part. In an overnight event, if an allowance is claimed, a horse's owner or trainer shall claim the allowance at the time of entry.
- D.** The stewards shall not disqualify a horse if the failure of the horse's owner or trainer to claim a weight allowance results from an omission made by the racing secretary on the overnight listing of races. If an owner or trainer claims a weight allowance to which a horse is not entitled, the stewards shall disqualify the horse only if the incorrect weight is carried in the race. The Department shall subject a person who claims a weight allowance to which the person's horse is not entitled to discipline authorized under A.R.S. § 5-108.05.
- E.** The stewards shall ensure that a horse does not receive a weight allowance or is not relieved from a weight penalty as a result of having lost one or more races. This Section does not prohibit a maiden allowance or an allowance to a horse that has not won a race within a specified period or a race of a specified value.
- F.** The stewards shall ensure that a horse:
  1. Does not incur a weight penalty for placing in a race from which the horse is disqualified;
  2. Incurs a weight penalty if the horse places as a result of the disqualification of another horse; and

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-114 recodified from R4-27-114 (Supp. 95-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-115. Claiming Races**

- A.** Eligibility for claiming. In a claiming race, any horse is subject to being claimed for the horse's entered price by any licensed owner of a horse duly registered for racing at the track, the owner's licensed authorized agent, or the holder of a claiming authorization issued by the stewards.
- B.** Duration of race meets. For the purpose of claiming:
  1. A commercial race meet includes county fair race meets that may be run at the commercial track before, during, or after the commercial race meet; and
  2. A county fair race meet includes both spring and fall of the county fair circuit.
- C.** Steward claiming authorization.
  1. The following persons may apply to the stewards for claiming authorization:
    - a. A licensed owner whose last horse was lost by claim, death, or career-ending injury during a commercial or county fair race meet;
    - b. An individual licensed in partnership or other form of multiple ownership who wants to claim a horse in sole ownership;
    - c. A currently licensed individual who wants to join in a multiple ownership venture;
    - d. A licensed owner whose horse is not participating at an Arizona track during the current Arizona licensing cycle; and
    - e. An individual who submits an application for an owner's license under R19-2-106 and intends to obtain a first horse through claiming. If the stewards determine the individual is qualified for an owner's license except for the requirement of horse ownership, the stewards may authorize the individual to

## Arizona Racing Commission

claim a horse. The Department shall issue an owner's license to the individual if the individual is successful in claiming a horse.

2. To apply for claiming authorization, an individual shall submit to the stewards a written:
    - a. Application, using a form available from the Department; and
    - b. Acknowledgment that a successfully claimed horse will be entrusted to the care and custody of a licensed trainer only.
  3. Claiming authorization obtained under this subsection is valid for six months or until the authorized individual successfully claims a horse, whichever occurs first.
- D. Claiming restrictions.**
1. An authorized agent, even if representing more than one owner, shall not submit more than one claim in any race.
  2. An authorized agent shall not claim a horse for the authorized agent in the capacity as authorized agent.
  3. When a stable consists of horses owned by more than one person, the stable owners shall ensure that no more than one claim is submitted in a race by or on behalf of the stable owners.
  4. The stewards may, at their discretion, require a person making a claim for a horse to provide a written affidavit that the claim is made for the person's own account or as an authorized agent and not for any other person.
  5. A person shall not:
    - a. Enter into or offer to enter into an agreement to claim or not to claim a horse in a claiming race,
    - b. Attempt to prevent another person from claiming a horse in a claiming race, and
    - c. Attempt to prevent anyone from running a horse in a claiming race.
  6. The owner of one horse and the trainer of a second horse running in the same claiming race shall not make or offer to make an agreement not to claim each other's horses.
  7. A person shall not enter or allow to be entered in a claiming race a horse against which there is a lien unless written consent from the lien holder is first filed with the clerk of the track or the racing secretary.
  8. A person shall not assert an ownership interest in a horse after the horse has run in a claiming race in the name of another person who, at the time of the race, had peaceable and undisputed possession of the horse.
  9. A person shall not claim or cause to be claimed, directly or indirectly, for the person's account, a horse in which the person has an ownership interest.
  10. An owner shall not claim a horse in the care and custody of the owner's trainer.
- E. Delivery of a claimed horse.**
1. The owner of a claimed horse shall ensure that the horse is delivered to the claimant after the claiming race is run. The claimant shall present to the owner the written claiming authorization obtained from the stewards under subsection (C).
  2. The owner of a claimed horse sent to the detention area for post-race testing shall deliver the horse to the claimant at the detention area. The owner of a claimed horse not sent for post-race testing shall deliver the horse to the claimant as instructed by the stewards.
  3. If the stewards do not send a claimed horse for post-race testing, the claimant may require post-race testing if physical delivery of the claimed horse has not occurred and the claimant pays for the testing. The trainer of a claimed horse sent for post-race testing shall maintain care and custody of the horse. If a post-race test of a claimed horse is positive for a prohibited substance, the claim may be voided at the direction of the stewards.
4. The owner of a claimed horse shall not refuse to deliver the horse to the claimant.
- F. Irrevocability of a claim.** A claimed horse shall race for the account of the horse's original owner but title to the horse shall transfer to the claimant when the horse becomes a starting horse. After title to the horse transfers to the claimant, the claimant becomes the owner of the horse regardless of whether it is alive or dead, sound or unsound, or injured before, during, or after the claiming race.
- G. Ownership restrictions.**
1. If a horse is claimed, the claimant:
    - a. Shall not sell or transfer the horse to anyone, wholly or in part, except in another claiming race, for 30 days from the day of claim; and
    - b. Shall not return the horse to the same stable or under control or management of the horse's former owner or trainer for 30 days from the day of claim unless the horse is reclaimed in another claiming race.
    - c. Shall ensure that the claimed horse does not race outside of Arizona until the race meet at which the horse was claimed is closed or for 60 days from the day of claim, whichever is less, except:
      - i. To fulfill a stakes engagement that transferred automatically to the claimant, or
      - ii. If the horse was claimed for a price that causes the horse to be ineligible to be reentered at the track where claimed.
  2. The stewards shall ensure that a horse claimed in another state and entered to race in Arizona is subject to the claiming restrictions in the state where the claim was made. Restrictions preventing the horse from racing in Arizona are applicable only until the close of the race meet at which the horse was claimed or for 60 days, whichever is less, except:
    - a. To fulfill a stakes engagement that transferred automatically to the claimant, or
    - b. If the horse was claimed for a price that causes the horse to be ineligible to be reentered at the track where claimed.
  3. In this subsection, the day following the claim is the first day.
- H. Claiming price.** The permittee shall ensure that the claiming price of each horse in a claiming race is published in the official race program. A person who wishes to claim a particular horse shall submit a claim for the amount published.
- I. Determining the winner of a claim.** If more than one claim is filed for the same horse, the stewards shall ensure that the successful claimant is chosen in a drawing that is conducted under the supervision and direction of the stewards.
- J. Responsibility for determining sex and age of horse.** The claimant shall determine the sex and age of a horse before submitting a claim for the horse and shall not rely on any designation of the horse's sex and age that appears in the official race program or any other racing publication.
- K. Claiming procedures.**
1. To make a valid claim, a person who has a claiming authorization obtained under subsection (C) shall:
    - a. Deposit with the horsemen's bookkeeper an amount equal to the claiming price;
    - b. Complete a written claim using a form furnished by the permittee and approved by the Department;
    - c. Identify the horse to be claimed by the spelling of the horse's name on the horse's certificate of registration or as spelled in the official race program;

## Arizona Racing Commission

- d. Write the following information on the outside of an envelope provided by the permittee with the claim form:
    - i. Number of the race on which the claim is made; and
    - ii. Day, month, and year of the claiming race;
  - e. Seal the completed claim form in the completed envelope and ensure there are no identifying markers on the outside of the envelope except as described in subsection (K)(d); and
  - f. Deposit the completed claim form and envelope in the claim box at least 10 minutes before post time of the race on which the claim is made.
2. The stewards, or the stewards' designee, shall open the claim envelopes for a claiming race when the horses for the race enter the track on the way from paddock to post.
  3. The stewards shall ascertain from the horsemen's bookkeeper whether an amount equal to the claiming price is on deposit.
  4. After a claim form is deposited in the claim box as described in subsection (K)(1)(f), the claim is irrevocable by the claimant. The stewards shall ensure that a claim form deposited in the claim box is not withdrawn from the claim box except by the stewards at the time designated by the stewards.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended subsection (A) effective December 5, 1985 (Supp. 85-6). Amended effective March 20, 1990 (Supp. 90-1). Former Section R4-27-115 renumbered to R4-27-115, R4-27-115.02 through R4-27-115.07, and R4-27-115.09; new Section R4-27-115 renumbered from R4-27-115(A)(1) through (5) and (B) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115 recodified from R4-27-115 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-115.01. Repealed****Historical Note**

Adopted effective September 8, 1992 (Supp. 92-3). R19-2-115.01 recodified from R4-27-115.01 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-115.02. Repealed****Historical Note**

Section R4-27-115.02 renumbered from R4-27-115(A)(6)(a), (b), and (d), (C)(3), (4), (6)(c)(i) and (ii), (10)(a) and (12) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.02 recodified from R4-27-115.02 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-115.03. Repealed****Historical Note**

Section R4-27-115.03 renumbered from R4-27-115(C)(1), (7) and (8), (F)(1), (2), and (3), (G)(1) and (2), (L), (M), and (N) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.03 recodified from R4-27-115.03 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-115.04. Repealed****Historical Note**

Section R4-27-115.04 renumbered from R4-27-115(H), (H)(1), (2), (3) and (4), and (I) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.04 recodified from R4-2-115.04 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-115.05. Repealed****Historical Note**

Section R4-27-115.05 renumbered from R4-27-115(C)(10) and (11) and (E) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.05 recodified from R4-27-115.05 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-115.06. Repealed****Historical Note**

Section R4-27-115.06 renumbered from R4-27-115(J)(1), (2), (3), and (4) and (K) and amended effective September 8, 1992 (Supp. 92-3). Amended effective December 17, 1993 (Supp. 93-4). R19-2-115.06 recodified from R4-27-115.06 (Supp. 95-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-115.07. Repealed****Historical Note**

Section R4-27-115.07 renumbered from R4-27-115(C)(9) and (D) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.07 recodified from R4-27-115.07 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-115.08. Repealed****Historical Note**

Section R4-27-115.08 adopted effective September 8, 1992 (Supp. 92-3). R19-2-115.08 recodified from R4-27-115.08 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-115.09. Repealed****Historical Note**

Section R4-27-115.09 renumbered from R4-27-115(C), (C)(2), (5), and (6) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.09 recodified from R4-27-115.09 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-115.10. Repealed****Historical Note**

Section R4-27-115.10 adopted effective September 8, 1992 (Supp. 92-3). R19-2-115.10 recodified from R4-27-115.10 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-116. Arizona Bred Eligibility and Breeders' Award Payments**

- A. A breeder shall file a notarized certificate affirming eligibility under A.R.S. § 5-113(F), with the Department. The certificate shall include name, color, and sex of the foal; name of the sire; name of the dam; date and location of foaling; The Jockey Club registration number or American Quarter Horse Association number; name, address, and telephone number of the

## Arizona Racing Commission

breeder; a statement that the animal is eligible pursuant to A.R.S. § 5-113(F), and that the person shown as the breeder was the owner of the dam at the time of foaling; and such other information as may be required by the Department to determine eligibility and shall be signed by the breeder. The breeder shall submit a copy of The Jockey Club registration papers with certificates for thoroughbreds.

1. Certification is deemed to occur upon the Department's receipt of the completed certificate.
2. The horse shall be certified by the Department at the time of the win to be eligible for an award.
- B.** A permittee shall recognize any horse for which there is an Arizona Bred Certificate on file with the Department or an association contractor as an Arizona bred horse.
- C.** For races that offer a guaranteed purse value of \$50,000 or less, the Department shall make an award based on the total amount earned by the winner, including nominating, sustaining, and starting fees. For races that offer a guaranteed purse value of more than \$50,000, the Department shall not include nominating, sustaining, or starting fees when calculating an award.
- D.** The Department shall calculate and pay breeders' awards to eligible breeders.
  1. Definitions
    - a. "Quarterly Breeders' Award" means an amount of money based on the quarterly breeders' award payment factor determined by the Department each fiscal year by October 30.
    - b. "Substitute Breeders' Award" means an amount of money based on a substitute payment factor because of the lack of sufficient money to pay conventional Quarterly Breeders' Awards.
    - c. "Supplemental Breeders' Award" means an amount of money that corrects a shortfall between conventional Quarterly Breeders' Awards and Substitute Breeders' Awards.
    - d. "End-of-year Bonus Award" means an amount of money that may be paid to breeders from available monies that remain in the breeders' award fund after payment of Quarterly Breeders' Awards, Substitute Breeders' Awards and Supplemental Breeders' Awards.
  2. The Department shall pay awards at the end of each fiscal year quarter, provided that the total amount of the awards payments does not exceed the total amount of money available in the fund less the amount required to be set aside for contingent liabilities in subsection (D)(8).
  3. Quarterly Breeders' Awards. Before October 30 of each year, the Department shall determine a quarterly breeders' award payment factor that will be applied during the entire fiscal year. The payment factor determined by the Department is not subject to appeal.
    - a. The Department shall evaluate anticipated revenues for the breeders' award fund and anticipated purses for eligible Arizona-bred animals and set the payment factor at a level that permits recipients of quarterly breeders' awards to receive awards throughout the fiscal year based on the same payment factor.
    - b. The Department shall notify representatives of each breeders' association of the quarterly breeders' award payment factor in writing before October 30 of each year.
    - c. The Department shall calculate quarterly breeders' awards by multiplying the amount of each purse won by an eligible animal during that quarter by the quarterly breeders' award payment factor established for the fiscal year.
    - d. The Department shall make quarterly breeders' awards not later than 30 days after the end of each quarter, unless full quarterly breeders' awards cannot be made due to the lack of available money in the fund.
  4. Substitute Breeders' Awards. The Department shall make substitute breeders' awards if there are sufficient monies in the fund to allow for an award but not enough monies to provide for full payments of quarterly breeders' awards based on the quarterly breeders' award payment factor.
    - a. The Department shall determine the substitute payment factor by dividing the total amount of monies in the Arizona breeders' award fund at the end of the quarter less the amount required to be set aside for contingent liabilities in subsection (D)(8) by the total amount of purses won by eligible Arizona-bred animals during that quarter.
    - b. The Department shall calculate substitute breeders' awards by multiplying the amount of each purse won by an eligible animal during that quarter by the substitute payment factor for that quarter.
  5. End-of-year bonus pool. After payment of all quarterly breeders' awards and any substitute breeders' awards has been calculated, the Department shall determine the amount of monies remaining in the fund. The end-of-year-bonus pool is the amount of monies remaining in the Arizona breeders' award fund after the payment of all quarterly breeders' awards for the fiscal year less the amount required to be set aside for contingent liabilities in subsection (D)(8).
  6. Supplemental Breeders Awards. The Department shall first pay any monies in the end-of-year bonus pool in the form of supplemental breeders awards to recipients of substitute breeders' awards.
    - a. The Department shall pay supplemental breeders' awards in an amount equal to the difference between the substitute breeders' award and the quarterly breeders' award the breeder would have received if there had been enough in the fund to pay an award based on the quarterly award payment factor.
    - b. In the event the end-of-year bonus pool cannot pay supplemental breeders' awards to make up for the shortfall to all substitute breeders' award recipients, the Department shall pay supplemental breeders' awards to all breeders eligible to receive a supplemental breeders' award on a pro-rata basis.
    - c. A breeder is eligible to receive a supplemental breeders' award from the end-of-year bonus pool only if the breeder received a substitute breeders' award during that fiscal year.
    - d. The Department shall not make supplemental breeders' awards if all eligible breeders received quarterly breeders' awards during the fiscal year.
  7. End-of-year Bonus Awards. The Department shall pay end-of-year bonus awards if monies remain in the end-of-year bonus pool following any supplemental payments.
    - a. The Department shall determine an end-of-year bonus payment factor by dividing the monies in the end-of-year bonus pool by the total amount of purses won by an eligible animal during the fiscal year.
    - b. The Department shall calculate end-of-year bonus awards by multiplying the amount of each purse won by an eligible animal by the bonus payment factor.

## Arizona Racing Commission

8. Contingent liabilities. The Department shall retain \$10,000 in the Breeders' Award fund for contingent liabilities.
9. The Department shall not make quarterly breeders' awards, substitute breeders' awards, supplemental breeders' awards or end-of-year bonus breeders' awards if the total amount available for distribution is less than \$10,000. In the event the Department does not pay an award because less than \$10,000 is available for distribution, the Department shall carry forward the amount in the fund for payment of awards when the Department next calculates awards.
10. Appeal of Director's Rulings
  - a. The Director shall make the final decision concerning a breeders' award.
  - b. The Department shall give written notice of the decision to an applicant by mailing it to the address of record filed with the Department.
  - c. After service of the Director's decision, an aggrieved party may obtain a hearing under A.R.S. §§ 41-1092.03 through 41-1092.11.
  - d. The aggrieved party shall file a notice of appeal with the Department within 30 days after receiving the notice prescribed in R19-2-116(D)(10)(b).
  - e. The Department shall notify the Office of Administrative Hearings, which shall schedule and conduct the hearing.
- E. The permittees shall submit to the Department an Arizona Breeders' Award Report in the form prescribed by the Department. The report shall include name of the animal, name of the breeder, date of win, win purse amount, type of race, name of track, and such other information as may be required by the Department to calculate awards.
- F. The Arizona Thoroughbred Breeder's Association, Arizona Quarter Racing Association, Arizona Greyhound Breeder's Association, and such other associations as may represent breeders in this state may assist the Department in periodic reviews of eligibility lists and may provide such other assistance in administering the fund as may be required by the Department.
- G. At least every other three years the Commission shall select a committee, consisting of representatives of each breeders' association and the Department, which shall review this rule and submit written recommendations to the Commission.
2. Any objection to a horse that has run in a race on the grounds that it was not trained by a licensed trainer, or ridden by a licensed jockey, or that the names of all those having ownership in it or an interest in its winnings have not been registered with the secretary shall be made not later than the day after that upon which the race was run.
3. Any objection on the grounds of fraudulent or intentional misstatement or omission in the entry under which a horse has run, or on the grounds that the horse which ran was not the horse it was represented to be in the entry or at the time of the race, or was not of the age it was represented to be shall be received within three days after the race.
- B. Every objection, unless otherwise provided, shall be made within 72 hours after the race is run and shall be determined by the stewards.
- C. Pending the determination of an objection, any money or prize which the horse objected to may have won, or may win in the race, shall be withheld until the objection is determined, and any sum payable to the owner of the horse objected to shall be paid to the horsemen's book keeper and held for the person who may be determined to be entitled to it.
- D. Pending the disposition by the stewards, Department, or Commission of any question, both the horse which finished first and any horse which has claimed to be the winner of the race shall be liable to all the penalties attaching to the winner of that race until the matter is decided.
- E. If an objection to a horse which has won or been placed in a race is declared valid, that horse may be disqualified in the place in which he finished and replaced at the discretion of the stewards.
- F. The stewards shall have the power at any time, whether or not an objection has been made, to order an examination by such person or persons as they deem fit as to the age of any horse entered for a race, or which has run a race and shall withhold any money the horse may have won until such examination is made. If the horse is declared of wrong age, the expense of such examination shall be paid by the owner.
- G. No person shall lodge an unsubstantiated objection with the stewards.
- H. The stewards may require a cash deposit of \$200 to cover costs and expenses in determining an objection. The deposit posted herein may be forfeited if the objection should prove to be without foundation.
- I. Every objection which is not decided by the stewards during the meeting shall be filed in writing with the Director.
- J. Permission of the stewards shall be necessary before an objection may be withdrawn.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended subsection (A) effective December 5, 1985 (Supp. 85-6). Amended subsection (A) and added subsections (D) through (G) effective August 13, 1986 (Supp. 86-4). Amended subsection (D) effective February 19, 1987 (Supp. 87-1). Amended effective March 20, 1990 (Supp. 90-1). R19-2-116 recodified from R4-27-116 (Supp. 95-1). Amended effective January 10, 1997 (Supp. 97-1). Amended effective June 3, 1997 (Supp. 97-2).

**R19-2-117. Objections**

- A. Every objection shall be made by an owner or by such owner's authorized agent, a trainer, or the jockey of some other horse engaged in the same race, or by the officials of the course. Such objection shall be made to the stewards, who may require that the objection be made in writing with a copy thereof sent immediately to the Director.
  1. Any objection to a horse, pertaining to any matter occurring in a race, except as otherwise provided, shall be made before the official numbers of the horse's place in the race are posted on the odds board.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). Section number corrected (Supp. 93-1). R19-2-117 recodified from R4-27-117 (Supp. 95-1).

**R19-2-118. Scale of Weights for Age****Generally:**

1. For thoroughbreds in races exclusively for 3-year-olds and up, the weight is 118 to 124 pounds; for 2-year-olds, the weight is 117 to 120 pounds.
2. For quarter horses in races exclusively for 3-year-olds or 4-year-olds, the weight is 126 pounds; and in races exclusively for 2-year-olds, it is 120 to 122 pounds.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). Section number corrected (Supp. 93-1). R19-2-118 recodified

## Arizona Racing Commission

from R4-27-118 (Supp. 95-1).

**R19-2-119. Running the Race and Winnings****A. Generally.**

1. The permittee shall conspicuously post all track rules and file a copy of the rules with the Department.
2. The permittee shall ensure that post times are based on the number of races run daily and that all races are off at regular intervals. The permittee shall set the intervals with the approval of the stewards.
3. The permittee shall pay purse monies earned by a horse to only the horse's registered owner or the owner's authorized agents.
4. In a stakes race that is a walkover, unless otherwise specified in the conditions of the race, the entry that appears for the race may walk over the track and be declared the winner. The permittee shall pay the walkover the entire stakes and the winning percentage of the purse.

**B. Pre-race activity.**

1. The paddock judge shall ensure that the number on the saddle cloth of a horse corresponds with the horse's number on the official race program.
2. When a horse arrives in the paddock, the trainer shall remove all blankets and bandages except bandages the horse will wear during the race.
3. The stewards shall scratch a horse that arrives late in the paddock and is not ready to step onto the track with other horses entered in the same race.
4. Each horse shall parade and carry the horse's weight from the paddock to the starting post.
5. If a horse is led to the post with permission of the paddock judge, the horse shall carry the horse's weight and pass the stewards' stand on the way to the post.
6. After the horses are ordered to the starting post and until the stewards direct the track gates to be reopened, the stewards shall exclude all persons except licensees designated by the stewards from the track.
7. After the horses enter the track, no more than 12 minutes shall elapse during the parade of the horses to the post, except with the approval of the stewards.
8. After passing the stand once, the horses may break formation, canter, warm up, or move in any other manner until the horses are within 100 yards of the post.

**C. Races.**

1. The Department shall ensure that all races are started by a starting gate approved by the Department.
  - a. A race may be started without a stall gate or a gate with the doors open may be used if necessary and with the permission of the stewards.
  - b. If a race is started without a stall gate, the official starter shall ensure there is no start until, and no recall after, a starter's assistant drops the starter's flag in response to the order of the official starter.
2. If there is an unavoidable delay in starting a race, the starter shall instruct the riders to dismount and lead their horses.
3. A horse may be excused by the stewards and, if excused, shall not be considered to have started in the race if the horse is:
  - a. Deemed unfit to start during the post parade, or
  - b. Injured by an accident in the gate.
4. A horse that misbehaves in the gate and causes an undue delay in the start of a race may be excused by the starter after consultation with the stewards. The horse shall not be considered to have started in the race, but shall be penalized by being put on the schooling list. As specified in R19-2-113(B)(1)(5), a horse on the starter's schooling

list is not eligible for entry in races until the starter, with the approval of the stewards, removes the horse from the schooling list.

5. A race shall not be run if conditions do not allow the horses to be plainly seen from the stand by the judges and stewards.
  6. Every horse in a race is entitled to racing room. A horse or jockey shall not deliberately pocket another horse. In a straightaway race, each horse shall maintain the position in the lane in which the horse starts as nearly as possible.
  7. If a horse is ridden or drifts out of its lane in a manner that interferes with or impedes another horse, a foul is committed. The stewards may disqualify the horse committing the foul if the outcome of the race is affected by the foul. The stewards may place the horse committing the foul behind the horse fouled. The provisions of this subsection apply to fouls caused by the horse or the jockey and fouls caused intentionally or unintentionally.
    - a. If part of an entry is disqualified, the stewards shall decide whether the disqualification extends to all of the entry. If the disqualification does not extend to all of the entry, the stewards shall specify the part of the entry to which the disqualification extends.
    - b. The stewards shall not penalize a jockey if the stewards rule that the foul under subsection (C)(7) was caused by the horse, despite obvious efforts of the jockey to maintain the horse in its lane position.
    - c. If the stewards rule that the foul under subsection (C)(7) was caused by the jockey failing to attempt to prevent the foul or willfully riding the horse out of its lane, the jockey shall be subject to imposition of penalties by the stewards.
    - d. In a race run around a turn, a horse that is in the clear may be taken to any part of the track. If the stewards determine that weaving back and forth in front of another horse is interference or intimidation, the jockey shall be penalized.
  8. A jockey shall not cause the jockey's horse to shorten stride with a view to making a complaint. If the stewards decide that an intentional foul was committed in the riding of a race or that a jockey was instructed or induced to ride in a manner that caused a foul, the stewards shall suspend all persons the stewards determine, following a hearing, are guilty of complicity in the foul.
  9. When a horse is disqualified by the stewards under A.R.S. Title 5, Chapter 1 and this Chapter, the stewards shall disqualify and replace every horse in the race that belongs wholly or in part to the same owner or is under the management of the same trainer, if the stewards find there is good cause to disqualify and replace the other horses.
  10. A horse shall be ridden across the finish line carrying the horse's assigned weight to participate in the purse distribution of a race unless the nomination blank for the race states otherwise.
  11. A whip shall not be carried on a 2-year-old in a race on the straightaway before March 1. After April 30, following satisfactory performance out of the gate with a whip and with approval of the starter, a whip may be carried in a race under this subsection.
  12. An owner, trainer, handler, or jockey shall not attempt to prevent a horse from running the horse's best and winning.
- D. Dead heats.**
1. When a race results in a dead heat, the heat shall not be run off.

## Arizona Racing Commission

2. If a race results in a dead heat, all prizes to which the horses finishing in the dead heat would have been entitled shall be divided equally between them.
  3. When a dead heat is run for second place and an objection is made and sustained to the winner of the race, the horses that ran the dead heat shall be deemed to have run a dead heat for first place.
  4. If the dividing owners cannot agree which owner is to have a cup or other prize that cannot be divided, the question shall be determined by a drawing conducted by the permittee.
  5. Each horse that runs a dead heat for a race or place shall be deemed a winner of that race or place and shall be liable as the winner for any penalty or disability incurred.
- E. Winnings or wins.**
1. To calculate the total winnings of a horse, include all prizes and wins:
    - a. Until the time for the start of a race regardless of the country in which the prize or win occurred;
    - b. Until the time of entry for a county fair race meet that does not have an also-eligible list; and
    - c. This subsection does not apply to a maiden race at a county fair race meet.
  2. Winnings include prizes earned by walking over or receiving forfeit.
  3. Winnings do not include second and third place money or the value of any non-monetary prize.
  4. Winnings during a year shall be computed from January 1 of the year.
  5. If the conditions of a race refer to a winner of a certain sum, the condition means a winner of that sum in a single race unless the conditions specify otherwise.
  6. In estimating the net value of a race to the winner, all sums contributed by the winner's owner or nominator shall be deducted from the amount won.
  7. Winners or losers of steeplechases, hurdle races, thoroughbred races, or mixed quarter horse races shall be considered winners or losers on the flat, and winners or losers on the flat shall be considered winners or losers of steeplechases, hurdle races, thoroughbred races, or mixed quarter horse races.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). Section number corrected (Supp. 93-1). R19-2-119 recodified from R4-27-119 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-120. Veterinary Practices, Animal Medication, and Animal Testing****A. Veterinary practices.**

1. The state veterinarian and stewards have authority over a veterinarian licensed by the Department and practicing at a location under the Department's jurisdiction. The state veterinarian shall inform the stewards or Department of a licensed veterinarian who violates A.R.S. Title 5, Chapter 1 or this Chapter.
  2. Treatment restrictions.
    - a. The Department shall authorize only a veterinarian licensed under A.R.S. Title 32, Chapter 21 and by the Department to administer a prescription or controlled medication, drug, or other substance, including a medication, drug, or other substance administered by injection, to a horse at a location under the Department's jurisdiction.
- b. Subsection (A)(2)(a) does not apply to administration of the following substances if the substances are administered in levels that do not interfere with post-race testing:
    - i. A non-injectable nutritional supplement or other substance approved by the state veterinarian;
    - ii. A non-injectable substance on direction or by prescription of a licensed veterinarian; or
    - iii. A non-injectable, non-prescription, substance.
  - c. A licensee shall not possess a hypodermic needle, syringe, or other injectable device at a location under the Department's jurisdiction unless the hypodermic needle, syringe, or other injectable device has been approved by the Department. At a location under the Department's jurisdiction, a veterinarian shall use only one-time use, disposable, hypodermic needles and shall dispose of used needles in a manner approved by the Department.
  - d. A licensee who has a medical condition that makes it necessary for the licensee to have a hypodermic needle, syringe, or other injectable device at a location under the Department's jurisdiction shall make a written request for permission to the stewards or Department before bringing the device to a location under the Department's jurisdiction. The licensee shall attach to the written request for permission a letter from a licensed physician explaining why it is necessary for the licensee to possess the device and shall comply with all conditions and restriction established by the stewards or Department.
  - e. A private veterinarian employed by a horse owner shall not have contact with an entered horse on race day before the race in which the horse is entered except to administer furosemide according to standards established in this Section or if the contact is approved by the state veterinarian.
  - f. The trainer or owner of an entered horse shall ensure that the horse is present at a location under the Department's jurisdiction at least five hours before post time of a race in which the horse is entered.
  - g. Notwithstanding the provisions of this Section, any veterinarian may treat a horse if an emergency involving the life or health of the horse exists.
3. Veterinarians' records.
- a. A veterinarian who treats a horse or performs another professional service at a location under the Department's jurisdiction or who treats a horse that is actively participating in a race meet even if the treatment is provided at a location not under the Department's jurisdiction, shall ensure that a treatment record is maintained on all horses for which the veterinarian prescribes, administers, or dispenses medication or performs other professional services. The veterinarian shall ensure that the treatment record includes at least the following information:
    - i. Name of horse treated;
    - ii. Name of medication, drug, or substance administered or prescribed and description of any other professional service performed;
    - iii. Date and time of treatment;
    - iv. Name of the horse's trainer;
    - v. Other information requested by the state veterinarian; and
    - vi. The treating veterinarian's signature.



## Arizona Racing Commission

- b. The veterinarian shall ensure that treatment records are current at all times and make the treatment records available to the stewards or Department within 24 hours after a request is made. The veterinarian shall retain the treatment records for at least one year after the date of treatment.
  - c. The veterinarian shall retain a copy of all bills or statements provided to the owner or trainer of a treated horse for at least one year after the date of treatment and make the copies available to the Department within 48 hours after a request is made.
- B. Prohibited practices.**
  - 1. A licensee shall not possess or use a medication, drug, or substance at a location under the Department's jurisdiction if:
    - a. There is no recognized analytical method to detect and confirm that the medication, drug, or substance has been administered to a horse;
    - b. Use of the medication, drug, or substance may:
      - i. Endanger the health and welfare of the horse to which it is administered,
      - ii. Endanger the safety of the rider of the horse to which it is administered, or
      - iii. Adversely affect the integrity of racing; or
    - c. The medication, drug, or substance has not been approved by the U.S. Food and Drug Administration for human or animal use and the Department has not approved use of the medication, drug, or substance.
  - 2. A licensee shall not possess or use a blood doping agent, including but not limited to the following, at a location under the Department's jurisdiction:
    - a. Erythropoietin,
    - b. Darbepoetin,
    - c. Oxyglobin®,
    - d. Hemopure®,
    - e. ITTP, or
    - f. AICAR.
  - 3. A veterinarian who uses extracorporeal shock wave or radial pulse wave therapy on a horse at a location under the Department's jurisdiction shall ensure that all of the following conditions are met:
    - a. The veterinarian is licensed under A.R.S. Title 32, Chapter 21 and by the Department;
    - b. The veterinarian informs the Department of the plan to use an extracorporeal shock wave or radial pulse wave therapy machine before the machine is used at a location under the Department's jurisdiction;
    - c. An extracorporeal shock wave or radial pulse wave therapy treatment is reported to the state veterinarian on a form prescribed by the Department no later than 24 hours after the time of treatment; and
    - d. A horse treated with extracorporeal shock wave therapy or radial pulse wave therapy does not race for at least 10 days following treatment.
  - 4. A licensee shall not use a nasogastric tube that is longer than six inches to administer a medication, drug, or other substance to a horse within 24 hours before post time of a race in which the horse is entered without permission of the state veterinarian.
  - 5. A licensee shall not participate in chemical or surgical desensitizing of the nerves of a horse intended to be entered in a race at a location under the Department's jurisdiction.
    - a. The racing secretary shall not accept registration papers for a desensitized horse,
    - b. A licensee shall not enter a desensitized horse in a race at a location under the Department's jurisdiction, and
    - c. A licensee shall not race a horse that is desensitized at the time the horse arrives at the receiving barn or saddling paddock.
- C. Drug classification and penalties.**
  - 1. If the stewards determine that a licensee has violated this Section, the stewards shall consult the Uniform Classification Guidelines of Foreign Substances and Recommended Penalties and the model rule, both of which are established by the Association of Racing Commissioners International (ARCI). After determining the classification level of the violation, the stewards shall impose a penalty on the licensee.
  - 2. The stewards shall investigate an alleged violation of this Section and determine a penalty on a case-by-case basis. The stewards shall consider at least the following factors when determining the penalty to impose:
    - a. The disciplinary record of the licensee involving a medication, drug, or substance;
    - b. The potential of the medication, drug, or substance to influence a horse's racing performance;
    - c. The legal availability of the medication, drug, or substance;
    - d. Whether there is reason to believe the responsible licensee knew of the administration of the medication, drug, or substance or intentionally administered the medication, drug, or substance;
    - e. The steps taken by the trainer to safeguard the horse to which the medication, drug, or substance was administered;
    - f. The probability of environmental contamination or inadvertent exposure due to human drug use;
    - g. The purse of the race in which the affected horse was entered;
    - h. Whether the medication, drug, or substance found was one for which the horse was receiving a treatment as disclosed to the Department;
    - i. Whether there was a suspicious betting pattern in the race in which the affected horse was entered; and
    - j. Whether the licensed trainer was acting under the advice of a licensed veterinarian.
  - 3. In making a penalty decision under this subsection, the stewards shall distinguish between a medication, drug, or substance that is routinely used to treat a horse and a medication, drug, or substance for which there is no reason that the medication, drug, or substance should be found in any concentration in a test sample taken from a horse on race day.
  - 4. If a licensed veterinarian administers or prescribes a medication, drug, or substance that is not listed in materials identified in subsection (C)(1), the licensed veterinarian shall timely forward the identity of the medication, drug, or substance to the ARCI Drug Testing Standards and Practices Committee or the Racing Medication and Testing Consortium for classification.
  - 5. The Department shall classify a medication, drug, or substance or a metabolite of the medication, drug, or substance found in a pre- or post-race sample that is not classified in the materials identified in subsection (C)(1) as ARCI Class 1 and impose a penalty commensurate with the Class 1 classification on the trainer or owner of the horse from which the sample was taken unless the trainer or owner provides information from the ARCI Drug Testing Standards and Practices Committee or the

## Arizona Racing Commission

Racing Medication and Testing Consortium that a different classification is applicable.

6. The Department shall provide written notice of a hearing to a licensee alleged to be involved in a violation of this Section. The Department shall provide an opportunity for the licensee to attend the hearing and written notice of the Department's order.
7. In addition to a penalty issued by the stewards or the Department, the Department shall refer a veterinarian found to be involved in the administration of a medication, drug, or substance carrying a category "A" penalty, as specified in the materials identified in subsection (C)(1), to the Veterinary Medical Examining Board for consideration of further disciplinary action.
8. If the stewards or Department believe a licensee may have committed an act that violates state criminal law, the Department shall make a referral to an appropriate law enforcement agency. Administrative action taken by the stewards or Department does not prohibit criminal prosecution. Criminal prosecution does not prohibit administrative action by the stewards or Department.
9. If the license of a trainer is suspended, the suspended trainer shall not benefit financially during the period of suspension by transferring the custody, care, and control of a horse to another person. The Department shall approve all transfers of the custody, care, and control of a horse from one person to another.

**D. Prohibited medications.**

1. If the official laboratory finds a prohibited medication, drug, or other substance in a sample from a horse, the Department shall view this as prima facie evidence that the prohibited medication, drug, or other substance was administered to the horse. If a prohibited medication, drug, or other substance is found in a sample from a horse after the horse has raced, the Department shall conclude that the prohibited medication, drug, or substance was present in the horse's body while the horse participated in the race.
2. The following medications, drugs, and substances are prohibited:
  - a. A medication or drug for which no acceptable threshold concentration has been established,
  - b. A therapeutic medication in excess of the established threshold concentration,
  - c. A substance present in a horse in excess of the concentration at which the substance could occur naturally, and
  - d. A substance foreign to a horse present at a concentration that could interfere with testing procedures.
3. Except as otherwise provided in this Chapter, a licensee shall not administer or cause to be administered to a horse a prohibited medication, drug, or other substance during the 24 hours before post time for a race in which the horse is entered.

**E. Medical labeling.**

1. Except as provided in subsection (E)(2), a licensee at a location under the Department's jurisdiction shall not have in the licensee's personal property, including a vehicle, or under the licensee's care, custody, or control, a medication, drug, or other substance that is prohibited in a horse on a race day unless the medication, drug, or other substance is prescribed and labeled as specified in subsection (E)(3).
2. Subsection (E)(1) does not apply to a veterinarian licensed under A.R.S. Title 32, Chapter 21 and this Chapter.

3. A licensed veterinarian shall ensure that a prescription is issued for a medication, drug, or other substance that is used or kept at a location under the Department's jurisdiction if federal or state law requires a prescription for the medication, drug, or other substance. The licensed veterinarian shall ensure that the medication, drug, or other substance has a securely attached prescription label containing the following information:
  - a. Name of the medication, drug, or other substance;
  - b. Name, address, and telephone number of the veterinarian prescribing or dispensing the medication, drug, or other substance;
  - c. Name of the horse for which the medication, drug, or other substance is prescribed;
  - d. Dose, dosage, duration of treatment, and expiration date of the prescribed medication, drug, or other substance; and
  - e. Name of the licensee to whom the medication, drug, or other substance is dispensed.

**F. Non-steroidal anti-inflammatory drugs (NSAIDs).**

1. A licensee who determines it is necessary to administer a NSAID to a horse, shall ensure that only the following NSAIDs are used:
  - a. Phenylbutazone,
  - b. Flunixin, or
  - c. Ketoprofen.
2. A licensee who administers one of the NSAIDs listed in subsection (F)(1) to a horse shall ensure that:
  - a. The administration occurs at least 24 hours before the post time for a race in which the horse is entered; and
  - b. The serum or plasma threshold concentration of the NSAID does not exceed the following, which is consistent with administration of a single intravenous injection:
    - i. Phenylbutazone – 5 micrograms per milliliter;
    - ii. Flunixin – 20 nanograms per milliliter; and
    - iii. Ketoprofen – 10 nanograms per milliliter.
3. A licensee shall ensure that administration of more than one of the NSAIDs listed in subsection (F)(1) to a horse is discontinued at least 48 hours before the post time for a race in which the horse is entered.
4. A licensee shall not administer a NSAID to a horse within 24 hours before post time for a race in which the horse is entered.
5. The Department shall subject a horse to which a NSAID has been administered to post-race blood or urine sampling supervised by the state veterinarian. The Department shall ensure that the samples are tested to determine the quantitative NSAID level and whether other medications, drugs, or substances are present. The Department shall take disciplinary action against the horse's trainer if the test results show:
  - a. The presence of more than one of the NSAIDs listed in subsection (F)(1) unless the second NSAID is Phenylbutazone in a concentration of less than .5 micrograms per milliliter of serum or plasma or Flunixin in a concentration of less than 5 nanograms per milliliter of serum or plasma; or
  - b. A NSAID not listed in subsection (F)(1).

**G. Furosemide.**

1. Unless the state veterinarian instructs otherwise, a licensee shall administer furosemide intravenously to an entered horse only after the state veterinarian places the horse on the Furosemide List.

## Arizona Racing Commission

2. The following procedure applies to place a horse on or take a horse off the Furosemide List:
    - a. If the horse's trainer and veterinarian determine that it is in the horse's best interest to race with furosemide, the trainer and veterinarian shall notify the state veterinarian or designee, using a form prescribed by the Department, and request that the horse be placed on the Furosemide List;
    - b. The horse's trainer and veterinarian shall ensure that the state veterinarian or designee receives the notice required under subsection (G)(2)(a) no later than the time for entering the horse in a race;
    - c. After a horse is placed on the Furosemide List, the horse shall remain on the list until the horse's trainer and veterinarian submit a written request for removal to the state veterinarian, using a form prescribed by the Department. The horse's trainer and veterinarian shall ensure that the required request for removal is submitted no later than the time for entering the horse in a race;
    - d. After a horse is removed from the Furosemide List, the state veterinarian shall not allow the horse to be placed on the Furosemide List for 60 days unless the state veterinarian determines that failure to put the horse on the Furosemide List is detrimental to the welfare of the horse;
    - e. If a horse is removed from the Furosemide List a second time in 365 days, the state veterinarian shall not allow the horse to be placed on the Furosemide List for 90 days; and
    - f. The state veterinarian shall ensure that the provisions in subsections (G)(2)(d) and (e) are not applied to a horse that was mandated by the conditions of entry to race without furosemide in the horse's previous race. The horse may be placed on the Furosemide List, at the election of the horse's trainer or veterinarian, by following the procedures in subsections (G)(2)(a) and (b).
  3. On request by the Department, a veterinarian who administers furosemide to a horse shall surrender the syringe used in the administration for testing.
  4. A veterinarian shall administer furosemide to a horse only at a location under the Department's jurisdiction.
  5. If a location under the Department's jurisdiction is used for administration of furosemide, the trainer or veterinarian of a horse to which furosemide is to be administered shall ensure that the following conditions are met:
    - a. The horse is on the Furosemide List;
    - b. The horse is brought to the detention barn at least four hours before post time of a race in which the horse is entered;
    - c. The furosemide is administered no fewer than four hours before post time of a race in which the horse is entered;
    - d. The dose of furosemide administered is between 150 mg. and 500 mg.;
    - e. The dose of furosemide is administered by a single, intravenous injection; and
    - f. After the furosemide is administered, the horse remains in the detention barn in the care, custody, and control of the horse's trainer and under Department supervision until called to the saddling paddock.
  6. After furosemide is administered, the trainer or veterinarian of the treated horse shall deliver the following information to the state veterinarian, at least three hours before post time for a race in which the horse is entered, under oath and on a form prescribed by the Department:
    - a. Name of the horse to which furosemide was administered,
    - b. Name of the track at which the horse is entered to race,
    - c. Date and time the furosemide was administered,
    - d. Dosage of furosemide administered,
    - e. Side of the horse in which the furosemide was administered, and
    - f. Printed name and signature of the veterinarian who administered the furosemide.
  7. The state veterinarian shall ensure that a post-race urine, serum, or plasma sample from a horse is tested to determine the concentration of furosemide in the horse. If a horse was scheduled to race with furosemide, the post-race testing shall show:
    - a. A specific gravity of urine of 1.010 or greater, or
    - b. A concentration of no more than 100 nanograms of furosemide per milliliter of serum or plasma.
- H. Bleeder list.**
1. The state veterinarian or designee shall maintain a Bleeder List of all horses, regardless of age, for which the state veterinarian or designee observes external evidence of exercise-induced pulmonary hemorrhage from one or both nostrils during or after a race or workout.
  2. A horse placed on the Bleeder List shall be ineligible to race for the following periods:
    - a. First incident – 10 days;
    - b. Second incident within a 365-day period – 60 days;
    - c. Third incident within a 365-day period – 180 days; and
    - d. Fourth incident within a 365-day period – lifetime bar from racing.
  3. For the purpose of counting the number of days a horse is ineligible to run, the day the veterinarian witnessed the horse bleed externally is the first day of the required recovery period.
  4. The state veterinarian or designee shall not place a horse on the Bleeder List if furosemide is voluntarily administered to the horse under subsection (G) without an external bleeding incident.
  5. The Department shall authorize only the state veterinarian to remove a horse from the Bleeder List. To remove a horse from the Bleeder List, the state veterinarian shall certify the recommendation for removal in writing to the stewards.
  6. The state veterinarian or designee shall place a horse on the Bleeder List if the horse has been placed on a Bleeder List in another jurisdiction.
- I. Anti-ulcer medications.** A veterinarian who determines it is necessary to administer an anti-ulcer medication to a horse shall administer one of the following anti-ulcer medications, at the stated dosage, no less than 24 hours before post time for a race in which the horse is entered:
1. Cimetidine (Tagamet®) – 8 to 20 mg/kg PO BID-TID;
  2. Omeprazole (Gastrogard®) – 2.2 Grams PO SID; or
  3. Ranitidine (Zantac®) – 8 mg/kg PO BID.
- J. Environmental contaminants and substances of human use.**
1. The Department shall take disciplinary action against a trainer responsible for a horse that has more than 100 nanograms of caffeine in a milliliter of serum or plasma at the time of a pre- or post-race test.
  2. If a preponderance of the evidence presented during a hearing shows that a positive test conducted on a horse results from environmental contamination or inadvertent

## Arizona Racing Commission

exposure to human use of a medication, drug, or other substance, the Department shall consider the evidence as a mitigating factor in determining the disciplinary action to take against the affected trainer.

**K. Androgenic-anabolic steroids (AAS).**

1. The Department shall take disciplinary action against a trainer responsible for a horse if a urine test conducted on the horse shows:
  - a. The presence of an AAS other than those listed in subsection (K)(2), or
  - b. A concentration of an AAS listed in subsection (K)(2) greater than the threshold concentration listed in subsection (K)(2).
2. The Department shall permit the presence of the following AAS at a concentration at or less than the indicated threshold in the urine of a horse:
  - a. 16 $\beta$ -hydroxystanozolol (metabolite of stanozolol (Winstrol) in all horses regardless of sex - 1 ng/ml in urine or 100 pg/ml in serum or plasma;
  - b. Boldenone (Equipose® is the undecylenate ester of boldenone) in:
    - i. Male horses other than geldings – 15 ng/ml in urine or 100 pg/ml in serum or plasma; and
    - ii. Geldings and female horses – 100 pg/ml in serum or plasma;
  - c. Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester) in:
    - i. Geldings, fillies, and mares – 1 ng/ml in urine or 100 pg/ml in serum or plasma; and
    - ii. Intact males -- 500 pg/ml in serum or plasma; and
  - d. Testosterone in:
    - i. Geldings – 20 ng/ml in urine;
    - ii. Fillies and mares – 55 ng/ml in urine or 100 pg/ml in serum or plasma; and
    - iii. Intact males – 2,000 pg/ml in serum or plasma.
3. The state veterinarian shall ensure that a urine sample is identified with the sex of the horse from which the urine sample was obtained before the urine sample is forwarded to the official laboratory for testing.
4. The state veterinarian shall place a horse to which an AAS has been administered to assist in recovery from illness or injury on the Veterinarian's List to allow concentration of the AAS or metabolite in the horse's urine to be monitored. The state veterinarian may remove the horse from the Veterinarian's List when the concentration of the AAS or metabolite in urine is less than the threshold indicated in subsection (K)(2).

**L. TCO2 testing and procedures**

1. A steward or Department veterinarian may order that a blood sample be collected from a horse before or after a race to determine the TCO2 concentration in the serum or plasma of the horse. If it is determined that testing for TCO2 concentration is necessary, the state veterinarian shall ensure that the following procedure is used:
  - a. The state veterinarian shall ensure that at least two tubes of blood are obtained from the horse for TCO2 testing;
  - b. If the owner or trainer of a horse to be tested for TCO2 concentration wishes to have split sample testing performed, the owner or trainer shall request the split sample testing before the sample is collected;
  - c. The owner or trainer of a horse to be tested for TCO2 concentration who requests split sample test-

ing shall pay all costs related to obtaining, handling, shipping and analyzing the split;

- d. If the official laboratory determines that the concentration of TCO2 in the blood of a horse exceeds 37 millimoles per liter, the official laboratory shall inform the Department immediately of the positive finding; and
  - e. If the Department, in its discretion, determines the split sample cannot be tested within five days after the sample is collected, the determination of TCO2 concentration made by the official laboratory is final.
2. The stewards shall declare a horse ineligible to race if the owner, trainer, or other person responsible for the horse refuses or fails to permit a blood sample to be collected from the horse.
  3. If the result obtained by the official laboratory shows that a horse has a concentration of TCO2 greater than 37 millimoles per liter and the owner or trainer of the horse certifies in writing to the stewards within 24 hours after receiving notice of the test result that the concentration is normal for the horse, the owner or trainer may request that the horse be held in quarantine. If quarantine is requested, the permittee shall make guarded quarantine available for the horse for a period up to 72 hours as determined by the stewards.
    - a. The owner or trainer of the horse shall pay all expenses associated with maintaining the quarantine;
    - b. During quarantine, the state veterinarian shall ensure that the horse's TCO2 concentration is re-tested;
    - c. The stewards shall not allow the horse to race during the quarantine period but may allow the horse to be exercised and trained at times and in a manner that allows monitoring of the horse by the Department;
    - d. The stewards shall ensure that the horse is fed only hay, oats, and water during the quarantine period; and
    - e. If the state veterinarian is satisfied that the horse's TCO2 concentration, as registered in the original test, is physiologically normal for the horse, the stewards shall:
      - i. Permit the horse to race; or
      - ii. Require that the quarantine procedure in this subsection be repeated to verify that the horse's TCO2 concentration is physiologically normal.

**M. Blood- and gene-doping agents.**

1. The Department may subject a horse at a location under the Department's jurisdiction or under the care or control of a licensee to testing for blood- and gene-doping agents.
2. The state veterinarian is authorized to:
  - a. Take a urine, blood, or hair sample from a horse to test for blood- and gene-doping agents;
  - b. Select a horse for testing at random or with probable cause; and
  - c. Conduct the sampling at any time without advance notice.
3. The Department shall take disciplinary action against a licensee responsible for a horse if the results of a test conducted on a sample obtained under subsection (M)(2) shows the presence of:
  - a. Blood-doping agents including, but not limited to, Erythropoietin (EPO), Darbepoetin, Oxyglobin, Hemopure, Aransep, or any substance that abnormally enhances oxygenation of body tissues; or

## Arizona Racing Commission

- b. Gene-doping agents or the non-therapeutic use of genes, genetic elements, or cells that have the capacity to enhance athletic performance or produce analgesia.
  - 4. Subsection (M)(3) does not apply to a therapeutic medication that has been approved by the U.S. Food and Drug Administration for use in a horse.
  - 5. A licensee at a location under the Department's jurisdiction shall cooperate with a veterinarian acting under subsection (M)(2) by:
    - a. Assisting to locate and identify a horse selected for testing,
    - b. Providing a stall or other safe location at which samples can be collected, and
    - c. Assisting the veterinarian to procure a sample properly.
  - 6. A veterinarian who obtains a sample under subsection (M)(2) shall split the sample as described in subsection (N).
- N. Testing.
  - 1. Reporting to the test barn.
    - a. The trainer of an official winning horse, or a designee of the trainer, shall take the horse to the test barn immediately after the race to have blood and urine samples taken.
    - b. The Department or stewards shall order random or extra testing of any horse at a location under the Department's jurisdiction if the Department or stewards determine that the testing is in the best interest of racing. The trainer of a horse ordered to testing, or a designee of the trainer, shall take the horse directly, or at a time designated by the stewards or state veterinarian, to the test barn to have blood and urine samples taken.
    - c. A track security guard shall monitor access to the test-barn area during and immediately after each race. A person who wishes to enter the test-barn area shall:
      - i. Be at least 18 years old,
      - ii. Be currently licensed by the Department,
      - iii. Display an identification badge issued by the Department, and
      - iv. Have a reason to be in the test-barn area that the track security guard determines is legitimate.
  - 2. Sample collection.
    - a. The state veterinarian or designee shall take blood and urine samples from a horse.
    - b. The state veterinarian shall ensure that blood samples are taken at a consistent time, preferably within one hour after a race.
    - c. The state veterinarian shall determine the minimum sample required for testing by the official laboratory:
      - i. If the sample obtained is less than the minimum required, the state veterinarian shall send the entire sample to the official laboratory;
      - ii. If the sample obtained is more than the minimum required but less than twice the minimum required, the state veterinarian shall secure the portion of the sample that is greater than the minimum required as a split sample; and
      - iii. If the sample obtained is more than twice the minimum required, the state veterinarian shall secure a portion of the sample equal to the minimum required as a split sample.
  - 3. Storage and shipment of split samples.
    - a. The state veterinarian shall secure a split sample obtained under subsection (N)(2)(c) and make the split sample available for testing.
    - b. To secure a split sample, the state veterinarian shall:
      - i. Maintain the split sample in the test barn in the same manner as the portion of the sample from which it is split;
      - ii. Transfer the split sample to a freezer at a secure location approved by the Department when the portion of the sample from which it is split is packaged and shipped to the official laboratory;
      - iii. Ensure that the split-sample freezer is closed and locked except when depositing or removing a split sample, conducting inventory of split samples, or checking the condition of split samples;
      - iv. Maintain a log that specifies the following information for each time the split-sample freezer is opened: name of each person present; purpose of opening the freezer; identification of the split sample deposited or removed; date and time the freezer is opened; time the freezer is closed; and verification that both locks were secure before and after opening the freezer; and
      - v. Document in the log and report immediately to the Department any evidence that the split-sample freezer malfunctioned or split samples are not frozen.
    - c. If the official laboratory determines that a sample submitted under this subsection tests positive for a foreign substance, the trainer or owner of the horse from which the sample was obtained may, within 72 hours, deliver a written request to the stewards that the sample split from the sample for which the positive result was obtained be sent for testing by a Department-approved laboratory selected by the trainer or owner. The trainer or owner who requests that a split sample be tested shall:
      - i. Witness the split sample being removed from the split-sample freezer, packed for shipping, and transferred to the carrier charged with delivery of the package;
      - ii. Be allowed to inspect the package containing the split sample to verify that the package has not been tampered with before transfer to the carrier charged with delivery of the package and is correctly addressed to the Department-approved laboratory selected by the trainer or owner;
      - iii. Sign a form provided by the Department verifying that the rights described under subsections (N)(3)(c)(i) and (ii) have been provided; and
      - iv. Pay for shipping and testing the split sample.
    - d. A trainer or owner who fails to appear at the time and place designated by the state veterinarian to witness a split sample being removed from the split-sample freezer, packed for shipping, and transferred to a delivery carrier waives the right to split-sample testing.
    - e. The state veterinarian shall ensure that a split sample is packed and shipped for testing to a Department-approved laboratory within 72 hours after a written request for split-sample testing is delivered to the stewards under subsection (N)(3)(c).
    - f. When preparing a split sample for shipment, the state veterinarian shall ensure that:

## Arizona Racing Commission

- i. The split sample is removed from the split-sample freezer and packed for shipping in the presence of the trainer or owner of the horse from which the sample was obtained;
- ii. The split sample is packed for shipping in a safe and secure manner;
- iii. The exterior of the package containing the split sample is secured in a manner designed to prevent tampering; and
- iv. The package containing the split sample is transported to the location where custody is transferred to the carrier charged with delivering the package to the Department-approved laboratory selected by the trainer or owner.
- g. During the process of retrieving, packing, and shipping a split sample, the state veterinarian shall prepare a chain-of-custody verification form containing the following information:
  - i. Date and time the split sample is removed from the split-sample freezer,
  - ii. Number of the split sample,
  - iii. Address of the Department-approved laboratory selected by the trainer or owner of the horse from which the split sample was obtained,
  - iv. Name of the carrier charged with delivering the package,
  - v. Address at which custody of the package is transferred to the carrier charged with delivering the package, and
  - vi. Date and time that custody of the package is transferred from the Department to the carrier charged with delivering the package.
- h. The state veterinarian shall ensure that both the state veterinarian and the trainer or owner of the horse from which the split sample was obtained sign the chain-of-custody verification form indicating that:
  - i. The correct split sample was removed from the split-sample freezer,
  - ii. The split sample was packed in accordance with subsection (N)(3)(f)(ii),
  - iii. The package containing the split sample was correctly addressed to the Department-approved laboratory selected by the trainer or owner, and
  - iv. There is no evidence of tampering on the package containing the split sample.
- i. The state veterinarian shall keep the original of the chain-of-custody verification form and provide a copy to the trainer or owner of the horse from which the split sample was obtained.
- 4. Frozen samples. As specified in the Department's contract with the official laboratory, the Department has authority to require the official laboratory to retain and preserve by freezing the left-over portion of a sample submitted for testing.
- 5. Laboratory minimum standards. The official laboratory and any Department-approved laboratory that conducts primary or split-sample testing shall meet the following minimum standards:
  - a. General adherence to the requirements for competence of testing and calibration specified by the International Organization for Standardization;
  - b. Have or have access to liquid chromatograph and mass spectrometer instruments for screening and confirmation purposes; and
  - c. Be able to detect medications, drugs, and other substances at the specific concentration or regulatory threshold established.
- O. Trainer responsibilities.
  - 1. The trainer of a horse at a location under the Department's jurisdiction shall:
    - a. Ensure that if the horse entered in an official workout, the horse is in physical condition for the workout;
    - b. Ensure that if the horse is entered in a race, the horse is in physical condition to perform creditably at the distance entered;
    - c. Prevent administration to the horse of a prohibited medication, drug, or other foreign substance;
    - d. Prevent administration to the horse of a permitted medication, drug, or other foreign substance in excess of the maximum allowable concentration;
    - e. Maintain knowledge of the medications, drugs, or other substances administered to the horse;
    - f. Report immediately to the stewards and state veterinarian knowledge of or reason to believe a prohibited medication, drug, or other foreign substance has been administered or a permitted medication, drug, or other foreign substance has been administered in excess of the maximum allowable concentration;
    - g. Maintain an assigned stable area in a clean, neat, and sanitary condition at all times;
    - h. Use the services of only a veterinarian licensed by the Department while at a location under the Department's jurisdiction;
    - i. Ensure the proper identity, custody, care, health, and safety of the horse;
    - j. Ensure that the horse has a valid health certificate and a negative Equine Infectious Anemia test certificate on file with the racing secretary;
    - k. Report no later than the time of entry to the horse identifier and racing secretary if the horse is gelded;
    - l. Report immediately to the state veterinarian when the horse has a reportable disease or unusual incidence of a communicable illness;
    - m. Report immediately to the stewards and state veterinarian when the horse has a serious injury or dies;
    - n. Comply with the provisions in subsection (R) governing postmortem examination;
    - o. Ensure that an entered horse is present at the horse's assigned stall for the pre-race inspection prescribed under subsection (P);
    - p. Ensure that the horse has proper bandages, equipment, and shoes;
    - q. Be present in the paddock at least 17 minutes before post time of a race for which the horse is entered or another time designated by the stewards;
    - r. Supervise saddling the horse in the paddock unless excused by the stewards;
    - s. Attend, or ensure that the owner or a licensed employee of the owner attend, collection of a blood or urine sample from the horse; and
    - t. Report no later than the time of entry to the state veterinarian and racing secretary that a mare is in foal.
  - 2. If the official laboratory reports that a horse tests positive for a prohibited medication, drug, or other foreign substance or for a permitted medication, drug, or other substance in excess of the maximum allowable concentration, the Department shall view the positive test as prima facie evidence that the trainer of the horse violated subsection (O)(1).

## Arizona Racing Commission

3. A trainer whose horse has been claimed shall comply with all provisions of subsection (O)(1) until after the race in which the horse was claimed.
- P. Physical inspection of horses.**
1. A horse entered in a race at a location under the Department's jurisdiction is subject to inspection by a veterinarian before the race.
  2. A pre-race inspection of an entered horse shall be conducted by the track veterinarian.
  3. The trainer of an entered horse or a representative of the trainer shall present the horse for pre-race inspection as required by the track veterinarian. The trainer shall ensure that when the horse is presented for pre-race inspection:
    - a. All bandages are removed,
    - b. The horses' legs are clean,
    - c. The horse has not been placed in ice before the inspection, and
    - d. No device or substance that might impede veterinary clinical assessment is applied to the horse.
  4. The track veterinarian shall ensure that a pre-race inspection of an entered horse includes the following:
    - a. Proper identification of the horse inspected;
    - b. Observation of the horse in motion;
    - c. Manual palpation and passive flexion of both forelimbs;
    - d. Visual inspection of the entire horse and assessment of overall condition;
    - e. Observation of the horse in the paddock and saddling area, during the parade to post, and at the starting gate; and
    - f. Any other inspection the state veterinarian deems necessary.
  5. The track veterinarian shall maintain and regularly update a health and racing soundness record of each horse inspected.
  6. The trainer or owner of a horse at a location under the Department's jurisdiction shall allow the state or track veterinarian to have access to the horse regardless of whether the horse is entered in a race.
  7. If the state or track veterinarian determines that a horse is unfit for competition or is unable to determine the horse's racing soundness, the state veterinarian shall recommend to the stewards that the horse be scratched from a race in which the horse is entered.
  8. If a horse is scratched from a race based on the recommendation of the state or track veterinarian, the veterinarian shall ensure that the horse is placed on the Veterinarian's List described in subsection (Q).
- Q. Veterinarian's List.**
1. The track veterinarian shall maintain the Veterinarian's List of all horses determined to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity, or other medical condition.
  2. The trainer of a horse on the Veterinarian's List shall not enter the horse in a race unless approved the track and Department veterinarians.
  3. The trainer of a horse on the Veterinarian's List shall not enter the horse in a race until the horse has been on the Veterinarian's List at least 72 hours.
  4. The track veterinarian shall ensure that a horse is removed from the Veterinarian's List only when the track veterinarian determines the condition that caused the horse to be placed on the Veterinarian's List is resolved and the horse has been returned to racing soundness.
  5. The trainer or owner of a horse on the Veterinarian's List shall comply with all provisions of this Chapter including testing.
- R. Postmortem Examination.**
1. The trainer or owner of a horse that dies or is euthanized at a location under the Department's jurisdiction shall submit the horse for a postmortem examination if requested by the Department.
  2. If required under subsection (R)(1) to submit a horse to the Department for postmortem examination, the trainer or owner of the horse shall ensure that all shoes and equipment are left on the horse's legs.
  3. If an analysis of blood, urine, bodily fluids, or other biologic specimens collected during a postmortem examination shows the presence of a prohibited medication, drug, or other substance or a permitted medication, drug, or other substance in excess of the maximum allowable concentration in the horse's body, the Department shall take disciplinary action allowed under A.R.S. Title 5, Chapter 1 and this Chapter against the trainer or owner of the horse.
  4. In proceeding with a postmortem examination of a horse, the Department shall coordinate with the horse's owner to determine and address any insurance requirements.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended by adding subsection (O) effective November 23, 1983 (Supp. 83-6). Amended by adding subsection (P) effective January 24, 1985 (Supp. 85-1). Amended by adding subsections (Q) and (R) effective September 24, 1986 (Supp. 86-5). Amended by adding subsections (S), (T), (U) and (V) effective February 19, 1987 (Supp. 87-1). Amended by adding subsections (W) and (X) effective October 14, 1988 (Supp. 88-4). Repealed effective March 20, 1990 (Supp. 90-1). R19-2-120 recodified from R4-27-120 (Supp. 95-1). New Section made by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-121. Officials****A. Generally.**

1. In this Article, the term track official means the following persons employed by the permittee and approved and licensed by the Department: Director of Racing, one steward, pari-mutuel manager, patrol judges, clerk of the scales, starter, timer, placing judge, paddock judge, track veterinarian, track superintendent, racing secretary, assistant racing secretary, handicapper, horsemen's bookkeeper, jockey room custodian, and chief of security.
2. The term Department official means the following persons appointed by the Department: two stewards, state pari-mutuel supervisor, state veterinarian, identifier, and investigator. Other track officials may be appointed by the Department for a county fair race meet.
3. A person may serve in more than one position as a track or Department official if the person can do so without detriment to any of the other positions and the person has the consent and approval of the Department except that neither the racing secretary nor the permittee director of racing may serve as a steward.
4. A ruling by the stewards is controlling if made by a majority of the stewards participating in making the ruling.
5. Vacancies.
  - a. When a vacancy occurs among officials other than stewards, the stewards shall fill the vacancy before

## Arizona Racing Commission

post time of the first race of the day or immediately if the vacancy occurs after post time of the first race. An appointment made by the stewards is effective only for the day on which the appointment is made unless the permittee fails to fill the vacancy on the following day and notifies the stewards of its action not less than one hour before post time of the first race of the following day. A permittee shall promptly report the appointment of an official to the Department.

- b. As required under subsection (E)(1), three stewards shall view the running of a race. If a vacancy occurs among the stewards, the stewards present shall appoint one or two persons to serve as temporary stewards. The stewards making an appointment under this subsection shall report the appointment in writing to the Department.
  - c. In case of emergency, the stewards may appoint a substitute official to fill a vacancy for only as long as the emergency exists.
6. The Department shall not license or appoint minors as officials.
  7. A person with a financial interest in the result of a race, such as an ownership interest in any entered horse or a wager, shall not act as an official at the race meet in which the race occurs.
- B. Prohibited acts.**
1. An official or an official's assistant shall not purchase pari-mutuel tickets on races.
  2. An official or an official's assistant shall not consume alcoholic beverages while on duty.
  3. An official shall not accept, directly or indirectly, a bribe, gift, or other form of gratuity that is intended to or might influence the results of a race or the conduct of a race meet.
  4. An official or employee of a permittee shall not write or solicit horse insurance at a race meet.
  5. An official or employee of a permittee at a race meet shall not buy or sell a contract upon a jockey or apprentice jockey for another official or employee of a permittee or for another individual, either directly or indirectly.
- C. An official or employee or a permittee shall report all observed violations of this Chapter to the stewards.**
- D. Complaints.**
1. A person with a grievance or complaint against a track official, an employee of the permittee, or a licensee shall submit the grievance or complaint in writing to the stewards within five days of the alleged act or omission giving rise to the grievance or complaint. The stewards shall consider the matter, take appropriate action, and make a full written report of the stewards' action to the Department.
  2. A person with a grievance or complaint against an official or employee of the Department shall report the grievance or complaint in writing to the Director or designee within five days of the alleged act or omission giving rise to the grievance or complaint.
  3. The Department shall take disciplinary action allowed under A.R.S. Title 5, Chapter 1 against an official or employee of the Department who fails to comply with this Chapter.
- E. Stewards.**
1. Two stewards appointed by the Director, and one steward appointed by the permittee and licensed by the Department, shall supervise each race meet.

- a. The stewards shall be in attendance at the office of the racing secretary or on the grounds of the permittee on any day in which entries are being taken or racing is being conducted and represent the Department in all matters pertaining to the enforcement and interpretation of this Chapter.
  - b. The stewards shall advise the Director of all hearings and rulings made.
  - c. If a steward is unable to perform the steward's duties for more than one day, the steward shall immediately notify the Director so an alternate steward may be named to act in the steward's place.
2. The stewards shall enforce A.R.S. Title 5, Chapter 1 and this Chapter.
  3. The stewards shall interpret A.R.S. Title 5, Chapter 1 and this Chapter and decide all questions not specifically covered by A.R.S. Title 5, Chapter 1 and this Chapter. In all interpretations and decisions, an order of the stewards supersede an order of the permittee.
    - a. The stewards shall have control over and free access to all stands, weighing rooms, enclosures, and all other places within the grounds of the permittee.
    - b. The stewards shall investigate and render a decision promptly on each objection properly made to them under R19-2-117. Even if all stewards agree on a ruling, only a majority need to sign the ruling.
    - c. The stewards shall supervise all entries and declarations. The stewards may refuse entries or the transfer of entries for violation of A.R.S. Title 5, Chapter 1 or this Chapter.
    - d. The stewards shall regulate and control the conduct of officials and other persons attending or participating in a race meet.
    - e. When necessary to maintain safety and health conditions and protect public confidence in the sport of racing, the stewards shall:
      - i. Authorize a person to enter in or on and examine the buildings, stables, rooms, motor vehicles, trailers, or other places within the grounds of a permittee;
      - ii. Inspect and examine the person, personal property, and effects of any person within the grounds of a permittee; and
      - iii. Seize any items prohibited under R19-2-112(7) or (8) or any other illegal article.
    - f. Under subsection (E)(6), the stewards may impose a civil penalty in an amount not to exceed \$2,500 on any person subject to the stewards' control for violation of A.R.S. Title 5, Chapter 1 or this Chapter. After a hearing, the stewards may suspend a person violating A.R.S. Title 5, Chapter 1 or this Chapter for up to six months and may rule off a licensee violating A.R.S. Title 5, Chapter 1 or this Chapter. The stewards may impose both a civil penalty and suspension for the same violation. The stewards may refer any ruling made by the stewards to the Director, recommending further action, including license revocation.
    - g. If a laboratory report or other evidence shows the administration or presence of a foreign substance, the stewards shall immediately investigate the matter and may disqualify the horse, suspend the trainer or other person involved, refer the matter to the Director, and impose a fine.
    - h. Every person or entry expelled or ruled off by any recognized turf authority for fraudulent or improper



## Arizona Racing Commission

- practice or conduct is ruled off all permittee locations in the state.
- i. Unless specifically ordered otherwise, if the stewards suspend one license held by an individual, all licenses held by the individual are suspended for the term of the suspension.
  - j. When a person is suspended, the stewards shall rule off every horse wholly or partly owned by the person for as long as the person's suspension continues. The suspended person shall not, whether acting as agent or otherwise, subscribe for, enter, or run a horse in any race, in either the person's name or that of another person. The stewards shall disqualify a horse if the horse is wholly or partly owned by the suspended person or under the suspended person's care, management, training, or supervision, or the suspended person has an interest in the horse's winnings. At the time it is discovered, the stewards shall void an entry from a suspended person or of a horse that stands ruled off. The suspended person shall forfeit the entry or subscription money and return the money or prize won.
4. The stewards may excuse a horse that has left the paddock for the post if the stewards consider the horse to be disabled or unfit to run. In claiming races, if there is a claim entered on an excused horse, the claim is invalid.
  5. The stewards shall determine the finish of a race by the relative position of the noses of each horse. At the end of a race, the stewards shall immediately notify the pari-mutuel department of the numbers of the first four horses.
    - a. The stewards shall promptly display the numbers of the first four horses in each race in the order that they finished. If the stewards differ as to the order in which the horses finished, the conclusion of the majority of the stewards shall prevail.
    - b. The stewards may review a photo-finish picture provided by the permittee to aid the stewards in determining the finish of a race.
      - i. If the photo-finish picture furnished by the permittee is not adequate or usable, the stewards shall make the final decision.
      - ii. If the stewards consider it advisable to review the photo-finish picture, the stewards may post the placements that the stewards determine are unquestionable without waiting for a picture. After reviewing the picture, the stewards shall make the other placements. The stewards shall not declare the race official until the stewards have determined which horses finished first, second, third, and fourth.
    - c. The stewards shall correct an error before the display of the official sign or recall the official sign if it is displayed through error.
  6. The stewards shall adhere to the following procedure when the stewards have reason to believe that a person has violated A.R.S. Title 5, Chapter 1 or this Chapter:
    - a. The stewards shall summon the person to a hearing with all the stewards present;
    - b. The stewards shall give 24-hours' written notice of the hearing to the person, using a form supplied by the Department. The stewards shall time and date the notice, and the person notified shall sign the notice and return the notice to the stewards. The stewards shall retain the original notice and include the notice as part of the case file. The stewards shall give a copy of the notice to the person summoned;
    - c. Except as provided in subsection (E)(6)(g), the stewards shall not impose a penalty without a hearing;
    - d. If a summoned person fails to appear at a scheduled hearing, the person waives the right to a hearing before the stewards;
    - e. The stewards shall permit the summoned person to present witnesses on the person's behalf;
    - f. The stewards shall take appropriate action, including suspension, civil penalty, or both, if there is substantial evidence to find a violation of A.R.S. Title 5, Chapter 1 or this Chapter. The stewards shall promptly forward the written decision or ruling to the Director and to the summoned person;
    - g. The stewards may summarily declare a horse scratched and may suspend a license pending a stewards' hearing if the stewards make a specific finding that the action is in the best interest of the public health, safety, and welfare;
    - h. The stewards shall recover and forward to the Department any license the stewards suspend;
    - i. The stewards shall act by majority vote on all matters within the stewards' jurisdiction;
    - j. The stewards have the power to modify, change, or remit any ruling imposed by the stewards; and
    - k. A licensee shall promptly pay to the Department any civil penalty imposed by the stewards for deposit with the state treasurer.
  7. During a term of suspension of an owner, trainer, or other person at a location under the jurisdiction of the Department, the stewards and permittee shall ensure that a ruling against the owner, trainer, or other person is enforced.
- F. Racing secretary.**
1. The racing secretary shall report to the stewards all violations of A.R.S. Title 5, Chapter 1 and this Chapter or of the regulations of the permittee that come to the racing secretary's attention.
  2. The racing secretary shall keep a complete record of all races.
  3. The racing secretary or authorized representative shall inspect all documents dealing with owners and trainers, partnership agreements, appointments of authorized agents, and adoption of stable names. The racing secretary may demand production of the documents to verify their validity and authenticity and to ensure that A.R.S. Title 5, Chapter 1 and this Chapter has been followed.
  4. The racing secretary shall write the conditions of all races and publish the conditions sufficiently before closing time for entries to allow the conditions to be read by all owners and trainers. The racing secretary shall not alter the conditions of the races after closing time.
    - a. The racing secretary shall not write race conditions that conflict with A.R.S. Title 5, Chapter 1 or this Chapter.
    - b. The racing secretary shall include in the race conditions or post a list of eligible horses before the time of entry for every graded quarter-horse race. The racing secretary shall not add a horse to this list after entering has begun without the consent of those who have entered eligible horses.
  5. The racing secretary shall act as the official handicapper in all races.
    - a. The racing secretary shall assign weight to all horses entered in a handicap race.
    - b. The racing secretary shall post the weights assigned in a handicap race before 10:30 a.m. on the day set for publication.

## Arizona Racing Commission

6. The racing secretary shall determine the character and condition of substitute and extra races and submit the substitute and extra races to the stewards for approval.
    - a. If a stakes or overnight handicap race does not fill, the unfilled race may be replaced by another overnight race carrying a guaranteed purse consistent with the daily average purse.
    - b. If a race is canceled, the racing secretary may split any race programmed for the same day that previously was closed.
    - c. The racing secretary shall give preference to races printed in the condition book over substitute and extra races.
  7. The racing secretary or designee shall conduct the drawing of horses in all races and immediately post an overnight listing of the horses in each race.
  8. The office of the racing secretary shall keep the preferred list of all horses.
  9. The racing secretary shall not allow a horse to start in a race unless the horse is entered in the name of the legal owner and the owner's name appears on the back of the horse's registration papers or on a legal lease or bill of sale attached to the horse's registration papers.
- G. Assistant racing secretary.** The assistant racing secretary shall, under the racing secretary's supervision, assist the racing secretary to perform the racing secretary's duties.
- H. Starter.**
1. The starter has:
    - a. Complete jurisdiction over the starting of any field of horses,
    - b. Authority to give orders necessary to ensure a fair start, and
    - c. Authority to recommend to the stewards that a person be fined or suspended for violating the starter's orders.
  2. The starter may place a horse on a schooling list. The racing secretary shall not accept an entry on a horse until the horse is removed from the schooling list by the starter.
  3. The starter may recommend to the stewards that a horse be ruled off if the horse is unmanageable at the starting gate or refuses to break properly, after a reasonable schooling period.
- I. Starter's assistant.**
1. The starter's assistant may help horses into the starting gate.
  2. The starter's assistant may handle or otherwise restrain unruly or fractious horses before the start.
- J. Clerk of the scales.**
1. The clerk of the scales include shall:
    - a. Weigh all jockeys out and in;
    - b. Post promptly the names of jockeys who are overweight at weigh out;
    - c. Notify a trainer that the trainer's jockey is overweight;
    - d. Report all late scratches, changes in riders, overweight jockeys, and corrected weights for posting on a bulletin board located in a place conspicuous to the wagering public; and
    - e. Record winning records of apprentice jockeys and attest to the date and track on the jockey's apprentice certificate.
  2. A jockey shall not pass the scale more than seven pounds overweight without consent of the stewards.
  3. A jockey shall not be more than one pound short at weigh in.
4. The clerk of the scales shall report to the stewards any violation of weight requirements or any attempt to alter specified weights.
- K. Paddock judge.** The paddock judge shall:
1. Check all contestants for each race,
  2. Keep a record of all equipment carried by all horses in each race under the paddock judge's jurisdiction,
  3. Not allow a change of equipment unless the change is approved by the stewards;
  4. Ensure that only the owner or trainer of a horse or an employee of the owner or trainer touch a horse in the paddock without permission of the paddock judge; and
  5. Report any irregularities to the stewards.
- L. Patrol judge.**
1. The patrol judge shall:
    - a. View the portion of the track allotted to the patrol judge, and
    - b. Report to the stewards any irregular incident occurring during a race.
  2. The stewards may require a patrol judge to submit a written report on each race.
  3. The number of patrol judges in use at a track may vary with the size of the track and need to ensure clean racing.
- M. Timers.** Timers shall:
1. Accurately record the time of each race,
  2. Accurately record the fractional times of each race if required, and
  3. Use an electrical timing device approved by the Department in all races restricted to quarter horses.
- N. Jockey room custodian.** The jockey room custodian shall:
1. Maintain the jockey room in proper order as a restricted area;
  2. Ensure that jockeys conduct themselves in accordance with A.R.S. Title 5, Chapter 1 and this Chapter;
  3. Ensure that jockeys are on time for races;
  4. Supervise the valets employed to assist the jockeys;
  5. Assist the clerk of scales to ensure jockeys have proper equipment and carry the correct weight; and
  6. Report immediately to the stewards any horse's colors not in the jockey room custodian's possession for the day's racing.
- O. Horsemen's bookkeeper.**
1. The horsemen's bookkeeper shall receive all stakes, forfeits, entrance monies, fees (including jockey fees), and purchase money in claiming races.
  2. The horsemen's bookkeeper shall pay all money on deposit to the persons entitled to it within 14 days after the close of a race meet.
  3. The horsemen's bookkeeper shall be bonded in an amount determined by the Director.
  4. The horsemen's bookkeeper shall segregate and hold as trust funds all fees paid in added money events, early closing events, stakes, and futurities until the event is contested. The horsemen's bookkeeper shall submit proof of segregation by bank letter or bank statement to the Department through the bank's authorized representative.
  5. The horsemen's bookkeeper shall not pay purse money earned by a horse to anyone except the horse's registered owner or the owner's authorized agent. The Department shall authorize the release of purse monies only after the results of laboratory analysis are obtained.
  6. If the stewards notify the horsemen's bookkeeper that there is an objection or a post-race sample tests positive for a foreign substance, the horsemen's bookkeeper shall hold the purse monies until the Department authorizes release of the purse monies.

## Arizona Racing Commission

**P. Veterinarians.**

1. The Department shall approve two official veterinarians who are licensed to practice veterinary medicine by the state of Arizona. Each permittee shall employ one of the official veterinarians, who is called the track veterinarian. The Department shall employ the other official veterinarian, who is called the state veterinarian.
2. The state veterinarian shall be in charge of all sample collection.
3. An official veterinarian shall inspect each horse in the receiving barn or paddock and shall recommend to the stewards that a horse be scratched if the veterinarian finds the horse is unsafe to race or physically unfit to produce a satisfactory result in a race.
4. The track veterinarian shall examine all horses before a race.
5. Either the state veterinarian or track veterinarian shall place a horse deemed to be unsafe, unsound, or unfit on a suspension list approved by the stewards.
6. A veterinarian licensed by the Department shall keep a written record of the veterinarian's practice on the grounds of a permittee relating to horses participating in racing.
  - a. The veterinarian shall include the following in the record:
    - i. The name of the horse treated,
    - ii. The nature of the horse's ailment,
    - iii. The type of treatment prescribed and performed for the horse, and
    - iv. The date and time of the treatment;
  - b. The veterinarian shall keep the record for practice engaged in at all licensed tracks;
  - c. The veterinarian shall produce the record without delay on request of the stewards or the Department;
  - d. A veterinarian engaged in private practice at a location under the jurisdiction of the Department shall be licensed by the Arizona State Board of Veterinarian Medical Examiners and the Department;
  - e. A veterinarian who administers to or prescribes for horses on the premises of a permittee shall be licensed by the Department except, as specified in R19-2-120(A)(2)(g), in case of emergency; and
  - f. When recommended by the state veterinarian, the Department shall evaluate new and experimental medications and drugs and determine whether the medications and drugs may be used on the grounds of a permittee.
7. If an official veterinarian determines that an injured horse should be destroyed, the official veterinarian shall destroy the horse quickly, humanely, and out of sight of the public unless any delay will prolong suffering by the horse.

**Q. Horse identifier.**

1. The horse identifier or designee shall examine all horses registered for racing at tracks under the jurisdiction of the Department.
2. The horse identifier shall ensure that all horses starting at any track in Arizona are tattooed unless otherwise authorized by the stewards.
3. The horse identifier may make photographs or permanent identification records for horses referred to in subsection (Q)(1). The horse identifier shall include the tattoo number, markings, cowlicks, dimples, and other characteristics on the horse's identification record.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended subsections (A) and (D) effective November

30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-121 recodified from R4-27-121 (Supp. 95-1). Amended effective September 14, 1995 (Supp. 95-3). Amended effective January 12, 1996 (Supp. 96-1). Amended effective August 7, 1996 (Supp. 96-3). Spelling correction made in subsection (1) "permittee" changed to "permittee" to reflect rules on file with the Office of the Secretary of State (Supp. 98-3). Amended by final rulemaking at 11 A.A.R. 5534, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-122. Transfers**

- A.** Any change in the ownership or lease of a horse registered with the racing secretary must be effected by a bill of sale or lease agreement.
  1. A copy of the bill of sale or lease agreement shall be filed in the track office of the Department and with the racing secretary.
  2. The stewards shall be advised of any change in the ownership or trainer transfer of a horse registered with the racing secretary.
  3. A horse shall not be transferred to a new trainer after entry.
  4. More than one owner may be indicated on the program by the use of the name of one owner and the phrase "et al."
- B.** If a horse is sold with all its engagements or any part of them, the seller shall not strike it from such engagements.
  1. In all private sales, the written acknowledgment of both parties that the horse was sold with all, or part of, its engagements is necessary to entitle the seller or buyer to the benefit of this rule. If certain engagements are specified, only those engagements so specified shall be sold with the horse.
  2. In all public auctions, the advertised conditions of the sale are sufficient evidence of sale with all engagements. If certain engagements are specified, only those engagements so specified shall be sold with the horse.
  3. If a horse is transferred with its engagements, that horse shall not be eligible to start in any stakes race unless, at the time of the running of the stakes or prior thereto, the transfer of the horse and its engagements is exhibited upon demand to the racing secretary.
  4. No transfer of a horse or an engagement shall be made for the purpose of avoiding disqualification.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-122 recodified from R4-27-122 (Supp. 95-1).

**R19-2-123. Procedure before the Department**

- A.** Appeal of stewards' rulings and referrals.
  1. A person aggrieved by a ruling of the stewards may appeal to the Director. An appeal shall be filed in writing to the office of the Director within three days after receipt of the steward's ruling.
  2. An appeal shall be signed by the person making the appeal or by the person's attorney and shall contain the grounds for appeal and the reasons for believing the person is entitled to a hearing.
  3. The stewards may refer any ruling to the Director, recommending further action, including revocation of a license suspended by the stewards. On receipt of a referral, the Director shall review the record and may affirm, reverse, or modify the stewards' ruling or conduct other proceedings the Director deems appropriate.

## Arizona Racing Commission

4. If the Director decides that hearing or other proceeding is appropriate, the Director shall fix a time and place for a hearing. The Director shall give written notice of the hearing to the appellant at least 30 days before the date set for the hearing unless the 30 days' notice is waived in writing by the appellant.
- B. Appeal of stewards' inquiry and objection rulings.**
1. Failure of the stewards to convene a hearing within 10 days after an objection is made shall be deemed a denial that may be appealed by filing a written appeal to the office of the Director within 10 days after the date the objection is denied.
  2. A person making an appeal or the person's attorney shall sign the appeal and ensure that it contains the grounds for appeal and reasons for believing the person is entitled to a hearing.
  3. After an appeal is filed under subsection (B)(2), the Director shall fix a time and place for hearing or refer the matter to a hearing officer. The Director shall give written notice of the hearing to the appellant at least 30 days before the date set for the hearing unless the 30 days' notice is waived in writing by the appellant.
  4. Nothing contained in this Section shall affect distribution of pari-mutuel pools.
  5. The Department shall retain purse money affected by an appeal until an order regarding the appeal is issued by the Director.
- C. License denial, suspension, or revocation.**
1. The Director may deny a license without prior notice to a license applicant. However, if the applicant files an appeal with the Director within 30 days after receipt of the denial notice, the Director shall fix a time and place for a hearing on the matter and give written notice of the hearing to the applicant at least 30 days before the date set for the hearing, unless the 30 days' notice is waived in writing by the applicant.
  2. The Director may revoke or, independently of the stewards, suspend a license only after notice and opportunity for hearing. The Director shall give written notice of the hearing at least 30 days before the date set for hearing unless the 30 days' notice is waived in writing by the licensee.
  3. Unless specifically ordered otherwise, if the Director suspends one license held by an individual, all licenses held by the individual are suspended for the term of the suspension.
- D. Director's hearings.**
1. A party appearing before the Director or the Director's designee shall be afforded an opportunity to a hearing and to respond and present evidence and argument on all issues.
  2. An individual appearing before the Director or the Director's designee has the right to appear in person or by counsel. A corporation appearing before the Director shall appear only through counsel. A party may submit the party's case in writing. If a party fails to appear for a hearing, the Director may act on the evidence without further notice to the party. The Director may reopen a proceeding if a party to the proceeding submits a written petition to the Director within 15 days after the proceeding.
- E. Hearing officer.** If the Director assigns a matter to a hearing officer, the hearing officer shall submit to the Director within 15 days after conclusion of the hearing a written decision that includes proposed findings of fact, conclusions of law, and order. The Director may accept, reject, or modify the decision of the hearing officer. Unless modified, the decision of the hearing officer becomes the decision of the Director 45 days after the hearing officer submits the decision to the Director.
- F. Depositions.**
1. If a party desires to take the oral deposition of a witness residing outside the state or otherwise unavailable as a witness, the party shall file with the Director a petition for permission to take the deposition of the witness. The party shall specify in the deposition petition the name and address of the witness and the nature and substance of the testimony expected to be given by the witness. The Director shall grant permission to take the deposition if the Director is able to determine from the deposition petition that the witness resides outside the state or is otherwise unavailable and the witness's testimony is relevant and material.
  2. The Director may, at the Director's discretion, designate the time and place at which the deposition may be taken. The party that takes a deposition is responsible for all expenses involved in taking the deposition.
  3. A party taking a deposition under this subsection shall return and file the deposition with the Director within 30 days after permission for taking the deposition is granted.
- G. Service.**
1. The Department shall make service of a decision, order, or other process in person or by mail. The Department shall make service by mail by enclosing a copy of the material to be served in a sealed envelope and depositing the envelope in the United States mail, postage prepaid, addressed to the party served at the address shown by the records of the Department.
  2. The Department shall calculate time periods prescribed or allowed by this Chapter, order of the Department, or applicable statute as provided in the Arizona Rules of Civil Procedure.
  3. Service on an attorney who has appeared on behalf of a party constitutes service on the party. A person required to serve papers on the Director or Commission shall file the papers in the office of the Department and serve a copy on the Attorney General.
  4. Proof of service may be made by the affidavit or oral testimony of the person making service.
- H. Rehearing, review, or appeal.**
1. Except as provided in subsection (H)(7), a party aggrieved by a final administrative decision rendered by the Director, may file with the Director within 30 days after service of the final administrative decision, a written motion for rehearing or review. A party filing a motion for rehearing or review of the decision shall specify in the motion the particular grounds on which the motion is made.
  2. A motion for rehearing or review may be amended at any time before it is ruled on by the Director. A response may be filed within 10 days after service of the motion or amended motion by any other party. The Director may require the filing of written briefs on the issues raised in the motion and may provide for oral argument.
  3. The Department may grant a rehearing or review of a decision for any of the following causes materially affecting a party's rights:
    - a. Irregularity in the administrative proceedings, or an order or abuse of discretion that deprived a party of a fair hearing;
    - b. Misconduct of the hearing officer, Director, or the prevailing party;

## Arizona Racing Commission

- c. Accident or surprise that could not have been prevented by ordinary prudence;
  - d. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  - e. Excessive or insufficient penalty;
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the proceedings; and
  - g. The findings of fact or decision is not justified by the evidence or is contrary to law.
4. The Director may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons listed in subsection (H)(3). The Director shall specify with particularity the grounds for an order modifying a decision or granting a rehearing. A rehearing shall cover only the matters specified.
  5. Not later than 10 days after the date of a decision, after giving the parties notice and an opportunity to be heard, the Director may, on the Director's initiative, order a rehearing or review for any reason for which the Director might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard, the Director may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the Director shall ensure that the order granting a rehearing or review specifies the grounds for the order.
  6. When a motion for rehearing or review is based on affidavits, the party making the motion shall serve the affidavits with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Director for an additional 20 days for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
  7. If the Director makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, safety, and welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Director shall issue the decision as a final decision without an opportunity for a rehearing or review.
  8. If the provisions of this Section are in conflict with the provisions of a statute providing for rehearing of decisions of the Director, the statutory provisions shall govern.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-123 recodified from R4-27-123 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-124. Procedure before the Commission****A. Appeal of Director's rulings.**

1. A person aggrieved by a ruling of the Director may appeal to the Commission. An appeal shall be filed in writing to the office of the Commission within 30 days after service of the Director's ruling.
2. The appeal shall be signed by the person making the appeal or by the person's attorney and contain the grounds for appeal and the reasons for believing the person is entitled to a hearing.
3. When an appeal is filed, the Commission shall review the record and may affirm, reverse, or modify the Director's

ruling or conduct other proceedings the Commission deems appropriate.

**B. Permit denial, suspension, or revocation.**

1. As required under A.R.S. § 5-108.01(A), the Commission shall hold a hearing on an application for an original or renewal permit. The Commission shall provide 30 days' notice of the hearing.
2. The Commission shall revoke or suspend a permit only after notice and opportunity for hearing. The Commission shall give notice of the hearing in writing at least 30 days before the date set for hearing, unless the 30 days' notice is waived in writing by the permittee.
3. Unless specifically ordered otherwise, if the Commission suspends one license held by an individual, all licenses held by the individual are suspended for the term of the suspension.
4. A party appearing before the Commission shall be afforded an opportunity for a hearing and to respond and present evidence and argument on all issues.
5. An individual appearing before the Commission has the right to appear in person or by counsel. A corporation appearing before the Commission shall appear through counsel. A party may submit the party's case in writing. If a party fails to appear for a hearing, the Commission may act on the evidence without further notice to the party. The Commission may reopen a proceeding if a party to the proceeding submits a written petition to the Commission within 15 days after the proceeding.

**C. Hearing officer.** If the Commission assigns a matter to a hearing officer, the hearing officer shall submit to the Commission within 15 days after conclusion of the hearing a written decision that includes proposed findings of fact, conclusions of law, and order. The Commission may accept, reject, or modify the decision of the hearing officer. Unless modified, the decision of the hearing officer becomes the decision of the Commission 45 days after the hearing officer submits the decision to the Commission.**D. Depositions.**

1. If a party desires to take the oral deposition of a witness residing outside the state or otherwise unavailable as a witness, the party shall file with the Commission a petition for permission to take the deposition of the witness. The party shall specify in the deposition petition the name and address of the witness and the nature and substance of the testimony expected to be given by the witness. The Commission shall grant permission to take the deposition if the Commission is able to determine from the petition that the witness resides outside the state or is otherwise unavailable and the witness's testimony is relevant and material.
2. The Commission may, at the Commission's discretion, designate the time and place at which the deposition may be taken. The party that takes a deposition is responsible for all expenses involved in taking the deposition.
3. A party taking a deposition under this subsection shall return and file the deposition with the Commission within 30 days after permission for taking the deposition is granted.

**E. Service.**

1. The Commission shall make service of a decision, order, or other process in person or by mail. The Commission shall make service by mail by enclosing a copy of the material to be served in a sealed envelope and depositing the envelope in the United States mail, postage prepaid, addressed to the party served, at the address shown by the records of the Department. The Commission shall mail a

## Arizona Racing Commission

notice of a hearing before the Commission by certified mail to the last known address of the party shown by the records of the Department.

2. Proof of service may be made by the affidavit or oral testimony of the person making the service.
3. The Commission shall calculate time periods prescribed or allowed by this Chapter, order of the Department, or applicable statute as provided in the Rules of Civil Procedure.
4. Service upon an attorney who has appeared on behalf of a party constitutes service upon the party. A person required to serve papers upon the Commission, shall file an original and five copies in the office of the Department and serve a copy on the Attorney General.

**F. Rehearing or review.**

1. Except as provided in subsection (F)(7), a party aggrieved by a final administrative decision rendered by the Commission may file with the Commission within 30 days after service of the final administrative decision, a written motion for rehearing or review of the decision. A party filing a motion for rehearing or review of a decision shall specify the particular grounds on which the motion is made.
2. A motion for rehearing or review may be amended at any time before it is ruled upon by the Commission. A response may be filed within 10 days after service of the motion or amended motion by any other party. The Commission may require the filing of written briefs on the issues raised in the motion and may provide for oral argument.
3. The Commission may grant a rehearing or review of a decision for any of the following causes materially affecting a party's rights:
  - a. Irregularity in the administrative proceedings, or an order or abuse of discretion that deprived a party of a fair hearing;
  - b. Misconduct of the hearing officer, Commission, or the prevailing party;
  - c. Accident or surprise that could not have been prevented by ordinary prudence;
  - d. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  - e. Excessive or insufficient penalty;
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the proceedings; and
  - g. The findings of fact or decision is not justified by the evidence or is contrary to law.
4. The Commission may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons listed in subsection (F)(3). The Commission shall specify with particularity the grounds for an order modifying a decision or granting a rehearing. A rehearing shall cover only the matters specified.
5. Not later than 10 days after the date of a decision, after giving the parties notice and an opportunity to be heard, the Commission may, on its own initiative, order a rehearing or review for any reason for which the Commission may have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard, the Commission may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the Commission shall ensure

that the order granting a rehearing or review specifies the grounds for the order.

6. When a motion for rehearing or review is based upon affidavits, the party making the motion shall serve the affidavits with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Commission for an additional 20 days for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. If the Commission makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, safety, and welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Commission shall issue the decision as a final decision without an opportunity for a rehearing or review.
8. To the extent that the provisions of this Section are in conflict with the provisions of any statute providing for rehearing of decisions of the Commission, the statutory provisions shall govern.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-124 recodified from R4-27-124 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-125. Arizona Stallion Awards**

**A. Definitions**

1. "Arizona stallion" means an uncastrated, adult male horse that stands the entire breeding season in Arizona.
2. "Breeding year" means the period beginning January 1 and ending July 31.
3. "Fiscal year" means the period beginning July 1 and ending June 30.
4. "Owner" means the person who possesses the stallion at the time of the person's certification application for the fiscal year, according to the records of the Department.

**B. Owner and lessee eligibility.** For an owner or the lessee of an Arizona stallion to be eligible for an award of funds for a fiscal year:

1. The owner or lessee shall:
  - a. Apply for stallion certification by the due date set by the breeders association for complying with the requirement in subsection (D);
  - b. Submit the breeder report required in subsection (E); and,
  - c. Comply with subsection (F) if applicable.
2. In the event of death or the retirement of a stallion, the owner or lessee remains eligible for awards if the requirements in subsection (D) are followed.
3. The stallion shall be certified at the time its eligible Arizona-bred offspring earn purse money in races listed in subsection (H).

**C. Qualifications for Arizona stallion certification.** To qualify for Arizona stallion certification for the fiscal year, an owner or lessee shall:

1. Permanently domicile the stallion in Arizona from January 1 through July 31. During this time, the owner or lessee may move the stallion outside of Arizona for racing or for medical treatment;
2. Register the stallion with the Arizona breed registry that corresponds to the stallion's national breed registry; and

## Arizona Racing Commission

3. Notify the appropriate Arizona breed registry within 10 days of the stallion entering or leaving Arizona during the breeding year.
- D. Application procedure for stallion certification**
  1. By the due date set by the appropriate Arizona breeders association, and approved by the Commission in accordance with subsection (D)(2)(b), an owner or lessee may apply for Arizona stallion certification for the fiscal year. The owner or lessee shall:
    - a. File an official application form with the Arizona breeders' association for each stallion owned or leased; and
    - b. Pay a certification fee for each stallion when the application form is filed.
  2. The Arizona breeders association shall:
    - a. Forward a legible copy of the completed application to the Department;
    - b. Set an application due date and reasonable certification fee, if these actions are authorized by the Commission in a contract permitted under A.R.S. § 5-114(D).
  3. The Commission shall review and approve or reject each contract for stallion certification.
- E. Breeding report**
  1. A quarter horse stallion owner or lessee shall submit a legible copy of the annual "Stallion Breeding Report" to the breeders association monitoring quarter horse stallions by November 30 of the current breeding year.
  2. Except as provided in subsection (F), a thoroughbred stallion owner or lessee shall submit a legible copy of the annual "Report of Mares Bred" to the breeders association monitoring thoroughbred stallions by August 1 of the current breeding year.
- F. Thoroughbred stallion bred to quarter horse mares**
  1. If a thoroughbred stallion is being bred to quarter horse mares, an owner or lessee shall send the application, fees, and breeding report required in subsections (D) and (E)(1) to the breeders association monitoring quarter horse stallions.
  2. If a thoroughbred stallion is being bred to thoroughbred and quarter horse mares, an owner or lessee shall send the application, fees, and breeding reports required in subsections (D) and (E) to both of the Arizona breeders associations.
- G. Disqualification and Reinstatement**
  1. If a stallion owner or lessee fails to comply with applicable requirements in subsections (B), (C), (D), (E), and (F) the Department shall disqualify the owner or lessee from receiving an award of fund monies during the affected fiscal year.
  2. To reinstate eligibility for subsequent years, the owner or lessee shall pay the certification fee prescribed in subsection (D)(1)(b) and comply with applicable requirements in subsections (B), (C), (D), (E), and (F).
- H. Award races. Except for maiden claiming and maiden allowance races at Arizona racetracks, the following are eligible races:**
  1. Quarter horses:
    - a. All races with a purse value of \$10,000 or more;
    - b. All allowance races;
    - c. At the Turf Paradise meet, all claiming races with a claiming price of \$3,500 or more; and
    - d. At other Arizona racetracks, all claiming races with a claiming price of \$2,500 or more.
  2. Thoroughbreds:
    - a. The Prescott Futurity, the Prescott Derby, and all races with a purse value of \$15,000 or more;
    - b. The Inaugural, the Mile High, and all allowance races;
    - c. At the Turf Paradise meet, all claiming races with a claiming price of \$6,000 or more; and
    - d. At other Arizona racetracks, all claiming races with a claiming price of \$3,500 or more.
- I. Fund distribution procedures**
  1. The Arizona breeders associations shall submit to the Department, at least annually, a written report that contains the following information:
    - a. The names of certified Arizona stallions for the fiscal year;
    - b. The names of certified Arizona-bred offspring of the Arizona stallions. Arizona-bred horses may be certified by following the procedures prescribed in R19-2-116(A) and (B);
    - c. The first, second, and third place finishes of each certified Arizona-bred horse, sired by a certified Arizona stallion, in each eligible race; and,
    - d. The earnings in each race of each Arizona-bred horse sired by a certified Arizona stallion.
  2. The Department shall:
    - a. Hold 10% of the monies accumulated prior to the 1996-97 fiscal year for contingent liabilities;
    - b. Calculate a payment factor at the end of each fiscal year by dividing the total monies available, under subsections (I)(2)(d), (e), (f), or (g), by the total dollar value of purses, not to exceed \$30,000 per horse per race, won in eligible races during the fiscal year;
    - c. Multiply the payment factor by the total purse amount won in eligible races during the fiscal year;
    - d. Distribute to eligible owners or lessees 40% of the amount accumulated in the fund prior to the 1996-97 fiscal year and the amount earned by the fund during the 1996-97 fiscal year;
    - e. Distribute to eligible owners or lessees 25% of the amount accumulated in the fund prior to the 1996-97 fiscal year and the amount earned by the fund during the 1997-98 fiscal year;
    - f. Distribute to eligible owners or lessees 25% of the amount accumulated in the fund prior to the 1996-97 fiscal year and the amount earned by the fund during the 1998-99 fiscal year; and,
    - g. Distribute to eligible owners or lessees the amount earned by the fund during the fiscal year for the years after the 1998-99 fiscal year.
  3. The owner or lessee shall designate, on a form provided by the Department, the single payee to whom Arizona stallion award checks shall be issued when there is more than one owner of a stallion.
- J. Appeal of Director's rulings**
  1. The Director shall make the final decision concerning a stallion award.
  2. The Department shall give written notice of the decision to an applicant by mailing it to the address of record filed with the Department.
  3. After service of the Director's decision, an aggrieved party may obtain a hearing under A.R.S. §§ 1092.03 through 41-1092.11.
  4. The aggrieved party shall file a notice of appeal with the Department within 30 days after receiving the notice prescribed in R19-2-125(J)(2).
  5. The Department shall notify the Office of Administrative Hearings, which shall schedule and conduct the hearing.

## Arizona Racing Commission

**Historical Note**

Adopted effective November 7, 1996 (Supp. 96-4).

**R19-2-126. Race Horse Adoption Grants**

- A. The Commission shall provide financial grants to nonprofit enterprises to promote the adoption of retired race horses. The Commission shall distribute all of the retired race horse adoption surcharge funds generated from A.R.S. § 5-104(G) to nonprofit enterprises.
- B. Procedures.
  1. A nonprofit enterprise that wishes to receive a financial grant shall submit a Department-generated application form to the Commission. In 2005, the Commission shall set the date by which applications are to be received. After 2005, the Commission shall accept applications until March 1 of each year. The nonprofit enterprise shall provide the following information:
    - a. A written description of the nonprofit enterprise,
    - b. Proof of nonprofit status,
    - c. The proposed use of the grant,
    - d. A description of the nonprofit enterprise's procedures to acclimate the horses as required by subsection (C)(6),
    - e. A description of the nonprofit enterprise's adoption procedures as required by subsection (C)(7),
    - f. A copy of the application form and adoption agreement required by subsections (C)(7)(a) and (c), and
    - g. A copy of the transfer of registration or bill of sale required by subsection (C)(8).
  2. If the Commission finds that the adoption program of a nonprofit enterprise is in the best interest of the racing industry and this state, the Commission shall decide whether to make a grant to the nonprofit enterprise, the amount of the grant, and the date of disbursement of the grant.
  3. A recipient of a grant shall report annually to the Commission on a form provided by the Department to gather the following information:
    - a. The number of horses the nonprofit enterprise received;
    - b. The number of horses adopted;
    - c. The number of horses returned by an adoptee and reason for each return;
    - d. The actual use of the grant;
    - e. A list of people who adopted the horses, or a copy of the contract between the nonprofit enterprise and each adoptee; and
    - f. The most recent Articles of Incorporation filing with the Arizona Corporation Commission.
- C. Minimum qualifications.
  1. The enterprise shall be nonprofit.
  2. The enterprise shall not:
    - a. Allow a horse to be used for racing, wagering, or slaughter; or
    - b. Place a horse with a humane society or research facility;
  3. The enterprise shall not euthanize an adoptable horse unless, as determined by a licensed veterinarian, it is medically necessary for humane reasons.
  4. The enterprise shall be affiliated with a racetrack that conducts horse racing. Affiliation is satisfied when the general manager or other executive from the racetrack submits to the Commission a written recommendation on behalf of the enterprise.
  5. The enterprise shall require that a licensed veterinarian perform a complete check-up on each horse before releasing the horse to an adoptee. The enterprise shall ensure

that each horse receives all medical care necessary to maintain its good health.

6. The enterprise shall employ procedures for acclimating a horse that include:
  - a. Exposure to the public,
  - b. Exposure to a new diet, and
  - c. Training for off-track life.
7. The enterprise shall employ procedures for adopting-out horses that include:
  - a. An application process for prospective adoptees;
  - b. A visual check of each prospective adoptee's farm with written documentation of the visit;
  - c. A written adoption agreement between the enterprise and adoptee;
  - d. At a minimum, follow-ups conducted by phone or visit after seven and 30 days with written documentation; and
  - e. Procedures for the return of a horse.
8. Before assuming care of a horse, the enterprise shall obtain a transfer of registration or bill of sale for the horse.
9. The enterprise shall make available a person to complete and submit all filing requirements and to answer questions from a prospective or current adoptee.
10. The enterprise shall keep a file on each horse that includes:
  - a. The transfer of registration or bill of sale;
  - b. The vaccination record, health record, and all veterinarian reports;
  - c. The adoptee's application form;
  - d. The written adoption agreement between the enterprise and adoptee; and
  - e. The written documentation of pre-adoption check and follow-ups.
11. The enterprise shall state in the adoption agreement the rules and responsibilities required of the adoptee.
12. The enterprise shall make the records required in subsection (C)(11) available for inspection by a representative of the Department.
13. The enterprise shall allow the Department to inspect the facilities, farm, or location of the adopted horses.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1566, effective June 4, 2005 (Supp. 05-2).

**ARTICLE 2. RACING REGULATION FUND****R19-2-201. Racing Regulation Fund**

The Racing Regulation Fund, established by A.R.S. § 5-113.01, and administered by the Department of Racing, shall collect funding for regulation of racing from the pari-mutuel racing industry from the sources listed below. The Department shall review assessments from each source at least twice a year for the purposes of meeting its budget.

1. Annual license fees established by the Department and set forth in R19-2-202, except for those fees deposited to the Greyhound Adoption Fund pursuant to A.R.S. § 5-113(H).
2. A regulatory assessment based on the number of dark days on which wagering is conducted in excess of live racing days for each racetrack permittee issued a racing permit. The assessment shall be in an amount established by the Department and set forth in R19-2-204.
3. A regulatory assessment from all racetracks that have been issued a commercial racing permit to be paid from the amount deducted by the permittee from pari-mutuel pools. The assessment amount may be deducted from



## Arizona Racing Commission

pari-mutuel pools in addition to the amounts the permittee is authorized to deduct in A.R.S. § 5-111(C). The assessment shall be based on amounts wagered on live and simulcast races from in-state and out-of-state wagering handled by the permittee in an amount established by the Department, and as set forth in R19-2-205. A permittee shall not reduce the amounts payable to the Department under this subsection for hardship tax credits under A.R.S. § 5-111(I) or for capital improvement credits under A.R.S. §§ 5-111.02 and 5-111.03.

4. License fees collected pursuant to A.R.S. § 5-230(A).
5. The overpayment of a regulatory assessment by a permittee shall be credited to and may be deducted from any regulatory assessment payment due from the permittee in the current fiscal or the following fiscal year.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 3260, effective November 16, 2012 (Supp. 12-4).

**R19-2-202. Licensing Fees**

- A. When an applicant submits a license application pursuant to R19-2-106 or R19-2-306, the applicant shall also submit the fee listed in subsections (C) and (D). The Department shall ensure that a schedule of license and fingerprint processing fees is displayed prominently at each licensing location.
- B. A license shall be for a period of no less than one year except as stated in subsection (B)(1)(a).
  1. Horse racing licenses expire each year on June 30 except that:
    - a. Apprentice jockey licenses expire as provided in R19-2-109(D)(2); and
    - b. All licenses issued prior to July 1, 2013, will expire on June 30, 2014.
  2. Greyhound licenses expire each year on January 31 except that all licenses issued prior to February 1, 2013, will expire on January 31, 2014.
  3. Pari-mutuel licenses expire each year on January 31 except that all licenses issued prior to February 1, 2013, will expire on January 31, 2014.
- C. Annual License Fees
  1. Group 1 (assistant starter/valet, coolout, exercise rider, groom, leadout, occupational, OTB [owner, manager], outrider, pari-mutuel [including OTB], pony person, security) - \$15.
  2. Group 2 (authorized agent-partial, greyhound hauler, jockey agent, vendor employee) - \$50.
  3. Group 3 (county fair manager, county fair treasurer, official) - \$100.
  4. Group 4 (assistant trainer, commercial track key people: owner [10% or more], general manager, assistant general manager, chief financial officer; owner, RBO [kennel, racing or breeding], stable name, temporary claim to owner, trainer) - \$150.
  5. Group 5 (apprentice jockey, authorized agent – full, combination RBO [racing/breeding combination], farrier/plater, jockey, owner/trainer, veterinarian) - \$200.
  6. Group 6 – fees above \$200
    - a. Tote companies - \$1,250;
    - b. All other vendors (video, photo finish, concessionaires, security) - \$500.
- D. Annual Permittee Fees.
  1. Commercial racing permit (40 or fewer days of live racing or no live racing) - \$1,000;

2. Commercial racing permit (more than 40 days of live racing) - \$2,500;
3. County fair permit - \$250.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1752, effective July 1, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 68, effective January 1, 2013 (Supp. 12-4).

**R19-2-203. Repealed****Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Repealed by exempt rulemaking at 18 A.A.R. 3260, effective November 16, 2012 (Supp. 12-4).

**R19-2-204. Regulatory Assessment for Dark Day Simulcasting**

- A. The Department shall collect an annual regulatory assessment from each racetrack permittee conducting horse or greyhound racing in Arizona and which qualifies under A.R.S. § 5-112 for dark day simulcasting.
- B. Each permittee shall pay an amount established by the Department based on the number of dark days on which wagering is conducted in excess of the number of live days approved in the racing permit issued the permittee.
  1. The Department shall at the start of the year on or before July 1 assess each permittee \$25 per dark day based upon the total number of dark days approved in the permittee's racing permit. The calculation will be determined by the number of dark days approved by the Arizona Racing Commission in excess of the number of live days approved each year during the period of the permit.
  2. The permittee shall transmit the total dark day assessment to the Racing Regulation Fund no later than July 15 of each year.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3).

**R19-2-205. Regulatory Wagering Assessment of Pari-mutuel Pools**

- A. The Department shall establish and collect a regulatory wagering assessment payable from the amounts deducted from pari-mutuel pools by the permittee, in addition to the amounts the permittee is authorized to deduct in A.R.S. § 5-111(C) from amounts wagered on all live and simulcast races from in-state and out-of-state wagering authorized by the Department to the permittee. A permittee shall not reduce the amounts payable to the Department under this subsection for hardship tax credit under A.R.S. § 5-111(I) or for capital improvement credits under A.R.S. §§ 5-111.02 and 5-111.03.
- B. The regulatory wagering assessment for each racing meeting on all in-state and/or out-of-state, on-track, off-track, live, import and/or export wagers and/or wager types (the "RWA") shall be 0.75 percent from May 1 to September 30 of each year and, the RWA shall be 0.85 percent beginning October 1 of each year through April 30 of the next year.
- C. Each permittee shall transmit its assessment daily, unless otherwise approved by the Department, to the Racing Regulation Fund beginning July 1, 2011. A report detailing the assessment shall be transmitted to the Director at the time the assessment is transmitted.
- D. The Department may audit the permittee's pari-mutuel accounts periodically under the authority of A.R.S. § 5-

## Arizona Racing Commission

104.01. The permittee shall cooperate fully with the Department during these audits.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1316, effective July 1, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 68, effective January 1, 2013 (Supp. 12-4).

Amended by exempt rulemaking at 19 A.A.R. 1767, effective July 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 725, effective March 1, 2014 (Supp. 14-1). Amended by exempt rulemaking under Laws 2014, Ch. 9, § 3, at 21 A.A.R. 640, effective April 20, 2015 (Supp. 15-2). Amended by exempt rulemaking under A.R.S. § 1005(16), at 23 A.A.R. 837, effective March 20, 2017 (Supp. 17-1).

**ARTICLE 3. GREYHOUND RACING****R19-2-301. Power and Authority**

- A. All powers of the Department and Commission not specifically defined in these rules are reserved to the Department and Commission under the law creating the Department and Commission and specifying its powers and duties.
- B. The jurisdiction of the Department and Commission over matters covered by the statutes and the rules is continuous throughout the year.
- C. The statutes of the state of Arizona and the rules and the orders of the Department and Commission take precedence over the conditions of a race or of a racing meeting.
- D. The Director may sustain, reverse, or modify any penalty or decision imposed by the stewards.
- E. The Commission may sustain, reverse, or modify any penalty or decision imposed by the Director.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4). R19-2-301 recodified from R4-27-301 (Supp. 95-1).

**R19-2-302. Definitions**

The definitions in A.R.S. § 5-101 apply to this Chapter. Additionally, in this Article, unless the context otherwise requires:

1. "Added money" means the money a permittee adds to the nominating and starting fees in a race.
2. "Adequate feed" means the quantity of foodstuffs that a greyhound of a specific age and weight requires daily to maintain a reasonable level of nutrition.
3. "Age" means the age of a greyhound computed from the day the greyhound is whelped.
4. "Authorized agent" means a person appointed under R19-2-306(G).
5. "Breeder" means the owner or lessee of a greyhound's dam at the time the greyhound is whelped.
6. "Breeding farm" means a facility at which greyhounds are bred and raised.
7. "Breeding place" means the place at which a greyhound is whelped.
8. "Business day" means a day on which live racing is conducted or a day on which entries are taken.
9. "Complaint" means a written allegation of a violation of this A.R.S. Title 5, Chapter 1 or this Chapter.
10. "Contest" means a competitive racing event on which pari-mutuel wagering is conducted.
11. "Declaration" means the act of withdrawing an entered greyhound from a race.
12. "Entrance fee" means a fee set by a permittee that must be paid to make a greyhound eligible for a stakes race.
13. "Entry" means a greyhound eligible and entered in a race.

14. "Equipment" means muzzles and number blankets.
15. "Exercise areas" means fenced locations where greyhounds are released to exercise for a short period of time before being returned to the greyhounds' kennel housing crates or run housing.
16. "Field" means the entire group of greyhounds in a race.
17. "Foreign substance" means any drug, medicine, metabolite, or other substance that does not exist naturally in an untreated greyhound's body and that may have a pharmacological effect on the racing performance of a greyhound or may affect sampling or testing procedures. Foreign substances include but are not limited to, stimulants, depressants, local anesthetics, narcotics, and analgesics.
18. "Grounds" means the entire area used by a permittee to conduct race meets including, but not limited to, the track, grandstand, kennels, concession areas, and parking facilities.
19. "Immediate," for the purpose of suspension or revocation of a license issued under this Chapter, means the first date that the suspension or revocation does not negatively impact another licensee, as determined by the Department.
20. "Inquiry" means an investigation of potential interference in a contest conducted by the stewards before the stewards declare the result of the contest official.
21. "Kennel housing" means a facility where greyhounds are housed indoors.
22. "Kennel owner" means a person who has a contract or agreement with a permittee to provide dogs to the permittee's facility.
23. "Lawfully issued prescription" means a prescription-only drug, as defined at A.R.S. § 13-3401, obtained directly from or under a valid prescription order written by a licensed physician acting in the course of professional practice.
24. "Lessee" or "lessor" means a person who leases a greyhound for racing or breeding purposes.
25. "Lure" means a mechanical device consisting of a stationary rail installed around a track and a reasonable decoy that is electrically driven around the track at a uniform distance ahead of racing greyhounds.
26. "Maiden" means a greyhound that at the time of starting has never won a race in any country on a recognized track or that was disqualified after finishing first.
27. "Manager/Agent," for purposes of R19-2-327, means a person managing a racing kennel, breeding farm, or other operation.
28. "Match race" means a race between two or more greyhounds, each of which is the property of a different owner, on terms agreed to by the owners and approved by the Department.
29. "Matinée" means a schedule of races conducted on a track in daylight hours.
30. "Minus pool" means there is not enough money, after deductions of state tax and statutory commissions, to pay the legally prescribed minimum on each winning wager.
31. "Net pool" means the sum of all wagers on a race minus refundable wagers and statutory commissions.
32. "Night performance" means a schedule of races conducted on a track during night hours.
33. "Nominating fee" means a fee set by a permittee that must be paid to make a greyhound eligible for a stakes race.
34. "Nomination" means naming a greyhound or the greyhound's pup to compete in a specific race or series of

## Arizona Racing Commission

- races, eligibility for which may require paying a fee at the time of naming.
35. "Nominator" means the person in whose name a greyhound is nominated for a stakes or handicap race.
  36. "Off time" means the moment at which, on signal of the starter, the greyhounds break and run.
  37. "Official race program" means a published listing of all contests and contestants for a specific performance.
  38. "Other operation" means a facility where greyhounds are trained or kept.
  39. "Overnight race" means a race for which entries close 96 or fewer hours before the time set for the first race of the day on which the race is to be run.
  40. "Owner" means any person possessing all or part of the legal title to a greyhound, or any person possessing all or part of the legal interest in a racing kennel, breeding farm, or other operation.
  41. "Payout" means the amount of money payable to winning wagers.
  42. "Performance" means a schedule of races run consecutively as one program.
  43. "Place" means a greyhound finishes in one of the first three positions in a race.
  44. "Post position" means the position assigned to a greyhound for the start of a race.
  45. "Post time" means the time set for greyhounds in a race to arrive at the starting point.
  46. "Prohibited substance" means any substance regulated by A.R.S. Title 13, Chapter 34.
  47. "Purse" means the total dollar amount for which a race is contested.
  48. "Purse race" means a race for money or other prize to which owners of greyhounds engaged in the race do not contribute an entry fee.
  49. "Race" means a contest among greyhounds for purse, stakes, premium, or wager for money that is run in the presence of racing officials of the track and a Department representative.
  50. "Race meet" means the period for which a permit to conduct racing is granted to a permittee by the Commission.
  51. "Race on the flat" means a race over a track on which no jumps or other obstacles are placed.
  52. "Racing Regulation Fund" means the fund established under A.R.S. § 5-113.01 and administered by the Department to receive funding for regulation of racing from various pari-mutuel racing industry sources.
  53. "Racing kennel" means a kennel located off-track and operated under contract, or agreement with a permittee to provide greyhounds to the permittee's facility.
  54. "Recognized track" means a track where pari-mutuel wagering is authorized by law.
  55. "Restricted area" means an enclosed portion of a racing facility to which access is limited to licensees whose occupation or participation requires access.
  56. "Result" means the part of the official order of finish used to determine the pari-mutuel payout of pools for each contest.
  57. "Ruled off" means the act of:
    - a. Barring a licensee from the grounds of a permittee and denying the licensee all racing privileges; or
    - b. Preventing a greyhound from being entered because the stewards have determined that preventing the greyhound from racing is in the best interest of the health, safety, and welfare of licensees and the state.
  58. "Run housing" means a fenced area where greyhound puppies and non-racing greyhounds live and are permitted to move about freely.
  59. "Scratch" means to withdraw an entered greyhound from a race after post positions in that race have been drawn and the time for making substitutions or replacements in the race has passed.
  60. "Scratch time" means the time set by the permittee for withdrawing entered greyhounds from the races of a particular day.
  61. "Stakes race" means a race for which the owner of an entered greyhound is required to pay a fee to which the track may add money or other prize to make up the total purse and for which nominations close more than 72 hours before the time for the first race of the day on which the stakes race is to be run.
  62. "Starting fee" means the amount of money, specified by the conditions of the race and set by the permittee, which must be paid by a greyhound's owner for the greyhound to start in a race.
  63. "Starting greyhound" means a greyhound that leaves the paddock for the post, excluding:
    - a. A greyhound subsequently excused by the stewards, or
    - b. A greyhound for which the starting box door does not open in front of the greyhound at the time the starter dispatches the field.
  64. "Subscription" means the fee paid by the owner to nominate a greyhound for a stakes race.
  65. "Supplemental fee" means a fee set by a permittee that must be paid by a greyhound's owner at a time prescribed by the permittee to make the greyhound eligible for a stakes race.
  66. "Suspended" means that a privilege granted by the officials of a race meet or by the Commission or Department has been temporarily withdrawn.
  67. "Sustaining fee" means a fee that must be paid periodically, as prescribed by the conditions of a race, to keep a greyhound eligible for the race.
  68. "Tote or totalisator" means the machines from which pari-mutuel tickets are sold and the board on which the approximate odds for a race are posted.
  69. "Track" means the course over which races take place.
  70. "Trainer" means a person employed by an owner or lessee to condition greyhounds for racing.
  71. "Turn-out pens" means the enclosed or fenced areas where racing greyhounds are briefly released from their kennel housing crates for the purpose of urinating and defecating.
  72. "Walkover" means a race in which there are not two or more greyhounds of separate interest sent to post.
  73. "Weighing in" means the act of recording the weight of a greyhound taken after a race is completed, in accordance with this Article.
  74. "Weighing out" means the act of recording the weight of a greyhound before post time or time of a race in which the greyhound is entered.
  75. "Whelped" means the birth of a greyhound.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective November 30, 1988 (Supp. 88-4).  
 Amended effective March 20, 1990 (Supp. 90-1).  
 Amended effective February 28, 1995; R19-2-302 recodified from R4-27-302 (Supp. 95-1). Amended by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R.

## Arizona Racing Commission

3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-303. Permit Applications**

- A.** A person or persons, associations, or corporations desiring to hold or conduct a greyhound racing meeting within the state of Arizona shall file with the Commission its permit application that contains the information required in A.R.S. § 5-107 in paper copy and in an electronic medium. All electronic media submissions shall be compatible with the Department's computer system and software. If any addendum to the permit application cannot be submitted in an electronic medium, the applicant shall submit the addendum in a paper copy.
- B.** The Department shall not issue a permit until the applicant has furnished evidence of compliance with A.R.S. § 23-901 et seq. (Workers' Compensation).
- C.** Permit applicants shall submit to the Commission the names of the proposed track officials at least 60 days prior to the beginning of their meet, along with a short biographical sketch of each official not previously licensed in the same capacity by the Department.
- D.** A permit application shall specify the number of races to be run on a daily basis.
- E.** Racing shall be conducted only on those days granted by permit.
- F.** Permit Application Time-frames.
  - 1.** Administrative completeness review time-frame.
    - a.** Within 728 days after receiving an application package, the Department shall determine whether the application package contains the information required by subsections (A), (B), (C), and (D).
    - b.** If the application package is incomplete, the Department shall issue a written notice that specifies what information is required and return the application. If the application package is complete, the Department shall provide a written notice of administrative completeness.
    - c.** The Department shall deem an application package withdrawn if the applicant fails to file a complete application package within 180 days of being notified that the application package is incomplete.
  - 2.** Substantive review time-frame. Within 30 days after receipt of a complete application package, the Commission, with the recommendation of the Department, shall determine whether the applicant meets all substantive requirements and issue a written notice granting or denying a permit.
  - 3.** Overall time-frame. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a license:
    - a.** Administrative completeness review time-frame: 728 days.
    - b.** Substantive review time-frame: 30 days.
    - c.** Overall time-frame: 758 days.
  - 4.** Renewal and temporary permit time-frames. The administrative completeness review time-frame is 30 days, the substantive review time-frame is 30 days, and the overall time-frame is 60 days, excluding time for mailing. The renewal or temporary permit is considered administratively complete unless the Department issues a written notice of deficiencies to the applicant. Temporary permits are valid until a full permit is awarded or until the Commission revokes the temporary permit.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-303 recodified from R4-27-303 (Supp. 95-1). Amended

effective January 6, 1998 (Supp. 98-1). Amended by final rulemaking at 11 A.A.R. 5534, effective February 4, 2006 (Supp. 05-4).

**R19-2-304. Permittee Responsibilities**

- A.** A permittee shall maintain the grounds in a neat, clean, and safe condition. If a steward determines that compliance does not exist, the steward shall require that the permittee immediately bring the grounds into compliance.
- B.** A permittee shall not allow a person, corporation, firm, or association not licensed by the Department to do or perform any act at the permittee's track that requires a license under A.R.S. Title 5, Chapter 1, or these rules.
- C.** A permittee shall ensure that employees of the permittee are licensed and shall furnish the Department a list of the employees upon request.
- D.** A permittee shall take all steps necessary to deny access to the permittee grounds by a person who has been ruled off or whose license has been revoked or suspended.
- E.** A permittee or any of its employees shall not obstruct in any way a representative of the Department acting in the performance of official duties.
- F.** A permittee shall not knowingly allow on its grounds any betting or other operation in contravention of any law of Arizona or the United States.
- G.** A permittee who knows of a violation of any racing rule or statute shall immediately report the violation to the Department and shall cooperate with the Department and state, federal, and local authorities in investigation of the violation.
- H.** A permittee shall provide the following services at the track:
  - 1.** An adequate security force that shall:
    - a.** Maintain order;
    - b.** Exclude from the grounds all handbooks, touts, and operators of gambling devices;
    - c.** Exclude from the grounds all persons ruled off by the stewards or the Department;
    - d.** Exclude from the grounds all persons not eligible for a license, pursuant to A.R.S. § 5-108, and all other undesirables; and
    - e.** Report immediately to the stewards any licensee who, while on the premises of the permittee, creates a disturbance, is intoxicated, interferes with any racing operation, or acts in an abusive or threatening manner to any racing official or other person.
  - 2.** A security guard stationed at the kennel area entrance that shall:
    - a.** Deny entrance to all persons not holding a license or credentials issued by the Department or a Department pass issued by the permittee; and
    - b.** Allow any person seeking employment with the permittee to have access to the kennel area for a period of one day, if:
      - i.** The person is given a numbered card or temporary badge,
      - ii.** A list of recipients of the numbered cards or temporary badges is provided to the track office of the Department upon request, and
      - iii.** The numbered card or badge is retrieved by the security guard when the person leaves the restricted area.
  - 3.** During a race meeting, a permittee shall provide 24-hour security at the entrance to the kennel compound. The permittee shall establish a system to monitor those who enter and leave the compound ensuring that only licensed personnel, authorized visitors, and those whose duties clearly require entry to the area are permitted access. A public safety officer or Department employee in the per-

## Arizona Racing Commission

- formance of official duties shall be granted access to the kennel compound. An unlicensed visitor shall be accompanied by a licensee or security personnel and shall obtain a temporary badge before entering the kennel compound. The licensee requesting the admittance of a visitor is responsible for the conduct of the visitor and shall ensure that the visitor complies with all Department rules.
4. A furnished office, including utilities and necessary office equipment, for exclusive use of Department employees and officials.
  5. A uniformed security official approved by the Department shall be on duty in the test area during its regular business hours to:
    - a. Provide security, and
    - b. Monitor the collection procedure and sealing of samples taken from the greyhounds.
  6. Adequate space and facilities so that the testing personnel may perform inspections, tests, and other collection procedures.
  7. First aid quarters available during racing hours.
- I.** A permittee shall ensure that wagering conducted upon the grounds of the permittee is done only under the pari-mutuel method as provided by statute and these rules and by the use of mechanical or other equipment as required by the Department. A permittee shall ensure that there is no bookmaking or betting other than by the pari-mutuel method.
- J.** A permittee shall not allow the official racing of greyhounds on any track under its control unless:
1. All track rules are posted conspicuously and a copy of the track rules is filed with the Department,
  2. The conditions of the race are written by the racing secretary at the meeting,
  3. The entries are made in accordance with the requirements in R19-2-316, and
  4. The race is programmed as a part of a regular racing card conducted under the pari-mutuel system.
- K.** A simulcast originating from a racing facility within the state of Arizona may be permitted provided the out-of-state facility receiving the signal operates under the approval and regulation of an official agency of that state.
- L.** Each day as soon as the entries have been closed and compiled and the declarations have been made, a permittee shall post a list of the entries in a conspicuous place.
- M.** A permittee shall print a racing program each day that contains a list of permittee, track and racing officials, and permittee directors, along with pertinent rules designated by the Department.
- N.** A permittee may not allow an official to act until the official's appointment has been approved by the Department; provided, however, that in the case of sickness or inability to act, the provisions of R19-2-309(A)(5) apply.
- O.** A permittee shall provide a photo finish and videotape device approved by the Department to record all official races. The photographs and videotapes may be used to aid the stewards in determining the finishes of races. A permittee shall retain for three months all official race photographs and videotapes. The Department may require that specific photographs and videotapes be retained for a longer period or transmitted to the Department for use in administrative or judicial proceedings.
- P.** The Department shall approve any automatic timing device installed by a permittee.
- Q.** All permittees shall provide annual financial statements audited and certified by a firm approved by the auditor general.
1. The audit shall comply with audit standards prescribed by the auditor general.
  2. The financial statements shall be prepared in accordance with generally accepted accounting practices.
- R.** The following information shall accompany the financial statements on a form provided by the Department:
1. The total amount of salaries and bonuses expense,
  2. Legal and accounting expenses attributable to racing-related matters,
  3. An explanation of the types of revenues and expenses classified in accounts titled "other,"
  4. Additional information requested by the Commission or the Department, and
  5. Financial statements submitted within 120 calendar days of the end of the calendar year.
- S.** Each permittee shall comply with the provisions of Article 2 of this Chapter.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended subsection (Q) effective June 6, 1986 (Supp. 86-3). Amended effective March 20, 1990 (Supp. 90-1).  
 Amended effective August 6, 1991 (Supp. 91-3). R19-2-304 recodified from R4-37-304 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2). Amended by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3).

**R19-2-305. Charity Races**

- A.** A permittee shall provide the Commission with:
1. The name of any nonprofit organization or corporation selected by the permittee as a charity entitled to benefit from a charity racing day or race.
  2. A list of the names and addresses of all directors, officers, and shareholders holding 10% or more of the total number of outstanding voting shares of the charitable corporation.
  3. A brief description of the purposes and activities to be benefited by monies received from the charity racing day or race.
  4. A copy of an Internal Revenue Service letter of determination qualifying the particular charity as an exempt organization or corporation for federal income tax purposes.
- B.** No permittee shall charge any expenses incurred by operation of racing against the pari-mutuel handle of a charity racing day or race except those prorated expenses incurred on the day of that particular charity racing day or race.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-305 recodified from R4-27-305 (Supp. 95-1).

**R19-2-306. Licensing**

- A.** A person that participates in any capacity in a race meet, including a person who performs services in connection with the conduct of the race meet, shall obtain a license from the Department, except:
1. A person that performs services during a county fair meet and is identified by a steward as a volunteer; or
  2. A person that owns less than 10 percent of outstanding shares of stock, regardless of classification or type, of a permittee or licensee.
- B.** License application.
1. To apply for a license, a person shall complete the license application prescribed by the Department, which requires the following information, and submit the completed application to a steward:

## Arizona Racing Commission

- a. Name, including all aliases or other names ever used;
    - b. Mailing and local addresses;
    - c. Telephone number;
    - d. Date of birth;
    - e. Physical description;
    - f. Social Security or alien status number;
    - g. Documentation, as specified under A.R.S. § 41-1080(A), of lawful presence in the U.S.;
    - h. Complete criminal history information including any racing-related sanctions; and
    - i. License category for which application is made.
  2. The Department may issue written instructions regarding preparation and execution of the license application. The instructions may be a part of or separate from the application, or both.
  3. When an applicant submits a license application, the applicant shall also submit the fee established by the Department under R19-2-202(C). The Department shall ensure that a schedule of license and fingerprint processing fees is displayed prominently at each track and on its web site.
  4. An applicant who is at least 18 years old shall submit two full sets of fingerprints to the Department. The applicant shall ensure that the fingerprints are taken by the Department, a law enforcement agency, or other authority acceptable to the Department and in a format acceptable to the Arizona Department of Public Safety and the Federal Bureau of Investigation.
  5. An applicant for a trainer license shall demonstrate knowledge and skill in protecting and promoting the safety and welfare of animals participating in race meets by passing an examination, which may include written, oral, and skill demonstration parts, prescribed by the Department. An applicant who fails to pass the examination shall wait at least 90 days before retaking the examination.
- C.** The Department shall presume that an applicant or licensee knows the law governing racing in Arizona. An applicant or licensee shall follow A.R.S. Title 5, Chapter 1 and this Chapter.
- D.** License procedure.
1. Under delegation from the Director, on receipt of a license application, a steward shall grant or deny a temporary license and transmit the license application to the Director.
  2. In considering each application for a license, a steward may require the applicant, as well as the applicant's endorsers, to appear before the steward and show that the applicant is qualified in every respect to receive the license requested. The steward shall grant a license only if the applicant meets all the requirements in A.R.S. Title 5, Chapter 1, and this Chapter.
  3. Licensing time-frames.
    - a. Administrative completeness review time-frame.
      - i. Within 85 days after receiving a license application, the Department shall determine whether the license application contains the information required under subsection (B).
      - ii. If the license application is incomplete, the Department shall issue a written notice that specifies what information is required and return the license application. If the license application is complete, the Department shall provide a written notice of administrative completeness.
    - iii. The Department shall deem a license application withdrawn if the applicant fails to file a complete license application within 15 days of the date on the notice that the license application is incomplete.
    - b. Substantive review time-frame. Within five days after determining that a license application is administratively complete, the Department shall determine whether the applicant meets all substantive requirements and the Director, or designee, shall issue a written notice granting or denying a license.
    - c. Overall time-frame. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a license:
      - i. Administrative completeness review time-frame: 85 days.
      - ii. Substantive review time-frame: five days.
      - iii. Overall time-frame: 90 days.
  4. Temporary license. All licenses are temporary for 90 days under A.R.S. § 5-108(F). Unless the Director denies a license to an applicant, a temporary license automatically becomes the license after 90 days.
  5. The Department shall perform a background investigation of an applicant who is at least 18 years old, including fingerprint processing through the Department of Public Safety and the FBI, and reviewing records of a national database containing license information and rulings, information systems, courts, law enforcement agencies, and the Department within the time-frame prescribed in subsection (D)(3)(a).
- E.** Denials.
1. The Department shall base a decision to deny a license on an assessment of whether the applicant:
    - a. Has been or is intoxicated at the time of application or has a history as a user of a narcotic drug as defined at A.R.S. § 36-2501(A)(8) within the grounds of the permittee, or
    - b. Fails to disclose the true ownership or interest in any greyhound.
  2. When a license is denied, the Director shall report the reason for the denial in writing to the applicant and a national database listing license information and rulings.
- F.** General requirements and restrictions.
1. A licensee who is employed in more than one license category or who changes from one category to another shall be licensed in each category.
  2. A licensee who is an official at more than one type of track (horse, harness, or greyhound) shall be licensed at each type of track.
  3. The Director or designee shall not license a person who is younger than 16 years old in any capacity other than as an owner, and shall not license a person who is younger than 18 years old as an official, trainer, or assistant trainer. A person who is younger than 18 years old is not eligible to be licensed as an owner unless the person's parent or guardian signs the owner's license application and assumes full financial responsibility for the owner.
  4. When present in the kennel area of a greyhound track, paddock area, or any other restricted area, a person shall wear in full view a photo identification badge issued by the Department or pass issued by the permittee.
- G.** Authorized agents.
1. A person may hold a license only as an authorized agent or be licensed as an authorized agent and in another category.

## Arizona Racing Commission

2. The principal shall sign a license application on behalf of an authorized agent and clearly identify the powers of the agent, including whether the agent is empowered to collect money from the permittee. The principal shall have the license application either notarized or signed in the presence of a Department employee and a copy filed with the track bookkeeper. If there is a separate power of attorney, the principal shall file a copy of the instrument with the bookkeeper and the Department.
3. To change an agent's powers or revoke an agent's authority, the principal shall describe the changed powers or revoked authority in writing that is either notarized or signed in the presence of a Department official, and filed with the Department and the track bookkeeper.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended subsections (G) and (I) effective January 25, 1985 (Supp. 85-1). Amended subsections (F) and (G) effective December 5, 1985 (Supp. 85-6). Amended subsections (F) and (G) effective February 19, 1987 (Supp. 87-1). Amended subsections (A) and (B) effective October 23, 1987 (Supp. 87-4). Amended subsections (E), (F) and (G) effective November 30, 1988 (Supp. 88-4).  
 Amended effective March 20, 1990 (Supp. 90-1).  
 Amended effective January 13, 1995 (Supp. 95-1). R19-2-306 recodified from R4-27-306 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 4483, effective December 4, 2004 (Supp. 04-4). Amended by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3).  
 Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-307. Kennel Names**

- A. A licensed owner who wishes to race under a kennel name shall register the kennel name with the Department and pay the fee listed in R19-2-202(C).
  1. Only an owner may register or secure a license under a kennel name.
  2. A name other than the legal name of the owner is a kennel name.
- B. When registering a kennel name, a licensed owner shall identify all individuals or entities operating under the kennel name.
  1. An individual operating under a kennel name shall possess and produce the individual's owner's license on request by a racing official.
  2. An individual operating under a kennel name shall sign the application for an authorized agent.
  3. A business entity operating under a kennel name shall:
    - a. Register to do business according to the laws of Arizona;
    - b. Submit a list that identifies each stockholder who owns more than 10% of the existing shares or each partner in a partnership;
    - c. Notify the Department immediately of any change in ownership;
    - d. Use the name under which the business entity does business in Arizona as the business entity's kennel name.
- C. If consistent with other laws, a licensed owner may change a kennel name by registering the new kennel name and paying the fee listed in R19-2-202(C).
- D. To abandon a registered kennel name, a licensed owner shall provide written notice to the Department.
- E. A licensed owner shall select a kennel name that is distinguishable from other kennel names.

- F. When application is made to register a kennel name, the Department shall determine whether the prospective kennel name will be:
  1. Misleading to the public, or
  2. Unbecoming to the sport.
- G. The Department shall not register a kennel name that is misleading to the public or unbecoming to the sport.
- H. A licensed owner shall register a separate name for each of the owner's kennels.
- I. The Department shall register only one kennel under a particular kennel name.
- J. A licensed owner operating under a kennel name shall pay all entry fees for and penalties against the kennel.
- K. At the time of entry, a licensed owner shall ensure that the applicable kennel name is furnished for the official race program.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-307 recodified from R4-27-307 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-308. Owners, Kennel Owners, and Trainers**

- A. An owner, kennel owner, and trainer shall comply with the rules in this Article.
- B. The decisions of the stewards on all questions to which the stewards' authority extends, are final, subject to the right of appeal to the Department pursuant to R19-2-322.
- C. When a trainer or assistant trainer is absent from the kennel or grounds where the trainer's greyhounds are racing, the trainer or assistant trainer shall provide a substitute licensed trainer or assistant trainer responsible for the greyhounds. Both the absent and substitute trainer shall sign a "Trainers' Responsibility Form" approved by the stewards.
- D. An owner, kennel owner, trainer, assistant trainer, race track employee, or other licensee shall not accept, directly or indirectly, any bribe, gift, or gratuity in any form with the intent to influence the result of any race.
- E. The trainer of an entered greyhound shall bring the greyhound to the weighing-in room at the appointed time unless the stewards grant additional time for extenuating circumstances. If the greyhound is not brought to the weighing-in room at the appointed time, the stewards shall scratch the greyhound and the trainer may be fined for failing to do so.
- F. A trainer shall report any greyhound, under the trainer's care or supervision, that is off racing form or is in poor physical condition to the racing secretary, who shall immediately notify the stewards. A reported greyhound shall not enter or start until approved by the track veterinarian and schooled to the satisfaction of the stewards. A trainer who violates this rule is subject to a civil penalty or suspension or to ruling off.
- G. An owner, kennel owner, or trainer shall ensure that no medicine, antiseptic, fluid, or other matter containing any color that may cause the marring of identification marks is used on any part of a greyhound.
- H. An owner, kennel owner, trainer, or other licensee with an interest in any greyhound at a meeting licensed by the Commission, who places a wager with or through any handbook, shall be:
  1. Ejected from the grounds of the permittee;
  2. Refused admission to the grounds of all other licensed permittees in the state of Arizona; and
  3. Denied entry of any greyhound by all permittees in Arizona.

## Arizona Racing Commission

- I. A trainer shall not have an ownership interest in a greyhound located at the track at which the trainer trains unless the trainer trains the greyhound. For purposes of this rule, a reversionary interest in a greyhound, pursuant to a lease or other agreement that transfers control of the greyhound, is not an ownership interest.
- J. The kennel owner or trainer shall ensure that each greyhound owner is licensed before the greyhound runs in a race.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective November 30, 1988 (Supp. 88-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-308 recodified from R4-27-308 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

**R19-2-309. Officials****A. Generally.**

1. In this Article, the term track official means the following persons employed by a permittee and approved and licensed by the Department: Director of Racing, one steward, pari-mutuel manager, clerk of scales, starter, timer, paddock judge, track veterinarian, track superintendent, racing secretary, assistant racing secretary, chart writer, kennel master, and operator of the mechanical lure.
2. In this Article, the term Department official means the following persons appointed by and representing the Department: two stewards, state pari-mutuel supervisor, state veterinarian, and an investigator.
3. A person may serve in more than one position as a track or Department official if the person can do so without detriment to any of the other positions and the person has the consent and approval of the Department except that neither the racing secretary nor the permittee director of racing may serve as a steward.
4. A ruling by the stewards is controlling if made by a majority of the stewards.
5. Vacancies.
  - a. When a vacancy occurs among officials other than stewards, the stewards shall fill the vacancy before post time of the first race of the day or when the vacancy occurs. An appointment made by the stewards is effective only for the day it is made unless the permittee fails to fill the vacancy on the following day and notifies the stewards of its action not less than one hour before post time of the first race of the following day. A permittee shall promptly report the appointment of an official to the Department.
  - b. If a vacancy occurs among the stewards, the stewards present shall appoint one or two persons to serve as temporary stewards. The stewards making an appointment under this subsection shall report the appointment in writing to the Department.
  - c. In case of emergency, the stewards may appoint a substitute official to fill a vacancy for only as long as the emergency exists.
6. The Department shall not appoint or license minors as officials.
7. A person with an interest in the result of a race because of an ownership interest in an entered greyhound or a wager shall not act as an official at the race meet.

**B. Prohibited acts.**

1. An official or the official's assistant shall not purchase pari-mutuel tickets on races.

2. An official or the official's assistant shall not consume alcoholic beverages while on duty.
  3. A licensee or an employee of a permittee shall not accept, directly or indirectly, a bribe, gift, or gratuity in any form that is intended to or might influence the results of any race or the conduct of any race meet.
  4. An official or employee of a permittee shall not write or solicit dog insurance at a race meet.
- C.** An official or employee of a permittee shall report all observed violations of this Chapter to the stewards.
- D.** Complaints.
1. A person with a grievance or complaint against a track official, an employee of the permittee, or a licensee shall submit the grievance or complaint to the stewards in writing within five days of the alleged act or behavior omission giving rise to the grievance or complaint. The stewards shall consider the matter, take whatever action is deemed to be appropriate, and make a full written report of their action to the Department.
  2. A person with a grievance or complaint against an official or employee of the Department shall submit the complaint or grievance to the Director or designee in writing within five days of the alleged act or omission giving rise to the complaint or grievance.
  3. The Department shall take disciplinary action allowed under A.R.S. Title 5, Chapter 1 and this Chapter against an official or employee of the Department who fails to comply with this Chapter.
- E.** Stewards.
1. Two stewards appointed by the Director and one steward appointed by the permittee and licensed by the Department shall supervise each race meet.
    - a. The stewards shall be in attendance at the office of the racing secretary or on the grounds of the permittee on any day that entries are taken or racing is conducted and represent the Department in all matters pertaining to the enforcement and interpretation of A.R.S. Title 5, Chapter 1 and this Chapter.
    - b. The stewards shall advise the Director of all rulings made and hearings held.
    - c. If a steward is unable to perform the steward's duties for more than one day, the steward shall immediately notify the Director so an alternate steward may be named to act in the steward's place.
  2. The stewards shall enforce A.R.S. Title 5, Chapter 1 and this Chapter.
  3. The stewards shall interpret A.R.S. Title 5, Chapter 1 and this Chapter and decide all questions not specifically covered by A.R.S. Title 5, Chapter 1 and this Chapter. In all interpretations and decisions, an order of the stewards supersedes an order of the permittee.
    - a. The stewards shall have control over and free access to all stands, enclosures, and all other places within the grounds of the permittee.
    - b. The stewards shall investigate and render a decision promptly on each objection properly made to them under R19-2-320. Even if all stewards agree on a ruling, only a majority of the stewards need to sign the ruling.
    - c. The stewards shall supervise all entries and declarations. The stewards may refuse entries or the transfer of entries for violation of A.R.S. Title 5, Chapter 1 and this Chapter.
    - d. The stewards shall regulate and control the conduct of officials and other persons attending or participating in any manner in a race meet.



## Arizona Racing Commission

- e. When necessary to maintain safety and health conditions and protect public confidence in the sport of racing, the stewards shall:
    - i. Authorize a person to enter in or on and examine the buildings, kennels, rooms, motor vehicles, trailers, or other places within the grounds of a permittee;
    - ii. Inspect and examine the person, personal property, and effects of any person within the grounds of a permittee; and
    - iii. Seize any items prohibited under R19-2-311(6) and (7) or any other illegal article.
  - f. Under subsection (E)(6), the stewards may impose a civil penalty in an amount not to exceed \$1,000 on any person subject to the stewards' control for violation of A.R.S. Title 5, Chapter 1 or this Chapter. After a hearing, the stewards may suspend a person violating A.R.S. Title 5, Chapter 1 or this Chapter. The stewards may impose both a civil penalty and suspension for the same violation. The stewards may refer any ruling made by the stewards to the Director, recommending further action, including license revocation.
  - g. Unless specifically ordered otherwise, if the stewards suspend one license held by an individual, all licenses held by the individual are suspended.
  - h. If a laboratory report or other evidence shows the administration or presence of a foreign substance, the stewards shall immediately investigate the matter and may disqualify the affected greyhound, suspend the trainer or other person involved, refer the matter to the Director, and impose a fine.
  - i. A person or greyhound expelled or ruled off by a recognized racing authority for corrupt, fraudulent, or improper practice or conduct is ruled off wherever this Chapter has force.
  - j. When a person is suspended, the stewards shall rule off every greyhound wholly or partly owned by the person for as long as the suspension continues. The suspended person shall not, whether acting as agent or otherwise, subscribe for, enter, or run a greyhound in any race, in either the person's name or that of another person. The stewards shall disqualify a greyhound if the suspended person is wholly or partly the owner, the greyhound is under the suspended person's care, management, training, or supervision, or if the suspended person has any interest in the winnings of the greyhound. At the time it is discovered, the stewards shall void an entry from a suspended person or for a greyhound that stands ruled off. The suspended person shall forfeit the entry or subscription money and return the money or prize won.
4. The stewards may excuse a greyhound that has left the paddock for the post if the stewards consider the greyhound to be disabled or unfit to run.
  5. The stewards shall determine the finish of a race by the relative position of the muzzles or noses of each greyhound. At the end of a race, the stewards shall immediately notify the permittee pari-mutuel department of the numbers of the first four greyhounds.
    - a. The stewards shall promptly display the numbers of the first four greyhounds in each race in order that they finished. If the stewards differ as to the order in which the greyhounds finished, the conclusion of the majority of the stewards shall prevail.
  - b. The stewards may review the photo-finish picture provided by the permittee to aid the stewards in determining the finish of a race.
    - i. If the photo-finish picture furnished by the permittee is not adequate or usable, the stewards shall make the final decision.
    - ii. If the stewards consider it advisable to review a photo-finish picture, the stewards may post the placements that the stewards determine are unquestionable without waiting for a picture. After reviewing the picture, the stewards shall post the other placements. The stewards shall not declare a race official until the stewards have determined the greyhounds finishing first, second, third, and fourth.
  - c. This Chapter shall not prevent the stewards from correcting an error before the display of the sign "official" or from recalling the sign "official" if it is displayed through error.
6. The stewards shall adhere to the following procedure when the stewards have reason to believe that a person has violated A.R.S. Title 5, Chapter 1 or this Chapter:
    - a. The stewards shall summon the person to a hearing with all the stewards present;
    - b. The stewards shall give 24-hours' written notice of the hearing to the person using a form supplied by the Department. The stewards shall time and date the notice, and the person notified shall sign the notice and return it to the stewards. The stewards shall retain the original notice and include the notice as part of the case file. The steward shall give a copy of the notice to the person summoned;
    - c. Except as provided in subsection (E)(6)(g), the stewards shall not impose a penalty without a hearing;
    - d. If a summoned person fails to appear at a scheduled hearing, the person waives the right to a hearing before the stewards;
    - e. The stewards shall permit the summoned person to present witnesses on the person's behalf;
    - f. The stewards shall take appropriate action, including suspension, civil penalty, or both if there is substantial evidence to find a violation of A.R.S. Title 5, Chapter 1 or this Chapter. The stewards shall promptly forward the written decision or ruling to the Director and to the summoned person;
    - g. The stewards may summarily declare a greyhound scratched and may suspend a license pending a stewards' hearing if the stewards make a specific finding that the action is in the best interest of the public health, safety, and welfare;
    - h. The stewards shall recover and forward to the Department any license the stewards suspend;
    - i. The stewards shall act by majority vote on all matters within the stewards' jurisdiction;
    - j. The stewards have the power to modify, change, or remit any ruling imposed by the stewards; and
    - k. A licensee shall promptly pay to the Department any civil penalty imposed by the stewards for deposit with the state treasurer.
  7. During a term of suspension of an owner, trainer, or other person at a location under the jurisdiction of the Department, the stewards and permittee shall ensure that a ruling against the owner, trainer, or other person is enforced.

## F. Racing secretary.

## Arizona Racing Commission

1. The racing secretary shall report to the stewards all violations of A.R.S. Title 5, Chapter 1 and this Chapter or of the regulations of the permittee that come to the racing secretary's attention.
  2. The racing secretary shall keep a complete record of all races.
  3. The racing secretary or designee shall inspect all documents dealing with owners and trainers, partner agreements, appointments of authorized agents, and adoption of kennel names. The racing secretary may demand production of documents to verify their validity and authenticity and to ensure that A.R.S. Chapter 5, Article 1 and this Chapter has been followed.
  4. The racing secretary shall write the conditions of all races and publish the conditions sufficiently before closing time for entries to allow the conditions to be read by all owners and trainers. The racing secretary shall not alter the conditions of the races after closing time. The racing secretary shall not write race conditions that conflict with A.R.S. Title 5, Chapter 1 or this Chapter.
  5. The racing secretary shall act as the official handicapper in all races.
  6. The racing secretary shall determine the character and condition of substitute and extra races and shall submit the substitute and extra races to the stewards for approval.
    - a. A substitute or extra race shall not carry a lower guaranteed purse than the race the substitute or extra race replaces; and
    - b. If a race is canceled, the racing secretary may split any race programmed for the same day that previously was closed.
  7. The racing secretary or designee shall conduct the drawing of greyhounds for all races and immediately post an overnight listing of the greyhounds in each race.
  8. The racing secretary shall not allow a greyhound to start in a race unless the greyhound is entered in the name of the greyhound's legal owner and the owner's name appears on the greyhound's registration papers or on a legal lease or bill of sale attached to the greyhound's registration papers.
- G.** Assistant racing secretary. The duty of the assistant racing secretary shall, under the racing secretary's supervision, assist the racing secretary to perform the racing secretary's duties.
- H.** Starter.
1. The starter has:
    - a. Complete jurisdiction over the start of any field of greyhounds,
    - b. Authority to give orders necessary to ensure a fair start, and
    - c. Authority to recommend to the stewards that a person be fined or suspended for violating the starter's orders.
  2. The starter shall ensure that a greyhound starts from a starting box approved by the Department. The starter shall ensure there is no start until, and no recall after, the doors of the starting box have opened. The starter shall report any cause of delay to the stewards.
  3. A false start due to faulty action of the starting box, break in the machinery, or other cause, is void. The greyhounds may be started again as soon as practicable or the race may be canceled at the discretion of the stewards.
- I.** Clerk of the scales.
1. The clerk of the scales shall:
    - a. Weigh all greyhounds in and out with the greyhound's muzzle, collar, and lead strap;
    - b. Post the scale sheet of weights promptly after weighing;
    - c. Prevent any greyhound from passing the scales or running with an overweight or an underweight of more than two pounds. The clerk of scales shall promptly notify the paddock judge, who shall report to the stewards, any infraction of this Chapter regarding weight or weighing; and
    - d. Report all late scratches and weights on a bulletin board located in a place conspicuous to the wagering public.
  2. As each greyhound is weighed in, the clerk of scales shall attach an identification tag to the greyhound's collar indicating the number of the race in which the greyhound is entered and the greyhound's post position. The clerk of the scales shall remove the identification tag when the greyhound is weighed out and blanketed.
  3. The clerk of the scales shall report to the stewards any violations of this Chapter regarding weight requirements or any attempt to alter specified weights.
  4. The clerk of scales shall keep a list of all greyhounds known as "weight losers" and notify the presiding steward of the greyhound's weight loss before each race.
- J.** Paddock judge and kennel master.
1. Identification of greyhounds.
    - a. The paddock judge shall check all greyhounds for each race.
    - b. The paddock judge shall ensure that a greyhound does not start in a schooling or purse race unless the greyhound is fully identified and checked against the card index system of identification maintained by the permittee. The paddock judge shall complete an identification card for each greyhound before the greyhound is entered for a schooling or purse race.
    - c. A permittee shall keep and maintain a card index system for identification of each greyhound that races at a race meet. The permittee shall ensure that the cards in the index system of identification contain the names of the owner and trainer and the breeding, weight, color, sex, and characteristic markings, tattoos, scars, and other identification features peculiar to the greyhound.
  2. Under supervision of the paddock judge, the kennel master shall unlock the kennels immediately before weigh-in time and determine whether the kennels are in perfect repair and nothing has been deposited in the kennels for the greyhounds to consume. The kennel master shall ensure that the kennels are sprayed, disinfected, and kept in proper sanitary condition. The kennel master or assistant shall receive the greyhounds from their trainers, one at a time, ensure that the greyhounds are placed in their kennels, and remain on guard from that time until the greyhounds are removed for the last race.
  3. The paddock judge shall ensure that only a greyhound's licensed owner, trainer, or assistant trainer present the greyhound to the clerk of the scales for weigh in before a race.
  4. After the greyhounds are placed in the lockout kennels, only the kennel master, track official, person approved by the Department, or a designated representative of the Department is allowed in or near the lockout kennels.
  5. Before post time, the paddock judge shall carefully compare the identification card with the greyhound while the greyhound is in the paddock.
  6. Before the greyhound leaves the paddock for the starting box, the paddock judge shall ensure that the greyhound is

## Arizona Racing Commission

equipped with a regulation muzzle and blanket. The paddock judge shall approve the muzzles and blankets and carefully examine the muzzles and blankets in the paddock before the greyhound leaves for the post.

7. The paddock judge shall keep on hand, ready for use, extra muzzles of all sizes, lead straps, and collars.
8. The paddock judge shall report all practices and irregularities in violation of A.R.S. Title 5, Chapter 1 or this Chapter to the stewards.

**K. Timer.**

1. The timer or a steward shall accurately record the official time of each race, which begins when the doors of the starting box open.
2. A permittee shall install an automatic timing device approved by the Department. The timer shall use the time shown on the timing device as the official time of a race if the timer is satisfied that the timing device is functioning properly. If the timing device is not functioning properly, the timer shall use the time shown on the stopwatch the timer operates. The track announcer shall announce the time to the public if the stopwatch time is used as the official time of the race.

**L. Chart writer.**

1. The chart writer shall compile the information necessary for an official race program printed for each racing day. The official race program shall list the names of the greyhounds scheduled to run in each of the races for that day. The names of the greyhounds shall appear in the order of post position designated by numerals placed at the left and in line with the names of the greyhounds. The numerals shall also be prominently displayed on each greyhound.
2. The chart writer shall ensure that all past performances of a greyhound shown in the official race program appear in dated, chronological, order of the greyhound's races or official schoolings, with the last performance appearing on the first line. The chart writer shall also ensure that the official race program contains the name, color, sex, date of whelping, breeding, established racing weight, number of starts in official races, number of times finishing first, second, and third, names of the owner and trainer, distance of the race, the track record, and any other information that will enable the public to judge the greyhound's ability properly.
3. When the name of a greyhound is changed, the chart writer shall ensure that both the new name and the former name are published in the official entries and official race program for the greyhound's next three starts.

**M. Veterinarians.**

1. The Department shall approve two official veterinarians who are licensed to practice veterinary medicine in the state of Arizona. Each permittee shall employ one official veterinarian, who is known as the track veterinarian. The Department shall employ the other official veterinarian, who is called the state veterinarian.
2. The state veterinarian shall be in charge of all sample collection.
3. The track veterinarian shall be present during all official races and schooling races. The track veterinarian shall observe each greyhound as the greyhound enters the lock-out kennel, examine the greyhound when it enters the paddock before the race, and recommend to the stewards that a greyhound be scratched when the veterinarian deems the greyhound unsafe to race or physically unfit to produce a satisfactory effort in a race.

4. The track veterinarian shall place a greyhound deemed unsafe, unsound, or unfit on a suspension list and post the suspension list in a conspicuous place available to all owners, trainers, and officials.
5. After a greyhound is placed on a suspension list, the greyhound shall not race until the greyhound is removed from the suspension list by the track veterinarian with the approval of the state veterinarian.
6. At a time chosen by the Department, the state veterinarian shall inspect the condition of every kennel at the track of a permittee and file a report with the Department regarding the inspection. The state veterinarian shall include in the report the general physical condition of the dogs, sanitary conditions of the kennels, segregation of bitches in season, segregation of sick dogs, the types of medicine found in use, and other matters or conditions the state veterinarian deems worthy of note.
7. The entry of a greyhound on the state veterinarian's suspension list is accepted only after final approval by both the track and state veterinarians and after a minimum of three days from the date the greyhound was placed on the veterinarians' list.
8. A veterinarian licensed by the Department shall keep a written record of the veterinarian's practice on the grounds of a permittee relating to greyhounds participating in racing.
  - a. The veterinarian shall include the following in the record:
    - i. The name of the greyhound treated,
    - ii. The nature of the greyhound's ailment,
    - iii. The type of treatment prescribed and performed for the greyhound, and
    - iv. The date and time of the treatment.
  - b. The veterinarian shall keep the record for practice engaged in at all licensed tracks.
  - c. The veterinarian shall produce the record without delay on request of the stewards or the Department.
  - d. A veterinarian engaged in private practice at a location under the jurisdiction of the Department shall be licensed by both the Arizona State Board of Veterinarian Medical Examiners and the Department.
  - e. Except in case of an emergency, a veterinarian who administers to or prescribes for a greyhound on the premises of a permittee shall be licensed by the Department.
  - f. The Department shall evaluate all new and experimental medications and drugs and determine whether the medications and drugs may be used on the grounds of a permittee.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended subsections (A) and (E) effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-309 recodified from R4-27-309 (Supp. 95-1). Amended effective August 7, 1996 (Supp. 96-3). Amended by final rulemaking at 11 A.A.R. 5534, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-310. Lead-outs**

- A. Owners, trainers, or attendants shall not be allowed to lead their greyhounds from the paddock to the starting box except in schooling races. The greyhounds shall be led from the paddock to the starting box by lead-outs provided by each permittee and licensed by the Department.

## Arizona Racing Commission

1. Lead-outs shall be assigned to post position by the paddock judge or his or her designee by lot before the first race of each race program; a record thereof shall be maintained.
2. Lead-outs shall be required to present a neat appearance and conduct themselves in an orderly manner and must be attired in clean uniforms provided by the permittee.
3. The lead-out shall handle the greyhound in a humane manner, put the greyhound in its proper box before the race, and then retire to an assigned place.
- B.** Lead-outs are prohibited from holding any conversation with the public either in the paddock, en route to the starting post, or while returning to the paddock.
- C.** No lead-out shall be permitted to have any interest in the greyhounds racing for said permittee.
- D.** Lead-outs are prohibited from wagering on the result of any greyhound racing at the track to which they are assigned.
8. A person holding a license listed in A.R.S. § 5-104 shall not apply, inject, inhale, ingest, be under the influence of, possess, or use a narcotic, dangerous drug, or controlled or prohibited substance regulated under A.R.S. Title 13, Chapter 34 while on permittee grounds, unless, on the request of a steward, the licensee can produce evidence that the licensee has a lawfully issued prescription for possession or use of the narcotic, dangerous drug, or controlled or prohibited substance.
9. A licensee or employee of a permittee shall not accept, either directly or indirectly, a bribe, gift, or gratuity in any form that is intended to or might influence the results of any race or the conduct of a race meet.
10. A licensee shall not engage in conduct prohibited by the Department and shall not engage in conduct that is detrimental to the best interests of greyhound racing including, but not limited to, soliciting, aiding, or abetting another person to participate in conduct prohibited by the Department or detrimental to the best interests of greyhound racing.
11. A licensee, while on the grounds of a permittee, shall not create a disturbance, be intoxicated, interfere with a racing operation, or act in an abusive or threatening manner to a racing official or other person.
12. Only a veterinarian licensed by the Department shall administer to or prescribe for a greyhound on the grounds of a permittee.
  - a. A veterinarian who prescribes or administers a drug or treatment to a greyhound at a track shall report the drug or treatment prescribed or administered to the Department in the manner required by the Department.
  - b. Notwithstanding the provisions of this Section, any veterinarian may treat a greyhound if an emergency involving a threat to the life or health of the greyhound exists.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).

Amended effective March 20, 1990 (Supp. 90-1). R19-2-310 recodified from R4-27-310 (Supp. 95-1).

**R19-2-311. Prohibited Acts**

In addition to other prohibitions described in A.R.S. Title 5, Chapter 1 and this Chapter:

1. A licensee shall not enter, or cause or permit to be entered, or start a greyhound that the licensee knows or has reason to believe should be disqualified or may be ineligible for to race.
2. A veterinarian licensed to practice on a track under the jurisdiction of the Department shall not own, lease, or train a greyhound racing at the track on which the veterinarian practices.
3. A licensee shall not subject or permit an animal under the licensee's control, custody, or supervision to be subjected to any form of cruelty, mistreatment, neglect, or abuse and shall not abandon, injure, maim, kill, administer a noxious substance to, or deprive the animal of necessary care, sustenance, or shelter.
4. A person shall not participate in any unauthorized race on a track while a race meet is in progress on the track.
5. A person shall not offer or receive any money or other consideration for declaring any entry out of a purse or stakes race.
6. A person shall not possess, within the grounds of a permittee, an electrical, mechanical, or other device, other than ordinary equipment, that may be used to affect the speed or racing condition of a greyhound. Possession includes, but is not limited to, having the device or equipment:
  - a. On the person;
  - b. In living or sleeping quarters;
  - c. In an assigned kennel, feed room, or other area; and
  - d. In a motor vehicle or trailer.
7. A person other than a physician or veterinarian licensed by the Department shall not possess, within the grounds of a permittee, a foreign or prohibited substance, injectable vial, hypodermic needle, syringe, or any other instrument that may be used for injection, without written permission of the stewards. Possession includes, but is not limited to, having the substance or instrument:
  - a. On the person;
  - b. In living or sleeping quarters;
  - c. In an assigned kennel, feed room, or other area; and
  - d. In a motor vehicle or trailer.
13. Notwithstanding the provisions of subsection (18)(a), a person shall not administer or cause to be administered, internally or externally, a foreign substance to a greyhound entered in a race for at least 24 hours before the scheduled post time for the first race of the day on which the greyhound is to run.
14. The Racing Commission has established permissible levels of the following foreign substances, as defined by R19-2-302(17), for the urine of a greyhound:
  - a. Procaine: six micrograms per milliliter, and
  - b. Barbiturates: one microgram per milliliter.
15. A person shall not race a greyhound that is desensitized by the application of cold, chemical, or mechanical freezing devices at the time of arrival at the paddock.
16. The stewards shall discipline a licensee, as provided under A.R.S. Title 5, Chapter 1 and this Chapter, who is found guilty of using live rabbits, cats, or fowl in the training of racing greyhounds and report all incidents of this nature to the Department.
17. A licensee shall promptly pay any financial obligation incurred in connection with racing in this state. If failure or refusal to pay a financial obligation incurred in connection with racing in this state results in the financial obligation being reduced to a judgment against a licensee, the Department shall take disciplinary action against the licensee as authorized under A.R.S. § 5-108.05.
18. Test samples.
  - a. Animal testing.
    - i. A greyhound in any race may be subjected, by order of a steward or the state veterinarian, to

## Arizona Racing Commission

- urine, blood, or other tests to determine whether a foreign substance is present.
- ii. An individual approved by the Department shall take required samples of urine, blood, or other test substances.
- iii. A steward may authorize the splitting of any sample.
- iv. The state veterinarian may require blood or urine samples to be stored in a frozen state for future analysis.
- v. The owner, trainer, or a representative of the owner or trainer shall be present while samples are taken and prepared for testing.
- vi. The owner, trainer, or a representative of the owner or trainer shall sign documents evidencing the procedure described in this subsection was followed.
- b. Human testing.
  - i. As set forth in A.R.S. § 5-104(C) and this Section, a licensee shall immediately submit to blood, urine, breathe, or other tests ordered by the stewards if the stewards have reason to believe the licensee is under the influence of or in possession of a prohibited substance or has consumed alcohol in violation of subsection (11).
  - ii. The stewards shall ensure that a test sample is taken in the presence of a steward or the steward's designee, placed in a container furnished by the Department, and immediately sealed by the steward or steward's designee in the presence of the licensee being tested.
  - iii. The stewards shall ensure that a container in which a sample is placed is marked with the following items:
    - (1) Sample identification number;
    - (2) Time, date, and location where the sample was given; and
    - (3) Signature of Department personnel sealing the container.
  - iv. The stewards shall ensure that a container in which a sample is placed is submitted to the official laboratory for analysis to determine the presence of alcohol or a prohibited substance.
  - v. The Department shall discipline a licensee, as authorized under R19-2-309(E)(3)(f) and A.R.S. § 5-108.05(A), if laboratory analysis of the licensee's sample shows the presence of a prohibited substance and the licensee does not have a lawfully issued prescription for the substance.
  - vi. The Department shall ensure that results and information obtained as a result of analysis of a sample provided under this subsection are accessible only to members of the Commission, the Director or designees, and the tested licensee until any disciplinary action or administrative proceeding is complete.
  - vii. Compliance with this Chapter by the stewards or stewards' designee constitutes prima facie evidence that the chain of custody of the test samples is secure. The presiding officer or administrative law judge in an administrative proceeding of the Department or Commission shall admit the results as evidence.
- 19. A trainer, assistant trainer, and other person charged with the custody and care of a greyhound shall protect and guard the greyhound against the administration, either internally or externally, of a foreign substance, except as provided in subsection (12). A test indicating the presence of a foreign substance in the blood or urine of a greyhound in the custody and care of a trainer, assistant trainer, or other person shall give rise to a presumption that the trainer, assistant trainer, or other person failed to fulfill the duties specified.
- 20. A person shall not interfere with the collection or procedures conducted under this subsection.
- 21. The owner of a greyhound disqualified in a race because of an infraction of this Chapter shall forfeit and return any portion of the purse or stakes and any trophy received from the race and forfeit any entry or subscription money.
  - a. The racing secretary shall redistribute among remaining entries in the race all winnings that are forfeited under this subsection by the owner of a disqualified greyhound.
  - b. If laboratory analysis performed under subsection (18)(a) indicates the presence of a foreign substance in the blood or urine of a greyhound, the greyhound shall be disqualified and may be declared unplaced for every purpose except pari-mutuel wagering.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective November 30, 1988 (Supp. 88-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-311 recodified from R4-27-311 (Supp. 95-1). Citations corrected in subsections 12 and 17 at the request of the Arizona Department of Racing (Supp. 96-4). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-312. Registration and Transfers**

- A. The National Greyhound Association of Abilene, Kansas, (NGA) is the official breeding registry of all greyhounds. The Greyhound Publications, Inc., Information System is the official recordkeeping agency of all greyhound performances and maintains the past performance lines on every greyhound raced at a track licensed by a racing jurisdiction. The Department may certify any greyhound whose registration is attributable to arbitrary, discriminatory, or other unreasonable action or inaction on the part of either agency.
- B. If for any reason the Greyhound Information System ceases operation, the kennel owner is responsible for furnishing the racing secretary with the last six past performance lines when applicable.
- C. The registry and recordkeeping agencies are self-funding, and may charge reasonable fees for their services.
- D. A greyhound shall not be entered for racing or schooling at any official track unless it:
  - 1. Is tattooed or permanently identified in a manner acceptable to the NGA;
  - 2. Is registered in the NGA stud book; and
  - 3. Has its last six performance lines, if applicable, and racing history made available to the racing secretary from the Greyhound Information System.
- E. The NGA breeding registry furnishes all necessary information to the Greyhound Information System when greyhounds are registered and named. A reasonable fee per start shall be deducted from the weekly purses by the track and paid to the Greyhound Information System.
- F. Each track shall provide a copy of the official chart of its races to the Greyhound Information System.

## Arizona Racing Commission

- G. The NGA Breeding Registry and transfer files and the Greyhound Publications, Inc., Information System shall be available to Department officials upon request.
- H. In case of emergency, written authority from the NGA to sign declarations of partnerships shall be given to the racing secretary.
- I. An owner of a greyhound cannot assign the owner's share or any part of it without the written consent of the other partners. The consent shall be filed with the racing secretary.
- J. A certificate of registration for a greyhound shall be filed with the racing secretary at the race track where the greyhound is to be schooled, entered, or raced.
- K. The certificates of registration shall be available at all times for inspection by the stewards.
- L. A transfer of any title to, leasehold in, or other interest in greyhounds schooled, entered, or racing at any track under the jurisdiction of the Department shall be registered and recorded with the National Greyhound Association of Abilene, Kansas.
- M. The Department shall not recognize a title, leasehold, or other interest in a greyhound until the title, leasehold, or other interest is evidenced by written instrument filed with and recorded by the National Greyhound Association of Abilene, Kansas and certified copies of the instrument are filed with the Department and the racing secretary at the race track where the greyhound is to be schooled, entered, or raced.
- N. If a greyhound is sold or transferred, or any interest in a greyhound is sold or transferred, during a meeting or after the greyhound has been registered for a meeting, a copy of the bill of sale shall be filed with the racing secretary and forwarded by the racing secretary to the Department.
- O. If a greyhound is sold with its engagements, or any part of them, the seller cannot strike it out of any engagements. In all cases of private sales, the written acknowledgment of both parties that the greyhound was sold with the engagements is necessary to entitle the seller or buyer to the benefit of this rule. If certain engagements are specified, only those are sold with the greyhound. If the greyhound is sold by public auction, and if certain engagements are specified, only those engagements are sold with the greyhound.
- P. If a greyhound or any interest in a greyhound is sold to a disqualified person, the greyhound's racing engagements are void as of the date of sale.
- Q. In case of transfer of a greyhound with its engagements, the greyhound shall not be eligible to start in any stakes, unless the transfer of the greyhound and its engagements is provided to the racing secretary.
- R. A transfer of a greyhound or engagement shall not be made for the purpose of avoiding disqualification. A person that makes or receives a transfer to avoid disqualification may have a civil penalty invoked or be ruled off by the stewards.
- S. A partnership shall register with the Department. The partnership shall provide the name and address of every person with an interest in a greyhound, the relative proportions of the interest, and the terms of any sales with contingencies or arrangements, which are signed by each party or by an authorized agent, and file this information with the racing secretary. This information shall be provided to the Department before the beginning of the race meet. All persons listed on the partnership registration are jointly and severally liable for all stakes and forfeits.
- T. Statements of partnerships, sales with contingencies, or arrangements, shall declare who receives the winnings, in whose name the greyhound shall run, and who has the power of entry or declaration of forfeit. This information shall be provided to the Department upon request.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-312 recodified from R4-27-312 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

**R19-2-313. Leases**

- A. The lessee of a greyhound shall file a copy of the Uniform Greyhound Certificate of Lease agreement with the Department. The lease agreement shall include:
  1. The name of the greyhound,
  2. The name and address of the owner,
  3. The name and address of the lessee,
  4. The kennel name of each party, and
  5. The terms of the lease.
- B. A corporation with more than 10 stockholders who are the registered or beneficial owners of stock or membership in the corporation may not lease a greyhound owned or controlled by it to any person or partnership for racing purposes.
- C. The Department shall not grant an owner's license to a lessee of a corporation described in subsection (B).
- D. A corporation leasing greyhounds for racing purposes in this state, shall file with the Department, upon request, a report listing the stockholders and members, as well as additional business information the Department may specify. More than one owner may be indicated on the program by the use of the name of one owner and the phrase "et al".

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-313 recodified from R4-27-313 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

**R19-2-314. Weights and Weighing**

- A. Each greyhound shall be weighed in not less than one hour before the time of the first race of the day.
- B. Before a greyhound is allowed to school or to race at a track, the owner or trainer shall establish the racing weight of the greyhound with the clerk of scales.
- C. At weighing-in time, if there is a variation of more than two pounds from the greyhound's established weight, the stewards shall order the greyhound scratched.
- D. At weighing-out time, if a greyhound loses more than two pounds while in the lockout kennels, the stewards shall order the greyhound scratched. However, upon opinion from the veterinarian that the loss of weight while in the lockout kennels does not impair the racing condition of the greyhound, the stewards may allow the greyhound to race.
- E. The weight regulations provided in subsections (A), (B), (C) and (D) above shall be printed in the daily program.
- F. The established racing weight of a greyhound may be changed on written request of the owner or trainer and by consent of the stewards, if the change is made at least four calendar days before the greyhound is allowed to race at the new weight.
  1. A greyhound with a weight change of more than one pound shall be schooled at least once at the discretion of the stewards at the new established weight before being eligible for starting.
  2. A greyhound that has not raced or schooled officially for three weeks shall be allowed to establish new racing weight with the consent of the stewards and shall be schooled officially immediately upon receipt of the consent.

## Arizona Racing Commission

- G. The stewards have the authority to order that a greyhound entered in a race be weighed at any time from entry into the lockout kennel until post time.
- H. Immediately after being weighed in, a greyhound shall be placed in a lockout kennel under the supervision of the paddock judge. Only the paddock judge, veterinarian, kennel master, clerk of scales, lead-out, steward, or Department representative shall be allowed in or near the lockout kennels.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-314 recodified from R4-27-314 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

**R19-2-315. Schooling**

- A. A schooling race shall be at a distance not less than the distance nearest to 5/16 mile in use at the track.
  - B. Each official schooling race shall consist of at least six greyhounds. However, if this condition creates a hardship, less than six may be schooled with the permission of the stewards.
  - C. Hand schooling shall not be considered official.
  - D. A greyhound that has not raced for 10 racing days or more shall be officially schooled at least once at its racing weight before being eligible for entry.
  - E. A greyhound in an official schooling race shall race at its established racing weight and shall start from the box wearing blankets.
  - F. An owner, trainer, or authorized agent who is responsible for greyhounds that are booked to race on tracks licensed by the Commission, and who permit the greyhounds to be officially schooled on any track in Arizona or elsewhere that is not approved by the Commission during these bookings, shall be subject to immediate license revocation.
  - G. A greyhound may be ordered on the official schooling list by the stewards at any time for good cause and shall be schooled officially and satisfactorily before being allowed to enter a race.
  - H. Each permittee shall provide a photo finish camera, approved by the Department, that operates at all official schooling races.
  - I. A permittee shall make provision for an adequate number of official schooling races, to be run both before and during a meeting, to allow for the qualification of greyhounds.
  - J. A greyhound that fails to meet the established qualifying time shall not be permitted to start in a race other than futurity or stakes races.
  - K. Official schooling shall be maintained throughout a meeting up to at least one week before the last scheduled date of the meeting.
  - L. The distance of official schooling races and number of greyhounds in these races shall appear on the Form chart.
  - M. Only two official schooling lines shall be required for greyhounds in futurity races.
  - N. A greyhound on the veterinarian's list or stewards' suspension list shall not be schooled officially except as provided in R19-2-317(E)(6).
1. The racing secretary shall not allow a greyhound to be entered in a race unless the full name of every person having an ownership in the greyhound or accepting the trainer's percentage or having any interest in its winnings is registered with the racing secretary. A change in a greyhound's ownership or interest made during that meeting shall be registered with the racing secretary; a copy of this shall be delivered promptly to the Department by the racing secretary of the track where the greyhound is racing.
  2. The racing secretary shall not allow a greyhound to be entered in a race unless the conditions in R19-2-313 pertaining to registration are met.
  3. The racing secretary shall not allow a greyhound to enter or start unless it is conditioned by a licensed trainer or owner-trainer.
  4. The racing secretary shall not allow a greyhound to enter or start in a race unless it has been fully identified and tattooed. A person who participates in any manner in establishing the identity of a greyhound, including the breeder, owner, trainer, and identifier, is responsible for the accuracy of the information the person provides.
  5. The stewards may require a person in whose name a greyhound is entered to produce proof that the greyhound is not the property, either wholly or in part, of any person who is disqualified, or to produce proof of the extent of the person's interest in the greyhound. If the stewards are not satisfied as to the ownership of the greyhound, they may declare the greyhound out of the race.
  6. A permittee shall establish a qualifying time for its 3/8- and 5/16-mile races. The permittee shall notify the stewards at least three days before the first day of official racing of the qualifying time established and specify time which, while in effect, shall be continuously posted on the notice board at the track and approved by the stewards.
    - a. A change in the established qualifying time during the course of a meeting may only be made with the approval of the stewards.
    - b. The racing secretary shall not allow a greyhound to enter or race if the greyhound fails to meet the established qualifying time except in a futurity or stakes race.
  7. A greyhound is not eligible to enter or race if:
    - a. The greyhound is ruled off or suspended.
    - b. The owner or trainer is ruled off the track or suspended until the greyhound is made eligible either by reinstatement of its owner or trainer or a transfer or bona fide sale to an ownership or trainer acceptable to the stewards.
    - c. The greyhound is on the schooling list or on the veterinarian's list.
    - d. The greyhound is under the age of 12 months.
  8. A greyhound or kennel whose entry is ordered refused at any recognized meeting because of inconsistent racing shall not be permitted to race on any track where these rules are in force during the continuance of such ruling.
  9. At least three past performances of a greyhound shall be available for the program.
  10. A trainer shall remove an off-form greyhound from the active list. Failure to do so is grounds for suspension of the greyhound.
  11. A greyhound that has been retired for conditions or worming shall be brought back to racing weight before being entered.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-315 recodified from R4-27-315 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

**R19-2-316. Entries and Subscriptions**

- A. Condition for entry

## Arizona Racing Commission

12. The stewards may allow a greyhound that has not raced in three or more weeks to establish new racing weight.
13. The racing secretary shall not allow a greyhound in season on the track nor shall she be eligible to school officially or to race if in milk.

**B. Entry**

1. The racing secretary receives entries and declarations.
2. Each entry in a race shall be in the name of the registered owner or in the kennel name.
3. The racing secretary shall not allow a greyhound to run in any race unless it has been and continues to be duly entered.
4. A greyhound eligible at the time of entry continues to be qualified, except in an overnight event in which the greyhound shall be eligible at the time of the start.
5. A kennel owner, trainer, or authorized agent may enter a greyhound in person, by telephone, by facsimile, or in writing.
6. A greyhound entered for a purse shall be a "starting greyhound" unless it has been declared out by the stewards.
7. An entry from a person or of a greyhound that stands suspended or expelled is void. The Department shall refund any money paid for a void entry. A person who wins money with a void entry shall return the money to the Department.
  - a. The entry form to a stakes race shall include the full name and post office address of the person making the entry.
  - b. A person with an interest in a greyhound less than the interest of another person is not entitled to assume any of the rights or duties of an owner as provided by these rules, including the right of entry and declaration.
  - c. Joint subscriptions and entries may be made by any one or more of the owners. However, all partners and each of them shall be jointly and severally liable for all fees and forfeits.
  - d. Nominations for stakes races received and post-marked before midnight of the day of closing shall be valid if received 24 hours in advance of closing of overnight entries.
  - e. If the invalidity of any entry or declaration in a stakes race is alleged, satisfactory proof that the entry or declaration was timely made shall be presented within a reasonable time or the entry or declaration shall be deemed not received.

**C. Closing**

1. The racing secretary shall close entries for purse races at the advertised time. An entry shall not be received after that time. If a race fails to fill, additional time for entries may be granted by the stewards.
2. Entries and declarations for stakes races that close during or on the eve of a racing meeting shall close at the office of the racing secretary. Closing sweepstakes at all other times shall be at the office of the permittee.
3. The racing secretary shall not accept entries or declarations for stakes after the designated time.
4. A greyhound may not start in a stakes race unless it has passed the entry box on the day on which entries for the stakes race are taken.
5. There shall be at least six different kennel owners in each race. An owner or trainer may have no more than two greyhounds in a race without the permission of the stewards. The requirements of this subsection are applicable to all greyhound races, including all short field races of five or fewer greyhounds. Prior approval of the stewards

shall be obtained before conducting any race in which five or fewer greyhounds are entered.

6. If the number of entries to any purse race exceeds the number of greyhounds that, because of track limitations, may start, the starters for the race shall be determined by lot in the presence of those making entries.
7. The post position of greyhounds shall be assigned by lot or drawing supervised by the stewards and the racing secretary, at a time and place posted on the trainer's bulletin board. The draw shall occur at least one day before the running of the race, so that any and all owners, trainers, or authorized agents interested may be present.
  - a. A change shall not be made in any entry after closing of entries, but an error may be corrected.
  - b. Each greyhound entered for a purse shall be a starter unless it is declared or scratched.
8. The permittee may withdraw or change any unclosed race.
9. Following the close of entries, the racing secretary shall compile and conspicuously post the entries.
10. The holder of any claim, whether a mortgage bill, sale, or lien of any kind, against a greyhound, shall file the claim with the racing secretary before the time the greyhound is entered. The claimholder shall forfeit all rights in any winnings of the greyhound before the claim is filed.

**D. Fees**

1. Unless otherwise stipulated in the conditions of a race, there is no charge to enter a greyhound in a purse race. When the conditions require an entrance fee, the fee shall accompany the entry.
2. A person entering a greyhound shall pay the nominating, sustaining, and starting fees. Except as provided in subsections (D)(3) and (D)(4) fees are nonrefundable.
3. Entrance fees to a purse race that is run are not refundable unless otherwise provided for in the conditions of the race.
4. Entry, starting, and subscription fees shall be distributed as provided for in the conditions of the race. If a race is not run, all stakes or entrance money shall be refunded.
5. The death of the nominator or subscriber does not void entry, subscription, or right of entry of a greyhound.
6. A greyhound may not start in a race unless any stake or entrance money for that race is paid.
7. A person entering a greyhound is liable for the entrance money or stake.
8. The entry of a greyhound in a sweepstakes is a subscription to the sweepstakes making the subscriber liable for stake and forfeit fees. If the subscriber properly transfers the entry, the subscriber is liable for stake and forfeit fees only if the transferee defaults. The seller of a greyhound with an engagement is liable for stake or forfeit fees if the engagement is not kept.
  - a. If a person is prevented by these rules from entering or starting a greyhound for a race without paying arrears for which the person would not otherwise be liable, the person may, by paying the arrears, enter or start the greyhound and have the arrears placed on the forfeit list as due to the person.
  - b. If the seller of a greyhound with an engagement is compelled to pay arrears because of the purchaser's default, the seller may place the amount of the forfeit list as due from the purchaser to the seller. This rule also applies in the transfer of an entry when the transferee defaults.



## Arizona Racing Commission

- c. With the approval of the stewards, the racing secretary may waive the obligations incurred by this Section.
  - d. If the racing secretary permits a greyhound to start in a race without the entrance money or stake having been paid, the racing secretary is liable for the entrance money or stake.
9. An entry in a sweepstakes is a subscription and may not be withdrawn.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-316 recodified from R4-27-316 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

**R19-2-317. Rules of the Race****A. Pre-race activity.**

1. A greyhound shall race under its registered owner's name as shown on the registration papers or upon Department approval.
2. All races shall start at regular intervals. Post times shall be based upon the number of races scheduled to run daily. The intervals shall be set by the permittee with the approval of the stewards.
3. A greyhound shall be identified and exhibited in the paddock before post time of the race in which it is entered.
4. A greyhound shall wear the regulation muzzle and blanket while racing. The muzzle and blanket of each greyhound shall be carefully examined:
  - a. In the paddock by the paddock judge before the greyhound leaves for the post;
  - b. Before the stewards at the stewards' stand; and
  - c. By the starter at the starting box.
5. After the greyhounds have entered the track, the parade of the greyhounds to the post shall be no longer than 15 minutes, unless a delay is unavoidable.
6. After the greyhounds leave the paddock on their way to the starting point, and until the stewards signal the start of the race, all persons except the designated licensees shall be excluded from the course.
7. If a greyhound is injured after weigh-in, the greyhound may be excused by the stewards on the advice of the track veterinarian and shall not be considered a starter.

**B. Races**

1. A race is not declared official by the stewards unless the lure precedes the greyhounds at all times during the race. If, during the race, a greyhound catches or passes the lure, the stewards shall declare it "no race" and all monies wagered shall be refunded.
2. The stewards shall closely observe the operation of the lure and hold the lure operator to strict accountability for any inconsistency of operation. The lure shall be kept at a reasonable distance in advance of the greyhounds.
3. If a greyhound dwells in the box when the doors of the starting box open at the start, there shall be no refund.
4. If a greyhound bolts the course, runs in the opposite direction, or does not run the entire prescribed distance for the race, all rights in the race are forfeited and no matter where it finishes the stewards shall declare the finish of the race as if the greyhound was not a contender. However the greyhound shall be considered a starter.
5. If a greyhound bolts the course or runs in the opposite direction during the running of the race and in so doing, in the opinion of the stewards, alters the outcome of the

race, the stewards shall declare it "no race" and all monies wagered shall be refunded.

6. If it appears that a greyhound may interfere with the running of the race because of failure to leave the starting box, or accident, or for any other reason, a person under the supervision of the stewards may remove the greyhound from the track. However the greyhound shall be considered a starter.
7. If a race is marred by jams, spills, or racing circumstances other than accident regarding the machinery or outside interference, and three or more greyhounds finish, the stewards shall declare the race official, but if fewer than three greyhounds finish, the stewards shall declare it "no race" and all monies wagered shall be refunded.
8. Each permittee shall provide a camera approved by the Department for the purpose of taking photographs of all finishes of all races including schooling races.
9. A greyhound ruled off for fighting or quitting is suspended on any track operating under the jurisdiction of the Commission.
10. If the owner, trainer, or handler of a greyhound is found guilty of an act that prevents the greyhound from running its best, the Department shall suspend the license of the owner, trainer, or handler.

**C. Dead heats**

1. When a race results in a dead heat, the race shall not be run off. When two greyhounds run a dead heat for first place, all prizes to which the first and second greyhounds are entitled shall be divided equally between them. This applies in dividing prizes whatever the number of greyhounds running a dead heat and whatever places for which the dead heat is run.
2. When a dead heat for win occurs, each greyhound involved in the dead heat shall be considered a winner and is liable for any penalty attached to the winning of the race.
3. If the owners of the greyhounds involved in a dead heat cannot agree on the disbursement of a cup or other prize that cannot be divided, the cup or prize shall be determined by lot.

**D. Winnings**

1. Winnings include all prizes earned up to the time appointed for the start and shall apply to all races wherever run. Winnings shall include earnings from a walk over or receiving forfeit, but do not include second and third money, or the value of any non-monetary prize. Winnings during the year shall be determined from the preceding January 1.
2. Winner of a certain sum shall mean winner of a single race of that value unless otherwise expressed in the conditions.
3. In estimating the net value of a race to the winner, all sums contributed by the owner or nominator are deducted from the amount won.

**E. Declarations and scratches**

1. Declarations in purse races shall be made by the kennel owner, trainer, or authorized agent to the racing secretary or his or her assistant at least one-half hour before the time designated for the drawing of post positions on the day before the day on which the greyhound is to race, or at the time appointed by the racing secretary.
2. Declarations in sweepstakes shall be made in the same manner as provided for making entries in sweepstakes to the racing secretary, who shall record the day and hour of receipt and give early publicity to the sweepstakes.

## Arizona Racing Commission

3. A declaration in a stakes race shall be made in writing by the kennel owner or trainer of a greyhound or by the kennel owner's authorized agent.
  4. The declaration of a greyhound is irrevocable.
  5. A greyhound that is withdrawn from a race after the overnight entries are closed is deemed a scratch. The declared greyhound shall lose all preference accrued up to that date unless excused by the stewards.
    - a. To scratch a greyhound entered in a race, sufficient cause shall be given to satisfy the stewards, and the cause shall be reported immediately.
    - b. The owner or trainer of a greyhound that is scratched because of a violation of a racing rule shall be penalized or suspended for six racing days. Scratches for other causes may be disciplined at the discretion of the stewards.
    - c. If a trainer fails to have a greyhound entered at the track at the appointed time for weighing in causing the scratch of the greyhound, the stewards shall impose a forfeiture and may suspend or fine the person responsible.
    - d. If three or more greyhounds are withdrawn or scratched in any one race, the stewards may cancel the race.
    - e. The stewards may scratch a greyhound entered in a race for sufficient cause.
  6. A greyhound scratched from a race because of overweight or underweight shall receive a six-day suspension and shall school back before starting in an official race. Scratched greyhounds may school during their suspension.
- B. A permittee shall recognize any greyhound for which there is an Arizona Bred Certificate on file with the Department as an Arizona bred greyhound.
  - C. Breeders' awards are not to be paid on nominating, sustaining, or starting fees.
  - D. The Department shall calculate and pay breeders' awards to eligible breeders.
    1. Definitions.
      - a. "Quarterly Breeders' Award" means an amount of money based on the quarterly breeders' award payment factor determined by the Department each fiscal year by October 30.
      - b. "Substitute Breeders' Award" means an amount of money based on a substitute payment factor because of the lack of sufficient money to pay conventional Quarterly Breeders' Awards.
      - c. "Supplemental Breeders' Award" means an amount of money that corrects a shortfall between conventional Quarterly Breeders' Awards and Substitute Breeders' Awards.
      - d. "End-of-year Bonus Award" means an amount of money that may be paid to breeders from available monies that remain in the breeders' award fund after payment of Quarterly Breeders' Awards, Substitute Breeders' Awards and Supplemental Breeders' Awards.
    2. The Department shall pay awards at the end of each fiscal year quarter, provided that the total amount of the awards payments does not exceed the total amount of money available in the fund less the amount required to be set aside for contingent liabilities in subsection (D)(8).
    3. Quarterly Breeders' Awards. Before October 30 of each year, the Department shall determine a quarterly breeders' award payment factor that will be applied during the entire fiscal year. The payment factor determined by the Department is not subject to appeal.
      - a. The Department shall evaluate anticipated revenues for the breeders' award fund and anticipated purses for eligible Arizona-bred animals and set the payment factor at a level that permits recipients of quarterly breeders' awards to receive awards throughout the fiscal year based on the same payment factor.
      - b. The Department shall notify representatives of each breeders' association of the quarterly breeders' award payment factor in writing before October 30 of each year.
      - c. The Department shall calculate quarterly breeders' awards by multiplying the amount of each purse won by an eligible animal during that quarter by the quarterly breeders' award payment factor established for the fiscal year.
      - d. The Department shall make quarterly breeders' awards not later than 30 days after the end of each quarter, unless full quarterly breeders' awards cannot be made due to the lack of available money in the fund.
    4. Substitute Breeders' Awards. The Department shall make substitute breeders' awards if there are sufficient monies in the fund to allow for an award but not enough monies to provide for full payments of quarterly breeders' awards based on the quarterly breeders' award payment factor.
      - a. The Department shall determine the substitute payment factor by dividing the total amount of monies in the Arizona breeders' award fund at the end of the quarter less the amount required to be set aside for contingent liabilities in subsection (D)(8) by the

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-317 recodified from R4-27-317 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

**R19-2-318. Repealed****Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-318 recodified from R4-27-318 (Supp. 95-1). Section repealed by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

**R19-2-319. Arizona Bred Eligibility and Breeders' Award Payments**

- A. A breeder shall file a notarized certificate affirming eligibility under A.R.S. § 5-113(F) with the Department. The certificate shall include name, color, and sex of the animal; name of the sire; name of the female; date and location of whelping; National Greyhound Association registration number; left and right ear identification numbers; name, address, and telephone number of the breeder; a statement that the animal is eligible pursuant to A.R.S. § 5-113(F) and that the person shown as the breeder was the owner of the female at the time of whelping; and such other information as may be required by the Department to determine eligibility and shall be signed by the breeder. The breeder shall submit a copy of the National Greyhound Association registration papers with the certificate.
  1. Certification is deemed to occur upon the Department's receipt of the completed certificate.
  2. The greyhound shall be certified by the Department at the time of the win to be eligible for an award.

## Arizona Racing Commission

- total amount of purses won by eligible Arizona-bred animals during that quarter.
- b. The Department shall calculate substitute breeders' awards by multiplying the amount of each purse won by an eligible animal during that quarter by the substitute payment factor for that quarter.
5. End-of-year bonus pool. After payment of all quarterly breeders' awards and any substitute breeders' awards has been calculated, the Department shall determine the amount of monies remaining in the fund. The end-of-year-bonus pool is the amount of monies remaining in the Arizona breeders' award fund after the payment of all quarterly breeders' awards for the fiscal year less the amount required to be set aside for contingent liabilities in subsection (D)(8).
  6. Supplemental Breeders Awards. The Department shall first pay any monies in the end-of-year bonus pool in the form of supplemental breeders awards to recipients of substitute breeders' awards.
    - a. The Department shall pay supplemental breeders' awards in an amount equal to the difference between the substitute breeders' award and the quarterly breeders' award the breeder would have received if there had been enough in the fund to pay an award based on the quarterly award payment factor.
    - b. In the event the end-of-year bonus pool cannot pay supplemental breeders' awards to make up for the shortfall to all substitute breeders' award recipients, the Department shall pay supplemental breeders' awards to all breeders eligible to receive a supplemental breeders' award on a pro-rata basis.
    - c. A breeder is eligible to receive a supplemental breeders' award from the end-of-year bonus pool only if the breeder received a substitute breeders' award during that fiscal year.
    - d. The Department shall not make supplemental breeders' awards if all eligible breeders received quarterly breeders' awards during the fiscal year.
  7. End-of-year Bonus Awards. The Department shall pay end-of-year bonus awards if monies remain in the end-of-year bonus pool following any supplemental payments.
    - a. The Department shall determine an end-of-year bonus payment factor by dividing the monies in the end-of-year bonus pool by the total amount of purses won by an eligible animal during the fiscal year.
    - b. The Department shall calculate end-of-year bonus awards by multiplying the amount of each purse won by an eligible animal by the bonus payment factor.
  8. Contingent liabilities. The Department shall retain \$10,000 in the Breeders' Award fund for contingent liabilities.
  9. The Department shall not make quarterly breeders' awards, substitute breeders' awards, supplemental breeders' awards or end-of-year bonus breeders' awards if the total amount available for distribution is less than \$10,000. In the event the Department does not pay an award because less than \$10,000 is available for distribution, the Department shall carry forward the amount in the fund for payment of awards when the Department next calculates awards.
  10. Appeal of Director's Rulings
    - a. The Director shall make the final decision concerning a breeders' award.
      - b. The Department shall give written notice of the decision to an applicant by mailing it to the address of record filed with the Department.
      - c. After service of the Director's decision, an aggrieved party may obtain a hearing under A.R.S. §§ 41-1092.03 through 41-1092.11.
      - d. The aggrieved party shall file a notice of appeal with the Department within 30 days after receiving the notice prescribed in R19-2-319(D)(10)(b).
      - e. The Department shall notify the Office of Administrative Hearings, which shall schedule and conduct the hearing.
  - E. The permittees shall submit to the Department an Arizona Breeders' Award Report in the form prescribed by the Department. The report shall include name of the animal, name of the breeder, date of win, win purse amount, type of race, name of track, and such other information as may be required by the Department to calculate awards.
  - F. The Arizona Thoroughbred Breeder's Association, Arizona Quarter Racing Association, Arizona Greyhound Breeder's Association and such other associations as may represent breeders in this state may assist the Department in periodic reviews of eligibility lists and may provide such other assistance in administering the fund as may be required by the Department.
  - G. At least every other three years, the Commission shall select a committee, consisting of representatives of each breeders' association and the Department, which shall review this rule and submit written recommendations to the Commission.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended subsection (A) effective August 21, 1985 (Supp. 85-4). Amended subsection (A) and added subsections (D) through (G) effective August 13, 1986 (Supp. 86-4). Amended subsection (D) effective February 19, 1987 (Supp. 87-1). Amended effective March 20, 1990 (Supp. 90-1). R19-2-319 recodified from R4-27-319 (Supp. 95-1). Amended effective January 10, 1997 (Supp. 97-1).

**R19-2-320. Objections**

- A. An objection to a greyhound may be made by an owner, the owner's authorized agent, a trainer of another greyhound engaged in the same race, or by the officials of the course. An objection shall be made to the stewards, who may require that the objection be made in writing with a copy sent immediately to the Director.
- B. The stewards may require a cash deposit of \$200 to cover costs of determining an objection. The deposit posted may be forfeited if the stewards determine the objection is without foundation.
- C. If the stewards are not able to decide an objection during the meeting, the stewards shall require that the objection be made in writing and forwarded to the Director.
- D. An objection, unless otherwise provided, shall be made within 72 hours after the race is run and shall be determined by the stewards.
- E. An objection pertaining to any matter occurring in a race, except as otherwise provided, shall be made before the stewards declare the race official.
- F. Any objections to a greyhound that has run in a race on the grounds that it was not trained by a licensed trainer, or that the names of all those having ownership in it or an interest in its winnings have not been registered with the secretary, shall be made not later than the day after the race.

## Arizona Racing Commission

- G. Any objection on the grounds of fraudulent or purposeful misstatement or omission in the entry under which a greyhound has run, or on the grounds that the greyhound which ran was not the greyhound it was represented to be in the entry or at the time of the race, may be received any time within three days after the race.
  - H. Any objection to a decision of the clerk of the scales shall be made before the greyhounds leave the paddock for the start of the race.
  - I. Pending the determination of an objection, any money or prize which the greyhound objected to may have won, or may win in the race, shall be withheld until the objection is determined, and any sum payable to the owner of the greyhound objected to shall be held for the person who may be determined to be entitled to it.
  - J. Pending the disposition by the stewards, Director, or Commission of any question, both the greyhound which finished first and any greyhound which is claimed to be the winner shall be liable for all penalties attaching to the winner of the race until the matter is decided.
  - K. If an objection to a greyhound which has won or which has been placed in a race is declared valid, that greyhound is disqualified, and the other greyhounds in the race are entitled to place in the order in which they finished. The purses shall be redistributed.
  - L. A person shall not lodge an unsubstantiated objection with the stewards.
  - M. If all the greyhounds in the race have run at wrong weights, or over a wrong course or distance, and objection is made before the official confirmation of the placing of the greyhound in the race, the stewards shall declare it "no race."
  - N. To withdraw an objection, the person that made the objection shall obtain the permission of the stewards.
- 3. The stewards may refer any ruling made to the Director, recommending further action, including revocation of a license suspended by the stewards. On receipt of a referral, the Director shall review the record and may affirm, reverse, or modify the stewards' ruling or conduct other proceedings the Director deems appropriate.
  - 4. If the Director decides that hearing or other proceeding is appropriate, the Director shall fix a time and place for a hearing. The Director shall give written notice of the hearing to the appellant at least 30 days before the date set for the hearing unless the 30-days' notice is waived in writing by the appellant.
- B. Appeal of stewards' inquiry and objection rulings.
    - 1. Failure of the stewards to convene a hearing within 10 days after an objection is made shall be deemed a denial that may be appealed by filing a written appeal to the office of the Director within 10 days after the date the objection is denied.
    - 2. A person making an appeal or the person's attorney shall sign the appeal and ensure that it contains the grounds for appeal and reasons for believing the person is entitled to a hearing.
    - 3. After an appeal is filed under subsection (B)(2), the Director shall fix a time and place for hearing or refer the matter to a hearing officer. The Director shall give written notice of the hearing to the appellant at least 30 days before the date set for the hearing unless the 30 days' notice is waived in writing by the appellant.
    - 4. Nothing contained in this Section shall affect distribution of pari-mutuel pools.
    - 5. The Department shall retain purse money affected by an appeal until an order regarding the appeal is issued by the Director.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-320 recodified from R4-27-320 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

**R19-2-321. Repealed****Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended by adding subsection (O) effective September 17, 1984. Amended subsection (D) paragraph (6) effective October 18, 1984 (Supp. 84-5). Amended by adding subsection (P) effective April 4, 1985 (Supp. 85-2). Amended subsection (N) effective November 29, 1985 (Supp. 85-6). Amended subsection (P) paragraph (19) effective June 6, 1986 (Supp. 86-3). Amended by adding subsections (Q), (R), (S), (T), (U) and (V) effective February 19, 1987 (Supp. 87-1). Amended by adding subsections (W) and (X) effective October 14, 1988 (Supp. 88-4). Repealed effective March 20, 1990 (Supp. 90-1). R19-2-321 recodified from R4-27-321 (Supp. 95-1).

**R19-2-322. Procedure before the Department**

- A. Appeal of stewards' rulings and referrals.
  - 1. A person aggrieved by a ruling of the stewards may appeal to the Director. An appeal shall be filed in writing to the office of the Director within three days after receipt of the steward's ruling.
  - 2. An appeal shall be signed by the person making the appeal or by the person's attorney and shall contain the grounds for appeal and the reasons for believing the person is entitled to a hearing.
- D. Director's hearings.
  - 1. A party appearing before the Director or the Director's designee shall be afforded an opportunity for a hearing and to respond and present evidence and argument on all issues.
  - 2. An individual appearing before the Director or the Director's designee has the right to appear in person or by counsel. A corporation appearing before the Director shall appear only through counsel. A party may submit the party's case in writing. If a party fails to appear for a hearing, the Director may act on the evidence without further notice to the party. The Director may reopen a proceeding if a party to the proceeding submits a written

## Arizona Racing Commission

- petition to the Director within 15 days after the proceeding.
- E.** Hearing officer. If the Director assigns a matter to a hearing officer, the hearing officer shall submit to the Director within 15 days after conclusion of the hearing a written decision that includes proposed findings of fact, conclusions of law, and order. The Director may accept, reject, or modify the decision of the hearing officer. Unless modified, the decision of the hearing officer becomes the decision of the Director 45 days after the hearing officer submits the decision to the Director.
- F.** Depositions.
1. If a party desires to take the oral deposition of a witness residing outside the state or otherwise unavailable as a witness, the party shall file with the Director a petition for permission to take the deposition of the witness. The party shall specify in the deposition petition the name and address of the witness and the nature and substance of the testimony expected to be given by the witness. The Director shall grant permission to take the deposition if the Director is able to determine from the deposition petition that the witness resides outside the state or is otherwise unavailable and the witness's testimony is relevant and material.
  2. The Director may, at the Director's discretion, designate the time and place at which the deposition may be taken. The party that takes a deposition is responsible for all expenses involved in taking the deposition.
  3. A party taking a deposition under this subsection shall return and file the deposition with the Director within 30 days after permission for taking the deposition is granted.
- G.** Service.
1. The Department shall make service of a decision, order, or other process in person or by mail. The Department shall make service by mail by enclosing a copy of the material to be served in a sealed envelope and depositing the envelope in the United States mail, postage prepaid, addressed to the party served at the address shown by the records of the Department.
  2. The Department shall calculate time periods prescribed or allowed by this Chapter, order of the Department, or applicable statute as provided in the Arizona Rules of Civil Procedure.
  3. Service on an attorney who has appeared on behalf of a party constitutes service on the party. A person required to serve papers on the Director or Commission shall file the papers in the office of the Department and serve a copy on the Attorney General.
  4. Proof of service may be made by the affidavit or oral testimony of the person making the service.
- H.** Rehearing, review, or appeal.
1. Except as provided in subsection (H)(7), a party aggrieved by a final administrative decision rendered by the Director may file with the Director, within 30 days after service of the final administrative decision, a written motion for rehearing or review of the decision. A party filing a motion for rehearing or review of the decision shall specify in the motion the particular grounds on which the motion is made.
  2. A motion for rehearing or review may be amended at any time before it is ruled on by the Director. A response may be filed within 10 days after service of the motion or amended motion by any other party. The Director may require the filing of written briefs on the issues raised in the motion and may provide for oral argument.
  3. The Department may grant a rehearing or review of a decision for any of the following causes materially affecting a party's rights:
    - a. Irregularity in the administrative proceedings or an order or abuse of discretion that deprived a party of a fair hearing;
    - b. Misconduct of the hearing officer, Director, or the prevailing party;
    - c. Accident or surprise that could not have been prevented by ordinary prudence;
    - d. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
    - e. Excessive or insufficient penalty;
    - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the proceedings; and
    - g. The findings of fact or decision is not justified by the evidence or is contrary to law.
  4. The Director may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons listed in subsection (H)(3). The Director shall specify with particularity the grounds for an order modifying a decision or granting a rehearing. A rehearing shall cover only the matters specified.
  5. Not later than 10 days after the date of a decision, after giving the parties notice and an opportunity to be heard, the Director may, on the Director's initiative, order a rehearing or review for any reason for which the Director might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard, the Director may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the Director shall ensure that the order granting a rehearing or review specifies the grounds for the order.
  6. When a motion for rehearing or review is based on affidavits, the party making the motion shall serve the affidavits with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Director for an additional 20 days for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
  7. If the Director makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, safety, and welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Director shall issue the decision as a final decision without an opportunity for a rehearing or review.
  8. If the provisions of this Section are in conflict with the provisions of a statute providing for rehearing of decisions of the Director, the statutory provisions shall govern.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-322 recodified from R4-27-322 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-323. Procedure before the Commission****A. Appeal of Director's rulings.**

1. A person aggrieved by a ruling of the Director may appeal to the Commission. An appeal shall be filed in

## Arizona Racing Commission

writing to the office of the Commission within 30 days after service of the Director's ruling.

2. The appeal shall be signed by the person making the appeal or the person's attorney and contain the grounds for appeal and the reasons for believing the person is entitled to a hearing.
  3. When an appeal is filed, the Commission shall review the record and may affirm, reverse, or modify the Director's ruling or conduct other proceedings the Commission deems appropriate.
- B. Permit denial, suspension, or revocation.**
1. As required under A.R.S. § 5-108.01(A), the Commission shall hold a hearing on an application for an original or renewal permit. The Commission shall provide 30 days' notice of the hearing.
  2. The Commission may revoke or suspend a permit only after notice and opportunity for hearing. The Commission shall give notice of the hearing in writing at least 30 days before the date set for hearing, unless the 30 days' notice is waived in writing by the permittee.
  3. Unless specifically ordered otherwise, if the Commission suspends one license held by an individual, all licenses held by the individual are suspended for the term of the suspension.
  4. A party appearing before the Commission shall be afforded an opportunity for a hearing and to respond and present evidence and argument on all issues.
  5. An individual appearing before the Commission has the right to appear in person or by counsel. A corporation appearing before the Commission shall appear through counsel. A party may submit the party's case in writing. If a party fails to appear for a hearing, the Commission may act on the evidence without further notice to the party. The Commission may reopen a proceeding if a party to the proceeding submits a written petition to the Commission within 15 days after the proceeding.
- C. Hearing officer.** If the Commission assigns a matter to a hearing officer, the hearing officer shall submit to the Commission within 15 days after conclusion of the hearing a written decision that includes proposed findings of fact, conclusions of law, and order. The Commission may accept, reject, or modify the decision of the hearing officer. Unless modified, the decision of the hearing officer becomes the decision of the Commission 45 days after the hearing officer submits the decision to the Commission.
- D. Depositions.**
1. If a party desires to take the oral deposition of a witness residing outside the state or otherwise unavailable as a witness, the party shall file with the Commission a petition for permission to take the deposition of the witness. The party shall specify in the deposition petition the name and address of the witness and the nature and substance of the testimony expected to be given by the witness. The Commission shall grant permission to take the deposition if the Commission is able to determine from the petition that the witness resides outside the state or is otherwise unavailable and the witness's testimony is relevant and material.
  2. The Commission may, at the Commission's discretion, designate the time and place at which the deposition may be taken. The party that takes a deposition is responsible for all expenses involved in taking the deposition.
  3. A party taking a deposition under this subsection shall return and file the deposition with the Commission within 30 days after permission for taking the deposition is granted.

**E. Service.**

1. The Commission shall make service of a decision, order, or other process in person or by mail. The Commission shall make service by mail by enclosing a copy of the material to be served in a sealed envelope and depositing the envelope in the United States mail, postage prepaid, addressed to the party served, at the address shown by the records of the Department. The Commission shall mail a notice of a hearing before the Commission by certified mail to the address of the party shown by the records of the Department.
2. Proof of service may be made by the affidavit or oral testimony of the person making the service.
3. The Commission shall calculate time periods prescribed or allowed by this Chapter, order of the Department, or applicable statute as provided in the Arizona Rules of Civil Procedure.
4. Service on an attorney who has appeared on behalf of a party constitutes service on the party. A person required to serve papers on the Commission, shall file an original and five copies in the office of the Department and serve a copy on the Attorney General.

**F. Rehearing or review.**

1. Except as provided in subsection (F)(7), a party aggrieved by a final administrative decision rendered by the Commission may file with the Commission within 30 days after service of the final administrative decision, a written motion for rehearing or review of the decision. A party filing a motion for rehearing or review of a decision shall specify the particular grounds on which the motion is made.
2. A motion for rehearing or review may be amended at any time before it is ruled on by the Commission. A response may be filed within 10 days after service of the motion or amended motion by any other party. The Commission may require the filing of written briefs on the issues raised in the motion and may provide for oral argument.
3. The Commission may grant a rehearing or review of a decision for any of the following causes materially affecting a party's rights:
  - a. Irregularity in the administrative proceedings, or an order or abuse of discretion that deprived a party of a fair hearing;
  - b. Misconduct of the hearing officer, Commission, or the prevailing party;
  - c. Accident or surprise that could not have been prevented by ordinary prudence;
  - d. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  - e. Excessive or insufficient penalty;
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the proceedings; and
  - g. The findings of fact or decision is not justified by the evidence or is contrary to law.
4. The Commission may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons listed in subsection (F)(3). The Commission shall specify with particularity the grounds for an order modifying a decision or granting a rehearing. A rehearing shall cover only the matters specified.
5. Not later than 10 days after the date of a decision, after giving the parties notice and an opportunity to be heard,

## Arizona Racing Commission

the Commission may, on the Commission's initiative, order a rehearing or review for any reason for which the Commission may have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard the Commission may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the Commission shall ensure that an order granting a rehearing or review specifies the grounds for the order.

6. When a motion for rehearing or review is based on affidavits, the party making the motion shall serve the affidavits with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Commission for an additional 20 days for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. If the Commission makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, safety, and welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Commission shall issue the decision as a final decision without an opportunity for a rehearing or review.
8. If the provisions of this Section are in conflict with the provisions of a statute providing for rehearing of decisions of the Commission, the statutory provisions shall govern.

**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).  
Amended effective March 20, 1990 (Supp. 90-1). R19-2-323 recodified from R4-27-323 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

**R19-2-324. Greyhound Housing****A. Kennel housing facilities:**

1. Facilities shall be constructed and maintained in good repair to ensure protection from exposure or hazards that could endanger the greyhounds.
2. Bedding shall be provided for all greyhounds. Heat, insulation, or additional bedding adequate to provide warmth shall be provided when the indoor temperature is below 50 degrees Fahrenheit. Facilities shall have operational cooling devices so the indoor temperature does not exceed 85 degrees Fahrenheit.
3. Facilities shall be provided for greyhounds under the age of eight weeks and for females within two weeks of whelping. The facility shall be disinfected on a daily basis and separate from a racing kennel.
4. Facilities shall at all times provide ventilation to all greyhounds by means of doors, windows, vents, air conditioning, or an evaporative cooling system.
5. Walls and floors shall be constructed to lend themselves to efficient cleaning and sanitizing.
6. Ample lighting shall be provided by natural or artificial means or both to allow efficient cleaning of the facilities, routine inspection of the facilities, and the greyhounds contained therein.
7. Each facility shall have at least one turn-out pen.
8. A minimum of one functional fire extinguisher shall be available at each kennel facility.
9. Facilities shall be cleaned and disinfected at least weekly or more frequently as may be necessary to reduce disease hazards, odors, fleas, ticks and vermin.
10. Smoking shall not be allowed in kennel housing.

**B. Run housing.**

1. Buildings and structures shall be constructed and maintained in good repair to ensure protection from exposure or hazards that could endanger the greyhounds.
2. Sufficient shelter shall be provided to accommodate all greyhounds to allow access to shade from direct sunlight and regress from exposure to inclement weather. Heat, insulation, or bedding adequate to provide warmth shall be provided when the atmospheric temperature is below 50 degrees Fahrenheit.
3. The run area shall be kept free of debris, brush, feces or any unsanitary or hazardous materials that could endanger the greyhounds.
4. Fencing for the run shall be a minimum of 4 feet high. Material for fencing shall be such that the health and safety of the greyhounds are not endangered. Fences shall be maintained in satisfactory repair.
5. Run housing shall be cleaned at least daily or more frequently as may be necessary to reduce disease hazards and odors.

**C. Kennel housing crates.**

1. The crates shall be of sound construction and maintained in good repair to protect the greyhounds from injury.
2. Construction materials and maintenance shall allow the greyhounds to be kept clean and dry. Walls and floors shall be impervious to urine and other moisture.
3. The shape and size of the crate shall afford ample space for the greyhounds to comfortably turn about, stand erect, sit and lie, but the crate shall not be smaller than 31 inches wide, 42 inches long and 32 inches high.
4. The greyhounds shall be removed from their crate at least four times in each 24-hour period. The release time shall be sufficient to relieve bodily functions and to loosen cramped muscles.
5. Except as provided in R19-2-328 (B), there shall be only one greyhound per crate.
6. Crates shall be cleaned and sanitized at least daily or more frequently as may be necessary in order to maintain a sanitary living environment for the greyhounds.

**Historical Note**

Adopted effective March 1, 1995; R19-2-324 recodified from R4-27-324 (Supp. 95-1).

**R19-2-325. Grounds of the Racing Kennel, Breeding Farm, or Other Operation****A. General.**

1. Food supplies and bedding materials shall be stored to protect them from contamination or infestation by vermin or other factors which would render the food or bedding unsanitary. All meat shall be kept frozen or refrigerated until such time that it is to be thawed for immediate consumption.
2. Washrooms, basins, or sinks shall be readily accessible for maintaining cleanliness among greyhound caretakers and sanitizing of food and water utensils. Running water shall be immediately available and hot water shall be obtainable on the premises to properly disinfect dishes, utensils, or other equipment.
3. Waste materials shall be removed at least daily and disposed of at least weekly to minimize vermin infestation, odors, and disease hazards.
4. Dropping buckets shall have lids in place except while in use and shall be stored in an area removed from kennel housing and run housing.
5. Space shall be provided to prevent crowding and to allow freedom of movement and comfort to the greyhounds.

## Arizona Racing Commission

6. Females in estrus shall not be housed with racing dogs or males except for breeding purposes.
7. Cleaning supplies and pesticides shall be stored in a secure area completely separate from food, bedding storage, and greyhounds.
8. The grounds shall be free of weeds and other materials that may constitute a fire or other hazard and that may create a breeding ground for fleas and ticks.
9. Racing kennels, breeding farms, and other operations in Arizona shall apply for a license to operate from the Department. Greyhounds bred, whelped, raised, trained, or kenneled by unlicensed Arizona operations shall not be eligible to race within Arizona.

**B. Turn-out pens and exercise areas.**

1. Fencing for turn-out pens and exercise areas shall be a minimum of 5 feet high. Material for fencing shall be such that the health and safety of the greyhounds are not endangered. Fences shall be maintained in satisfactory repair.
2. Ample lighting shall be provided by natural or artificial means or both to view the greyhounds while in the turn-out pens and to allow efficient cleaning thereof.
3. Turn-out pens and exercise areas shall be free of debris, brush, feces, or any unsanitary, or hazardous materials that could endanger the greyhounds.
4. The greyhound shall be supervised at all times while in the turnout pens.
5. Sufficient shelter shall be provided to accommodate all greyhounds in the exercise areas and turn-out pens to allow access to shade from direct sunlight and regress from exposure to inclement weather.
6. Turn-out pens shall be cleaned at least daily or more frequently as may be necessary to reduce disease hazards and odors.
7. Fresh sand shall be added to soak up urine at least annually or more frequently as may be necessary to reduce disease and odors.
8. Buildings and structures present in or around the turn-out pens or exercise areas shall be constructed and maintained in good repair to ensure protection from exposure or hazards that could endanger the greyhounds.

**Historical Note**

Adopted effective March 1, 1995; R19-2-325 recodified from R4-27-325 (Supp. 95-1). Amended effective August 7, 1996 (Supp. 96-3).

**R19-2-326. General Care of Greyhounds in a Racing Kennel, on a Breeding Farm, or on Another Operation**

- A.** All greyhounds shall be properly cared for on a daily basis. This includes physically inspecting the greyhounds for sores, cuts, abrasions, muzzle bumps, fleas, ticks, and providing adequate feed.
- B.** Greyhounds shall be provided with clean, fresh water in run housing, exercise areas, and turnout pens at all times.
- C.** All food and water dishes shall be free of mold and slime.
- D.** Greyhounds shall be reasonably free of ticks and fleas. Care shall be taken to ensure that the greyhounds do not ingest chemicals used to control fleas and ticks.
- E.** Sick, diseased, or injured greyhounds shall be provided with proper veterinary care.
- F.** Muzzles used shall be lightweight, plastic, or padded wire tape. Worn, broken, or rusted muzzles are prohibited.
- G.** All greyhounds shall be vaccinated annually against common canine diseases such as parvo, rabies, distemper, hepatitis, adenovirus type 2, parainfluenza, and leptospirosis. Current records

shall be kept and available for review by the Department inspector.

**Historical Note**

Adopted effective March 1, 1995; R19-2-326 recodified from R4-27-326 (Supp. 95-1).

**R19-2-327. Personnel of the Racing Kennel, Breeding Farm, or Other Operation**

- A.** The owner of the racing kennel, breeding farm, or other operation manager / agent, or supervising personnel shall be present at least once in each 24-hour period to supervise and to ascertain that the care of the greyhounds and maintenance of the facilities conform to all of the rules.
- B.** A sufficient number of employees shall be utilized to provide the required care of greyhounds and maintenance of the facilities.
- C.** The racing kennel, breeding farm, or other operation shall be licensed by the Department. If the owner of the racing kennel, breeding farm, or other operation is not physically present to run the racing kennel, breeding farm, or other operation, the owner's manager / agent shall also be licensed by the Department.

**Historical Note**

Adopted effective March 1, 1995; R19-2-327 recodified from R4-27-327 (Supp. 95-1).

**R19-2-328. Transportation of Greyhounds**

- A.** When transported within the state, all greyhounds shall be hauled in crates designed for the sole purpose of transporting greyhounds. These crates shall be a minimum of two feet wide, three feet long, and 34 inches high.
- B.** When transporting racing greyhounds to and from the race-track, there shall be allowed a maximum of two greyhounds per crate, provided that there is enough space for each greyhound to comfortably turn about sit, lie, and stand erect. When otherwise transporting greyhounds within the state, there shall be allowed only two greyhounds per crate provided that there is enough space for each greyhound to comfortably turn about, sit, lie and stand erect.
- C.** The crates shall be of sound construction and maintained in good repair to ensure that the health and safety of the greyhounds are not endangered.
- D.** Floors and lower sides of the crates shall be constructed or shall be covered on the inner surfaces to contain excreta and bedding materials.
- E.** The crates shall be cleaned and sanitized at least daily, or more frequently as may be necessary in order to maintain a sanitary environment for the greyhounds.
- F.** Hauling vehicles shall provide ventilation that reaches each greyhound by means of windows, vents, air conditioner or an evaporative cooling system. Air conditioning, or evaporative cooling devices in good working order shall be provided when the atmospheric temperature is above 90 degrees Fahrenheit to provide comfort to the greyhounds during transport. Heat, insulation or bedding adequate to provide warmth shall be provided when the atmospheric temperature is below 50 degrees Fahrenheit.
- G.** Greyhounds in hauling vehicles shall be inspected at least once in each four-hour period and their needs attended to immediately. Water shall be provided at each four-hour interval check.
- H.** Racing kennels, breeding farms, or other operations that receive greyhounds transported from out-of-state locations shall maintain a log. The log shall include:
  1. The name of each greyhound,



## Arizona Racing Commission

2. Left and right ear tattoo numbers or other permanent identification acceptable to the National Greyhound Association,
  3. The names of owners or lessees,
  4. The date of shipping or receiving,
  5. Purpose (breeding, racing, training), and
  6. Name of hauling company and driver.
- I.** Newly arriving out-of-state greyhounds shall be housed separately until a physical evaluation can be made for the presence of ticks, or fleas and the administration of proper treatment.

**Historical Note**

Adopted effective March 1, 1995; R19-2-328 recodified from R4-27-328 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

**R19-2-329. Disposition of Greyhounds**

- A.** Racing kennels, breeding farms, or other operations shall maintain a log as to the disposition of individually registered greyhounds at the end of their breeding, racing, or nonracing careers. The log shall include:
1. The name of each greyhound,
  2. Left and right ear tattoo numbers or other permanent identification acceptable to the National Greyhound Association,
  3. The names of owners or lessees,
  4. Date career ended and reason why, and
  5. Destination.
- B.** Every effort shall be made to adopt the greyhounds not used for racing or breeding purposes.
- C.** Greyhounds transported to an adoption agency, breeding farm, or other location at the end of their breeding, racing, or non-racing careers are subject to the transportation requirements in R19-2-328.

**Historical Note**

Adopted effective March 1, 1995; R19-2-329 recodified from R4-27-329 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

**R19-2-330. Inspection Procedure for a Racing Kennel, Breeding Farm, or Other Operation**

- A.** All racing kennels, breeding farms, or other operations shall be available for inspection at all times by representatives of the Department. Hauling vehicles used to transport greyhounds are considered part of the general equipment of the operation and as such shall be subject to inspection.
- B.** Inspections shall be unannounced.
- C.** A representative of the racing kennel, breeding farm, or other operation shall be present to assist the investigator during the inspection.
- D.** A copy of the inspection report detailing the findings of the inspection shall be left by the investigator at the racing kennel, breeding farm, or other operation.
- E.** A follow-up inspection shall be conducted by the Department if corrective measures are required, or if sick, or poorly maintained grey hounds are found. The Department may seek assistance from Animal Control authorities for the removal and treatment of sick and poorly maintained greyhounds.

**Historical Note**

Adopted effective March 1, 1995; R19-2-330 recodified from R4-27-330 (Supp. 95-1).

**R19-2-331. Greyhound Adoption Grants**

- A.** The purpose of the grants is to promote the adoption of racing greyhounds as domestic pets. A maximum of 25% of the

license fees generated from A.R.S. § 5-104(F)(7) and (8) shall be distributed to nonprofit enterprises pursuant to A.R.S. § 5-104(G).

**B. Procedures.**

1. The enterprise shall submit a Department-generated application form to the Commission by March 1 of each year the enterprise may desire to apply for a grant. The application form shall require the following information:
  - a. A written description of the enterprise and proposed use of the grant;
  - b. Proof of nonprofit status;
  - c. A description of its procedures to acclimate the greyhounds required by A.A.C. R19-2-331(C)(6);
  - d. A description of its adoption procedures required by A.A.C. R19-2-331(C)(7);
  - e. A copy of the application form and the adoption agreement required by A.A.C. R19-2-331(C)(7)(a) and (c); and
  - f. A copy of the owner release form required by A.A.C. R19-2-331(C)(9).
2. The Commission shall decide which enterprise shall receive a grant, the amount of the grant, and the date of disbursement of such grant.
3. The recipients of the grants shall report quarterly to the Commission on a form provided by the Department to gather the following information:
  - a. The number of greyhounds the enterprise received;
  - b. The number of greyhounds adopted;
  - c. The number of greyhounds returned and reason for return;
  - d. The actual use of the grant; and
  - e. A list of people who adopted the greyhounds, or make available to the Department copies of the contracts between the agency and the adoptee.

**C. Minimum qualifications.**

1. The enterprise shall be nonprofit.
2. The enterprise shall not:
  - a. Allow the greyhounds to be used for racing, wagering, or hunting;
  - b. Place the greyhounds in a pound, humane society, or research facility;
  - c. Resell the greyhounds; or
  - d. Place the greyhounds for resale.
3. The enterprise shall not euthanize an adoptable greyhound unless, as determined by a licensed veterinarian, it is medically necessary for humane reasons.
4. The enterprise shall be affiliated with a racetrack that conducts greyhound racing. Affiliation is satisfied when the general manager, or other executive from the racetrack submits to the Commission a written recommendation on behalf of the enterprise.
5. The enterprise shall require that a licensed veterinarian perform a complete check-up on each greyhound. Each greyhound shall be spayed, or neutered, and vaccinated as necessary.
6. The enterprise shall employ procedures for acclimating greyhounds, which include:
  - a. Exposure to the public;
  - b. Exposure to a household environment which may include stairs, couches, toys, mirrors, tables;
  - c. Exposure to cats; and
  - d. Exposure to a new diet.
7. The enterprise shall employ procedures for adopting-out greyhounds, which include:
  - a. An application process for prospective adoptees;

## Arizona Racing Commission

- b. A visual check of each prospective adoptee's home with written documentation;
  - c. A written adoption agreement between the enterprise and adoptee;
  - d. At a minimum, follow-ups conducted by phone, or visit after seven days and 30 days with written documentation; and
  - e. Procedures for the return of greyhounds.
8. The enterprise shall comply with the housing requirements set forth in R19-2-324.
  9. The enterprise shall have an owner release form for each greyhound in their care.
  10. The enterprise shall make available a person to answer questions from a prospective, or current adoptee.
  11. The enterprise shall keep a file on each greyhound. The file shall include:
    - a. The owner release form;
    - b. The vaccination record, health record, and spay, or neuter record;
    - c. The greyhound personality profile;
    - d. The written adoption agreement between the enterprise and adoptee;
    - e. The written documentation of visits and follow-ups; and
    - f. The adoptee's application form.
  12. The enterprise shall make available to the adoptee an owner's manual, or other packet of information.
  13. Records required by A.A.C. R19-2-331(C)(11) shall be subject to inspection by representatives of the Department.

**Historical Note**

Adopted effective February 28, 1995; R19-2-331 recodified from R4-27-331 (Supp. 95-1).

**R19-2-332. Certifying a Greyhound Arizona Bred**

- A. A breeder shall be properly licensed pursuant to A.R.S. § 5-107.01(B) in order to certify an Arizona-bred greyhound.
- B. Within 10 days of whelping, the breeder shall provide notice of whelping to the Department on a Department-approved form. This notice shall include the names of all owners or lessees of the dam at the time of whelping who will be entitled to breeders' awards at a later date. The breeder shall also provide a copy of the Breeding Acknowledgment Form returned to the breeder by the National Greyhound Association (NGA).
- C. Within 90 days of whelping, the breeder shall provide tattoo numbers of greyhounds from the litter to the Department on a Department-approved form.
- D. The breeder shall apply for Arizona-bred certification by submitting to the Department the completed application form provided by the Department and a National Greyhound Association Individual Registration Application. The application shall include the names of all owners or lessees of the dam at the time of whelping who shall be entitled to breeders' awards.
- E. The breeder shall comply with the following rules in order to be eligible for Arizona-bred certification:
  1. A greyhound must be present in Arizona for not less than six months of its first year.
  2. During the greyhound's first year, the breeder shall notify the Department whenever the greyhound is removed from the state.
  3. The Department may conduct inspections at any time to ensure that greyhounds meet the residency requirement.
- F. The breeder shall make the litter available for inspection by the representatives of the Department at any time. The Department representative shall conduct the inspection of the litter at

a location licensed by the Department and designated on the Breeding Acknowledgment Form within 30 days of whelping. The Department representative may conduct additional inspections of the litter to verify tattoo numbers and ensure compliance with requirements of A.R.S. § 5-114(C).

- G. If the greyhound and its breeder qualify by meeting requirements set forth in subsections (A) through (E), the Department shall certify that the greyhound is Arizona bred and mail all necessary documents, including the National Greyhound Association Individual Registration Application form, to the NGA. A greyhound is considered Arizona bred as of the date indicated on the Department's certificate.
- H. If the Breeder is ineligible for breeders' awards, the Director shall send a letter to the applicant explaining the ineligibility.
- I. The Department shall retain a copy of the NGA registration certificate and mail the original to the registered breeder.
- J. Denial. The Director may deny an application for Arizona-bred certification for any of the following reasons:
  1. Failure to notify the Department of whelping as required by subsection (B),
  2. Failure to provide the greyhound tattoo numbers as required in subsection (C),
  3. Failure to meet the residency requirements in subsection (E)(1) or failure to meet the notification requirement of subsection (E)(2), and
  4. Material misstatement by the breeder.
- K. The Department shall use information contained in applications and notices submitted to the Department in the event of a conflict between Department records and records of another organization.
- L. An applicant may appeal a decision of the Director by following the requirements in R19-2-322.

**Historical Note**

Adopted effective January 6, 1998 (Supp. 98-1).

**ARTICLE 4. ADVANCE DEPOSIT WAGERING, TELETRACKING, AND SIMULCASTING**

*Editor's Note: Under Laws 2014, Ch. 277, § 9, the Commission was required to provide at least one public hearing on the final exempt rulemaking amendments in R19-2-205. The Office of the Secretary of State makes a distinction between exempt rulemakings and final exempt rulemakings. Final exempt rulemakings are those filed with conditional exemptions to the Arizona Administrative Procedures Act such as requirements to conduct a public hearing or accept public comments on a proposed exempt rulemaking (Supp. 15-2).*

*Section R19-2-401 was adopted and subsequently amended under an exemption from the provisions of the Arizona Administrative Procedure Act under A.R.S. § 41-1005(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-401. Definitions**

In addition to the definitions in R19-2-102 and R19-2-302, unless the context otherwise requires, the following definitions apply in this Article:

1. "Account holder" means "natural person" not otherwise precluded from wagering by any Arizona statute or rule.
2. "Advance deposit wagering (ADW)" means a mechanism for pari-mutuel wagering in which wagers are debited and payouts credited to an advance deposit account held by an association or ADWP on behalf of an account holder.

## Arizona Racing Commission

3. "Advance deposit wagering permit" means a permit issued by the Commission allowing an entity to conduct advance deposit wagering on behalf of a contracted Arizona racetrack permittee.
4. "Advance Deposit Wagering Vendor or Provider (ADWP)" means the Arizona licensed and racetrack permittee-contracted vendor providing advance deposit wagering services for Arizona resident account holders.
5. "Confidential Information" means advance deposit wagering account holders and their accounts; may include money transactions in to or out of accounts, specifics of monies wagered from any account on any race or series of races, the account number and security code of any account holder, the specifics of wagering interests wagered on, the specific identifying details of any account unless authorized by the account holder.
6. "Operating Hours" means the hours in which pari-mutuel windows are open at a teletrack facility.
7. "Pari-Mutuel Output Data" means any data provided by the totalisator system other than sales transaction data including, but not limited to, odds, will pays, race results, and pay-off prices.
8. "Racing Program" means the live races conducted at an authorized track, approved dark-day simulcasts and any simulcast races shown to the public in conjunction with live racing on which pari-mutuel wagering is allowed.
9. "Sales transaction data" means the electronic signals transmitted between totalisator ticket-issuing machines or approved ADW wager-issuing equipment and the totalisator central processing unit for the purpose of accepting wagers and generating, canceling, and cashing pari-mutuel tickets; also, the financial information resulting from processing sales transaction data, such as handle and revenues.
10. "Sending track" means the enclosure where a racing program of authorized live racing is conducted and from which teletracking originates.
11. "Telephone" means any device that a person uses for voice communications in connection with the services of a telephone company but does not include digital devices utilizing non-verbal communications.
12. "Teletrack facility" means an additional wagering facility owned or leased by an Arizona permittee that is used for handling legal wagers.
13. "Teletracking" means the telecast of live audio and visual signals of live or simulcast horse, mule, or greyhound racing programs conducted at an authorized enclosure within Arizona to an authorized additional wagering facility within Arizona, by a racetrack permittee for the purpose of pari-mutuel wagering, or the teletrack wagering conducted on the racing program.
14. "Teletrack wagering" means pari-mutuel wagering conducted at a teletrack facility within Arizona on a racing program conducted at an authorized track within Arizona regardless of whether the racing program is telecast to the teletrack location.
15. "Teletrack wagering permit" means a permit issued by the Commission authorizing an Arizona racetrack permittee to operate a single or multiple teletrack wagering facilities within the state for the purpose of pari-mutuel wagering.
16. "TIM-to-tote linkage" means the connection in which ticket issuing machines (TIM) are directly connected to the permittee's own calculating or compiling totalisator with no intermediate totalisator systems within that connection.
17. "Tote-to-tote linkage" means the connection between totalisator systems in which one of the systems is not part of the permittee's calculating system and may or may not be used for the compilation of TIM-to-tote wagers within its own wagering network that are then forwarded to the permittee's calculating totalisator system.
18. "Transmission" means the point-to-point sending and receiving of an audio or visual signal by any method approved by the Arizona Department of Racing.

**Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Amended by adding paragraphs (8) and (9) effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-401 recodified from R4-27-401 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Amended effective July 22, 1998, pursuant to an exemption from the rulemaking process (Supp. 98-3). Amended by exempt rulemaking at 5 A.A.R. 532, effective January 29, 1999 (Supp. 99-1). Amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4). Amended by final exempt rulemaking under Laws 2014, Ch. 277, § 9, at 21 A.A.R. 643, effective April 20, 2015 (Supp. 15-2).

*Section R19-2-402 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-402. ADWP Licensing Requirements**

- A. An ADWP shall be licensed by the Department.
- B. An ADWP shall comply with these and all other rules relating to entities permitted by the Commission as they apply to pari-mutuel wagering.
- C. The Department may suspend or revoke an ADWP license, withdraw approval of a contract between an ADWP and a racetrack permittee, or impose fines if the ADWP, its officers, directors or employees violate these rules or applicable sections of A.R.S. Title 5 or fail to abide by orders of the Department.
- D. An ADWP shall accept wagers only on the species for which the contracted Arizona racetrack permittee has a permit.

**Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Amended effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-402 recodified from R4-27-401 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-402 renumbered to R19-2-412; new Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-403 was adopted and subsequently amended under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or*

## Arizona Racing Commission

*the Attorney General.***R19-2-403. ADW Permit Applications**

- A. A person, association, or corporation desiring to operate advance deposit wagering and open accounts for residents of Arizona shall file with the Department both a paper and electronic permit application that contains the information required in A.R.S. § 5-107. All electronic submissions shall be compatible with the Department's computer system and software. If any addendum to the permit application cannot be submitted electronically, the applicant shall submit the addendum in a paper copy.
- B. An ADW permittee shall contract only with ADWPs licensed by the Department.
- C. An ADWP shall pay daily the Regulatory Wagering Assessment (RWA) to the Department.
- D. An ADWP shall provide daily wagering information to the Department and the contracted racetrack permittee for verification of RWA and source market fees at a time and in a manner specified by the Department.
- E. A racetrack permittee shall verify that the total RWA paid each day for the both the racetrack's and the ADW's wagering activity is correct.
- F. The following reports shall be available for inspection upon request by the Department in a form acceptable to the Department and at a place of the Department's choosing within a reasonable time:
  1. ADW handle and related pari-mutuel data such as commission and breakage sorted by date, track or event, race and pool or by Source such as customer account; in total or detail;
  2. Reports for taxation purposes;
  3. Customer complaints;
  4. List of active accounts;
  5. List of excluded persons;
  6. List of account holders;
  7. Log of all system accesses; and
  8. List of all deposits, withdrawals, wagers and winning payouts, in summary or detail.
- G. An ADWP shall certify that the ADWP will provide the Department unrestricted access to all records and financial information of the ADWP, including all account information. The ADWP shall make this information available to the Department upon notice from the Department to the extent that disclosure is not expressly prohibited by law. Department access to and use of information concerning wager transactions and ADWP customers shall be considered proprietary and shall not be disclosed publicly, except as may be required by law. This information may be shared for multi-jurisdiction investigative purposes. An ADWP shall report to the Department any known or suspected rule violations by any person involving ADWP and cooperate in any subsequent investigations.
- H. An ADWP shall detail each method used for placing wagers through the ADW system and specify what information and place of recording constitutes proof of a wager placed through each wagering method.
- I. An ADWP shall give access to the Department, or its designee, for review and audit of all records. The ADWP or applicant shall make the required information available at the ADWP's location during business hours. The Department may require an ADWP to submit an annual audited financial statement.
- J. The Department may conduct investigations and inspections or request additional information from an ADWP or applicant if required to determine whether to approve an application.

**Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Amended paragraphs (16) and (17) effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-403 recodified from R4-27-403 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Amended effective July 22, 1998, pursuant to an exemption from the rulemaking process (Supp. 98-3). Amended by exempt rulemaking at 5 A.A.R. 532, effective January 29, 1999 (Supp. 99-1). Section R19-2-403 repealed; new Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-404 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-404. Application for ADWP Permit; Plan of Operation**

Before operating advance deposit wagering in Arizona, a person shall submit to the Department an application for an ADWP permit and a plan of operation. The Department shall issue an ADWP permit for no more than three years. An ADWP permit shall expire when the racing permit expires. If necessary, the Department may request additional information regarding any plan of operation.

**Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Amended effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-404 recodified from R4-27-404 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-404 renumbered to R19-2-414; new Section R19-2-404 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-405 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-405. Contracts and Agreements**

An ADWP shall submit the following information regarding any group, concession, or contract related to the ADW operation whether within or outside of Arizona:

1. Copy of all contracts to provide services, including totalizer vendor services, within or on behalf of Arizona racetrack permittees or residents;
2. Name and background of the individuals responsible for operating the ADW accounts system;
3. Other information that, in the Director's judgment, is or may be material, such as information pertaining to financial background and persons associated with the parties to the contract;
4. Security measures to be employed to protect the ADWP account maintenance and wagering facilities;

## Arizona Racing Commission

5. Security measures to be employed to protect transmission of sales transaction and pari-mutuel output data;
6. Type of data processing, communication, and transmission equipment to be used;
7. Description of all computer services and all other methods used to transmit any data or signal; and
8. Description of any alternate or backup system in case of principal system failure of communications or data-processing equipment used for forwarding wagers.

**Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Amended effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-405 recodified from R4-27-405 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-405 repealed; new Section R19-2-405 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-406 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-406. Plan of Operation Approval and Amendments**

An ADWP shall conduct an ADW operation only according to the provisions of an approved plan of operation. The ADWP shall obtain the Director's written approval for any change to the plan of operation. The ADWP shall:

1. Notify the Department of any anticipated change in the plan of operation,
2. Report to the Department any change in ownership or management groups,
3. Provide the Department with a copy of all new contracts or amendments to existing ones, and
4. Request the approval of the Director for any change in technology used to transmit sales transaction data.

**Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Amended effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-406 recodified from R4-27-406 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-406 repealed; new Section R19-2-406 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-407 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-407. ADWP Permit Renewal**

A permittee shall apply to the Department for renewal of its ADWP permit before the permit expires. The application for renewal shall provide the information required on a form available from the Department.

**Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-407 recodified from R4-27-407 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-407 repealed; new Section R19-2-407 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-408 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-408. ADWP Licensing**

- A. The following individuals shall be licensed as required by the Department:
  1. An individual with at least 10 percent ownership interest in the ADW; and
  2. All ADWP employees working in Arizona.
- B. An ADWP shall ensure that all ADWP employees working in another jurisdiction are licensed as required by that jurisdiction.

**Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-408 recodified from R4-27-408 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-408 renumbered to R19-2-416; new Section R19-2-408 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-409 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-409. ADW – Racetrack Permittee Contracts**

- A. An ADWP that accepts accounts from Arizona residents shall obtain and maintain a contract with one or more Arizona racetrack permittees. The ADWP shall ensure that the contract includes:
  1. Disclosure of Regulatory Wagering Assessments (RWA) assignment of responsibility for payment of:
    - a. The assessment on wagers placed by Arizona account holders on races conducted in Arizona, which will be considered to be live, in-state, off-track wagers; and
    - b. The assessment on wagers placed by Arizona account holders on races conducted outside of Arizona, which will be considered to be simulcast, in-state, off-track wagers;
  2. Disclosure of all ADWs wagering on any races run in this jurisdiction, and all ADWs wagering on races run in other jurisdictions that would be available for wagering in this jurisdiction under the contract;

## Arizona Racing Commission

3. Certification of ADW licensing, authorization, or approval by the recognized pari-mutuel authority in the other jurisdiction;
  4. Disclosure of all fees, market share revenue, and distribution details and other financial considerations relating to the contract and any other non-contracted Arizona race-track permittees;
  5. Certification of prompt access for the Department, in print or electronic form acceptable to the Department, to:
    - a. Reports, logs, wagering transaction detail, and customer account detail;
    - b. Records relating to customer identify, age, and residency;
    - c. Records of customer account detail for individuals:
      - i. In any jurisdiction that places wagers on races conducted in this jurisdiction and races available for wagering by individuals in this jurisdiction;
      - ii. The Department has reason to investigate based on possible placing of wagers for individuals other than the account holder; and
      - iii. Determined by the Department to be relevant to an investigation by the Department;
  6. A detailed description and certification of systems and procedures used to validate the identity, age, and jurisdiction of legal residence of account holders and to validate the legality of wagers accepted;
  7. Certification of secure retention of and prompt Department access to all records related to wagering and customers' accounts, including deposits, withdrawals, wagers, and winning payouts for at least three years or a longer period specified by the Department; and
- B.** An ADWP shall attach the following to all contracts under this subsection:
1. A certified copy of rules governing the acceptance and management of accounts, and
  2. A certified copy of any change in the rules provided at least thirty days before the change takes effect.

**Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-409 recodified from R4-27-409 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-409 renumbered to R19-2-417; new Section R19-2-409 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-410 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-410. ADW Accounts**

- A.** An individual who wishes to establish an ADW account shall establish the account in person or by mail, telephone, or other electronic means before making any wager. The individual establishing an ADW account shall:
1. Establish the account in the individual's name,
  2. Be at least 21 years old, and
  3. Not be prohibited from wagering by Arizona rules or statutes.
- B.** An ADW account is not transferable.
- C.** An ADWP shall obtain the following regarding an individual who wishes to establish an ADW account:
1. Full legal name;
  2. Address of principal residence;
  3. Address to which communications are to be delivered if different from the principal residence address;
  4. Telephone number;
  5. Social Security number;
  6. Copy of evidence that the individual is at least 21 years old; and
  7. Whether the individual will make ADW deposits through the use of cash, personal check, credit or debit card, or electronic funds transfers.
- D.** An ADWP shall electronically verify an ADW-account applicant's name, principal residence address, date of birth, and Social Security number at the time application is made using a Department-approved national, independent, individual reference company or other independent technology approved by the Department.
- E.** An ADWP may refuse to establish an ADW account if it determines that any of the information supplied is untrue or incomplete and may at any other time, with reasonable cause, refuse to accept a wager or deposit.
- F.** An ADWP shall designate each ADW account with a unique account number. The ADWP may change an ADW account number if the ADWP provides notice to the account holder before the change is made.
- G.** An ADWP shall ensure that an ADW-account holder is able to access the account holder's account by means of personal identification or account password.
- H.** When an ADW account is established, the ADWP shall:
1. Inform the account holder of the assigned account number; and
  2. Provide the account holder a copy of the ADWP's advance deposit wagering procedures, terms and conditions and other information pertaining to the operation of the ADW account including any rules the ADWP has made concerning deposits, withdrawals, average daily balance, user fees (including for EFT deposits), interest payments, and any other aspect of the operation of the account.
- I.** An ADWP shall notify an account holder before making any change to the rules governing the account and provide an opportunity for the account holder to close or cash-in the account. The ADWP may deem an account holder to have accepted the rules of account operation when the account holder opens or does not close the account.
- J.** An ADWP shall comply with Internal Revenue Service (IRS) requirements for reporting and withholding proceeds from advance deposit wagers by account holders. The ADWP shall send an account holder subject to IRS reporting or withholding a form W2-G summarizing the information for tax purposes following a winning wager being deposited into the account holder's account. Upon written request, the ADWP shall provide an account holder with summarized tax information on advance deposit wagering activities.
- K.** An account holder is deemed to be aware of the status of the account holder's account at all times. An ADWP shall not accept a wager that exceeds the available balance of an account. An account not updated when a transaction is completed shall be inoperable until the account balance is updated and the transaction is posted.
- L.** When an ADW account is entitled to a payout or refund, the ADWP shall credit the monies to the account. This will increase the balance in the account. The account holder shall verify that proper credits have been made and, if in doubt,

## Arizona Racing Commission

notify the ADWP within the agreed upon time for consideration. The ADWP or the account holder may forward an unresolved dispute to the Department. The Department shall not consider a dispute unless it is submitted in writing and accompanied by supporting evidence.

**M. Account Operation.**

1. An ADWP shall maintain complete records of every deposit, withdrawal, wager, and winning payout for each ADW account. The ADWP shall make these records available to the Department promptly upon request and retain the records for the time required under R19-2-502(A).
2. An ADWP shall allow an ADW account holder to make wagers from the account only by telephone.
3. Placing or accepting wagers over the communications facility known as the Internet is not authorized with the exception of multi-jurisdictional totalisator wagering hubs. However, it is permissible to transmit handicapping data, race results, or other information relating to pari-mutuel racing over the Internet.
4. An ADWP shall ensure that the ADW system provides for the account holder to review and finalize a wager before the wager is accepted by the ADW system. Neither the account holder nor the ADWP shall change a wager after the account holder has reviewed and finalized the wager except as allowed under R19-2-504(C).

**N. An ADWP may close an ADW account when the account holder attempts to operate with an insufficient balance or when the account is dormant for a period approved by the Department. When an ADWP closes an ADW account, the ADWP shall refund the remaining account balance to the account holder.****Historical Note**

Adopted effective April 3, 1984 (Supp. 84-2). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-410 recodified from R4-27-410 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-410 renumbered to R19-2-418; new Section R19-2-410 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-411 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-411. Advance Deposit Wagering**

- A. All Department rules governing pari-mutuel wagering govern advance deposit wagering. Advance deposit monies wagered are part of the pool of the sending track.
- B. An ADWP shall maintain sales transaction data from the ADWP to each host track as a separate account for audit purposes.
- C. An ADWP shall make sales transactions using currently approved technology.
- D. An ADWP shall pay to the Department an advance deposit wagering assessment of 0.6 percent from the gross revenues generated by advance deposit wagering.

**Historical Note**

Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-412 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-412. Teletrack Wagering**

- A. All Department rules governing pari-mutuel wagering govern teletrack wagering. Teletrack monies wagered are part of the pool of the sending track for reporting purposes.
- B. An ADWP shall maintain sales transaction data from a teletrack facility to the sending track as a separate account for audit purposes.
- C. An ADWP shall make sales transaction data using currently approved technology and transmit the data separately from pari-mutuel data and the visual display of races.
- D. If there is an interruption of transmission of sales transaction or pari-mutuel output data to or from the teletrack facility, the designated representative of the Department may require that the amount of wagers that have been accepted be deducted from the sending track pool, the odds recalculated, and monies bet at the teletrack facility refunded, taking into consideration time, the extent of the breakdown, and the amount of monies wagered.

**Historical Note**

New Section R19-2-412 renumbered from R19-2-402 and amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-413 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-413. General Provisions Regarding Teletrack Facilities**

- A. At the Director's discretion, a Department representative may be present during all operating hours at a teletrack facility.
- B. A teletrack wagering permittee shall, during all operating hours, have back-up or replacement tote equipment available so the down time in the event of equipment failure does not exceed 60 minutes. At teletrack sites with multiple teller equipment installed, back-up equipment may consist of the remaining operating teller machines if the remaining teller machines are sufficient to handle the reasonably anticipated volume of sales transactions without unreasonable delays or inconvenience to patrons.
- C. During a racing program, the teletrack wagering permittee shall report any problems or delays to the public.
- D. A teletrack wagering permittee shall ensure that security measures are adequate to control disturbances.
- E. A teletrack wagering permittee shall ensure that communications between the sending track and teletrack facility occur without delay. In a tote-to-tote situation, if the data transmission link between the tote systems fails, the teletrack wagering permittee shall decide the policy for paying off or refunding pari-mutuel tickets and all other communication failures at the teletrack site.

## Arizona Racing Commission

- F. A teletrack wagering permittee shall make photo finish pictures of the previous day's live races available for viewing upon request within 48 hours.
- G. If a video display of any portion of a racing program is provided at a teletrack location, the video display shall include the following, if possible:
  - 1. All wagering information including pool totals, will pays, or odds as offered to the general public at the permittee racetrack location;
  - 2. Each race shown live, as it is run or received at the permittee premises;
  - 3. Race results;
  - 4. Prices or payoff;
  - 5. Minutes to post; and
  - 6. The race number and track for which the above information is displayed.
- H. A teletrack wagering permittee shall make Arizona pari-mutuel rules available in the wagering area. This requirement may be met by publishing the Department's rules-page web address in the racing program and on the permittee's web site.
- I. A teletrack wagering permittee shall make the results of each race, and the winnings from each race, available from tellers or results-posting terminals as soon as possible at each teletrack facility and shall make the results available to the wagering public for 24 hours on the race day following the day of the race.
- J. A teletrack wagering permittee shall report to the Department any violation or suspected violation of law that occurs on or about the premises of the teletrack facility.
- K. A teletrack wagering permittee shall make daily handle and attendance reports for each teletrack facility as prescribed by the Department.
- L. Betting period:
  - 1. A teletrack wagering permittee shall conduct wagering only during periods approved by the Director or Commission in respect to any race, racing card, pool, or feature pool.
  - 2. The Director may prescribe the closing time for pari-mutuel equipment at each facility based on the level of sophistication of the pari-mutuel equipment and transmission equipment.
- M. A teletrack wagering permittee shall obtain the Director's written approval of the method used to transmit sales transaction and pari-mutuel output data. The Director shall base approval on determination that provisions to secure the system and transmissions are satisfactory.
- N. A teletrack wagering permittee shall provide computer reports pertaining to pari-mutuel activity as required by the Director.

**Historical Note**

Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-414 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-414. Application for Original Teletrack Wagering Permit; Plan of Operation; Renewals of Teletrack Wagering Permit**

- A. An applicant for a teletrack wagering permit shall submit an application and plan of operation to the Commission. The

Commission shall issue a teletrack wagering permit for no more than three years.

- B. An applicant shall include the following in the plan of operation:
  - 1. A feasibility study that estimates both gross revenue from the teletrack wagering operation and costs to operate. The feasibility study shall include:
    - a. Types of wagering to be offered and hours during which pari-mutuel windows will be in operation,
    - b. Estimated attendance at all additional wagering facilities,
    - c. Level of anticipated wagering activity,
    - d. Source and amount of estimated revenues other than pari-mutuel wagering,
    - e. Cost of operating the teletrack wagering system,
    - f. Amount and source of revenues needed for financing the teletrack wagering operation,
    - g. Proof of financial stability and assets sufficient to cover projected costs, and
    - h. Estimate of the total amount of anticipated revenues to be paid to the state resulting from teletrack wagering operations;
  - 2. The following information regarding any group, concession, or contract related to the teletrack wagering operation whether within or outside of Arizona unless the information is already on record with the Department as part of the applicant's original application to operate a racing meet:
    - a. Copy of all contracts to provide service within Arizona;
    - b. Name and background of the individuals responsible for operating the teletrack wagering system;
    - c. Copies of proposed agreements for any transmission of audio-visual signals of racing events and the transmission of sales transaction and pari-mutuel output data; and
    - d. Other information that, in the Director's judgment, is or may be material, such as information pertaining to financial background and persons associated with the parties to the contract;
  - 3. The following information regarding security:
    - a. Security measures to be employed to protect the teletrack wagering facilities,
    - b. Security measures to be employed to protect the public, and
    - c. Security measures to be employed to protect transmission of sales transaction and pari-mutuel output data; and
  - 4. The following information regarding equipment, communication, and transmission:
    - a. Type of data processing, communication, and transmission equipment to be used;
    - b. Description of all computer services and all other methods used to transmit any data or signal; and
    - c. Description of any alternate or backup system in case of principal system failure of communications or data-processing equipment used for forwarding wagers.
- C. Approval and amendments. A teletrack wagering permittee shall conduct a teletrack wagering operation only according to the provisions of an approved plan of operation. The teletrack wagering permittee shall obtain the Director's written approval for any change to the plan of operation. The teletrack wagering permittee shall:
  - 1. Notify the Department of any anticipated change in the plan of operation;



## Arizona Racing Commission

2. Report to the Department any changes in ownership or management groups,
  3. Provide the Department with a copy of all new contracts or amendments to existing ones, and
  4. Request the approval of the Director for any change in technology used to transmit sales transaction data.
- D. Renewal.** A teletrack wagering permittee shall apply to the Commission for renewal of its teletrack wagering permit at the time the permittee makes application for a permit to operate a racing meet. The teletrack wagering permittee shall include in the renewal application the information required in subsections (B)(1) through (4).

**Historical Note**

New Section R19-2-414 renumbered from R19-2-404 and amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-415 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-415. Approval of Additional Wagering Facilities; Plan of Operation; Renewal or Approval of Additional Wagering Facilities**

- A.** A teletrack wagering permittee shall request approval from and submit a plan of operation to the Commission for each additional teletrack wagering facility. The Commission shall issue a permit for an additional wagering facility for no more than three years.
- B.** The teletrack wagering permittee shall include the following in the plan of operation regarding the additional teletrack wagering facility:
  1. A feasibility study that estimates both gross revenue from the teletrack facility and estimated costs to operate the facility. The feasibility study shall include:
    - a. Types of wagering to be offered and the hours during which pari-mutuel windows will be in operation,
    - b. Level of anticipated wagering activity,
    - c. Source and amount of revenues needed for financing the teletrack wagering operation,
    - d. Proof of financial stability and assets sufficient to cover projected costs, and
    - e. Estimate of the total amount of anticipated revenues to be paid to the state resulting from teletrack wagering operations;
  2. The following information regarding any group, concession, or contract related to the teletrack wagering operation whether within or outside of Arizona unless the information is already on record with the Department:
    - a. Listing and background of the management groups responsible for operation of the facility;
    - b. Name of all individuals who own at least 10 percent of the facility; and
    - c. Other information that, in the Director's judgment, is or may be material, such as information pertaining to financial background and persons associated with the parties to the contract;
  3. Measures to be employed by the teletrack wagering permittee to protect the facility, employees, public, and wagering dollars;
  4. Location of the teletrack wagering facility;

5. Proof that approval for use of the facility to handle pari-mutuel wagering has been given by the governing body of the city or town or by the board of supervisors, if the facility is located in an unincorporated area; and
  6. Building plans and specifications that demonstrate sufficient area for patrons to handicap the races and reasonable access by individuals with a disability.
- C.** Approval and amendments. The requirements in R19-2-414(C) apply.
- D.** Renewal. When a teletrack wagering permittee makes application to renew the teletrack wagering permit, the permittee shall provide the Department a list of its existing additional teletrack wagering facilities. When the Director approves renewal of the teletrack wagering permit, the Director may approve:
1. Renewal of the existing additional teletrack wagering facilities, and
  2. The permittee's application to begin operation at a teletrack wagering facility previously approved by the Commission and currently used by another permittee.
- E.** After the Commission approves an additional teletrack wagering facility, the permittee shall not open the additional facility for business for five working days or until all licensing requirements are satisfied. If the necessary licensing requirements are completed in less than five working days, the Director may waive the remaining days.

**Historical Note**

Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-416 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-416. Suspension of Teletrack Permit**

- A.** The Director or the Director's designee may suspend a teletrack wagering permit or a permit to operate an additional teletrack wagering facility if the permittee fails to conduct operations in accordance with the provisions of the approved plan of operation, A.R.S. Title 5, Chapter 1, this Chapter, or directives from the Director.
- B.** If the Director finds that the public health, safety, or welfare imperatively requires emergency action, the Director shall order summary suspension of a teletrack wagering permit or any permit authorizing operation of an additional teletrack wagering facility, pending a hearing.

**Historical Note**

New Section R19-2-416 renumbered from R19-2-408 and amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-417 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-417. Licensing of Employees at Teletrack Facilities**

- A.** A teletrack wagering permittee shall ensure that no teletrack wagering occurs at a teletrack facility until all individuals

## Arizona Racing Commission

required to be licensed under subsection (B) have been licensed.

- B.** A teletrack wagering permittee shall ensure that the following individuals are licensed by the Department before participating in teletrack wagering and as circumstances or personnel change during the course of the teletrack permit period:
1. All individuals employed by the permittee at any teletrack wagering facility,
  2. All persons who own at least 10 percent of a teletrack wagering facility leased by the permittee,
  3. Any individual employed by the teletrack wagering facility who has responsibility as manager of the facility during operating (racing) hours, and
  4. Any other person designated by the Director.

**Historical Note**

New Section R19-2-417 renumbered from R19-2-409 and amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-418 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-418. Directives**

Notwithstanding anything contained in this Article, decisions on matters concerning teletrack wagering facility operations may be made by the Director, within the scope of the Director's statutory authority. The Director's decisions shall be effective immediately upon written notification.

**Historical Note**

New Section R19-2-418 renumbered from R19-2-410 and amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-419 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-419. Simulcast Wagering**

- A.** The Department may authorize a racetrack permittee to conduct simulcasting as defined in A.R.S. § 5-101 and authorized under A.R.S. § 5-112 and the Interstate Horse Racing Act of 1978.
- B.** A racetrack permittee that wishes to conduct simulcasting shall submit a request for sending or receiving of simulcasts in writing to the Director of the Department.
- C.** For initial approval of horse simulcasts, the Department requires the following:
1. A completed simulcast agreement between a racetrack permittee and out-of-state entity;
  2. Written approval of the out-of-state horsemen's group, if applicable;
  3. Written approval of the out-of-state racing commission; and
  4. Written approval of the local horsemen's group. For purposes of this Section, horsemen's group is the group that represents a majority of the horsemen racing at or contracted with the racetrack permittee.
- D.** For initial approval of greyhound simulcasts, the Department requires the following:
1. A completed simulcast agreement between a racetrack permittee and out-of-state entity, and
  2. Written approval of the out-of-state racing commission.
- E.** Withdrawal of any of the written approvals required under subsections (C) and (D) constitutes grounds for the Department to rescind authorization for simulcasting.
- F.** To renew approval for simulcasting, a racetrack permittee shall submit any changes to the previous contract or addendums and current signature pages. Alternatively, and at the Department's option, the Department may accept an updated list of simulcast import host signals to be received and export guest wagering locations to be hosted by the Arizona racetrack permittee.
- G.** Additional wagering facilities.
1. A racetrack permittee may conduct simulcasting at the racetrack enclosure and at any additional wagering facility operated by the racetrack permittee if the additional wagering facility is included in the simulcast agreement.
  2. A racetrack permittee may send its simulcast signal to an out-of-state racetrack enclosure and any additional wagering facilities operated or used by the out-of-state entity if all locations receiving the simulcast signal are included in the simulcast agreement.
- H.** Duties of Arizona sending racetrack permittee.
1. If video is to be transmitted, the sending racetrack permittee is responsible for the content of the simulcast video program and shall use all reasonable effort to present a simulcast that offers viewers an exemplary depiction of each performance.
  2. Unless otherwise permitted by the Department, every sent simulcast video program shall contain in its video content a digital signal of actual time of day, the name of the host facility from which the signal emanates, the number of the contest being displayed, minutes to post, and any other relevant information available to patrons at the sending facility.
- I.** Duties of Arizona receiving racetrack permittee.
1. A receiving racetrack permittee conducting a commercial racing meet in this state may, with approval of the Department, conduct and operate a pari-mutuel wagering system on the results of contests being held or conducted and simulcast from the enclosures of one or more sending racetrack permittees outside this state.
  2. A receiving racetrack permittee shall provide:
    - a. If video will be displayed, adequate receiving equipment of acceptable broadcast quality for providing any sending-facility patron information;
    - b. Pari-mutuel terminals, pari-mutuel odds displays, modems, and switching units enabling pari-mutuel data transmissions and data communications between the sending and receiving racetrack permittees; and
    - c. In the case of separate pool simulcasting, a voice communication system between the receiving racetrack permittee and the sending racetrack permittee providing timely voice contact among Department designees, placing judges, and pari-mutuel departments.
  3. A receiving racetrack permittee shall conduct pari-mutuel wagering in compliance with this Chapter.
  4. The Department may appoint at least one designee to supervise all approved simulcast facilities and may

## Arizona Racing Commission

require additional designees as is reasonably necessary to protect the public interest.

- J. In accordance with R19-2-505, a racetrack permittee may make a written request to the Director for authorization to conduct advance performance wagering.

**Historical Note**

Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*Section R19-2-420 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*

**R19-2-420. Interstate Common Pool Wagering****A. General provisions.**

1. All contracts governing participation by a racetrack permittee in interstate common pools shall be submitted to the Department. All parties to the contracts shall certify to the other parties that each will provide the others or their regulatory bodies full and prompt access to necessary requested records.
2. Individual wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined solely for computing odds and calculating payoffs but will be held separate for auditing and all other purposes.
3. The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interstate common pool need not be identical to the information permitted or required to be displayed under these rules.
4. A racetrack permittee may participate in common pool wagering only on the same type of racing as authorized by the permit for live racing conducted by the racetrack permittee.

**B. Participation in interstate common pools by receiving racetrack permittee.**

1. With prior approval of the Department, pari-mutuel wagering pools may be combined with corresponding wagering pools at the sending facility outside of this state.
2. The Department may permit adjustment of the takeout from the pari-mutuel pool so the takeout rate in this jurisdiction is identical to that at the sending track (within the limits permitted by state law).
3. Where takeout rates in the merged pool are not identical, the net price calculation shall be the method by which the differing takeout rates are applied.
4. Rules of racing established for the contest in the sending track apply to the merged pool.
5. If, for any reason, it becomes impossible to merge successfully the bets placed into the interstate common pool, the racetrack permittee shall declare the accepted bets void and make refunds in accordance with applicable rules except that, with permission of the Department, the racetrack permittee may determine to make payoffs in accordance with payoff prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere or pay winning tickets at the payoff prices at the sending track. The permittee shall publish the chosen policy under this subsection.

tion in the daily racing program and on the permittee's web site and post the policy in all wagering locations.

**C. Participation in merged pools by sending racetrack permittee.**

1. With prior approval of the Department, a racetrack permittee conducting a live race meet and pari-mutuel wagering may determine that all or part of the racing program be used for pari-mutuel wagering by sending all or part of the racing program to facilities outside this state and may also determine that pari-mutuel pools at the out-of-state facilities be combined with corresponding wagering pools established by the permittee as the sending track.
  2. This Chapter applies to interstate common pools unless the Department specifically determines otherwise.
  3. A racetrack permittee shall ensure that any contract for interstate common pools entered contains a provision providing that if, for any reason, it becomes impossible to merge successfully the bets placed in another state into the interstate common pool formed by the racetrack permittee or if, for any reason, the Department's or the racetrack permittee's representative determines that attempting to effect transfer of pool data from the receiving facility may endanger the racetrack permittee's wagering pool, the racetrack permittee has no liability for any measures taken that may result in the receiving facility's wagers not being accepted into the pool.
  4. Amounts wagered in an interstate common pool other than amounts wagered within this state are not considered part of the racetrack permittee's pari-mutuel wagering pool for purposes of A.R.S. § 5-111. A racetrack permittee may charge a fee to a receiving facility or location outside this state for the privilege of conducting pari-mutuel wagering on a race and participating in the interstate common pool and for payment of costs incurred to transmit the broadcast of the race.
- D. Takeout rates in interstate common pools. With prior approval of the Department, a racetrack permittee wishing to participate in an interstate common pool may change its takeout rate (within the limits permitted by state law) to achieve a common pool takeout rate with all other participants in the interstate common pool.

**Historical Note**

Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

**ARTICLE 5. PARI-MUTUEL WAGERING**

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-501. General**

Each permittee shall conduct wagering in accordance with applicable laws and these rules. Such wagering shall employ a pari-mutuel system approved by the Department. The totalisator shall be tested prior to and during the meeting as required by the Department.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-501 recod-

## Arizona Racing Commission

ified from R4-27-501 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-502. Records**

- A. The permittee shall maintain records of all wagering for one year from the end of the racing meet or end of the racetrack's fiscal year, the same term for which outs tickets are valid, so the Department may review the records for any contest. Wagering records maintained shall include the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting, interest, and other information as may be required. The wagering records shall be retained by each permittee and safeguarded for the period specified by the Department. The Department may require that certain records be made available to the wagering public at the completion of each contest.
- B. The permittee shall provide the Department with a list of the licensed individuals afforded access to pari-mutuel records and equipment at the wagering facility.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-502 recodified from R4-27-502 (Supp. 95-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-503. Pari-mutuel Tickets**

A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the permittee and is evidence of the obligation of the permittee to pay to the holder thereof such portion of the distributable amount of the pari-mutuel pool as is represented by such valid pari-mutuel ticket. The permittee shall cash all valid winning tickets when such are presented for payment during the course of the meeting where sold, and for a one-year period after the last day of the meeting. Each pari-mutuel ticket purchaser agrees to abide by the terms and provisions of these rules, other applicable rules of the Arizona Racing Commission, and by the laws of the state of Arizona.

1. To be deemed a valid pari-mutuel ticket, such ticket shall have been issued by a pari-mutuel ticket machine operated by the permittee and recorded as a ticket entitled to a share of the pari-mutuel pool and contain imprinted information as to:
  - a. The name of the permittee operating the meeting,
  - b. A unique identifying number or code,

- c. Identification of the terminal at which the ticket was issued,
  - d. A designation of the performance for which the wagering transaction was issued,
  - e. The contest number for which the pool is conducted,
  - f. The type or types of wagers represented,
  - g. The number or numbers representing the betting interests for which the wager is recorded,
  - h. The amount or amounts of the contributions to the pari-mutuel pool or pools for which the ticket is evidence.
2. No pari-mutuel ticket recorded or reported as previously paid, cancelled, or nonexistent shall be deemed a valid pari-mutuel ticket by the permittee. The permittee may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid, except as provided in R19-2-504(E) of these rules.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-503 recodified from R4-27-503 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-504. Pari-mutuel Ticket Sales**

- A. Pari-mutuel tickets shall be sold only by a permittee licensed to conduct pari-mutuel wagering or a racetrack permittee-contracted ADWP. All tickets shall be sold as prescribed under A.R.S. §§ 5-111 and 5-112.
- B. A pari-mutuel ticket may not be sold on a contest for which wagering has been closed and a permittee shall not be responsible for sales entered into but not completed by issuance of a ticket before the totalisator is closed for wagering on the contest.
- C. Claims pertaining to a mistake on an issued or unissued ticket must be made by the bettor before leaving the seller's window. Cancellation or exchange of tickets issued shall not be permitted after a patron has left a seller's window except in accordance with written policies established by the racetrack permittee and approved by the Department. An ADWP shall abide by the most restrictive policy established by any of the racetrack permittees with which the ADWP contracts.
- D. Payment on winning pari-mutuel wagers shall be made on the basis of the order of finish as purposely posted and declared "official." Any change in the order of finish or award of purse money that results from a subsequent ruling by the stewards or Department shall in no way affect the pari-mutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change shall be made to the public.
- E. A racetrack permittee shall not satisfy claims on lost, mutilated, or altered pari-mutuel tickets without authorization of the Department.
- F. A racetrack permittee has no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

## Arizona Racing Commission

- G. Pari-mutuel tickets shall neither be sold to nor purchased by anyone less than 21 years old.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-504 recodified from R4-27-504 (Supp. 95-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-505. Advance Performance Wagering**

No permittee shall permit wagering to begin more than one day before scheduled post time of the first contest of a performance unless it has first obtained the authorization of the Department.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-505 recodified from R4-27-505 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-506. Claims for Payment from Pari-mutuel Pool**

At a designated location, a written, verified claim for payment from a pari-mutuel pool shall be accepted by the permittee in any case where the permittee has withheld payment or has refused to cash a pari-mutuel wager. The claim shall be made on such form as approved by the Department, and the claimant shall make such claim under penalty of perjury. The original of such claim shall be forwarded to the Department within 48 hours.

1. In the case of a claim made for payment of a mutilated pari-mutuel ticket which does not contain the total imprinted elements required pursuant to R19-2-503(1) of these rules, the permittee shall make a recommendation to accompany the claim forwarded to the Department as to whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket.
2. In the case of a claim made for payment on a pari-mutuel wager, the Department shall adjudicate the claim and may order payment thereon from the pari-mutuel pool or by the permittee, or may deny the claim, or may make such other order as it may deem proper.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-506 recodified from R4-27-506 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-507. Payment for Errors**

If an error occurs in the payment amounts for pari-mutuel wagers which are cashed or entitled to be cashed and, as a result of such error, the pari-mutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

1. Verification is required to show that the amount of the commission, the amount in breakage, and the amount in payoffs is equal to the total gross pool. If the amount of the pool is more than the amount used to calculate the payoff, the underpayment shall be paid to the Department for deposit into the State Treasury.
2. Any claim not filed with the permittee within 30 days, inclusive of the date on which the underpayment was publicly announced, shall be deemed waived, and the permittee shall have no further liability therefore.
3. In the event the error results in an overpayment to winning wagers, the permittee shall be responsible for such payment.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-507 recodified from R4-27-507 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-508. Betting Explanation**

A racetrack permittee shall ensure that a summary explanation of pari-mutuel wagering and each type of betting pool offered is published in the racing program for every wagering performance. The racetrack permittee shall make the rules of racing relative to each type of pari-mutuel pool offered available upon request through permittee representatives at all permittee wagering locations and shall post a link to the Department's rules page on all permittee web sites.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-508 recodified from R4-27-508 (Supp. 95-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing*

## Arizona Racing Commission

*Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-509. Display of Betting Information**

- A. A racetrack permittee shall ensure that odds or will-pay amounts for win pool betting are posted on display devices within view of the wagering public and updated at intervals of not more than 90 seconds.
- B. The racetrack permittee shall ensure that amounts wagered in total for the other pools and on each betting interest or wager combination are displayed to the wagering public at intervals and in a manner approved by the Department.
- C. Official results and payoffs shall be displayed when a contest is declared official.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-509 recodified from R4-27-509 (Supp. 95-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-510. Cancelled Contests**

If a contest is cancelled or declared "no contest," refunds shall be granted on valid wagers in accordance with this Chapter.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-510 recodified from R4-27-510 (Supp. 95-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-511. Refunds**

- A. Notwithstanding other provisions of these rules, refunds of the entire pool shall be made on:
  - 1. Win pools, Exacta pools, and first-half Double pools offered in contests in which the number of betting interests has been reduced to fewer than 2.
  - 2. Place pools, Quinella pools, Trifecta pools, first-half Quinella Double pools, first-half Twin Quinella pools,

first-half Twin Trifecta pools, and first-half Tri-Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than 3.

- 3. Show pools, Superfecta pools, and first-half Twin Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than 4.
- B. Authorized refunds shall be paid upon presentation and surrender of the affected pari-mutuel ticket.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-511 recodified from R4-27-511 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-512. Coupled Entries and Mutuel Fields**

- A. Contestants coupled in wagering as a coupled entry or mutuel field shall be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or mutuel field shall remain valid betting interests and no refunds will be granted. If all contestants within a coupled entry or mutuel field are scratched, then tickets on such betting interests shall be refunded, notwithstanding other provisions of these rules.
- B. For the purpose of price calculations only, coupled entries and mutuel fields shall be calculated as a single finisher, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This rule shall apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-512 recodified from R4-27-512 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-513. Pools Dependent upon Betting Interests**

- A. Unless the Department otherwise provides, at the time the pools are opened for wagering, the racetrack permittee:
  - 1. Shall offer Win wagering on all contests with three or more betting interests and may offer Win wagering on all contests with two or more betting interests.

## Arizona Racing Commission

2. Shall offer Place wagering on all contests with four or more betting interests and may offer Place wagering on all contests with three or more wagering interests.
  3. Shall offer Show wagering on all contests with five or more betting interests and may offer Show wagering on all contests with four or more betting interests.
  4. May offer Quinella wagering on all contests with three or more betting interests.
  5. May offer Quinella Double wagering on all contests with three or more betting interests.
  6. May offer Exacta wagering on all contests with two or more betting interests.
  7. May offer Trifecta wagering on all contests with three or more betting interests.
  8. May offer Superfecta wagering on all contests with four or more betting interests.
  9. May offer Twin Quinella wagering on all contests with three or more betting interests.
  10. Shall not offer first- or second-leg Twin-Trifecta or Tri-Superfecta wagering on any contests with six or fewer betting interests in either leg of the wager.
  11. May offer Pick-N wagering on any consecutive contests that allow Win wagering.
  12. May offer Place Pick-N wagering on any consecutive contests that allow Place wagering.
  13. May prohibit wagering on any particular contestant in stakes races, if the exclusions are clearly indicated in the racing program.
- B.** Before each racing meet, the racetrack permittee shall establish and submit to the Department the pools to be offered with each number of betting interests.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-513 recodified from R4-27-513 (Supp. 95-1). Amended effective July 3, 1996 (Supp. 96-3). Amended by exempt rulemaking at 6 A.A.R. 786, effective February 1, 2000 (Supp. 00-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-514. Prior Approval Required for Betting Pools**

- A.** A permittee that desires to offer new forms of wagering must apply in writing to the Department and receive written approval prior to implementing the new betting pool.
- B.** The permittee may suspend previously approved forms of wagering with the prior approval of the Department. Any carryover shall be held until the suspended form of wagering is reinstated. A permittee may request approval of a form of wagering or separate wagering pool for specific performances.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-514 recodified from R4-27-514 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-515. Closing of Wagering in a Contest**

- A.** A Department representative shall close wagering for each contest. After wagering is closed, no pari-mutuel tickets shall be sold for that contest.
- B.** The racetrack permittee shall maintain, in good order, a system approved by the Department for closing wagering.
1. If the totalisator fails mechanically and becomes unreliable as to the amounts wagered, all money wagered on the contest shall be refunded.
  2. If a breakdown of the totalisator cannot be repaired during wagering on a contest, the wagering for that contest shall be declared closed. The payoff for a race closed because of totalisator breakdown shall be computed on the sums wagered in each pool before the breakdown.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-515 recodified from R4-27-515 (Supp. 95-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-516. Complaints Pertaining to Pari-mutuel Operations**

- A.** When a patron makes a complaint regarding the pari-mutuel department to a permittee, the permittee shall immediately issue a complaint report setting out:
1. The name of the complainant;
  2. The nature of the complaint;
  3. The name of the persons, if any, against whom the complaint was made;
  4. The date of the complaint;
  5. The action taken or proposed to be taken, if any, by the permittee.
- B.** The permittee shall submit every complaint report to the Department within 48 hours after the complaint was made.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-516 recodified from R4-27-516 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption*

## Arizona Racing Commission

*from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-517. Licensed Employees**

All licensees shall report any known irregularities or wrongdoings by any person involving pari-mutuel wagering immediately to the Department and cooperate in subsequent investigations.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-517 recodified from R4-27-517 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-518. State Mutuel Supervisor**

- A. The Director shall appoint a state mutuel supervisor who shall monitor the pari-mutuel department and wagering at all race meetings and additional wagering facilities.
- B. A permittee shall grant the state mutuel supervisor and Department unrestricted access to its facilities and equipment and to all books, ledgers, accounts, documents, and records pertaining to pari-mutuel wagering.
- C. The state mutuel supervisor shall receive all requested information from a permittee's officers and employees promptly and shall receive full cooperation while carrying out the duties of that office.
- D. The state mutuel supervisor shall report to the Director and stewards any failure of the permittee, including its officers and employees, to comply with both the provisions of these rules and the laws of the state of Arizona.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-518 recodified from R4-27-518 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-519. Mutuel Manager**

- A. In the event of an emergency in connection with the pari-mutuel department not covered in these rules, the mutuel manager representing the permittee shall report the problem to the

stewards and the permittee, and the stewards shall render a full report to the Department within 48 hours.

- B. The mutuel manager shall be responsible for the correctness of all payoff prices posted on the odds board, subject to the limitations of nonfraudulent human and mechanical errors. In the event that a payoff is both incorrectly posted and paid, the mutuel manager shall file with the Department a complete report explaining the circumstances prior to the next racing day.
- C. The mutuel manager shall provide the Department with, upon request, complete and detailed reports of each race day; including the handle of each race, the total handle and attendance, the payoffs on each race, breakage and commission, opening and closing lines, and sellers' shortages and overages.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-519 recodified from R4-27-519 (Supp. 95-1).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-520. Stored Value Instruments**

- A. Pari-mutuel cash vouchers. A racetrack permittee may offer pari-mutuel cash vouchers at a wagering location that issues pari-mutuel tickets.
  1. Cash vouchers shall be dispensed through the totalisator system;
  2. The stored value on a cash voucher may be redeemed in the same manner as a value of a winning pari-mutuel ticket for wagers placed at a pari-mutuel window or a self-service terminal, and may be redeemed for the cash value at any time;
  3. The tote system transaction record for all pari-mutuel cash vouchers shall include the voucher identification number in subsequent pari-mutuel transactions; and
  4. Pari-mutuel wagers made from a voucher shall include the voucher by identification number.
- B. A racetrack permittee may, with prior approval of the Department, issue special pari-mutuel cash vouchers as incentives or promotional prizes, and may restrict the use of the special vouchers to the purchase of pari-mutuel wagers.
- C. Other stored value instruments and systems. A racetrack permittee shall not, without the prior approval of the Department, use any form of stored value instrument or system other than a pari-mutuel cash voucher for making or cashing pari-mutuel wagers. A request for approval of a stored value instrument or system other than a pari-mutuel cash voucher shall include a detailed description of the standards used to:
  1. Identify the specific stored value instrument or account in the pari-mutuel system wagering transaction record;
  2. Verify the identity and business address of the person obtaining, holding, and using the stored value instrument or system; and
  3. Record and maintain records of deposits, credits, debits, transaction numbers, and account balances involving the stored value instruments or accounts.
- D. A stored value instrument or system:



## Arizona Racing Commission

1. Shall prevent a wagering transaction if the wagering transaction will create a negative balance in the account, and
  2. Shall not operate to automatically facilitate a transfer of funds into a stored value instrument or account without direct authorization of each deposit transfer by the person holding the instrument or account.
- E. A request for approval of a stored value instrument or system shall include:
1. An affirmation that records and reports relating to all transactions, account records, and customer identification and verification will be made available on request to the Department in both paper or and electronic form approved by the Department; and
  2. Certification of secure retention of all records for the time specified in R19-2-502.

**Historical Note**

Section reserved. New Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

**R19-2-521. Repealed****Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-521 recodified from R4-27-521 (Supp. 95-1). Amended effective February 17, 1998, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 98-1). Amended effective July 22, 1998, pursuant to an exemption under the Administrative Procedure Act. (Supp. 98-3). Amended by exempt rulemaking at 5 A.A.R. 532, effective January 29, 1999 (Supp. 99-1). Amended by exempt rulemaking at 5 A.A.R. 2176, effective June 15, 1999 (Supp. 99-2). Section repealed by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

**R19-2-522. Repealed****Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-522 recodified from R4-27-522 (Supp. 95-1). Amended effective February 17, 1998, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 98-1). Amended by exempt rulemaking at 5 A.A.R. 532, effective January 29, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

*The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.*

**R19-2-523. Calculation of Payoffs and Distribution of Pools****A. General**

1. All permitted pari-mutuel wagering pools shall be separately and independently calculated and distributed. Take-

out shall be deducted from each gross pool as stipulated by law. The remainder of the monies in the pool shall constitute the net pool for distribution as payoff on winning wagers.

2. For each wagering pool, the amount wagered on the winning betting interest or betting combinations is deducted from the net pool to determine the profit; the profit is then divided by the amount wagered on the winning betting interest or combinations, such quotient being the profit per dollar.
3. Either the standard or net price calculation procedure may be used to calculate single commission pools, while the net price calculation procedure must be used to calculate multi-commission pools.

**a. Standard Price Calculation Procedure****SINGLE PRICE POOL (WIN POOL)**

gross pool = sum of wagers on all betting interests - refunds  
 takeout = gross pool x percent takeout  
 net pool = gross pool - takeout  
 profit = net pool - gross amount bet on winner

profit per dollar = profit / gross amount bet on winner

\$1 unbroken price = profit per dollar + \$1

\$1 broken price = \$1 unbroken price rounded down to the break point

total payout = \$1 broken price x gross amount bet on winner

total breakage = net pool - total payout

**PROFIT SPLIT (PLACE POOL)**

Profit is net pool less gross amount bet on all place finishers. Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two unique prices.

**PROFIT SPLIT (SHOW POOL)**

Profit is net pool less gross amount bet on all show finishers. Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three unique prices.

**b. Net Price Calculation Procedure****SINGLE PRICE POOL (WIN POOL)**

gross pool = sum of wagers on all betting interests - refunds  
 takeout = gross pool x percent takeout

\* for each source:

net pool = gross pool - takeout  
 net bet on winner = gross amount bet on winner x (1 - percent takeout)

total net pool = sum of all sources net pools

total net bet on winner = sum of all sources net bet on winner

total profit = total net pool - total net bet on winner

profit per dollar = total profit / total net bet on winner

## Arizona Racing Commission

- \$1 unbroken base price = profit per dollar + \$1  
 \* for each source:  
 \$1 unbroken price = \$1 unbroken base price x (1 - percent takeout)  
 \$1 broken price = \$1 unbroken price rounded down to the break point  
 total payout = \$1 broken price x gross amount bet on winner  
 total breakage = net pool - total payout
- PROFIT SPLIT (PLACE POOL)**  
 Total profit is the total net pool less the total net amount bet on all place finishers. Finishers split total profit 1/2 and 1/2 (place profit), then divide by total net amount bet on each place finisher for two unique unbroken base prices.
- PROFIT SPLIT (SHOW POOL)**  
 Total profit is the total net pool less the total net amount bet on all show finishers. Finishers split total profit 1/3 and 1/3 and 1/3 (show profit), then divide by total net amount bet on each show finisher for three unique unbroken base prices.
4. If a profit split results in only one covered winning betting interest or combinations, it shall be calculated the same as a single price pool.
  5. Minimum payoffs and the method used for calculating breakage shall be established by the Department.
  6. The individual pools outlined in these rules may be given alternative names by each permittee, provided prior approval is obtained from the Department.
- B. Win Pools**
1. The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to Win on that betting interest.
  2. The net Win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:
    - a. To those whose selection finished first; but if there are no such wagers, then
    - b. To those whose selection finished second; but if there are no such wagers, then
    - c. To those whose selection finished third; but if there are no such wagers, then
    - d. The entire pool shall be refunded on Win wagers for that contest.
  3. If there is a dead heat for first involving:
    - a. Contestants representing the same betting interest, the Win pool shall be distributed as if no dead heat occurred.
    - b. Contestants representing two or more betting interests, the Win pool shall be distributed as a profit split.

**Table 1. Win Pool - Standard Price Calculation**

Table 1: WIN POOL (Standard Price Calculation)		
Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout:		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on Winner	=	\$23,872.00
Profit:		
Net Pool - Gross Amount Bet on Winner	=	\$134,316.66
Profit Per Dollar:		
Profit / Gross Amount Bet on Winner	=	\$5.6265357
\$1 Unbroken Price:		
Profit Per Dollar + \$1	=	\$6.6265357

**C. Place Pools**

1. The amounts wagered to Place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Place on that betting interest, the resulting quotient is the profit per dollar wagered to Place on that betting interest.
2. The net Place pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. If contestants of a coupled entry or mutuel field finished in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise
  - b. As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then
  - c. As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then

## Arizona Racing Commission

- d. As a single price pool to those who selected the third-place finisher, but if there are no such wagers, then
- e. The entire pool shall be refunded on Place wagers for that contest.
3. If there is a dead heat for first involving:
  - a. Contestants representing the same betting interest, the Place pool shall be distributed as a single price pool.
  - b. Contestants representing two or more betting interests, the Place pool shall be distributed as a profit split.
4. If there is a dead heat for second involving:
  - a. Contestants representing the same betting interest, the Place pool shall be distributed as if no dead heat occurred.
  - b. Contestants representing two or more betting interests, the Place pool is divided with half of the profit distributed to Place wagers on the betting interest finishing first and the remainder is distributed equally amongst Place wagers on those betting interests involved in the dead heat for second.

**Table 2. Place Pool - Standard Price Calculation**

Table 2: PLACE POOL (Standard Price Calculation)		
Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on first place finisher	=	\$23,872.00
Gross amount Bet on second place finisher	=	\$12,500.00
Profit:		
Net Pool - Gross Amount Bet on first place finisher - Gross Amount Bet on second place finisher	=	\$121,816.66
Place Profit:		
Profit / 2	=	\$60,908.33
Profit Per Dollar for first place:		
Place Profit / Gross Amount Bet on first place finisher	=	\$2.5514548
\$1 Unbroken Price for first place:		
Profit Per Dollar for first place + \$1	=	\$3.5514548
Profit Per Dollar for second place:		
Place Profit / Gross Amount Bet on second place finisher	=	\$4.8726664
\$1 Unbroken Price for second place:		
Profit Per Dollar for second place + \$1	=	\$5.8726664

**D. Show Pools**

1. The amounts wagered to Show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Show on that betting interest, the resulting quotient being the profit per dollar wagered to Show on that betting interest.
2. The net Show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. If contestants of a coupled entry or mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise
  - b. If contestants of a coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with two-thirds distributed to those who selected the coupled entry or mutuel field and one-third distributed to those who selected the other betting interest included within the first three finishers; otherwise
  - c. As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then
  - d. As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then
  - e. As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then
  - f. As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then
  - g. The entire pool shall be refunded on Show wagers for that contest.

## Arizona Racing Commission

3. If there is a dead heat for first involving:
  - a. Two contestants representing the same betting interest, the profit is divided with 2/3rds distributed to those who selected the first-place finishers and one-third distributed to those who selected the betting interest finishing third.
  - b. Three contestants representing a single betting interest, the Show pool shall be distributed as a single price pool.
  - c. Contestants representing two or more betting interests, the Show pool shall be distributed as a profit split.
4. If there is a dead heat for second involving:
  - a. Contestants representing the same betting interest, the profit is divided with one-third distributed to those who selected the betting interest finishing first and two-thirds distributed to those who selected the second-place finishers.
  - b. Contestants representing two betting interests, the Show pool shall be distributed as a profit split.
  - c. Contestants representing three betting interests, the Show pool is divided with one-third of the profit distributed to Show wagers on the betting interest finishing first and the remainder is distributed equally among Show wagers on those betting interests involved in the dead heat for second.
5. If there is a dead heat for third involving:
  - a. Contestants representing the same betting interest, the Show pool shall be distributed as if no dead heat occurred.
  - b. Contestants representing two or more betting interests, the Show pool is divided with 2/3rds of the profit distributed to Show wagers on the betting interests finishing first and second and the remainder is distributed equally among Show wagers on those betting interests involved in the dead heat for third.

**Table 3. Show Pool - Standard Price Calculation**

Table 3: SHOW POOL (Standard Price Calculation)		
Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on first place finisher	=	\$23,872.00
Gross Amount Bet on second place finisher	=	\$12,500.00
Gross Amount Bet on third place finisher	=	\$4,408.00
Profit: Net Pool		
- Gross Amount Bet on first place finisher		
- Gross Amount Bet on second place finisher		
- Gross Amount Bet on third place finisher	=	\$117,408.66
Show Profit:		
Profit / 3	=	\$39,136.22
Profit Per Dollar for first place:		
Show Profit / Gross Amount Bet on first place finisher	=	\$1.6394194
\$1 Unbroken Price for first place:		
Profit Per Dollar for first place + \$1	=	\$2.6394194
Profit Per Dollar for second place:		
Show Profit / Gross Amount Bet on second place finisher	=	\$3.1308976
\$1 Unbroken Price for second place		
Profit Per Dollar for second place + \$1	=	\$4.1308976
Profit Per Dollar for third place:		
Show Profit / Gross Amount Bet on third place finisher	=	\$8.8784528
\$1 Unbroken Price for third place		
Profit Per Dollar for third place + \$1	=	\$9.8784528

## Arizona Racing Commission

Table 4. Show Pool - Single Takeout Rate &amp; Single Betting Source

Table 4: SHOW POOL		
Single Takeout Rate & Single Betting Source		
<i>(Net Price Calculation)</i>		
Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout:		
Gross Pool x Percent Takeout	=	\$34,724.34
Total Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on first place finisher	=	\$23,872.00
Net Amount Bet on first place finisher	=	\$19,575.04
Gross Amount Bet on second place finisher	=	\$12,500.00
Net Amount bet on second place finisher	=	\$10,250.00
Gross Amount Bet on third place finisher	=	\$4,408.00
Net Amount Bet on third place finisher	=	\$3,614.56
Total Net Bet on Winners:		
Net Amount Bet on first place finisher +		
Net Amount Bet on second place finisher +		
Net Amount Bet on third place finisher	=	\$33,439.60
Total Profit:		
Total Net Pool - Total Net Bet on Winners	=	\$124,749.06
Show Profit:		
Total Profit / 3	=	\$41,583.02
Profit Per Dollar for first place:		
Show Profit / Net Amount Bet on first place finisher	=	\$2.1242879
\$1 Unbroken Base Price for first place:		
Profit Per Dollar for first place + \$1	=	\$3.1242879
\$1 Unbroken Price for first place:		
\$1 Unbroken Base Price for first place x (1 -		
percent takeout)	=	\$2.5619161
Profit Per Dollar for second place:		
Show Profit / Net Amount Bet on second place finisher	=	\$4.0568800
\$1 Unbroken Base Price for second place:		
Profit Per Dollar for second place + \$1	=	\$5.0568800
\$1 Unbroken Price for second place:		
\$1 Unbroken Base Price for second place x (1 -		
percent takeout)	=	\$4.1466416
Profit Per Dollar for third place:		
Show Profit / Net Amount Bet on third place finisher	=	\$11.504310
\$1 Unbroken Base Price for third place:		
Profit Per Dollar for third place + \$1	=	\$12.504310
Unbroken Price for third place:		
\$1 Unbroken Base Price for third place x (1 -		
percent takeout)	=	\$10.253534

## E. Double Pools

1. The Double requires selection of the first-place finisher in each of two specified contests.
2. The net Double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. As a single price pool to those whose selection finished first in each of the two contests; but if there are no such wagers, then
  - b. As a profit split to those who selected the first-place finisher in either of the two contests; but if there are no such wagers, then
  - c. As a single price pool to those who selected the one covered first-place finisher in either contest; but if there are no such wagers, then
  - d. As a single price pool to those whose selection finished second in each of the two contests; but if there are no such wagers, then
  - e. The entire pool shall be refunded on Double wagers for those contests.

## Arizona Racing Commission

3. If there is a dead heat for first in either of the two contests involving:
  - a. Contestants representing the same betting interest, the Double pool shall be distributed as if no dead heat occurred.
  - b. Contestants representing two or more betting interests, the Double pool shall be distributed as a profit split if there is more than one covered winning combination.
4. Should a betting interest in the first-half of the Double be scratched prior to the first Double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the Double pool and refunded.
5. Should a betting interest in the second-half of the Double be scratched prior to the close of wagering on the first Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Double pool and refunded.
6. Should a betting interest in the second-half of the Double be scratched after the close of wagering on the first Double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff the net Double pool shall be divided by the total amount wagered on the winner of the first contest and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first contest combined with the scratched betting interest to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net Double pool before calculation and distribution of the winning Double payoff. Dead heats including separate betting interests in the first contest shall result in a consolation payoff calculated as a profit split.
7. If either of the Double contests are cancelled prior to the first Double contest, or the first Double contest is declared "no contest," the entire Double pool shall be refunded on Double wagers for those contests.
8. If the second Double contest is cancelled or declared "no contest" after the conclusion of the first Double contest, the net Double pool shall be distributed as a single price pool to wagers selecting the winner of the first Double contest. In the event of a dead heat involving separate betting interests, the net Double pool shall be distributed as a profit split.

**Table 5. Double Pool - Standard Price Calculation**

Table 5: DOUBLE POOL (Standard Price Calculation)			
Sum of Wagers on All Betting Interests	=		\$194,230.00
Refunds	=		\$1,317.00
Gross Pool:			
Sum of Wagers on All Betting Interests - Refunds	=		\$192,913.00
Percent Takeout	=		18%
Takeout:			
Gross Pool x Percent Takeout	=		\$34,724.34
Net Pool:			
Gross Pool -Takeout	=		\$158,188.66
Gross Amount Bet on Winning Combination	=		\$23,872.00
Profit:			
Net Pool - Gross Amount Bet on Winning Combination	=		\$134,316.66
Profit Per Dollar:			
Profit / Gross Amount Bet on Winning Combination	=		\$5.6265357
\$1 Unbroken Price:			
Profit Per Dollar + \$1	=		\$6.6265357

## Arizona Racing Commission

Table 6. Double Pool - Consolation Pricing

Table 6: DOUBLE POOL CONSOLATION PRICING		
Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout:		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Consolation Pool:		
Sum Total Amount Bet on winner of the first contest with all second contest betting interests	=	\$43,321.00
\$1 Consolation Unbroken Consolation Price:		
Net Pool / Consolation Pool	=	\$3.6515468
\$1 Consolation Broken Price	=	\$3.65
Amount Bet on winner of the first contest with scratched betting interests:	=	\$1,234.00
Consolation Liability:		
\$1 Consolation Broken Price x (Amount Bet on the winner of the first contest with scratched betting interests)	=	\$4,504.10
Adjusted Net Pool:		
Net Pool - Consolation Liability	=	\$153,684.56
Gross Amount Bet on the Winning Combination	=	\$23,872.00
Profit:		
Adjusted Net Pool - Gross Amount Bet on the Winning Combination	=	\$129,812.56
Profit Per Dollar:		
Profit / Gross Amount Bet on the Winning Combination	=	\$5.4378586
\$1 Unbroken Price:		
Profit Per Dollar + \$1	=	\$6.4378586

## F. Pick 3 Pools

1. The Pick 3 requires selection of the first-place finisher in each of three specified contests.
2. The net Pick 3 pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. As a single price pool to those whose selection finished first in each of the three contests; but if there are no such wagers, then
  - b. As a single price pool to those who selected the first-place finisher in any two of the three contests; but if there are no such wagers, then
  - c. As a single price pool to those who selected the first-place finisher in any one of the three contests; but if there are no such wagers, then
  - d. The entire pool shall be refunded on Pick 3 wagers for those contests.
3. If there is a dead heat for first in any of the three contests involving:
  - a. Contestants representing the same betting interest, the Pick 3 pool shall be distributed as if no dead heat occurred.
  - b. Contestants representing two or more betting interests, the Pick 3 pool shall be distributed as a single

price pool with each winning wager receiving an equal share of the profit.

4. Should a betting interest in any of the three Pick 3 contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
5. If all three Pick 3 contests are cancelled or declared "no contest," the entire pool shall be refunded on Pick 3 wagers for those contests.
6. If one or two of the Pick 3 contests are cancelled or declared "no contest," the Pick 3 pool shall remain valid and shall be distributed in accordance with subsection (F)(2) of this rule.

## G. Pick (n) Pools

1. The Pick (n) requires selection of the first-place finisher in each of a designated number of contests. The permittee must obtain written approval from the Department con-

## Arizona Racing Commission

cerning the scheduling of Pick (n) contests, the designation of one of the methods prescribed in subsection (G)(2), and the amount of any cap to be set on the carryover. Any changes to the approved Pick (n) format require prior approval from the Department.

2. The Pick (n) pool shall be apportioned under one of the following methods:

- a. *Method 1, Pick (n) with Carryover:* The net Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the remainder shall be added to the carryover.
- b. *Method 2, Pick (n) with Minor Pool and Carryover:* The major share of the net Pick (n) pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all Pick (n) contests, the minor share of the net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the major share shall be added to the carryover.
- c. *Method 3, Pick (n) with No Minor Pool and No Carryover:* The net Pick (n) pool shall be distributed as the single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.
- d. *Method 4, Pick (n) with Minor Pool and No Carryover:* The major share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If the greatest number of first-place finishers selected is 1, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.
- e. *Method 5, Pick (n) with Minor Pool and No Carryover:* The major share of net Pick (n) pool shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the

first-place finisher in all Pick (n) contests, the entire net Pick (n) pool shall be distributed as a single pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests. If there are no winning wagers, the pool is refunded.

3. If there is a dead heat for first in any of the Pick (n) contests involving:
  - a. Contestants representing the same betting interest, the Pick (n) pool shall be distributed as if no dead heat occurred.
  - b. Contestants representing two or more betting interests, the Pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.
4. Should a betting interest in any of the Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
5. The Pick (n) pool shall be cancelled and all Pick (n) wagers for the individual performance shall be refunded if:
  - a. At least two contests included as part of a Pick 3 are cancelled or declared "no contest."
  - b. At least three contests included as part of a Pick 4, Pick 5, or Pick 6 are cancelled or declared "no contest."
  - c. At least four contests included as part of a Pick 7, Pick 8, or Pick 9 are cancelled or declared "no contest."
  - d. At least five contests included as part of a Pick 10 are cancelled or declared "no contest."
6. If at least one contest included as part of a Pick (n) is cancelled or declared "no contest," but not more than the number specified in subsection (G)(5) of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the Pick (n) carryover but not the carryover from previous performances.
7. The Pick (n) carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Pick (n) carryover equals or exceeds the designated cap, the Pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the Pick (n) carryover is frozen, 100% of the net pool, part of which ordinarily would be added to the Pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of Pick (n) contests for that performance.



## Arizona Racing Commission

8. A written request for permission to distribute the Pick (n) carryover on a specific performance may be submitted to the Department. The request shall contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
9. Should the Pick (n) carryover be designated for distribution on the final day of the meeting or on another specified date on which there are no wagers selecting the first-place finisher in each of the Pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests. The Pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
  - a. Upon written approval from the Department as provided in subsection (G)(8) of this rule.
  - b. Upon written approval from the Department when there is a change in the carryover cap, a change from one type of Pick (n) wagering to another, or when the Pick (n) is discontinued.
  - c. On the closing performance of the meet or split meet.
10. If, for any reason, the Pick (n) carryover must be held over to the corresponding Pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Pick (n) carryover plus accrued interest shall then be added to the net Pick (n) pool of the following meet on a date and performance so designated by the Department.
11. With the written approval of the Department, the permittee may contribute to the Pick (n) carryover a sum of money up to the amount of any designated cap.
12. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.
13. The permittee may suspend previously approved Pick (n) wagering with the prior approval of the Department. Any carryover shall be held until the suspended Pick (n) wagering is reinstated. A permittee may request approval of a Pick (n) wager or separate wagering pool for specific performances.

**Table 7. Pick 7 Pool - Multiple Takeout Rates & Multiple Betting Sources**

Table 7: PICK 7 POOL					
Multiple Takeout Rates & Multiple Betting Sources					
<i>(Net Price Calculation)</i>					
	<i>Percent Takeout</i>	<i>Gross Pool</i>	<i>Gross Amt. Bet on Win</i>	<i>Net Pool</i>	<i>Net Amt. Bet on Win</i>
Source 1:	16%	\$190,000.00	\$44.00	\$159,600.00	\$36.96
Source 2:	18.5%	\$10,000.00	\$18.00	\$8,150.00	\$14.67
Source 3:	21%	\$525,730.00	\$124.00	\$415,326.70	\$97.96
TOTALS:		\$725,730.00	\$186.00	\$583,076.70	\$149.59
Total Profit:					
Total Net Pool - Total Net Bet on the Winning Combination			=		\$582,927.11
Profit Per Dollar:					
Total Profit / Total Net Bet on the Winning Combination			=		\$3,896.8321
\$1 Unbroken Base Price:					
Profit Per Dollar + \$1			=		\$3,897.8321
\$1 Unbroken Price for Source 1:					
\$1 Unbroken Base Price x (1 - Percent Takeout)			=		\$3,274.1789
\$1 Unbroken Price for Source 2:					
\$1 Unbroken Base Price x (1 - Percent Takeout)			=		\$3,176.7331
\$1 Unbroken Price for Source 3:					
\$1 Unbroken Base Price x (1 - Percent Takeout)			=		\$3,079.2873

**H. Place Pick (n) Pools**

1. The Place Pick (n) requires selection of the first- or second-place finisher in each of a designated number of contests. The permittee must obtain written approval from the Department concerning the scheduling of Place Pick (n) contests, the designation of one of the methods prescribed in subsection (H)(2), the distinctive name identifying the pool and the amount of any cap to be set on the carryover. Any changes to the approved Place Pick (n) format require prior approval from the Department.
2. The Place Pick (n) pool shall be apportioned under one of the following methods:
  - a. *Method 1, Place Pick (n) with Carryover:* The net Place Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first- or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests; and the remainder shall be added to the carryover.
  - b. *Method 2, Place Pick (n) with Minor Pool and Carryover:* The major share of the net Place Pick (n)

## Arizona Racing Commission

- pool and the carryover, if any, shall be distributed to those who selected the first- or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. The minor share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher of all Place Pick (n) contests, the minor share of the net Place Pick (n) pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests; and the major share shall be added to the carryover.
- c. *Method 3, Place (n) Pick with No Minor Pool and No Carryover:* The net Place Pick (n) pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no major winning wagers, the pool is refunded.
  - d. *Method 4, Place Pick (n) with Minor Pool and No Carryover:* The major share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests, based upon the official order of finish. The minor share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher in a second greatest number of Place Pick (n) contests, the minor share of the net Place Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests. If the greatest number of first- or second-place finishers selected is 1, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.
  - e. *Method 5, Place Pick (n) with Minor Pool and No Carryover:* The major share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. The minor share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher in all Place Pick (n) contests, the entire net Place Pick (n) pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests. If there are no wagers selecting the first or second-place finisher in a second greatest number of Place Pick (n) contests, the minor share of the net Place Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first- or second-place finisher in each of the Place Pick (n) contests. If there are no winning wagers, the pool is refunded.
3. If there is a dead heat for first in any of the Place Pick (n) contests involving:
    - a. Contestants representing the same betting interest, the Place Pick (n) pool shall be distributed as if no dead heat occurred.
    - b. Contestants representing two or more betting interests, the Place Pick (n) pool shall be distributed as a single price pool with a winning wager including each betting interest participating in the dead heat.
  4. If there is a dead heat for second in any of the Place Pick (n) contests involving:
    - a. Contestants representing the same betting interest, the Place Pick (n) pool shall be distributed as if no dead heat occurred.
    - b. Contestants representing two or more betting interests, the Place Pick (n) pool shall be distributed as a single price pool with a winning wager including the betting interest which finished first or any betting interest involved in a dead heat for second.
  5. Should a betting interest in any Place Pick (n) contest be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
  6. The Place Pick (n) pool shall be cancelled and all Place Pick (n) wagers for the individual performance shall be refunded if:
    - a. At least two contests included as part of a Place Pick 3 are cancelled or declared "no contest."
    - b. At least three contests included as part of a Place Pick 4, Place Pick 5, or Place Pick 6 are cancelled or declared "no contest."
    - c. At least four contests included as part of a Place Pick 7, Place Pick 8, or Place Pick 9 are cancelled or declared "no contest."
    - d. At least five contests included as part of a Place Pick 10 are cancelled or declared "no contest."
  7. If at least one contest included as part of a Place Pick (n) is cancelled or declared "no contest," but not more than the number specified in subsection (H)(6) of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of Place Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the Place Pick (n) carryover but not the carryover from previous performances.
  8. The Place Pick (n) carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Place Pick (n) carryover equals or exceeds the designated cap, the Place Pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the Place Pick (n) carryover is frozen, 100% of the net pool, part of which ordinarily would be added to the Place Pick (n) carryover, shall be distributed to those whose selection finished first or second in the greatest number of Place Pick (n) contests for that performance.

## Arizona Racing Commission

9. A written request for permission to distribute the Place Pick (n) carryover on a specific performance may be submitted to the Department. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
  10. Should the Place Pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first- or second-place finisher in each of the Place Pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of Place Pick (n) contests. The Place Pick (n) carryover shall be designated for distribution on a specified date and performance under any of the following circumstances:
    - a. Upon written approval from the Department as provided in subsection (H)(9) of this rule.
    - b. Upon written approval from the Department when there is a change in the carryover cap, a change from one type of Place Pick (n) wagering to another, or when the Place Pick (n) is discontinued.
    - c. On the closing performance of the meet or split meet.
  11. If, for any reason, the Place Pick (n) carryover must be held over to the corresponding Place Pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Place Pick (n) carryover plus accrued interest shall then be added to the net Place Pick (n) pool of the following meet on a date and performance so designated by the Department.
  12. With the written approval of the Department, the permittee may contribute to the Place Pick (n) carryover a sum of money up to the amount of any designated cap.
  13. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and parimutuel department employees for processing of pool data.
  14. The permittee may suspend previously approved Place Pick (n) wagering with the prior approval of the Department. Any carryover shall be held until the suspended Place Pick (n) wagering is reinstated. A permittee may request approval of a Place Pick (n) wager or separate wagering pool for specific performances.
- I. Quinella Pools**
1. The Quinella requires selection of the first two finishers, irrespective of order, for a single contest.
  2. The net Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
    - a. If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
    - b. As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then
    - c. As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of the those two finishers, then
    - d. As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then
    - e. The entire pool shall be refunded on Quinella wagers for that contest.
- J. Quinella Double Pools**
1. The Quinella Double requires selection of the first two finishers, irrespective of order, in each of two specified contests.
  2. The net Quinella Double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
    - a. If a coupled entry or mutuel field finishes as the first two contestants in either contest, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well as the first two finishers in the alternate Quinella Double contest; otherwise
    - b. As a single price pool to those who selected the first two finishers in each of the two Quinella Double contests; but if there are no such wagers, then
    - c. As a profit split to those who selected the first two finishers in either of the two Quinella Double contests; but if there are no such wagers on one of those contests, then

## Arizona Racing Commission

- d. As a single price pool to those who selected the first two finishers in the one covered Quinella Double contest; but if there were no such wagers, then
  - e. The entire pool shall be refunded on Quinella Double wagers for those contests.
  3. If there is a dead heat for first in either of the two Quinella Double contests involving:
    - a. Contestants representing the same betting interest, the Quinella Double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest.
    - b. Contestants representing two betting interests, the Quinella Double pool shall be distributed as if no dead heat occurred.
    - c. Contestants representing three or more betting interests, the Quinella Double pool shall be distributed as a profit split.
  4. If there is a dead heat for second in either of the Quinella Double contests involving contestants representing the same betting interest, the Quinella Double pool shall be distributed as if no dead heat occurred.
  5. If there is a dead heat for second in either of the Quinella Double contests involving contestants representing two or more betting interests, the Quinella Double pool shall be distributed as profit split.
  6. Should a betting interest in the first half of the Quinella Double be scratched prior to the first Quinella Double contest being declared official, all money wagered on combinations including the scratched betting interest shall deducted from the Quinella Double pool and refunded.
  7. Should a betting interest in the second half of the Quinella Double be scratched prior to the close of wagering on the first Quinella Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Quinella Double pool and refunded.
  8. Should a betting interest in the second half of the Quinella Double be scratched after the close of wagering on the first Quinella Double contest, all wagers combining the winning combination in the first contest with a combination including the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff, the net Quinella Double pool shall be divided by the total amount wagered on the winning combination in the first contest and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winning combination in the first contest combined with a combination including the scratched betting interest in the second contest to obtain the consolation payoff. Breakage is not utilized in this calculation. The consolation payoff is deducted from the net Quinella Double pool before calculation and distribution of the winning Quinella Double payoff. In the event of a dead heat involving separate betting interests, the net Quinella Double pool shall be distributed as a profit split.
  9. If either of the Quinella Double contests is cancelled prior to the first Quinella Double contest, or the first Quinella Double contest is declared "no contest," the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.
  10. If the second Quinella Double contest is cancelled or declared "no contest" after the conclusion of the first Quinella Double contest, the net Quinella Double pool shall be distributed as a single price pool to wagers selecting the winning combination in the first Quinella Double contest. If there are no wagers selecting the winning combination in the first Quinella Double contest, the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.
- K. Exacta Pools**
1. The Exacta requires selection of the first two finishers, in their exact order, for a single contest.
  2. The net Exacta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
    - a. If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
    - b. As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then
    - c. As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then
    - d. As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then
    - e. The entire pool shall be refunded on Exacta wagers for that contest.
  3. If there is a dead heat for first involving:
    - a. Contestants representing the same betting interest, the Exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.
    - b. Contestants representing two or more betting interests, the Exacta pool shall be distributed as a profit split.
  4. If there is a dead heat for second involving contestants representing the same betting interest, the Exacta pool shall be distributed as if no dead heat occurred.
  5. If there is a dead heat for second involving contestants representing two or more betting interests, the Exacta pool shall be distributed to ticket holders in the following precedence, based upon the official order of finish:
    - a. As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
    - b. As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
    - c. As a profit split to those wagers correctly selecting the winner for first place and those wagers selecting any of the dead-heated betting interests for second place; but if there are no such wagers, then
    - d. The entire pool shall be refunded on Exacta wagers for that contest.
- L. Trifecta Pools**
1. The Trifecta requires selection of the first three finishers, in their exact order, for a single contest.

## Arizona Racing Commission

2. The net Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
    - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
    - b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
    - d. The entire pool shall be refunded on Trifecta wagers for that contest.
  3. If less than three betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.
  4. If there is a dead heat for first involving:
    - a. Contestants representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.
    - b. Contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest shall share in a profit split.
  5. If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.
  6. If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.
- M. Superfecta Pools**
1. The Superfecta requires selection of the first four finishers, in their exact order, for a single contest.
  2. The net Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
    - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
    - b. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
    - d. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
    - e. The entire pool shall be refunded on Superfecta wagers for that contest.
  3. If less than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.
  4. If there is a dead heat for first involving:
    - a. Contestants representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.
    - b. Contestants representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest shall share in a profit split.
    - c. Contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests shall share in a profit split.
  5. If there is a dead heat for second involving:
    - a. Contestants representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second shall share in a profit split.
    - b. Contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place betting interest shall share in a profit split.
  6. If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third shall share in a profit split.
  7. If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.
- N. Twin Quinella Pools**
1. The Twin Quinella requires selection of the first two finishers, irrespective of order, in each of two designated contests. Each winning ticket for the first Twin Quinella contest must be exchanged for a free ticket on the second Twin Quinella contest in order to remain eligible for the second-half Twin Quinella pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Quinella contest. There will be no monetary reward for winning the first Twin Quinella contest. Both of the designated Twin Quinella contests shall be included in only one Twin Quinella pool.
  2. In the first Twin Quinella contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Quinella contest:
    - a. If a coupled entry or mutuel field finishes as the first two finishers, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners; otherwise
    - b. Those whose combination finished as the first two betting interests shall be winners; but if there are no such wagers, then
    - c. Those whose combination included either the first- or second-place finisher shall be winners; but if there are no such wagers on one of those two finishers, then
    - d. Those whose combination included the one covered betting interest included within the first two finish-

## Arizona Racing Commission

- ers shall be winners; but if there are no such wagers, then
- e. The entire pool shall be refunded on Twin Quinella wagers for that contest.
3. In the first Twin Quinella contest only, if there is a dead heat for first involving:
    - a. Contestants representing the same betting interest, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners.
    - b. Contestants representing two betting interests, the winning Twin Quinella wagers shall be determined as if no dead heat occurred.
    - c. Contestants representing three or more betting interests, those whose combination included any two of the betting interests finishing in the dead heat shall be winners.
  4. In the first Twin Quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the Twin Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:
    - a. As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
    - b. As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second, but if there are no such wagers, then
    - c. As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then
    - d. As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then
    - e. The entire pool shall be refunded on Twin Quinella wagers for the contest.
  5. In the second Twin Quinella contest only, the entire net Twin Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Quinella contest:
    - a. If a coupled entry or mutuel field finishes as the first two finishers, as a single price pool to those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
    - b. As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then
    - c. As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then
    - d. As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then
    - e. As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then
    - f. In accordance with subsection (N)(2) of the Twin Quinella rules.
  6. In the second Twin Quinella contest only, if there is a dead heat for first involving:
    - a. Contestants representing the same betting interest, the net Twin Quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.
    - b. Contestants representing two betting interests, the net Twin Quinella pool shall be distributed as if no dead heat occurred.
    - c. Contestants representing three or more betting interests, the net Twin Quinella pool shall be distributed as a profit split to those whose combination included any two of the betting interests finishing in the dead heat.
  7. In the second Twin Quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the Twin Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:
    - a. As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
    - b. As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
    - c. As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then
    - d. As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second, then
    - e. As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then
    - f. In accordance with subsection (N)(2) of the Twin Quinella rules.
  8. If a winning ticket for the first-half of the Twin Quinella is not presented for exchange prior to the close of betting on the second-half Twin Quinella contest, the ticket holder forfeits all rights to any distribution of the Twin Quinella pool resulting from the outcome of the second contest.
  9. Should a betting interest in the first half of the Twin Quinella be scratched, those Twin Quinella wagers including the scratched betting interest shall be refunded.
  10. Should a betting interest in the second half of the Twin Quinella be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Quinella contest, the ticket holder forfeits all rights to the Twin Quinella pool.
  11. If either of the Twin Quinella contests is cancelled prior to the first Twin Quinella contest, or the first Twin Quinella contest is declared "no contest," the entire Twin Quinella pool shall be refunded on Twin Quinella wagers for that contest.
  12. If the second-half Twin Quinella contest is cancelled or declared "no contest" after the conclusion of the first Twin Quinella contest, the net Twin Quinella pool shall be distributed as a single price pool to wagers selecting

## Arizona Racing Commission

the winning combination in the first Twin Quinella contest and all valid exchange tickets. If there are no such wagers, the net Twin Quinella pool shall be distributed as described in subsection (N)(2) of the Twin Quinella rules.

**O. Twin Trifecta Pools**

1. The Twin Trifecta requires selection of the first three finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Trifecta contest must be exchanged for a free ticket on the second Twin Trifecta contest in order to remain eligible for the second-half Twin Trifecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Trifecta contest. Winning first-half Twin Trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated Twin Trifecta contests shall be included in only one Twin Trifecta pool.
2. After wagering closes for the first half of the Twin Trifecta and commissions have been deducted from the pool, the net pool shall then be divided into separate pools: the first-half Twin Trifecta pool and the second-half Twin Trifecta pool.
3. In the first Twin Trifecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Trifecta contest:
  - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
  - b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
  - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - d. The entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second half shall be cancelled.
4. If no first-half Twin Trifecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Twin Trifecta pool. In such case, the second-half Twin Trifecta pool shall be retained and added to any existing Twin Trifecta carryover pool.
5. Winning tickets from the first half of the Twin Trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the Twin Trifecta. The second-half Twin Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Trifecta contest:
  - a. As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first three betting interests; but if there are no such tickets, then
  - b. The entire second-half Twin Trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Twin Trifecta pool of the next consecutive performance.
6. If a winning first-half Twin Trifecta ticket is not presented for cashing and exchange prior to the second-half Twin Trifecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Trifecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool.
7. Should a betting interest in the first half of the Twin Trifecta be scratched, those Twin Trifecta wagers including the scratched betting interest shall be refunded.
8. Should a betting interest in the second-half of the Twin Trifecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Trifecta contest, the ticket holder forfeits all rights to the second-half Twin Trifecta pool.
9. If, due to a late scratch, the number of betting interests in the second half of the Twin Trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Twin Trifecta pool for that contest as a single price pool, but not the Twin-Trifecta carryover.
10. If there is a dead heat or multiple dead heats in either the first- or second-half of the Twin Trifecta, all Twin Trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:
  - a. The first half of the Twin Trifecta, the payoff shall be calculated as a profit split.
  - b. The second half of the Twin Trifecta, the payoff shall be calculated as a single price pool.
11. If either of the Twin Trifecta contests are cancelled prior to the first Twin Trifecta contest, or the first Twin Trifecta contest is declared "no contest," the entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second half shall be cancelled.
12. If the second-half Twin Trifecta contest is cancelled or declared "no contest," all exchange tickets and outstanding first-half winning Twin Trifecta tickets shall be entitled to the net Twin Trifecta pool for that contest as a single price pool, but not Twin-Trifecta carryover. If there are no such tickets, the net Twin Trifecta pool shall be distributed as described in subsection (O)(3) of the Twin Trifecta rules.
13. The Twin-Trifecta carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Twin-Trifecta carryover equals or exceeds the designated cap, the Twin-Trifecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the Twin Trifecta carryover is frozen, 100% of the net Twin Trifecta pool for each individual contest shall be distributed to carryover winners of the first half of the Twin Trifecta pool.
14. A written request for permission to distribute the Twin-Trifecta carryover on a specific performance may be submitted to the Department. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
15. Should the Twin-Trifecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the Twin Trifecta after completion of the first half of the Twin Trifecta:
  - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

## Arizona Racing Commission

- b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
    - d. As a single price pool to holders of valid exchange tickets.
    - e. As a single price pool to holders of outstanding first-half winning tickets.
  16. Contrary to subsection (O)(4) of the Twin Trifecta rules, during a performance designated to distribute the Twin-Trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first half of the Twin Trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Twin Trifecta, all first-half tickets will become winners and will receive 100% of that day's net Twin Trifecta pool and any existing Twin-Trifecta carryover as a single price pool.
  17. The Twin-Trifecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
    - a. Upon written approval from the Department as provided in subsection (O)(15) of the Twin Trifecta rules.
    - b. Upon written approval from the Department when there is a change in the carryover cap or when the Twin Trifecta is discontinued.
    - c. On the closing performance of the meet or split meet.
  18. If, for any reason, the Twin-Trifecta carryover must be held over to the corresponding Twin Trifecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Twin-Trifecta carryover plus accrued interest shall then be added to the second-half Twin Trifecta pool of the following meet on a date and performance so designated by the Department.
  19. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalisator and parimutuel department employees for processing of pool data.
  20. The permittee must obtain written approval from the Department concerning the scheduling of Twin Trifecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Trifecta format require prior approval from the Department.
- P. Tri-Superfecta Pools**
1. The Tri-Superfecta requires selection of the first three finishers, in their exact order, in the first of two designated contests and the first four finishers, in exact order, in the second of the two designated contests. Each winning ticket for the first Tri-Superfecta contest must be exchanged for a free ticket on the second Tri-Superfecta contest in order to remain eligible for the second-half Tri-Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Tri-Superfecta contest. Winning first-half Tri-Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Tri-Superfecta contests shall be included in only one Tri-Superfecta pool.
  2. After wagering closes for the first-half of the Tri-Superfecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half Tri-Superfecta pool and the second-half Tri-Superfecta pool.
  3. In the first Tri-Superfecta contest only, winning tickets shall be determined using the following precedence, based upon the official order of finish for the first Tri-Superfecta contest:
    - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
    - b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
    - d. The entire Tri-Superfecta pool shall be refunded on Tri-Superfecta for that contest and the second half shall be cancelled.
  4. If no first-half Tri-Superfecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Tri-Superfecta pool. In such case, the second-half Tri-Superfecta pool shall be retained and added to any existing Tri-Superfecta carryover pool.
  5. Winning tickets from the first half of the Tri-Superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the Tri-Superfecta. The second-half Tri-Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Tri-Superfecta contest:
    - a. As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then
    - b. The entire second-half Tri-Superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Tri-Superfecta pool of the next performance.
  6. If a winning first-half Tri-Superfecta ticket is not presented for cashing and exchange prior to the second-half Tri-Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Tri-Superfecta pool but forfeits all rights to any distribution of the second-half Tri-Superfecta pool.
  7. Coupled entries and mutuel fields shall be prohibited in Tri-Superfecta contests.
  8. Should a betting interest in the first-half of the Tri-Superfecta be scratched, those Tri-Superfecta tickets including the scratched betting interest shall be refunded.
  9. Should a betting interest in the second-half of the Tri-Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include



## Arizona Racing Commission

- the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Tri-Superfecta contest, the ticket holder forfeits all rights to the second-half Tri-Superfecta pool.
10. If, due to a late scratch, the number of betting interests in the second-half of the Tri-Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover.
  11. If there is a dead heat or multiple dead heats in either the first or second half of the Tri-Superfecta, all Tri-Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in
    - a. The first-half of the Tri-Superfecta, the payoff shall be calculated as a profit split.
    - b. The second-half of the Tri-Superfecta, the payoff shall be calculated as a single price pool.
  12. If either of the Tri-Superfecta contests are cancelled prior to the first Tri-Superfecta contest, or the first Tri-Superfecta contest is declared "no contest," the entire Tri-Superfecta pool shall be refunded on Tri-Superfecta wagers for that contest and the second half shall be cancelled.
  13. If the second-half Tri-Superfecta contest is cancelled or declared "no contest," all exchange tickets and outstanding first-half winning Tri-Superfecta tickets shall be entitled to the net Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover. If no there are no such tickets, the net Tri-Superfecta pool shall be distributed as described in subsection (P)(3) of the Tri-Superfecta rules.
  14. The Tri-Superfecta carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Tri-Superfecta carryover equals or exceeds the designated cap, the Tri-Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Tri-Superfecta carryover is frozen, 100% of the net Tri-Superfecta pool for each individual contest shall be distributed to winners of the first-half of the Tri-Superfecta pool.
  15. A written request for permission to distribute the Tri-Superfecta carryover on a specific performance may be submitted to the Department. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
  16. Should the Tri-Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the Tri-Superfecta after completion of the first half of the Tri-Superfecta:
    - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
    - b. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
    - d. As a single price pool to those whose combination included, in correct sequence, the first-place betting interest only; but if there are no such wagers, then
    - e. As a single price pool to holders of valid exchange tickets.
    - f. As a single price pool to holders of outstanding first-half winning tickets.
  17. Contrary to subsection (P)(4) of the Tri-Superfecta rules, during a performance designated to distribute the Tri-Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Tri-Superfecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Tri-Superfecta, all first-half tickets will become winners and will receive 100% of that day's net Tri-Superfecta pool and any existing Tri-Superfecta carryover as a single price pool.
  18. The Tri-Superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
    - a. Upon written approval from the Department as provided in subsection (P)(15) of the Tri-Superfecta rules.
    - b. Upon written approval from the Department when there is a change in the carryover cap or when the Tri-Superfecta is discontinued.
    - c. On the closing performance of the meet or split meet.
  19. If, for any reason, the Tri-Superfecta carryover must be held over to the corresponding Tri-Superfecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Tri-Superfecta carryover plus accrued interest shall then be added to the second-half Tri-Superfecta pool of the following meet on a date and performance so designated by the Department.
  20. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.
  21. The permittee must obtain written approval from the Department concerning the scheduling of Tri-Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Tri-Superfecta format require prior approval from the Department.
- Q. Twin Superfecta Pools**
1. The Twin Superfecta requires selection of the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Superfecta contest must be exchanged for a free ticket on the second Twin Superfecta contest in order to remain eligible for the second-half Twin Superfecta pool. Such tickets

## Arizona Racing Commission

- may be exchanged only at attended ticket windows prior to the second Twin Superfecta contest. Winning first-half Twin Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Twin Superfecta contests shall be included in only one Twin Superfecta pool.
2. After wagering closes for the first half of the Twin Superfecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half Twin Superfecta pool and the second-half Twin Superfecta pool.
  3. In the first Twin Superfecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Superfecta contest:
    - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
    - b. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
    - d. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
    - e. The entire Twin Superfecta pool shall be refunded on Twin Superfecta wagers for that contest and the second half shall be cancelled.
  4. If no first-half Twin Superfecta ticket selects the first four finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Twin Superfecta pool. In such case, the second-half Twin Superfecta pool shall be retained and added to any existing Twin Superfecta carryover pool.
  5. Winning tickets from the first half of the Twin Superfecta shall be exchanged for tickets selecting the first four finishers of the second half of the Twin Superfecta. The second-half Twin Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Superfecta contest:
    - a. As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then
    - b. The entire second-half Twin Trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Twin Superfecta pool of the next performance.
  6. If a winning first-half Twin Superfecta ticket is not presented for cashing and exchange prior to the second-half Twin Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Superfecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool.
  7. Coupled entries and mutuel fields shall be prohibited in Twin Superfecta contests.
  8. Should a betting interest in the first half of the Twin Superfecta be scratched, those Twin Superfecta tickets including the scratched betting interest shall be refunded.
  9. Should a betting interest in the second half of the Twin Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Superfecta contest, the ticket holder forfeits all rights to the second-half Twin Superfecta pool.
  10. If, due to a late scratch, the number of betting interests in the second-half of the Twin Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Twin Superfecta pool for that contest as a single price pool but not the Twin Superfecta carryover.
  11. If there is a dead heat or multiple dead heats in either the first- or second-half of the Twin Superfecta, all Twin Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:
    - a. The first half of the Twin Superfecta, the payoff shall be calculated as a profit split.
    - b. The second half of the Twin Superfecta, the payoff shall be calculated as a single price pool.
  12. If either of the Twin Superfecta contests is cancelled prior to the first Twin Superfecta contest, or the first Twin Superfecta contest is declared "no contest," the entire Twin Superfecta pool shall be refunded on Twin Superfecta wagers for that contest and the second half shall be cancelled.
  13. If the second-half Twin Superfecta contest is cancelled or declared "no contest," all exchange tickets and outstanding first-half winning Twin Superfecta tickets shall be entitled to the net Twin Superfecta pool for that contest as a single price pool but not the Twin Superfecta carryover. If there are no such tickets, the net Twin Superfecta pool shall be distributed as described in subsection (Q)(3) of the Twin Superfecta rules.
  14. The Twin Superfecta carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Twin Superfecta carryover equals or exceeds the designated cap, the Twin Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Twin Superfecta carryover is frozen, 100% of the net Twin Superfecta pool for each individual contest shall be distributed to winners of the first half of the Twin Superfecta pool.
  15. A written request for permission to distribute the Twin Superfecta carryover on a specific performance may be submitted to the Department. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
  16. Should the Twin Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the Twin Superfecta after completion of the first half of the Twin Superfecta:
    - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
    - b. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
    - c. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

## Arizona Racing Commission

- d. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - e. As a single price pool to holders of valid exchange tickets.
  - f. As a single price pool to holders of outstanding first-half winning tickets.
17. Contrary to subsection (Q)(4) of the Twin Superfecta rules, during a performance designated to distribute the Twin Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Twin Superfecta. If there are no wagers correctly selecting the first-, second-, third-, and fourth-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-, second-, and third-place betting interests. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Twin Superfecta, all first-half tickets will become winners and will receive 100% of that day's net Twin Superfecta pool and any existing Twin Superfecta carryover as a single price pool.
  18. The Twin Superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
    - a. Upon written approval from the Department as provided in subsection (Q)(15) of the Twin Superfecta rules.
    - b. Upon written approval from the Department when there is a change in the carryover cap or when the Twin Superfecta is discontinued.
    - c. On the closing performance of the meet or split meet.
  19. If, for any reason, the Twin Superfecta carryover must be held over to the corresponding Twin Superfecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Twin Superfecta carryover plus accrued interest shall then be added to the second-half Twin Superfecta pool of the following meet on a date and performance so designated by the Department.
  20. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communications between totalisator and pari-mutuel department employees for processing of pool data.
  21. The permittee must obtain written approval from the Department concerning the scheduling of Twin Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Superfecta format require prior approval from the Department.
- R. Grand Slam Pools**
1. The Grand Slam requires selection of the Exacta, Trifecta, and Superfecta, respectively, in three consecutive contests. Each winning ticket for the first Grand Slam contest must be exchanged for a free ticket on the second Grand Slam contest in order to remain eligible for the second contest share of the Grand Slam pool. Such tickets may be exchanged only at attended ticket windows prior to the second Grand Slam contest. Winning Grand Slam tickets on the first race shall receive both an exchange and a monetary payoff. Each winning ticket for the second Grand Slam contest must be exchanged for a free ticket on the third Grand Slam Contest in order to remain eligible for the third contest share of the Grand Slam pool. Such tickets must be exchanged only at attended ticket windows prior to the third Grand Slam contest. Winning tickets on the second race shall receive both an exchange and a monetary payoff. The three designated Grand Slam contests shall be included in only one Grand Slam pool.
  2. After wagering closes for the first contest of the Grand Slam and commissions have been deducted from the pool, the net pool shall be divided into three separate pools: the first contest pool (25%), the second contest pool (25%), and the third contest pool (50%).
  3. In the first Grand Slam contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Grand Slam contest:
    - a. If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
    - b. As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then
    - c. As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then
    - d. As a single price pool to those whose combination included the one covered betting interest to finish first or second.
  4. Winning tickets from the first contest of the Grand Slam shall be exchanged for tickets selecting the first three finishers of the second contest of the Grand Slam. The second contest pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Grand Slam contest:
    - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
    - b. The entire pool for the second and third contests shall be added to any existing carryover monies and retained for the third contest pool of the next performance.
  5. Winning tickets for the second contest of the Grand Slam shall be exchanged for tickets selecting the first four finishers of the third contest of the Grand Slam. The third contest pool and any existing carryover monies shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the third Grand Slam contest:
    - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

## Arizona Racing Commission

- b. The entire pool for the third contest shall be added to any existing carryover monies and retained for the corresponding third contest pool of the next performance.
6. If a winning Grand Slam ticket is not presented for cashing and exchange prior to the next Grand Slam contest, the ticket holder may still collect the monetary value associated with the corresponding pool but forfeits all rights to any distribution of subsequent Grand Slam pools.
7. Coupled entries and mutuel fields shall be prohibited in the second and third races of the Grand Slam.
8. Should a betting interest in the first contest of the Grand Slam be scratched, those Grand Slam wagers including the scratched betting interest shall be refunded.
9. Should a betting interest in the second or third contests of the Grand Slam be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the corresponding contest, the ticket holder forfeits all rights to the remainder of the Grand Slam pool.
10. If there is a dead heat or multiple dead heats in any of the contests of the Grand Slam, all Grand Slam wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be winners. Contrary to the usual practice, the aggregate number of winning tickets shall be divided into the net pool and paid the same price.
11. If any of the Grand Slam contests are cancelled prior to the first Grand Slam contest, or the first Grand Slam contest is declared "no contest," the entire Grand Slam pool shall be refunded on Grand Slam wagers for that contest and the remaining Grand Slam contests shall be cancelled. Any existing carryover monies pursuant to subsections (R)(4) and (5) of this rule shall carryover to the next consecutive racing program of that meeting.
12. If the second contest of the Grand Slam is canceled or declared "no contest," or if less than three contestants finish, the second contest pool of the Grand Slam shall be distributed equally among holders of second contest Grand Slam exchange tickets, and the third-contest pool of the Grand Slam shall carryover to the third-contest pool of the next performance.
13. If the third contest of the Grand Slam is canceled or declared "no contest" before the second contest has been made official but after the first contest (pursuant to subsection (R)(11) of this rule), that racing day's third-contest pool shall be distributed equally among holders of second-contest Grand Slam exchange tickets. If the third contest of the Grand Slam is cancelled or declared "no contest" after the second contest has been made official, that racing day's third contest shall be distributed equally among holders of the third-contest Grand Slam exchange tickets. In such instance, no carryover pool would be generated from that racing day.
14. If no distribution is made pursuant to subsection (R)(5)(a) of this rule, on the last day of the race meeting the permittee shall distribute the third-race pool and any existing carryover monies equally among the holders of exchange tickets selecting the finishing contestants in the third race. The net pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
  - b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
  - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - d. As a single price pool to all holders of third-race tickets.
15. If there were no winning wagers in the second race of the Grand Slam on the last day of the race meeting, the permittee shall distribute the second-race pool and any existing carryover monies equally among the holders of exchange tickets selecting the finishing contestants in the second race. The net pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
  - b. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - c. As a single price pool to all holders of second-race tickets.
16. If there were no winning wagers in the first race of the Grand Slam on the last day of the race meeting, the permittee shall distribute the first-race pool and any existing carryover monies as a profit split to the holders of tickets selecting either the first-place finisher to finish first or the second-place finisher to finish second. If there were still no winning wagers in the first race of the Grand Slam, such monies shall be distributed to all ticket holders.
17. Grand Slam tickets shall be issued in multiples of \$1.00.

**Historical Note**

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). Amended effective November 16, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18); inadvertently omitted from Supp. 93-4 (Supp. 94-2). Typographical corrections made to subsections (F)(6), (P)(3)(d), and (P)(21) (Supp. 94-4). R19-2-523 recodified from R4-27-523 (Supp. 95-1). Amended effective July 3, 1996 (Supp. 96-3). Amended effective September 17, 1997, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 97-3). Amended by exempt rulemaking at 6 A.A.R. 786, effective February 1, 2000 (Supp. 00-1).

**ARTICLE 6. STATE BOXING AND MIXED MARTIAL ARTS COMMISSION: ADMINISTRATION OF UNARMED COMBAT SPORTS**

**R19-2-601. Renumbered****Historical Note**

New Section recodified from Section R4-3-415 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1). Section R19-2-601 renumbered to Section R19-2-A601 by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-602. Renumbered**

## Arizona Racing Commission

**Historical Note**

New Section recodified from Section R4-3-416 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1). Section R19-2-602 renumbered to Section R19-2-A602 by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-603. Renumbered****Historical Note**

New Section recodified from Section R4-3-417 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1). Section R19-2-603 renumbered to Section R19-2-B607 by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-604. Renumbered****Historical Note**

New Section recodified from Section R4-3-418 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1). Section R19-2-604 renumbered to Section R19-2-B608 by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-605. Renumbered****Historical Note**

New Section recodified from Section R4-3-419 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Former Section R19-2-605 repealed; new Section R19-2-605 renumbered from R19-2-609 and amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1). Section R19-2-605 renumbered to Section R19-2-C603 by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-606. Renumbered****Historical Note**

New Section recodified from Section R4-3-420 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Former Section R19-2-606 repealed; new Section R19-2-606 renumbered from R19-2-610 and amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1). Section R19-2-606 renumbered to Section R19-2-C607 by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-607. Repealed****Historical Note**

New Section recodified from Section R4-3-421 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section repealed by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

**R19-2-608. Repealed****Historical Note**

New Section recodified from Section R4-3-422 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section repealed by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

**R19-2-609. Renumbered****Historical Note**

New Section recodified from Section R4-3-423 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section renumbered to R19-2-605 by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

**R19-2-610. Renumbered****Historical Note**

New Section recodified from Section R4-3-424 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section renumbered to R19-2-606 by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

**PART A. GENERAL ADMINISTRATION****R19-2-A601. Definitions and Interpretation Guidance****A.** The following terms apply to this Article:

1. "Abdominal guard" means a protective device that is designed to protect the abdomen below the umbilicus, and the term includes a pelvic girdle for women designed to protect the pubic area, ovaries, coccyx, and sides of hips. Unless otherwise indicated herein, the term "abdominal guard" will include a "groin guard."
2. "Admission fee" means the charge paid to gain access to an unarmed combat event, as evidenced by a "ticket."
3. "Annual bond" means the cash or surety bond, required under A.R.S. § 5-228(E), to be deposited with the Department by a promoter as a prerequisite for a promoter's license.
4. "Business entity" means any corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity except an individual or sole proprietorship.
5. "Combatant" means any person who practices the sport of unarmed combat in this state.
6. "Commission" means the Arizona State Boxing and Mixed Martial Arts Commission, and staff delegated to provide support to the Commission. Unless otherwise stated, reference to the Commission includes the Executive Director.
7. "Contestant" means any combatant who is engaged in an unarmed combat contest or exhibition.
8. "Department" means the Arizona Department of Gaming.
9. "Division" means the Arizona Department of Gaming, Racing Division.
10. "Event" means any unarmed-combat contest or exhibition for which tickets are issued and sold.
11. "Event bond" means the cash or surety bond, authorized under A.R.S. § 5-229(B), which the Commission may require a promoter to deposit with the Department before each event.
12. "Executive Director" means the director appointed to execute the directions of the Commission.
13. "Exhibition" means any demonstration of technique or training in unarmed combat, which is attended by members of the public, including any such demonstration involving the sale of tickets or collection of admission fees.
14. "Groin guard" means a foul-proof athletic cup or other protection of the pubic area.
15. "Gross receipts" means all gross receipts as defined by A.R.S. § 5-104.02(E).
16. "Industry" means all matters or business related to regulated unarmed-combat events.
17. "License" means any permit, license, approval, sanction, authority, registration, or other permission received from the Commission under these rules or Title 5, Chapter 2,

## Arizona Racing Commission

Article 2. For purposes of these rules, a permit is equivalent to a license.

18. "Majority of rounds" means a sufficient number of completed rounds to render a decision via the score cards. For example, two completed rounds in a three-round bout, or three completed rounds in a five-round bout.
19. "Mismatch" means a pairing of unarmed combatants for a contest who have unequal ability. Factors to be considered in matching combatants include, but are not limited to:
  - a. Experience;
  - b. Training;
  - c. Fighting record;
  - d. Age;
  - e. Physical condition;
  - f. Height;
  - g. Weight;
  - h. Skill sets;
  - i. Arm or leg length; and
  - j. Any other differences in the ability of combatants that would create a competitive imbalance between them or that would render a match unsafe.
20. "MMA" means mixed martial arts as defined by A.R.S. § 5-221(8).
21. "Official" means a licensed referee, judge, timekeeper, ringside physician, or inspector.
22. "Permit" means any approval or license to conduct an event.
23. "Prohibited list" means the prohibited substance list published by the World Anti-Doping Agency ("WADA").
24. "Prohibited substance" means any substance, or class of substances, identified as prohibited on the prohibited list. Alcohol shall also be considered a prohibited substance regardless of whether it appears on the prohibited list.
25. "Ticket" means the tangible proof of the right to purchase admission to an event.
26. "Ticket agent" means a person authorized by a promoter to print tickets.
27. "Ticket vendor" means a person authorized by a promoter to sell tickets.
28. "Tickets issued" means all tickets printed for an event.
29. "A.R.S. Title 5, Chapter 2, Article 2" means Arizona Revised Statutes ("A.R.S.") §§ 5-221 to 5-240, and any successor provisions.
30. "Unarmed combat" means any professional or amateur training, contest, or exhibition regulated by the Commission, whether or not conducted for profit, including boxing, kickboxing, MMA, Muay Thai fighting, or Toughman competition.

- B. Wherever appropriate, and if not expressly indicated, words in the singular form shall be construed to include the plural and vice versa. Nouns and pronouns in masculine, feminine and neuter genders shall be construed to include any other gender.
- C. Examples shall not be construed to limit, expressly or by implication, the matter they illustrate.
- D. The word "includes" and its derivatives means "includes, but is not limited to" and corresponding derivative expressions.

**Historical Note**

New Section R19-2-A601 renumbered from R19-2-601 and amended by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-A602. Delegation by and Reports to the Commission**

- A. The Commission may delegate execution of its statutory powers and duties to the Executive Director.

- B. The Executive Director shall regularly keep the Commission informed regarding those matters which have been delegated to the Executive Director by the Commission.

**Historical Note**

New Section R19-2-A602 renumbered from R19-2-602 and amended by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**PART B. EVENTS****R19-2-B601. Notice and Approval of Events; Publicity**

- A. A promoter's request to the Commission for reservation of an event date shall be made as soon as possible and shall be deemed by the Commission to be a representation by the promoter of the promoter's good faith intention to actually hold the event on that date. A promoter is prohibited from requesting event dates solely for the purpose of preempting the organization of an event by others on or near the scheduled event date or for any other anti-competitive reason, which may be demonstrated by a pattern of requesting and cancelling dates.
- B. The Commission's approval of an event shall constitute a license to conduct, hold or give an unarmed combat event. A promoter shall not hold an event of unarmed combat unless:
  1. No less than 60 calendar days before the event is held, the promoter submits to the Commission a written request for permission to hold the event, and for approval of the date for the event; and
  2. The Commission has approved the request and the date for the event.
- C. The Commission shall not approve an event scheduled to take place within 72 hours before a previously approved event in the same county, unless the second promoter compensates the first promoter or the Commission has determined that special circumstances exist. A promoter is required to have a commitment for an arena, and have advanced funds with respect to his or her scheduled event, in order for a promoter to have a date protected by the Commission in accordance with this rule.
- D. Contracts signed by the combatants for the main event shall be filed with the Commission at least 72 hours prior to the date of the event. Contracts signed by the combatants for preliminary events shall be filed with the Commission 48 hours prior to the date of the event. Copies of all fully-executed contracts, on a form approved by the Commission, shall be filed with the Commission prior to the weigh-in.
- E. Publicity for a scheduled event shall be factual and not misleading to the public. An event may not be publicized prior to approval of the event by the Commission. Tickets shall be priced and available as represented to the public. All promotional materials, both prior to and during an event, shall clearly designate the professional, amateur, or mixed status of the event.
- F. The Commission shall not approve a scheduled event until the promoter discloses in writing all persons having a financial interest in the event, as defined in A.R.S. § 5-228(B), and otherwise complies with these rules insofar as they apply to promoters.
- G. A written request for permission to hold an event shall include, without limitation:
  1. The proposed site for the event;
  2. A listing and description of all fights, with designation of all title fights to be held in the event;
  3. A listing of the number of rounds per each fight, and number of contestants; and
  4. If the event will be televised, the date and network on which the program will be premiered, and the date and network of second showings, if known.

## Arizona Racing Commission

- H. The event permit fee required by the Commission, pursuant to R19-2-C603(C), shall be submitted with the application. The Commission shall return the fee if the permit is not approved. The failure of the promoter to notify the Commission of a cancellation at least 30 calendar days before the date of the event shall result in the forfeiture of the permit fee and may subject the promoter to disciplinary action, provided that, if the promoter is able to schedule another date that is acceptable to the Commission, the permit fee shall apply to the rescheduled event.
- I. In determining whether to approve a permit for an event of unarmed combat, the Commission may take into account any factors that affect the best interests of the combatants, the state, the industry, and the Commission.
- J. A promoter who wishes to present an event of unarmed combat for charitable purposes shall file with the Commission an application for a permit to present the event.
1. The application shall contain the name of the charity, charitable fund, or organization which is to benefit from the event, with evidence satisfactory to the Commission that the benefitted organization is recognized as exempt from federal income tax pursuant to the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3), and the amount or percentage of the receipts of the event which is to be paid to the charity.
  2. Within 10 days after such an event is held, the promoter shall furnish to the Commission a certified itemized statement of the receipts and expenditures in connection with the event and the net amount paid to the charitable fund or organization. If the promoter fails to file the statement within the prescribed time, the Commission:
    - a. May suspend or revoke the promoter's license, or impose a civil penalty; and
    - b. May thereafter refuse to issue a permit to the promoter for the holding of any event of unarmed combat for charitable purposes.
- K. The Commission may waive any deadline requirements if good cause is shown and the Commission can accommodate the request.
- L. If approval of events has been generally delegated to the Executive Director, the Executive Director may defer the approval of a specific event to the Commission.
- E. The Commission may vacate a state championship title for violation of these rules.

**Historical Note**

New Section R19-2-B602 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-B603. Duty of Matchmakers**

- A. Matchmakers shall use due diligence to determine and report to the Commission in writing, on a form to be provided by the Commission, no later than 48 hours prior to a scheduled event, the following information:
1. The true identity of contestants;
  2. The contestant's complete record, including the date and result of the last contest engaged in by the contestant and any fight or medical records obtained from commissions in other states (the Commission has the discretion to disregard non-sanctioned bouts, in the interests of the industry or the health and safety of combatants);
  3. Whether contestants are under suspension from any unarmed combat regulatory commission; and
  4. The ability of the contestants to compete.
- B. Matchmakers shall be held responsible for the making of mismatches. For the protection of contestants and the public, repeated making of mismatches is grounds for discipline, up to and including civil penalties and suspension or revocation of a matchmaker's license. The Commission reserves the right to disapprove any matches that are deemed by the Commission to be mismatches.
- C. The matchmaker's cost of obtaining any fight or medical records from regulatory bodies in other states shall be charged back to the promoter unless the promoter has supplied the Commission with the requisite information.
- D. Matchmakers shall verify that all matched fighters, trainers, seconds, or other persons involved in a proposed match are licensed in accordance with these rules.

**Historical Note**

New Section R19-2-B603 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-B604. Insurance for Contestant**

For each contestant, a promoter shall provide to the Commission proof of insurance that complies with A.R.S. § 5-233.

**Historical Note**

New Section R19-2-B604 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-B602. State Championships**

- A. The Commission may approve a contest as one for a state championship where:
1. One of the contestants is a bona fide resident of Arizona and the other is either:
    - a. Also a bona fide resident of Arizona; or
    - b. A resident of California, Nevada, Texas, Utah, Colorado, or New Mexico, who has fought in Arizona at least two times within the 12-month period prior to the time the Commission's approval is requested.
  2. The contestants are qualified to fight for a state championship by virtue of demonstrated ability and record, and
  3. The contestants make the weight for the pertinent weight classification at the weigh-in.
- B. The Commission shall determine how many rounds are appropriate for any state championship contests.
- C. A contest may not be promoted as one for a state championship, or as a state championship elimination, without the prior consent of the Commission.
- D. State championships shall be defended in Arizona.

**R19-2-B605. Selection and Payment of Officials**

- A. Any referees, judges, timekeepers, ringside physicians, and inspectors shall be finally selected by the Commission and notice of the selections shall be provided to the promoter or matchmaker 36 to 48 hours prior to the scheduled event. The Executive Director shall ensure that all officials receive compensation from the promoter immediately after the last scheduled bout in accordance with the Commission's fee schedule. The fee schedule shall be made known to the promoter before the scheduled event when requested by the promoter.
- B. A promoter or matchmaker may protest the assignment of officials only upon specific grounds submitted to the Commission in writing no less than 24 hours prior to the start of the scheduled event.
- C. Referees shall be given a physical examination by the ringside physician before officiating a contest.
- D. A promoter may be disciplined, up to and including license revocation, if rules of selection of officials and participants are not followed for an event.

## Arizona Racing Commission

1. Bouts may only be arranged by a promoter or a match-maker licensed by the Commission.
2. Every combatant and announcer selected by the promoter shall be licensed by the Commission. The promoter's selection of announcer shall be approved by the Commission.

**Historical Note**

New Section R19-2-B605 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-B606. Commission Seating at Events**

As designated by the Executive Director, the promoter shall provide a table and front row or contiguous ringside seating for Commission members, the Executive Director, and those officials assigned to work the event, including the judges, timekeepers, ringside physicians, or other staff. Commission representatives or officials who will be working the event have priority for ringside seating with a table.

**Historical Note**

New Section R19-2-B606 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-B607. Ticket Manifest, Collection, Accounting****A. General requirements.**

1. Admission fees shall be charged for every unarmed-combat event. Tickets may also be sold for an exhibition if approved by the Commission.
  - a. The right of admission to any event of unarmed combat shall not be sold to a person unless that person is provided with a ticket.
  - b. Every ticket shall have the price, name and date of the event, and name of the promoter plainly stated on it. Every ticket stub shall state the price.
2. No admission fees shall be charged for any event until:
  - a. The promoter achieves compliance with occupant load, fire apparatus and exits, aisle spacing, and other building and fire code permissions or approval required by the relevant regulatory authorities, and provides verification of such approval to the Commission upon request; and
  - b. The Commission issues a permit for the event.
3. No later than five days after the completion of an event, a promoter shall provide the Commission with an electronic ticket manifest or an accounting from each ticket agent as follows:
  - a. The manifest shall list the total number of tickets issued and the number of tickets in each price category. The manifest shall account for any tickets that are overprints, changes, or extras. The manifest shall be accompanied by a signed affidavit from the ticket agent or the ticket agent's designee, certifying that the manifest is accurate and complete.
  - b. If tickets issued are sold through a system that cannot produce an electronic manifest, an accounting from each ticket agent of the total number of tickets in each price category shall be provided. The accounting shall be accompanied by a signed affidavit from the ticket agent or the ticket agent's designee, certifying that the accounting is accurate and complete.
4. A promoter shall ensure that tickets are distributed only through ticket vendors specified by the promoter. Notwithstanding the above, a promoter may provide tickets to contestants for sale to friends or family.

5. The Commission shall, upon request, provide the Department with the names and contract information for all ticket agents and vendors.

**B. Reduced-price tickets.** A promoter shall ensure that the actual price of tickets sold for less than the printed price is plainly displayed by over-stamping or other mechanism on the printed face of the ticket and ticket stub, and the tickets are itemized correctly on the ticket manifest.**C. Complimentary tickets.**

1. A promoter shall ensure that the total number of complimentary tickets does not exceed the maximum number of tickets specified under A.R.S. § 5-104.02(D). This maximum number shall be referred to as the "Cap."
2. Complimentary tickets in excess of the Cap are treated as non-complimentary and shall be subject to the levy on attendance under subsection (D).
3. If complimentary tickets are provided from different price categories, the amount of money that shall be exempt from the attendance levy (the "Total Exemption") shall be calculated in the order of highest to lowest priced tickets, as follows:
  - a. The Cap under Subsection (C)(1) shall be computed;
  - b. Highest-priced complimentary tickets are classified as Tier 1 tickets, and complimentary tickets in successively lower levels of price categories are classified as Tier 2 through Tier X, as needed;
  - c. If the Cap is less than the number of Tier 1 tickets, then the Total Exemption shall be equal to the Cap multiplied by the price of the Tier 1 tickets, and no further calculation need be made;
  - d. If the Cap is higher than the number of Tier 1 tickets, then the next highest Tier shall be applied, in whole or in part, to reach the Cap, and the calculation shall continue in that manner until the total Cap is met;
  - e. The number of complimentary tickets in each Tier used to satisfy the Cap shall be multiplied by the price of the tickets in that Tier to determine the Tier Exemption;
  - f. The Total Exemption for the event shall be the sum of Tier Exemptions.
4. The word "Complimentary" shall be plainly displayed on complimentary tickets and ticket stubs.

**D. Ticket accounting and levy payment.** Representatives of the promoter and Commission shall meet within 10 days after an event to account for all tickets sold and pay the required attendance levy.

1. The promoter shall provide the Commission with the following information on the Commission's attendance levy form:
  - a. The number of tickets sold and unsold in each price category;
  - b. The amount of the gross receipts calculated using the printed price on each ticket sold; and
  - c. The signature of the promoter, certifying that the information is true and correct.
2. The Commission shall consider as sold any tickets listed as issued, but not reported as being unsold.
3. The promoter shall pay the Department an attendance levy of 4% of the gross receipts after the deduction of city, state, and federal taxes, of the event.

**Historical Note**

New Section R19-2-B607 renumbered from R19-2-603 and amended by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-B608. Annual Bond, Event Bond, Claims**



## Arizona Racing Commission

- A. Annual bond under A.R.S. § 5-228(E).
  - 1. The approval of a promoter's license is contingent upon deposit of the annual bond with the Department.
  - 2. Upon written request of the promoter, the Commission may release the promoter from the annual bond requirement, if the Commission determines that the promoter has satisfied all past obligations and is not planning additional events for that year.
- B. Event bond under A.R.S. § 5-229(B).
  - 1. The Commission shall notify the promoter in writing of the imposition and amount of an event bond and the promoter shall deposit the bond with the Commission no later than 48 hours prior to the event. The Commission shall retain the event bond until the promoter has satisfied all obligations for the event, at which time the Commission shall return the bond to the promoter.
  - 2. If an event is not held, the promoter shall notify the Commission, not later than 22 business days after the scheduled event, whether the promoter's obligations for the event have been satisfied, at which time the promoter's event bond can be returned.
- C. Commission claim. If a promoter fails to comply with payment of the attendance levy on gross receipts under R19-2-B607(D), the Commission shall notify the promoter and the Department. Notification to the promoter shall be made by registered or certified mail, return receipt requested, and shall state that:
  - 1. The unpaid levy on gross receipts shall be paid within 10 business days from receipt of the notice; and
  - 2. If the payment is not received within the 10 business days, forfeiture proceedings against the bond may be initiated based on the Commission's determination of whether a promoter's obligations have been faithfully performed.
- D. The Department and Commission shall not release any bond for which a claim is pending.

**Historical Note**

New Section R19-2-B608 renumbered from R19-2-604 and amended by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-B609. Payment of Contestants**

- A. All contestants shall be paid in full according to their contracts, and no part or percentage of their remuneration may be withheld except by order of the Commission, nor shall any part of their remuneration be returned through arrangement with the combatant or the combatant's manager to any matchmaker or promoter.
- B. Payment shall be made immediately after the event under the supervision of a Commission representative.
- C. In cases where the Commission does not require an event bond, the promoter shall execute an assignment in favor of the Commission of box office proceeds to the extent necessary to secure the payment of purses. Such assignment is a condition precedent to the approval of an event. When all contestants have been paid, the assignment shall be returned to the promoter and the promoter shall be released therefrom.

**Historical Note**

New Section R19-2-B609 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**PART C. LICENSING AND DISCIPLINE****R19-2-C601. Licensing, General Requirements**

- A. An application for a license for every industry combatant, promoter, matchmaker, inspector, manager, second, including trainers and cutmen, referee, judge, timekeeper, announcer, or

physician, shall be made in writing on a form supplied by the Commission and signed by the applicant under penalty of perjury. The Commission shall accept electronic signatures on applications, which may include faxed signatures, electronic facsimiles of signatures, or any other electronic methods that comply with state policy and are designed to facilitate the application process for the public. The Commission, in its discretion, may act on an applicant's request for a license before the form is submitted, but a license shall not be issued to the applicant until the applicant complies with the licensing requirements pursuant to this Section. Issuance of a license is in the reasonable discretion of the Commission.

- B. Every combatant shall be licensed prior to participating in any event, with the exception of those individuals excluded under A.R.S. § 5-222.
- C. All licenses shall expire on December 31 at midnight on the year of their issuance and each licensee has the responsibility to apply for renewal prior to such expiration. A combatant may petition the Commission for waiver of medical licensing requirements upon renewal if the combatant fulfilled those requirements within 90 days prior to December 31.
- D. Before issuing a license, the Commission or its staff may require an applicant to provide independent proof of the applicant's true identity, fingerprints, and other material information requested on the license application or otherwise required by the Commission.
- E. An applicant for an official's license shall submit to the Commission a signed copy of the Commission's Code of Ethics and Conduct for the type of license being sought, acknowledging that the applicant has read and understands the Code, and agrees to comply with its terms.
- F. Each license issued is subject to the conditions and agreements set forth in the application.
- G. The applicant shall demonstrate to the satisfaction of the Commission an understanding of the Commission's drug testing program, including, without limitation, an understanding of anti-doping violations and the penalties for those violations.
- H. The Commission may require an applicant to appear before the Commission to answer questions or provide documents in conjunction with an application for a license.
- I. Expenses necessarily incurred by the Commission in the investigation of an applicant shall be charged back to the applicant.
- J. The Commission may take disciplinary action or refuse to issue or renew a license for those reasons stated in A.R.S. § 5-235.01, or if the applicant:
  - 1. Has violated any industry laws or regulations of any other state;
  - 2. Does not possess a good reputation or moral character, or demonstrates a lack of honesty, ethics, or moral character so as to reflect discredit to the industry and thereby render adverse action consistent with the public interest and the purpose of A.R.S. Title 5, Chapter 2, Article 2, and these rules adopted thereunder;
  - 3. Has an industry license that has previously been suspended, revoked, or denied in this or other jurisdictions;
  - 4. Does not, in the sole discretion of the Commission, possess the health, fitness or skills to safely participate in the industry;
  - 5. Has committed any actions that would be grounds for discipline under R19-2-C605; or
  - 6. Is not qualified to be granted a license or permit, based on the best interest of the safety, welfare, economy, health, and peace of the industry or the people of the state of Arizona.

## Arizona Racing Commission

- K. A manager need not obtain a manager's license if the manager is not a resident of Arizona and comes into Arizona for the sole purpose of working the corner of the manager's combatant. A second's license is sufficient.
- L. A licensed manager may act as a second.
- M. A manager or promoter contract shall not be recognized by the Commission as valid unless the parties to the contract are licensed. Such contracts shall be in a format approved by the Commission.
- N. Prior to licensing, a promoter or matchmaker shall provide to the Commission:
  1. A copy of any agreement with a combatant that binds the applicant to pay a fixed fee or percentage of gate receipts to the combatant;
  2. If a business entity, a list of all persons who control 25% or more of the entity;
  3. If a corporation, a copy of the latest financial statement of the entity; and
  4. A copy of the insurance contract required by A.R.S. Title 5, Chapter 2, Article 2.

**Historical Note**

New Section R19-2-C601 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-C602. Licensing Time-Frames**

- A. Overall time-frame. The Commission shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of days provided for the administrative completeness review and the substantive review.
- B. Administrative completeness review.
  1. The applicable administrative completeness review time-frame established in Table 1 begins on the date the Commission receives the application. The Commission shall notify the applicant in writing within the administrative completeness review time-frame whether the application or request is incomplete. The notice shall specify what information is missing. If the Commission does not provide notice to the applicant, the license application shall be considered complete.
  2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the Commission mails the notice of missing information to the applicant until the date the Commission receives the information.
  3. If the applicant fails to submit the missing information before expiration of the completion request period, the Commission shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may submit a new application.
- C. Substantive review. The substantive review time-frame established in Table 1 begins after the application is administratively complete.
  1. If the Commission makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive review time-frame is suspended from the date the Commission mails the request until the information is received by the Commission. If the applicant fails to timely provide the information identified in the written request, the Commission shall consider the application withdrawn.
  2. The Commission shall issue a written notice granting or denying a license within the substantive review time-frame. If the application is denied, the Commission shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant's right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

**Historical Note**

New Section R19-2-C602 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-C603. License Fees**

- A. The following applicants shall complete an authorized fingerprint card and pay a fingerprint processing fee per A.R.S. § 41-1750(G)(2) and (J): inspectors, ringside physicians, judges, timekeepers, referees, managers, matchmakers, and promoters.
- B. Fees for the issuance of annual licenses shall be as follows:
  1. Promoters, \$400;
  2. Matchmakers, \$125;
  3. Managers, \$100;
  4. Inspectors, judges, referees, timekeepers, announcers, and ringside physicians, \$30;
  5. Cutmen, professional combatants, trainers, and seconds, \$25; and
  6. Amateur combatants, \$10.
- C. At the time an event permit request is submitted for Commission approval, the following fees for events shall be paid to the Commission:
  1. \$750 for non-live televised events at a venue seating 5000 persons or less;
  2. \$1500 for:
    - a. Non-live televised events at a venue seating more than 5000 persons;
    - b. Events streamed live for a charge on Facebook or other equivalent Internet broadcast; and
    - c. Live televised events on cable or satellite television;
  3. \$2000 for live televised events on cable or satellite television that include a recognized world title bout (e.g., WBA, WBC, IBF, WBO, UFC, IBO); and
  4. \$4000 for live pay-per-view events on cable or satellite television (e.g., HBO, Showtime).
  5. If an event has been previously approved by the Commission, any time an event date change request is submitted for Commission approval, an additional fee of \$250 shall be paid to the Commission.
  6. The Commission may establish a fee not to exceed \$2000 for an event that is not within the categories set forth in subsections (C)(1) through (4). If a fee is initially paid for a type of event and that event type later changes to a higher fee category, the promoter shall pay the difference in fees prior to the event date.
- D. The Commission shall forward license fees to, or deposit them in the account of, the Department within five business days of receipt with the following information:
  1. The type of license issued;
  2. The name and date of birth of the licensee;
  3. The license number; and
  4. The date and amount of payment received and/or deposited.
- E. The Commission shall retain a current list of the licenses issued and the additional applicable licensing information and make the information available to the Department.
- F. Licensing fees shall be waived for those persons who qualify for exemption under A.R.S. § 41-1080.01. For purposes of waiving licensing fees under A.R.S. § 41-1080.01:

## Arizona Racing Commission

1. The costs for background checks and fingerprint processing shall not be waived;
2. Any fees that are waived shall be fully reimbursed to the Division or Department if investigation indicates the applicant does not qualify for waiver;
3. Licensing fees may only be waived if the applicant complies with the process established by the Commission to determine eligibility and the request for waiver is submitted at the same time that the application is submitted;
4. A first-time application shall mean the first application for any license and not the first application for each separate category of license.

**Historical Note**

New Section R19-2-C603 renumbered from R19-2-605 and amended by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-C604. Licensing Requirements Related to Ability and Fitness****A. Age and physical condition of combatant applying for license.**

1. Prior to issuance or renewal of a license, an applicant for a license to engage in unarmed combat shall be examined by a physician approved by the Commission, and satisfy the Commission that the applicant has the ability to compete, if the applicant:
  - a. Reached 36 years of age or will reach 36 years of age during the licensing year;
  - b. Has not competed in unarmed combat for at least 36 consecutive months; or
  - c. Has any medical, physical or mental unfitness that could affect the applicant's safety or welfare if the applicant were licensed.
2. The Commission may revoke, suspend, or refuse to issue or renew the license of any combatant because of injury or unfitness that could affect the safety or welfare of the licensee or other industry participants. The combatant's license shall be reinstated when and if the Commission, in its sole discretion, determines that the injury or unfitness has been resolved. The Commission may consult with a physician selected by the Commission in making this determination.
3. The Commission shall not issue or renew a license to engage in unarmed combat to an applicant or combatant who is found to be blind in one eye or whose vision in one eye is so poor that a physician recommends that the license not be granted or renewed. This rule applies regardless of how good the vision of the applicant or combatant may be in the other eye.
4. Together with the medical exams required by A.R.S. § 5-228(F)(1) - (5), an applicant shall submit to testing as follows:
  - a. Before the Commission issues a license, the applicant shall undergo a base-line concussion examination conducted or supervised by a physician who is licensed pursuant to A.R.S. Title 32, Chapter 13 or 17. The base-line concussion examination shall consist of any neurological testing protocol approved by the American Academy of Neurology, that includes the following tests, or the reasonable and recognized equivalent to the following tests:
    - i. A Post-Concussion Symptom Scale (PCSS), to determine if the applicant is exhibiting any current symptoms that may be related to concussion;
    - ii. A recognized quantitative test of cognition, such as the Cogstate Computerized Cognitive

Assessment Tool (CCAT), ImPACT, or the Standardized Assessment of Concussion (SAC);

- iii. A recognized quantitative test of oculomotor function, such as the King-Devick Test;
  - iv. A recognized quantitative test of balance, such as the Balance Error Scoring System (BESS), the Rhomberg test, pronator drift, or the timed tandem gait test.
- b. Every ringside physician, trainer, second, or cutman present at an event, and every trainer present at a practice session, has the responsibility of acting as a "spotter" and notifying the Commission if the spotter reasonably suspects that a combatant has suffered a head injury or concussion. A spotter's knowing failure to notify the Commission of a suspected head injury or concussion of a combatant shall result in discipline, up to and including revocation. A spotter who, in good faith, reports a suspected head injury or concussion shall be immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this subsection, except in cases of gross negligence, intentional misconduct, or wanton or willful neglect. A referee or a ringside physician shall be responsible for stopping a bout if he or she suspects that a combatant has a head injury or concussion.
- c. The license of every combatant who is suspected of having a head injury or concussion shall be suspended until he or she undergoes a post-injury concussion assessment, and is able to provide to the Commission clearance from his or her treating neurologist that the combatant is cleared to resume participation in the sport of unarmed combat. The post-injury concussion assessment shall consist of the same testing used to perform the base-line concussion examination required above, and shall be compared to the base-line test to determine the concussion status of the combatant.
5. The Commission may hold a hearing to determine whether the license should be denied, granted or renewed, or granted or renewed on a conditional basis, in view of the applicant's ability and fitness.
6. All combatants shall have attained their 18th birthday before being licensed.
- B. Drug testing and anti-doping.**
1. It is the duty of each combatant to ensure that no prohibited substance enters the combatant's body, and a combatant is strictly liable for the presence of any prohibited substance or its metabolites or markers found to be present in the combatant's sample or specimen. To establish a violation of this Section, it is not necessary to establish that the combatant intentionally, knowingly or negligently used a prohibited substance or that the combatant is otherwise at fault for the presence of the prohibited substance or its metabolites or markers found to be present in the combatant's sample or specimen.
  2. At any time upon request by the Commission or its representative, whether in or out of competition, a combatant shall submit to a drug test.
    - a. A test of any sample or specimen of a combatant may be performed by a laboratory approved by the Commission or a laboratory approved and accredited by the World Anti-Doping Agency. Approval by the Commission will be based, in part, on whether

## Arizona Racing Commission

- the laboratory has implemented the *International Standard for Laboratories* and the *Decision Limits for the Confirmatory Quantification of Threshold Substances*.
- b. The sample or specimen taken for testing will be referred to as the primary sample. The combatant may request that another sample be collected and preserved, which shall be referred to as the secondary sample.
  3. A combatant who utilizes, applies, ingests, injects, or consumes by any means, or attempts to utilize, apply, ingest, inject, or consume by any means, a prohibited substance or prohibited method, whether successful or not, commits an anti-doping violation and is subject to disciplinary action by the Commission. An anti-doping violation is established when:
    - a. Analysis of either the primary or secondary sample indicates that one or both of the samples contains any quantity of a prohibited substance or its metabolites or markers, even if the results of testing on both samples is not identical regarding the amount.
    - b. A combatant, without compelling justification, refuses or fails to submit to the collection of a sample or specimen upon the request of the Commission or its representative or who otherwise evades the collection of a sample or specimen.
    - c. An in-competition combatant possesses any prohibited substance or prohibited method, or an out-of-competition combatant who possesses any prohibited substance or prohibited method which is prohibited out of competition.
  4. A combatant does not violate the provisions of this Section if:
    - a. The quantity of the prohibited substance or its metabolites or markers found to be present in the combatant's sample or specimen does not exceed the threshold established in the prohibited list for the prohibited substance or its metabolites or markers.
    - b. The special criteria in the prohibited list for the evaluation of a prohibited substance that can be produced endogenously indicate that the presence of the prohibited substance or its metabolites or markers found to be present in the sample or specimen of the combatant is not the result of the combatant's use of a prohibited substance.
    - c. If one sample is conclusively positive and one is conclusively negative, and there is no reasonable explanation for the variance.
  5. A combatant commits an anti-doping violation and is subject to discipline by possessing any prohibited substance or prohibited method in or out of competition. Any other licensee who possesses a prohibited substance or prohibited method and who is in direct contact with a combatant at the time of possession, has also committed an anti-doping violation.
  6. For the purposes of this Section, "possession" means actual physical or constructive possession of the prohibited substance or prohibited method. "Constructive possession" means exclusive control or the intent to exercise exclusive control over a prohibited substance or prohibited method or the premises on or in which a prohibited substance or prohibited method is located.
  7. The following are anti-doping violations if committed by any means, and will subject a licensee to discipline:
    - a. Supervise, facilitate, or participate in the use of a prohibited substance or prohibited method by another person;
    - b. Sell, give, transport, send, deliver, or distribute a prohibited substance or prohibited method to another person; or
    - c. Possess with the intent to sell, give, transport, send, deliver, or distribute a prohibited substance or prohibited method to another person.
  8. A physician or other bona fide medical personnel who provides or supplies a prohibited substance or prohibited method to a combatant, or who supervises, facilitates or otherwise participates in the use or attempted use of a prohibited substance or prohibited method by a combatant, for genuine and legal therapeutic purposes or any other purposes deemed appropriate by the Commission, is not in violation of this Section.
  9. The Commission will report any violation of this Section that also violates any other law or regulation of this state to the appropriate law enforcement, administrative, professional or judicial authority.
  10. A combatant may obtain a therapeutic use exemption from an anti-doping violation by submitting to the Commission an application and any medical information the Commission deems necessary to determine whether to grant the therapeutic use exemption. The Commission may grant a therapeutic use exemption if the medical information provided demonstrates that the therapeutic use will not confer an unfair advantage or disadvantage on the combatant, in the sole discretion of the Commission.
    - a. The Commission will not grant:
      - i. A therapeutic use exemption that applies to a contest or exhibition in which the applicant has already participated; or
      - ii. A therapeutic use exemption for testosterone replacement therapy or any similar therapy designed to induce or stimulate testosterone replacement.
    - b. A therapeutic use exemption granted by the Commission pursuant to this Section is valid until the end of the calendar year in which it was granted, and may be renewed at the time that a combatant applies for the issuance or renewal of his or her license or at such time as the Commission determines.
  11. If the Commission grants a therapeutic use exemption to a combatant, the combatant, a person who is licensed, approved, registered or sanctioned by the Commission, and any other person associated with unarmed combat in this state who acts consistently with the therapeutic use exemption, does not commit an anti-doping violation set forth under this rule.

**Historical Note**

New Section R19-2-C604 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-C605. Grounds for Disciplinary Action; Penalties**

- A. Disciplinary action against a person licensed by the Commission, or otherwise associated with unarmed combat in this state, may include denial, revocation, or suspension of license; ban on participation; imposition of a civil penalty; forfeiture of all or part of a purse; altering the result of a bout; or any combination of such actions as may be appropriate under the aggravating or mitigating circumstances.

## Arizona Racing Commission

- B. A licensee shall be held responsible for knowing these rules and the provisions of A.R.S. Title 5, Chapter 2, Article 2 related to unarmed combat.
- C. In addition to those grounds listed in A.R.S. § 5-235.01(B), grounds for disciplinary action are:
  1. Violation of an order of the Commission;
  2. Breach of an industry contract;
  3. Where the licensee's conduct is lacking in honesty, ethics, or moral character so as to reflect discredit to the industry and thereby render disciplinary action consistent with the public interest and the purpose of A.R.S. Title 5, Chapter 2, Article 2 and these rules;
  4. Where the licensee has been disciplined in another jurisdiction, if the disciplinary action is ordered for conduct which relates to safety, would be a violation in this state, or tends to reflect negatively on the reputation of this state or the industry;
  5. Where the licensee had knowledge or, in the judgment of the Commission, should have had knowledge that a combatant suffered a concussion or serious injury during training or an event and the licensee failed or refused to inform the Commission of that knowledge; or
  6. Where the licensee has committed any actions that would be grounds for denial of license under R19-2-C601.

**Historical Note**

New Section R19-2-C605 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-C606. Effect of Discipline**

- A. Every promoter and matchmaker shall take notice of the suspensions or revocations listed on registries recognized by the Commission and shall not permit any person under suspension or revocation to participate in, arrange, or conduct events during the period of suspension or revocation.
- B. A person whose license has been denied, suspended or revoked by the Commission is prohibited from participating in, matchmaking, or holding events during the period of denial, suspension or revocation.
- C. A person whose license has been suspended or revoked is barred from:
  1. The dressing rooms at the premises where any event of unarmed combat is being held;
  2. Occupying any seat within six rows of the ring platform or cage; and
  3. Communicating in the arena or near the dressing rooms with any of the event principals, their managers, their seconds, or the referee, whether directly or by a messenger, during any event.
- D. A person who violates a provision of this subsection may be ejected from the arena or building where the event is being held, and the price paid for his or her ticket shall be forfeited. Thereafter, the person is barred entirely from all premises used for events during the contest or exhibition.
- E. A manager who is revoked or under temporary suspension is considered to have forfeited all rights in this state under the terms of any contract with a combatant licensed by the Commission. Any attempt by a suspended manager to exercise those contract rights in this state shall result in a revocation of the manager's license. The Commission may also revoke a license of any combatant, matchmaker, or promoter who continues to engage in any contractual relations with a revoked or suspended manager within the state of Arizona.
- F. A combatant whose manager has been suspended or revoked may continue competing independently during the term of that suspension or revocation, by personally negotiating and signing the combatant's event contracts or entering into contracts with other managers. Payment of the earnings of a combatant may not be made by any promoter to a manager who is under suspension, or to the manager's agent. Instead the purse must be paid in full to the combatant.
- G. Unless otherwise specified in these rules, any applicant who has been denied a license or whose license has been suspended or revoked by the Commission shall not file a new application or application for reinstatement until one year after the date of the denial, revocation, or suspension (unless the suspension has been lifted by the Commission prior to expiration of the license) and the applicant has paid in full all fees and fines imposed on the applicant by the Commission. The Commission may require a person who has had his or her license suspended for any period because of an anti-doping violation to submit to the Commission documentation satisfactory to the Commission that indicates that a test performed on a sample or specimen obtained from the person did not indicate the presence of a prohibited substance or the use of a prohibited method. Documentation would be unsatisfactory if the documentation creates articulable suspicion that the test may not be valid. Examples of unsatisfactory documentation include:
  1. Documentation from a laboratory that does not meet the standards of R19-2-C604(B)(2)(a); and
  2. Documentation that does not establish sufficient controls to eliminate the potential of tampering with samples or specimens.
- H. The expiration of, or failure to obtain, a license from the Commission does not deprive the Commission of jurisdiction to:
  1. Proceed with an investigation of any person associated with unarmed combat in this state;
  2. Proceed with an action or disciplinary proceeding against any person associated with unarmed combat in this state;
  3. Render a decision to suspend or revoke the license, approval, registration or sanctioning, or the privilege to obtain such license, approval, registration or sanctioning, as applicable; or
  4. Otherwise discipline any licensee, person approved, registered or sanctioned by the Commission, or any person otherwise associated with unarmed combat in this state, including, without limitation, banning such a person from participation in unarmed combat in this state for any period of time, including, without limitation, a lifetime ban from participation in unarmed combat in this state.

**Historical Note**

New Section R19-2-C606 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-C607. Civil Penalties**

- A. The Commission shall notify the Department in writing if a licensee is issued a civil penalty under A.R.S. § 5-235.01(A)(3) or (C).
- B. Upon receipt, the Commission shall immediately forward the civil penalty to the Department for deposit.
- C. Failure to pay a civil penalty of any kind shall result in a suspension of a license until the penalty is paid.

**Historical Note**

New Section R19-2-C607 renumbered from R19-2-606 and amended by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-C608. Appeal, Rehearing, or Review of Decision**

- A. Except as provided in subsection (I), any party in a contested case before the Commission who is aggrieved by a decision rendered in such case by the Executive Director may file with the Commission, not later than 10 days after service of the decision, a written motion for appeal of the decision specifying

## Arizona Racing Commission

ing the particular grounds therefor. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party at the party's last known residence or place of business; or by electronic mail if the party has agreed to receive electronic notifications.

- B. An appeal, or a motion for rehearing or review under this rule may be amended at any time before it is ruled upon. A party shall provide a copy of any pleading on all opposing parties or parties who may be directly affected by the issues presented, and the pleading shall contain a certification of delivery to listed recipients. A response may be filed by any other party within 10 days after delivery of such pleading on the other party. The Commission may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- C. The Commission may affirm or modify the decision, or grant a rehearing to all or any of the parties, on all or part of the issues for any of the following reasons materially affecting the moving party's rights:
  1. Irregularity in the administrative proceedings that causes the moving party to be deprived of a fair hearing;
  2. Misconduct of the Commission or its hearing officer or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the proceedings; or
  7. The decision is not justified by the evidence or is contrary to law.
- D. If a rehearing is granted, the Commission may hear the case or may refer the case to the Office of Administrative Hearings. The decision of the administrative law judge becomes the decision of the Commission unless rejected or modified by the Commission in accordance with A.R.S. Title 41, Chapter 6, Article 10. A decision of the Commission at this level of review is a final decision.
- E. Except for a decision under subsection (I), a rehearing or review of the final Commission decision shall be requested in order for the aggrieved party to have the right to appeal under A.R.S. Title 12, Chapter 7, Article 6. The Commission shall rule on the motion for rehearing or review within 15 days after the response to the motion is filed or at the Commission's next meeting after the motion is received, whichever is later.
- F. Not later than 10 days after a decision is rendered, and after giving the parties or their counsel notice and an opportunity to be heard on the matter, the Commission may, on its own initiative, order a rehearing or review of its decision for any reason for which it might have granted a rehearing on motion of a party.
- G. Any order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
- H. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 10 days after such service, serve opposing affidavits, which period may be extended by the Commission for an additional period not exceeding 20 days for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.

- I. If, in a particular decision, the Commission makes specific findings that the immediate effectiveness of such decision is necessary for the immediate preservation of the public peace, health, and safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing, any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Commission's final decisions under A.R.S. Title 12, Chapter 7, Article 6.
- J. For purposes of this Section, the terms "contested case" and "party" shall be defined as provided in A.R.S. § 41-1001.
- K. To the extent that the provisions of this rule are in conflict with the provisions of any statute providing for rehearing of decisions of the Commission, such statutory provisions shall govern.
- L. The Commission may deny a petition or application that is not filed in accordance with this Section without a hearing.
- M. The final result of an unarmed combat bout, even if based upon errors of judgment of the referee or the judges, shall not be overturned or modified by the Commission unless there is substantial evidence that the following have occurred:
  1. The compilation of the scorecards of the judges shows an error if such error would result in the win being given to the wrong contestant; or
  2. There has been fraud or collusion affecting the result.

**Historical Note**

New Section R19-2-C608 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-C609. Registration of Amateur Sanctioning Organizations; Requirements; Application; Fees; Revocation, Suspension or Setting Conditions**

- A. All sanctioning organizations that are required to be approved under A.R.S. § 5-222(A)(4) shall be registered with the Commission. A sanctioning organization that is required to be registered shall submit to the Commission:
  1. A completed application for registration on a form provided by the Commission;
  2. A complete set of rules adopted by the sanctioning organization to govern the particular discipline, which must be substantially equivalent to the rules of this Article 6 with regard to safety of the combatants; and
  3. An application or renewal fee of \$1,000.
- B. A sanctioning organization that is required to be registered may have its registration denied, revoked, suspended, or conditioned by the Commission for:
  1. Failing to provide information as requested by the Commission or the Executive Director;
  2. Failing to establish or follow its own complete set of rules;
  3. Failure to dismantle and remove all equipment, ring, cage, and seating upon conclusion of an event; or
  4. Any other cause for the revocation, suspension or conditioning of a license set forth in A.R.S. Title 5, Chapter 2, Article 2, and these rules adopted thereunder.
- C. A sanctioning body that is required to be registered shall not participate, directly or indirectly, in any amateur event of unarmed combat if registration is not obtained.
- D. The Commission may approve one amateur sanctioning organization for each Muay Thai discipline. The Commission may limit, deny, suspend, or revoke registration of a separate organization, if the Commission, in its sole discretion, determines

## Arizona Racing Commission

registration of the organization is not in the best interest of the industry.

- E. The Commission may waive the requirements of subsections (A), (B), (C), and (D).
- F. The provisions of this Section do not apply to professional Muay Thai events, which shall be sanctioned by the Commission, or to a professional Muay Thai promoter whose license is issued by the Commission and who is in good standing.

**Historical Note**

New Section R19-2-C609 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**PART D. UNARMED COMBAT RULES****R19-2-D601. General Provisions for All Unarmed Combat Disciplines**

- A. Applicability of requirements/alteration. This Section shall apply to all regulated unarmed combat disciplines, unless otherwise noted herein. In case of a conflict between this general Section and a provision relating to a specific discipline, the specific provision shall control. The Commission may approve the alteration of requirements of Part D if it is determined that the alteration is dictated by the event venue or by nationally-accepted rules and that the alteration will not compromise the safety of the combatants. If the rules regarding a specific unarmed combat discipline do not adequately cover an issue pertinent to that discipline, the Commission may refer to and use rules applicable to a different unarmed combat discipline as guidance.
- B. Time between bouts. Unless special approval is obtained from the Commission, a contestant shall not be allowed to compete until the following time periods have elapsed:
  1. Five days, if the contestant has competed anywhere in a bout of six rounds or less; or
  2. Ten days, if the contestant has competed anywhere in a bout of more than six rounds.
- C. Dressing rooms. The promoter shall provide contestants with dressing rooms or areas which shall be equipped with showers, be sanitary, safe, ventilated, and have sufficient seating. Separate dressing rooms shall be provided for contestants of separate genders.
- D. Mouthpiece.
  1. During competition, each contestant is required to wear a mouthpiece that has been fitted to the contestant's mouth. The mouthpiece shall be subject to examination by and approval of the referee. A round cannot begin without the mouthpiece in place.
  2. If the mouthpiece is dislodged or spit out during the course of a round, the referee shall call time at the first opportune moment without interfering with the immediate action or the advantage the aggressor may have. As soon as it can be properly replaced, the referee shall direct a second to wash the mouthpiece and the referee shall then replace it with all deliberate speed. For professional kickboxing contests, a round will not be stopped by the loss of a mouthpiece.
  3. A contestant who intentionally spits out a mouthpiece in an apparent attempt to cause the progress of a round to be interrupted is subject to penalty to be determined by the referee.
- E. Stools. The promoter shall provide an appropriate number of stools or chairs for each combatant's corner. The stools or chairs shall be of a type approved by the Commission. All stools and chairs shall be thoroughly cleaned or replaced after each bout.
- F. Bell. The term "bell" shall refer to a bell, horn, gong, or other sound device approved by the Commission, which shall be

positioned at a location approved by the Commission, and shall carry a clear tone so that the contestants may easily hear its sound.

**G. Injured Combatants.**

1. The ringside physician shall enter the fighting enclosure and examine and tend to a contestant who has been knocked out or is otherwise injured. The physician may enter at the conclusion of a bout, when called in by the referee, or when it is deemed medically necessary by the physician. The seconds of the injured contestant shall not interfere with the physician.
2. Contestants who have been knocked down and out shall be kept in a stable position until they have recovered.
3. A contestant who has been knocked out shall not be permitted to compete until the Executive Director and a physician approved by the Executive Director jointly clear the contestant's return to competition. In making this decision, the consideration of the Executive Director and the physician shall include, but shall not be limited to, the requirements under R19-2-C604(A)(3).
4. A combatant who has been knocked out three times within a 12-month period shall be suspended from competition for six months from the date of the last knock-out, and must satisfy the Commission that he or she is capable of returning to competition, including, but not limited to, documenting clearance under R19-2-C604(A)(3).
5. The term "knockout" as used in this subsection includes a technical knockout that is injury-based.

**H. Female Combatant.** A female combatant shall not be matched or engage in a bout with a male combatant, unless approved by the Commission.**I. Weigh-in; when contestants are required to appear.**

1. The weigh-in shall be held at a time and place approved by the Commission in conformance with A.R.S. § 5-225(E). It shall be supervised by a Commission representative. Promoters are required to contact the Commission at least 48 hours in advance of the weigh-in to make appropriate arrangements therefor. Contestants shall appear at the weigh-in and the failure to do so may subject the contestant to discipline, up to and including disqualification from competing.
2. Contestants shall appear at the event location at least one hour before the scheduled bout in which they will compete.
3. Contestants who are already licensed and scheduled to fight shall be present in the city of the scheduled event at least 24 hours before the event and make their presence known to the Commission.

**J. Physical examination, appearance and weight.**

1. Each contestant shall be required to complete a pre-fight physical examination by an appointed physician as directed by the Commission. The examining physician shall be satisfied that a contestant is in good physical condition and able to compete in the scheduled event. Each contestant shall be re-examined within one hour after the bout in which he or she has competed.
2. Facial and head hair shall not create a hazard to safety or interfere with the supervision or conduct of the event. The Commission may require alteration to facial and head hair in the sole discretion of the Commission representative at the weigh-in. Hair stays must be approved by the Commission. Jewelry and piercing accessories are prohibited during competition.
3. A contestant who exceeds his or her contractual weight by more than one pound at the weigh-in is in breach of his

## Arizona Racing Commission

or her contract. At the discretion of the Commission, the contestant may be permitted a second opportunity to make the weight within two hours. In the alternative, the Commission may impose a penalty consisting of a forfeiture of no more than 20% of the gross purse. Penalty amounts may be added to the purse of the contestant's opponent.

4. There shall be allowed variations in weight allowances and weight classes in non-championship fights, if both contestants and the Commission approve the variation.

**K. Illness and absence.**

1. Whenever a contestant, because of injuries or illness, is unable to take part in an event for which the contestant is under contract, that contestant or the contestant's designated representative shall immediately report that fact to the Commission. The Commission may then require the contestant to submit to an examination by a physician. The examination fee of the physician shall be paid by the contestant, or by the promoter, if the latter requests the examination.
2. Any contestant who fails to appear for an event in which the contestant is under contract shall be subject to disciplinary action, unless the contestant has submitted to the Commission a written valid excuse or physician's certification of illness or injury in advance of the event.

**L. Substances.**

1. It is prohibited for drugs, injections, intravenous fluids, or stimulants to be administered to, possessed by, or used by, a contestant during, or within 24 hours preceding an event. This includes smelling salts, ammonia capsules, or similar irritants. Caffeine or caffeinated beverages cannot be consumed during or within two hours before a fight.
2. The Commission may order anti-doping examinations immediately before and/or after the event. A sample (blood, breath, or urine) shall be provided, using sterile containers, in the presence of the Commission representative, the physician appointed by the Commission, or his or her appointee; and a representative of the combatant.
3. During an event, administering to a contestant any substance other than plain water or Commission-approved electrolyte drinks is absolutely prohibited.
4. Coagulants such as adrenalin 1/1000, and others expressly approved by the ringside physician, may be used between rounds to stop bleeding of cuts. "Iron type" coagulants, such as Monsel's solution, are absolutely prohibited and shall be grounds for disqualification.
5. In the discretion of the referee, a small amount of petroleum jelly may be used around the eyes. The use of lubricants, grease, or any other foreign substance on the arms, legs, or body is prohibited. The referee of a Commission representative has the right to require the removal of excessive lubricants or other foreign substances.

**M. Inspectors.**

1. The Commission shall appoint a minimum of one chief inspector for each event for the purpose of overseeing and coordinating the activities occurring in the dressing rooms with the activities occurring at ringside and the television coordinator.
2. Chief Inspectors shall:
  - a. Enforce the rules regarding hand wraps, glove weights and types, approved substances, and equipment and supplies that must be in the corner during a match, conduct of the seconds in the corner during the match, how a fight may be stopped by the chief second, and drug test administration;

- b. Have drug testing kits, tape, pens, gloves, and other equipment available and in good working condition, for use by the Commission; and
- c. Ensure that the promoter has provided the required emergency medical personnel and their equipment.

3. The Commission shall appoint additional inspectors as necessary for each event for the purpose of overseeing, directing, and controlling the activities occurring in the dressing room and at ringside.

4. Inspectors shall know and follow these rules and the Inspector's Training Guidelines provided by the Commission.

**N. Presence of medical assistance.**

1. At least one licensed physician shall be assigned to cover every contest, and shall sit at the immediate ringside of all bouts, unless the Commission determines that more than one assigned physician is necessary to protect the safety of fighters or promote the success of the event. No bout shall be allowed to proceed until at least one assigned physician is seated ringside. No assigned ringside physician shall leave the fighting venue until the dressing rooms are cleared after the final bout. Every assigned ringside physician shall be prepared to assist if any serious emergency arises and shall render temporary or emergency treatments for cuts and minor injuries sustained by the contestants.
2. No manager or second shall attempt to render aid to a contestant during the course of a round before the assigned ringside physician has had an opportunity to examine the contestant who may have been injured.
3. No event shall take place, whether amateur, professional, or both, without a team of fully equipped, qualified paramedics and a paramedic ambulance (collectively, a "paramedic unit") present at the event venue for each bout at all times.
  - a. If a paramedic unit leaves the site of the event to transport an unarmed combatant to a medical facility, the unarmed combat event must not continue until another paramedic unit is present and available. If the event cannot be stopped, as in the case of a televised event, the promoter shall make prior arrangements to ensure that there will be a paramedic unit present at all times, including arranging for the presence of additional paramedic units at the event start.
  - b. If a paramedic unit is not available because of the location of the site, the highest level of paramedic assistance and transportation in that location shall be present, able, and available to treat and transport an unarmed combatant to a medical facility.
  - c. The medical personnel described in this subsection shall be designated to render service only to the unarmed combatants in the event, and shall be positioned in a location that is deemed appropriate by the ringside physician.
  - d. Each promoter shall give notice of the event to:
    - i. The paramedic-unit companies that are located nearest to the site of the event and ascertain from the service the length of time required for one of its ambulances to reach the site; and
    - ii. The nearest hospital emergency room.
  - e. For purposes of this subsection, an event of unarmed combat begins with the commencement of the first bout and ends when the last unarmed combatant leaves the site.



## Arizona Racing Commission

- f. The Commission may waive all or part of the paramedic unit requirement, in its discretion, if the person requesting the waiver demonstrates that adequate alternative medical facilities are readily accessible.
- O. Conduct of seconds.**
1. A contestant may have up to three seconds and shall designate to the referee which of them is the chief second. The chief second is responsible for the conduct of the assistant seconds. Only one second can be inside the ring during a period of rest, unless a greater number is approved by the Commission, except that there may be two seconds in the ring during a Muay Thai rest. The Commission, in its sole discretion, may approve an increase in the number of seconds to four in a championship contest or in a special event.
  2. A second shall remain seated outside of, and shall not enter, the fighting area or stand on the apron during the progress of a round. A second shall not administer aid to a contestant during a round. During an officially interrupted round, a second may stand on the apron only with the express permission of the referee.
  3. Seconds shall not interfere with the progress of a round, for example, by banging on the apron or excessive coaching. The referee has the discretion to disqualify a second whose conduct is interfering with a bout.
  4. Any excessive or undue spraying or throwing of water on a combatant by a second during a period of rest is prohibited.
  5. A chief second may signal a referee to stop the fight in the manner approved by the Commission.
- P. Referee.**
1. The referee shall have direction and control over contestants and their seconds during a bout subject to the governing laws and rules. The referee shall have final authority to decide if an injury is produced by a fair or foul blow and if an act is intentional or accidental. The referee shall have final authority to stop a bout when in the referee's opinion a contestant is unfit to continue or otherwise cannot compete. When instant replay is available, the referee, in the referee's sole discretion, may utilize the instant replay to determine the actual result of the fight-ending sequence in the case where a fight has been officially stopped and the result may have been caused by any type of foul, under the following rules:
    - a. A fight-ending sequence shall mean the final exchange of strikes or maneuvers that results in the ending of a bout.
    - b. The referee, and only the referee, may use the instant replay if the referee indicates to the Commission the need to do so ("Call for Replay Review") within three minutes from the stoppage of the fight.
    - c. The referee may have no more than five minutes to review the fight-ending sequence once the instant replay is made available and shall make a final decision within that period of time.
    - d. The information obtained from the replay shall not be used to restart the fight as the fight is officially over and cannot be resumed.
    - e. If there is technical difficulty in accessing the instant replay that cannot be resolved within 10 minutes of the Call for Replay Review, the referee's initial determination shall be final.
    - f. Instant replay shall not be used by any party to challenge the decisions of the referee.
  2. In the case of a cut or other injury which the referee believes may be incapacitating, the referee may consult with the ringside physician before making a decision and may interrupt a round and have the clock stopped for this purpose. The Referee shall notify Commission representatives of any cuts or injury observed, regardless of the severity of the injury.
  3. When a contestant is incapacitated because of a foul, the referee has the discretion to interrupt a round and have the clock stopped for up to five minutes to enable the contestant to recover.
  4. If the referee reasonably suspects that the contestants are not honestly competing, the referee shall stop the bout and declare a "no contest." Purses of both contestants shall be held pending investigation and disposition by the Commission, in its sole discretion.
  5. Prior to giving a warning for rule infringement, the referee shall stop the fight, use the correct warning signal to ensure the contestant's understanding and then indicate the offending contestant to the judges. Any contestant, who is warned three times or more, may be disqualified.
  6. The referee shall pick up the count for knock downs from the timekeeper by the fourth second.
  7. The referee shall provide a 10-second warning to the seconds to leave the fighting area. The seconds must be out of the fighting area when the bell rings.
  8. Should the contestant causing a knockdown fail to stay in the farthest neutral corner during the count, the referee shall cease counting until the contestant has returned to that corner. The referee shall then go on with the count from the point at which it was interrupted.
  9. The referee shall wave both arms to indicate that a contestant has been counted out or cannot otherwise continue.
  10. The referee shall raise the hand of the winner at the end of the bout.
- Q. Judges.**
1. The judges shall be independent and free to score according to the rules and normal practice.
  2. Each judge shall sit separately from each other and from the audience.
  3. The judges shall remain neutral during the match. However, a Muay Thai judge may notify the referee of a rule violation during the round interval.
  4. At the end of each round, the judges shall complete the score card for that round.
  5. The judges are not allowed to leave their seat until the match ends and result has been announced.
- R. Type of results.** Unless otherwise indicated in these rules, the following result types apply to every unarmed combat discipline regulated by the Commission:
1. A knockout occurs by failure of a combatant to rise from the canvas. The failure to resume fighting after a rest period shall be considered as if a knockout or technical knockout occurred in the next round.
  2. A technical knockout occurs when:
    - a. The referee stops a bout;
    - b. The ringside physician stops a bout; or
    - c. An injury as a result of a legal maneuver is severe enough to terminate a bout.
  3. A decision via score cards occurs when there is no knockout or technical knockout. A score card decision is of three types:
    - a. Unanimous – when all three judges score the bout for the same contestant;

## Arizona Racing Commission

- b. Split Decision – when two judges score the bout for one contestant and one judge scores for the opponent; or
  - c. Majority Decision – when two judges score the bout for the same contestant and one judge scores a draw.
- 4. A draw is of three types:
  - a. Unanimous – when all three judges score the bout a draw;
  - b. Majority – when two judges score the bout a draw; or
  - c. Split – Where one of the three judges scores the contest in favor of one fighter, another judge scores the contest in favor of the other fighter, and the third judge scores the contest as a draw.
- 5. Disqualification of a contestant who has committed fouls may occur when the referee determines that a foul was intentional, severe, or flagrant, there is a combination of fouls of any type, or the bout is terminated as a result of an injury resulting from an intentional foul. A disqualification shall result in a win for the opponent of the disqualified contestant.
- 6. Forfeiture may occur when a contestant fails to begin competition or prematurely ends the bout for reasons other than those listed in these rules.
- 7. A technical draw may occur when an injury sustained during competition as a result of an intentional foul causes the injured contestant to be unable to continue and the injured contestant is even or behind on the score cards at the time of stoppage. A technical draw will also occur when both fighters are simultaneously knocked out (“double knockout”), both contestants are in such condition that a continuance may subject them to serious injury, or, in kickboxing, an accidental foul terminates a bout during the first round.
- 8. A technical decision may occur when the bout is prematurely stopped due to injury and a contestant is leading on the score cards.
- 9. No contest may occur when a bout is prematurely stopped due to accidental injury and a majority of rounds has not been completed to render a decision via the score cards. A no contest shall render the contest a nullity, with no winner or loser.
- 10. In a discipline using a 10-point must system of scoring, an even 10-10 score is allowed, but shall be a relatively rare result.
- S. Timekeeper.
  - 1. The timekeeper shall keep precise timing of each round and the breaks, following the referee’s instructions to start or stop, according to the rules and normal practice. A timekeeper is responsible for keeping the official time of each bout and shall:
    - a. Start and end the round by striking the bell or other sound device approved for the bout.
    - b. Warn contestants when there is only 10 seconds remaining in a round by the method approved for the unarmed combat discipline.
    - c. Signal the end of each rest period by use of a distinctive whistle or other approved sound.
    - d. Correctly regulate all periods of time and counts by a stop watch or clock, but shall only stop the clock when instructed by the referee with the command “time,” then resuming timekeeping when the referee gives the command “time in.”
    - e. Use two stop watches or clocks for regulating rounds and rehabilitation periods.
  - f. For all disciplines other than MMA, start the knock down count by standing and signaling to the referee, audibly and by hand gestures, the correct count in one-second intervals.
- 2. There is no saving by the bell during a count, except during the last round.
- T. Announcer. The announcer has the responsibility to:
  - 1. Announce the combatants’ names, corner, and weight or weight class prior to the fight and again as they arrive in the ring;
  - 2. Hold the microphone for the referee to announce the rules or guidelines;
  - 3. Announce the round number at the start of each round;
  - 4. Announce the correct winner’s name and corner, when the referee raises the combatant’s hand; and
  - 5. Announce any other information required by the unarmed combat discipline or the Commission.
- U. Gloves. The Commission may require that promoters provide, for approval, a deconstructed sample of non-certified gloves to be used in any match, together with a list of materials used to construct the gloves.
- V. Bandaging.
  - 1. As a general rule, soft surgical bandage (“gauze”) and surgeon’s adhesive tape (“tape”) may be used to protect the hands or feet of combatants, depending on the discipline.
  - 2. With regard to hand bandaging, tape shall be placed directly on the skin of the hand nearest to the wrist to protect that part of the hand. Said tape may cross the back of the hand twice, but shall not exceed one winding’s width (for example two inches for boxing hand wraps). Bandages shall be evenly distributed across the hand.
  - 3. Contestants shall not wet wraps or apply a substance to the wrapping.
  - 4. Bandages and tape shall be applied in the dressing room in the presence of the inspector. Gloves shall not be placed on the hands of a contestant until the bandages are approved by the inspector. If approved by the Commission, a contestant has the right to have a second or manager witness the bandaging of an opponent’s hands.
  - 5. Variations specific to each discipline are listed in Table 2.
  - 6. All other wraps or bandages that are not specifically allowed in these rules must be approved by the Commission.
- W. Fouls. The following actions are fouls in every unarmed combat discipline:
  - 1. Striking or abusing an official;
  - 2. Hitting on a break, after the round has ended, or after the referee has stopped the bout;
  - 3. Butting with the head;
  - 4. Groin attacks of any kind;
  - 5. Refusal to obey the commands of the referee;
  - 6. Timidity (avoiding contact, intentionally falling down, faking an injury, intentional stalling, refusing to engage, intentionally dropping the mouthpiece, or using passive tactics);
  - 7. Spitting or biting;
  - 8. Use of swearing or abusive language during the event by a contestant or the contestant’s representatives;
  - 9. Eye gouging;
  - 10. Hair pulling;
  - 11. Strikes to the spine, back of the head, or base of the skull (“rabbit blows”);
  - 12. Interference by seconds;
  - 13. Intentionally throwing an opponent out of fighting area;
  - 14. Holding the ropes or onto the cage for any reason; and

## Arizona Racing Commission

15. Any unsportsmanlike conduct that, in the opinion of the referee, does, or is likely to, cause an injury to an opponent or interference with the contest.

**X. Rounds.**

1. A round of unarmed combat includes a period of unarmed combat immediately followed by a period of rest, with the exception that there is no period of rest after the final round.
2. The Commission may approve a variation on the standard number and duration of rounds during a bout.
3. A round only begins upon the sounding of the bell. Any stoppage during the match for any reason, will not be counted as part of the round time.

**Historical Note**

New Section R19-2-D601 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-D602. Boxing****A. The ring.** The promoter is responsible for providing a safe ring in accordance with the following:

1. The ring shall be four sided, between 16 and 20 feet per side, with two feet outside the ropes, and securely assembled.
2. The floor shall be covered with shock-absorbent padding, such as Ensolute or the equivalent.
3. The padding shall be covered with tightly-stretched clean canvas securely laced to the platform.
4. There shall be four ropes, stretched and linked to four corner posts. The rope shall not be less than one inch in diameter, and shall be covered by a soft or cushioning material. Positioning and tensioning of the rope shall be approved by the Commission.

**B. Gloves.** The promoter is responsible for providing boxing gloves for contestants in accordance with the following:

1. Gloves shall be 8 ounces in weight for all divisions under 135 pounds; and 10 ounces in weight for all divisions over 135 pounds, except that fighters of weight between 135 to 147 pounds may mutually agree in writing to use 8-ounce gloves. The promoter shall have two extra sets of 8-ounce and 10-ounce gloves available during an event.
2. All gloves shall be nationally-approved brands or shall be submitted for approval to the Commission, and shall be in sanitary, safe, and good condition.
3. Gloves for title bouts shall be new and delivered to the Commission representative with the packaging unbroken.

**C. Contestant's equipment and apparel.** Each contestant has the duty to provide personal hand bandaging, uniforms, robe, boxing or combat shoes, abdominal guard, mouthpiece, water bottle, bucket, and towel for use during a bout, unless certain items are provided under the promoter/fighter contract. A contestant's equipment is subject to the approval of the Commission or its representative and the following requirements apply to the equipment and apparel of all contestants:

1. The contestants may not wear the same colors in the ring, without the approval of the Commission's representative. Each contestant shall have two uniforms in contrasting colors, with each uniform consisting of trunks for male contestants and a top and shorts for female contestants.
2. The belt of the trunks or shorts shall not extend above the waistline.
3. Facial cosmetics shall be prohibited.
4. Each contestant shall wear an abdominal guard that will protect him or her against injury from a foul blow. The abdominal guard shall not cover or extend above the umbilicus.

**D. Weight classes.** The following traditional weight classes shall be used as a general guide:

Weights	Weight Range in Pounds
Flyweight	Less than 118
Bantamweight	118-125.9
Featherweight	126-134.9
Lightweight	135-146.9
Welterweight	147-159.9
Middleweight	160-174.9
Light Heavyweight	175-199.9
Heavyweight	200+

**E. Fair blows and fouls.**

1. Fair blows are delivered by a combatant with the padded knuckle part of the glove to the front or sides of the head, shoulders, arms, and front torso above the belt line of an opponent.
2. All blows that are not fair as described in subsection (E)(1) above are fouls. In addition to the foul blows listed in R19-2-D601(W), the following practices are also classified as fouls in boxing:
  - a. Hitting an opponent who is down or in the process of getting up after being down;
  - b. Holding an opponent with one hand and hitting with the other, or duck so low that the contestant's head is below an opponent's belt line;
  - c. Holding or maintaining a clinch after directed by the referee to break, or failure to take a full step back when the referee breaks a clinch;
  - d. Pushing, tripping, kicking, or wrestling;
  - e. Hitting with elbows, shoulder, or forearm;
  - f. Hitting with an open glove, the inside of the glove, the wrist, the backhand, or the side of the hand; and
  - g. Punching an opponent's back or the kidneys (kidney punch).

**F. Intentional foul.**

1. The referee shall have discretion as to the penalty for fouling. The referee may direct the deduction of points, and may also disqualify the wrongdoer, in the case of persistent or major fouling, or where the foul prevents continuance of the bout. Normally, in the case of minor fouling, the referee is expected to issue a warning before imposing a penalty. Penalties shall be imposed during or immediately after the round in which the foul occurs. The referee shall personally advise the corners and each judge of the points deducted immediately upon imposition of the penalty.
2. If a contestant is injured (e.g., cut) by an intentional foul but can continue, the referee shall notify the judges and the Commission representative at ringside that if the foul-inflicted injury is subsequently aggravated to the point that the injured contestant cannot continue, a technical win will be rendered in favor of the injured contestant if the injured contestant is ahead on points, or the points are even, and a technical draw will be rendered if the injured contestant is behind on points.

**G. Accidental foul.**

1. If a contestant is accidentally fouled so that the contestant cannot continue, the referee shall stop the bout and a technical decision shall be rendered in favor of the contestant ahead on points. If the points are even, or if the foul occurs in the first three rounds, a no contest shall be declared.

## Arizona Racing Commission

2. If a contestant is injured by an accidental foul but can continue, the referee shall notify the judges and the Commission representative at ringside that if the foul-inflicted injury is subsequently aggravated to the point that the injured contestant cannot continue, the bout will be stopped and a technical win will be rendered in favor of the contestant ahead on points. If the points are even, or if the injury occurs in the first three rounds, a no contest shall be declared.

**H. Results specific to boxing.**

1. In addition to the type of results listed in R19-2-D601(R), the following results are specific to boxing:
  - a. When contestant is considered knocked down. A contestant is considered to be knocked down when any part of the contestant's body, other than the soles of the feet are on the canvas, or the contestant hangs helplessly on the ropes, unable to stand, or the contestant is knocked out of the ring.
  - b. Counting. When the contestant is knocked down the referee shall order the opponent to the farthest neutral corner of the ring, pointing to the corner. The count shall begin by the timekeeper immediately upon the knockdown. The timekeeper, by audible counting and hand signaling, shall give the referee the correct one-second interval for the count. The referee shall pick up and audibly announce the passing of the seconds, accompanying the count with appropriate hand motions. The referee's count is the official count.
  - c. Length of Count. A contestant who is knocked down shall not be allowed to resume boxing until the referee has finished counting 8 ("mandatory 8 count"). A contestant may take the count either on the floor or standing. If the contestant taking the count is not standing in a complete upright position when the referee calls the count of 10, the referee shall wave both arms indicating that the contestant has been knocked out.
  - d. No saving by bell. Except in the last round, there is no saving by the bell. If a contestant is knocked down during the last 10 seconds of a round, the count shall continue after the end of the round as if the round was not ended. The one-minute rest period will begin from the time the contestant rises after the knockdown. If a contestant is knocked down during a round, and counted out after the end of a round, the knockout shall be considered as having taken place during the round which was last finished.
  - e. Wiping gloves. Before a contestant resumes boxing after having been knocked down, or having slipped, to the floor, the referee shall wipe any foreign substance from the contestant's gloves before allowing the bout to resume.
  - f. Three knockdowns. When a contestant is knocked down for the third time in a round, the referee shall stop the bout. The opponent shall be declared the winner. This rule shall not apply to championship contests, unless both contestants and the Commission agree that it should apply.
  - g. Knocked out of ring. A contestant who is knocked or fallen out of the ring, may be helped back onto the ring apron by anyone except the contestant's manager or seconds. The contestant has a total of 20 seconds to get into the ring and rise.

**I. Method of judging.**

1. Three judges shall score all bouts. Under special circumstances two judges and the referee may score. The method of judging shall be the 10-point must system. In this system the better contestant receives 10 points and the opponent proportionately less, but not less than 7 points. If the round is even, each contestant receives 10 points. A fraction of points may not be given. Points for each round shall be awarded immediately after the termination of the round and not subsequently changed. Judges shall sign their scorecards.
2. After each round, the referee shall pick up the scorecards of the judges and then deliver the cards to the Commission representative assigned to check them for mathematical accuracy. When the Commission representative has completed checking the final scorecards, the representative shall advise the announcer of the decision, and the announcer shall then inform the audience of the decision over the speaker system. The Commission representative shall be present at the ring apron when checking the scorecards.

**J. Rounds.**

1. The number of rounds in a boxing bout shall not exceed a maximum of 12.
2. The duration of each round shall be a maximum of three minutes, followed by a one-minute rest period after each non-final round.

**Historical Note**

New Section R19-2-D602 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-D603. Mixed Martial Arts****A. The fighting area.**

1. Regardless of the shape of the fighting area, the fighting area canvas shall be no smaller than 518 square feet and no larger than 746 square feet. The fighting area canvas shall be padded in a manner as approved by the Commission, with at least a 1-inch layer of foam padding. Padding shall extend beyond the fighting area and over the edge of the platform. Vinyl or other plastic rubberized covering shall not be permitted unless approved by the Commission.
2. The fighting area canvas shall not be more than 4 feet above the surface upon which the fighting area is constructed and shall have suitable steps or ramp for use by the participants. Posts shall be made of metal not more than 6 inches in diameter, extending from the floor of the building to a minimum height of 58 inches above the fighting area canvas and shall be properly padded in a manner approved by the Commission.
3. The fighting area shall be enclosed by a fence made of such material as will not allow a fighter to fall out or break through it onto the floor or spectators, including, but not limited to, vinyl coated chain link fencing. All metal parts shall be covered and padded in a manner approved by the Commission and shall not be abrasive to the contestants.
4. The fence may provide two separate entries onto the fighting area canvas, but one entrance is acceptable.

**B. Gloves. The promoter is responsible for providing gloves for contestants in accordance with the following:**

1. The gloves shall be new for all main events and in good condition, or they must be replaced.
2. All contestants shall wear gloves of 4, 5, or 6 ounces in weight, approved by the Commission. No contestant shall supply their own gloves for participation, unless

## Arizona Racing Commission

approved by the Commission and mutually agreed upon by the contestants.

**C. Contestant's equipment and apparel.**

1. For each bout, the promoter shall provide at least one clean water bucket and clean plastic water bottle in each corner.
2. Male contestants shall wear a groin guard of their own selection, of a type approved by the Commission.
3. Female contestants are prohibited from wearing groin guards, but may be required to wear a chest protector during competition, of a type approved by the Commission.
4. Gis, shirts, socks, and shoes are prohibited during competition. Each contestant shall wear MMA shorts, biking shorts, or kickboxing shorts, and women contestants shall also wear approved tops.

**D. Weight classes.** The following weight classes shall be used as a general guide:

Weights	Weight Range in Pounds
Flyweight	Less than 126
Bantamweight	126-134.9
Featherweight	135-144.9
Lightweight	145-154.9
Welterweight	155-169.9
Middleweight	170-184.9
Light Heavyweight	185-204.9
Heavyweight	204-264.9
Super-Heavyweight	265+

**E. Fouls.**

In addition to the foul blows listed in R19-2-D601(W), the practices addressed in subsections (E)(1) and (2) below are classified as fouls in MMA.

1. The following infractions shall receive a warning for the first instance, and thereafter shall result in a penalty:
  - a. Holding or grabbing the fence;
  - b. Holding an opponent's shorts or gloves; and
  - c. The presence of more than one second in the fighting area during a period of rest or the presence of a second on the apron without permission from the referee.
2. The following infractions shall receive a penalty if committed at any time:
  - a. Fish hooking;
  - b. Intentionally placing a finger in any orifice of an opponent;
  - c. Downward pointing of elbow strikes (i.e. a "12-to-6" downward elbow strike);
  - d. Small joint manipulation;
  - e. Heel kicks to the kidney;
  - f. Throat strikes of any kind;
  - g. Clawing, pinching, twisting the flesh or grabbing the clavicle;
  - h. Kicking or kneeing the head of a grounded contestant;
  - i. Stomping a grounded contestant, or kneeing or kicking the head of a grounded contestant;
  - j. Spiking an opponent to the canvas on the opponent's head or neck; and
  - k. For amateurs only:
    - i. Elbow strikes to the head of a grounded opponent;
    - ii. Twisting leg submissions;
    - iii. Linear kicks to the knees; or

iv. Foot stomps.

3. Only a referee can assess a foul. If the referee does not call the foul, judges shall not make that assessment on their own and cannot factor such into their scoring calculations.
4. If a foul is committed, the referee shall:
  - a. Call time;
  - b. Check the condition and safety of the fouled contestant; and
  - c. Assess the foul to the offending contestant, deduct points, and notify each corner's seconds, judges, and the official scorekeeper of that decision.
5. There shall be no scoring of an incomplete round. If the referee penalizes either contestant, the appropriate deduction of points will occur when the final score is calculated.
6. For purposes of MMA, a "grounded" contestant occurs when any part of the contestant's body, aside from a single hand and soles of the feet, are touching the fighting-area floor. To be grounded, both hands palm/fist down, and/or other body part, will be touching the fighting-area floor. If a single knee or arm is touching the fighting-area floor, the combatant or contestant is grounded without having to have another body part touching the fighting area floor.

**F. Intentional fouls.** For intentional fouls, the following rules shall apply:

1. An intentional foul that does not result in an injury shall result in a deduction of one point from the offending combatant's score. If an injury results from an intentional foul, the referee shall inform the scorekeeper to deduct two points from the score of the offending contestant.
2. The offending contestant loses by disqualification if the referee determines that any of the offenses were intentional, severe, or flagrant, there is a combination of three of the fouls listed in subsection (E)(2) above, or the bout is terminated as a result of an injury resulting from an intentional foul.
3. If an injury sustained during competition as a result of an intentional foul causes the injured contestant to be unable to continue at a subsequent point in the bout:
  - a. The injured contestant will win by a technical decision, if the injured contestant was ahead on the score cards; or
  - b. The outcome will be declared a technical draw, if the injured contestant was behind on the score cards.
4. If a contestant incurs injury while attempting to foul an opponent, the referee shall not take any action in the contestant's favor, and the injury shall be treated in the same manner as an injury produced by a fair blow.
5. If, during grappling, the contestant on the bottom commits a foul, the bout will continue to protect the superior position of the topmost contestant, unless the contestant on the top is too injured to continue.

**G. Accidental fouls.**

1. Accidental fouls will result in one point being deducted by the official scorekeeper from the offending combatant's score if directed by the referee.
2. If an injury sustained during competition as a result of an accidental foul is severe enough for the referee to stop the bout immediately, the bout shall result in a no contest, if stopped before a majority of rounds have been completed.
3. If an injury sustained during competition as a result of an accidental foul is severe enough for the referee to stop the bout immediately, the bout shall result in a technical deci-

## Arizona Racing Commission

sion awarded to the contestant who is ahead on the score cards at the time the bout is stopped only when the bout is stopped after a majority of rounds have been completed.

**H.** Results specific to MMA. In addition to the type of results listed in R19-2-D601(R), bout results can include submission by:

1. Tap out, which occurs when a contestant physically uses his or her hand to indicate that he or she no longer wishes to continue; or
2. Verbal tap out, which occurs when a contestant verbally announces to the referee that he or she does not wish to continue.

**I.** Method of judging.

1. All bouts will be evaluated and scored by three judges.
2. The 10-point must system will be the standard system of scoring a bout. Under the 10-point must scoring system, 10 points must be awarded to the winner of the round and 9 points or less must be awarded to the loser, except for an even (10-10) round.
3. Judges shall evaluate the following MMA techniques in the following order of importance: effective striking, grappling, control of the fighting area, aggressiveness, and defense.
  - a. Effective striking is judged by determining the total number of legal heavy strikes landed by a contestant.
  - b. Effective grappling is judged by considering the amount of successful executions of a legal takedown and reversals. Examples of factors to consider are takedowns from standing position to mount position, passing the guard to mount position, and bottom position contestant using an active, threatening guard.
  - c. Effective fighting area control is judged by determining who is dictating the pace, location, and position of the bout. Examples of factors to consider are countering a grappler's attempt at takedown by remaining standing and legally striking, taking down an opponent to force a ground fight, creating threatening submission attempts, passing the guard to achieve mount, and creating striking opportunities.
  - d. Effective aggressiveness means moving forward and landing a legal strike.
  - e. Effective defense means avoiding being struck, taken down, or reversed while countering with offensive attacks.
4. The following objective scoring criteria shall be utilized by the judges when scoring a round:
  - a. A round is to be scored as a 10-10 round when both contestants appear to be fighting evenly and neither contestant shows clear dominance in a round;
  - b. A round is to be scored as a 10-9 round when a contestant wins by a close margin, landing the greater number of effective legal strikes, grappling and other maneuvers;
  - c. A round is to be scored as a 10-8 round when a contestant overwhelmingly dominates by striking or grappling in a round; and
  - d. A round is to be scored as a 10-7 round when a contestant totally dominates by striking or grappling in a round.
5. Judges shall use a sliding scale and recognize the length of time the contestants are either standing or on the ground, as follows:
  - a. If the contestants were on the canvas most of the round, then:

- i. Effective grappling is weighed first; and
- ii. Effective striking is then weighed.
- b. If the contestants were standing most of the round, then:
  - i. Effective striking is weighed first; and
  - ii. Effective grappling is then weighed.
- c. If a round ends with a relatively even amount of standing and canvas fighting, striking and grappling are weighed equally.

**J.** Rounds.

1. The number of rounds in a professional MMA bout shall not exceed a maximum of five rounds.
2. The duration of each professional round shall be a maximum of five minutes, followed by a one-minute rest period after each non-final round.
3. The number of rounds in an amateur MMA bout shall not exceed a maximum of three rounds.
4. The duration of each amateur round shall be a maximum of three minutes, followed by a one-minute rest period after each non-final round.

**Historical Note**

New Section R19-2-D603 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-D604. Kickboxing**

- A.** The ring. The promoter is responsible for providing a safe ring in accordance with the following:
1. The ring shall be four-sided, not less than 17 feet nor more than 20 feet per side measured within the ropes.
  2. The ring platform shall not be more than 4 feet above the surface upon which the ring is constructed and shall be provided with suitable steps for use of the contestants. Ring posts shall be of metal, not more than 4 inches in diameter, extending from the floor of the building to a height of 58 inches above the ring floor and shall be properly padded.
  3. The floor shall be covered with shock-absorbent padding, as approved by the Commission, which shall extend beyond the ring ropes and over the edge of the platform.
  4. The padding shall be covered with tightly-stretched clean canvas securely laced to the platform.
  5. There shall be four ropes, stretched and linked to four corner posts. The rope shall not be less than 1 inch in diameter and shall be covered by a soft or cushioning material. Positioning and tensioning of the rope shall be approved by the Commission.
- B.** Gloves and footpads.
1. World title bouts for men shall be fought with 8-ounce regulation gloves. All other male professional bouts may be fought with 8-ounce or 10-ounce gloves by agreement between the promoter and the contestants. All women's professional bouts, including world title bouts, and all amateur competitions shall be held with 10-ounce regulation gloves. Those contestants matched at a weight heavier than super welterweight may be required to wear gloves with more extensive padding than those contestants matched at a lighter weight.
  2. All gloves must be nationally-approved brands or shall be submitted for approval to the Commission, and shall be in sanitary, safe, and good condition. Matched contestants shall wear padded protective equipment on the hands and feet of an identical size, shape, style and manufacture as provided by the promoter.
  3. Gloves for title fights shall be new and delivered to the Commission representative with the packaging unbroken.

## Arizona Racing Commission

4. If footpads or shin guards are used, they shall be new and unbroken and shall be approved by the Commission.
- C. Contestant's equipment and apparel.
- For each bout, the promoter shall provide at least one clean water bucket in each corner, and shall provide the gloves for each contestant to ensure that matched contestants wear equipment of the same size, shape, style and manufacture.
  - Each contestant has the duty to provide the contestant's own hand bandaging, at least one light-colored and one dark-colored uniform, padded protective equipment to be worn on the feet, abdominal guard, breast protector (for women), mouthpiece, water bottle, and towel for use during an event. A contestant's equipment is subject to the approval of the Commission or its representative and the following requirements apply to the equipment and apparel of contestants:
    - The combatants may not wear the same colors in the ring, without the approval of the Commission's representative. In bouts involving a champion currently recognized by the Commission, the champion shall choose which color uniform to wear. In all other bouts, the referee or the Commission representative in charge will designate which contestant will wear the light-colored uniform and which contestant will wear the dark-colored uniform.
    - All contestants must follow the World Kickboxing Association Dress Code approved for the discipline their bout is fought under.
    - Facial cosmetics shall be prohibited.
    - Male contestants must wear a foul-proof groin guard or abdominal guard. A plastic or aluminum cup with an athletic supporter is adequate.
    - Female contestants must wear foul-proof breast guards. Plastic breast covers are adequate. Female contestants may also wear an abdominal guard.
- D. Weight classes. No bout shall be scheduled when the weight difference between combatants exceeds an allowance of three and one-half percent of the division weight.

- The following weight classes shall be used as a general guide for men:

Weights	Weight Range in Pounds
Strawweight	Less than 108
Atomweight	108-111.9
Flyweight	112-116.9
Bantamweight	117-121.9
Featherweight	122-126.9
Lightweight	127-131.9
Super Lightweight	132-136.9
Light Welterweight	137-141.9
Welterweight	142-146.9
Super Welterweight	147-152.9
Light Middleweight	153-158.9
Middleweight	159-164.9
Super Middleweight	165-171.9
Light Heavyweight	172-178.9
Light Cruiserweight	179-185.9
Cruiserweight	186-194.9
Super Cruiserweight	195-214.9
Heavyweight	215-234.9

- |                   |      |
|-------------------|------|
| Super Heavyweight | 235+ |
|-------------------|------|
- The following weight classes shall be used as a general guide for women:

Weights	Weight Range in Pounds
Strawweight	Less than 108
Atomweight	108-111.9
Flyweight	112-116.9
Bantamweight	117-121.9
Featherweight	122-126.9
Lightweight	127-131.9
Super Lightweight	132-136.9
Light Welterweight	137-141.9
Welterweight	142-146.9
Super Welterweight	147-152.9
Light Middleweight	153-158.9
Middleweight	159-164.9
Super Middleweight	165-174.9
Cruiserweight	175-184.9
Super Cruiserweight	185-214.9
Heavyweight	215-234.9
Super Heavyweight	235+

- E. Fair blows and fouls.
- All punches must land with the knuckle part of the glove, and no other part of the glove or forearm can be used. All kicks must connect with the ball of the foot, the instep, the heel, side of the foot, or the shin from below the knee to the instep.
  - In professional kickboxing competition there is a minimum kick expectation of eight kicks per round, although kick counters will not be used. If the referee feels that a contestant is not kicking enough he or she may give a verbal warning. If the contestant continues without using enough kicks, the referee may deduct a point, and judges shall implement that deduction.
  - Contestants may kick or sweep to the inside or outside region of the leg. Any deliberate kick to the knee, groin, or hip joint shall be prohibited and shall constitute a foul. The referee may issue a warning, order point deductions from the judges scoring, or may disqualify the offending contestant for repeated violations.
  - In addition to the foul blows listed in R19-2-D601(W), the following practices are classified as fouls in kickboxing:
    - Knee strikes, elbow strikes, palm-heel strikes, slapping, or clubbing blows with the hands.
    - Striking the throat, collarbone, the kidneys, or a female contestant's breasts.
    - Hitting with the open glove, or with the wrist.
    - Kicking into the knee, or striking below the belt in any unauthorized manner.
    - Anti-joint techniques (i.e. striking or applying leverage against any joint).
    - Holding an opponent with one hand and hitting with the other.
    - Grabbing or holding onto an opponent's leg or foot.
    - Leg checking the opponent's leg (act of extending the leg or foot to stop the kick of an opponent) or stepping on the opponent's foot to prevent the opponent from moving or kicking.

## Arizona Racing Commission

- i. Holding any part of the body or deliberately maintaining a clinch for any purpose.
  - j. Throwing or taking an opponent to the floor in any unauthorized manner.
  - k. Striking a downed opponent, or an opponent who is getting up after being down. A contestant is "downed" when any part of the contestant's body other than the soles of the feet touches the floor.
- F. Intentional foul.**
- 1. The referee shall have discretion as to the penalty for fouling. The referee may direct the deduction of one to two points and may also disqualify the wrongdoer, in the case of persistent or major fouling, or where the foul prevents continuance of the bout. Normally, in the case of minor fouling, the referee is expected to issue a warning before imposing a penalty. Penalties shall be imposed during or immediately after the round in which the foul occurs. The referee shall personally advise the corners and each judge of the points deducted immediately upon imposition of the penalty.
  - 2. If a contestant is injured (e.g., cut) by an intentional foul but can continue, the referee shall notify the judges and the Commission representative at ringside that if the foul-inflicted injury is subsequently aggravated to the point that the injured contestant cannot continue, a technical win will be rendered in favor of the injured contestant if that contestant is ahead on points, or the points are even, and a technical draw will be rendered if the injured contestant is behind on points.
- G. Accidental foul.**
- 1. If a bout is stopped because of an accidental foul, the referee shall determine whether or not the contestant who has been fouled can continue. The referee may consult with the attending physician. If the contestant's chances have not been seriously jeopardized as a result of the foul, the referee may order the bout continued after a reasonable interval.
  - 2. On the other hand, if by reason of accidental foul a contestant shall be rendered unfit to continue the bout, it shall be terminated. The scorekeeper shall tally all scores, subtracting all penalties. If the injured contestant is behind on points in the majority opinion of the judges, then the referee shall declare the bout to be a technical draw. But if the injured contestant has a lead in points, then the referee shall declare the injured contestant to be the winner by technical decision.
  - 3. Should an accidental foul terminate a bout during the first round, the referee shall declare the bout to be a technical draw.
- H. Results specific to kickboxing.**
- 1. When contestant is considered knocked down. A contestant shall be declared knocked down if any portion of the contestant's body, other than the feet touch the floor, or if the contestant hangs helplessly over the ropes. A contestant shall not be declared knocked down if he or she is pushed, thrown, or accidentally slips to the floor. The determination as to whether a contestant is pushed, thrown or slips to the floor, rather than being knocked down, shall be made by the referee.
  - 2. Counting. Whenever a contestant is knocked down, the referee shall order the contestant's opponent to retire to the farthest neutral corner of the ring, pointing to the corner and immediately begin the count over the knocked down contestant. The timekeeper, through effective signaling, shall give the referee the correct one-second intervals for the count. The referee will audibly announce the passing of each one-second interval, indicating its passage with a downward motion of the arm. The referee's count is the only official count.
- 3. Length of Count.**
- a. Any time a contestant is knocked down, the referee shall automatically begin a mandatory 8 count and then, if the contestant appears able to continue, will allow the bout to resume.
  - i. The referee may, at his or her discretion, administer an 8 count to a contestant who has been stunned, but who remains standing. He or she shall direct the contestant's opponent to a neutral corner, then begin counting from 1 to 8, examining the stunned contestant as during the counts.
  - ii. If, after completing the standing 8 count, the referee determines that the contestant is able to continue, the referee shall order the bout to resume. But if the referee determines that the contestant is not able to continue, the referee shall stop the bout and declare the contestant's opponent to be the winner by technical knockout.
  - b. If the contestant taking the count is still down when the referee calls the count of 10, the referee shall wave both arms to indicate that the contestant has been knocked out and will signal that the contestant's opponent is the winner. A round's ending before the referee reached the count of 10 will have no bearing on the count. The contestant must still rise before the count of 10 to avoid a knockout.
  - c. Should a downed contestant rise before the count of 10 is reached and then go down again before being struck, the referee shall resume the count where he or she stopped counting.
  - d. Should both contestants go down at the same time, the referee shall continue to count as long as one of the contestants is down. If both contestants remain down until the count of 10, the bout will be stopped and the referee shall declare the bout to be a technical draw. But if one contestant rises before the count of 10 and the other contestant remains down, the first contestant to rise shall be declared the winner by knockout. Should both contestants rise before the count of 10, the round will continue.
- 4. Should a contestant be knocked down three times in one round from blows to the head, the referee shall stop the bout and declare the contestant's opponent to be the winner by technical knockout.
  - 5. Whenever a contestant is knocked out primarily as a result of a kick, whether or not the kick occurred in combination with punches, the referee shall declare the contestant's opponent to be the winner by either kick knockout or technical kick knockout whichever is appropriate and shall be entered into the contestant's official record as a KKO.
  - 6. A contestant who has been wrestled, pushed, or who has fallen through the ropes during the bout, may be helped back by anyone except the contestant's own seconds or manager. The referee shall allow reasonable time for the return. When on the ring platform outside the ropes, the contestant must enter the ring immediately. Should the contestant stall for time outside the ropes, the referee shall start the count without waiting for the contestant to re-enter the ring.



## Arizona Racing Commission

- a. Once a fallen contestant re-enters the ring, the referee shall start the round from the moment that the contestant is back in the ring.
  - b. Whenever contestant falls through the ropes, the contestant's opponent must retire to the farthest neutral corner, as directed by the referee, and remain there until ordered to resume the bout.
  - c. A contestant who deliberately wrestles or throws an opponent from the ring, or who hits an opponent who is partly out of the ring and thus prevented by the ropes from assuming a position of defense, may be penalized.
7. Wiping gloves. Before a fallen contestant resumes competition, after having been knocked to, slipped to, or fallen to the floor, the referee shall wipe the contestant's gloves free of any foreign substance.
8. If after consulting with the physician, the referee decides that further contact below the belt, whether from fair or foul blow, will result in injury to a contestant's knee, the referee shall prohibit striking below the belt for the remainder of the bout.
- I. Method of judging.**
- 1. The judges shall score all bouts and determine the winner through the use of the 10-point must system. In this system the winner of each round receives 10 points and the opponent receives a proportionately smaller number. But in no circumstances shall a judge award the loser of each round with fewer than 7 points. If a round is judged even, each contestant shall receive 10 points. No fraction of points may be given.
  - 2. Judges should base their scores on the relative effectiveness of each contestant in a given round. An official knockdown always demonstrates superior effectiveness. However, a contestant who is knocked down more from instability than from an opponent's blow, may be able to return from the knockdown and dominate the round by a large enough margin to be judged the winner. Also, the weight given to an official knockdown scored by one contestant must be equal to the weight given to an official knockdown scored by the contestant's opponent.
  - 3. Generally, sweeps should not be given the same weight as an official knockdown. Judges should watch for the technique's effectiveness in slowing down an opponent.
  - 4. A contestant who wins the round and does so with exceptional above-the-belt kicking technique, should be given a more favorable point advantage than the contestant who wins a round with a predominance of punching technique. Below-the-belt kicking technique should be given the same weight as punching techniques. A round should be awarded to the overall most effective above-the-waist kicker.
  - 5. Further, a contestant who aggressively presses an opponent throughout a round, but cannot land a threatening kick or punch, should not be judged as favorably as the contestant who back pedals throughout the round but counter attacks with visible impact.
  - 6. Judges shall award points to contestants on the basis of round by round outcomes and in accordance with the following scores:
    - a. 10 points to 10 points whenever neither contestant dominates the other with a superiority in effectiveness.
    - b. 10 points to 9 points whenever the winning contestant dominates the losing contestant with a marginal superiority in effectiveness.
    - c. 10 points to 8 points whenever the winning contestant dominates the losing contestant with exceptional above-the-waist kicking technique, or whenever the winning contestant dominates the losing contestant with a significant superiority in effectiveness as might be indicated by one knockdown.
    - d. 10 points to 7 points whenever the winning contestant dominates the losing contestant with an overwhelming superiority in effectiveness as must be indicated by more than one knockdown.
7. In the case of a professional or Pro Am title bout that ends in a draw, there shall be a tie-breaking extra round, that shall be decided by the referee.
- J. Rounds.**
- 1. The number of rounds in a kickboxing bout shall not exceed a maximum of 12 rounds.
  - 2. The duration of each round shall be a maximum of two minutes, followed by a one-minute rest period after each non-final round.
- Historical Note**
- New Section R19-2-D604 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).
- R19-2-D605. Muay Thai**
- A.** The ring. The promoter is responsible for providing a safe ring in accordance with the following:
- 1. The ring shall be four-sided, not less than 16 feet nor more than 24 feet per side, measured within the ropes.
  - 2. The floor and corner shall be well constructed with no obstructions and with a minimum extension outside the ring of at least 3 feet. The minimum floor height should be 4 to 5 feet from the surface upon which the ring is constructed. The corner posts shall have a diameter of between 4 to 5 inches with a height of 58 inches from the ring floor. All four posts must be properly cushioned.
  - 3. The ring floor must be padded by either cushioning, rubber, soft cloth, rubber mat, or similar material with a thickness of 1 to 1 1/2 inches. The padding shall be completely covered by a canvas cloth.
  - 4. There shall be four ropes, stretched and linked to four corner posts. The rope shall not be less than 1 inch in diameter and shall be covered by a soft or cushioning material. Positioning and tensioning of the rope shall be approved by the Commission.
  - 5. The ring shall have suitable steps for use of the contestants.
- B. Gloves.**
- 1. Promoters are responsible for providing gloves for contestants in accordance with the following:
    - a. Mini Flyweight - Junior Featherweight shall use 6-ounce gloves.
    - b. Featherweight - Welterweight shall use 8-ounce gloves.
    - c. Junior Middleweight and heavier classes shall use no less than 10-ounce gloves; and higher weights may use gloves of 12, 14, 16, or 18 ounces in weight, as approved by the Commission.
    - d. The promoter shall have one extra set of gloves for each glove weight, corresponding with the contestants' weight classes participating in the event.
  - 2. All gloves will be inspected by a Commission inspector prior to the fight.
  - 3. In the case of any problem with the boxing gloves themselves, the referee may temporarily halt the match until the problem is corrected.
- C.** Contestant's equipment and apparel.

## Arizona Racing Commission

1. Only boxing shorts may be worn by all contestants, and women shall also wear approved tops. Contestants shall have one extra set of apparel for an event.
2. To ensure the combatant's safety, a groin guard must be worn and shall be checked by an inspector.
3. Long hair may be worn, but hair shall be tied back, and facial hair shall be trimmed.
4. The Mongkol may be worn when performing the Wai Kru (paying respect to one's teacher) prior to the match start.
5. Arm bands may be worn.
6. Single elastic bandages are allowed to be worn on the arms or legs to prevent sprains, however insertion of a shin guard, or similar object, is not allowed.
7. No decoration, jewelry, or material with sharp or metal components is allowed to be worn during the bout.
8. The use of liniment is allowed as long as both contestants and Commission agree. Contestants shall not use liniment on the face.
9. Contestants may wear elastic ankle socks to protect their feet.
10. Any infringement to the dress code may result in the contestant's disqualification.

**D. Weight classes.** The following weight classes shall be used as a general guide:

Weights	Weight Range in Pounds
Mini Flyweight	Less than 105
Junior Flyweight	105-107.9
Flyweight	108-111.9
Junior Bantamweight	112-114.9
Bantamweight	115-117.9
Junior Featherweight	118-121.9
Featherweight	122-125.9
Junior Lightweight	126-129.9
Lightweight	130-134.9
Junior Welterweight	135-139.9
Welterweight	140-146.9
Junior Middleweight	147-153.9
Middleweight	154-159.9
Super Middleweight	160-167.9
Light Heavyweight	168-174.9
Cruiserweight	175-189.9
Heavyweight	190-208.9
Super Heavyweight	209+

**E. Fair blows and fouls.**

1. A fair strike may be made by a punch, kick, knee, or elbow. Contestants may strike with punches above the waist, kicks above the waist and to the inside and outside of an opponent's legs, but not to the groin or leg joints. Direct kicks (side-kick style) to the front of an opponent's legs are not allowed. Fighters, promoters, trainers, and the Commission may agree prior to the event to use modified rules, which agreement shall be documented in the promoter/fighter contract.
2. Clinching is allowed if one contestant is active within the clinch.
3. Contestants are allowed to catch their opponent's leg and take one step forward. After one step, the contestant holding the leg must strike before taking further steps.

4. A contestant may kick his or her opponent's supporting leg with the top of the contestant's foot or shin, but may not use the instep as in a karate-style sweep.
5. In addition to the foul blows listed in R19-2-D601(W), the following practices are classified as fouls in Muay Thai:
  - a. Slapping with the lace side of the gloves;
  - b. Holding an opponent's head or arm and hitting;
  - c. Strikes to leg joints or other joint attacks;
  - d. Palm heel strikes;
  - e. Wrestling, back or arm locks or any similar judo or wrestling hold, takedowns or grappling;
  - f. Spinning sweeps;
  - g. Karate-style chopping strikes;
  - h. Striking opponent when the opponent has slipped or fallen down (an opponent is down or downed when any part of his or her body other than the soles of his or her feet touches the floor of the ring);
  - i. Spinning forearm or elbow strike. A spinning back-hand strike is allowed if the hit is made with the portion of the glove that is above the wrist line (from the tape line at the wrist to the end of the glove);
  - j. Deliberately falling on an opponent;
  - k. Hip throws.

**F. Intentional foul.** If a contestant commits an intentional foul in the ring, the referee shall have the discretion to do the following, depending on the nature and seriousness of the foul:

1. Deduct one point from the fouling contestant per foul;
2. Disqualify the contestant who has fouled; or
3. If there is a disqualification, the purse may be withheld and the contestant may be automatically suspended.

**G. Accidental foul.**

1. If a contestant commits an accidental foul in the ring, the referee shall have the discretion to do the following, depending on the nature and seriousness of the foul:
  - a. Give the contestant who has fouled a caution or a warning (only one warning may be given per bout, and a caution may not follow a warning given for the same type of foul);
  - b. Deduct one point from the fouling contestant per foul; or
  - c. Disqualify the contestant who has fouled, if it is a serious accidental foul or if multiple accidental fouls have been committed.
2. When a self-inflicted injury or an accidental foul causes the bout to be stopped, the result would be a no contest or a disqualification if the bout is stopped before a majority of rounds have been completed. If the injury occurs after a majority of rounds have been completed, then the judge's scorecards will be totaled and the decision of the bout will be announced.

**H. Results specific to Muay Thai.**

1. In addition to the type of results listed in R19-2-D601(R), the following are the types of bout results:
  - a. A draw will be declared if both contestants are injured and cannot continue the bout, when the stoppage occurs before a majority of rounds have been completed.
  - b. Individual scores will decide a match if both contestants are injured and cannot continue the bout after the majority of rounds have been completed.
2. Counting. The count interval will be at one-second intervals, from 1 to 10. During the count, the referee will signal with his or her hand, to ensure that the contestant receiving the count understands.

## Arizona Racing Commission

- a. A contestant, upon receiving a count, cannot continue the match prior to a count of 8 and loses immediately on receiving a count of 10.
  - b. If both contestants fall down, the referee will direct the count to the last contestant that fell. If both contestants receive a 10 count, a draw will be declared. Should the contestants lean against each other while sitting up, the referee shall stop counting at that time.
  - c. The referee shall continue the count from the count of 8 when a contestant is "down" as a result of a hit, the contestant rises at or before the complete count of 8, and the bout is continued after the count of 8 is completed, but the contestant falls again without receiving a fresh hit.
  - d. A contestant not ready to fight again when the bell rings after a break, shall receive a count, unless the failure to fight is caused by an equipment problem. The referee will determine the length of time that will be allowed to fix an equipment problem. If the problem cannot be fixed, the result will be a forfeiture under R19-2-601(R)(6).
3. Knocked out of ring.
    - a. If a contestant falls partially or completely through the ring ropes onto the apron, the referee shall order the opponent to stand in the farthest neutral corner and if the contestant remains partially outside the ropes, the referee shall start to count to 10. If a contestant falls completely out of the ring, the referee shall count to 20. A contestant must re-enter the ring on his own without assistance from another person.
      - i. If the contestant returns to the ring before the count ends, the contestant will not be penalized.
      - ii. If anyone prevents the fallen contestant from returning to the ring, the referee shall stop the count and warn such person or stop the fight until such interference ceases.
      - iii. If both contestants fall out of the ring and one tries to prevent his or her opponent from returning to the ring before the count ends, the interfering contestant will be warned or disqualified.
      - iv. If both contestants fall out of the ring, the one that returns to the ring before the count ends will be considered the winner. If neither contestant can return to the ring, the result will be considered a technical draw.
  4. "Flash knockdowns," where the downed contestant rises up immediately, are usually not counted as knockdowns with a standing 8 count. However, if the contestant is stunned by the knockdown, the referee may decide to perform an 8 count if he or she deems it necessary, no matter how fast the contestant rises after the fall.
- I. Method of judging.
    1. The following are the scoring rules:
      - a. The maximum score for each round is 10 points, the loser scoring either 9, 8, or 7;
      - b. A round that is a draw is scored as 10 points for both contestants;
      - c. The winner and loser in an indecisive round score 10 to 9 respectively;
      - d. The winner and loser in a decisive round score 10 to 8 respectively;
      - e. The winner and loser in an indecisive round with a single count score 10 to 8 respectively;
      - f. The winner and loser in a decisive round with a single count score 10 to 7 respectively; and
      - g. The contestant scoring two counts against his or her opponent will score 10 to 7.
    2. Strikes are scored as follows:
      - a. Points are awarded for a correct Thai boxing style, combined with hard and accurate strikes;
      - b. Points are awarded for aggressive and dominating Muay Thai skill;
      - c. Points are awarded for a contestant actively dominating an opponent; and
      - d. Points are awarded for the use of a traditional Thai style of defense and counter-attack.
    3. The following strikes will not receive points:
      - a. A strike which is against the rules;
      - b. A strike in defense against the leg or arm of an opponent; or
      - c. A weak strike.
    4. Fouls will be scored as follows:
      - a. Any contestant who commits a foul will have one point deducted from his or her score for each foul committed;
      - b. The judges will deduct points for fouls as directed by the referee; and
      - c. Any foul observed by the judges but not by the referee, will be penalized accordingly.
  - J. Rounds.
    1. Prior to the start of the first round, both contestants may perform the Wai Kru (paying respect to the teacher), accompanied by the appropriate Thai traditional music.
    2. The number of rounds in a Muay Thai bout shall not exceed a maximum of five rounds.
    3. The duration of each round shall be a maximum of three minutes, followed by a two-minute rest period after each non-final round.

**Historical Note**

New Section R19-2-D605 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**R19-2-D606. Toughman**

Unless otherwise specified herein, R19-2-D602 shall apply to Toughman events, with the following exceptions:

1. Toughman contestants shall wear headgear, padded kidney belt, and abdominal guards, as approved by the Commission.
2. A bout shall consist of three one-minute rounds, with a one-minute rest period between each round, and may involve two or more contestants.
3. No kicking is permitted.
4. The following weight classes shall be used as a general guide:
 

Weights	Weight Range in Pounds
Lightweight	Less than 140
Middleweight	140 to 159.9
Light Heavyweight	160 to 184.9
Heavyweight	185+
5. The Commission reserves the right to disallow Toughman events or licenses for Toughman participants, if, in the Commission's discretion, the event or licensing would not be in the best interests of the combatants, the state, the industry, and the Commission.

**Historical Note**

New Section R19-2-D606 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

## Arizona Racing Commission

**R19-2-D607. Exhibitions; Fee**

- A.** Exhibitions may only be allowed if approved by both the Commission and the Executive Director, and shall be subject to all requirements of A.R.S. Title 5, Chapter 2, Article 2 and these rules adopted thereunder.

- B.** The fee for an Exhibition shall be \$1000, to be paid by the promoter.

**Historical Note**

New Section R19-2-D607 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**Table 1. Time-frames**

License	Statutory Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
Promoter, Matchmaker, Manager, Judge, Inspector, Referee, Physician, Timekeeper, Combatants over the age of 36 years	A.R.S. § 5-228 R19-2-C602	30	10	15	10	45
Combatant, Second, Cutman, Trainer, Ring Announcer	A.R.S. § 5-228 R19-2-C602	10	10	10	10	20

**Historical Note**

New Table 1 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

**Table 2. Bandages (Gauze and Tape)**

	Maximum Gauze Dimensions	Maximum Tape Dimensions	Method of Wrapping
Boxing, per hand	2" wide 60" long	2" wide 10' long	• Tape shall not extend higher on the hand beyond three-fourths of an inch from the knuckles, when the hand is clenched to make a fist.
MMA, per hand	2" wide 39" long	1" wide 10' long	• Tape may extend to cover and protect the knuckles when the hand is clenched to make a fist.
Kickboxing, per hand	2" wide 30" long	1.5" wide 6' long	• Tape shall not extend higher on the hand beyond one inch from the knuckles, when the hand is clenched into a fist. • It is acceptable to place 1 strip of tape between the fingers not to exceed ¼" in width and 4" in length to hold bandages in place.
Kickboxing, per foot	None	1.5" wide 12' long	• Tape may be used to protect the ankles. • Gauze shall not be used on the feet. • A single elastic or neoprene style supportive sleeve may be worn on each foot and around each knee as long as it has no padding, braces, hinges, or anything that could injure the wearer or his opponent or create an advantage of any kind.
Muay Thai, per hand	2" wide 30" long	1.5" wide 6' long	• Tape shall not extend higher on the hand beyond one inch of the knuckles when the hand is clenched to make a fist.

**Historical Note**

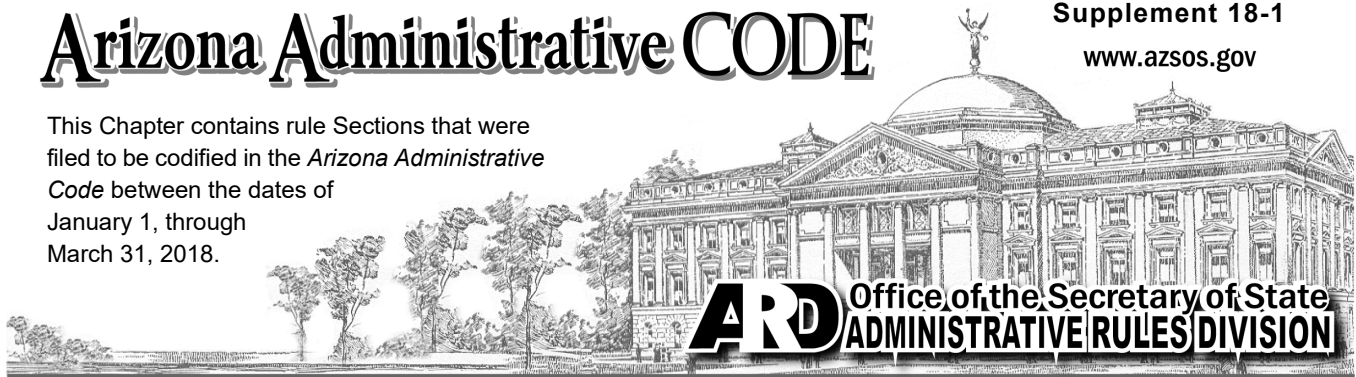
New Table 2 made by final rulemaking at 24 A.A.R. 445, effective February 7, 2018 (Supp. 18-1).

# Arizona Administrative CODE

Supplement 18-1

[www.azsos.gov](http://www.azsos.gov)

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, through March 31, 2018.



## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

### CHAPTER 2. DEPARTMENT DISSOVLED

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

[R20-2-205.](#)    [Expired .....](#) [6](#)

#### Questions about expired rules? Contact:

Council:       Governor's Regulatory Review Council  
Address:       100 N. 15th Ave #402  
                     Phoenix, AZ 85007  
Phone:         (602) 542-2058

**The release of this Chapter in supplement 18-1 replaces supplement 16-3, 20 pages**

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



## Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE****CHAPTER 2. DEPARTMENT DISSOLVED**

*Editor's Note: Powers and duties of the Department of Weights and Measures were transferred to the Arizona Department of Agriculture and the Arizona Department of Transportation effective July 1, 2016. Refer to Laws 2015, Chapter 244 for additional information. Regulation related to for-hire transportation (taxis, limousines, livery vehicles) were transferred to the Arizona Department of Transportation (ADOT). ADOT has proposed rules that have published in the [Arizona Administrative Register at 22 A.A.R. 2597](#) under Title 17, Transportation, Chapter 5, Commercial Programs, Article 10 (Supp. 16-3).*

*Editor's Note: Because the exempt rules in this Chapter were adopted as permanent rules (Supp. 98-3), the Chapter is printed on white paper (99-3).*

*Editor's Note: Sections of this Chapter were adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least one public hearing on the rules. Because these rules are exempt from the regular rulemaking process, the Chapter is printed on blue paper (Supp. 97-3).*

*Editor's Note: When recodified (Supp. 95-1), not all of the former rule citations were revised to reference the new Title and Chapter. Citations referencing the former title (A.A.C. Title 4, Chapter 31) have been corrected to 20 A.A.C. 2 throughout these rules. For specific revisions, refer to the Section historical notes (Supp. 97-2).*

20 A.A.C. 2, consisting of R20-2-101 through R20-2-117, R20-2-201 through R20-2-205, R20-3-301 through R20-3-313, R20-2-401 through R20-2-412, R20-2-501 through R20-2-505, R20-2-601 through R20-2-604, R20-2-701 through R20-2-721, R20-2-801 through R20-2-812, and R20-2-901 through R20-2-909, recodified from 4 A.A.C. 31, consisting of R4-31-101 through R4-31-117, R4-31-201 through R4-31-205, R4-31-301 through R4-31-313, R4-31-401 through R4-31-412, R4-31-501 through R4-31-505, R4-31-601 through R4-31-604, R4-31-701 through R4-31-721, R4-31-801 through R4-31-812, and R4-31-901 through R4-31-909 pursuant to R1-1-102 (Supp. 95-1).

Laws 1987, Ch. 314, § 3, changed the heading from State Administration of Weights and Measures to the Department of Weights and Measures effective August 18, 1987.

Laws 1983, Ch. 98, 199, changed the heading from State Weights and Measures Division to State Administration of Weights and Measures; 202, transferred authority for administration to the Director of Administration effective July 27, 1983.

Article 1 consisting of Sections R4-31-101 through R4-31-113, Article 2 consisting of Sections R4-31-201 through R4-31-205, Article 3 consisting of Sections R4-31-301 through R4-31-313, Article 4 consisting of Sections R4-31-401 through R4-31-412, Article 5 consisting of Sections R4-31-501 through R4-31-505, Article 6 consisting of Sections R4-31-601 through R4-31-604 adopted effective July 27, 1983.

Former Sections R4-31-101 through R4-31-113, R4-31-201 through R4-31-205, R4-31-301 through R4-31-313, R4-31-401 through R4-31-412, R4-31-501 through R4-31-505, R4-31-601 through R4-31-604 adopted again with conforming changes. R20-2-101 through R20-2-113, R20-2-201 through R20-2-205, R20-2-301 through R20-2-313, R20-2-401 through R20-2-412, R20-2-501 through R20-2-505, R20-2-601 through R20-2-604 recodified from R4-31-101 through R4-31-113, R4-31-201 through R4-31-205, R4-31-301 through R4-31-313, R4-31-401 through R4-31-412, R4-31-501 through R4-31-505, R4-31-601 through R4-31-604 (Supp. 95-1).

**ARTICLE 1. RECODIFIED**

Table 1. Recodified .....6

Article 1, consisting of Sections R20-2-101 through R20-2-117 and Table 1 recodified to R3-7-101 through R3-7-117 and Table 1, at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

Section	
R20-2-101.	Recodified ..... 4
R20-2-102.	Recodified ..... 4
R20-2-103.	Recodified ..... 4
R20-2-104.	Recodified ..... 4
R20-2-105.	Recodified ..... 4
R20-2-106.	Recodified ..... 4
R20-2-107.	Recodified ..... 4
R20-2-108.	Recodified ..... 4
R20-2-109.	Recodified ..... 5
R20-2-110.	Recodified ..... 5
R20-2-111.	Recodified ..... 5
R20-2-112.	Recodified ..... 5
R20-2-113.	Recodified ..... 5
R20-2-114.	Recodified ..... 6
R20-2-115.	Recodified ..... 6
R20-2-116.	Recodified ..... 6
R20-2-117.	Recodified ..... 6

**ARTICLE 2. RECODIFIED**

Article 2, consisting of Sections R20-2-201 through R20-2-204 recodified to R3-7-201 through R3-7-204, at 22 A.A.R. 2786, effective August 15, 2016. Section R20-2-205 now falls under the authority of the Arizona Department of Transportation (Supp. 16-3).

Section	
R20-2-201.	Recodified .....6
R20-2-202.	Recodified .....6
R20-2-203.	Recodified .....6
R20-2-204.	Recodified .....6
R20-2-205.	Expired .....6

**ARTICLE 3. RECODIFIED**

Article 3, consisting of Sections R20-2-301 through R20-2-313 recodified to R3-7-301 through R3-7-313, at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

Section	
R20-2-301.	Recodified .....7
R20-2-302.	Recodified .....7

## Department Dissolved

R20-2-303.	Recodified .....	7
R20-2-304.	Recodified .....	7
R20-2-305.	Recodified .....	7
R20-2-306.	Recodified .....	7
R20-2-307.	Recodified .....	7
R20-2-308.	Recodified .....	7
R20-2-309.	Recodified .....	7
R20-2-310.	Recodified .....	7
R20-2-311.	Recodified .....	7
R20-2-312.	Recodified .....	7
R20-2-313.	Recodified .....	7

**ARTICLE 4. RECODIFIED**

*Article 4, consisting of Sections R20-2-401 through R20-2-412 recodified to R3-7-401 through R3-7-412, at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).*

*Article 4, consisting of Sections R20-2-401 through R20-2-412 repealed effective October 8, 1998 (Supp. 98-4).*

Section		
R20-2-401.	Recodified .....	7
R20-2-402.	Recodified .....	7
R20-2-403.	Recodified .....	8
R20-2-404.	Recodified .....	8
R20-2-405.	Recodified .....	8
R20-2-406.	Recodified .....	8
R20-2-407.	Recodified .....	8
R20-2-408.	Recodified .....	8
R20-2-409.	Recodified .....	8
R20-2-410.	Recodified .....	8
R20-2-411.	Recodified .....	8
R20-2-412.	Recodified .....	8

**ARTICLE 5. RECODIFIED**

*Article 5, consisting of Sections R20-2-501 through R20-2-507 recodified to R3-7-501 through R3-7-507, at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).*

Section		
R20-2-501.	Recodified .....	8
R20-2-502.	Recodified .....	8
R20-2-503.	Recodified .....	8
R20-2-504.	Recodified .....	8
R20-2-505.	Recodified .....	9
R20-2-506.	Recodified .....	9
R20-2-507.	Recodified .....	9

**ARTICLE 6. RECODIFIED**

*Article 6, consisting of Sections R20-2-601 through R20-2-605, recodified to R3-7-601 through R3-7-605, at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).*

Section		
R20-2-601.	Recodified .....	9
R20-2-602.	Recodified .....	9
R20-2-603.	Recodified .....	9
R20-2-604.	Recodified .....	9
R20-2-605.	Recodified .....	9

**ARTICLE 7. RECODIFIED**

*Article 7, consisting of Sections R20-2-701 through R20-2-762, and Tables A, 1, 2, and 3, recodified to R3-7-701 through R3-7-762, and Tables A, 1, 2, and 3, at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).*

*R20-2-204 and R20-2-205 and R20-2-701, R20-2-703 through R20-2-716 and R20-2-718 through R20-2-721 recodified from R4-31-204 and R4-31-205 and R4-31-701, R4-31-703 through R4-31-*

*716, and R4-31-718 through R4-31-721 (Supp. 95-1).*

*Sections R4-31-204 and R4-31-205 renumbered without change as Sections R4-31-701, R4-31-703 through R4-31-716, and R4-31-718 through R4-31-721 (Supp. 89-1).*

Section		
R20-2-701.	Recodified .....	9
R20-2-702.	Recodified .....	9
R20-2-703.	Recodified .....	10
R20-2-704.	Recodified .....	10
R20-2-705.	Recodified .....	10
R20-2-706.	Recodified .....	10
R20-2-707.	Recodified .....	10
R20-2-708.	Recodified .....	10
R20-2-709.	Recodified .....	10
R20-2-710.	Recodified .....	11
R20-2-711.	Recodified .....	11
R20-2-712.	Recodified .....	11
R20-2-713.	Recodified .....	11
R20-2-714.	Recodified .....	11
R20-2-715.	Recodified .....	11
R20-2-716.	Recodified .....	12
R20-2-717.	Recodified .....	12
R20-2-718.	Recodified .....	12
R20-2-719.	Recodified .....	12
R20-2-720.	Recodified .....	12
R20-2-721.	Recodified .....	12
R20-2-722.	Recodified .....	12
R20-2-723.	Recodified .....	12
R3-7-724.	Recodified .....	12
R20-2-725.	Recodified .....	12
R20-2-726.	Recodified .....	13
R20-2-727.	Recodified .....	13
R20-2-728.	Recodified .....	13
R20-2-729.	Recodified .....	13
R20-2-730.	Recodified .....	13
R20-2-731.	Recodified .....	13
R20-2-732.	Recodified .....	13
R20-2-733.	Recodified .....	13
R20-2-734.	Recodified .....	13
R20-2-735.	Recodified .....	13
R20-2-736.	Recodified .....	13
R20-2-737.	Recodified .....	13
R20-2-738.	Recodified .....	13
R20-2-739.	Recodified .....	13
R20-2-740.	Recodified .....	13
R20-2-741.	Recodified .....	13
R20-2-742.	Recodified .....	13
R20-2-743.	Recodified .....	13
R20-2-744.	Recodified .....	13
R20-2-745.	Recodified .....	13
R20-2-746.	Recodified .....	13
R20-2-747.	Recodified .....	13
R20-2-748.	Recodified .....	13
R20-2-749.	Recodified .....	13
R20-2-750.	Recodified .....	13
R20-2-751.	Recodified .....	14
R20-2-751.01.	Recodified .....	14
R20-2-752.	Recodified .....	14
R20-2-753.	Recodified .....	14
R20-2-754.	Recodified .....	14
R20-2-755.	Recodified .....	14
R20-2-756.	Recodified .....	14
R20-2-757.	Recodified .....	14
R20-2-758.	Recodified .....	15
R20-2-759.	Recodified .....	15



## Department Dissolved

Table A.	Recodified .....	15
R20-2-760.	Recodified .....	15
R20-2-761.	Recodified .....	15
R20-2-762.	Recodified .....	15
Table 1.	Recodified .....	15
Table 2.	Recodified .....	16
Table 3.	Recodified .....	16

**ARTICLE 8. RECODIFIED**

*Article 8, consisting of repealed Sections R20-2-801 through R20-2-812, recodified to R3-7-801 through R3-7-812, at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).*

*Article 8, consisting of Sections R20-2-801 through R20-2-812, repealed effective October 8, 1998 (Supp. 98-4).*

Section		
R20-2-801.	Recodified .....	16
R20-2-802.	Recodified .....	16
R20-2-803.	Recodified .....	16
R20-2-804.	Recodified .....	16
R20-2-805.	Recodified .....	16
R20-2-806.	Recodified .....	17
R20-2-807.	Recodified .....	17
R20-2-808.	Recodified .....	17
R20-2-809.	Recodified .....	17
R20-2-810.	Recodified .....	17
R20-2-811.	Recodified .....	17
R20-2-812.	Recodified .....	17

**ARTICLE 9. RECODIFIED**

*Article 9, consisting of Sections R20-2-901 through R20-2-913, recodified to R3-7-901 through R3-7-913, at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).*

*R20-2-901 through R20-2-910 recodified from R4-31-901 through R4-31-910 (Supp. 95-1).*

*Article 9, consisting of Sections R4-31-901 through R4-31-910, adopted permanently effective August 31, 1993 (Supp. 93-3).*

*Article 9, consisting of Sections R4-31-901 through R4-31-909, adopted again by emergency action effective June 1, 1993, pursuant to A.R.S. § 41-1026 (Supp. 93-2).*

*Article 9, consisting of Sections R4-31-901 through R4-31-909, adopted again by emergency action effective February 22,*

*1993, pursuant to A.R.S. § 41-1026 (Supp. 93-1). Emergency expired.*

*Article 9, consisting of Sections R4-31-901 through R4-31-909, adopted by emergency action effective November 23, 1992, pursuant to A.R.S. § 41-1026 (Supp. 92-4).*

Section		
R20-2-901.	Recodified .....	17
R20-2-902.	Recodified .....	18
R20-2-903.	Recodified .....	18
R20-2-904.	Recodified .....	18
R20-2-905.	Recodified .....	18
R20-2-906.	Recodified .....	18
R20-2-907.	Recodified .....	18
R20-2-908.	Recodified .....	18
R20-2-909.	Recodified .....	18
R20-2-910.	Recodified .....	19
R20-2-911.	Recodified .....	19
R20-2-912.	Recodified .....	19
R20-2-913.	Recodified .....	19

**ARTICLE 10. RECODIFIED**

*Article 10, consisting of Sections R20-2-1001 through R20-2-1013, and Table 1, recodified to R3-7-1001 through R3-7-1013, and Table 1, at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).*

*Article 10, consisting of Sections R4-31-1001 through R4-31-1013 and Table 1, made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3).*

Section		
R20-2-1001.	Recodified .....	19
R20-2-1002.	Recodified .....	19
R20-2-1003.	Recodified .....	19
R20-2-1004.	Recodified .....	19
R20-2-1005.	Recodified .....	19
R20-2-1006.	Recodified .....	19
R20-2-1007.	Recodified .....	19
R20-2-1008.	Recodified .....	19
R20-2-1009.	Recodified .....	19
R20-2-1010.	Recodified .....	19
R20-2-1011.	Recodified .....	19
R20-2-1012.	Recodified .....	20
R20-2-1013.	Recodified .....	20
Table 1.	Recodified .....	20

## Department Dissolved

**ARTICLE 1. RECODIFIED****R20-2-101. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-2). Emergency amendments adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency amendments adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-101 recodified from R4-31-101 (Supp. 95-1). Citations referencing the former Title (A.A.C. Title 4, Chapter 31, recodified) corrected to 20 A.A.C. 2 (Supp. 97-2). Amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1756, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-101 recodified to R3-7-101 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-102. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Amended by adding a new subsection (A) and renumbering accordingly effective February 3, 1989 (Supp. 89-1). Amended subsection (A) effective May 3, 1989 (Supp. 89-2). Amended and subsection (D) renumbered to R4-31-117 effective June 14, 1990 (Supp. 90-2). Amended effective July 3, 1991 (Supp. 91-3). Amended effective April 22, 1992 (Supp. 92-2). R20-2-102 recodified from R4-31-102 (Supp. 95-1). Section repealed; new Section R20-2-102 renumbered from R20-2-105 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1756, effective October 9, 2010 (Supp. 10-3). R20-2-102 recodified to R3-7-102 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-103. Recodified****Historical Note**

Former Section R4-31-103 adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section renumbered from R4-31-117 effective May 31, 1991 (Supp. 91-2). R20-2-103 recodified from R4-31-103 (Supp. 95-1). Section repealed; new Section R20-2-103 renumbered from R20-2-106 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). R20-2-103 recodified to R3-7-103 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-104. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Repealed effective May 31, 1991 (Supp. 91-2). R20-2-104 recodified from R4-31-104 (Supp. 95-1). New Section R20-2-104 renumbered from R20-2-108 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1756, effective October 9, 2010 (Supp. 10-3). R20-2-104 recodified to R3-7-104 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-105. Recodified****Historical Note**

Former Section R4-31-103 adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section renumbered from Section R4-31-114 effective May 31, 1991 (Supp. 91-2). Amended effective August 28, 1992 (Supp. 92-3). R20-2-105 recodified from R4-31-105 (Supp. 95-1). Section R20-2-105 renumbered to R20-2-102; new Section R20-2-105 renumbered from R20-2-109 and amended effective October 8, 1998 (Supp. 98-4). Section repealed by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Repealed Section R20-2-105 recodified to R3-7-105 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-106. Recodified****Historical Note**

Former Section R4-31-106 adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section renumbered from R4-31-115 effective May 31, 1991 (Supp. 91-2). R20-2-106 recodified from R4-31-106 (Supp. 95-1). Section R20-2-106 renumbered to R20-2-103; new Section R20-2-106 renumbered from R20-2-110 and amended effective October 8, 1998 (Supp. 98-4). Section repealed by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Repealed Section R20-2-106 recodified to R3-7-106 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-107. Recodified****Historical Note**

Former Section R4-31-107 adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section renumbered from R4-31-116 effective May 31, 1991 (Supp. 91-2). Amended by emergency action effective June 1, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2). Emergency expired. Emergency amendments adopted again effective October 14, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-4). Emergency expired. Emergency amendments adopted again with changes effective January 19, 1994, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 94-1). Emergency amendments permanently adopted with changes effective April 4, 1994 (Supp. 94-2). R20-2-107 recodified from R4-31-107 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Section repealed by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Repealed Section R20-2-107 recodified to R3-7-107 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-108. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section

## Department Dissolved

repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). R20-2-108 recodified from R4-31-108 (Supp. 95-1). R20-2-108 renumbered to R20-2-104; new Section R20-2-108 adopted effective October 8, 1998 (Supp. 98-4). R20-2-108 recodified to R3-7-108 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-109. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Emergency amendments adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency amendments adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Amended effective June 22, 1992 (Supp. 92-2). R20-2-109 recodified from R4-31-109 (Supp. 95-1). Citation referencing the former Title (A.A.C. Title 4, Chapter 31, recodified) corrected to 20 A.A.C. 2 (Supp. 97-2). R20-2-109 renumbered to R20-2-105; new Section adopted effective October 8, 1998 (Supp. 98-4). R20-2-109 recodified to R3-7-109 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-110. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Emergency amendments adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency amendments adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Amended effective June 22, 1992 (Supp. 92-2). R20-2-110 recodified from R4-31-110 (Supp. 95-1). Citations referencing former rules in A.A.C. Title 4, Chapter 31, corrected to 20 A.A.C. 2 (Supp. 97-2). R20-2-110 renumbered from R20-2-113 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). R20-2-110 recodified to R3-7-110 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-111. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Section R4-31-111 repealed, new Section R4-31-111 adopted by emergency action effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Section R4-31-111 repealed again, new Section R4-31-111 adopted again by emergency action without change effective October 16, 1991, pursu-

ant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-31-111 repealed again, new Section R4-31-111 adopted again by emergency action without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Section R4-31-111 repealed again, new Section R4-31-111 adopted again by emergency action without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Section R4-31-111 repealed, new Section R4-31-111 adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-111 recodified from R4-31-111 (Supp. 95-1). Section repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-111 recodified to R3-7-111 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-112. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Former Section R4-31-112 renumbered to R4-31-113, new Section R4-31-112 adopted by emergency action effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Former Section R4-31-112 renumbered again to R4-31-113, new Section R4-31-112 adopted again by emergency action without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Former Section R4-31-112 renumbered again to R4-31-113, new Section R4-31-112 adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Former Section R4-31-112 renumbered again to R4-31-113, new Section R4-31-112 adopted again by emergency action without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Former Section R4-31-112 renumbered to R4-31-113, new Section R4-31-112 adopted effective June 22, 1992 (Supp. 92-2). R20-2-112 recodified from R4-31-112 (Supp. 95-1). Section repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-112 recodified to R3-7-112 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-113. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Former Section R4-31-113 renumbered to R4-31-114, new Section R4-31-113 renumbered from R4-31-112 by emergency action effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Section R4-31-113 renumbered again to R4-31-114, new Section R4-31-113 renumbered again from R4-31-112 by emergency action without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-31-113 renumbered again to R4-31-114, new Section R4-31-113 renumbered again from R4-31-112 by emergency action without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Section R4-31-113 renumbered again to R4-31-114, new Section R4-31-113 renumbered again from R4-31-112 by emergency action without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Section R4-31-

## Department Dissolved

113 renumbered to R4-31-114, new Section R4-31-113 renumbered from R4-31-112 effective June 22, 1992 (Supp. 92-2). R20-2-113 recodified from R4-31-113 (Supp. 95-1). Section R20-2-113 renumbered to R20-2-110 effective October 8, 1998 (Supp. 98-4). Renumbered Section R20-2-113 recodified to R3-7-113 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-114. Recodified****Historical Note**

Adopted effective April 10, 1984 (Supp. 84-2). Amended effective April 19, 1989 (Supp. 89-2). Renumbered to Section R4-31-105 effective May 31, 1991 (Supp. 91-2). Section R4-31-114 renumbered from R4-31-113 by emergency action effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Section R4-31-114 renumbered again from R4-31-113 by emergency action without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-31-114 renumbered again from R4-31-113 by emergency action without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Section R4-31-114 renumbered again from R4-31-113 by emergency action without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Section R4-31-114 renumbered from R4-31-113 effective June 22, 1992 (Supp. 92-2). R20-2-114 recodified from R4-31-114 (Supp. 95-1). R20-2-114 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-114 recodified to R3-7-114 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-115. Recodified****Historical Note**

Adopted effective April 10, 1984 (Supp. 84-2). Renumbered to R4-31-106 effective May 31, 1991 (Supp. 91-2). R20-2-115 recodified from R4-31-115 (Supp. 95-1). Renumbered Section R20-2-115 recodified to R3-7-115 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-116. Recodified****Historical Note**

Adopted effective March 14, 1988 (Supp. 88-1). Renumbered to R4-31-107 effective May 31, 1991 (Supp. 91-2). R20-2-116 recodified from R4-31-116 (Supp. 95-1). Renumbered Section R20-2-116 recodified to R3-7-116 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-117. Recodified****Historical Note**

Renumbered from R4-31-102(D) and amended effective June 14, 1990 (Supp. 90-2). Former Section R4-31-117 renumbered to R4-31-103 effective May 31, 1991 (Supp. 91-2). R20-2-117 recodified from R4-31-117 (Supp. 95-1). Renumbered Section R20-2-117 recodified to R3-7-117 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**Table 1. Recodified****Historical Note**

Table 1 adopted effective October 8, 1998 (Supp. 98-4). 20 A.A.C. 2, Article 1, Table 1 recodified to 3 A.A.C. 7,

Article 1, Table 1, at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**ARTICLE 2. RECODIFIED****R20-2-201. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-201 recodified from R4-31-201 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Subsection labeling corrected to conform to Secretary of State format requirements (Supp. 01-1). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Section R20-2-201 recodified to R3-7-201 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-202. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-202 recodified from R4-31-202 (Supp. 95-1). R20-2-202 renumbered to R20-2-203; new Section R20-2-202 adopted effective October 8, 1998 (Supp. 98-4). Section repealed by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Repealed Section R20-2-202 recodified to R3-7-202 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-203. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-203 recodified from R4-31-203 (Supp. 95-1). Section R20-2-203 renumbered to R20-2-204; new Section R20-2-203 renumbered from R20-2-202 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Section R20-2-203 recodified to R3-7-203 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-204. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Amended by adding subsections (C) through (J) effective April 10, 1984 (Supp. 84-2). Amended subsection (H) and added a new subsection (K) effective April 22, 1988 (Supp. 88-2). Former Section R4-31-204 renumbered without change as Sections R4-31-701 and R4-31-703 through R4-31-717 (Supp. 89-1). R20-2-204 recodified from R4-31-204 (Supp. 95-1). R20-2-204 renumbered from R20-2-203 and amended effective October 8, 1998 (Supp. 98-4). Section R20-2-204 recodified to R3-7-204 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

*Editor's Note: This Section was not recodified by the Department of Agriculture, Weights and Measures Services Division because it does not have the authority to regulate taxi cabs under Laws 2015, Chapter 244. Regulation related to for-hire transportation (taxis, limousines, livery vehicles) have been transferred to the Arizona Department of Transportation (ADOT). The Section expired at 24 A.A.R. 1125, effective March 13, 2018 (Supp. 18-1).*

**R20-2-205. Expired****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Amended subsection (B) effective April 10, 1984 (Supp. 84-2). Amended effective April 22, 1988 (Supp. 88-2). Correc-

## Department Dissolved

tion: Paragraph 10. in subsections (C) and (D) corrected to read: "0. 50 percent by weight..." as certified effective July 27, 1983 (Supp.88-3). Former Section R4-31-205 renumbered without change as Sections R4-31-701 and R4-31-718 through R4-32-721 (Supp. 89-1). R20-2-205 recodified from R4-31-205 (Supp. 95-1). New Section made by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 1125, effective March 13, 2018 (Supp. 18-1).

**ARTICLE 3. RECODIFIED****R20-2-301. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-301 recodified from R4-31-301 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Section repealed by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Repealed Section R20-2-301 recodified to R3-7-301 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-302. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-302 recodified from R4-31-302 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Section R20-2-302 recodified to R3-7-302 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-303. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-303 recodified from R4-31-303 (Supp. 95-1). R20-2-303 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-303 recodified to R3-7-303 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-304. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-304 recodified from R4-31-304 (Supp. 95-1). R20-2-304 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-304 recodified to R3-7-304 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-305. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-305 recodified from R4-31-305 (Supp. 95-1). R20-2-305 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-305 recodified to R3-7-305 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-306. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-306 recodified from R4-31-306 (Supp. 95-1). R20-2-306 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-306 recodified to R3-7-306 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-307. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-307 recodified from R4-31-307 (Supp. 95-1). R20-2-307 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-307 recodified to R3-7-307 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-308. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-308 recodified from R4-31-308 (Supp. 95-1). R20-2-308 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-308 recodified to R3-7-308 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-309. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-309 recodified from R4-31-309 (Supp. 95-1). R20-2-309 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-309 recodified to R3-7-309 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-310. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-310 recodified from R4-31-310 (Supp. 95-1). R20-2-310 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-310 recodified to R3-7-310 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-311. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-311 recodified from R4-31-311 (Supp. 95-1). R20-2-311 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-311 recodified to R3-7-311 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-312. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-312 recodified from R4-31-312 (Supp. 95-1). R20-2-312 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-312 recodified to R3-7-312 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-313. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Amended effective August 24, 1992 (Supp. 92-3). R20-2-313 recodified from R4-31-313 (Supp. 95-1). R20-2-313 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-313 recodified to R3-7-313 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**ARTICLE 4. RECODIFIED****R20-2-401. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-401 recodified from R4-31-401 (Supp. 95-1). R20-2-401 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-401 recodified to R3-7-401 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-402. Recodified**

## Department Dissolved

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-402 recodified from R4-31-402 (Supp. 95-1). R20-2-402 repealed effective October 8, 1998 (Supp. 98-4). New Section made by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Section R20-2-402 recodified to R3-7-402 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-403. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-403 recodified from R4-31-403 (Supp. 95-1). R20-2-403 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-403 recodified to R3-7-403 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-404. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-404 recodified from R4-31-404 (Supp. 95-1). R20-2-404 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-404 recodified to R3-7-404 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-405. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-405 recodified from R4-31-405 (Supp. 95-1). R20-2-405 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-405 recodified to R3-7-405 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-406. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-406 recodified from R4-31-406 (Supp. 95-1). R20-2-406 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-406 recodified to R3-7-406 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-407. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-407 recodified from R4-31-407 (Supp. 95-1). R20-2-407 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-407 recodified to R3-7-407 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-408. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-408 recodified from R4-31-408 (Supp. 95-1). R20-2-408 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-408 recodified to R3-7-408 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-409. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-409 recodified from R4-31-409 (Supp. 95-1). R20-2-409 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-409 recodified to R3-7-409 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-410. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-410 recodified from R4-31-410 (Supp. 95-1). R20-2-410 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-410 recodified to R3-7-410 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-411. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-411 recodified from R4-31-411 (Supp. 95-1). R20-2-411 recodified from R4-31-410 (Supp. 95-1). R20-2-411 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-411 recodified to R3-7-411 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-412. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-412 recodified from R4-31-412 (Supp. 95-1). R20-2-412 recodified from R4-31-410 (Supp. 95-1). R20-2-412 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-412 recodified to R3-7-412 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**ARTICLE 5. RECODIFIED****R20-2-501. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-501 recodified from R4-31-501 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Section R20-2-501 recodified to R3-7-501 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-502. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-502 recodified from R4-31-502 (Supp. 95-1). R20-2-502 renumbered to R20-2-504; new Section R20-2-502 adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Section R20-2-502 recodified to R3-7-502 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-503. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-503 recodified from R4-31-503 (Supp. 95-1). R20-2-503 renumbered to R20-2-505; new Section R20-2-503 adopted effective October 8, 1998 (Supp. 98-4). Section R20-2-503 recodified to R3-7-503 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-504. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-504 recodified from R4-31-504 (Supp. 95-1). R20-2-504 renumbered to R20-2-506; new Section R20-2-504 renumbered from R20-2-502 and amended effective October 8, 1998 (Supp. 98-4). Section R20-2-504 recodified to R3-7-504 at 22 A.A.R. 2786, effective August 15,

## Department Dissolved

2016 (Supp. 16-3).

**R20-2-505. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-505 recodified from R4-31-505 (Supp. 95-1). R20-2-505 renumbered to R20-2-507; new Section R20-2-505 renumbered from R20-2-503 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Section R20-2-505 recodified to R3-7-505 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-506. Recodified****Historical Note**

R20-2-506 renumbered from R20-2-504 and amended effective October 8, 1998 (Supp. 98-4). Section R20-2-506 recodified to R3-7-506 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-507. Recodified****Historical Note**

R20-2-507 renumbered from R20-2-505 and amended effective October 8, 1998 (Supp. 98-4). R20-2-506 renumbered from R20-2-504 and amended effective October 8, 1998 (Supp. 98-4). Section R20-2-507 recodified to R3-7-507 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**ARTICLE 6. RECODIFIED****R20-2-601. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-601 recodified from R4-31-601 (Supp. 95-1). Section amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1756, effective October 9, 2010 (Supp. 10-3). Section R20-2-601 recodified to R3-7-601 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-602. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-602 recodified from R4-31-602 (Supp. 95-1). Section amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Section R20-2-602 recodified to R3-7-602 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-603. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-603 recodified from R4-31-603 (Supp. 95-1). Section amended effective October 8, 1998 (Supp. 98-4). Section R20-2-603 recodified to R3-7-603 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-604. Recodified****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-604 recodified from R4-31-604 (Supp. 95-1). Amended effective

October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Section R20-2-604 recodified to R3-7-604 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-605. Recodified****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Section R20-2-605 recodified to R3-7-605 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**ARTICLE 7. RECODIFIED**

*Editor's Note: The following Section was amended under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least one public hearing on the rules (Supp. 97-3). The exempt amendment expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-701. Recodified****Historical Note**

Former Section R4-31-204(K) and Section R4-31-205(A)(1) through (5) renumbered without change as Section R4-31-701 (Supp. 89-1). Amended as R4-31-204(O) and incorporated into R4-31-701 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). Amended by emergency amendment effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-701 recodified from R4-31-701 (Supp. 95-1).

Amended effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim amendment expired and was automatically repealed on the date the permanent rules became effective pursuant to

Laws 1997, Ch. 117; Section permanently amended October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-701 recodified to R3-7-701 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-702. Recodified****Historical Note**

Adopted by emergency amendment effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90

## Department Dissolved

days (Supp. 91-3). Emergency rule adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Adopted with changes effective August 17, 1992 (Supp. 92-3). R20-2-702 recodified from R4-31-702 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-702 recodified to R3-7-702 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-703. Recodified****Historical Note**

Former Section R4-31-204(A) renumbered without change as Section R4-31-703 (Supp. 89-1). Amended effective October 12, 1990 (Supp. 90-4). R20-2-703 recodified from R4-31-703 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Section R20-2-703 recodified to R3-7-703 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-704. Recodified****Historical Note**

Former Section R4-31-204(B) renumbered without change as Section R4-31-704 (Supp. 89-1). Amended effective October 12, 1990 (Supp. 90-4). Amended effective August 17, 1992 (Supp. 92-3). R20-2-704 recodified from R4-31-704 (Supp. 95-1). Former Section R20-2-704 repealed; new Section R20-2-704 renumbered from R20-2-705 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-704 recodified to R3-7-704 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-705. Recodified****Historical Note**

Former Section R4-31-204(C) renumbered without change as Section R4-31-705 (Supp. 89-1). Amended effective August 17, 1992 (Supp. 92-3). R20-2-705 recodified from R4-31-705 (Supp. 95-1). Former Section R20-2-705 renumbered to R20-2-704; new Section R20-2-705 renumbered from R20-2-706 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Section R20-2-705 recodified to R3-7-705 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-706. Recodified****Historical Note**

Former Section R4-31-204(D) renumbered without change as Section R4-31-706 (Supp. 89-1). Amended effective August 17, 1992 (Supp. 92-3). R20-2-706 recodified from R4-31-706 (Supp. 95-1). Former Section R20-2-706 renumbered to R20-2-705; new Section R20-

2-706 renumbered from R20-2-707 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Section R20-2-706 recodified to R3-7-706 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-707. Recodified****Historical Note**

Former Section R4-31-204(E) renumbered without change as Section R4-31-707 (Supp. 89-1). Amended effective August 17, 1992 (Supp. 92-3). R20-2-707 recodified from R4-31-707 (Supp. 95-1). Former Section R20-2-707 renumbered to R20-2-706; new Section R20-2-707 renumbered from R20-2-709 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-707 recodified to R3-7-707 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-708. Recodified****Historical Note**

Former Section R4-31-204(F) renumbered without change as Section R4-31-708 (Supp. 89-1). Amended effective October 12, 1990 (Supp. 90-4). R20-2-708 recodified from R4-31-708 (Supp. 95-1). Former Section R20-2-708 repealed; new Section R20-2-708 renumbered from R20-2-710 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Amended by final rulemaking at 19 A.A.R. 3325, effective November 30, 2013 (Supp. 13-4). Section R20-2-708 recodified to R3-7-708 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-709. Recodified****Historical Note**

Former Section R4-31-204(G) renumbered without change as Section R4-31-709 (Supp. 89-1). Former R4-31-709 repealed, new Section R4-31-709 adopted by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Former R4-31-709 repealed again, new Section R4-31-709 adopted again without change by emergency action effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Former R4-31-709 repealed again, new Section adopted again by emergency action without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Former Section R4-31-709 repealed, new Section R4-31-709 adopted with changes effective August 17, 1992 (Supp. 92-3). R20-2-709 recodified from R4-31-709 (Supp. 95-1). Amended effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim amendment expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently amended October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Former Section R20-2-709 renumbered to R20-2-707; new Section R20-2-709 renumbered from R20-2-711 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).



## Department Dissolved

Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Amended by final rulemaking at 19 A.A.R. 3325, effective November 30, 2013 (Supp. 13-4). Section R20-2-709 recodified to R3-7-709 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-710. Recodified****Historical Note**

Former Section R4-31-204(H) renumbered without change as Section R4-31-710 (Supp. 89-1). Amended effective February 21, 1990 (Supp. 90-1). See emergency amendment below (Supp. 92-1). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended effective August 17, 1992 (Supp. 92-3). R20-2-710 recodified from R4-31-710 (Supp. 95-1). Former Section R20-2-710 renumbered to R20-2-708; new Section R20-2-710 renumbered from R20-2-713 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Section R20-2-710 recodified to R3-7-710 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-711. Recodified****Historical Note**

Former Section R4-31-204(I) renumbered without change as Section R4-31-711 (Supp. 89-1). Section repealed, new Section adopted effective February 21, 1990 (Supp. 90-1). Amended effective October 1, 1990 (Supp. 90-4). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-711 recodified from R4-31-711 (Supp. 95-1). Former Section R20-2-711 renumbered to R20-2-709; new Section R20-2-711 renumbered from R20-2-715 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Section R20-2-711 recodified to R3-7-711 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-712. Recodified****Historical Note**

Former Section R4-31-204(J) renumbered without change as Section R4-31-712 (Supp. 89-1). Section repealed, new Section adopted effective February 21, 1990 (Supp. 90-1). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December

20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-712 recodified from R4-31-712 (Supp. 95-1). Former Section R20-2-712 repealed; new Section R20-2-712 renumbered from R20-2-716 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Section R20-2-712 recodified to R3-7-712 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-713. Recodified****Historical Note**

Adopted as R4-31-204(K) and renumbered as R4-31-713 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). R20-2-713 recodified from R4-31-713 (Supp. 95-1). Former Section R20-2-713 renumbered to R20-2-710; new Section R20-2-713 renumbered from R20-2-717 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-713 recodified to R3-7-713 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-714. Recodified****Historical Note**

Adopted as R4-31-204(L) and renumbered as R4-31-714 effective September 29, 1989 (Supp. 89-3). R20-2-714 recodified from R4-31-714 (Supp. 95-1). Former Section R20-2-714 repealed; new Section R20-2-714 renumbered from R20-2-718 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-714 recodified to R3-7-714 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-715. Recodified****Historical Note**

Adopted as R4-31-204(M) and renumbered as R4-31-715 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-715 recodified from R4-31-715 (Supp. 95-1). Former Section R20-2-715 renumbered to R20-2-711; new Section R20-2-715 renumbered from R20-2-720 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective

## Department Dissolved

March 12, 2011 (Supp. 11-1). Section R20-2-715 recodified to R3-7-715 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-716. Recodified****Historical Note**

Adopted as R4-31-204(N) and renumbered as R4-31-716 effective September 29, 1989 (Supp. 89-3). Repealed effective October 12, 1990 (Supp. 90-4). New Section R4-31-716 adopted effective August 17, 1992 (Supp. 92-3). R20-2-716 recodified from R4-31-716 (Supp. 95-1). Former Section R20-2-716 renumbered to R20-2-712; new Section R20-2-716 renumbered from R20-2-721 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Section R20-2-716 recodified to R3-7-716 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-717. Recodified****Historical Note**

Adopted effective October 19, 1989 (Supp. 89-4). Amended effective August 17, 1992 (Supp. 92-3). R20-2-717 recodified from R4-31-717 (Supp. 95-1). Section R20-2-717 renumbered to R20-2-713 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). New Section made by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Section R20-2-717 recodified to R3-7-717 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-718. Recodified****Historical Note**

Former Section R4-31-205(B) renumbered without change as R4-31-718 (Supp. 89-1). Amended as R4-31-205(B) and incorporated into R4-31-728 effective September 29, 1989 (Supp. 89-3). Amended effective February 21, 1990 (Supp. 90-1). Subsections (3) through (10) corrected (Supp. 91-3). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-718 recodified from R4-31-718 (Supp. 95-1). Section R20-2-718 renumbered to R20-2-714 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). New Section made by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Amended by final rulemaking at 19 A.A.R. 3325, effective November 30, 2013 (Supp. 13-4). Section R20-2-718 recodified to R3-7-718 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-719. Recodified****Historical Note**

Former Section R4-31-205(C) and (D) renumbered without change as R4-31-719 (Supp. 89-1). Amended as R4-31-205(C) and (D) and incorporated into R4-31-719 effective September 29, 1989 (Supp. 89-3). Amended effective August 17, 1992 (Supp. 92-3). R20-2-719 recodified from R4-31-719 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). New Section made by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Section repealed by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Repealed Section R20-2-719 recodified to R3-7-719 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-720. Recodified****Historical Note**

Former Section R4-31-205(E) renumbered without change as R4-31-720 (Supp. 89-1). Amended effective August 17, 1992 (Supp. 92-3). R20-2-720 recodified from R4-31-720 (Supp. 95-1). Section R20-2-720 renumbered to R20-2-715 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Renumbered Section R20-2-720 recodified to R3-7-720 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-721. Recodified****Historical Note**

Former Section R4-31-205(F) renumbered without change as R4-31-721 (Supp. 89-1). Amended as R4-31-205(F) and incorporated into R4-31-721 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). Heading amended effective August 17, 1992 (Supp. 92-3). R20-2-721 recodified from R4-31-721 (Supp. 95-1). Amended effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim amendment expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently amended October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Section R20-2-721 renumbered to R20-2-716 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Renumbered Section R20-2-721 recodified to R3-7-721 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-722. Recodified****Historical Note**

Reserved Section R20-2-722 recodified to R3-7-722 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-723. Recodified****Historical Note**

Reserved Section R20-2-723 recodified to R3-7-723 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R3-7-724. Recodified****Historical Note**

Reserved Section R20-2-724 recodified to R3-7-724 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-725. Recodified**

## Department Dissolved

**Historical Note**

Reserved Section R20-2-725 recodified to R3-7-725 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-726. Recodified****Historical Note**

Reserved Section R20-2-726 recodified to R3-7-726 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-727. Recodified****Historical Note**

Reserved Section R20-2-727 recodified to R3-7-727 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-728. Recodified****Historical Note**

Reserved Section R20-2-728 recodified to R3-7-728 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-729. Recodified****Historical Note**

Reserved Section R20-2-729 recodified to R3-7-729 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-730. Recodified****Historical Note**

Reserved Section R20-2-730 recodified to R3-7-730 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-731. Recodified****Historical Note**

Reserved Section R20-2-731 recodified to R3-7-731 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-732. Recodified****Historical Note**

Reserved Section R20-2-732 recodified to R3-7-732 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-733. Recodified****Historical Note**

Reserved Section R20-2-733 recodified to R3-7-733 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-734. Recodified****Historical Note**

Reserved Section R20-2-734 recodified to R3-7-734 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-735. Recodified****Historical Note**

Reserved Section R20-2-735 recodified to R3-7-735 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-736. Recodified****Historical Note**

Reserved Section R20-2-736 recodified to R3-7-736 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-737. Recodified****Historical Note**

Reserved Section R20-2-737 recodified to R3-7-737 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-738. Recodified****Historical Note**

Reserved Section R20-2-738 recodified to R3-7-738 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-739. Recodified****Historical Note**

Reserved Section R20-2-739 recodified to R3-7-739 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-740. Recodified****Historical Note**

Reserved Section R20-2-740 recodified to R3-7-740 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-741. Recodified****Historical Note**

Reserved Section R20-2-741 recodified to R3-7-741 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-742. Recodified****Historical Note**

Reserved Section R20-2-742 recodified to R3-7-742 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-743. Recodified****Historical Note**

Reserved Section R20-2-743 recodified to R3-7-743 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-744. Recodified****Historical Note**

Reserved Section R20-2-744 recodified to R3-7-744 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-745. Recodified****Historical Note**

Reserved Section R20-2-745 recodified to R3-7-745 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-746. Recodified****Historical Note**

Reserved Section R20-2-746 recodified to R3-7-746 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-747. Recodified****Historical Note**

Reserved Section R20-2-747 recodified to R3-7-747 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-748. Recodified****Historical Note**

Reserved Section R20-2-748 recodified to R3-7-748 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-749. Recodified****Historical Note**

New Section made by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-749 recodified to R3-7-749 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-750. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective

## Department Dissolved

tive date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Section R20-2-750 recodified to R3-7-750 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-751. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Amended by final rulemaking at 19 A.A.R. 3325, effective November 30, 2013 (Supp. 13-4). Section R20-2-751 recodified to R3-7-751 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-751.01. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption repealed October 1, 1998, under Laws 1997, Ch. 117, § 3; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Repealed Section R20-2-751.01 recodified to R3-7-751.01 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-752. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Amended by final rulemaking at 19 A.A.R. 3325, effective November 30, 2013 (Supp. 13-4). Section R20-2-752 recodified to R3-7-752 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-753. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Section R20-2-753 recodified to R3-7-753 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-754. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-754 recodified to R3-7-754 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-755. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-755 recodified to R3-7-755 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-756. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-756 recodified to R3-7-756 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-757. Recodified**

## Department Dissolved

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-757 recodified to R3-7-757 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-758. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Section repealed by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Repealed Section R20-2-758 recodified to R3-7-758 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-759. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-759 recodified to R3-7-759 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**Table A. Recodified****Historical Note**

New Table A made by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Amended by final rulemaking at 19 A.A.R. 3325, effective November 30, 2013 (Supp. 13-4). 20 A.A.C. 2, Article 7, Table A recodified to 3 A.A.C. 7, Article 7, Table A at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-760. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). Section R20-2-760 recodified to R3-7-760 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-761. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). R20-2-761 recodified to R3-7-761 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-762. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). R20-2-762 recodified to R3-7-762 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**Table 1. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Table 1 permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1). Table 1 amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). 20 A.A.C. 2, Article 7,

## Department Dissolved

Table 1 recodified to 3 A.A.C. 7, Article 7, Table 1 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**Table 2. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Table 2 permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1). Table 2 amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 190, effective March 12, 2011 (Supp. 11-1). 20 A.A.C. 2, Article 7, Table 2 recodified to 3 A.A.C. 7, Article 7, Table 2 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**Table 3. Recodified****Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption repealed October 1, 1998, under Laws 1997, Ch. 117, § 3; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Repealed 20 A.A.C. 2, Article 7, Table 3 recodified to 3 A.A.C. 7, Article 7, Table 3 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**ARTICLE 8. RECODIFIED****R20-2-801. Recodified****Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-801 recodified from R4-31-801 (Supp. 95-1). R20-2-801 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-801 recodified to R3-7-801 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-802. Recodified****Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-802 recodified from R4-31-802 (Supp. 95-1). R20-2-802 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-802 recodified to R3-7-802 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-803. Recodified****Historical Note**

Emergency rule adopted effective October 12, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency rule adopted again without change effective February 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired. Emergency rule adopted again with changes effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-803 recodified from R4-31-803 (Supp. 95-1). R20-2-803 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-803 recodified to R3-7-803 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-804. Recodified****Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-804 recodified from R4-31-804 (Supp. 95-1). R20-2-804 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-804 recodified to R3-7-804 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-805. Recodified****Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-805 recodified from R4-31-805 (Supp. 95-1). R20-2-805 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section

## Department Dissolved

R20-2-805 recodified to R3-7-805 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-806. Recodified****Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-806 recodified from R4-31-806 (Supp. 95-1). R20-2-806 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-806 recodified to R3-7-806 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-807. Recodified****Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-807 recodified from R4-31-807 (Supp. 95-1). R20-2-807 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-807 recodified to R3-7-807 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-808. Recodified****Historical Note**

Reserved Section R20-2-807 recodified to R3-7-807 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-809. Recodified****Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-809 recodified from R4-31-809 (Supp. 95-1). R4-2-809 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-809 recodified to R3-7-809 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-810. Recodified****Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3).

Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-810 recodified from R4-31-810 (Supp. 95-1). R20-2-810 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-810 recodified to R3-7-810 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-811. Recodified****Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-811 recodified from R4-31-811 (Supp. 95-1). R20-2-811 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-811 recodified to R3-7-811 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-812. Recodified****Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-812 recodified from R4-31-812 (Supp. 95-1). R20-2-812 repealed effective October 8, 1998 (Supp. 98-4). Repealed Section R20-2-812 recodified to R3-7-812 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**ARTICLE 9. RECODIFIED****R20-2-901. Recodified****Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-901 recodified from R4-31-901 (Supp. 95-1). Section R20-2-901 repealed; new Section R20-2-901 renumbered from R20-2-902 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1756, effective October 9, 2010

## Department Dissolved

(Supp. 10-3). Amended by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-901 recodified to R3-7-901 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-902. Recodified****Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-902 recodified from R4-31-902 (Supp. 95-1). R20-2-902 renumbered to R20-2-901; new Section R20-2-902 renumbered from R20-2-903 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-902 recodified to R3-7-902 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-903. Recodified****Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-903 recodified from R4-31-903 (Supp. 95-1). R20-2-903 renumbered to R20-2-902; new Section R20-2-903 renumbered from R20-2-904 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-903 recodified to R3-7-903 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-904. Recodified****Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-904 recodified from R4-31-904 (Supp. 95-1). R20-2-904 renumbered to R20-2-903; new Section R20-2-904 renumbered from R20-2-905 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-904 recodified to R3-7-904 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-905. Recodified****Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993

(Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-905 recodified from R4-31-905 (Supp. 95-1). R20-2-905 renumbered to R20-2-904; new Section R20-2-905 adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). R20-2-905 recodified to R3-7-905 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-906. Recodified****Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-906 recodified from R4-31-906 (Supp. 95-1). R20-2-906 renumbered to R20-2-907; new Section R20-2-906 adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-906 recodified to R3-7-906 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-907. Recodified****Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-907 recodified from R4-31-907 (Supp. 95-1). R20-2-907 renumbered to R20-2-908; new Section R20-2-907 renumbered from R20-2-906 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-907 recodified to R3-7-907 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-908. Recodified****Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-908 recodified from R4-31-908 (Supp. 95-1). R20-2-908 renumbered to R20-2-909; new Section R20-2-908 renumbered from R20-2-907 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-908 recodified to R3-7-908 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-909. Recodified****Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective



## Department Dissolved

February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Section R4-31-909 adopted as an emergency rule permanently adopted and renumbered to R4-31-910, new Section R4-31-909 adopted effective August 31, 1993 (Supp. 93-3). R20-2-909 recodified from R4-31-909 (Supp. 95-1). R20-2-909 renumbered to R20-2-210; new Section R20-2-909 renumbered from R20-2-908 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-909 recodified to R3-7-909 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-910. Recodified****Historical Note**

Section R4-31-910 renumbered from emergency rule R4-31-909 and permanently adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-910 recodified from R4-31-910 (Supp. 95-1). R20-2-910 renumbered to R20-2-912; new Section R20-2-910 renumbered from R9-2-909 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1756, effective October 9, 2010 (Supp. 10-3). Amended by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-910 recodified to R3-7-910 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-911. Recodified****Historical Note**

Adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). R20-2-911 recodified to R3-7-911 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-912. Recodified****Historical Note**

Section R20-2-912 renumbered from R20-2-910 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). R20-2-912 recodified to R3-7-912 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-913. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-913 recodified to R3-7-913 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**ARTICLE 10. RECODIFIED****R20-2-1001. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-1001 recodified to R3-7-1001 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-1002. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R.

1693, effective October 3, 2015 (Supp. 15-3). R20-2-1002 recodified to R3-7-1002 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-1003. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-1003 recodified to R3-7-1003 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-1004. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-1004 recodified to R3-7-1004 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-1005. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-1005 recodified to R3-7-1005 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-1006. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-1006 recodified to R3-7-1006 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-1007. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-1007 recodified to R3-7-1007 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-1008. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-1008 recodified to R3-7-1008 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-1009. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-1009 recodified to R3-7-1009 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-1010. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-1010 recodified to R3-7-1010 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-1011. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-1011 recodified to R3-7-1011 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

## Department Dissolved

tive August 15, 2016 (Supp. 16-3).

**R20-2-1012. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). R20-2-1012 recodified to R3-7-1012 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**R20-2-1013. Recodified****Historical Note**

New Section made by final rulemaking at 21 A.A.R.

1693, effective October 3, 2015 (Supp. 15-3). R20-2-1013 recodified to R3-7-1013 at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).

**Table 1. Recodified****Historical Note**

Table 1 made by final rulemaking at 21 A.A.R. 1693, effective October 3, 2015 (Supp. 15-3). 20 A.A.C. 2, Article 10, Table 1 recodified to 3 A.A.C. 7, Article 10, Table 1, at 22 A.A.R. 2786, effective August 15, 2016 (Supp. 16-3).